



Planning &  
Environment

# Compliance Report

February 2017





## 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 February 2017:

COMPLIANCE MONITORING ACTIVITIES	February 2017	2016/2017 Total
Inspections and surveillance carried out	103	655
New investigations commenced this month	25	189
Review of compliance documentation	20	222
Subtotal compliance monitoring	<b>148</b>	<b>1066</b>

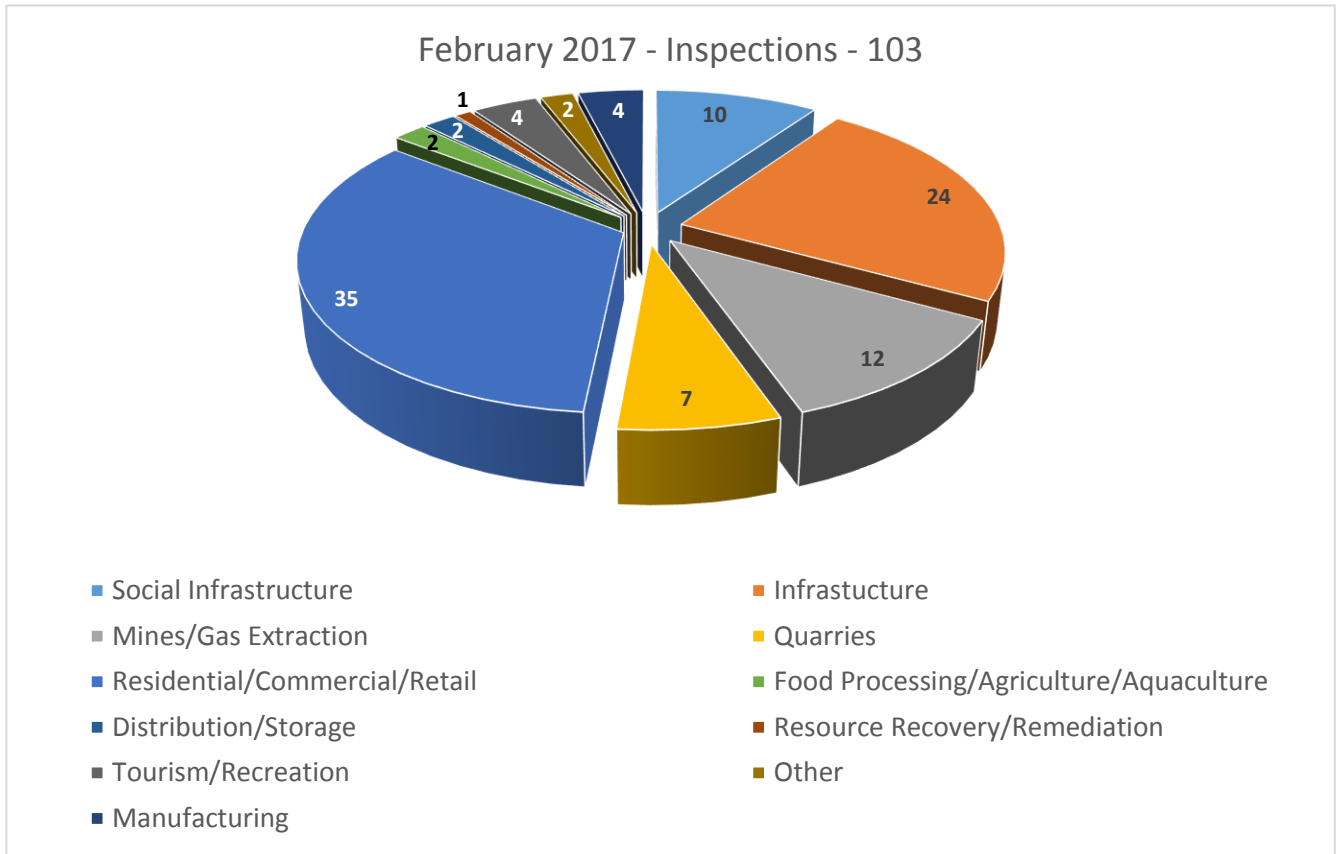
  

ENFORCEMENT ACTIVITIES	February 2017	2016/2017 Total
Official cautions issued	6	47
Orders imposed	0	12
Penalty notices	5	52
Prosecutions	0	2
Subtotal enforcement	<b>11</b>	<b>113</b>



