



Planning &
Environment

Compliance Report

May 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 May 2017:

COMPLIANCE MONITORING ACTIVITIES	May 2017	2016/2017 Total
Inspections and surveillance carried out	92	870
New investigations commenced this month	29	270
Review of compliance documentation	51	344
Subtotal compliance monitoring	172	1,484

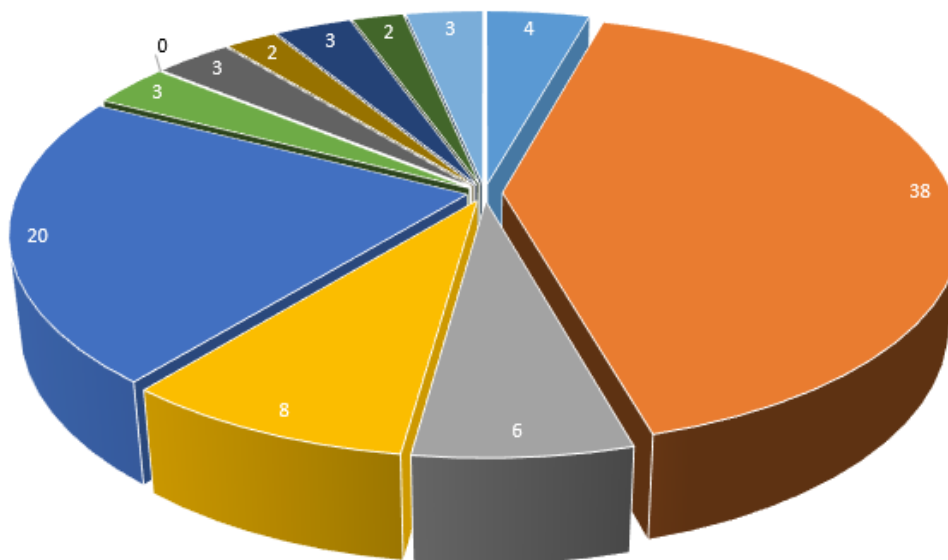
ENFORCEMENT ACTIVITIES	May 2017	2016/2017 Total
Official cautions issued	4	61
Orders imposed	0	12
Penalty notices	8	73
Prosecutions	0	2
Subtotal enforcement	12	148



Monitoring

The Department's Compliance Team conducted 92 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.

May 2017 - Inspections 92



- Social Infrastructure
- Infrastructure
- Mines/Gas Extraction
- Quarries
- Residential, Commercial & Retail developments
- Renewable Energy
- Food Processing, Agriculture, Aquaculture
- State Significant Sites
- Distribution/Storage
- Resource Recovery/remediation
- Tourism and Recreation
- Manufacturing
- Other

Social Infrastructure

- Grafton Correctional Centre (Clarence Valley LGA)
- Northern Beaches Hospital, Frenchs Forest (Northern Beaches LGA)
- O'Connell Street Public School (City of Parramatta LGA) *2

Infrastructure

- NorthConnex (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA)
- NorthConnex Quarry (Hornsby Shire LGA)
- Pacific Highway Upgrade - Woolgoolga to Ballina SSI (Ballina Shire LGA ; Clarence Valley LGA ; Coffs Harbour LGA ; Richmond Valley LGA) *3

- Sydney CBD and South East Light Rail Project (Inner West LGA, Randwick LGA & City of Sydney LGA) *6
- Sydney Metro City & Southwest - Chatswood to Sydenham (City of Sydney LGA; Inner West LGA; Lane Cove Municipal LGA; North Sydney LGA ; Willoughby City LGA) *4
- Sydney Metro Martin Place Station Precinct (City of Sydney LGA)
- WestConnex (Inner West LGA; Cumberland LGA; Municipality of Strathfield LGA, Bayside LGA, Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA) *22



Mines/Gas Extraction

- Dalton Power Project (Upper Lachlan LGA)
- Moolarben Mine (Mid-Western Regional LGA)
- Port Kembla Coal Terminal (Wollongong LGA)
- Ulan Coal Mine (Mid-Western Regional LGA)
- Wambo Mine (Singleton LGA)
- Wilpinjong Coal Mine (Mid-Western Regional LGA)

