



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

## **Compliance Audit completed during 2007**

### **Summary of Findings**

This document is a summary of findings for compliance audits completed between January to June 2007 by the EPBC Act compliance auditing programme.

The projects audited were:

- Rio Tinto Coal Australia – Open cut mine near Clermont, Queensland
- South East Water Limited – Pakenham Pump Station
- PacificLink Alliance – Tugun Bypass

### **Rio Tinto Coal Australia**

Rio Tinto Coal Australia (RTCA) was granted approval with conditions to construct and operate an open cut coal mine, including associated infrastructure, near Clermont, Queensland, on 29 September 2005. The matters protected are two EPBC Act listed ecological communities: Bluegrass dominant grasslands and Brigalow; and two listed threatened species: Northern Quoll and Dunmall's Snake.

At the time of audit the project was in the very early stages with limited clearing taking place, and many of the conditions relating to the approval were not able to be audited. Of the ten conditions attached to the approval, the audit was able to determine that four conditions were fully compliant. These conditions related to the Northern Quoll survey, the provision of staff induction and environmental awareness programs, the Bluegrass offset strategy, and the requirement to submit revised versions of plans as necessary.

The audit examined elements of the Bluegrass offset strategy and found that generally the elements were outside the scope of the audit as no clearing had commenced. However, it was noted that grazing had been excluded from areas of Bluegrass in accordance with the strategy, and that negotiations had commenced with the Queensland government concerning long-term conservation of the Bluegrass and Belyando Cobblers Pegs communities.

Six conditions were found not-applicable as works had not commenced on related areas.

### **South East Water Limited**

A compliance audit was conducted on the Pakenham Pump Station and associated infrastructure (EPBC 2006/2523) on 20 March 2007. The project was referred by

South East Water Limited (SEWL) and was deemed to be not a controlled action – particular manner on 17 February 2006.

The pump station involves construction of an underground reinforced concrete pump well and storage, with slab mounted electrics and approximately two kilometres of 450mm diameter pressure main between the proposed pump station and an existing sewer. The matter protected under the EPBC Act is the Growling Grass Frog. At the time of the audit construction of the pipeline was almost complete, with final works expected to be complete by mid April 2007.

The audit found that SEWL complied with all four particular manner conditions. One partial-compliance was noted in relation to information provided in the referral. The referral stated SEWL would develop a plan to manage weeds during and after the construction phase within the study area. SEWL advised that this had not been prepared.

Since the audit SEWL have advised that the Site Environmental Management Plan has been revised to include a clause with respect to weed management. The Department is satisfied that SEWL have complied with this requirement.

## **PacificLink Alliance**

The Tugun Bypass road construction project (EPBC 2004/1861) was audited from 5 to 7 March 2007. When completed, the road will be approximately 6.7km in length and extend from Stuart Road, Currumbin, to Kennedy Drive, Tweed Heads. The road includes a fourlane bridge and a 400m cut-and-cover tunnel beneath the southern end of the Gold Coast Airport.

The project was referred by PacificLink Alliance (the Alliance), an alliance of Queensland Department of Main Roads, NSW Roads and Traffic Authority, Snowy Mountains Engineering Corporation (SMEC) and Abigroup. The action was deemed to be a controlled action, and approval with conditions was given effect from 16 February 2006. The matters protected are the Long-nosed Potoroo and the Wallum Sedge Frog, and actions taken on Commonwealth land.

At the time of audit, the Alliance had undertaken significant vegetation clearing and excavation works, and in the last week of February 2007, completed excavation of the largest milestone for the Bypass project: the cut and cover tunnel under the Gold Coast Airport runway extension.

The conditions relate to the implementation of Construction Environmental Management Plans (CEMP) for the construction of the 7km bypass, which passes through Queensland, NSW and Commonwealth land (Gold Coast Airport). The major components of the EMPs are fauna, groundwater treatment and recharge, acid sulphate soils, soil and water, and appointment of an Environmental Management Representative (EMR). Of the twelve conditions attached to the approval decision, no non-compliances were observed. One partial-compliance was observed, which related to the timing of landscaping on exposed soil substrate. The Alliance was advised to remediate the landscaping and following the audit, hydro mulching was implemented

to improve stabilization of soil substrate. Permanent and temporary landscape works commenced in June 2007.

The proponent has addressed the area of partial-compliance to the satisfaction of the Department.

## **National Portrait Gallery**

In September 2005, the (former) Department of Finance and Administration (now Finance and Deregulation) submitted a referral for the construction and operation of a new National Portrait Gallery and associated underground car park, landscaping works and infrastructure within the Parliamentary Zone adjoining King Edward Terrace, Parkes, ACT. Those proposing to take the action were the (former) Department of Communication, Information, Technology and the Arts (now Broadband, Communication and the Digital Economy). On 31 October 2005, the referral was assessed and deemed to be a Not Controlled Action, provided that it was undertaken in a particular manner relating to the design and construction of the Gallery.

A compliance audit was undertaken of the project on 8 – 9 November 2007. The audit found that the activities of the Department of Finance and Deregulation had demonstrated a high level of compliance with the requirements of the particular manner schedule and referral documentation.

## **Clarence Valley and Coffs Harbour Regional Water Supply - North Coast Water**

A compliance audit was conducted on the Clarence Valley and Coffs Harbour Regional Water Supply Project (EPBC 2005/2191) on 18 and 19 September 2007. The project was referred by North Coast Water and approved with conditions on 11 January 2006. The project involves the construction of a pipeline from the Nymboida River to the off-stream storage at Shannon Creek, the construction of this storage on Shannon Creek and associated infrastructure, and the construction of a pipeline from the Shannon Creek storage to the existing dam at Karangi.

The matters protected include three threatened flora species *Melichrus hirsutus*, *Angophora robur*, and *Eucalyptus tetrapleura*, and three threatened fauna species, the brush-tailed rock-wallaby (*Petrogale penicillata*), spot-tailed quoll (*Dasyurus maculatus maculatus*) and long-nosed potoroo (*Potorous tridactylus tridactylus*).

At the time of the audit, construction of the water storage on Shannon Creek was underway and the pipeline almost completed. The audit found a high-level of compliance with the EPBC Act conditions of approval. Of the eight conditions attached to the approval decision no non-compliances were observed. Four conditions relating to compensatory habitat, management plans, brush-tailed rock wallaby studies and monitoring were found to be compliant. Four conditions relating to

conditional mitigation, revised plans and project start date were deemed not applicable at the time of the audit.