## Monitoring

The Department's Compliance Team conducted 103 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



### Social Infrastructure

- Brookvale Community Health Centre (Northern Beaches LGA)
- Gosford Hospital (Central Coast LGA) \*4
- Northern Beaches Hospital, Frenchs Forest (Northern Beaches LGA) \*5

### Infrastructure

- North Connex (Hornsby Shire LGA, Ku-ring-gai LGA and The Hills Shire LGA) \*2
- Sydney CBD and South East Light Rail Project (Inner West LGA, Randwick LGA & 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) \*21

### Mines/Gas Extraction

- Boggabri Mine (Narrabri Shire LGA) \*2
- Cadia Gold/Copper Mine (Blayney Shire LGA)
- Dargues Mine (Queanbeyan Pelierang LGA)
- Lidsdale Siding (City of Lithgow LGA)
- Maules Creek Coal Mine (Narrabri Shire LGA) \*2
- Mount Pleasant Coal Mine (Muswellbrook Shire LGA)
- Rocglen Mine (Gunnedah LGA)
- Springvale Coal Services (City of Lithgow LGA)
- Tarrawonga Mine (Narrabri Shire LGA)
- Whitehaven Coal Handling & Preparation Plant (Gunnedah LGA)

### Quarries

- Ardmore Park Quarry (Goulburn Mulwaree LGA) \*2
- Cudgen Lakes Sand Project (Tweed City LGA)
- Karuah East Quarry (Great Lakes LGA)



- Karuah Quarry (Great Lakes LGA)
- Nowra Brickworks Quarry (Shoalhaven City LGA) \*2

### Residential, Commercial & Retail developments

- Berringer & Cunjurong Point Roads, Manyana (Shoalhaven City LGA)
- Cattle Bay, Eden Mixed tourist and residential development (Bega Valley Shire LGA)
- Dolphin Point; Princes Highway (Shoalhaven City LGA)
- DPI Land at Bloomfield (Orange City Council)
- Highview Drive, Dolphin Point (Shoalhaven City LGA)
- Jamieson Rd, North Nowra (Shoalhaven City LGA)
- Kings Forest, Kingscliff (Tweed City LGA)
- Lincoln Downs Master Plan Batemans Bay (Eurobodalla Shire LGA)
- Manyana Drive, Manyana (Shoalhaven City LGA)
- 13 Millingandi Road, Millingandi (Bega Valley Shire LGA)
- Narrawallee - off Leo Drive Narellan
- North Ryde Station Precinct (Council of the City of Ryde)
- Owen St, Huskisson (Shoalhaven City LGA)
- Penrith Lakes Scheme (Penrith City LGA)
- Princes Highway Ulladulla (Shoalhaven City LGA)
- Sanctuary Point Subdivision (Shoalhaven City LGA)
- Site 67, Sydney Olympic Park, 100 Bennelong Parkway (City of Parramatta LGA)
- Tathra-Bermagui Road, Murrah subdivision (Bega Valley Shire LGA)
- Wallagoot Lane, Jellat Jellat (Bega Valley Shire LGA)
- Wentworth Avenue Sunshine Bay (Eurobodalla Shire LGA)
- West Ryde Station (Council of the City of Ryde)
- Woollamia & Willowford Rd's, Woollamia
- Wonboyn Lake, Narrabarba (Bega Valley Shire LGA)
- Vincentia Coastal Village, Vincentia (Shoalhaven City LGA)
- Vincentia Coastal Village & District Centre (Shoalhaven City LGA)
- The Branch Lane Karuah Subdivision (Great Lakes City LGA)
- Lot 101 13 Millingandi Road, Millingandi (Bega Valley Shire LGA)
- Lot 422 Ivor Jones Drive, Wonboyn (Bega Valley Shire LGA)
- 2-12 Avon Road & 3 -5A Pymble Avenue, Pymble (Ku-ring-gai LGA)
- 8-12 Bega Street Tathra Motel expansion (Bega Valley Shire LGA)
- 13 Millingandi Rd Millingandi (Bega Valley Shire LGA)
- 63-77 West Parade, West Ryde (Council of the City of Ryde)

