



Planning &
Environment

Compliance Report

April 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 April 2017:

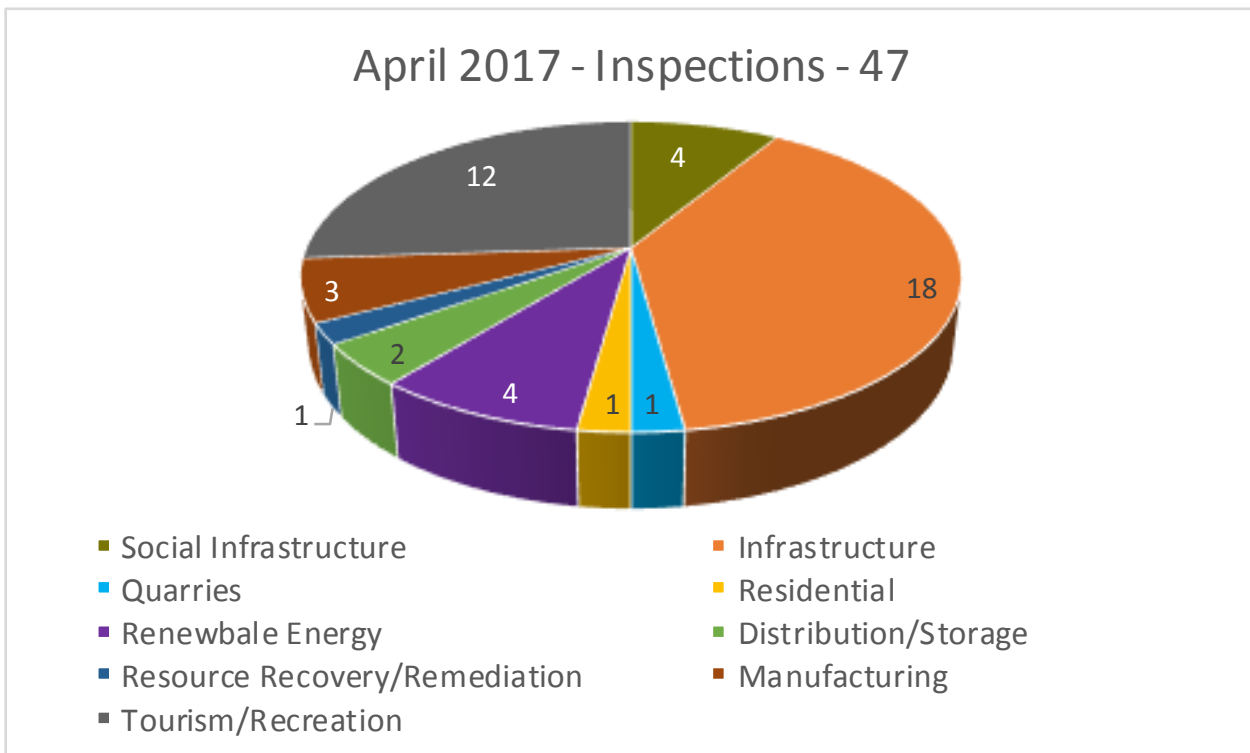
COMPLIANCE MONITORING ACTIVITIES	April 2017	2016/2017 Total
Inspections and surveillance carried out	47	778
New investigations commenced this month	23	241
Review of compliance documentation	41	293
Subtotal compliance monitoring	111	1,312

ENFORCEMENT ACTIVITIES	April 2017	2016/2017 Total
Official cautions issued	1	57
Orders imposed	-	12
Penalty notices	4	65
Prosecutions	-	2
Subtotal enforcement	5	136



Monitoring

The Department's Compliance Team conducted 47 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



Social Infrastructure

- Northern Beaches Hospital, Frenchs Forest (Northern Beaches LGA) *3
- Parramatta Public School and Arthur Phillip High School (Parramatta City LGA)

Infrastructure

- NorthConnex M1 - M2 - (Former F3 - M2); F3 Freeway at Wahroonga to Hills M2 Motorway Baulkham Hill (Ku-ring-gai LGA; The Council of the Shire of Hornsby ; The Hills Shire LGA)
- Tomago Gas-Fired Power Station (Port Stephens LGA)
- Sydney CBD and South East Light Rail Project (Inner West LGA, Randwick LGA & City of Sydney 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) *12

