



Planning &  
Environment

# Compliance Report

June 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 June 2016:

COMPLIANCE MONITORING ACTIVITIES	June 2016	2015/2016 Total
Inspections and surveillance carried out	87	687
New investigations commenced this month	30	171
Review of compliance documentation	36	533
<b>Subtotal compliance monitoring</b>	<b>153</b>	<b>1391</b>

ENFORCEMENT ACTIVITIES	June 2016	2015/2016 Total
Compliance warning letters issued	0	27
Official Cautions issued	3	9
Orders imposed	1	3
Penalty notices and fines imposed	3	18
Prosecutions	0	2*
<b>Subtotal enforcement</b>	<b>7</b>	<b>59</b>

\* Denotes proponents have plead guilty and are awaiting sentencing



## Monitoring

The Department's Compliance Team conducted 87 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.

### Infrastructure and other projects

- 'Altitude Aspire' Residential Subdivision (Tweed LGA)
- Barangaroo South Development (City of Sydney LGA)
- Boco Rock Wind Farm (Snowy Monaro Regional LGA)
- Cobaki Residential Development (Tweed LGA)
- Crudine Ridge Wind Farm (Mid-Western LGA)
- Darling Walk (City of Sydney LGA)
- Fraser Drive, South Tweed (Tweed LGA) \*3
- Hospital and ancillary health care services - 1-8 Nield Ave Greenwich (Lane Cove LGA)
- Huntlee (Cessnock and Singleton LGA's)
- Illawarra Health Precinct (Wollongong LGA)
- Kyoto Energy Park (Upper Hunter and Muswellbrook LGA's)
- Lakes Way, Seven Mile Beach (Mid Coast LGA)
- Liverpool Range Wind Farm (Mid-Western Regional, Upper Hunter and Warrumbungle LGA's)
- Luna Park (North Sydney LGA)
- Liverpool Hospital (Liverpool LGA)
- Mixed Use Development - 175-177 Cleveland St, Redfern (City of Sydney LGA)
- Mixed use Development - corner of Parker Street and Barber Avenue Kingswood (Penrith LGA)
- Moree Solar Farm (The Shire of Moree Plains) \*2
- Moore Theological College, 1 King St, Newtown (City of Sydney LGA)
- Nerong Subdivision (Mid Coast LGA)
- Newel Highway Moree Town Centre Bypass (The Shire of Moree Plains LGA)
- NorthConnex (Hornsby Shire, Ku-ring-gai & The Hills LGA)
- NorthConnex, Hornsby Quarry (Hornsby Shire, Ku-ring-gai & The Hills LGA)
- Northwest Rail Link (City of Parramatta, Blacktown City, The Hills Shire & Hornsby Shire LGA)
- Ocean Drive, Lake Cathie (Port Macquarie Hastings LGA)
- Penrith Health Campus (Penrith LGA) \*2
- Royal Prince Albert Hospital (City of Sydney LGA)
- Scottish Hospital, 2 Cooper St, Paddington (Woollahra LGA)
- Settlers Ridge (Kempsey LGA)
- Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) (City of Sydney LGA)
- Tablelands Explorer Rail Line (The Shire of Moree Plains LGA)
- The Bucketts Way, Tinonee (Mid Coast LGA)
- 12 The Esplanade, North Arm Cove (Mid Coast LGA)
- Tourist Facility South West Rocks (Kempsey LGA)
- University of Sydney (City of Sydney LGA) \*3
- Warner Industrial Park (Central Coast LGA)
- Warnervale Airport (Central Coast LGA)
- Warnervale Town Centre (Central Coast LGA)
- WestConnex, M4 East (Burwood, City of Canada Bay, Inner West & Strathfield LGA) \*2
- WestConnex, M4 Widening Western Motorway (City of Parramatta & Cumberland LGA) \*2

