



Planning &
Environment

Compliance Report

October 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 October 2016:

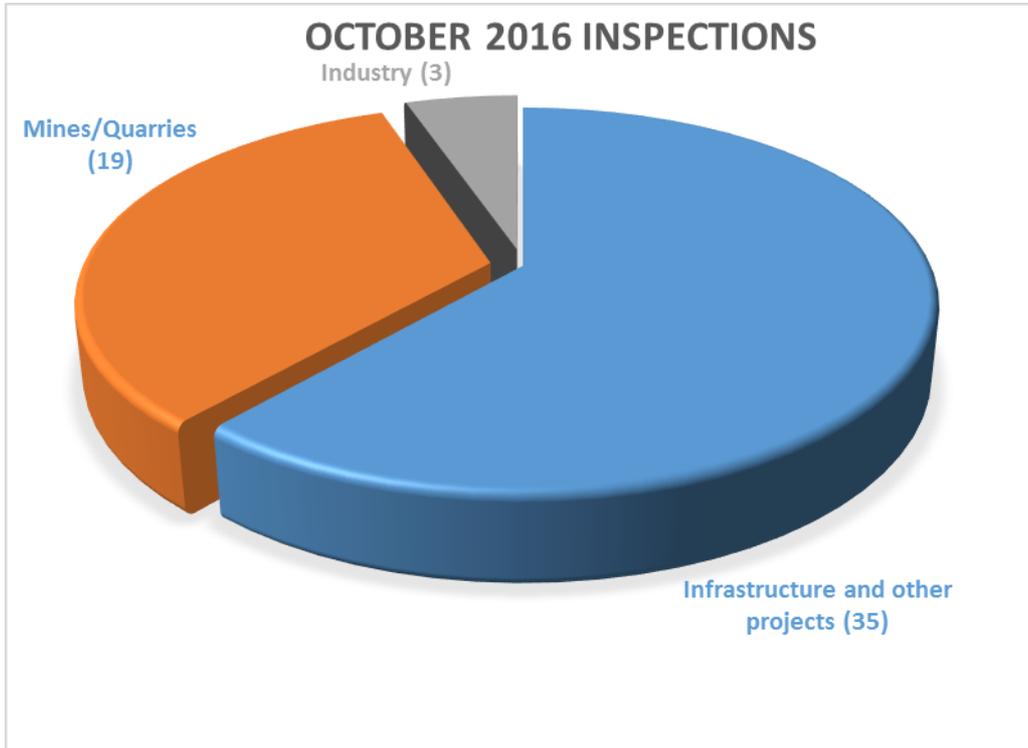
COMPLIANCE MONITORING ACTIVITIES	October 2016	2016/2017 Total
Inspections and surveillance carried out	57	317
New investigations commenced this month	19	105
Review of compliance documentation	25	132
Subtotal compliance monitoring	101	554

ENFORCEMENT ACTIVITIES	October 2016	2016/2017 Total
Official Cautions issued	8	25
Orders imposed	0	8
Penalty notices and fines imposed	10	30
Prosecutions	0	1
Subtotal enforcement	18	64



Monitoring

The Department's Compliance Team conducted 57 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Infrastructure and other projects

- Barangaroo (City of Sydney LGA)
- Broken Hill Solar Photovoltaic Power project (Broken Hill City LGA)
- Fairfax Media Site (Bankstown City LGA)
- Huntlee Residential Development *2 (Cessnock LGA)
- Koolewong Marina (Central Coast LGA)
- M5 Belmore Road Overpass (Canterbury City LGA)
- NorthConnex M1-M2 (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA) *2
- Northern Beaches Hospital (Northern Beaches LGA)
- Royal Rehabilitation Centre Sydney (City of Ryde LGA)
- Scottish Hospital (Woollahra LGA) *2
- The Australian Technology Park (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) * 19
- Windsor Bridge Replacement Project (Hawkesbury City LGA)
- 86-96 & 100 Munt Street North Sydney (North Sydney LGA)