- Wagga Wagga Water Treatment Plant (Wagga Wagga City LGA)

Mines/Gas Extraction

- Nil

Quarries

- Batson Sand and Gravel Quarry (Broken Head Quarry) (Byron Bay LGA)

Residential, Commercial & Retail developments

- One Carrington Street Sydney (Council of the City of Sydney)

Renewable Energy

- Parkes Solar (Parkes Shire LGA)
- Goonumbla Solar Farm (Parkes Shire LGA)
- Griffith Solar (Griffith City LGA)
- Riverina Solar (Griffith City LGA)

Food Processing, Agriculture, Aquaculture

- Nil



Distribution/Storage

- Altis Bulky Retail Distribution Centre (Penrith City LGA)
- Viva Energy Rosehill (Parramatta City LGA)

Resource Recovery/Remediation

- Allied Mills Kingsgrove (Inner West LGA)

Tourism/Recreation

- Candlelight Lodge (Snowy Monaro Regional LGA)
- Hahnenkamm Chalet (Snowy Monaro Regional LGA)
- House of Ullr (Snowy Monaro Regional LGA)
- IMAX, Darling Harbour (Council of the City of Sydney)
- Sante Churrasco Restaurant (Snowy Monaro Regional LGA)
- Sashas Apartments & Black Bear Lodge, Thredbo (Snowy Monaro Regional LGA)
- Squatters Run Apartments (Snowy Monaro Regional LGA)
- T-Bar Restaurant (Snowy Monaro Regional LGA)
- The Denman (Snowy Monaro Regional LGA)
- Thredbo Alpine Hotel (Snowy Monaro Regional LGA)
- Wintergreen Apartments (Snowy Monaro Regional LGA)
- Woodridge Lodge (Snowy Monaro Regional LGA)

Manufacturing

- Heatherbrae Machine Manufacturing & Maintenance Facility (Port Stephens LGA)
- Tomago Asphalt Batching Facility (Port Stephens LGA)
- Tomago Machinery Plant (Port Stephens LGA)

Other

- 72 Gardiner Street Rutherford (Maitland City LGA) (Non DPE site)

* 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 Lendlease (Millers Point) Pty Limited – Barangaroo Development

On 3 April 2017, the Department issued a \$15,000 Penalty Notice to Lendlease (Millers Point) Pty Limited (Lendlease) for carrying out night works outside of its approved hours when completing Tower One, at the Barangaroo development. Following community complaints, the Department's investigation identified that Lendlease conducted noisy out-of-hours works on 13 December 2016 including the use of brick saws and masonry grinders. The building has now been completed and the Department will continue to monitor compliance at the Barangaroo development.

Penalty Notice issued to the University of Technology Sydney

On 21 April 2017, the Department issued a \$15,000 Penalty Notice to the University of Technology Sydney (UTS) for failing to comply with specified respite periods contained in the approval for university building currently under construction. Surveillance undertaken by the Department on 13 March 2017, established that UTS conducted works outside the hours prescribed by the approval. Respite periods are intended to provide surrounding residents and businesses with relief from noisy construction activities. The Department acknowledges the assistance provided by Sydney City Council and will continue to work with the Council to monitor noise generated by developments in the area.

