



Planning &  
Environment

# Compliance Report

July 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 July 2017:

COMPLIANCE MONITORING ACTIVITIES	July 2017	2017/2018 Total
Inspections and surveillance carried out	81	81
New investigations commenced this month	24	24
Review of compliance documentation	39	39
Subtotal compliance monitoring	<b>144</b>	<b>144</b>

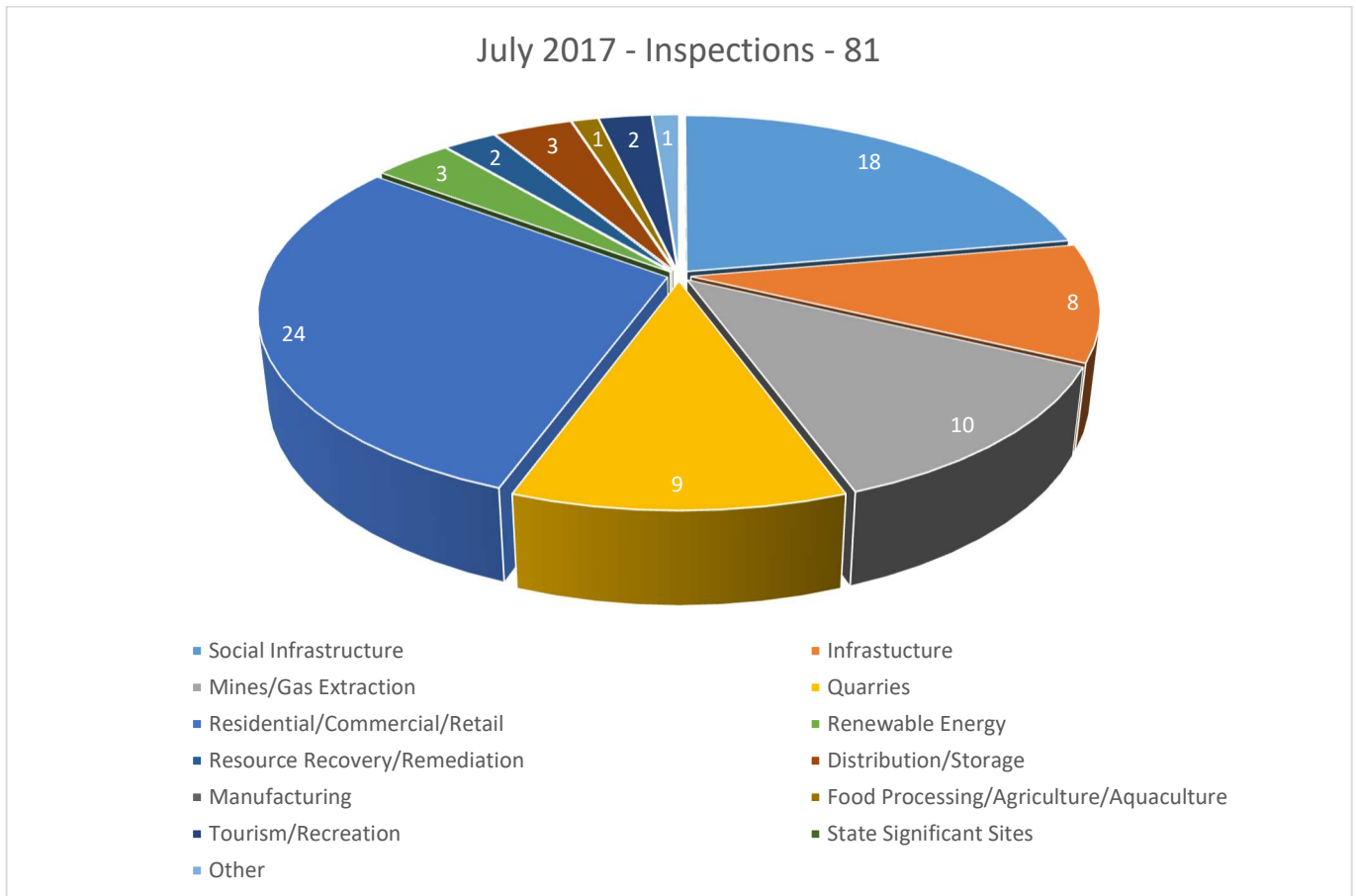
  

ENFORCEMENT ACTIVITIES	July 2017	2017/2018 Total
Official cautions issued	13	13
Orders imposed	0	0
Penalty notices	4	4
Prosecutions	0	0
Subtotal enforcement	<b>17</b>	<b>17</b>



## Monitoring

The Department's Compliance Team conducted 81 inspections to monitor compliance against conditions of approval, with some projects inspected multiple times during the period.



### Social Infrastructure

- Gosford Hospital (Gosford City LGA)
- New Grafton Correctional Centre (Clarence Valley LGA)
- Splendour in the Grass (Byron Bay LGA) \*15
- Northern Beaches Hospital (Northern Beaches Council)

Canterbury-Bankstown City LGA, City of Sydney LGA and Burwood LGA)

### Infrastructure

- Pacific Highway Upgrade – Woolgoolga to Ballina Bypass (Clarence Valley LGA; Ballina LGA)\* 6
- Sydney Metro City and Southwest (Inner West LGA, City of Sydney LGA, North Sydney LGA, Willoughby LGA & Lane Cove LGA)
- Westconnex (Inner West LGA; Cumberland LGA, Municipality of Strathfield LGA, Bayside LGA,

### Mines/Gas Extraction

- Drayton Mine (Muswellbrook Shire LGA)
- Hunter Valley Operations Complex (Singleton LGA)
- Liddell Mine (Muswellbrook Shire LGA)
