



Planning &  
Environment

# Compliance Report

December 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 December 2016:

COMPLIANCE MONITORING ACTIVITIES	December 2016	2016/2017 Total
Inspections and surveillance carried out	64	479
New investigations commenced this month	15	139
Review of compliance documentation	26	181
Subtotal compliance monitoring	<b>105</b>	<b>799</b>

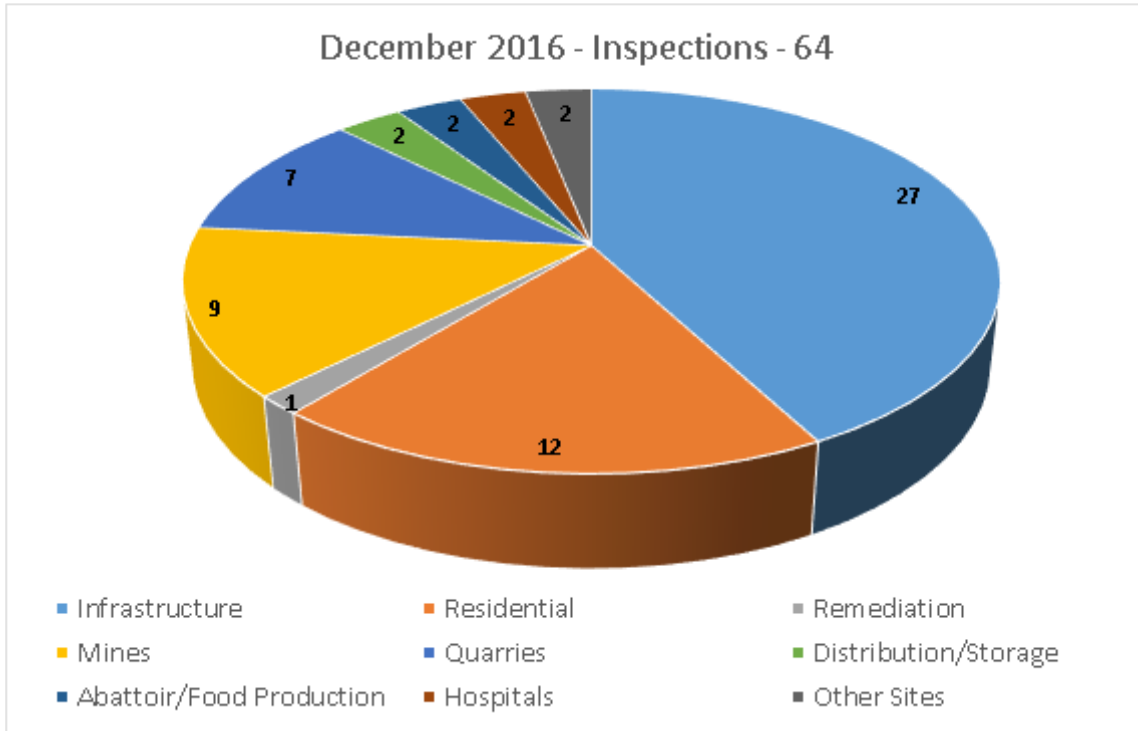
  

ENFORCEMENT ACTIVITIES	December 2016	2016/2017 Total
Official cautions issued	5	34
Orders imposed	1	10
Penalty notices	5	41
Prosecutions	0	1
Subtotal enforcement	<b>11</b>	<b>86</b>



## Monitoring

The Department's Compliance Team conducted 64 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



### Infrastructure

- North West Rail Link; Multiple locations (Blacktown City LGA; Parramatta City LGA; The Council of the Shire of Hornsby ; The Hills Shire Council)
- NorthConnex M1-M2 (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA)
- Orange Drought Relief Connection (Bathurst Regional LGA; Cabonne LGA; Orange City LGA)
- Young to Bethungra Looping Pipeline (Cootamundra LGA)
- WestConnex (Inner West LGA; Cumberland LGA; Municipality of Strathfield LGA, Bayside LGA, Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA) \* 21
- Sydney CBD and South East Light Rail Project( Inner West LGA, Randwick City LGA)
- Wagga Wagga Water Treatment Plant (Wagga Wagga LGA)

