



Planning &
Environment

Compliance Report

November 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 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 November 2016:

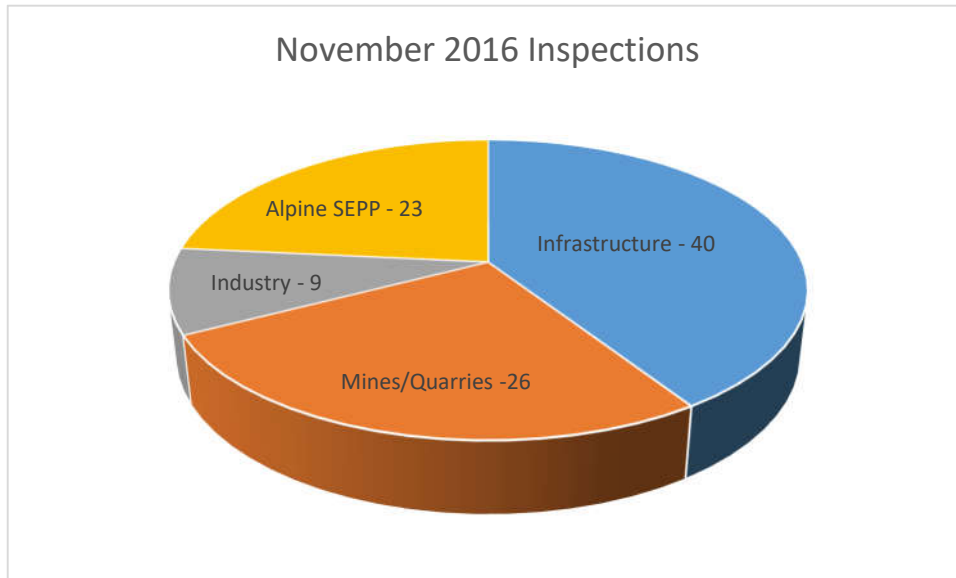
COMPLIANCE MONITORING ACTIVITIES	November 2016	2016/2017 Total
Inspections and surveillance carried out	98	415
New investigations commenced this month	19	124
Review of compliance documentation	23	155
Subtotal compliance monitoring	140	694

ENFORCEMENT ACTIVITIES	November 2016	2016/2017 Total
Official cautions issued	3	29
Orders imposed	1	9
Penalty notices	6	36
Prosecutions	0	1
Subtotal enforcement	10	75



Monitoring

The Department's Compliance Team conducted 98 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Infrastructure and other projects

- Gwandalan; Kanangra Drive, Gwandalan (Central Coast LGA)
- Gwandalan Residential Development (Southern Estates) (Central Coast LGA)
- Illawarra International Health Precinct (Wollongong City LGA) * 3
- Koolewong Marina (Central Coast LGA)
- Memorial Avenue Ettalong Beach (Central Coast LGA)
- NorthConnex M1-M2 (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA) *2
- Sanctuary Point Subdivision (Shoalhaven City LGA)
- Scottish Hospital (Woollahra LGA) *4
- Shoalhaven Starches Plant (Shoalhaven City LGA)
- Sydney CBD and South East Light Rail Project(Inner West LGA, Randwick City LGA)
- Tweed Coast and Hastings Road, Cabarita Mixed Use Commercial Development (Tweed City LGA) *3

- WestConnex (Inner West LGA; Cumberland LGA; Municipality of Strathfield LGA, Bayside LGA, Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA) * 19
- Maxam (Maitland LGA, Council DA04-3319)

Alpine SEPP (Snowy Monaro Regional LGA)

- Berghuttie Lodge Thredbo
- Charlotte Pass Ski Slopes Charlotte Pass
- Cootapatamba Lodge
- Eira Lodge Thredbo
- Feathers LodgeThredbo
- Granite Peaks Lodge 2 Thredbo
- Granite Peaks Lodge 5 Thredbo
- Granite Peaks Lodge 6 Thredbo
- Gumuna Lodge Smiggins
- High Noon Lodge Thredbo
- House of Ullr Thredbo
- Ironmongie Lodge Thredbo
- Karas Apartments Thredbo
- Lantern Apartments Unit 15, Thredbo