- Maules Creek Mine (Narrabri LGA)
- Mount Owen Mine (Singleton LGA) \*2
- Mount Pleasant Coal Mine (Muswellbrook Shire LGA)
- Narrabri Mine (Narrabri LGA)
- Ravensworth Mining Complex (Singleton LGA)
- Rix's Creek Mine (Singleton LGA)



## Quarries

- Albion Park Quarry (Shellharbour LGA)
- Ardmore Park Quarry (Goulburn Mulwaree LGA) \*2
- Calga Quarry (Gosford City LGA)
- Coraki Quarry (Richmond Valley LGA)
- Hanson Central Coast Quarry (Gosford City LGA)
- Gunlake Quarry (Goulburn Mulwaree LGA)
- Nowra Brickworks Quarry (Shoalhaven City LGA)
- Slys Quarry (Clarence Valley LGA)

## Residential/Commercial/Retail Developments

- Bank Street Pyrmont (City of Sydney LGA)
- Cabarita Hotel/Motel (Tweed City LGA)
- Casuarina Town Centre (Tweed City LGA)
- Grand Bay Apartments Bay Street (Tweed City LGA) \*4
- Peppers Resort (Tweed City LGA)
- Quay West Suites Sydney (City of Sydney LGA)
- Royal Navel House (City of Sydney LGA)
- The Orient Hotel The Rocks (City of Sydney LGA)
- The Observer Hotel The Rocks (City of Sydney LGA)
- The Argyle The Rocks (City of Sydney LGA)
- The Rocks Centre The Rocks (City of Sydney LGA)
- Tweed Ultima (Tweed City LGA)
- Twin Towns Service Club (Tweed City LGA)
- Vincentia Coastal Village (Shoalhaven City LGA) \*2
- Wharf 4 Circular Quay (City of Sydney LGA)
- Lot 490 Tweed Coast Way (Tweed City LGA)
- 30-34 Marine Parade Tweed (Tweed City LGA)
- 75-77 Wharf Street Tweed (Tweed City LGA)
- 100 George Street The Rocks (City of Sydney LGA)
- 330 Church Street Parramatta (City of Parramatta LGA)

