



WOLLONGONG CITY COUNCIL
Attention: Ms. Nicole Diatloff
41 Burelli Street
Wollongong New South Wales 2500

30/07/2021

Dear Ms Diatloff

**Whytes Gully Waste Project (MP11_0094)
Annual Review 2019-2021**

Reference is made to the Annual Review report covering two reporting periods being the 2 March 2019 to 1 March 2020 and the 2 March 2020 to 1 March 2021, submitted to the Department of Planning, Industry and Environment (Department) on 22 July 2021 as required under Schedule 5 Condition 5 for the Whytes Gully Waste Project MP11_0094, as modified (the Consent).

The Department has reviewed the Annual Review and considers it to satisfy the reporting requirements of the Consent. Please note that the Department's acceptance of this Annual Review is not endorsement of the compliance status of the Project.

The Department notes that the Annual Review covering both the reporting periods was submitted late. On 29 July 2019, the Department wrote to Council, clarifying the Annual Review reporting period and timeframe for submission, in that:

- The annual reporting period is the 2 March to the 1 March the following year, and
- Where the Consent does not specify the timeframe for submission, the Department considers the Annual Review report is to be submitted no later than 60 calendar days after the end of each reporting period.

Therefore, an Annual Review is required to be submitted within 60 days of the end of each of the reporting periods. The Department considers you are non-compliant with Schedule 5 Condition 5 of the Consent, and you are advised you will receive further correspondence in relation to this matter.

The non-compliances identified in the Annual Review, have been assessed in accordance with the Department's Compliance Policy with the Department on this occasion, determining to record the breaches with no further enforcement action at this stage. However, please note that recording the breach does not preclude the Department from taking alternative enforcement action, should it become apparent that an alternative response is more appropriate.

For future Annual Reviews, under the provisions of Schedule 3 Condition 4, it is requested that you include the following information:

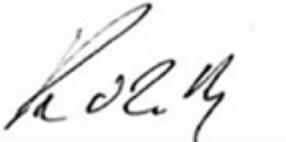
1. A table that provides a status update for all actions listed from the response to the recommendations made as an outcome of the independent environmental audit until all those actions have been completed.
2. A table that identifies all approvals and/or licences for the project and whether any modification and/or variations have been made during the reporting period.

3. A table that lists all the management plans required under the Consent and details on the status of their review and approval.

Lastly, in accordance with Schedule 5 Condition 11, it is requested that a copy of the Annual Review is made publicly available on the company website within 1 month from the date of this letter.

Should you need to discuss the above, please contact Jennifer Rowe on (02) 42571851 or email compliance@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Reilly', is enclosed in a thin black rectangular border.

Katrina O'Reilly
Team Leader - Compliance
Compliance

As nominee of the Planning Secretary