### Residential

- Catherine Hill Bay (Lake Macquarie City LGA)
- Gwandalan Residential Development (Southern Estates) (Central Coast LGA)
- Gwandalan; Kanangra Drive, Gwandalan (Central Coast LGA)
- Huntlee (Cessnock City LGA)
- Pearl Subdivision (Nambucca LGA)
- Residential Development 1-9 Allengrove Crescent, 116a-122b Epping Road, 259-263 Lane Cove Road, North Ryde (Council of the City of Ryde)
- Residential Development 5 Whiteside Street & 14-16 David Avenue, North Ryde (Council of the City of Ryde)
- Residential Development 14-18 Boondah Road, Warriewood (Pittwater LGA)
- Residential Development 150 Epping Road, Lane Cove West; 150, Epping Road, Lane Cove West (Lane Cove Municipal LGA)
- Scottish Hospital (Woollahra Municipal LGA)



- Seaside Boulevard, Fern Bay (Port Stephens LGA)
- Seniors Housing Project Toukley (Central Coast LGA)

### Remediation Sites

- Wagga Wagga Gas Remediation (Wagga Wagga LGA)

### Mines

- Cadia Gold/Copper Mine (Blayney Shire LGA; Cabonne LGA)
- Drayton Mine (Muswellbrook Shire LGA)
- Mt Arthur Mining Complex (Muswellbrook Shire LGA)
- Mt Thorley-Warkworth Mining Complex (Singleton LGA)
- Northparkes Mine (Parkes LGA)
- Stratford Mine Complex (Mid-Coast LGA)
- Tomingley Gold Operations (Narromine LGA)
- Tritton Copper Mine (Bogan Shire LGA)
- Werris Creek Mine (Liverpool Plains Shire LGA)

### Distribution/Storage

- Altis Warehouse and Logistics Hub, 585-649 Mamre Road Orchard Hills (Penrith City LGA)
- Crawfords Freightliners (Newcastle City LGA)

### Abattoir/Food Production

- Elf Mushroom Farm and Substrate Plant, 521 The Northern Road, Londonderry and 108 Mulgrave Road, Mulgrave (Penrith City LGA)
- Euroley Poultry Production Complex (Narrandera LGA)

### Quarries

- Ardglan Quarry (Liverpool Plains Shire LGA)
- Boral Windblown Sand Extraction (Port Stephens LGA)
- Fullerton Cove Sand Quarry (Port Stephens LGA)
- Gunlake Quarry (Goulburn Mulwaree LGA)
- Luddenham Clay and Shale Quarry (Liverpool City LGA)
- Northconnex, Hornsby; Hornsby Quarry, Hornsby (Hornsby LGA)
- Tanilba North Quarry (Port Stephens LGA)

### Hospitals/Health Facilities

- Illawarra International Health Precinct (Wollongong City LGA)
- Northern Beaches Hospital (Northern Beaches LGA)

### Other Sites

- Non DPE Site (Maxam 72 Gardiner Street Rutherford) (Maitland LGA) – Investigation of complaint
- Koolewong Marina (Central Coast LGA)

### Distribution/Storage

- Altis Warehouse and Logistics Hub, 585-649 Mamre Road Orchard Hills (Penrith City LGA)
- Crawfords Freightliners (Newcastle City 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 House of Ullr Thredbo Village

On 15 December 2016, the Department issued a \$3000 Penalty Notice to the House of Ullr, a commercial residential lodge at Thredbo Village, Kosciusko National Park, for failing to comply with the terms of a Fire Safety Order in a timely manner. The order was issued by the Department in June 2015, requiring compliance with a range of fire safety measures and certifications by April 2016. When this deadline was not met, compliance officers initiated an investigation. The measures were subsequently installed and the necessary certifications provided to the Department.

### Penalty Notice issued to Holcim (Australia) Pty Ltd (Teven Quarry)

On 15 December 2016, the Department issued a \$15,000 Penalty Notice to Holcim (Australia) Pty Ltd for failing to undertake quarterly attended noise monitoring at Teven Quarry. The Department identified the breach following a review of the Teven Quarry Independent Environmental Audit and commenced an investigation. The investigation revealed that quarterly attended noise monitoring had not been undertaken for approximately six quarters (from 15 July 2015 – end November 2016). The company have since committed to undertaking quarterly attended noise monitoring.