## Renewable Energy

- Bodangora Windfarm (Western Plains Regional LGA)
- Crookwell 2 Wind Farm (Upper Lachlan LGA)
- Manildra Solar Farm (Cabonne LGA)

## Resource Recovery/Remediation

- Metal Recycling Facility Hexam (Newcastle City LGA)
- Sell & Parker Metal Recycling Facility, Kings Park (Blacktown City LGA)

## Distribution/Storage

- Altis Bulky Retail Erskine Park (Penrith City LGA)
- Oakdale South Industrial Estate (Penrith City LGA) \*2

## Manufacturing

- Nil

## Food Processing/Agriculture/Aquaculture

- 521 The Northern Road Londonderry (Penrith City LGA)

## Tourism/Recreation

- Luna Park (North Sydney LGA)
- Overseas Passenger Terminal (City of Sydney LGA)

## State Significant Sites

- Nil

## Other

- Macquarie Correctional Complex (Non DPE site) (Western Plains Regional 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 Woolworths Limited (leasee at Cabarita Beach Mixed Use Development, MP 07\_0179, Tweed LGA)**

On 4 July 2017, the Department issued a \$15,000 Penalty Notice to Woolworths Limited (Woolworths) for failing to comply with approved delivery hours. The SCA Property Group (SCA) leases the premises to Woolworths under a lease agreement which requires Woolworths to comply with the approval (MP 07\_0179). The Department's investigation found that Woolworth's arranged and accepted seven deliveries to the Cabarita Beach Woolworths store on Thursday 26 Jan 2017, a public holiday. The Department issued an Official Caution to SCA in January 2017 for failing to comply with delivery hours. As a result, SCA agreed to an action plan and changes to the lease agreement with Woolworths to ensure compliance with the delivery hours. The Department will continue to monitor the development to ensure Woolworths complies with the conditions of the approval.

### **Official Caution and Penalty Notice issued to Doltone House Wharf Pty Ltd (Jones Bay Wharf, 26-28 Pirrama Road – DA 52-03-05, Sydney LGA)**

On 11 July 2017, the Department issued an Official Caution and a \$6,000 Penalty Notice to Doltone House Wharf Pty Ltd (Doltone House) for allowing performances that are not authorised by their consent and for engaging in deliveries outside the approved hours of consent, respectively. The Department's investigation identified that an amplified performance occurred on 2 April 2017 and that deliveries occurred outside approved hours of consent on 16 May 2017. The Department will continue to monitor the development to ensure Doltone House comply with the conditions of consents.

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

On 17 July 2017, the Department issued an Official Caution to Doltone House Wharf Pty Ltd (Doltone House) for engaging in operations outside of approved operation hours. The Department's investigation identified that on 9 April, 22 April and 3 May 2017 staff were working inside the function centre and/or materials were unloaded between Doltone House and waiting vehicles. The Department will continue to monitor the development to ensure compliance with the conditions of Consent.

### **Penalty Notice issued to Stratford Coal Pty Ltd (Stratford coal mine, DA 23-98/99, Mid Coast LGA)**

On 13 July 2017, the Department issued a \$15,000 Penalty Notice to Stratford Coal Pty Ltd (Stratford) for exceeding night-time train dispatch criteria set out in approval (DA 23-98/99). The Department's investigation found that on two occasions in 2016, Stratford dispatched more than one laden export train (two trains dispatched) from the site during the night period. Stratford was fined in 2014 for a similar non-compliance. Stratford has since introduced additional management measures to ensure no more than one laden export train will be dispatched during any night.

