

DEPARTMENT OF PLANNING AND INFRASTRUCTURE
MONTHLY AUDITING AND COMPLIANCE ACTIVITIES REPORT

April 2011

SINGLETON OFFICE

ACTIVITY TYPE	MONTHLY TOTAL	2010-11 TOTAL
Audits	0	1
Inspections	12	100
Meetings	17	74
Surveillance	6	23
<i>Subtotal compliance monitoring</i>	35	198
Negotiated outcomes	1	5
Advisory letters	4	16
Warning letters	2	7
Enforceable undertakings	0	0
Notices to produce information and records	0	1
Draft orders	0	0
Orders	0	0
Penalty Notices	1	3
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	8	32
Complaints received	12	107

HEAD OFFICE

Audits	0	8
Inspections	3	44
Meetings	1	12
<i>Subtotal compliance monitoring</i>	4	64
Negotiated outcomes	0	0
Advisory letters	2	9
Warning letters	3	19
Enforceable undertakings	0	1
Notices to produce information and records	0	5
Draft orders	0	0
Orders	0	1
Penalty Notices	3	4
Court Orders	0	0
Prosecutions	0	1
<i>Subtotal enforcement</i>	8	40

JINDABYNE OFFICE

Audits	0	3
Inspections	21	37
Meetings	0	2

<i>Subtotal compliance monitoring</i>	21	42 *
Negotiated outcomes	2	3
Advisory letters	0	2
Warning letters	0	0
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	0
Orders	0	2
Penalty Notices	0	0
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	2	7 *
TOTAL ACTIONS		
Compliance monitoring	60	304
Enforcement	18	79

* Jindabyne office currently doesn't have 2010-11 figures before December 2010.

SINGLETON OFFICE - KEY ACTIVITIES UNDERTAKEN

Penalty notice for disturbance of Aboriginal artefacts at Mangoola Mine

- The Department issued a penalty notice for \$3,000 to the operator of the Mangoola Mine at Muswellbrook on April 1, 2011. The mine operator advised the Department on March 2 that an existing track – known to contain Aboriginal artefacts – had been graded on January 10, disturbing stone artefacts and tools scattered along the track. It is expected that the artefacts will be recovered from disturbed material along the edge of the track.
- An investigation by the Department found the contractor operating the grader had not been told about the artefacts, and the mine had not adequately implemented its Aboriginal Cultural Heritage Management Plan, as required by its consent conditions.
- The Department liaised with the NSW Office of Environment and Heritage before deciding to issue a penalty notice.
- After consulting the Aboriginal community about the incident, the mine has agreed to fence around the disturbed artefacts and nearby areas known to contain artefacts, update ground disturbance procedures, and provide additional training for workers on site. The mine will liaise with the Aboriginal community about plans for a visitor display of Aboriginal artefacts salvaged from across the site, including from the disturbed area. The Department will work with the mine to ensure these measures are implemented.

Further investigation of a blast fume incident

- As reported in the March compliance report, an investigation was initiated into fume from a blast on March 15 at the Hunter Valley Operations coal mine, which triggered five complaints.
- The Department has finalised its investigation and while there was no specific breach of the mine's consent conditions, the mine operator has been directed to revise its Blast Monitoring Program to include a protocol with comprehensive controls to minimise blast emissions, including fume.
- The Department has subsequently had discussions with drill and blast staff at other mines and suppliers of explosive materials, to inform future regulation of blast fumes.
- The Department continues to work with other State agencies on broad policy issues relating to blasting.

HEAD OFFICE - KEY ACTIVITIES UNDERTAKEN

- The Department issued a \$1500 penalty notice to Meriton Apartments Pty Ltd for commencing work on a residential development at Warriewood prior to appointing a principal certifying authority (PCA), as required by the project's approval. A warning letter was also issued to an accredited certifier who issued a construction certificate for the first stage of work, before the PCA was appointed.
- The Department conducted its third inspection this year of the Southern Highlands Rifle Range, in response to further public complaints alleging sediment pollution from the cleared areas. The inspection found that a sedimentation basin had overflowed as a result of storm activity. While the basins are designed to overflow in storm events, the Department concluded that the maintenance and operation of the basins and other on-site controls was not at an optimal level. The Department requested the proponent review the monitoring, operation and maintenance of on-site erosion and sediment controls, and the Department will continue to monitor the site for improvements.
- After receiving complaints, the Department conducted an early-morning inspection of the Smartskip materials recycling and waste transfer facility at Silverwater, and found waste transfer operations were occurring prior to the approved 7am opening time. The Department issued two penalty notices, each for \$1500, for breaching conditions of approval regulating the hours of work and for parking waste trucks on a public road.

JINDABYNE OFFICE - KEY ACTIVITIES UNDERTAKEN

- The Department inspected 16 ski lodges in Perisher Valley to evaluate the status of building upgrade works. Letters will be sent to 13 ski lodges confirming that the works have been completed to a satisfactory level.
- The Department inspected two construction projects in Thredbo and three construction projects in Perisher Valley to satisfy its obligations as a principal certifying authority (PCA).
- The Department investigated two compliance matters at Thredbo where building works were being undertaken:
 - The first case involved external building works, which were considered to be maintenance works where consent was not required. A negotiated outcome was reached and the sub-lessee of the building will provide additional details of the maintenance works. No further action is required.
 - The second case involved internal buildings works that affected fire rated components of the building. The works should have been subject to a development application. A negotiated outcome was reached, with the sub-lessee of the building given 14 days to provide documentation to enable the Department to consider the matter further.
- From April 11 to 15, the Department assisted NSW Fire and Rescue with fire safety inspections of about 60 ski lodges in Thredbo.