Quarries

- Broken Head Quarry (Byron LGA)
- Fullerton Cove Sand Quarry (Port Stephens LGA)
- Gunlake Quarries (Goulburn Mulwaree LGA) *2
- Hitchcock Road Sand Extraction & Rehabilitation Project (The Hills Shire LGA) *2
- Roberts Road Quarry Maroota (The Hills Shire LGA)
- South Ballina Quarry (Ballina Shire LGA)

Residential, Commercial & Retail developments

- Cobaki Residential Development (Tweed Shire LGA)
- Former Rachel Forster Hospital (City of Sydney LGA)
- Meadowbank Employment Area (City of Ryde LGA) *2
- Mixed Use development at 1 Burroway Road, Wentworth Point (City of Parramatta LGA)
- Mixed Use development at 330 Church Street (City of Parramatta LGA) *4
- One Carrington Street development (City of Sydney LGA)
- Pacific Pines Estate (Ballina Shire LGA) *2
- Royal Rehabilitation Centre Sydney (City of Ryde LGA) *2
- Sanctuary Point Subdivision (Shoalhaven City LGA)
- Scottish Hospital Residential Development (Woollahra LGA)
- Seaside Village (Port Stephens LGA)
- Tomago Road Industrial Area (Port Stephens LGA)
- Vincentia Coastal Village, Vincentia (Shoalhaven City LGA)
- Walmsleys Road & Stott Street Residential Development (Tweed Shire LGA)

Renewable Energy

- Crookwell 2 Wind Farm (Upper Lachlan LGA)
- Cullerin Wind Farm (Upper Lachlan LGA)
- Parkes Solar Farm (Parkes Shire LGA)

Food Processing, Agriculture, Aquaculture

- Nil

State Significant Sites

- Nil

Distribution/Storage

- Altis Bulky Retail Erskine Park (Penrith City LGA)
- Oakdale Central Industrial Estate (Fairfield City LGA)
- Oakdale South Industrial Estate (Penrith LGA)

Resource Recovery/remediation

- Camellia Veolia Environmental Services (City of Parramatta LGA)
- Chester Hill Waste Facility (Canterbury-Bankstown City LGA)

Tourism and Recreation

- Santai Resort (Tweed Shire LGA)
- Western Sydney Stadium (City of Parramatta LGA) *2

Manufacturing

- Tomago Asphalt Batching Facility (Port Stephens LGA)
- Viva Energy, Clyde (City of Parramatta LGA)

Other

- Macquarie Correction Centre (Dubbo Regional LGA)
- Warnervale Airport (Central Coast LGA)
- Woodburn Quarry – Council approval (Richmond Valley LGA)

* 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 issued to Mt Owen Pty Ltd (Glendell Mine – DA 80/952)

On 1 March 2017, the Department issued a \$15,000 Penalty Notice to Mount Owen Pty Ltd, operators of the Glendell Coal mine near Singleton, for failing to comply with a condition of approval requiring the implementation of best practice measures to minimise the dust emissions from blasting. The Department's investigation identified that on 18 January 2017, a pre blast meteorological assessment conducted by the mine had determined that the blast should not be fired, however a decision was made to fire the blast. Mount Owen Pty Ltd have some of the most stringent blasting restrictions at the Glendell Mine as part of their commitments within the approved blast management plan. The company requested a review of the penalty notice however, following a review by the Department, the merits of the penalty notice were upheld.

4 x Penalty Notices, Notice of Intention to issue an Order, and Direction issued to Glass Recovery Services Pty Ltd (Penrith Glass Beneficiation Plant, 126 Andrews Road, Penrith – SSD-5267)

On 1 May 2017, the Department issued four Penalty Notices to Glass Recovery Services Pty Ltd (GRS), near Penrith, for failing to comply with conditions of approval including: failure to upgrade the access to the site, failure to operate water sprays, failure to cover external stockpiles, and failure to obtain a construction certificate. The Department also issued a Notice of intention to issue an Order to GRS to construct the remainder of a concrete hardstand area on the eastern side of the building, construct the external bunkers as approved, cease the external storage of glass fines, operate water sprays on external storage areas during transfer of crushed glass and during loading and unloading activities, and to undertake an independent environmental audit. The Department also issued a Direction to GRS to submit several management plans and reports.