### **Penalty Notice and 3 x Official Cautions issued to Billinudgel Property Pty Ltd (Splendour in the Grass Events and Falls Festival, MP09\_0028, Byron LGA).**

On 17 July 2017, the Department issued a \$15,000 Penalty Notice to Billinudgel Property Pty Ltd (trading as North Byron Parklands), for failing to comply with patron number restrictions for the Falls Music Festival 2016/17 event. Following a community complaint, the Department's investigation revealed that in addition to sold tickets, North Byron Parklands issued free tickets to neighbours, community groups and for media/promotional purposes resulting in the total patron numbers for the Falls Music Festival 2016/17 exceeding the maximum limits in the consent by approximately 500 patrons. In addition, the Department's investigation found that North Byron Parklands exceeded patron numbers for the Splendour 2015 and Splendour 2016 events by approximately 500 patrons and issued two Official Cautions respectively.



The Department also issued a further Official Caution to North Byron Parklands for commencing construction of temporary structures for the Splendour in the Grass 2017 event, prior to the approved temporary construction start date. North Byron Parklands cooperated with the Department's investigation. The Department attended the Splendour in the Grass 2017 event to ensure compliance with conditions of consent.

**Official Caution issued to CPB Contractors Pty Ltd, Dragados Australia Pty Ltd and Samsung C&T Corporation (WestConnex – New M5, SSI 6788, Parramatta, Burwood, Canada Bay, Strathfield, Inner West and Cumberland LGA)**

On 7 July 2017, the Department issued an Official Caution to each of the new M5 joint venture partners CPB Contractors Pty Ltd, Dragados Australia Pty Ltd and Samsung C& T Corporation (joint venture partners) for breaches of conditions relating to access to properties. On Saturday 20 May 2017, the joint venture partners failed to maintain access to residential properties in Hutchinson Street, St Peters during works involving roads closures contrary to the condition of consent (SSI 6788). The Department's investigation identified that reasonable and feasible measures had not been taken to ensure resident access was maintained.

**Official Caution issued to Iluka Resources Limited (Balranald Minerals Sands Project, SSD 5285, Balranald LGA)**

On 11 July 2017, the Department issued an Official Caution to Iluka Resources Limited (Iluka) for failing to undertake surface and groundwater radionuclide monitoring, during bulk sampling activities, in accordance with their approved Environment Management Plan. The radionuclide monitoring is required due to the presence of naturally occurring radioactivity in the minerals being mined. Iluka have now introduced additional measures to comply with the conditions of consent.

