



Planning &
Environment

Compliance Report

July 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 July 2016:

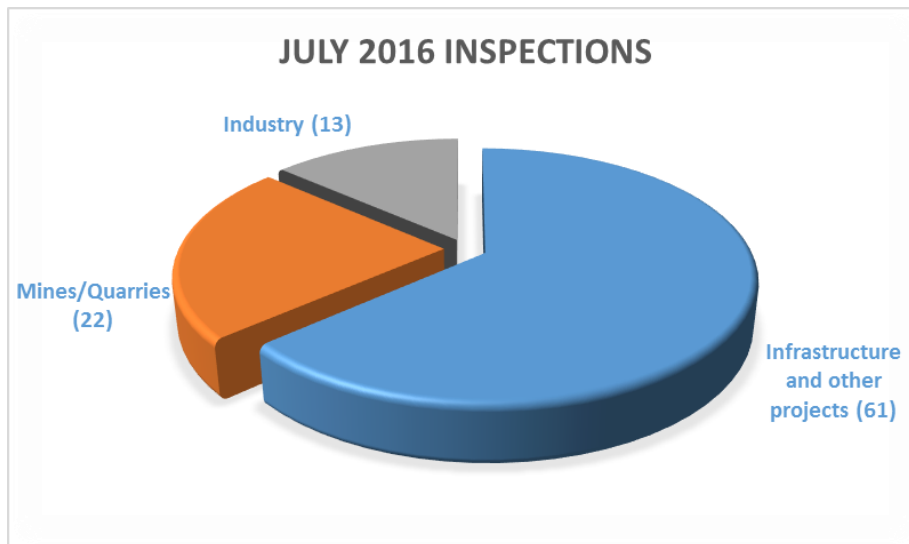
| COMPLIANCE MONITORING ACTIVITIES | July 2016 | 2016/2017 Total |
|--|------------|-----------------|
| Inspections and surveillance carried out | 96 | 96 |
| New investigations commenced this month | 27 | 27 |
| Review of compliance documentation | 35 | 35 |
| Subtotal compliance monitoring | 104 | 104 |

| ENFORCEMENT ACTIVITIES | July 2016 | 2016/2017 Total |
|-----------------------------------|-----------|-----------------|
| Official Cautions issued | 10 | 10 |
| Orders imposed | 4 | 4 |
| Penalty notices and fines imposed | 2 | 2 |
| Prosecutions | 0 | 0 |
| Subtotal enforcement | 16 | 16 |



Monitoring

The Department's Compliance Team conducted 96 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Infrastructure and other projects

- Alex Pike Road - Raleigh Industrial Estate (Bellingen LGA)
- Austrak Business Park - Camden (LGA)
- Baptistcare Senior Living Development, Kellyville (The Hills Shire Council) *2
- Bay Ridge Coastal Subdivision, North Batemans Bay (Eurobodalla LGA)
- Barangaroo South Development (City of Sydney LGA)
- Belle O'Connor South West Rocks - Sub division (Kempsey LGA)
- Black Bear Thredbo (Snowy River LGA)
- Christinina Lodge Thredbo (Snowy River LGA)
- Cullerin Range Wind Farm (Upper Lachlan LGA)
- Dianella Drive Casuarina (Tweed LGA)
- Dolphin Point Road Sub-division (Shoalhaven LGA)
- Fraser Drive (Tweed LGA) *2
- George Bass Drive Coastal Subdivision, North Rosedale– (Eurobodalla LGA)
- Highview Drive Sub-division (Shoalhaven LGA)
- House Of Ullr Thredbo (Snowy River LGA)
- Huntlee New Town (residential development) (Cessnock LGA) * 2
- Island Point Road Sub-division (Shoalhaven)
- Lhotsky Lodge Thredbo (Snowy River LGA)
- Luna Park (North Sydney LGA)
- Norwest Private Hospital Kellyville (The Hills Shire Council) * 2
- Racecourse Beach Tourist Park Bawley Point (Shoalhaven LGA)
- Riveroaks Estate Ballina - sub division (Ballina LGA)
- Roslyn Lodge Thredbo (Snowy River LGA)
- RMS Signage, Military Road, Cremorne.(Mosman LGA)
- Sancrox Rural Residential Subdivision- Le cos Verdun (Port Macquarie LGA)
- Sashas Lodge Thredbo (Snowy River LGA)
- SEPP 64 Signage Pedestrian Overpass Old Windsor Rd Bella Vista (The Hills LGA)
- Scottish Hospital Paddington – (Woollahra Municipal LGA) * 2
- Splendour in the Grass (Bryon Bay LGA) * 10
- Sydney Metro Northwest (The Hills Shire LGA)
- The Stables Perisher (Snowy River LGA)
- Vincentia Coastal Development - Woolworths Site (Shoalhaven LGA)