Penalty Notice issued to Lendlease (Haymarket) Pty Ltd (ICC Hotel – SSD 6166)

On 5 May 2017, the Department issued a \$15,000 Penalty Notice to Lendlease (Haymarket) Pty Ltd for conducting works outside approved hours in March 2017, in breach of the conditions of approval. Following community complaints, the Department's investigation revealed that while Lendlease had obtained approval for out of hour's works earlier in the month, they did not extend this approval to the additional two nights in March.

Penalty Notice issued to Moolarben Coal Operations Pty Ltd (Moolarben Coal Mine – MP 05_0117)

On 26 May 2017, the Department issued a \$15,000 Penalty Notice to Moolarben Coal Operations Pty Ltd for exceeding the blast overpressure criteria in the approval. The Department's investigation identified that the blast overpressure recorded on 17 February 2017 of 126.6 dB(L), exceeded the blast overpressure criteria of 120 dB(L). Moolarben Coal Operations Pty Ltd has committed to reviewing their blast management procedures.

Penalty Notice issued to UGL Engineering Pty Ltd (Wagga Wagga Water Treatment Plant – SSD 6284)

On 26 May 2017, the Department issued a \$15,000 Penalty Notice to UGL Engineering Pty Ltd for failing to implement and maintain sediment controls at Wagga Wagga Water Treatment Plant as identified in the projects Construction Environmental Management Plan (CEMP). The Department's investigation identified that inadequate sediment controls had been implemented and were not maintained effectively on site which led to turbid water being discharged into the Murrumbidgee River. UGL have revised their operating procedures and have now implemented appropriate erosion and sediment controls.

Official Caution issued to Clarence Colliery Pty Ltd (Clarence Mine – DA 504-00)

On 26 May 2017, the Department issued an Official Caution to Clarence Colliery Pty Ltd for failing to undertake specific monitoring (rapid assessment monitoring) on nearby swamps as required by the conditions of approval. The Department's investigation identified that the monitoring had not been conducted in summer 2014, 2015 and 2016, however representations were taken into account that other types of monitoring undertaken of the swamp were able to identify any potential issues.



Official Caution issued to Gales-Kingscliff Pty Ltd (Cudgen Lakes Sand Extraction project – MP 05_0103)

On 29 May 2017, the Department issued an Official Caution to Gales-Kingscliff Pty Ltd (Gales) for failing to establish and subsequently maintain a vegetation screen around the extraction area of the Cudgen Lakes Sand Extraction Project in the Tweed region. The purpose of a vegetation screen is to screen any visual impacts of a project to nearby residents and passing traffic. Gales has worked with the Department and agreed to a Voluntary Undertaking to ensure a visual screen is planted by 30 September 2017. The Department will continue to monitor the quarry to ensure compliance with this undertaking.

