



Planning &
Environment

Compliance Report

June 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 June 2017:

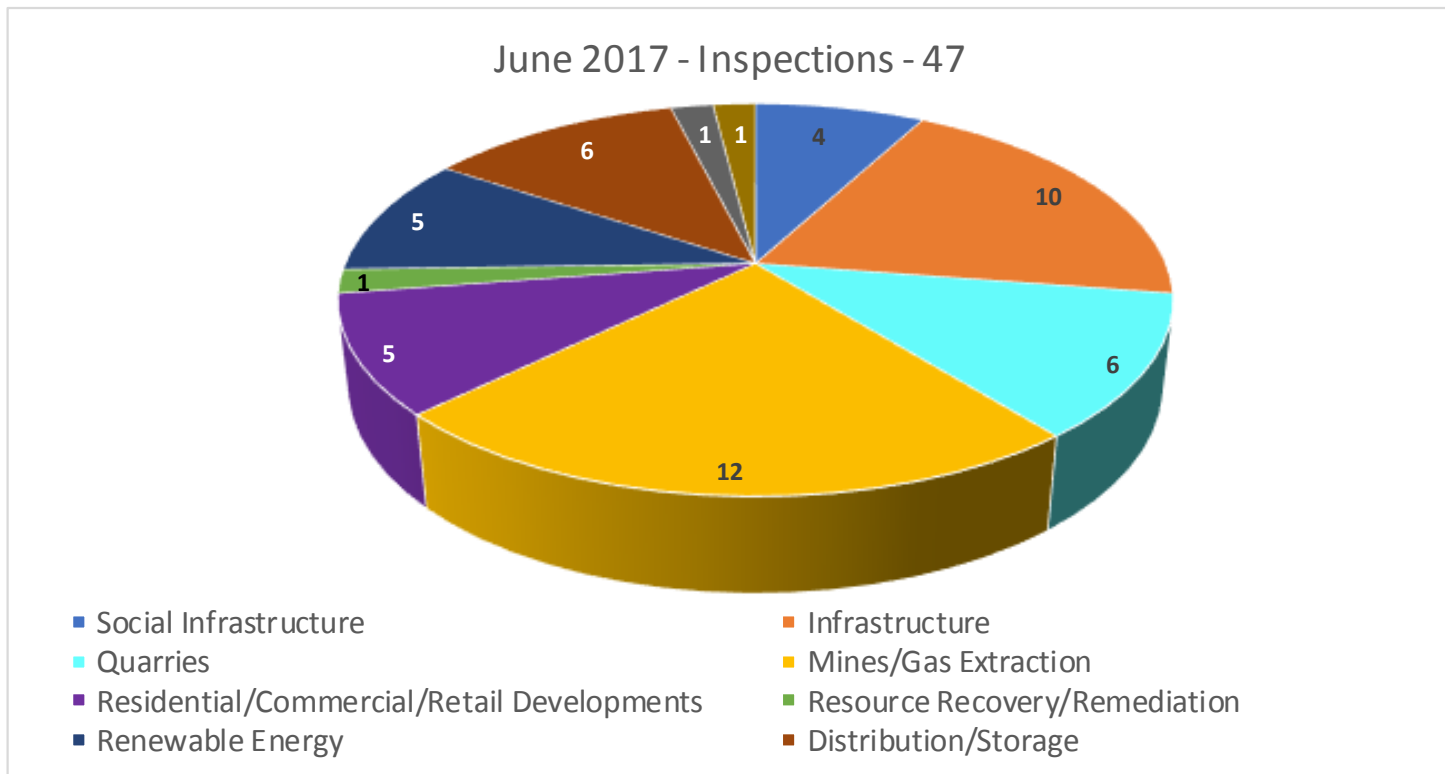
COMPLIANCE MONITORING ACTIVITIES	June 2017	2016/2017 Total
Inspections and surveillance carried out	47	917
New investigations commenced this month	25	295
Review of compliance documentation	44	388
Subtotal compliance monitoring	112	1,600

ENFORCEMENT ACTIVITIES	June 2017	2016/2017 Total
Official cautions issued	8	69
Orders imposed	2	14
Penalty notices	9	82
Prosecutions	0	2
Subtotal enforcement	19	167



Monitoring

The Department's Compliance Team conducted 47 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Social Infrastructure

- Cessnock Correctional Centre (Cessnock City Council)
- Northern Beaches Hospital (Northern Beaches Council) *2
- Wagga Wagga Water Treatment Plant (Wagga Wagga City Council)