### Mines/Quarries

- Ardmore Park Quarry (Goulburn-Mulwaree LGA) \*3
- Austen Quarry (Lithgow LGA)
- Badgerys Creeks Quarry and Brickworks (Liverpool LGA)
- Batson Sand and Gravel Quarry (Byron LGA)
- Cobbora Coal Mine (Warrumbungle, Mid-Western Regional and Wellington LGA's)
- Dendrobium Mine (Wollongong LGA)
- Dubbo Zirconia Mine (Dubbo LGA)
- Ivanhoe North Mine (Lithgow LGA)
- Jandra Quarry (Mid Coast LGA)
- Moorlarben Mine (Mid-Western LGA)
- Mt Thorley-Warkworth Mining Complex (Singleton LGA)
- Russell Vale Colliery (Wollongong LGA)
- Sancrox Quarry (Port Macquarie Hastings LGA)
- Sweet Pea Road Sand Quarry Extension (Mid Coast LGA)
- Springvale Coal Mine (Lithgow LGA)
- Ulan Coal Mine (Mid-Western LGA)
- Wallerawang Quarry (Lithgow Shire Council)
- Wilpinjong Coal Mine (Mid-Western LGA) \*2
- Wongawilli Coal Mine (Wollongong LGA)

## Industry

- Banksmeadow Waste Transfer Terminal (City of Botany Bay LGA)
- Bay Ridge Estate (Eurobodalla LGA) \*2
- Clyde Waste Transfer Terminal (Cumberland Council) \*2
- Dongwha Timbers (Snowy Monaro Regional LGA) \*2
- Erskine Park Retail Ready Meat Facility (Penrith LGA)
- Goodman Interlink Industrial Estate (Penrith LGA) \*2
- Mainfreight Distribution Centre, 30-50 Yarrowa, Prestons (Liverpool LGA)
- Murray-Goulburn Milk Processing Facility (Penrith LGA)
- Orchid Hills Waste Project (Penrith LGA)
- Taronga Zoo (Mosman LGA)
- Urunga Contaminated Site Remediation (Bellingen LGA)
- Wingham Abattoir (Mid Coast LGA)

\* Denotes multiple site visits.

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

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

## Enforcement

### Penalty Notice and Official Caution Issued to Holcim Australia

On 14 June 2016, the Department issued Holcim Australia Pty Ltd a Penalty Notice for \$15,000 for extracting hard rock material below the specified limit as defined its conditions of approval at their quarry in Teven (Northern NSW)

A proactive site inspection revealed the quarry was extracting hard rock at depths below the approved extraction limit which was confirmed by subsequent survey's.

In addition to the penalty, the Department issued an official caution to the company for failing to notify the Department of this incident. Holcim Australia cooperated with the compliance investigation and have backfilled the extracted area.

Media Release Link: <http://www.planning.nsw.gov.au/~media/Files/DPE/Media-Releases/2016/July/13072016-department-issues-fine-for-noncompliance-at-teven-quarry.ashx>

### Penalty Notice issued to Karimbla Constructions Services (NSW) Pty Ltd

On 28 June 2016, the Department issued a Penalty Notice for \$15,000 to Karimbla Constructions (NSW) Pty Ltd, developers of the mixed use development at 330 Church St, Parramatta, for a breach of the project approval. The Department's investigation concluded that works had been undertaken outside the approved hours of operation.

Compliance officers will continue to monitor the site.

Media Release Link: <http://www.planning.nsw.gov.au/~media/Files/DPE/Media-Releases/2016/July/04072016-department-fines-karimbla-construction-services.ashx>



## Penalty Notice and Order Issued to Lismore City Council

On 30 June 2016, the Department issued Lismore City Council a Penalty Notice for \$15,000 for extracting material in their Blakefield Quarry south pit prior to submitting a detailed groundwater assessment report as required by the project approval conditions.

The Department undertook significant consultation with Lismore City Council during the investigation. To remedy the ongoing breach, an Order under section 121B of the Act requires Lismore City Council to prepare and submit for approval a detailed groundwater assessment report. The Department will revisit the site to ensure compliance with the order and conditions of approval.

## Official Caution issued to Champion Quarry

On 2 June 2016, the Department issued an Official Caution to the Champion Quarry Project near Lismore, for a breach of a project approval condition. The Department's investigation concluded that Champion Quarry 2 Pty Ltd had failed to pay contributions to Lismore City Council required in relation to road maintenance for the development.

Champion Quarry's was cooperative throughout the Departments investigation. Further, the alleged breach had not resulted in risks to public safety, known damage to property or had a significant impact on the public.

