

Compliance Reporting – Post Approval Requirements

Fact Sheet

July 2018

This Fact Sheet has been prepared to assist stakeholders and the community to understand the revised process for compliance reporting of State significant projects.

Compliance Reporting Post Approval Requirements

The Compliance Reporting Post Approval Requirements (PAR) document is one of a new suite of documents prepared by the Department of Planning and Environment NSW (Department) which sets out requirements for post approval compliance monitoring and reporting, to be complied with by proponents¹ of State significant projects where required by conditions of consent or approval.

The Compliance Reporting PAR will apply to new State significant projects under conditions of consent or approval (conditions). The Compliance Reporting PAR sets out the requirements for:

- the process, content and frequency of compliance reporting
- addressing the findings of a compliance report

Implementation and compliance

From July 2018 a new standard condition requiring compliance monitoring and reporting to be undertaken in accordance with the Compliance Reporting PAR will be included on consents and approvals of new projects.

This means that the Compliance Reporting PAR must be complied with, unless the conditions require otherwise.

Transitional arrangements

Projects approved prior to the release of the Compliance Reporting PAR that have existing conditions requiring compliance reporting will not have to undertake compliance monitoring and reporting in line with the Compliance Reporting PAR. These projects will continue to undertake compliance monitoring and reporting in accordance with the requirements of their conditions.

However, proponents may elect to voluntarily comply with the Compliance Reporting PAR but must still comply with existing conditions.

Proponents may also seek to modify their conditions to require compliance with the Compliance Reporting PAR in consultation with the Department.

The Integrated Mining Policy documents may continue to apply to new mining projects.

Reporting frequency

The Compliance Reporting PAR establishes minimum timeframes for reporting on compliance:

- prior to the commencement of and during the construction phase of a project
- prior to the commencement of and within a year of commencement of operations
- within 12 weeks of the completion of decommissioning

Compliance Reports must be completed in accordance with the minimum timeframes specified in

¹ The person or entity that is referred to as the proponent in an approval or the applicant in a consent and includes any person

carrying out any part of the development to which the approval or consent applies

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the Compliance Reporting PAR unless the conditions specify alternate timeframes.

Compliance status

The Compliance Reporting PAR sets out requirements for evaluating compliance with conditions and describing the compliance status as either:

1. Compliant
2. Non-compliant
3. Not triggered

The Compliance Reporting PAR also sets out the requirements for the content of Compliance Reports.

Proponent's obligations

The proponent's obligations under the Compliance Reporting PAR include:

- preparing the Compliance Monitoring and Reporting Schedule
- preparing the Compliance Report in accordance with the Compliance Reporting PAR
- setting out actions and timing of actions in the proponent's response to identified non-compliances and incidents
- submitting the Compliance Report to the Department within the required timeframes
- submitting a Compliance Report Declaration Form with each Compliance Report submitted to the Department
- making the final Compliance Report publicly available (if required by the conditions)

Department's functions

In administering the Compliance Reporting PAR the Department will:

- review the Compliance Monitoring and Reporting Program to confirm it adequately addresses the requirements in the conditions and the Compliance Reporting PAR
- review the Compliance Report to confirm it:
 - is accompanied by a declaration from an Authorised Reporting Officer
 - has been prepared in accordance with the Compliance Reporting PAR.

Where can I find out more?

- <http://www.planning.nsw.gov.au/complianceReportingPAR>
- Call on 1300 305 695
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695
- Email: compliance@planning.nsw.gov.au