Infrastructure

- Sydney CBD and South East Light Rail Project; Sydney CBD and South Eastern Suburbs (Inner West Council; Randwick City Council)
- Westconnex (Inner West LGA; Cumberland LGA, Municipality of Strathfield LGA, Bayside LGA, Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA) *4
- NCIG Coal Export Terminal (Newcastle City LGA)

Mines/Gas Extraction

- Angus Place Mine (Muswellbrook LGA)
- Austar Mine (Cessnock LGA)
- Dartbrook Coal Mine (Muswellbrook LGA)
- Maules Creek Coal Mine (Narrabri LGA)
- Mount Pleasant Coal Mine (Muswellbrook LGA)
- Narrabri Mine (Narrabri LGA)
- Rocglen Mine (Gunnedah LGA; Narrabri LGA)
- Springvale Coal Mine (City of Lithgow LGA)
- Springvale Coal Services (City of Lithgow LGA)
- Tarrawonga Mine (Narrabri LGA)
- Vickery Coal Mine (Gunnedah LGA; Narrabri LGA)
- Canyon Mine (Narrabri LGA)

Resource Recovery/Remediation

- Urunga Contaminated Site (Bellingen LGA)



Quarries

- Grants Road Quarry (Gosford City LGA)
- Hanson Central Coast Quarry (Gosford City LGA)
- Karuah Quarry (Mid-Coast LGA)
- Karuah East Quarry (Mid-Coast LGA)
- Oberon Granite Quarry (Oberon LGA)
- Tinda Creek Quarry (Hawkesbury City LGA)

Residential/Commercial/Retail Developments

- 1 Carrington Street, Sydney (Council of the City Of Sydney)
- Former Rachel Forster Hospital (Council of the City Of Sydney)
- Memorial Avenue Ettalong Beach (Central Coast LGA)
- "Pearl" Subdivision Valla (Nambucca LGA)
- Belle O'Connor (Kempsey LGA)

Renewable Energy

- Crookwell 2 Wind Farm (Upper Lachlan LGA)
- Griffith Solar Farm (Griffith City LGA)
- Sapphire Wind Farm (Glen Innes Severn LGA; Inverell LGA)
- Silverton Wind Farm (Broken Hill City LGA)
- White Rock Wind Farm (Glen Innes Severn LGA; Inverell LGA)

Distribution/Storage

- Altis Bulky Retail Erskine Park (Penrith City LGA)
- Baileys Marine Refuelling & Supply Facility (Inner West LGA)

- Crawfords Freightlines (Newcastle City LGA)
- Murray Goulburn Milk Processing Facility (Penrith City LGA)
- Oakdale South Industrial Estate (Penrith City LGA) *2

Manufacturing

- Borg Panels Oberon (Oberon LGA)

Other

- Warnervale Airport (Wyong LGA)

Tourism/Recreation

- Nil

Food Processing/Agriculture/Aquaculture

- Nil

State Significant Sites

- 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

4 x Penalty Notices, 2 x Official Cautions, and an Order issued to Builders Recycling Properties Pty Ltd (Chester Hill Materials Recycling Facility, 191 Miller Road, Chester Hill – SSD-5267)

On 7 June 2017, the Department issued four \$15,000 Penalty Notices to Builders Recycling Properties Pty Ltd (BRP), at Chester Hill, for failing to comply with conditions of approval including failure to:

- implement a 'clean' and 'dirty' water management system;
- operate the site in accordance with the approved site layout;
- install prescribed acoustic barriers; and
- restrict stockpile heights of unprocessed materials at the facility below 3m.

The Department also issued two Official Cautions to BRP in relation to a failure to:

- pave and regularly clean all internal road surfaces; and
- store fuels and oils in the designated storage area.

On 29 June 2017, the Department issued an Order to BRP to remedy the six breaches of approval outlined above. The Order specifies dates by which BRP must remedy the breaches and ensure compliance with the conditions of approval. The Department will continue to monitor this development and compliance with the Order to ensure BRP meets the prescribed timeframes.

Penalty Notice, Official Caution and agreed Voluntary Undertaking issued to ETRA Pty Ltd (PF Formation Sand Quarry, Maroota, PA06_1040)

On 13 June 2017, the Department issued a \$15,000 Penalty Notice and an Official Caution to ETRA Pty Ltd for extracting sand in two areas of the quarry below the specified depth limit, as defined in the conditions of approval at their quarry in Maroota (Hawkesbury region). A proactive site inspection revealed sand extraction below the approved depth and this was later confirmed by subsequent site surveys.

