

COMPLIANCE  
REPORT

September 2015

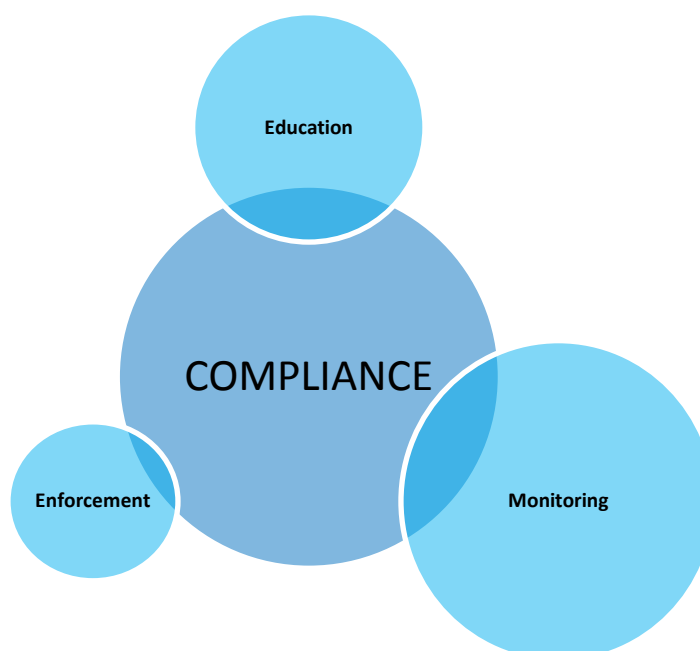
The Department of Planning and Environment's Compliance Team works with communities across NSW to ensure projects such as mines, industrial sites, major developments and infrastructure meet the strict conditions included in their approvals.

Our Compliance Team works closely with the community, local councils and other state and federal government agencies to **educate** proponents, **investigate** potential breaches and carry out **enforcement** where necessary.

Information from community members is an important avenue for the Compliance Team to learn about issues to investigate. Enforcement can range from negotiating fixes, 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 September 2015:

COMPLIANCE MONITORING ACTIVITIES	SEPTEMBER 2015	2015/2016 Total
Inspections and surveillance carried out	57	167
New investigations commenced this month	11	34
Review of compliance documentation	34	164
<b>Subtotal compliance monitoring</b>	<b>102</b>	<b>365</b>

ENFORCEMENT ACTIVITIES	SEPTEMBER 2015	2015/2016 TOTAL
Compliance warning letters issued	5	10
Orders imposed	0	0
Penalty notices and fines imposed	0	4
Prosecutions	0	0
<b>Subtotal enforcement</b>	<b>5</b>	<b>14</b>

## MONITORING

The Department's Compliance Team conducted 57 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the month.

### Mines/Quarries

- Abel Coal Mine (Maitland City Council)
- Bloomfield Coal Mine (Maitland City Council)
- Bringelly Brickworks Extension Project (Camden Council)
- Charbon Coal Mine (Mid Western Regional Council)
- Cooma Road Quarry (Queanbeyan Shire Council)
- Dendrobium Mine (Wollongong Shire Council)
- Donaldson Coal Mine (Maitland City Council)
- Duralie Coal Mine (Great Lakes Council)
- Fullerton Cove Quarry (Port Stephens Council)
- Hera Mine (Cobar Shire Council)
- Hunter Quarries (Port Stephens Council)
- Integra Coal Mine (Singleton Council)
- Lynwood Quarry Marulan (Goulburn- Mulwaree Shire Council)
- Mackas Sand (Port Stephens Council)
- Moolarben Coal Mine (Mid Western Regional Council)
- Northparkes Mine (Parkes Shire Council)
- Rix's Creek Coal Mine (Singleton Council)
- Rocglen Coal Mine (Gunnedah Shire Council)
- Tarrawonga Coal Mine (Narrabri Shire Council)
- Tomingley Gold Mine (Narromine Shire Council)
- Wallerawang Quarry (Lithgow Shire Council)
- Wambo Coal Mine (Singleton Council)
- Western Coal Services (Lithgow Shire Council)
- Whitehaven Coal Mine (Gunnedah Shire Council)
- Wilpinjong Coal Mine (Mid Western Regional Council)
- Woodlawn Mine (Goulburn- Mulwaree Shire Council)

