

DEPARTMENT OF PLANNING AND INFRASTRUCTURE MONTHLY AUDITING AND COMPLIANCE ACTIVITIES REPORT

October 2011

SINGLETON OFFICE

ACTIVITY TYPE	MONTHLY TOTAL	2011-12 TOTAL
Audits	0	0
Inspections	13	58
Meetings	19	62
Surveillances	9	35
<i>Subtotal compliance monitoring</i>	41	155
Negotiated outcomes	0	0
Advisory letters	8	22
Warning letters	1	5
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	1
Orders	1	2
Penalty Notices	0	0
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	10	30
Complaints received	9	54

HEAD OFFICE

Audits	0	0
Inspections	1	18
Meetings	4	14
<i>Subtotal compliance monitoring</i>	5	32
Negotiated outcomes	0	0
Advisory letters	0	5
Warning letters	4	6
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	1	2
Orders	0	0
Penalty Notices	4	5
Court Orders	0	0
Prosecution	0	0
<i>Subtotal enforcement</i>	9	18

JINDABYNE OFFICE

Audits	0	1
Inspections	0	4
Meetings	0	0

<i>Subtotal compliance monitoring</i>	0	5
Negotiated outcomes	0	1
Advisory letters	0	1
Warning letters	0	0
Enforceable undertakings	0	0
Notices to produce information and records	0	0
Draft orders	0	0
Orders	4	5
Penalty Notices	3	3
Court Orders	0	0
Prosecutions	0	0
<i>Subtotal enforcement</i>	7	10
TOTAL ACTIONS		
Compliance monitoring	46	192
Enforcement	26	58

SINGLETON OFFICE - KEY ACTIVITIES UNDERTAKEN

Mangoola independent environmental reviews completed

- During October 2011, two independent environmental reviews were completed, which examined potential air quality, noise and vibration impacts on homes near the Xstrata Coal Mangoola mine, near Wybong.
- These reviews were conducted following nearby landowner requests.
- Data collected over a five-week period showed the mine complied with relevant noise limits. Though not required by approval conditions, the mine has agreed to the reports' recommendations to install noise mitigation measures on two nearby properties to further minimise any potential impacts, such as air conditioning and/or double-glazed windows.
- In regard to air quality compliance and blasting impacts, the mine was found to be in full compliance.

Noise issues in Bulga

- During September there were nine complaints received by the Singleton compliance office, with six related to noise and three for blasting.
- Three of the noise complaints came from Bulga regarding the nearby Coal & Allied Mt Thorley-Warkworth mine. The remaining noise and blast complaints were spread around the valley.
- In response to these complaints, an evening meeting was organised by the department with Bulga residents to assess noise levels and hear their concerns first-hand.
- As a result, an independent environmental review for noise is to be carried out in the Bulga area. A noise review can be requested under the existing conditions of approval for the Mt Thorley-Warkworth mine.
- An independent noise expert was chosen for the review, and Bulga residents were invited to attend a second evening meeting on Monday 14 November, organised by the department to determine the scope of the independent noise review.
- Noise monitoring should be underway by the end of November or early December.

Long Point noise monitoring

- In response to noise complaints in the Long Point area, near Singleton, the department conducted an investigation earlier in 2011 into noise emissions from the nearby mine.
- The investigation showed that noise levels were difficult to predict and the area needed long-term monitoring to assess compliance.
- Coal & Allied, the operator of a nearby mine, conducted a comprehensive monitoring program of five different areas at six daily intervals over the winter period, ending in October.
- This included three residences and sites near the Redbank power station and on the mine boundary. The results of the monitoring showed the mine to be in compliance with noise levels at the residential locations, as provided in the consent.

HEAD OFFICE - KEY ACTIVITIES UNDERTAKEN

Botany Bay Cable Project

- Contractors for the former EnergyAustralia (now Ausgrid) began laying submarine electricity cables across Botany Bay last year as part of a project to replace existing 132kV feeders between Canterbury and Bunnerong sub-transmission stations.
- The department was notified of two incidents – one during June 2010 in which seagrass was allegedly damaged by the contractor and a second incident in July 2010 whereby a cable was allegedly laid on the incorrect alignment.
- Ausgrid has advised that it initiated rehabilitation works and made a commitment to fund further works in the seagrass bed.
- The department required Ausgrid to commission an independent aquatic ecologist to advise the department and work with the project's marine biologist and Seagrass Management Reference Panel. Ausgrid has had its own aquatic ecologists providing expert advice since the conceptual stage of the project.
- The department issued an enforceable direction to Ausgrid on 31 October 2011 to follow specified procedures for rehabilitation of seagrass beds and burial of the cables, addressing impacts from the two incidents under the former contractors.
- Ausgrid has further indicated it will conduct a monitoring program of the seagrass beds for three years beyond project completion. This monitoring will be used to compile data and a knowledge base of the growth dynamics of *Posidonia Australis* seagrass within Botany Bay.