In addition to the Penalty Notice and Official Caution issued, on 29 June 2017, ETRA Pty Ltd also entered into a voluntary undertaking with the Department to remedy the above breaches. This includes backfilling the areas identified with similar material.

Penalty Notice issued to Champions Quarry 2 Pty Ltd (Champions Quarry, Lismore, PA09_0080)

On 19 June 2017, the Department issued a \$15,000 Penalty Notice to Champions Quarry 2 Pty Ltd for failing to undertake noise monitoring of the quarry, its plant and equipment in accordance with the approved Noise Management Plan. This non-compliance was identified following a review of the quarry's 2016 Annual Review (a report required by their approval). Champions Quarry 2 Pty Ltd cooperated with the Department's investigation, expressed remorse and has committed to reviewing its noise monitoring procedures to ensure appropriate implementation.

Penalty Notice issued to ATB Morton (NSW) Pty Limited (Salt Ash sand quarry –MP 07_0094)

On 20 June 2017, the Department issued a \$15,000 Penalty Notice to ATB Morton (NSW) Pty Limited operators of Salt Ash sand quarry for failing to retire ecosystem credits in accordance with their biobanking agreement. The biobanking agreement is required to implement the biodiversity offset strategy for the quarry. The retiring of the ecosystem credits is the final step of the biodiversity offset process, and the land is not protected as an offset until the ecosystem credits are retired.

On 20 June 2017, an Order under section 121B of the Act was also issued to ATB Morton to retire the ecosystem credits by 1 October 2017 to remedy the breach.



Penalty Notice and Official Caution issued to Romeo Atra, Perisher Valley, Kosciuszko National Park

On 27 June 2017, the Department issued an Official Caution to Mr Romeo Atra, a sub-lessee of an apartment at the 'The Stables' snowfield accommodation complex at Perisher, for carrying out structural modifications and the installation of a spa without development consent. The spa has been removed and the structural elements reinstated.

In addition, a \$3,000 Penalty Notice was also issued to Mr Atra for failing to provide information and records as required by a Department Investigation Officer.

Penalty Notice and Official Caution issued to Bouygues Construction Australia Pty Ltd

On 27 June 2017, the Department issued a \$15,000 Penalty Notice and an Official Caution to Bouygues Construction Australia Pty Ltd (Bouygues), principal construction contractor for the Neone Australia Pty Ltd Solar Farm project near Parkes. Bouygues failed to comply with the conditions of consent by clearing a stand of eight mature Grey Box trees which were part of an endangered ecological community. Bouygues have commenced replanting additional Grey Box seedlings to replace and enhance the endangered ecological community. An Official Caution was also issued to Bouygues for commencing upgrades to public roads accessing the project prior to approval of the Traffic Management Plan.

3 x Official Cautions issued to The Austral Brick Co Pty Ltd (New Berrima Shale Quarry)

On 30 June 2017, the Department issued three Official Cautions to The Austral Brick Co Pty Ltd (The Austral) for failing to:

- undertake attended noise monitoring during soil stripping activities in relation to the construction of the visibility barrier, in accordance with the approved Noise Management Plan;
- undertake water monitoring from July 2016, in accordance with the approved Water Management Plan; and
- commission a site monitor from the Local Aboriginal Land Council to inspect the areas prior to disturbance, in accordance with the approved Aboriginal Heritage Management Plan.

The Department will continue to monitor the development to ensure these breaches are remedied.

Order issued to Glass Recovery Services Pty Ltd (126 Andrews Road, Penrith – SSD 5267)

On 30 June 2017, the Department issued an Order to Glass Recovery Services Pty Ltd (GRS) to remedy breaches of the approval including:

- construction of a concrete hardstand;
- reconstruct crushed glass bunkers;
- store glass sands within the covered warehouse;
- operate water sprays during transfer, loading and unloading of glass materials;
- construct the required road intersection; and
- commission and subsequently submit for approval, an independent environmental audit (IEA).

The Order relates to four \$15,000 Penalty Notice's issued to the company on 1 May 2017. The details of these penalty notices are included in the Department's May 2017 Compliance Report.

The Order specifies dates by which GRS must remedy the breaches and ensure compliance with the conditions of approval. The Department will continue to monitor this development and compliance with the Order to ensure GRS meets the prescribed timeframes.



Prosecution updates –Leda Manorstead Pty Ltd

On 21 June 2017, the Department commenced a prosecution in the Land and Environment Court against Leda Manorstead Pty Ltd (Leda) for works at the Cobaki Estate development in Northern NSW.

The Department has filed seven charges against Leda for carrying out development at Cobaki Estate in contravention to the conditions of approval listed in PA08_0200 as modified and DA10/0800.

