



Planning &
Environment

Compliance Report

January 2017





The Department of Planning and Environment's Compliance Team works with communities across NSW to ensure projects such as mines, industrial sites, major developments and infrastructure meet the strict conditions included in their approvals.

Our Compliance Team undertakes proactive inspections (including unannounced) of state significant projects, investigates potential breaches, and carries out enforcement where necessary.

In doing this, the Compliance Team works closely with local communities and councils to investigate their concerns and ensure community confidence in the regulation of state significant projects. Additionally, the Compliance Team collaborates with other state and federal government agencies to seek a whole of government approach to state significant project regulation. Enforcement can range from negotiating practical solutions, issuing penalty notices and, in serious cases, criminal prosecutions.

As well as conducting monitoring and enforcement activities, the Compliance Team plays an important role in educating proponents, community members and other stakeholders about the Department's compliance functions. Education sessions allow the Department to reinforce expectations, better understand industry specific issues, the systems used to ensure compliance, listen to community concerns, provide feedback on sector or company performance, and promote best practice across all industry sectors.



Activity

Below is a snapshot of the Compliance Team's activity in January 2017:

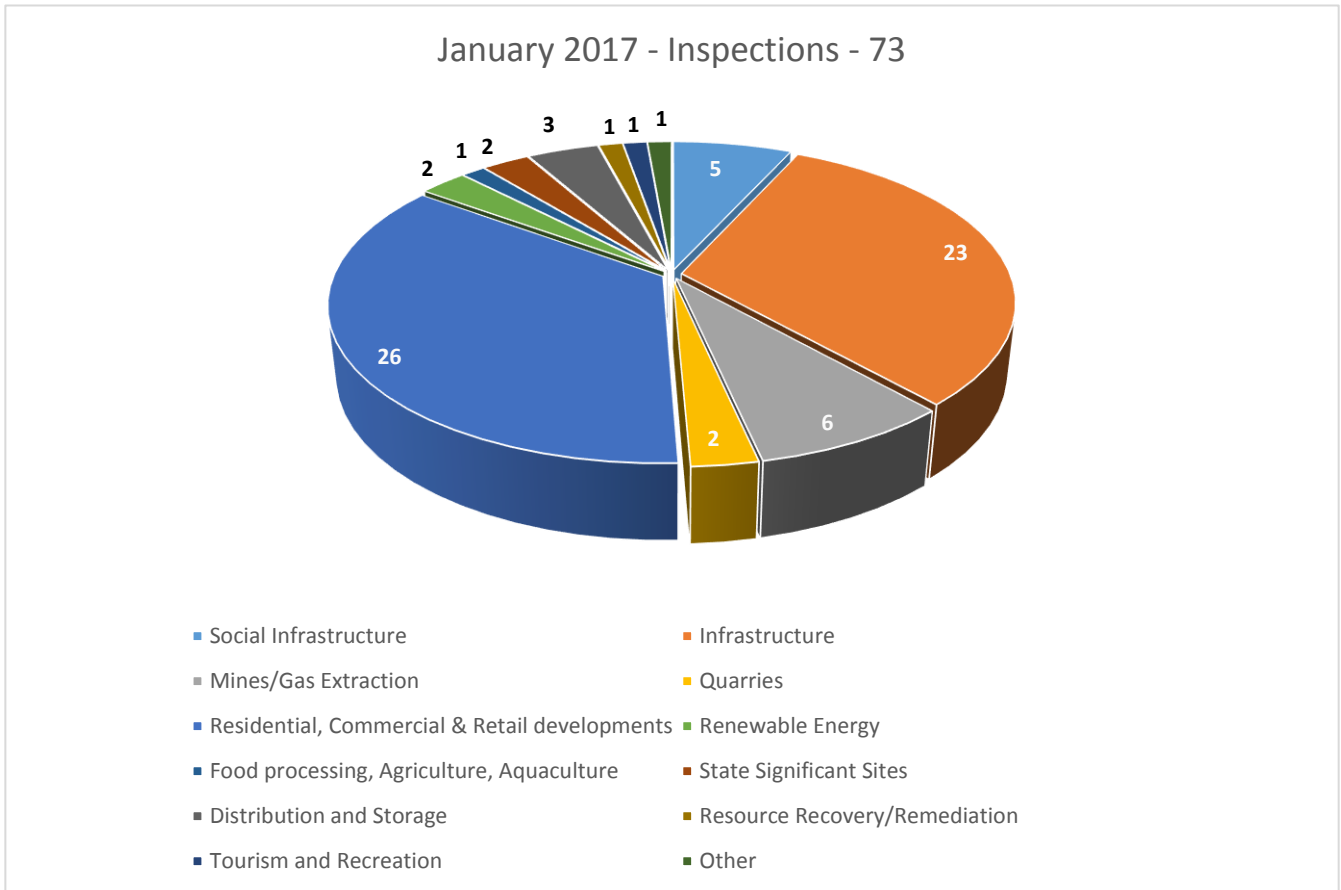
COMPLIANCE MONITORING ACTIVITIES	January 2017	2016/2017 Total
Inspections and surveillance carried out	73	552
New investigations commenced this month	25	164
Review of compliance documentation	21	202
Subtotal compliance monitoring	119	918