- Mosswood Apartments, Thredbo
- Redgum Lodge Thredbo
- Ridge creek Apartments Thredbo
- Smugglers Lodge Smiggin Holes
- Squatters Run Apartments Thredbo
- Steamboat Apartments Thredbo
- The River Inn Thredbo
- The Stables Perisher Valley
- 14 Mountain Drive Lodge Thredbo

Mines/Quarries

- Ardmore Park Quarry (Goulburn-Mulwaree LGA)
- Bengalla Coal Mine (Muswellbrook LGA)
- Bolsters Quarry (Tweed City LGA)
- Boral Windblown Sand Extraction (Port Stephens LGA)
- Cadia Gold/Copper Mine (Blayney LGA; Cabonne LGA)
- Champions Quarry (Lismore City LGA)
- Coraki Quarry (Clarence Valley LGA)
- Duralie Coal Mine (Great Lakes LGA)
- East Guyong Quarry (Cabonne LGA)
- Gunlake Quarry (Goulburn-Mulwaree LGA) * 2
- Hunter Valley Operations Complex (Singleton LGA) *2
- Liddell Mine (Muswellbrook LGA ; Singleton LGA)
- Mt Arthur Mining Complex (Muswellbrook LGA)
- Narrabri Gas Exploration (Narrabri Shire LGA)*2
- Narrabri Coal Seam Gas Utilisation Project (Wilga Park Power Station) (Narrabri LGA)
- Narrabri Mine (Narrabri LGA)

- Nowra Brickworks Quarry (Shoalhaven City LGA)
- Salt Ash Quarry (Port Stephens LGA)
- Sly's Quarry (Clarence Valley LGA)
- Stratford Mine Complex (Mid-Coast LGA)
- Teven Quarry (Ballina LGA)
- Ulan Coal Mine (Mid-Western Regional LGA)
- Wambo Mine (Singleton LGA)
- Wallerawang Quarry (City of Lithgow LGA)

Industry

- Allied Mills Flour & Maize Mill (Wollondilly LGA)
- Camden Gas Field (Camden LGA; Campbelltown LGA; Wollondilly LGA)
- Dongwha Timbers (Snowy Monaro Regional LGA)
- Former Pasmaenco Site Remediation; Pasmaenco Cockle Creek Smelter(Lake Macquarie City LGA)
- Orchard Hills Waste Project (Penrith City LGA)
- Tweed Boral Concrete Batching Plant (Tweed City LGA)
- Widemere Resource Recovery Facility (Fairfield City LGA)
- Elf Farm Mushroom & Substrate Plant, Mulgrave (Penrith City LGA)
- Midal Cables - Tomago Cable Manufacturing Facility (Port Stephens 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

2 x Penalty Notices and Order issued to Wollongong Coal Limited

On 31 October 2016, the Department issued a \$3000 Penalty Notice to Wollongong Coal Limited (Wollongong Coal) for failing to remove material from site in accordance with the conditions of approval. Material extracted under the approval has been stored on the emplacement area, which was not authorised and was not in accordance with commitments under the environmental assessment. The Department is currently in discussions with Wollongong Coal and the Wollongong City Council to address this non-compliance.

On 31 October 2016, the Department issued a second \$3000 Penalty Notice to Wollongong Coal for failing to undertake works in accordance with the conditions of approval. Wollongong Coal had failed to replace the underground pipe section of Bellambi Gully Creek with a suitably designed and engineered open channel constructed on the southern side of the coal stockpile area. The required channel will improve water quality and better manage stormwater flows across the site, reducing the likelihood of runoff from coal storage areas leaving site in the event that the capacity of the current drainage system is reached. An Order has been issued to Wollongong Coal to undertake these works and comply with the relevant condition of approval.

Penalty Notice issued to White Bay 6 Pty Ltd

On 10 November 2016, the Department issued a \$15,000 Penalty Notice to White Bay 6 Pty Ltd (White Bay 6) for failing to comply with conditions of the approval for the Baileys Marine Refuelling & Supply Facility, White Bay. The Department became aware of the breach during an inspection of the site on 19 September 2016. The Department's investigation revealed that White Bay 6 constructed a building not in accordance with the site plans for approved structures.

