



## **Compliance Audits completed during 2009**

### **Summary of Findings**

This document is a summary of findings for compliance audits completed during 2009 by the EPBC Act compliance auditing programme.

The projects audited were

- Residential estate at Lot 1580, Warton Road, Southern River, Western Australia
- Construction of a gas pipeline at Christies Road, Ravenhall, Melton, Victoria
- Aerial dog baiting program in the Snowy Mountains region, New South Wales
- Peregian Springs Estate, Queensland
- Emu Mountain residential development at Peregian Springs, Queensland
- Coolum Ridges residential development at Peregian Springs, Queensland
- “Trocopa” 2D Seismic Survey in permit area EPP34, South Australian coast (offshore)
- Rural residential development and associated infrastructure on Lot 1 RP728479, Douglas Track, Speewah, Queensland
- Stag Off-Bottom Cable Seismic Survey
- Enfield M4 4D Marine Seismic Survey
- Kooragang Island Coal Export Terminal
- Frances Creek Iron Ore Mine

### **EPBC 2004/1471 – Residential estate at Lot 1580, Warton Road, Southern River**

A compliance audit of a residential estate at Lot 1580, Warton Road, Southern River, Western Australia, was conducted by the department on 13 January 2009.

There are three conditions of approval, with Mt Barker Nominees Pty Ltd found to have a non-conformance against condition 1 which relates to the submission and implementation of a management plan in relation to the translocation of grand spider-orchid plants. Not all of the elements of the plan had been implemented in that there was no reporting to the Department with accompanying photographs and details of the locations of the translocated plants within one month of the completion of the translocation. No further action is required, as a report was submitted at the time of audit, indicating successful translocation.

Conditions 2 and 3 relating to revisions being made to the plan were not applicable at the time of audit, as no revisions were made.

### **EPBC 2006/2616 – Construction of a gas pipeline at Christies Road, Ravenhall, Melton, Victoria**

A compliance audit of the construction of a gas pipeline at Christies Road, Ravenhall, Melton, Victoria, was conducted by the department on 28 January 2009.

There are two particular manner requirements attached to the approval, and it squared demonstrated compliance with both requirements relating to a qualified zoologist identifying areas of pipeline route containing high quality habitat for the striped legless lizard, and providing appropriate training to construction workers at the beginning of works.

### **EPBC 2006/2791 – Aerial dog baiting program in the Snowy Mountains region**

A compliance audit of a June 2006 aerial dog baiting program in the Snowy Mountains region, was conducted by the department on 28 January 2009.

There are four particular manner requirements attached to the approval, and the New South Wales National Parks and Wildlife Service demonstrated compliance with the requirements relating to the baiting done in June 2006 within the Kosciusko National Park, and Quidong and Merriangah Nature Reserves along 46 lines, with sand plot monitoring to be undertaken.

### **EPBC 2001/164 - Peregian Springs Estate**

A compliance audit of the Peregian Springs Estate, Queensland, was conducted by the department on 16, 17 and 18 June 2009.

There are 12 conditions attached to the approval. FKP Developments Pty Ltd generally demonstrated compliance with the requirements of the approval conditions. FKP were found to be non-compliant with one condition which requires the submission of a plan to manage the impacts of changes in surface and groundwater flows and water quality on the listed threatened species. The non-compliance has been addressed to the satisfaction of the department through the submission of the required plan.

### **EPBC 2001/165 - Emu Mountain**

A compliance audit of the Emu Mountain residential development at Peregian Springs, Queensland, was conducted by the department on 16, 17 and 18 June 2009.

There are 2 conditions attached to the approval. FKP Developments Pty Ltd was found to be non-compliant with a condition which requires the submission and implementation of an Environmental Management Plan (EMP). The non-compliance has been addressed to the satisfaction of the department through the implementation of measures to minimise nutrient pollution of the wet heathland and monitoring of water quality released into the wet heathland.

### **EPBC 2002/817 - Coolum Ridges**

A compliance audit of the Coolum Ridges residential development at Peregrian Springs, Queensland, was conducted by the department on 16, 17 and 18 June 2009.

There are 6 conditions attached to the approval. FKP Developments Pty Ltd generally demonstrated compliance with the requirements of the approval conditions. Two conditions which related to the revision of plans were not applicable at the time of the audit.

Of the 4 conditions which FKP were found to be compliant, there was one non-conformance noted in relation to the implementation of the Wallum Sedge Frog Management Plan, which requires further investigation where water quality parameters exceed identified habitat preference thresholds. The non-conformance has been addressed to the satisfaction of the department through the implementation of measures to ensure immediate investigation of any exceedance of water quality parameters in the future.