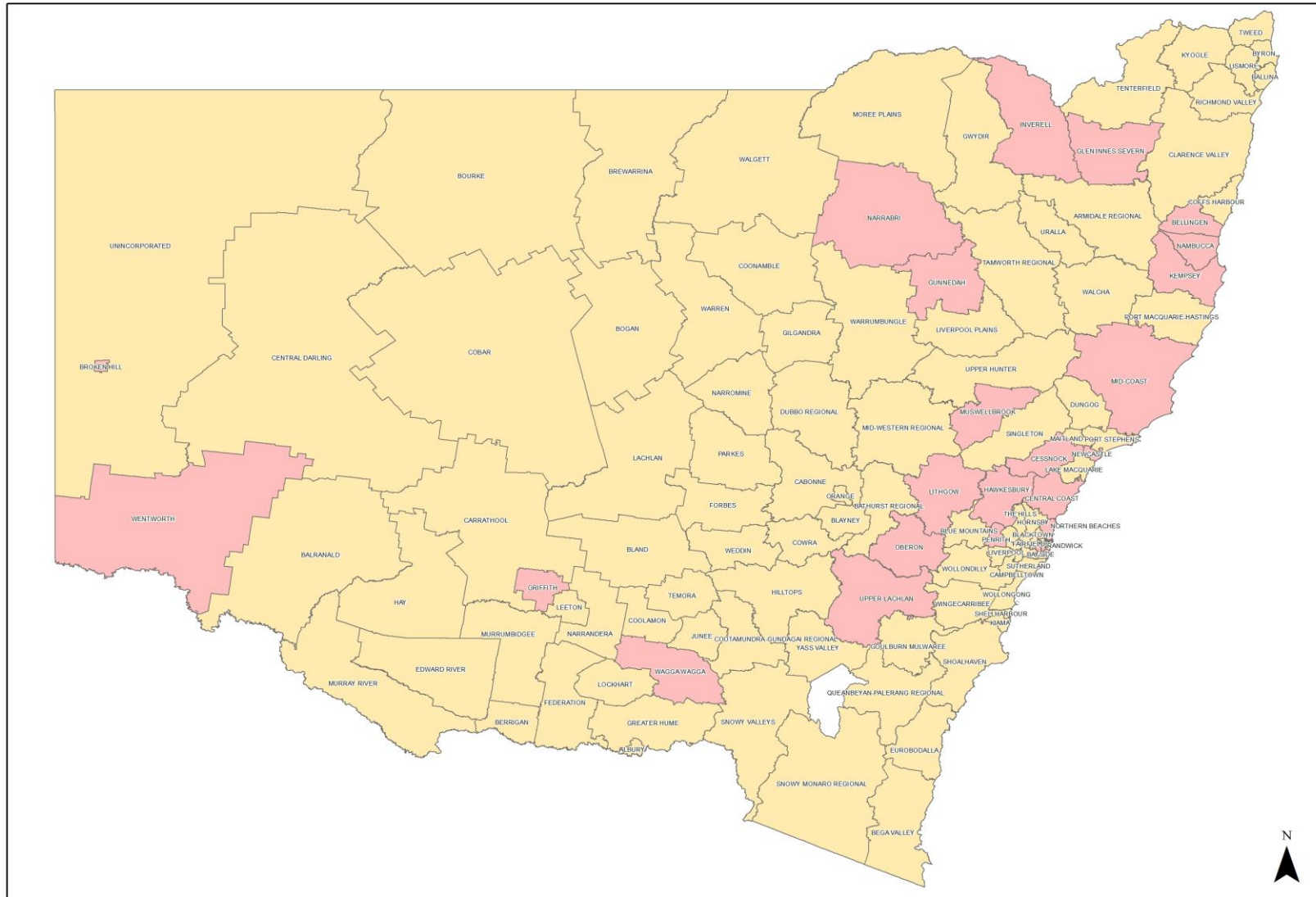
The charges broadly relate to:

- exceeding the allowable maximum exposed bulk earthworks area;
- failure to implement erosion and sediment controls;
- working outside of approved areas; and
- undertaking subdivision works prior to the issue of a construction certificate.

Prosecution Updates - Shoalhaven Starches Pty Ltd

On 22 June 2017, the Department commenced a prosecution in the Land and Environment Court against Shoalhaven Starches Pty Ltd for failing to comply with section 147 of the *Environmental Planning and Assessment Act 1979*, by not disclosing all political donations made by directors of Shoalhaven Starches when submitting applications to the Department.

Location of NSW site visits





Sydney metropolitan region site visits