### Penalty Notice issued to the Sydney Opera House Trust (Sydney Opera House)

On 19 December 2016, the Department issued a \$15,000 Penalty Notice to the Sydney Opera House Trust for failing to comply with conditions of approval for outdoor concerts. The Department's investigation revealed that on 15 November 2015, the approved noise limits were exceeded both during rehearsals and the outdoor concert. The Opera House has since upgraded its noise management systems for outdoor concerts. The Department is continuing to monitor outdoor events to ensure compliance with the conditions of approval.

### Penalty Notice issued to Sitegoal Pty Ltd (Wallerawang Quarry)

On 22 December 2016, the Department issued a \$15,000 Penalty Notice to Sitegoal Pty Ltd for the clearing of a small area of vegetation outside of the areas identified for clearing in the consent and the Environmental Impact Statement. The Department is in discussions with the company to identify appropriate options to address the non-compliance.

### Penalty Notice issued to Hisway Pty Ltd (Highview Drive, Dolphin Point)

On 15 December 2016, the Department issued a \$15,000 Penalty Notice to Hisway Pty Ltd for not effectively implementing and maintaining erosion and sediment control structures at their Highview Drive, Dolphin Point subdivision in the Shoalhaven Local Government Area. The company has since undertaken actions to improve erosion and sediment controls and to remove sediment from the adjacent undisturbed vegetation.

### Official Caution issued to Cleary Bros (Bombo) Pty Ltd (Illawarra International Health Precinct)

On 5 December 2016, the Department issued an Official Caution to Cleary Bros (Bombo) Pty Ltd (Cleary Bros) for failing to minimise dust emissions from rock loading operations at the Illawarra International Health Precinct project site on 8 November 2016. Cleary Bros have since implemented additional measures to minimise dust generation. The Department inspected the site on 18 and 22 November 2016, with dust emissions observed to be managed in accordance with the conditions of approval.

### Official Caution issued to Allen Price and Scarratts Pty Ltd (Highview Drive, Dolphin Point)

On 15 December 2016, the Department issued an Official Caution to Allen Price and Scarratts Pty Ltd for failing to develop and submit documentation for the Highview Drive, Dolphin Point subdivision as required by the conditions of approval. Allen Price and Scarratts had responsibility for the engineering design of the erosion and sediment control structures at Dolphin Point subdivision and had a project management role for the site.



### 3 x Official Cautions issued to Hy-Tech Industries Pty Ltd (Tinda Creek Sand Project, Hawkesbury)

On 22 December 2016, the Department issued three Official Cautions to Hy-Tech Industries Pty Ltd (Hy-Tech) as the proponent of the Tinda Creek Sand Quarry in the Hawkesbury region for failing to:

- I. Submit the 2015 Annual Review within the timeframe requested by the Department. Hy-Tech has since submitted the 2015 Annual Review;
- II. Submit revised Management Plans and Strategy within the timeframe requested by the Department. Hy-Tech has since submitted the revised Management Plans and Strategies for the project. The Department is currently reviewing the documents; and
- III. Commission and pay the full cost of an Independent Environmental Audit for the project by 10 April 2016. Hy-Tec has since commissioned an independent auditor whose appointment has been endorsed by the Department.

