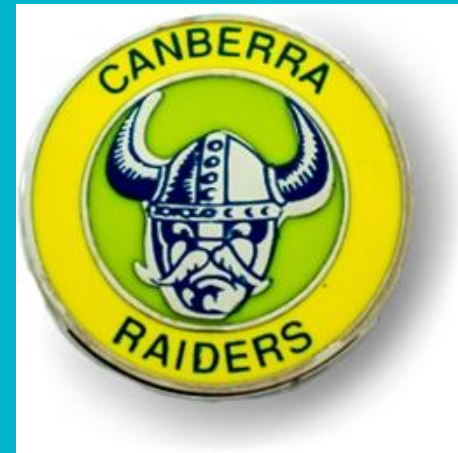


Compliance, Performance & Transparency - Can we learn from others?

Richard Sharp, FEIANZ, CEnvP
Senior Associate – Environment & Infrastructure



Heritage Conservation & Protection

□ Planning Challenges

- EPSDD
- NCA

□ The ACT community wants developers to show

- Commitment
- Capacity
- Capability
- Contribution



ACT

Government

Environment, Planning and
Sustainable Development



Australian Government

National Capital Authority

Heritage Compliance

- ❑ Development approval conditions
 - Need for more effective and purposeful conditions
- ❑ Extent of compliance
 - Need for stronger construction, operational, maintenance and demolition compliance
- ❑ Enforcement
 - Need for compliance auditing and public reporting



ACT
Government

Access
Canberra.

Official Warnings

□ 2016 (NSW)

- A warning letter was issued to a heritage consultant for providing incorrect location information about heritage sites in the management plans provided to a developer and their construction contractor.



Infringement Notices

□ 2018 (NSW)

- A construction contractor was fined \$15,000 due to a failure of controls resulted in a temporary road being constructed through an Aboriginal heritage site that had been identified for protection, resulting in harm to the site.



Infringement Notices

□ 2021 (NSW)

- A construction contractor was fined \$1,500 for failing to notify the relevant authority that actions to impact heritage had commenced and that Aboriginal objects previously recorded in the sites register had been harmed as a result.



Enforceable Undertakings

□ 2022 (NSW)

- A construction contractor agreed to an enforceable undertaking in response to incorrectly felling a heritage tree.
- The contractor is now required to preserve the cultural scar of the tree at its own cost which includes upgrading a memorial area.



Approval Condition - Overarching

- All reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise any harm to the environment.
 - Construction
 - Operations
 - Upgrades
 - Decommissioning