ENFORCEMENT ACTIVITIES	January 2017	2016/2017 Total
Official cautions issued	7	41
Orders imposed	2	12
Penalty notices	6	47
Prosecutions	1	2
Subtotal enforcement	16	102



Monitoring

The Department's Compliance Team conducted 73 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Social Infrastructure

- Gosford Hospital (Central Coast LGA)
- Illawarra International Health Precinct (Wollongong City LGA)
- Scottish Hospital (Woollahra Municipal LGA) *3

Infrastructure

- Chaffey Dam (Tamworth Regional LGA)
- NorthConnex M1-M2 (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA)
- Telecommunications Facility Mossy Point (Eurobodalla Shire LGA)
- Telecommunications Facility Tuross Head (Eurobodalla Shire LGA)

- WestConnex (Inner West LGA; Cumberland LGA; Municipality of Strathfield LGA, Bayside LGA, Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA) * 19

Mines/Gas Extraction

- Bengalla Coal Mine (Muswellbrook Shire LGA)
- Chain Valley Colliery (Lake Macquarie City LGA)
- Mandalong Coal Mine (Lake Macquarie City LGA)
- Mogo Australian Silicon Project (Eurobodalla Shire LGA)
- Rocglen Mine (Gunnedah LGA)
- Sunnyside Mine (Gunnedah LGA)

Quarries

- Ardmore Park Quarry (Goulburn-Mularwee LGA)
- Batson Sand and Gravel Quarry (Broken Head Quarry)

Residential/Commercial/Retail

- 'Altitude Aspire' Residential Subdivision (Tweed City LGA)
- Annies Lane George Bass Drive Rosedale (Eurobodalla Shire LGA)
- Gwandalan Residential Development (Southern Estates) (Central Coast LGA)
- Gwandalan; Kanangra Drive, Gwandalan (Central Coast LGA)
- Barlings Beach Subdivision (Eurobodalla Shire LGA)
- Bayridge Estate, North Batemans Bay (Eurobodalla Shire LGA)
- Berry and Walker Street North Sydney, Commercial and Hotel development (North Sydney LGA)
- Broulee Beach Subdivision (Eurobodalla Shire LGA)
- Channel 9 Residential Development 6-30 Artarmon Road, Willoughby (Willoughby City Council)
- Chatswood Chase Shopping Centre (Willoughby City Council)
- Flying Fox Road, South Narooma (Eurobodalla Shire LGA)
- Fraser Drive, South Tweed (Tweed City LGA) *2
- George Bass Drive, Rosedale (Eurobodalla Shire LGA)
- Mixed Use Development at 47-50 the Esplanade, Ettalong Beach (Central Coast LGA)
- Royal Far West 12-22 Wentworth Street, 16, 19-21 Steyne Street, Manly (Manly LGA)
- Sanctuary Point Subdivision Nadine Drive (Shoalhaven City LGA)
- Thomas St Carpark Chatswood (Willoughby City Council)
- Warnervale Town Centre Warnervale (Wyong Shire LGA)
- 3 Clyde St, Batemans Bay (Eurobodalla Shire LGA)
- 5 Tilba Street, Narooma (Eurobodalla Shire LGA)
- Mixed Use Development at 7 Railway Street Chatswood (Willoughby City Council)
- Mixed Use Development at 6-16 Atchison Street St Leonards (North Sydney LGA)