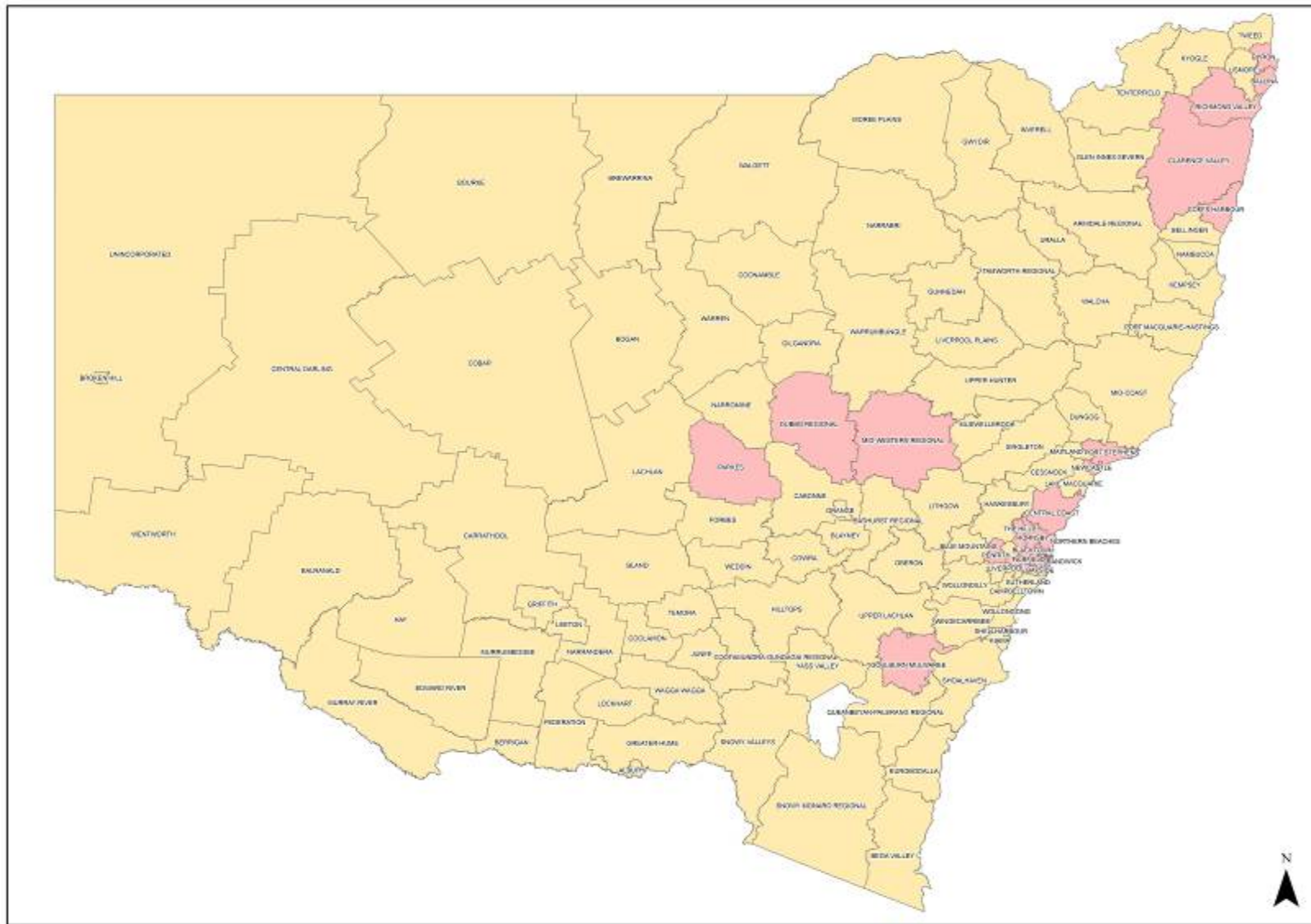
**Official Caution issued to CPB Contractors Pty Ltd, Dragados Australia Pty Ltd and Samsung C&T Corporation (WestConnex – New M5, SSI 6788, Bayside, Georges River, Inner West, Sydney and Canterbury-Bankstown LGA)**

On 18 July 2017, the Department issued an Official Caution to each of the new M5 joint venture partners CPB Contractors Pty Ltd, Dragados Australia Pty Ltd and Samsung C& T Corporation (joint venture partners) for breaches of conditions relating to access to properties. On Saturday 3 June 2017, the joint venture partners failed to maintain access to residential properties in Hutchinson Street, St Peters during works involving road closures contrary to conditions of consent (SSI 6788). The Department's investigation identified that reasonable and feasible measures had not been taken to ensure resident access was maintained.

**Official Caution issued to Budget Demolition & Excavation Pty Ltd (Glebe Island Temporary Exhibition Facility, SSD 5589, Leichhardt LGA)**