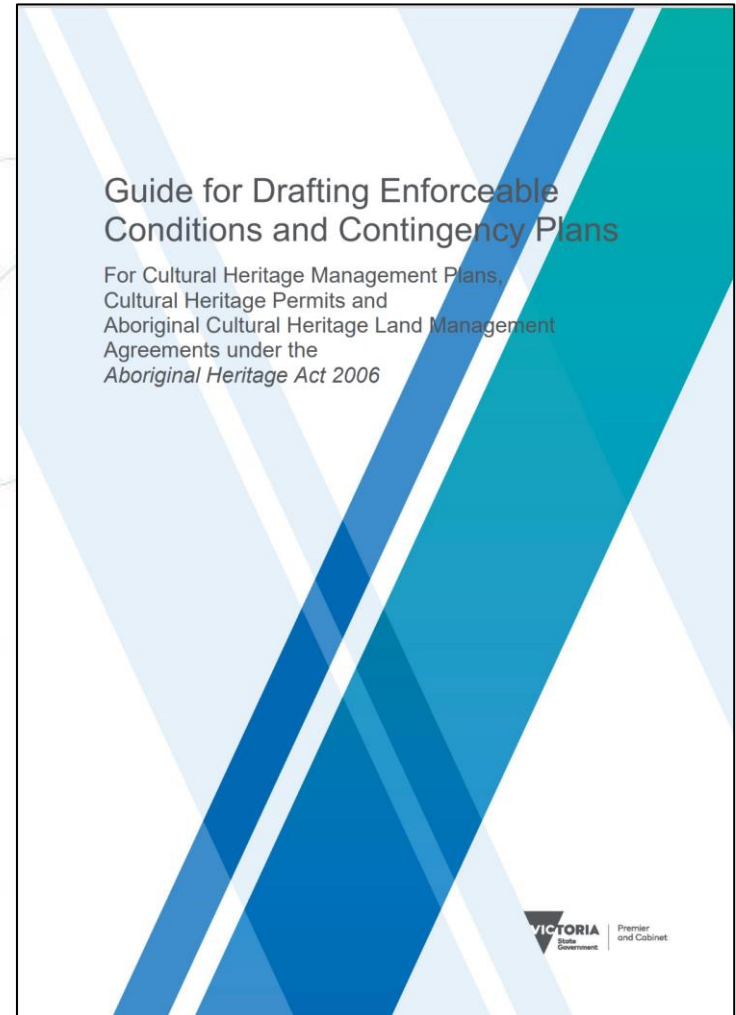
Approval Condition - Awareness

- ❑ Developers must ensure that all employees, contractors and their sub-contractors are made aware of, and are instructed to comply with, the approval conditions of their project.



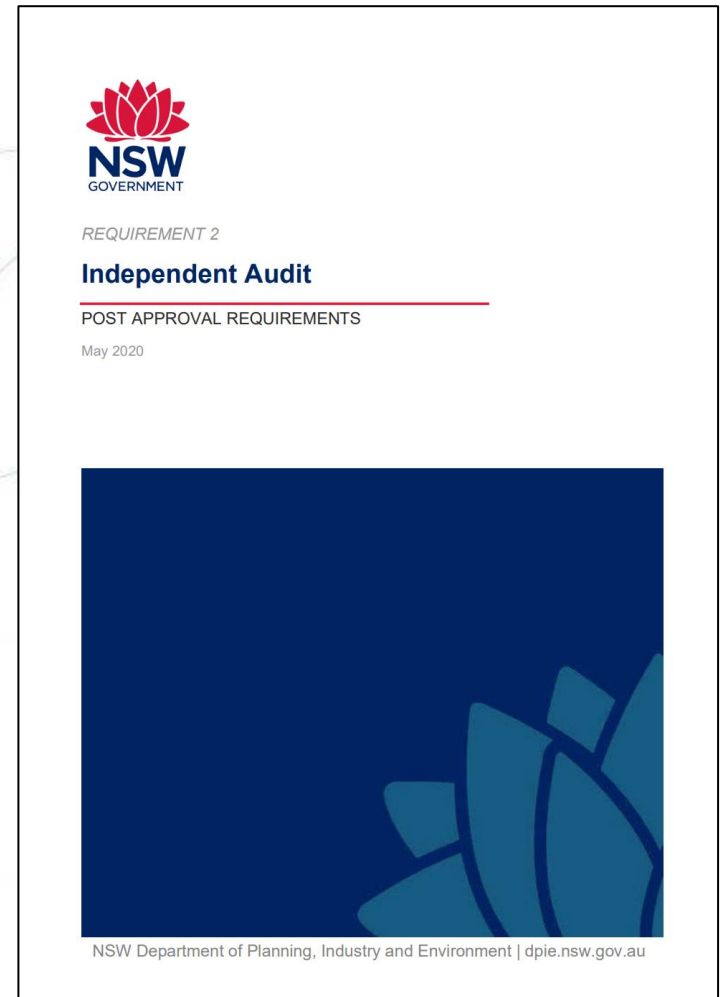
Approval Condition – Documentation

- A copy of the approved Cultural Heritage Management Plan or the Cultural Heritage Permit must be kept on site, or in a location that is easy to access the document.