- Mixed Use Development at 177-179 Pacific Hwy North Sydney (North Sydney LGA)
- Lots 1 & 7 (DP 255731) Mossy Point road, Jeremadra (Eurobodalla Shire LGA)
- Lot 71 (DP1020581) Cullendulla Drive, Long Beach (Eurobodalla Shire LGA)

Renewable Energy

- Sapphire Windfarm (Inverell LGA)
- White Rock Windfarm (Glenn Innes LGA)

Food Processing/Agriculture/Aquaculture

- Baiada Chicken Processing Facility (Tamworth Regional LGA)

State Significant Sites

- Luna Park (North Sydney LGA) *2

Distribution/Storage

- Altis Bulky Retail (Penrith City LGA)
- Baileys Marine Refuelling & Supply Facility (Inner West LGA)
- Chatswood Transport Precinct; Chatswood Transport Interchange (Willoughby City LGA)

Resource Recovery/Remediation

- St Marys Chemical Waste Facility (Fairfield City LGA)

Tourism/Recreation

- Koolewong Marina (Central Coast LGA)

Other

- Nulon Products Moorebank (City of Liverpool LGA)

Manufacturing

- Nil

* Denotes multiple site visits.

For more information on projects, please access via the Department's major project register:

<http://majorprojects.planning.nsw.gov.au/>



Enforcement

Penalty Notice and Official Caution issued to Murray Goulburn co-op Co. Ltd (Devondale Murray Goulburn Project, Erskine Park)

On 18 January 2017, the Department issued a \$15,000 Penalty Notice to Murray Goulburn co-op Co. Ltd (Murray Goulburn) as the proponent of the Devondale Murray Goulburn Project in the Penrith region. The Department's investigation found that Murray Goulburn had failed to adequately construct a drainage path to convey water through, and away from the site. The Department is currently seeking a Voluntary Undertaking from the company to rectify the drainage path.

On 18 January 2017, the Department issued an Official Caution to Murray Goulburn for failing to install a waste heat economiser (a piece of equipment to maximise energy efficiency and minimise gas consumption from the project) as per the conditions of approval. The Department is currently in discussions with Murray Goulburn and the Environmental Protection Agency to address this non-compliance.

2 x Penalty Notices issued to East Australian Pipeline Pty Limited (APA Group)

On 31 January 2017, the Department issued two \$15,000 Penalty Notices to East Australian Pipeline Pty Limited (part of the APA Group) for failing to comply with Environmental Management Plans for the construction of Stage 2 of the Young to Wagga Wagga Gas Pipeline project. Following complaints, the Department's investigation revealed that the company failed to install and maintain erosion and sediment controls resulting in erosion to land along the pipeline easement.

The Department required the preparation of a plan to remedy the erosion along the easement. Rehabilitation works have progressed in accordance with that plan with topsoil being re-spread and seeded. APA is providing update reports to the Department on the status of the works.

2 x Penalty Notices issued to Spiecapag Lucas Joint Venture

On 31 January 2017, the Department issued two \$15,000 Penalty Notices to Spiecapag Lucas, the construction contractor for Stage 2 of the Young to Wagga Wagga Gas Pipeline project. Spiecapag Lucas is an unincorporated joint venture consisting of Spiecapag Australia Pty Limited and Lucas Engineering and Construction Pty Ltd. Each party was issued with one penalty notice for failing to comply with conditions of the approval.

Following an incident in mid-December 2016, the Department's investigation found that the independent environmental representative for the project had given advice to Spiecapag Lucas about the inadequacy of the sediment control measures on the affected section of pipeline. Spiecapag Lucas failed to implement appropriate measures resulting in an uncontrolled discharge of sediment laden waters into the creek line. Following the incident, the required sediment controls were re-installed to the required standard.

The Department required the preparation of a construction work plan for the remaining section of the pipeline construction, including identification of specific erosion and sediment control measures that will be implemented prior to commencement of works. The Department will continue to monitor compliance with the project approval.

Penalty Notice issued to Springvale Coal Pty Limited (Western Coal Services Project)

On 31 January 2017, the Department issued a \$15,000 Penalty Notice to Springvale Coal Pty Ltd for consistently exceeding the noise limits in the development consent at its Western Coal Services site, near Lithgow. The Department's investigation identified that there had been numerous exceedances of the noise criteria, up to 12 decibels on one occasion, in the period July 2014 to December 2016. The Department is working with Springvale Coal Pty Ltd on a plan to address these exceedances.



