



Planning &
Environment

Compliance Report

May 2016





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 May 2016:

COMPLIANCE MONITORING ACTIVITIES	May 2016	2015/2016 Total
Inspections and surveillance carried out	60	600
New investigations commenced this month	16	141
Review of compliance documentation	49	497
Subtotal compliance monitoring	125	1,238

ENFORCEMENT ACTIVITIES	May 2016	2015/2016 Total
Compliance warning letters issued	4	27
Official Cautions issued	2	6
Orders imposed	0	2
Penalty notices and fines imposed	5	15
Prosecutions	0	2*
Subtotal enforcement	11	52

* Denotes proponents have plead guilty and are awaiting sentencing



Monitoring

The Department's Compliance Team conducted 60 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.

Infrastructure and other projects

- Barangaroo South Development (City of Sydney LGA)
- Darlinghurst Medical Research Precinct (City of Sydney LGA) *2
- Illawarra Health Precinct (Wollongong LGA)
- Mixed Use Development - Parkview Penrith, 164 Station Street (Penrith LGA)
- Mixed Use Development - 100 Bennelong Parkway, Sydney Olympic Park (City of Parramatta LGA)
- Mixed Use Development - Site 68 Bennelong Parkway, Sydney Olympic Park (City of Parramatta LGA)
- NorthConnex (Hornsby Shire Council, Ku-ring-gai Council, The Hills LGA) *4
- Northern Beaches Hospital (Northern Beaches LGA) * 2
- Penrith Glass Beneficiation Plant (Penrith LGA)
- Reckitt Benckiser Goods Warehouse (Penrith LGA)
- Sapphire Wind Farm (Glen Innes Severn LGA)
- Shoalhaven Starches Plant (Shoalhaven LGA)
- St Vincent's Caritas and O'Brien Building (City of Sydney LGA)
- St Vincent's Hospital Building (City of Sydney LGA)
- Sydney CBD South East Light Rail Project (City of Sydney LGA, Randwick LGA, Inner West LGA)
- Wagga Wagga Water Treatment Plant (Wagga Wagga LGA)
- Wagga Wagga to Young Looping Pipeline (Young LGA)
- Warnervale Airport (Central Coast LGA)
- WestConnex, M4 East (Burwood LGA, City of Canada Bay LGA, Inner West LGA, Strathfield LGA) *6
- WestConnex, M4 Widening Western Motorway (City of Parramatta LGA, Cumberland LGA)
- White Rock Wind Farm (Glen Innes Severn LGA)

Mines/Quarries

- Ardmore Park Quarry (Goulburn-Mulwaree LGA) *3
- Hillgrove Gold Mine (Armidale LGA)
- Maules Creek Coal Mine (Narrabri LGA)
- Myuna Colliery (Lake Macquarie LGA)
- Wollongong Coal (Wollongong LGA) * 2

Industry

- BlueScope Steel Paintline Western Sydney Service Centre (Penrith LGA)
- BlueScope Steel Plant - Erskine Park (Penrith LGA)
- Bluetongue Brewery; Burnet Road (Central Coast LGA)
- Bindaree Beef (Inverell LGA)
- Elf Mushroom Farm and Substrate Plant (Hawkesbury LGA)
- Erskine Park Retail Ready Meat Facility (Penrith LGA)
- Euroley Poultry Production Complex (Narrandera LGA)
- Goodman Fielder Smithfield (Liverpool LGA)
- Goodman Interlink Industrial Estate (Penrith LGA)
- GPT Warehouse, TNT Lockwood Road, Erskine Park (Penrith LGA) *3
- Koolewong Marina (Central Coast LGA)
- Kurnell Desalination Plant (Sutherland LGA)
- Printing, Warehouse & Distribution Project, Lot 62 Erskine Park Warehouse (Penrith LGA)
- Rangers Valley Feedlot (Glen Innes Severn LGA)
- St Marys Chemical Waste Facility (Fairfield LGA)
- Westrac – Tomago (Port Stephens LGA)
- Woolworths, Erskine Park (Penrith LGA)
- Woy Woy Waste Facility (Central Coast LGA) *2

* Denotes multiple site visits.

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

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



Enforcement

Warning letter issued to Ausgrid and Metropolitan Demolitions Pty Ltd

On 6 May 2016, the Department sent Warning Letters to Ausgrid and Metropolitan Demolitions Pty Ltd (Metropolitan) for a breach of approval at the City East Zone Substation, Sydney City Grid Project. Following complaints from the community and a review of the routine noise monitoring reports, the Department determined that noise from demolition activities exceeded the noise limits in the approval. The Department determined that both Ausgrid, as the proponent for the project, and Metropolitan, the demolition contractor, were responsible for ensuring compliance with the conditions of approval. Through the Department's investigation, a number of additional noise management actions were recommended for implementation on site. The Department will continue to monitor the development to ensure compliance with the noise levels in the approval and the recommendation made following the review of the noise and vibration management practices.