White Bay 6 cooperated fully with the Departments investigation and no significant environmental harm occurred from the breach. The Department will continue to monitor the development to ensure compliance with the conditions of approval.

Penalty Notice issued to Goodman Property Services (Aust) Pty Limited

On 14 November 2016, the Department issued a \$15,000 Penalty Notice to Goodman Property Services (Aust) Pty Limited (Goodman) for failing to obtain approval of the Construction Environmental Management Plan (CEMP) for the Oakdale Central Distribution Centre, in the Fairfield City LGA. The penalty notice followed a site inspection by the Department on 23 September 2016, which confirmed that works had commenced on site prior to the approval of the CEMP as required by the conditions of approval.

Goodman immediately ceased all construction works on the site and cooperated fully with the Departments investigation. On 31 October 2016, the Department approved a CEMP for the project, allowing Goodman to continue construction works. The building works already complete were also certified with a building certificate from Fairfield City Council.

Penalty Notice issued to Prime Constructions Pty Limited

On 22 November 2016, the Department issued a \$15,000 Penalty Notice to Prime Constructions Pty Limited (Prime Constructions) for commencing construction of a building at the Oakdale Central Distribution Centre, in the Fairfield LGA, before a construction certificate was obtained. In addition to failing to obtain a construction certificate prior to works commencing, as per the requirements of the approval, the Department's investigation revealed that associated environmental management plans had not been developed prior to commencing the works.



On 2 November 2016, Prime Constructions obtained a construction certificate, including the approval of relevant environmental management plans, allowing them to proceed with further works.

Penalty Notice issued to Charbon Coal Pty Limited

On 29 November 2016, the Department issued a \$15,000 Penalty Notice to Charbon Coal Pty Limited for failing to comply with their approved Water Management Plan. A joint inspection with the Environment Protection Authority (EPA) identified a number of issues on site, these included;

- i. an unauthorised diversion channel had been constructed allowing water to flow to a neighbouring dam and bypass the licenced discharge point; and
- ii. erosion and sediment controls were not being operated and maintained effectively.

The proponent has since conducted works on the diversion channel to ensure flows are directed to the licenced discharge point. The EPA has issued a Pollution Reduction Program (PRP) that identified a range of actions required to address the erosion and sediment control issues. The proponent is currently addressing the PRP required actions.

Official Cautions issued to Hanson Construction Materials Pty Ltd and Dial-A-Dump (EC) Pty Ltd

On 11 November 2016, the Department issued an Official Caution to Hanson Construction Materials Pty Ltd (Hanson) and to Dial-A-Dump (EC) Pty Ltd (Dial-A-Dump) as proponents of the Eastern Creek Employment Area, in Blacktown LGA. The conditions of approval required that both companies jointly design and construct a Precinct Plan Road within the Eastern Creek Employment Area, and make monetary contributions to Blacktown City Council for the "Quarry Link Road".

The Department's investigation revealed that the required road had not been constructed and monetary contributions had not been paid to Blacktown Council. The Department has issued a notice of intention to issue an Order to both companies to remedy the breach.

Official Caution issued to Moree Solar Farm Pty Ltd (Moree Solar Farm)