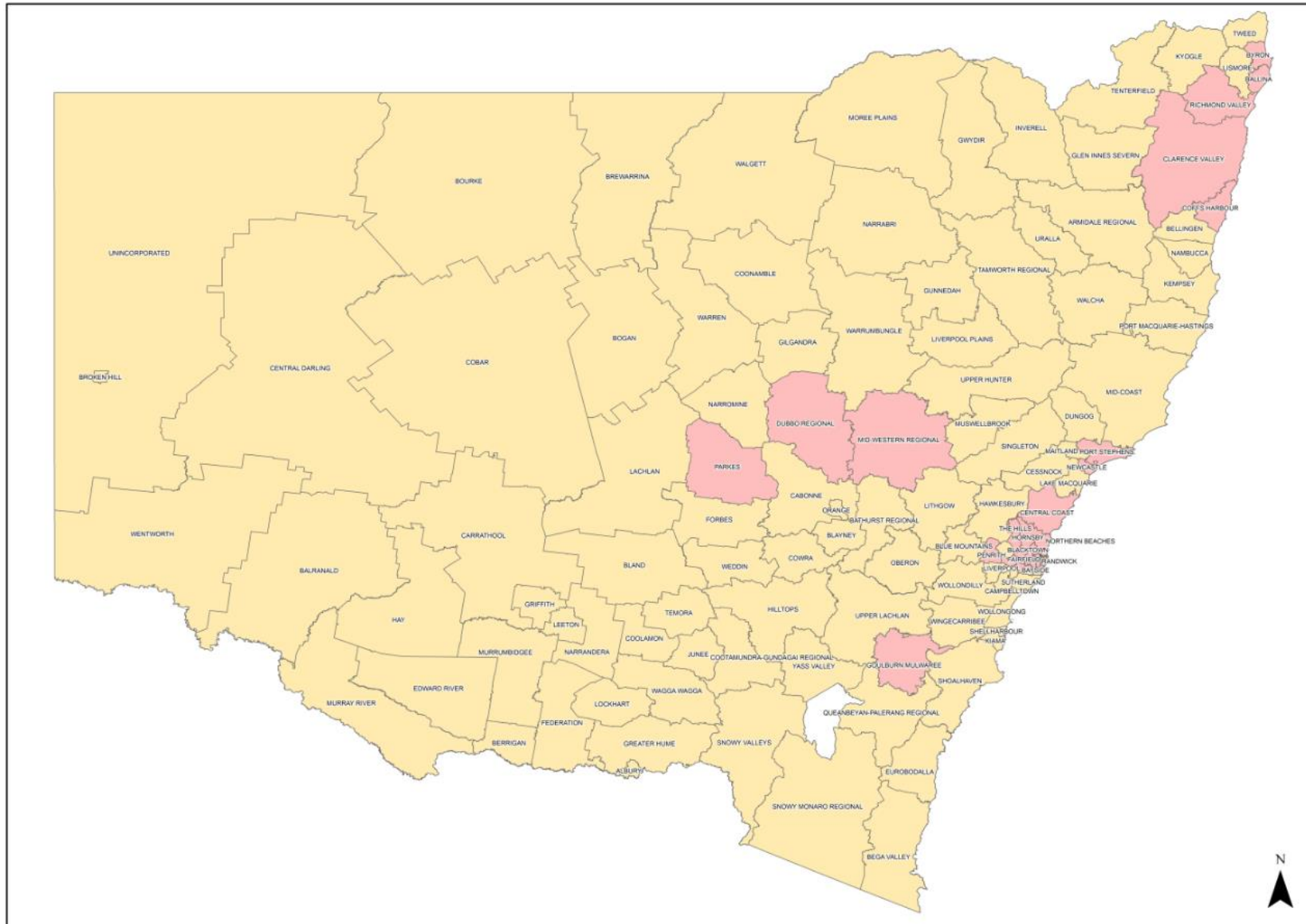
Official Caution issued to Evelution Pty Ltd (Jamieson Road Sub-division - MP 06_0090)

On 30 May 2017, the Department issued an Official Caution to Evelution Pty Ltd for failing to implement erosion and sediment controls and failing to manage green waste at the Jamieson Road residential sub-division, North Nowra as required by the conditions of approval. The Department's investigation identified that inadequate erosion and sediment controls had been implemented on the site, and that the green waste on the site had been stockpiled and not mulched in accordance with the approval and Green Waste Management Plan. Erosion and sediment controls have now been implemented. The Department has issued a Voluntary Undertaking for the management of green waste.

Official Caution issued to Armpell Civil Pty Ltd (Dolphin Point Road and Wuru Road Sub-division - MP 05_0016)

On 30 May 2017, the Department issued an Official Caution to Armpell Civil Pty Ltd for failing to maintain erosion and sediment controls at or above design capacity as required by the conditions of approval, at the Dolphin Point Road and Wuru Road residential sub-division, Dolphin Point. The Department's investigation identified that erosion and sediment controls had been implemented on the site, however had not been adequately maintained at design capacity. Maintenance works have since been undertaken on the erosion and sediment controls implemented.

Location of NSW site visits



Sydney metropolitan region site visits