Mines/Quarries

- Atlas-Campaspe Mine (Balranald LGA)
- Balranald Mineral Sands Mine (Balranald LGA)
- Boral Cement Works (Wingecarribee LGA)
- Calga Quarry (Central Coast LGA)
- Cooma Road Quarry (Queanbeyan LGA)
- Dunmore Quarry (Shellharbour City LGA)
- Green Valley Sand Quarry (Wingecarribee LGA)
- Hanson Central Coast Quarry (Central Coast LGA)



- Hillgrove Mine (Armidale Regional LGA)
- Karuah Quarry (Mid-Coast LGA) *2
- Mount Thorley – Warkworth Mining Complex (Singleton LGA)
- New Berrima Quarry (Wingecarribee LGA)
- Charbon Mine (Mid-Western Regional LGA)
- Springvale Mine (Lithgow LGA) * 2
- RASP Mine (Broken Hill City LGA)
- Russell Vale Colliery (Wollongong LGA)
- Werris Creek Mine (Liverpool Plains LGA)

Industry

- Allied Mills (Wollondilly Shire LGA)
- Mainfreight Distribution Centre (Liverpool LGA)
- Prestons Industrial Estate (Liverpool 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 Charbon Coal Pty Limited

On 11 October 2016, the Department issued a \$3000 Penalty Notice to Charbon Coal Pty Ltd for failing to undertake groundwater monitoring in accordance with the Water Management Plan. The non-compliance was identified in the 2015 Independent Environmental Audit. Groundwater monitoring is now being undertaken on the site.

Two Penalty Notices issued to Veolia Environmental Services (Australia) Pty Ltd (Woodlawn Waste Facility)

On 14 October 2016, the Department issued two \$15,000 Penalty Notices to Veolia Environmental Services (Australia) Pty Ltd (Veolia) for failing to comply with conditions of approval. The Department's investigation found that Veolia:

- i. Failed to prevent leaking from waste shipping containers at the Crisps Creek Intermodal facility. To remedy the breach, the Department sought a voluntary undertaking from Veolia to replace deteriorated rubber seals on affected shipping containers; and
- ii. Failed to maintain a wheel wash facility resulting in trucks exiting the site transporting mud and dirt off-site onto public roads. The wheel wash facility was repaired following the site inspection.

The Department will continue to monitor both sites to ensure compliance with conditions.

Penalty Notice and two Official Cautions to Veolia Environmental Services (Australia) Pty Ltd (Clyde Waste Transfer Terminal)

On 14 October 2016, the Department issued a \$3,000 Penalty Notice to Veolia Environmental Services (Australia) Pty Ltd (Veolia) for exceeding the permitted annual waste limit at Clyde Waste Transfer Terminal. The Department became aware of the breach through a review of Veolia's Annual Environmental Management Report for 2015.

In addition to the Penalty Notice, two Official Cautions were issued to Veolia for failing to comply with the conditions of approval. The Department's investigation found that Veolia:

- i. Failed to prevent trucks turning right from Parramatta Road into the facility; and
- ii. Failed to maintain a Community Consultative Committee.

No significant environmental harm or impact occurred as a result of these non-compliances.

Penalty Notice issued to Ramtech Pty Ltd (Dunloe Sand Quarry)

On 24 October 2016, the Department issued a \$15,000 Penalty Notice to Ramtech Pty Ltd (Dunloe Sand Quarry operator up to 31 July 2016) for failing to place quarry fines material (clays, silts and other quarry waste products) at the required depth (to prevent oxidation) within the discharge ponds. The Department identified the breach following a review of the Dunloe Sand Quarry Independent Environmental Audit. During the Department's investigation, the new site operator, Holcim Australia Pty Ltd, demonstrated to the Department that the previous operators practice was in the process of being rectified and is expected to be completed by end December 2016. The Department will continue to monitor the site to ensure the rectification works are completed.



Penalty Notice and two Official Caution issued to Holcim (Australia) Pty Ltd (Cooma Road Quarry, Queanbeyan)

On 26 October 2016, the Department issued a \$15,000 Penalty Notice to Holcim (Australia) Pty Ltd for failing to undertake quarterly attended noise monitoring at the Cooma Road Quarry. A compliance audit by the Department on 6 July 2016 revealed that the company had failed to undertake quarterly attended noise monitoring as required under the noise management plan in the two years prior to the audit. The company commenced attended noise monitoring in June 2016.