### Order issued to Wollongong Coal Limited

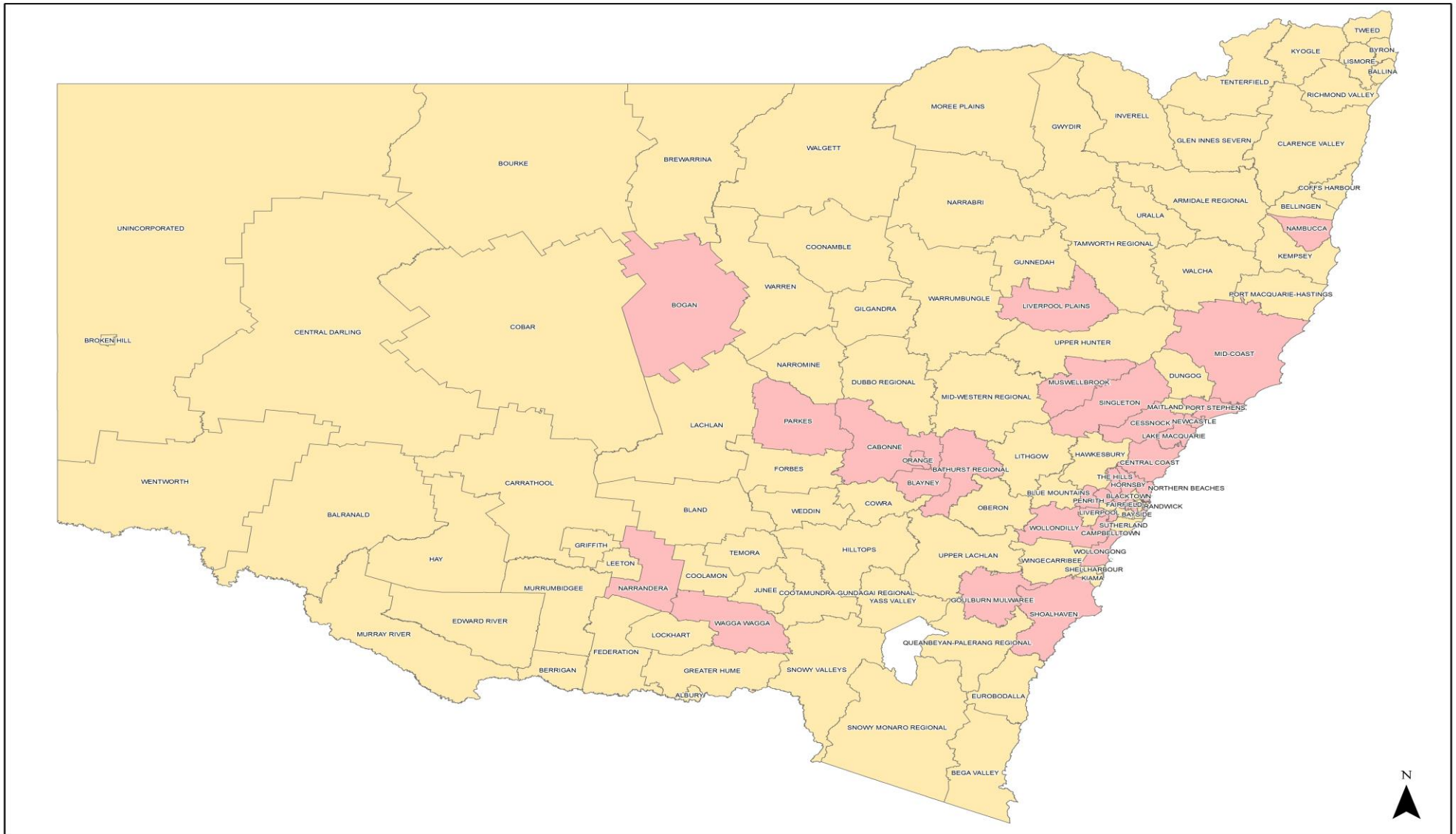
On 16 December 2016, the Department issued an Order to Wollongong Coal Limited to remedy the non-compliance associated with the earlier penalty notice issued in October 2016. The penalty notice in October 2016 was for the company failing to replace the underground pipe section of Bellambi Gully Creek with a suitably designed and engineered open channel constructed on the southern side of the coal stockpile area in accordance with the approval. The Order was issued to address flooding risks, improve water quality and better manage stormwater flows across the site.

### Land and Environment Court conciliation conference agreement - Scottish Hospital Seniors Living Development, Paddington

On 8 July 2016, the Department issued an Order to the Presbyterian Church (New South Wales) Property Trust, as owners of the Scottish Hospital in Paddington (a state heritage listed building), to cease demolition works and conserve the heritage values of the building. On 5 August 2016, the Presbyterian Church (New South Wales) Property Trust commenced proceedings against the Minister in the NSW Land and Environment Court, seeking a review of the Order.

On 7 December 2016, an agreement was reached in the NSW Land and Environment Court between the Minister and the Presbyterian Church (New South Wales) Property Trust to demolish and reconstruct a section of brickwork and existing footing of the building that had collapsed during excavation works. The agreed methodology of demolition and reconstruction has been designed to ensure that the heritage values of the building are conserved and to minimise any further damage.

Location of NSW site visits





Sydney metropolitan region site visits