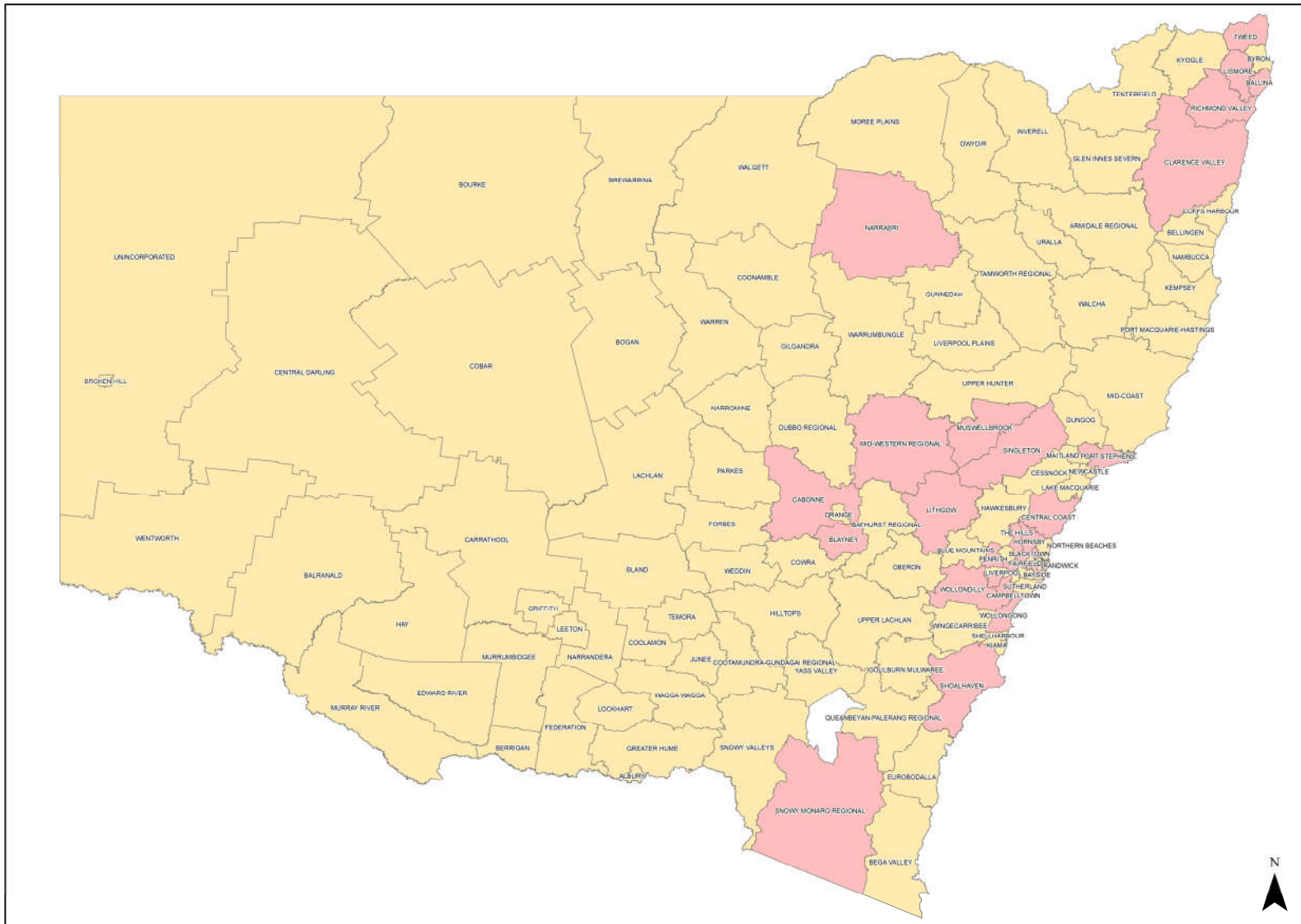
On 22 November 2016, the Department issued an Official Caution to Moree Solar Farm Pty Ltd (MSF) for failing to obtain construction and occupation certificates for all buildings or structures of the Moree Solar Farm. MSF self-reported the breach to the Department and no significant environmental harm or impact occurred as a result of the non-compliance. MSF have since engaged an accredited certifier to undertake a 'gap analysis' for the structures that were not issued a construction/occupation.

The certifiers report concluded that all buildings and structures were suitable for occupation in accordance with their classifications and meet requirements for the issue of a construction/occupation certificates. MSF have since received a modification approval to remove the requirement for construction/occupation certificates.

Official Caution issued to Doltone House Wharf Pty Ltd (Jones Bay Wharf, 26-28 Pirrama Road, DA 52-03-05, City of Sydney LGA)

On 17 November 2016, the Department issued an Official Caution to Doltone House Wharf Pty Ltd (Doltone House), located at Pyrmont. The Official Caution was issued for failing to ensure an approved Noise Management Plan was prepared, submitted for approval and implemented for the operation of the venue. Doltone House have since submitted a Noise Management Plan for approval. The Department will continue to monitor approval requirements including the Noise Management Plan once approved.

Location of NSW site visits



Sydney metropolitan region site visits