In addition to the Penalty Notice, two Official Cautions were also issued to the company for failing to comply with the conditions of approval. The Department's investigation found that Holcim:

- i. Failed to install air monitoring equipment required under the air quality management plan; and
- ii. Failed to submit its annual reviews for 2014 and 2015 within the time required under the approval.

The proponent has submitted the annual reviews and has installed the required air monitoring equipment.

Penalty Notice issued to CEAL Ltd (Ardmore Park Quarry, Bungonia)

On 26 October 2016, the Department issued a \$15,000 Penalty Notice to CEAL Ltd (trading as Multiquip Quarries) for failing to comply with truck movement limits from the Ardmore Park Quarry. Following community complaints, the Department's investigation established that CEAL Ltd exceeded truck movement limits in August and September 2016. The Department will continue to monitor truck movements and haulage records to ensure compliance with the project approval.

Penalty Notice issued to Alkane Resources Pty Ltd (Tomingley Gold Mine, Peak Hill)

On 26 October 2016, the Department issued a \$3,000 Penalty Notice to Alkane Resources Pty Ltd, the operator of the Tomingley Gold Mine, for noise exceedances. The Department's review of the 2015 Annual Environmental Management Report revealed that the mine had breached noise limits on several occasions in 2014 and 2015. Alkane Resources Pty Ltd has since undertaken a range of on-site and off-site noise mitigation measures. The project approval has been modified and more frequent (monthly) attended noise monitoring is now required. The Department will continue to review monitoring records to ensure compliance with current noise criteria.

Penalty Notice issued to Dongwha Timbers Pty Ltd (Dongwha Sawmill, Bombala)

On 26 October 2016, the Department issued a \$15,000 Penalty Notice to Dongwha Timbers Pty Ltd for failing to prevent mud and dirt from being tracked onto public roads. The Department's investigation followed complaints from Snowy Monaro Regional Council. The Department's investigation established that an exit road from the site was unsealed resulting in mud and dirt being tracked onto a public road. The Department will require the company to seal the road to prevent a reoccurrence.

Penalty Notice issued to Fraser Drive Investments No 2 Pty Ltd (Fraser Drive Development – Stages 8-15)

On 28 October 2016, the Department issued a \$15,000 Penalty Notice to Fraser Drive Investments No 2 Pty Ltd for failing to obtain a construction certificate prior to commencing subdivision works. The Department became aware of the breach during an inspection of the site on 6 September 2016 following receipt of a complaint from the community about dust and clearing at the



development. The Department's investigation revealed that clearing had commenced on site prior to the issue of a construction certificate. As such, associated environmental management plans which generally identify potential impacts and mitigations measures had also not been developed. Fraser Drive Investments No 2 Pty Ltd is required to obtain a construction certificate, which includes the development of relevant environmental management plans, prior to proceeding with any further works.

Two Official Cautions issued to Pace Farm Pty Ltd (Wattle Ridge Layer Complex)

On 18 October 2016, the Department issued an Official Caution to Pace Farm Pty Ltd for failing to undertake an Independent Environmental Audit as required by the conditions of approval. An Independent Environmental Audit has now been received.

The Department issued a second Official Caution to Pace Farm Pty Ltd for failing to adequately maintain the irrigation system. The Department inspected the site on 10 February 2016 and identified that as a result of damage, waste water was being inconsistently applied across the irrigation area. The company has now fixed the damage and the Department has requested that a maintenance program for the irrigation system be included in a revised Water Management Plan.