Shoalhaven Starches

- The approval requires the proponent, Shoalhaven Starches Pty Ltd, to complete and receive approval for certain odour control measures as production passes two milestones (namely 126 and 200 million tonnes per annum).
- Most of the mandatory odour controls are now in place and there appears to have been a corresponding substantial decline in the number of odour-related complaints.
- However in a meeting with the department in late September, the proponent advised it was producing ethanol at a rate of 247 million tonnes per annum without approval from the Director-General to exceed the two interim limits. It was also revealed it had constructed unauthorised extensions to a building at the site.
- The department analysed the three breaches in accordance with its compliance policy.
- The offences were mitigated by the fact that the company had self-reported and had installed the necessary odour controls. On 11 October, the department issued Shoalhaven Starches with three \$3,000 penalty notices (total penalty \$9,000).

Illawarra International Health Precinct

- In August, the department commenced proceedings in the Land and Environment Court against the developer of the Illawarra International Health Precinct at Penrose, near Dapto, seeking the removal of a large stockpile and retaining wall near homes. A

mediation session was held between the parties on 21 October, however no agreement was reached.

- The enforcement proceedings will now proceed at a date set by the court.

Tumbarumba Timber Mill

- The operator of the Tumbarumba Timber Mill submitted an annual environmental management report to the department in July 2011 which indicated significant operational noise breaches.
- Following consultation with the Office of Environment and Heritage, the department issued the company with a draft order on 31 October, proposing it commission a suitably qualified acoustic consultant to recommend measures to achieve noise criteria compliance.
- The department will consider the operator's response to the notice and determine whether it is necessary to issue and enforce the order.

Highlands Source Project

- Goulburn Mulwaree Council has recently opened the Highlands Source project, which pipes water from Wingecarribee Reservoir to Goulburn. The project included 128 waterway crossings.
- The pipeline needed to be buried at sufficient depth below each waterway to prevent exposure of the pipe through waterway bed erosion.
- Accordingly, a condition of the project approval required the council to consult with the NSW Office of Water (NOW) about how to cross each waterway, before construction.
- In May 2011, the council advised the department that construction had commenced within 94 of the 128 waterway crossings, before consultation with NOW.
- Council was requested to provide appropriate information dating back to May and the department issued a direction to Council on 31 October to provide the information. The information will be reviewed by NOW to determine whether any further pipeline protection measures need to be installed.
- The approval also required an ongoing waterway monitoring program to be approved by the department prior to construction. On 31 October the department issued Council with a \$3,000 penalty notice for not obtaining this approval before commencing construction. (The monitoring program has subsequently been approved.)

JINDABYNE OFFICE - KEY ACTIVITIES UNDERTAKEN

Happy Jacks apartment building, Thredbo

- In June 2011, the department became aware of alleged unauthorised building works at the Happy Jacks apartment building at Thredbo. The works included excavation into the sub-floor space of the building to increase the size of apartment 9.
- The department immediately stopped the works and made the site safe. The fire safety systems in the apartment were reinstated and structural propping was installed in the excavated areas.
- On 6 October, penalty infringement notices of \$1,500 were issued to the sub-lessee and the builder. This matter is subject to an appeal by the proponent.
- A development application will need to be submitted to the department to undertake the internal building works.

Kebabz and Alpine Chinese, Thredbo

- In June 2011, the department became aware of alleged unauthorised building works at the above commercial premises. The works included a new kitchen and other improvements in the seating area. The works did not comply with the Building Code of Australia (BCA).

- On 6 October, orders were issued to rectify several fire safety matters and to undertake works to ensure compliance with the BCA. The works associated with the orders are required to be completed by 30 November 2011.
- Also on 6 October, a penalty infringement notice of \$3,000 was issued to the sub-lessee.

Apartment building, Thredbo

- In July 2011, the sub-lessee of an apartment building approached the department in relation to upgrading fire safety aspects of the building. On 25 October, an order was issued to undertake works in accordance with a fire engineer's report.
- As this was a negotiated outcome in co-operation with the building owner, the apartment building is not being named in line with the department's communication policy for compliance issues.

Holiday accommodation building, Perisher

- In August 2011, the lessee of a Perisher holiday accommodation building approached the department in relation to upgrading fire safety aspects of the building. The sub-lessee submitted a fire safety upgrade strategy report that proposed upgrade works in several stages.
- On 10 October, an order was issued to undertake works in accordance with the accredited certifier's report. The works are to be completed by 1 June 2013.
- As this was a negotiated outcome in co-operation with the building owner, the apartment building is not being named in line with the department's communication policy for compliance issues.