## **Industry**

- Caltex Kurnell Refinery Conversion (Sutherland Shire Council)
- Kurnell Ports and Berthing Facility (Sutherland Shire Council)
- Lucas Heights Waste Management Centre (Sutherland Shire Council)
- Murray Goulburn Milk Processing Facility (Penrith City Council)
- No Fuss Waste Water Treatment Plant (Penrith City Council)

## **Infrastructure and other projects**

- Capital Windfarm (Palerang Shire Council)
- Catherine Hill Bay Subdivision (Lake Macquarie Council)
- Central Park, Chippendale (City of Sydney Council)
- Cronulla Marina (Sutherland Shire Council)
- Epping to Thornleigh Third Track (ETTT) (Hornsby Shire Council)
- Four Points Hotel (City of Sydney Council)
- Mixed Use Residential Development - 330 Church St, Parramatta (Parramatta City Council)
- Orica Southlands Remediation and Warehouse Project (Botany Bay City Council)
- Taralga Windfarm (Upper Lachlan Shire Council)
- Woodlawn Windfarm (Palerang Shire Council)

## **ENFORCEMENT**

### **Warning Letter issued to Pacific Beverages Pty Ltd, Warnervale Brewery**

- On 29 September 2015 the Department issued a Warning Letter to Pacific Beverages Pty Ltd, the registered proprietor of the former Warnervale Brewery Site located in the local government area of Wyong.
- Following an investigation in collaboration with Wyong Shire Council, the Department identified a number of non-compliances with the approved Vegetation Management Plan, including the Landscape Plan, relating to the protection of the environmental offset areas required by the Project Approval for the site.
- Pacific Beverages have committed to:
  - carry out work recommended in a specialist's report as supported by the Department; and
  - implement the five year monitoring and evaluation program required under the Vegetation Management Plan commencing in spring 2015 to coincide with commencement of the weed control program contemplated in the specialist's report.
- In these circumstances, the Department has determined that a Warning Letter is an appropriate enforcement response to deter future non-compliance. However, Pacific Beverages will need to demonstrate compliance in a timely manner with the two commitments stated above.

### **Official Cautions issued to Coffs Harbour City Council**

- On 11 September 2015 the Department issued Official Cautions to Coffs Harbour City Council following a site inspection of the Coffs Harbour Water Treatment Works.
- Following further investigation, the Department established that the Council failed to comply with the following conditions of its development consent:
  - Failure to implement a Compliance Tracking Program;
  - Failure to undertake an Independent Environmental Audit within one year of commencement;
  - Failure to undertake an Independent Hazard Audit within one year of commencement; and
  - Failure to implement a website in accordance with the prescribed condition.