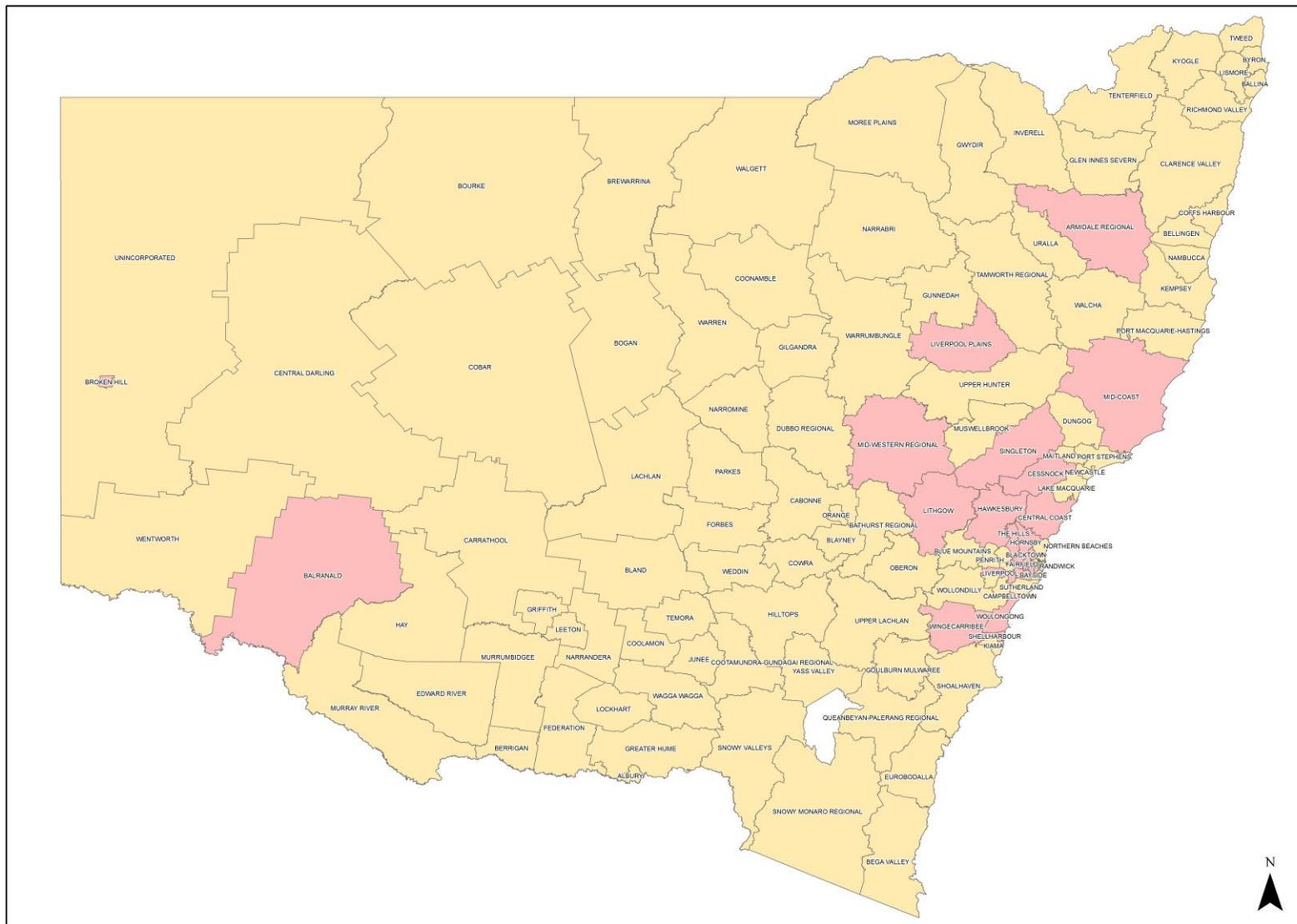
Official Caution issued to South Ballina Group (South Ballina Sand Quarry)

On 28 October 2016, the Department issued an Official Caution to the South Ballina Group for undertaking 0.12 hectares of vegetation (non ecologically endangered or significant vegetation community) clearing outside the defined project approval boundary. The Department became aware of the breach when reviewing recent aerial photography taken for the region and comparing it to the approval boundary. South Ballina Group did not undertake any extraction of the cleared area and expressed remorse for the survey oversight during the Department's investigations. South Ballina Group have since committed to undertaking vegetation monitoring of the area to monitor revegetation and regrowth. The Department will review the vegetation monitoring undertaken to ensure ecological values are restored in a timely manner.

Official Caution issued to BlueScope Steel (AIS) Pty Ltd

On 31 October 2016, the Department issued an Official Caution to BlueScope Steel (AIS) Pty Ltd for failing to submit Annual Reviews and Independent Environmental Audit as required by the conditions of approval. BlueScope Steel has instigated processes to submit the Annual review and undertake the Independent Environmental Audit.

Location of NSW site visits



Sydney metropolitan region site visits