- 74-76 Belmore Street, Ryde (Council of the City of Ryde)
- 76 & 84 Greenwell Point Road, Greenwell Point and Goodnight Island (Shoalhaven City LGA)
- 132-138 Killeaton Street, St Ives (Ku-ring-gai LGA)
- 3023 Princes Hwy, Millingandi (Bega Valley Shire LGA)

### Renewable Energy

- Nil

### Food Processing, Agriculture, Aquaculture

- Poultry Broiler Farm Branch Lane, Karuah (Great Lakes City LGA)
- Shoalhaven Starches Plant (Shoalhaven City LGA)

### State Significant Sites

- Nil

### Distribution/Storage

- Altis Bulky Retail Erskine Park (Penrith City LGA)
- Port Botany Expansion (Bayside LGA)

### Resource Recovery/remediation

- Penrith Glass Beneficiation Plant (Penrith City LGA)

### Tourism and Recreation

- Central Park Chippendale – Old Clare Hotel (Council of the City Of Sydney)
- Comberton Grange, South Nowra (Shoalhaven City LGA)
- Emirates Luxury Resort Wolgan Valley (City of Lithgow LGA)
- Kioloa Caravan Park (Shoalhaven City LGA)

### Manufacturing

- BlueScope Steel Port Kembla Steelworks (Wollongong City LGA)
- Regain Spent Potlinings Processing Facility Tomago (Port Stephens LGA)
- Tomago Aluminium Smelter (Port Stephens LGA)

### Other

- Nulon Products Yulong Close Moorebank (City of Liverpool LGA)
- Two Fold Bay (Bega Shire 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 and Official Caution issued to Altitude Lifestyle Pty Ltd (Altitude Aspire Residential Development)**

On 13 February 2017, the Department issued a \$15,000 Penalty Notice to Altitude Lifestyle Pty Ltd, a company within the Metricon Group, for failing to comply with conditions of approval (MP 09\_0166) in relation to dust management and mitigation at the Altitude Aspire Residential Development in Tweed Heads. Following community complaints, the Department's investigation revealed that the company had failed to take adequate measures (dampening surfaces during earthworks, spraying topsoil stockpiles with dust suppression and installing physical dust fences) to prevent dust from affecting the amenity of the neighbourhood during construction. The company has since implemented the required dust mitigation and management measures.

In addition, on 13 February 2017, the Department issued an Official Caution to Altitude Lifestyle Pty Ltd for failing to keep exposed bulk earthworks areas for the Altitude Aspire Residential Development below the 5 hectare limit contained in the approval. The company has rectified the breach and implemented appropriate systems to track progress against this limit to ensure no further exceedances occur.

The Department wishes to acknowledge the assistance provided by Tweed Shire Council during the course of this investigation.

### **Penalty Notice issued to J Hutchinson Pty Ltd (Fraser Drive Residential Development Stages 1-7)**

On 13 February 2017, the Department issued a \$15,000 Penalty Notice to J Hutchinson Pty Ltd, also known as Hutchinson Civil, for failing to comply with conditions of approval (MP06\_0243) in relation to dust management and mitigation at the Fraser Drive Residential Development in the Tweed Heads region. The Department conducted unannounced surveillance of the site on 24 and 25 January 2017, and found that Hutchinson Civil (as the civil contractor constructing Stages 1-7 of the development) had failed to take adequate measures (dampening surfaces during earthworks, spraying topsoil stockpiles with dust suppression and installing physical dust fences) to prevent dust from affecting the amenity of the neighbourhood during construction. The company has since implemented the required dust mitigation and management measures and the Department will continue to monitor the site.