Warning letter issued to Charbon Coal

On 12 May 2016, the Department sent a Warning Letter to Charbon Coal, near Kandos, for failing to submit an Annual Review by 31 March 2016 in accordance with the approval. In addition, the Annual Review did not fully meet the requirements of the approval. Charbon Coal has been requested to revise and resubmit the Annual Review by 12 August 2016 to meet the requirements of the approval.

Warning letter issued to NGH Environmental Pty Ltd

On 5 May 2016, the Department sent a Warning Letter to NGH Environmental which was engaged as environmental consultant and auditor to the Boco Rock Wind Farm, near Nimmitabel. The Department found that NGH Environmental acted without due diligence as a consultant on the project in its drafting of the Heritage Management Plan, by providing false and misleading information. This was in relation to the proximity of construction works to three Aboriginal archaeological sites identified in the Environmental Assessment and the Construction Environment Management Plan. This incorrect information materially contributed to the disturbance of Aboriginal archaeological sites. The Department warned NGH Environmental that amendments to the EP&A Act in August 2015 included the offence of providing information in connection with a planning matter that a person knows, or ought reasonably to know, is false or misleading.

Penalty Notice issued to Robinson Prospect Pty Ltd

On 31 May 2016, the Department issued a Penalty Notice for \$15,000 to Robinson Prospect, developers of stage 8-13 of the Fraser Drive residential development near Tweed Heads, for a breach of the heritage provisions in the project approval. The Department's investigation concluded that Robinson Prospect had failed to construct a fence around an Aboriginal heritage site prior to commencing works in stages 8-13 of the development.

The company must now pay a \$15,000 fine and build the midden site fence. Compliance officers will continue to monitor the site.

Media Release Link: <http://www.planning.nsw.gov.au/News/2016/Tweed-developer-fined-for-Aboriginal-heritage-non-compliance>



Official Caution issued to Property Project No.88 Pty Ltd (Waters Projects)

On 19 May 2016, the Department issued an Official Caution to Waters Projects, developers of stage 1-7 of the Fraser Drive residential development near Tweed Heads, for a breach of the heritage provisions in the project approval. The Department's investigation concluded that Waters Projects had failed to construct a fence around an Aboriginal heritage site prior to commencing works in stages 1-7 of the development.

The Department notes that during its investigations, Waters Projects expressed remorse for the offence. Further, the alleged breach has not resulted in risks to public safety, known damage to the midden site or had a significant impact on the public.

The company has committed to remedying the breach. Compliance officers will continue to monitor the site and ensure the conditions of approval are implemented.

Official Caution issued to Tweed Shire Council

On 17 May 2016, the Department issued an Official Caution to Tweed Shire Council, proponents of the Eviron Road Quarry and Landfill Project for failing to submit the 2015 Annual Review by 31 March 2016. The Department notes that during its investigation, the Council expressed remorse for the offence and at all times co-operated. The Council has since submitted the 2015 Annual Review.

Penalty Notice issued to Shoalhaven Starches Pty Ltd

On 12 May 2016, a Penalty Notice for \$3000 was issued to Shoalhaven Starches, near Nowra, for the stockpiling of coal and woodchip on the Environmental Farm site on Bolong Road without development consent. In addition, it was established that Shoalhaven Starches was utilising wood chip in the boilers on the factory site without the appropriate approval. Shoalhaven Starches has been directed to cease the transport of coal and woodchip from the stockpiles on the Environmental Farm until a traffic safety study has been completed and reviewed by the Department. The review will determine if traffic safety measures need to be implemented prior to recommencing the transport of material to and from the site. An application to regularise the stockpile of coal and woodchip on the Environmental Farm site and the use of woodchip in the boiler is required to be submitted for assessment. In addition, Shoalhaven Starches have been requested to commission a compliance audit of all activities and infrastructure on the site covered by the project approval.

Media Release Link: <http://www.planning.nsw.gov.au/News/2016/Department-fines-Shoalhaven-Starches-Pty-Ltd-for-compliance-breach?page=0&itemsPerPage=10&keyword=shoalhaven&from&to>

Penalty Notice issued to Boco Rock Wind Farm Pty Ltd and Downer EDI Engineering Power Pty Ltd

On 5 May 2016, the Department issued Penalty Notices (\$3000 each) to Boco Rock Wind Farm Pty Ltd and Downer EDI, for a breach of the heritage provisions in the project approval for the Boco Rock Windfarm, near Nimmitabel. The Department's investigation found that three Aboriginal archaeological sites identified in the Environmental Assessment and the Construction Environment Management Plan were disturbed during the project, and that Boco Rock Wind Farm Pty Ltd as proponent, and Downer EDI, as construction contractor for the Wind Farm, had responsibility for the implementation of the management plan. At the request of the Department, Boco Rock Wind Farm Pty Ltd engaged an archaeological specialist to prepare a salvage



plan for the remaining artefacts, in consultation with Aboriginal stakeholders and the Office of Environment and Heritage. In June 2016, an archaeological specialist carried out the salvage plan in conjunction on with Aboriginal stakeholders.