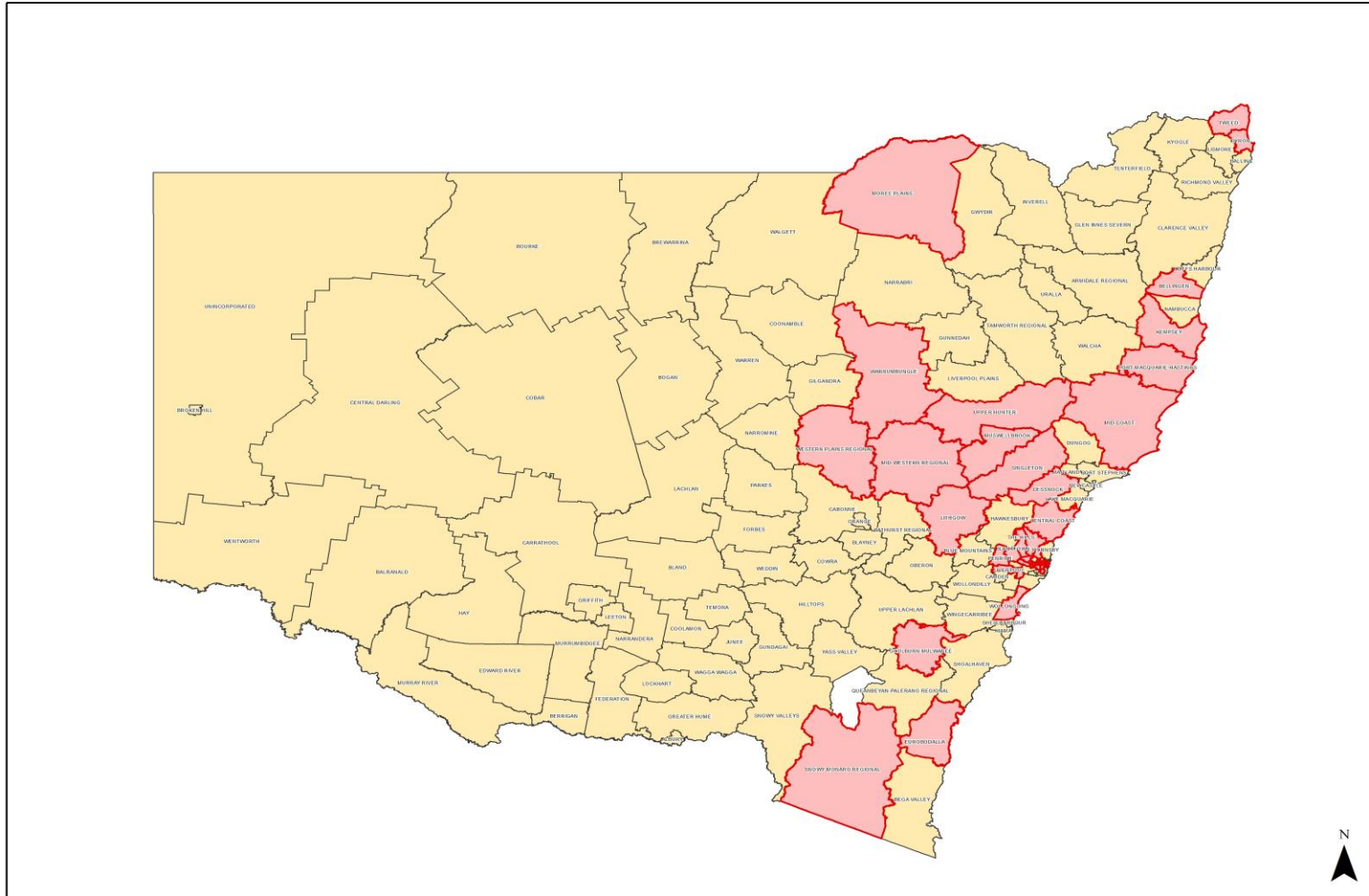
Compliance officers have followed up and confirmed Champion Quarry's has since paid this outstanding road maintenance contribution to Lismore City Council.

## Official Caution issued to Maules Creek Coal Mine

On 9 June 2016, the Department issued an Official Caution to Aston Coal 2 Pty Ltd, proponents of the Maules Creek Coal Mine for failing to ensure that fixed plant deliver Sound Power Levels (SPL) that are equal to or better than the SPL's identified in the Environmental Assessment.

Maules Creek Coal Mine are implementing a series of noise mitigation works in relation to fixed plant equipment. While some noise mitigation works have been implemented Compliance staff will continue to monitor the implementation of remaining noise mitigation works.

## Location of NSW site visits



## Sydney metropolitan region site visits