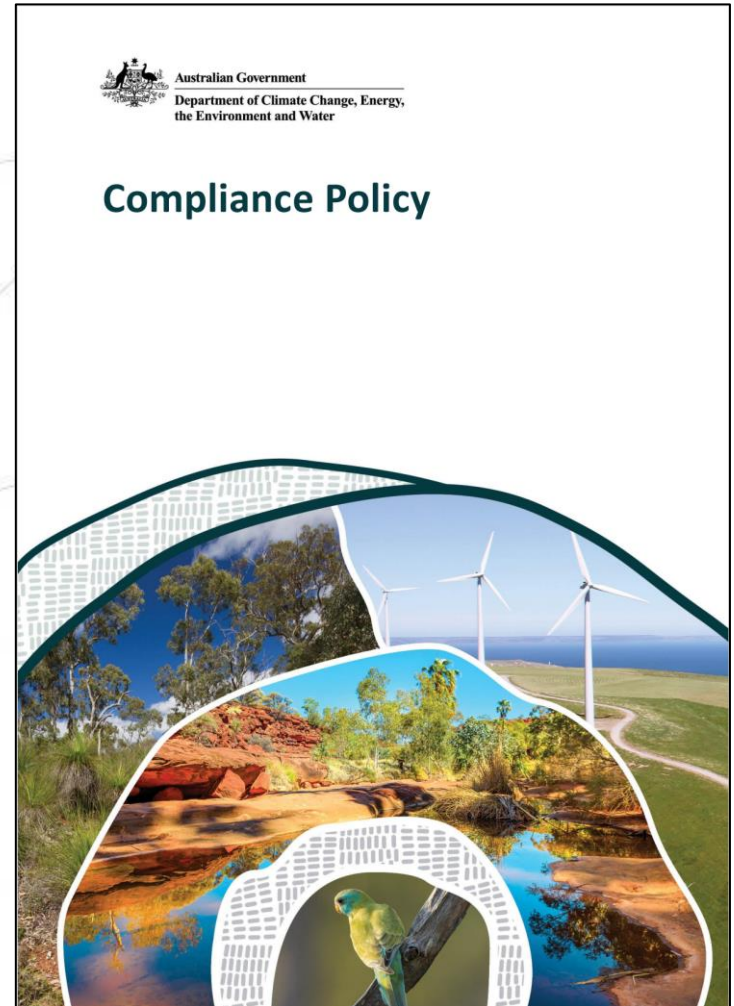
Approval Condition - Independent Audits

- Independent audits of a development must be conducted and carried out in accordance with post approval requirements:
 - within 3 months of commencing construction
 - within 3 months of commencing operations