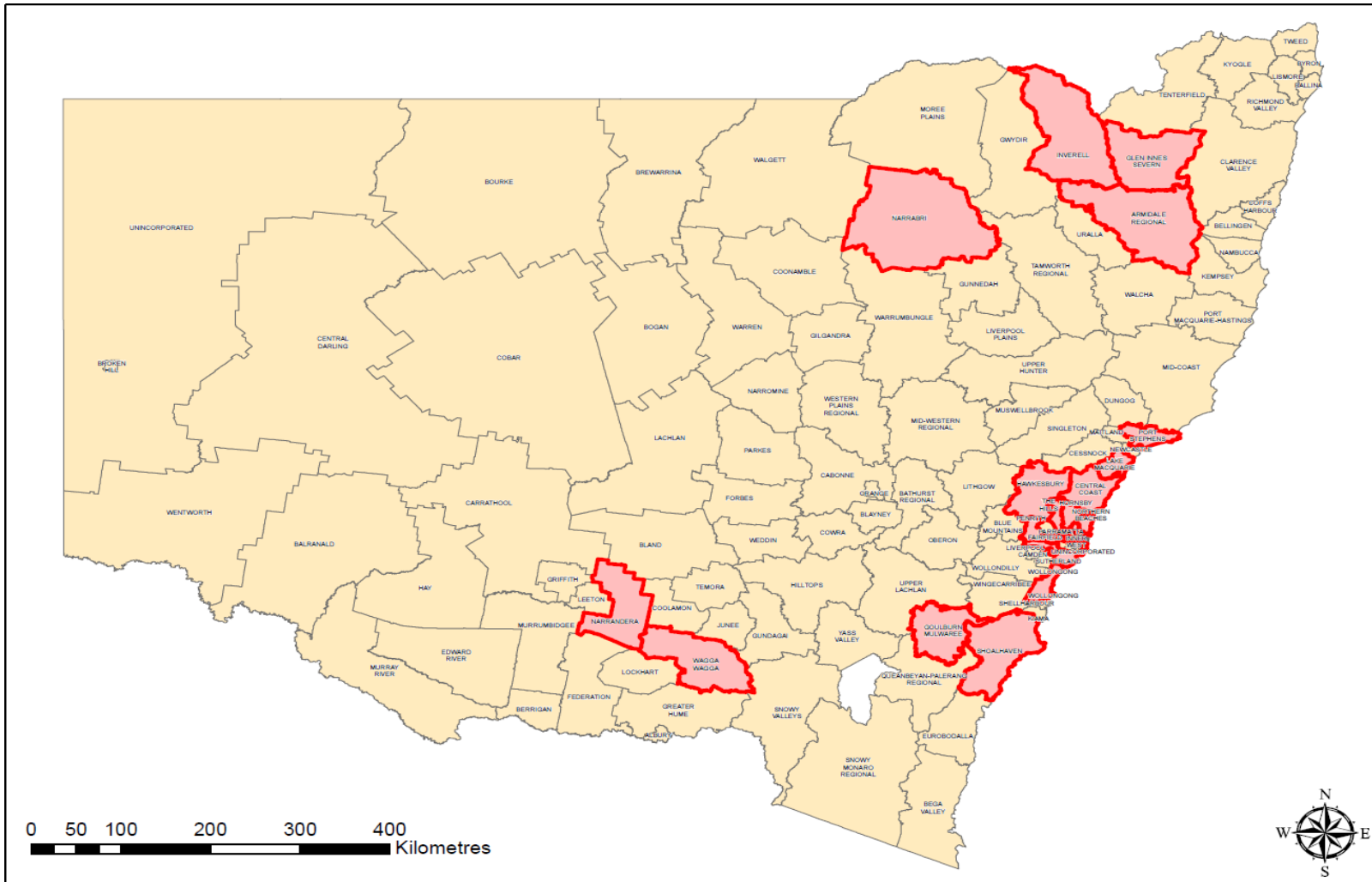
Media Release Link: <http://www.planning.nsw.gov.au/News/2016/Department-fines-Boco-Rock-Windfarm-for-disturbing-Aboriginal-heritage-sites?page=0&itemsPerPage=10&keyword=boco&from&to>

Penalty Notice and Undertaking issued to AGL Energy Limited

On 5 May 2016, the Department issued a Penalty Notice for \$3000 to the AGL Broken Hill Solar Plant for failing to comply with a condition of its project approval which required AGL to upgrade the intersection of the Barrier Highway, Broken Hill, and the Solar Plant access road. The condition required that this work be carried out prior to the commencement of construction and to the satisfaction of the RMS as the relevant road authority. The Department's investigation found that the required road works had not been carried out. On 16 May 2016 AGL Energy Limited gave a written undertaking to the Department that it would carry out the required works, in accordance with RMS requirements, by 15 July 2016. The Department is continuing to monitor the progress of works by AGL.

Media Release Link: <http://www.planning.nsw.gov.au/News/2016/Department-fines-AGL-for-compliance-breach-at-Broken-Hill-Solar-Plant?page=0&itemsPerPage=10&keyword=agl&from&to>

Location of NSW site visits



Sydney metropolitan region site visits

