

Compliance Reporting Post-Approval Requirements

This fact sheet will help stakeholders and the community understand the revised process for compliance reporting for state-significant projects.

The Compliance Reporting Post-Approval Requirements (PAR) document is one of a suite of documents prepared by NSW Department of Planning, Industry and Environment that set out requirements on proponents¹ of state-significant projects, where required by the conditions of consent or approval.

The Compliance Reporting PAR (2020) sets out the requirements for:

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

Updates to the Compliance Reporting PAR

The Compliance Reporting PAR, originally released in 2018, has been revised as part of the Department's continual improvement process. The revised Compliance Reporting PAR (2020) includes the following updates:

- removed the requirement for an audit submission schedule
- revisited the required reporting frequency
- removed the pre-construction and pre-operation reporting requirement
- removed the construction reporting requirement
- require compliance reporting only for operation and decommissioning.

Implementation and compliance

From May 2020, a revised standard condition will be included on consents and approvals of new projects requiring proponents to undertake compliance monitoring and reporting in accordance with the Compliance Reporting PAR (2020).

Transitional arrangements

Projects approved prior to the release of the Compliance Reporting PAR (December 2018) that have existing conditions requiring compliance reporting will not have to undertake compliance monitoring and reporting in line with either the Compliance Reporting PAR 2018 or 2020 versions. These projects will continue to undertake compliance monitoring and reporting in accordance with the requirements of their conditions.

Proponents may elect to voluntarily comply with the Compliance Reporting PAR (2020), however they must still comply with existing conditions (including approvals subject to the Compliance Reporting PAR (December 2018)).

Proponents can also seek to modify their conditions to adopt the Compliance Reporting PAR (2020).

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

¹ The proponent is the person or entity referred to as the proponent in an approval or the applicant in a consent. This includes any person carrying out any part of the development to which the approval or consent applies.

Reporting frequency

The Compliance Reporting PAR (2020) establishes timeframes for operational compliance reporting and specifies compliance reporting within 12 weeks of the completion of decommissioning.

Compliance reports must be completed in accordance with the minimum timeframes specified in the Compliance Reporting PAR (2020) unless the conditions specify alternative time frames.

Compliance status

The Compliance Reporting PAR (2020) sets out requirements for evaluating compliance with conditions. Compliance status can be identified as 'compliant', 'non-compliant' or 'not triggered'.

The Compliance Reporting PAR (2020) also sets out the requirements for the content of compliance reports.

Proponent's obligations

The proponent's obligations under the Compliance Reporting PAR (2020) include:

- preparing the compliance report in accordance with the Compliance Reporting PAR (2020)
- setting out actions and the timing of actions in response to identified non-compliances and incidents
- submitting the compliance report to the Department within the required time frames
- submitting a compliance report declaration form with each compliance report
- making the final compliance report publicly available (if required by the conditions).

Note that the revised post-approval requirements will work to support construction projects by reducing the overall demand on compliance reporting. However, in supporting the removal of pre-construction, construction and pre-operational compliance reporting, there has been a minor increase in the frequency of independent auditing.

The revised independent audit frequency will ensure environmental performance and regulatory compliance is maintained for each project.

Refer to the Independent Audit PAR (2020) for further information.

The Department's functions

In administering the Compliance Reporting PAR (2020), the Department will 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 (2020).

More information

- Visit www.planning.nsw.gov.au/complianceReportingPAR
- Call on 1300 305 695
- If English is not your first language, 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

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users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.