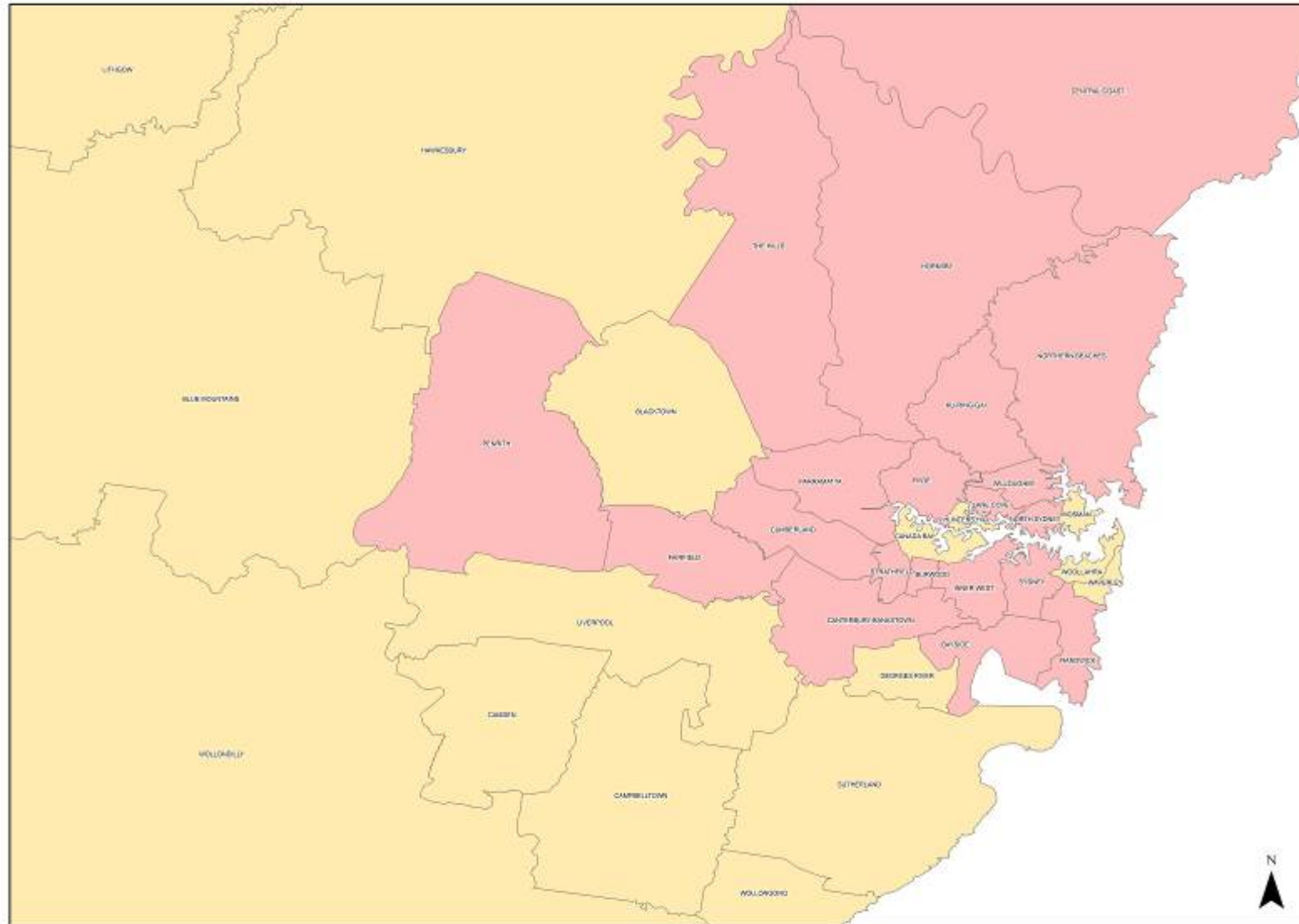
On 20 July 2017, the Department issued an Official Caution to Budget Demolition & Excavation Pty Ltd (Budget), the demolition contractor for the Glebe Island Temporary Exhibition Facility. Budget failed to comply with the approval by not stabilising and covering stockpiled material from the demolition works on Glebe Island. Budget remedied the breach by increasing dust mitigation measures and further stabilising the stockpiles. The demolition works have since completed and the land handed back to the Port Authority of NSW.

Location of NSW site visits





Sydney metropolitan region site visits







Revision	Date	Revisions
Revision 2	10/08/2018	<ul style="list-style-type: none"><li>• Official Caution – Doltone House Wharf Pty Ltd (Jones Bay Wharf, 26-28 Pirrama Road – DA 52-03-05) enforcement story added.</li><li>• Enforcement activities table updated.</li></ul>