- Vincentia Coastal Development - Leisure Centre Site (Shoalhaven LGA)
- Vincentia Coastal Development - Bayswood Estate (Shoalhaven LGA)
- WestConnex (City of Rockdale LGA, Inner West LGA, City of Parramatta LGA, Cumberland LGA) * 8
- Willow Avenue Boganbar - Sub division (Tweed LGA)
- Windsor Bridge Replacement Project (Hawkesbury LGA)
- 730a Appin Road, Gilead (City of Campbelltown LGA)
- 490 (lot) Tweed Coast Way Kingscliff- sub division (Tweed LGA)
- 247 Bronte Road, Bronte (Waverly LGA)

Mines/Quarries

- Ardmore Park Quarry (Goulburn-Mulwaree LGA)
- Barina Quarry (Goulburn-Mulwaree LGA)
- Baal Bone Colliery (City of Lithgow)
- Boggabri Coal (Narrabri LGA)
- Broken Head Quarry (Bryon Bay LGA)
- Canyon (Whitehaven) Coal Mine (Narrabri LGA)
- Cooma Road Quarry (Queanbeyan-Palerang LGA)
- Gunlake Quarry (Goulburn-Mulwaree LGA)
- Karuah Quarry (Port Stephens LGA)
- Lynwood Quarry (Goulburn-Mulwaree LGA)
- Maules Creek (Narrabri LGA)
- Metropolitan Colliery (Wollongong LGA)
- Mount Thorley Warkworth Coal Mine (Singleton LGA) * 2

* Denotes multiple site visits.

- Narrabri Mine (Narrabri LGA)
- Rocglen Mine (Gunnedah LGA)
- Sunnyside Mine (Gunnedah LGA)
- Tarrawonga Mine (Narrabri LGA)
- Wallerawang Quarry (City of Lithgow LGA)
- Wambo Coal Mine (Singleton LGA)
- Whitehaven CHPP (Gunnedah LGA)
- Vickery Mine (Gunnedah and Narrabri LGA)

Industry

- Allied Mills Flour & Maize Mill (Wollondilly LGA)
- Borg Panels, Oberon (Oberon LGA)
- Caltex Kurnell wharf (Southerland Shire LGA)
- Crisps Creek Terminal (Woodlawn Waste Facility), Tarago (Queanbeyan-Palerang LGA) * 3
- Elf Farms Substrate Plant Mulgrave (Hawkesbury LGA)
- Expansion of the Mainfreight Storage and Distribution Centre, Prestons – (Liverpool LGA)
- Penrith Glass Recycling (Penrith LGA)
- Prestons Industrial Estate, Prestons (Liverpool LGA)
- Sydney Fish Market – (City of Sydney LGA)
- Worth Park Remediation Site (Newcastle City LGA)
- Yennora Distribution Centre (Cumberland LGA)

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

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



Enforcement

Official Cautions and Penalty Infringement Notice issued to Fraser Drive Development

On 15 June 2016, the Department received a complaint via Tweed Shire Council that significant amounts of dirt were being deposited on surrounding public roads originating from the Fraser Drive Development. A condition of the approval requires the proponent to ensure surrounding roads are kept clean of any material carried onto the roadway by construction vehicles. The Department undertook a joint investigation with Tweed Shire Council which found that construction vehicles using an unauthorised site access, were depositing dirt on surrounding roads.

On 6 July 2016, the Department subsequently issued a Penalty Notice for \$15,000 and three Official Cautions to Property Project No.88 Pty Ltd, the proponent for Stages 1-7 of the Fraser Drive Development. The Department also issued four Official Cautions to the proponent's contractor, Boyd's Bay Landscaping for similar offences.

In response, both Boyds Bay Landscaping and Property Projects No.88 immediately cleaned the roads and restored authorised vehicle access to the site.