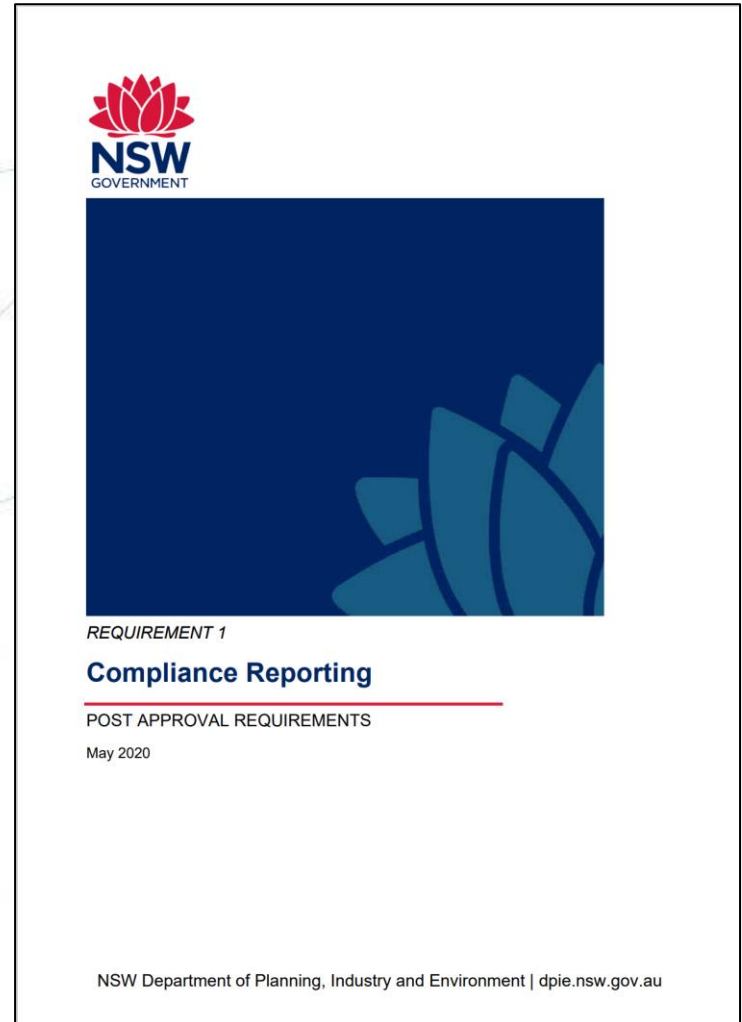
Approval Condition - Independent Audits

- ❑ The development approval holder must ensure that an independent audit of compliance with the conditions is conducted for every audit period until the approval expires.



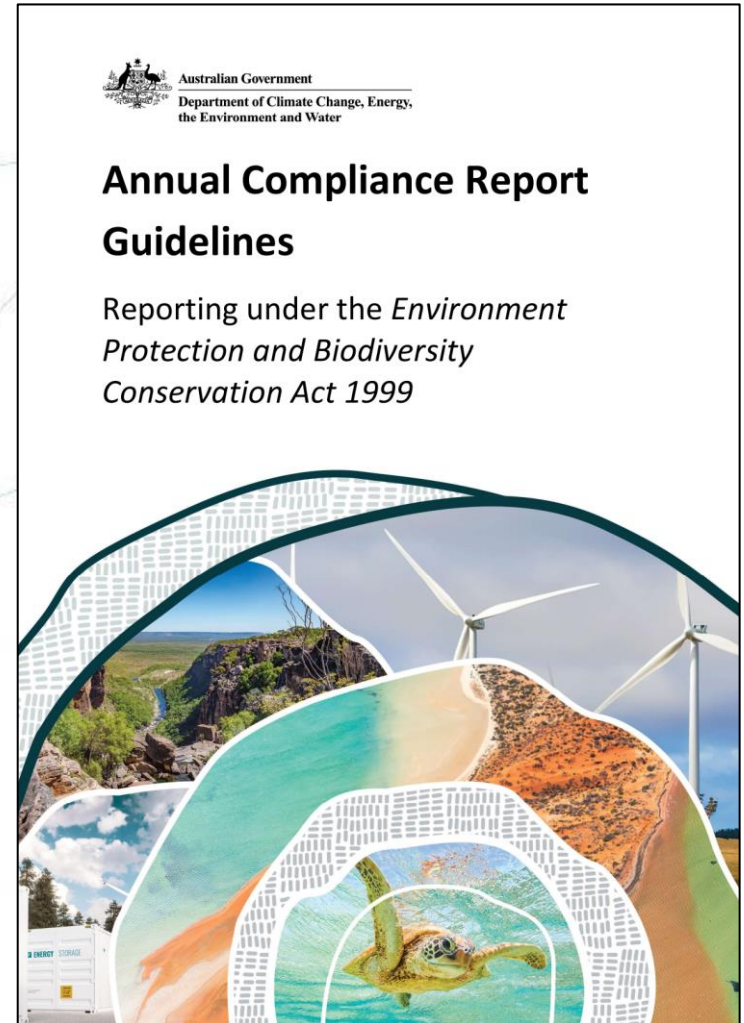
Approval Condition - Audit Transparency

- ❑ Developers must make any independent environmental audit, and responses to the recommendations in any audit available on their project website.



Approval Condition - Compliance Transparency

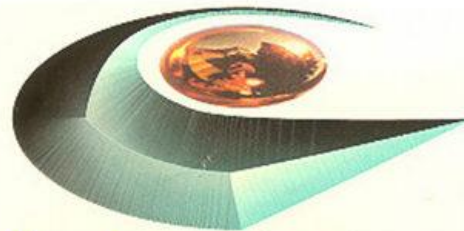
- The development approval holder must prepare a compliance report for each 12-month period following the date of the approval and publish each compliance report on their project website.



Thank you for listening



**NATIONAL
TRUST**



**Canberra & District
Historical Society Inc**



**CANBERRA
ARCHAEOLOGICAL
SOCIETY**



AUSTRALIA ICOMOS
International Council on Monuments and Sites