



BRISBANE (27 June 2011)

Statement from the Queensland Ombudsman, Phil Clarke on the release of the Airport Link Report

This morning I provided the Speaker of the Parliament with a report on my investigation into night-time surface work on the Airport Link project. This report responds to complaints about noise from night-time surface work and its impact on people's lives.

I decided to make this report public because:

- this was a matter of considerable public interest and
- a number of government agencies have been criticised for their failure to enforce imposed conditions.

A number of public infrastructure projects are planned for Queensland. I believe the lessons from this investigation could apply to other infrastructure projects and that the findings of this report will benefit government regulators and the wider community.

In August 2010, the Ombudsman's office commenced an investigation into the administrative actions of the Coordinator-General, the then Department of Infrastructure and Planning, the Department of Environment and Resource Management and City North Infrastructure.

This investigation was limited to the issue of noise from night-time surface work on the Airport Link project. This was the issue that most concerned residents.

Staff from the Ombudsman's office conducted visits to residents' homes affected by noise, engaged Queen's Counsel to help interpret the project conditions, consulted acoustical engineers and reviewed hundreds of internal government documents and emails.

The investigation also involved interviews with senior government officers and numerous stakeholders, including several of members of the Kalinga Woolloowin Resident's Association (KWRA).

Following established practice, a draft report containing my proposed opinions and recommendations was made available to the agencies and others for stakeholders for

comment. Certain KWRA members were provided with a briefing on the progress of the investigation.

The final published report includes information about the comments made by agencies and others on the draft report and my final opinions and recommendations.

I have concluded that:

- the project documents did not adequately alert residents to the possibility that surface work could take place 24 hours a day, 7 days a week
- the project conditions allowed surface work to be undertaken 24 hours a day, 7 days a week, subject to noise not being 'excessive'
- 'excessive' noise was not defined, leading to an unclear regulatory framework and approach to noise monitoring being taken by the agencies involved
- based on the advice of acoustical consultants engaged by my Office, there is evidence of regular and considerable excessive noise at the Kalinga Park worksite since 24-hour work started in August 2009
- until recently, meaningful and effective monitoring of noise from night-time surface work has not been undertaken, or coordinated by relevant agencies
- effective regulation by the agencies concerned can only occur through gathering and analysing specific information about noise from night-time surface work for the remainder of the project and being prepared, if necessary, to utilise the regulatory powers at their disposal.

I have recommended that:

- proponents of significant projects clearly and unambiguously communicate to the community about the likely extent and duration of night-time surface work in any Environmental Impact Statement
- action be taken to delete information from the Coordinator-General's website relating to the interpretation of the meaning of excessive noise and implement a range of other



improvements to assist the agencies to assess whether excessive noise has occurred from worksites along the project corridor

- the Coordinator-General and the Department of Environment and Resource Management utilise regulatory powers to collect and analyse more specific information to enable them to effectively discharge regulatory responsibilities relating to noise from night-time surface work for the remainder of the project
- the agencies assess their capacity, in terms of human and technical resources, to effectively discharge their regulatory responsibilities for significant projects, such as the Airport Link Project
- improved reporting be put in place within the Coordinator-General's Office and to the relevant Minister about the regulation of noise from night-time surface work on the Project
- for future significant projects, written agreements are put in place between agencies to improve the coordination of regulatory responsibilities.

This matter is of ongoing interest and I will monitor the implementation of my recommendations.

This investigation underlines the fact that complaints do matter.

By raising their concerns with my office, members of the community can make a difference and help improve the way government agencies carry out their responsibilities and deliver services.

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