### **Penalty Notice issued to Sonrac Services Pty Ltd (Old Clare Hotel Central Park Project)**

On 14 February 2017, the Department issued a \$15,000 Penalty Notice to Sonrac Services Pty Ltd (Sonrac) for operating the Old Clare Hotel roof-top bar in Chippendale, without the appropriate approvals. Following complaints, the Department's investigation revealed that Sonrac failed to gain approval for the fit-out and use of the Old Clare Hotel roof-top bar. On 18 November 2016, an application was lodged with the Department to regulate the use and minimise the potential impacts of the operation of the bar.

### **Penalty Notice issued to Richard Crookes Constructions Pty Ltd (Prestons Industrial Estate Project)**

On 16 February 2017, the Department issued a \$15,000 Penalty Notice to Richard Crookes Constructions Pty Ltd (Richard Crookes) as the person carrying out the development known as the Prestons Industrial Estate Project in the Liverpool region. The Department's investigation revealed that Richard Crookes had commenced earthworks within the transmission easement without approval from TransGrid who owns and operates the easement. The Department identified the breach during a site inspection on 14 October 2016. On 30 January 2017, TransGrid provided consent for the continuation of works within the easement.

### **Penalty Notice issued to Ashton Coal Operations Pty Limited (Ashton Coal Mine)**

On 28 February 2017, the Department issued a \$15,000 Penalty Notice to Ashton Coal Operations Pty Limited (Ashton), near Singleton, for failing to publish a complaints register on a monthly basis and for failing to maintain a 24-hour complaints telephone line as required by conditions of approval (DA 309-11-2001-i). The company has since rectified the issues.



#### **Official Caution to Elf Farm Supplies Pty Ltd (Elf Mushroom Farm & Substrate Plant Project)**

On 7 February 2017, the Department issued an Official Caution to Elf Farm Supplies Pty Ltd (Elf Farms) for failing to maintain unimpeded access via an emergency access road at the Elf Substrate Plant at Windsor. The Department's investigation found that the approved site layout plans depict an emergency access road, requiring Elf Farms to provide free and clear access to the site in the case of an emergency. Elf Farms have cooperated with the Department and on 15 November 2016, Elf Farms acted promptly to remove the straw bales blocking the emergency access road as verbally requested by the Department.

#### **Two Official Cautions issued to Ridges Creek Chalet, Thredbo Village**

On 15 February 2017, the Department issued an Official Caution to Dr Mark Rack, the owner of an apartment at Ridge Creek Chalets, Thredbo, in addition to the builder, Richie Murton Constructions Pty Ltd, for commencing internal building alterations to a chalet without having obtained prior development consent for the works. The Department's investigation revealed that each party was responsible for commencing the works without the required development consent. Both parties cooperated with the Department and voluntarily suspended the works until a subsequent development consent and construction certificate were granted.