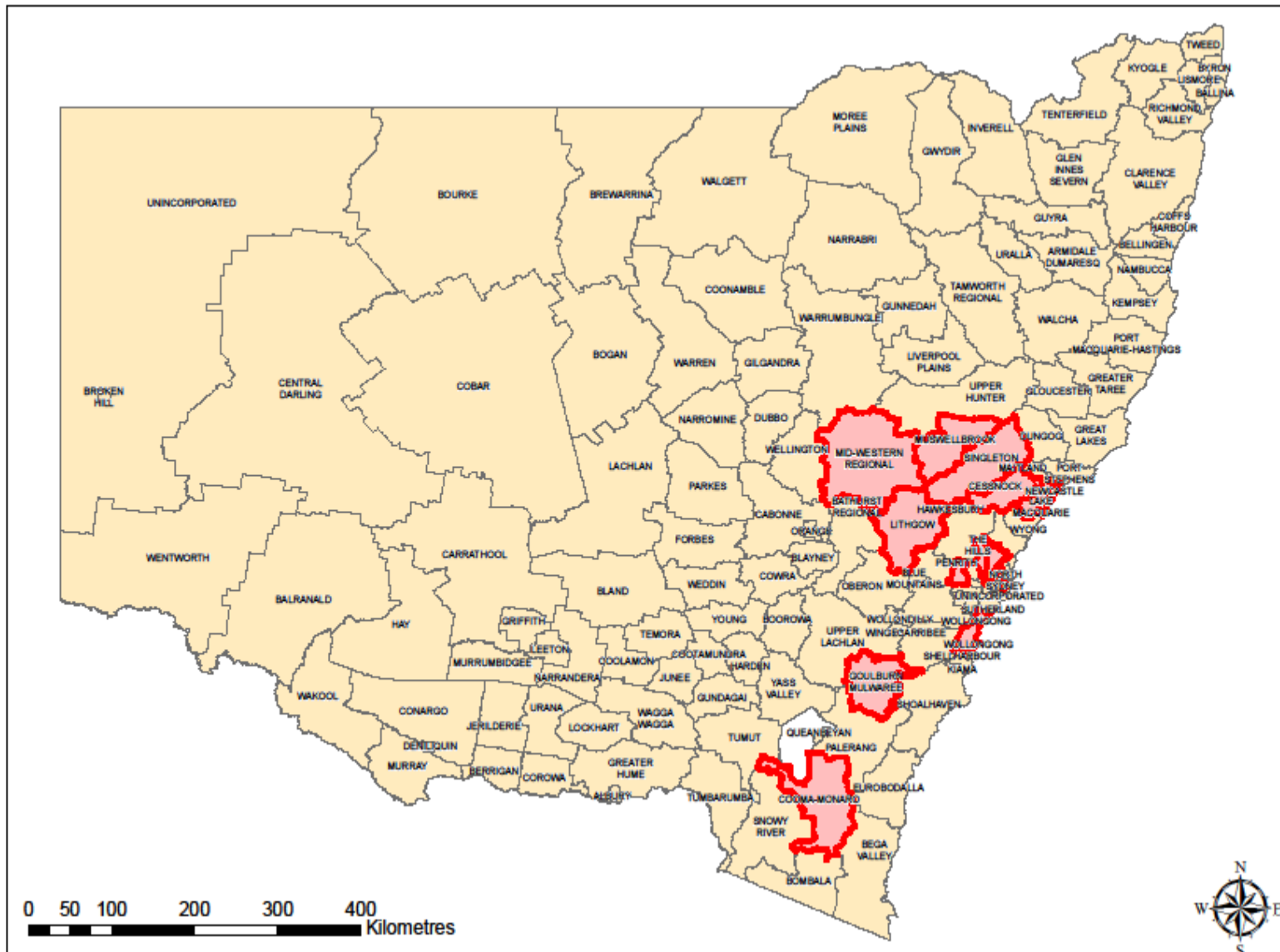
- At all times, the Council expressed remorse for the offences and assisted the Department with its investigation. Further, the alleged breaches have not resulted in risks to public safety, damage to property or had a significant impact on the public.
- Further, the Council has committed to undertaking a review of its conditions to ensure compliance in the future. This compliance will be monitored by inspections in the future.

## EDUCATION

### Industry education – Concrete, Cement and Aggregates Association

- On 9 September 2015 as part of its industry education program, the Department gave a presentation to the Concrete, Cement and Aggregates Association which represents cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout NSW (and Australia).
- Presentations such as this allow the Department to outline expectations in relation to compliance with conditions of approvals and to better understand industry issues.

### Location of NSW site visits by LGA



## Sydney metropolitan region site visits by LGA