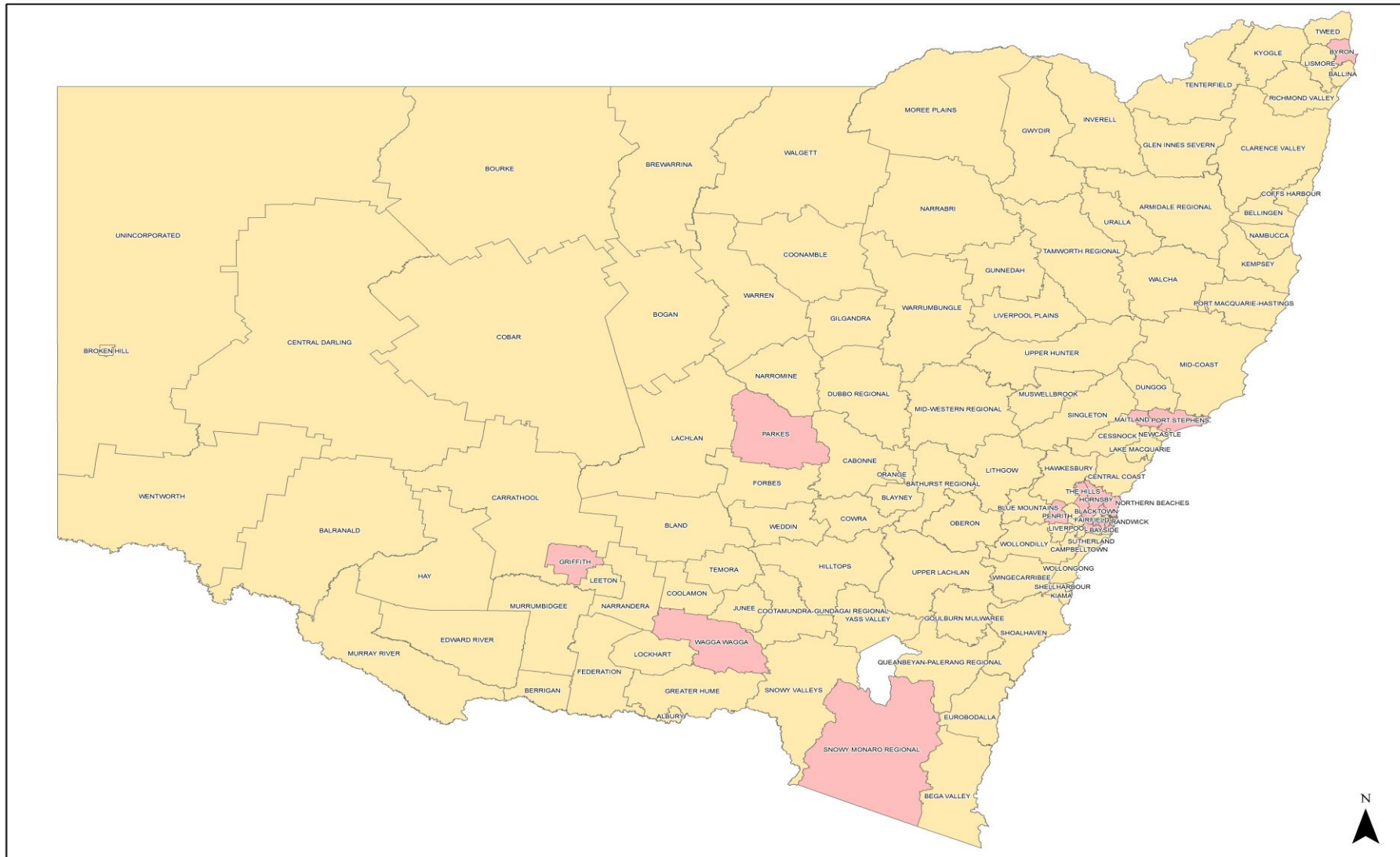
Penalty Notice issued to Veolia Environmental Services (Australia) Pty Ltd (Clyde Waste Transfer Terminal)

On 26 April 2017, the Department issued a \$15,000 Penalty Notice to Veolia Environmental Services (Australia) Pty Ltd (Veolia) for exceeding its calendar year waste limit by 29,000 tonnes. The Department's investigation found that Veolia accepted 529,090 tonnes of waste in the 2016 calendar year in breach of its 500,000 tonne per year limit. In February 2017, Veolia lodged a modification application to increase the waste limit to 600,000 tonnes per year. This application is yet to be determined.

Penalty Notice issued to Capra Developments Pty Ltd (Bourke Small Goods Abattoir)

On 26 April 2017, the Department issued a \$15,000 Penalty Notice to Capra Developments Pty Ltd for undertaking earthworks, including the construction of dams and building pads, prior to the approval of the Construction Environmental Management Plan (CEMP) as required by the conditions of approval. Surveillance undertaken in early March 2017 by Bourke Shire Council and the Department, established that earthworks had commenced on the site prior to the approval of the CEMP. The CEMP, which documents the controls required to be implemented to manage the construction phase of the project, was subsequently approved by the Department on 30 March 2017. The Department wishes to acknowledge the assistance provided by Bourke Shire Council in this investigation.

Location of NSW site visits





Sydney metropolitan region site visits