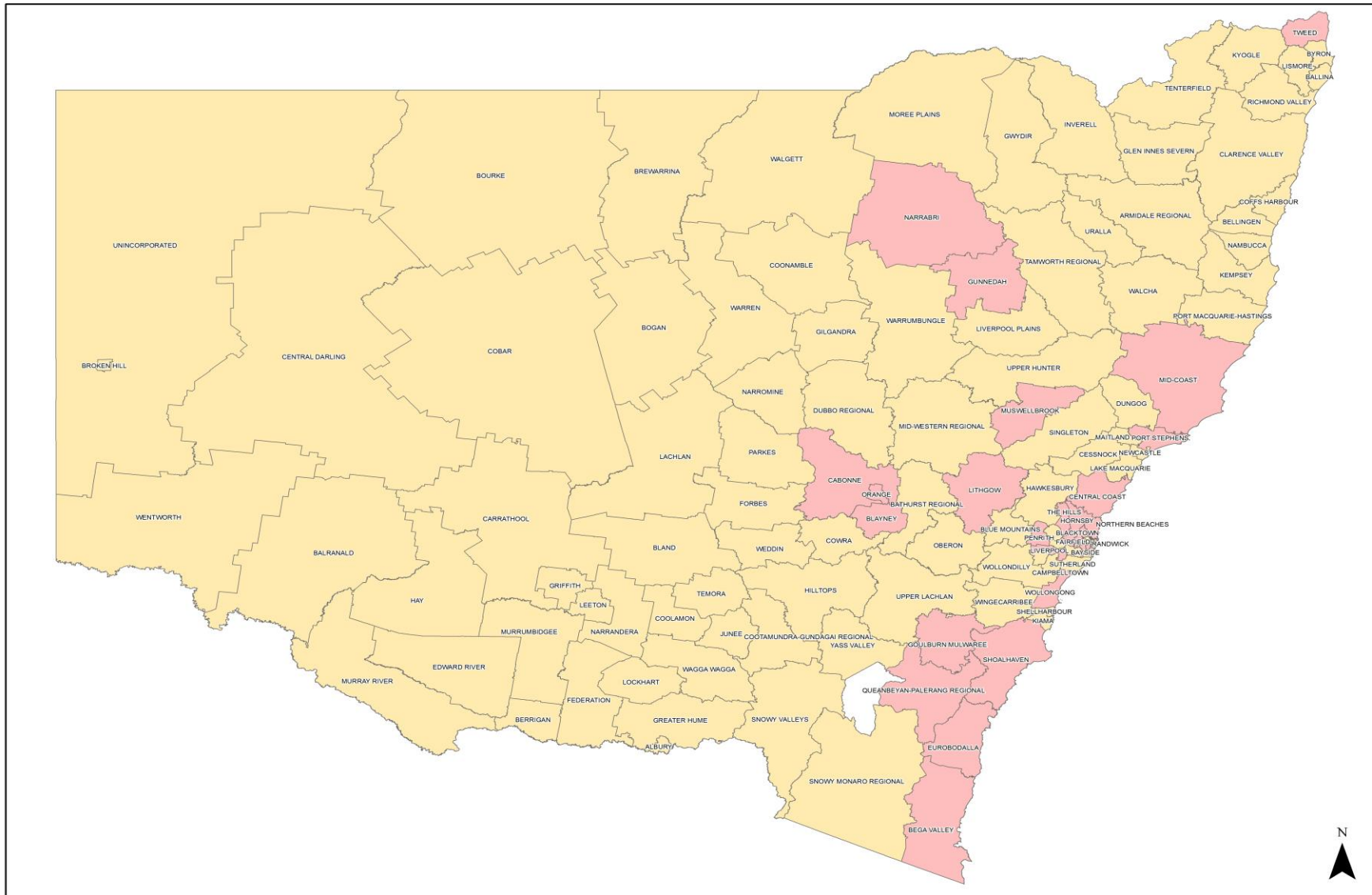
#### **Official Caution issued to Boral Resources (NSW) Pty Ltd Dunmore Quarry**

On 24 February 2017, the Department issued an Official Caution to Boral Resources (NSW) Pty Ltd for failing to submit Annual Environmental Management Reports (Annual Reports) for its Dunmore Quarry, near Kiama, since 2009, as required by the conditions of consent. Annual Reports for the reporting periods from June 2014 to June 2016 were submitted to the Department following an audit of the site as part of the Southern Region Hard Rock Quarries audit in late 2016.

#### **Official Caution issued to Coffey Geotechnics Pty Limited**

On 28 February 2017, the Department issued an Official Caution to Coffey Geotechnics Pty Ltd (Coffey) for providing misleading information in an Independent Environmental Audit (IEA) report about compliance with the conditions of approval. Under the *Environmental Planning and Assessment Act 1979*, it is an offence to provide information in connection with a planning matter that the person knows, or ought reasonably to know, is false or misleading. The Department is meeting with Coffey's senior management to discuss the Department's expectations in relation to preparing rigorous and accurate IEAs.

Location of NSW site visits



Sydney metropolitan region site visits