Official Caution to Caltex Australia Petroleum Pty Ltd

On 10 January 2017, the Department issued an Official Caution to Caltex Australia Petroleum Pty Ltd for failing to undertake vibration monitoring during the construction phase of the Caltex wharf at Kurnell. Caltex was required to construct the project with the aim of achieving the vibration goals set out the relevant Standards and Technical Guidelines. The Department did not receive any noise or vibration complaints related to the construction works and is satisfied with the way that Caltex engaged with the community during the project.

Official Caution issued to SCA Property Group (SCA)

On 17 January 2017, the Department issued an Official Caution to SCA Property Group (SCA) for failing to comply with delivery hours at the Cabarita Beach/Boganbar Mixed Use Development. The centre contains a supermarket, other commercial tenancies and residential units. The proponent has developed an action plan to ensure deliveries are made within approved times, and to better manage other delivery procedures to reduce impacts on the surrounding community.

Official Caution issued to Emirates Hotels (Australia) Pty Ltd (One&Only Resort Wolgan Valley) Ltd

On 30 January 2017, the Department issued an Official Caution to Emirates Hotels (Australia) Pty Ltd for failing to comply with the four helicopter per week limit, as stipulated in the approval. The Department's investigation revealed that five helicopter movements into the resort were recorded in the week 4 - 10 September 2016. The Department is meeting with Emirates Hotels (Australia) Pty Ltd in February to discuss the use of alternative helicopter landing locations and requirements for compliance with the project approval.

Official Caution issued to Ivanhoe Coal Pty Limited (Lidsdale Siding Upgrade Project)

On 31 January 2017, the Department issued an Official Caution to Ivanhoe Coal Pty Limited for regularly exceeding the noise limits in the approval. The Department's investigation identified that there had been regular exceedances of the noise criteria in the approval at Lidsdale Siding over the period July 2014 to December 2016. The Department is working with Ivanhoe Coal Pty Ltd on a plan to address these exceedances. .

2 x Official Cautions issued to VSSV Pty Limited (Green Valley Sand Quarry)

On 31 January 2017, the Department issued an Official Caution to VSSV Pty Limited for undertaking clearing operations and hydromulching at their Green Valley Sand Quarry, near Mittagong, prior to developing and submitting the Road Construction Management Plan, as required by the approval. The Department has requested that the Road Construction Management Plan be prepared and submitted for Secretary's approval, prior to undertaking any further works in relation to the construction of the site access roads, associated intersections with the Hume Highway and Paddys River Bridge underpass. In the interim, the Department has requested that the company ensures that there are adequate erosion and sediment controls in place, in accordance with Landcom's handbook for Managing Urban Stormwater: Soils and Construction (March 2004).

On 31 January 2017, the Department issued a second Official Caution to VSSV Pty Limited for failing to provide appropriate long term security to the land within the Biodiversity Offset Strategy by 30 June 2014 as required by the conditions of approval. The investigation established that there was no environmental impact as a result of the non-compliance. In particular, the Department has since approved the long term security arrangements for the land within the Biodiversity Offset Strategy by 29 September 2017.

Order issued to Altis Property Partners Pty Ltd

On 25 January 2017, the Department issued an Order to Altis Property Partners Pty Ltd (Altis) in relation to the construction and operation of its warehouse and logistics hub in Orchard Hills. The Order was issued due to the public safety risks associated with the use of Bakers Lane and access to the premises from Mamre Road. The Departments investigation revealed that Altis did not



hold the required road occupancy permit from the Roads and Maritime Service for traffic control signage and the use of traffic control personnel on Mamre Road. The Transport Management Plan also did not allow Altis' trucks to use Bakers Lane, which is adjacent to a local school. The Order required Altis to cease unauthorised access to the site, cease traffic control and remove traffic control signage from Mamre Road. Surveillance carried out by the Department on 1 February 2017, confirmed that Altis have complied with the Order.