Media Release link: <http://www.planning.nsw.gov.au/News/2016/Department-fines-Property-Project-No-88>

Penalty Notice issued to Tweed Sand Quarry

On 21 July 2016, the Department issued Hanson Construction Materials Pty Ltd a Penalty Notice for \$15,000 in relation to exceeding the annual sand extraction limit at their Tweed Sand Quarry. The Department was notified by Tweed Sand Quarry that it had exceeded the approved sand extraction limit of 150, 000 cubic meters during the 2015-2016 financial year.

The company admitted to the breach and explained the increase in sand extraction was due to higher market demand for the quarry materials.

Media Release link : <http://www.planning.nsw.gov.au/News/2016/Department-fines-Tweed-Sand-Quarry>

Order issued to The Trust Company (Australia) Limited (Prestons Industrial Estate)

On 19 July 2016, the Department issued an Order to The Trust Company (Australia) Limited, as Trustees for Logos Australian Logistics Venture Prestons Trust, to cease undertaking earthworks at the Prestons Industrial Estate until such time as the Construction Environmental Management Plan was approved by the Department, which is a condition of the consent. The non-compliance was identified following routine monitoring of some major projects in the Liverpool LGA.

The proponent complied with the Order by ceasing earthworks until they gained approval from the Department for the Construction Environmental Management Plan on 29 July 2016.

Order issued to Presbyterian Church (NSW) Property Trust

On 30 June 2016, the Department inspected the Scottish Hospital development at Paddington following a report of damage to a wall. The Scottish Hospital is a heritage listed item on the NSW State Heritage Inventory. On 8 July 2016, the Department issued an Order to the Presbyterian Church (NSW) Property Trust not to demolish, or to cease demolishing the building and to comply with the development consent conditions which require its conservation and management.

The Presbyterian Church (NSW) Property Trust is currently complying with the Order, but has issued a challenge to the Order in the NSW Land and Environment Court. The Department has appointed an independent, suitable qualified engineer and conservation consultant to provide advice on conserving the building in a manner that is compatible with its significance.



Official Caution and Orders Issued to The Stables Resort Perisher

On 6 July 2016, the Department issued an Official Caution to The Stables Perisher Management Pty Ltd which operates The Stables ski lodge at Perisher, after investigations established that the company had commenced work to convert a basement storage area into staff accommodation without having obtained the required development consent for the works.

On 25 July 2015, further inspections of The Stables established that the basement, unit 28 and the managers unit were being occupied contrary to the conditions of development consent. The Department subsequently issued two Orders to address these issues:

1. The first Order required The Stables to immediately cease use of the basement staff accommodation area and a manager's flat for accommodation until such time as an Occupation Certificate is issued for these areas; and
2. The second Order, which was served jointly on The Stables and the owner of unit 28, requires occupation of unit 28 to cease immediately until such time as a Building Certificate is issued.

The proponent is currently seeking the appropriate approvals. The Department will continue to monitor compliance with the Orders.

Official Caution and Undertaking issued to Hunter Quarries Pty Ltd

On 4 July 2016, the Department issued an Official Caution to Hunter Quarries Pty Ltd, proponent of the Karuah Quarry, for a breach of condition of its project approval. The Department's investigation concluded that Hunter Quarries had failed to implement the approved Flora and Fauna Management Plan by not adequately controlling noxious weeds at the Karuah Quarry.

On 5 July 2016, Hunter Quarries Pty Ltd gave a written undertaking to the Department that it would carry out the quarterly weed management works, and provide quarterly reports to the Department. The Department will continue to monitor the site to ensure compliance with the undertaking and conditions of approval.

Official Caution issued to NSW Roads and Maritime Services

On 6 July 2016, NSW Roads and Maritime Services (RMS) were issued an Official Caution for the NorthConnex project for commencing construction in the vicinity of flood prone land prior to the submission of a Flood Mitigation Strategy to the Department and the relevant Council as required by the conditions of approval.

Additionally, RMS failed to notify the Department and relevant public authorities of the incident within 24 hours of becoming aware of the incident as required by the conditions of approval.

The alleged breach has not resulted in risks to public safety, damage to property or had a significant impact on the environment or public. NorthConnex have since submitted the Flood Mitigation Strategy to public authorities as required. The Department is continuing to work with RMS on the early identification of risks and developing appropriate responses to ensure compliance.

Sydney metropolitan region site visits

