

NSW Planning ref: MP06_0050-PA-7

Kevin Cooper
Development Manager
REGAIN SERVICES PTY LTD
P.O. Box 761
Port Melbourne Victoria 3207

10/01/2024

Sent via the Major Projects Portal only

Subject: Tomago Potliner Facility - IEA - Tomago Potliner Facility - 2023

Dear Mr Cooper,

I refer to your post approval matters, MP06_0050-PA-7 and PA-8, Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR) for the period 31 July 2020 to 31 July 2023, submitted as required by Schedule 4, Condition 3 of MP06_0050 as modified (the approval) to the NSW Department of Planning, Housing and Infrastructure (NSW Planning) on 29 September 2023.

NSW Planning considers the IEA report to generally satisfy the reporting requirements of the approval and the NSW Planning *Independent Audit Post Approval Requirements (2020)*.

NSW Planning acknowledges that you have already made a copy of the IEA Report publicly available on your company website in accordance with your approval, however in doing so you have failed to notify the Department 7 days prior to doing so, breaching Schedule 4, Condition 34(c) of your approval.

This breach has been assessed by NSW Planning in accordance with its Compliance Policy, with NSW Planning on this occasion determining to record the breach with no further enforcement action proposed. However, please note that recording the breach does not preclude NSW Planning from taking an alternative enforcement action, should it become apparent that an alternative response is more appropriate.

NSW Planning's acceptance of this IEA report is not an endorsement of the compliance status of the project.

Please include a status update for any actions and recommendations provided in the RAR in the next IEA, and until all actions are completed.

Should you wish to discuss the matter further, please contact Laura Gothard, Senior Compliance Officer on 0484 269 988 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "J Sage".

Jennifer Sage

A/Team Leader Northern
Compliance

As nominee of the Planning Secretary