### **EPBC 2008/4074 – “Trocopa” 2D Seismic Survey, EPP34**

A compliance audit of the “Trocopa” 2D Seismic Survey in permit area EPP34, located offshore from the southeast coastline of South Australia was conducted by the department on 24 – 30 March 2009. The seismic survey was referred to the department by Exoil Limited.

There are five particular manner requirements set out in the decision notification. Exoil were found to be non-compliant with elements of Part A and B of the *EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales* (May 2007), and other specific measures relevant to the location of the seismic survey. The matter has been dealt with administratively in line with the department's Compliance and Enforcement Policy.

### **EPBC 2007/3416 – Rural residential development and associated infrastructure on Lot 1 RP728479, Douglas Track, Speewah, Queensland**

A compliance audit of a rural residential development and associated infrastructure on Lot 1 RP728479, Douglas Track, Speewah, Queensland was conducted by the department on 3 – 4 June 2009.

There are six conditions attached to the approval. Norman Properties Pty Ltd were found to have three non-compliances relating to the size of the conservation area/Environmental Park, a section of internal bitumen sealed road being wider than 5 metres in contravention of the approval conditions, and raised road sections (speed humps) not being constructed to the required specifications and intervals apart as required by the approval conditions due to road safety requirements.

The non-compliances have been addressed to the satisfaction of the department as action is taken to increase the size of the conservation area/Environmental Park to 3.031 hectares. Variations to conditions relating to the width of the internal bitumen sealed roads and the specifications and intervals apart of the raised road sections have also been considered and approved.

### **EPBC 2007/3696 – Stag Off-Bottom Cable Seismic Survey**

A compliance audit of the Stag Off-Bottom Cable Seismic Survey was conducted by the department on 21 July 2009.

There are four particular manner requirements set out in the decision notification. Apache Energy Ltd was found to be non-compliant with an element of Part A of EPBC Act Policy Statement 2.1 – Interaction between offshore seismic exploration and whales, relating to information that is required to be included in a Compliance and Sighting Report. They were also non-compliant with other specific requirements relating to a Marine Mammal Observer being employed on the survey until 31 October 2007 and the provision of weekly reports on whale interactions. The non-compliances have been dealt with administratively in line with the department's Compliance and Enforcement Policy.

### **EPBC 2008/4558 – Enfield M4 4D Marine Seismic Survey**

A compliance audit of the Enfield M4 4D Marine Seismic Survey was conducted by the department on 22 July 2009.

There are three particular manner requirements set out in the decision notification. Woodside Energy Ltd was found to be non-compliant with an element of Part A of EPBC Act Policy Statement 2.1 – Interaction between off shore seismic exploration and whales, relating to the late submission of a Compliance and Sighting Report. They were compliant with requirements relating to minimising the external lighting of vessels, and undertaking pre start and continual visual observations for whale sharks and marine turtles prior to and during the use of the acoustic source. The non-compliance has been addressed to the satisfaction of the department in line with the department's Compliance and Enforcement Policy.

### **EPBC 2006/2987 – Kooragang Island Coal Export Terminal**

A compliance audit of the Kooragang Island Coal Export Terminal located near Newcastle, New South Wales, was conducted by the department on 22–23 September 2009.

The coal terminal was referred to the department by Newcastle Coal Infrastructure Group (NCIG).

There are eleven particular manner requirements set out in the decision notification.

The audit examined the requirements related to the protection of the listed vulnerable green and golden bell frog, and listed migratory shorebirds that are known to utilise Deep Pond, located at in the west of the site.

Two particular manner requirements were not applicable at the time of the audit. For the remainder audited, NCIG were found to be compliant.

## **EPBC 2006/2550 – Territory Resources Ltd, Frances Creek Iron Ore Mine**

A compliance audit of the Frances Creek Iron Ore Mine, was conducted by the department on 23 June 2009.

There are eight conditions set out in the approval decision. Territory Resources Ltd were found to be non-compliant with conditions 2 and 4 relating to the conduct of annual surveys targeting the presence of the listed endangered Gouldian Finch and the provision of annual compliance certificates.

They were found to be compliant with conditions 1 and 3 relating to the implementation of a plan to minimise impacts on environmental water quality and staff induction and environmental awareness programs.

All other conditions were rated as “not applicable” at the time of the audit.

The non-compliances have been dealt with administratively in line with the Department’s Compliance and Enforcement Policy.