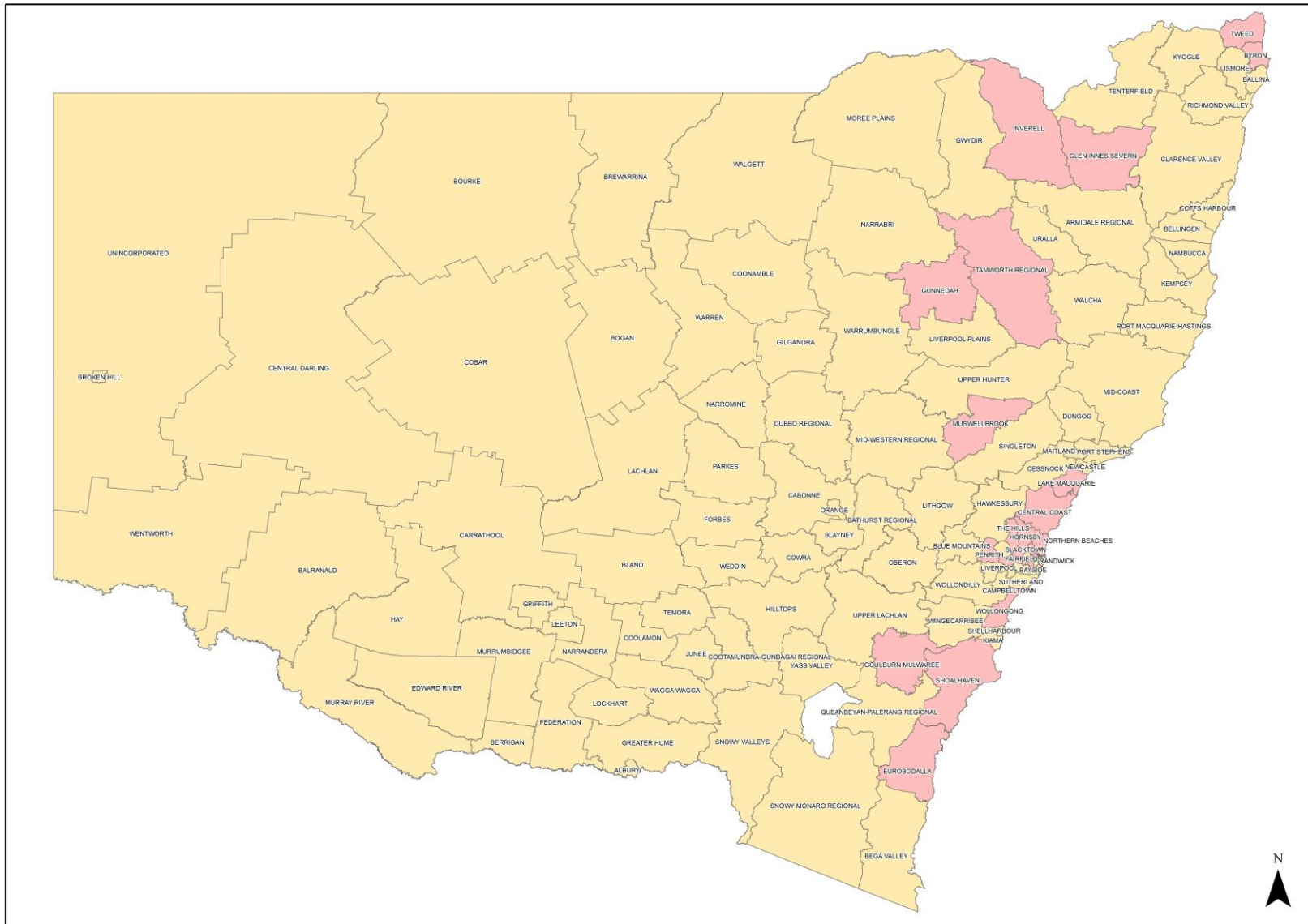
Order issued to Sitegoal Pty Ltd (Wallerawang Quarry)

On 31 January 2017, the Department issued an Order to comply with the development consent as a result of the clearing of habitat vegetation at Wallerawang Quarry, near Lithgow, that was not in accordance with the consent. The Department's investigation revealed two areas of vegetation on the site were cleared outside of the areas that had been identified for clearing in the consent and the Environmental Impact Statement. The Department is currently in discussions with the company to remedy the breach.

Prosecution of Elf Farm Supplies Pty Ltd

The Department has commenced proceedings in the Land & Environment Court against Elf Farm Supplies Pty Ltd (Elf Farms) and its Planning Consultant after an investigation has found that they failed to declare political donations when lodging planning applications in association with Elf Mushrooms Farm and Substrate Plant in Hawkesbury. The first court date for this matter is scheduled for the 3 March 2017.

Location of NSW site visits



Sydney metropolitan region site visits

