

Appendix F – Environmental Record of the Proponent

Environmental Record of the Proponent

Proposed development / title of the action: M1 Pacific Motorway extension to Raymond Terrace

EPBC Referral Number: EPBC 2018/8288

EP&A Act Assessment Number: SSI 15_7319

Designated Proponent: Transport for New South Wales (formerly Roads and Maritime Services)

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Transport for New South Wales is a major infrastructure agency with responsibility for the delivery of a substantial road and bridge development and maintenance program. On 1 December 2019, Roads and Maritime Services joined with Transport for New South Wales to create one integrated Transport for New South Wales. As a result, the previous environmental record of Roads and Maritime Services is integrated with the environmental record of Transport for New South Wales.

Within this context, Transport for New South Wales has a good environmental record, with few infringements over the last decade. Transport for New South Wales is committed to reducing its impact on the environment through continual environmental performance improvement.

Requirement	Environmental record of the person undertaking the proposed action	
1. Does the person taking the action have a satisfactory record of responsible environmental management? Please explain in further detail.	<p>Transport for New South Wales is the proponent and has a strong history of working to ensure that road projects first avoid impacts as the highest priority, and where impacts are likely, of taking steps to minimise, mitigate and offset such impacts.</p> <p>Transport for New South Wales projects, and former Roads and Maritime projects have achieved significant environmental outcomes, especially with regard to environmental design innovation urban design, fauna connectivity, including fauna fencing, erosion and sediment control improvements and independent verification of the implementation of environmental management measures.</p> <p>Transport for New South Wales has engaged appropriately qualified and experienced ecologists and other specialists to undertake environmental assessments for the project to minimize impacts to the environment and avoid or minimise impacts wherever possible.</p>	
2. Provide details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against either (a) the person proposing to take the action or, (b) if a permit has been applied for in relation to the action – the person making the application.	<p>Transport for New South Wales works closely with key NSW regulatory agencies to ensure compliance with statutory requirements but has occasionally been subject to legal proceedings with respect to environmental matters.</p> <p>Where incidents have occurred the majority have been minor and as a consequence resulted in penalty infringement notices. Details of penalty infringement notices that have been issued to Roads and Maritime and Transport for New South Wales since 1998 are outlined below.</p>	
	Date of penalty notice	Circumstance
	2 February 1998	The NSW Land and Environment Court found that grit blasting operations on the Wallaby Rock Bridge over the Turon River near Bathurst resulted in material containing paint, limestone and copper slag grit entering the river.
3 June 1998	Penalty Notice (P8669550) for inadequate sediment controls at a site on the corner of Stoney Creek Road and King Georges, Beverly Hills	

Requirement	Environmental record of the person undertaking the proposed action	
	21 February 2000	Penalty Notice (Z0578326) issued to RTA for the inappropriate cleaning of a bitumen sprayer at a roadside stockpile site near Bowenfels. The infringement was for cleaning the sprayer at a location which created the potential to pollute an onsite drain and possibly other waters.
	18 January 2002	Penalty Notice (N7899706) for contravention of a condition of environment protection licence number 10008 for the Pacific Highway Upgrade at Mullumbimby. Sub-contractor employed an incorrect sediment basin pump out procedure.
	28 October 2002	Penalty Notice (B5102543) issued to the Mona Vale Road upgrade project for pollution of waters. Sediment laden water escaped the site into stormwater drains during the works.
	7 August 2006	Penalty Notices (7616962760 & 7616962751) for failing to supply Dangerous Goods Shipping documents to two drivers of asphalt trucks near Nyngan, western NSW.
	8 November 2007	Penalty Notice (7616957069) for unauthorised discharge of water from a construction site to an adjacent water course at Pambula.
	11 December 2008	Penalty Notice (7616963164) for clearing of native vegetation (Myall Woodland) adjacent to Mitchell Highway west of Trangie.
	29 April 2008	Penalty Notice (7633250250) for pollution of waters as a result of inadequate sediment control measures, Great Western Highway, Marangaroo.
	29 June 2009	Penalty notice (3014073848) issued to TIDC for a breach of its environment protection licence in relation to works undertaken out-of-hours without the necessary approvals in place on the Cronulla Line Duplication project.
	28 September 2010	Penalty Notice (7601508934) for a breach of environment protection licence 13204 for failure to maintain pollution control equipment leading to the discharge of material from the Oxley Highway Upgrade construction works at Port Macquarie.
	22 October 2010	Penalty Notice (7601508961) for pollution of waters arising from discharges from the Central Coast Highway Upgrade project.
	31 March 2011	Three Penalty Notices (3013382406, 3013382415 & 3013382424) for breaches of Dangerous Goods transport legislation on New England Highway.
	17 November 2011	Penalty Notice (3068038537) for pollution of waters of Byarong and America Creeks, Wollongong for failure to fully implement the sediment and erosion control measures outlined for the project
	15 June 2012	Penalty Notice (3085764202) for a breach of environment protection licence 13135 for failure to operate pollution control equipment to prevent the discharge of material from the Central Coast Highway upgrade construction works at Erina Heights.
	17 January 2017	Penalty Notice for breaches of Dangerous Goods transport legislation on Cormorant Road at Kooragang.

Requirement	Environmental record of the person undertaking the proposed action
<p>3. Will the action be taken in accordance with the corporation's environmental policy and planning framework?</p> <p>3.1 If the person taking the action is a corporation, please provide details of the corporation's environmental policy and planning framework.</p>	<p>Yes</p> <p>Transport for New South Wales has set the environmental direction for the organisation in its environmental management framework, which includes establishing a corporate environmental policy, setting environmental direction through objectives and targets, integrating these into work systems, and providing measures for continuous improvement.</p> <p>Transport for New South Wales's commitment to meeting this priority is demonstrated in its Environment Policy Statement 2016 and the environmental considerations incorporated into its activities. Transport for New South Wales has detailed procedures and guidelines for undertaking environmental assessment of its activities, including specific requirements for biodiversity assessment, mapping biodiversity impacts during construction and offsetting unavoidable impacts.</p> <p>In addition to environmental assessment, Transport for New South Wales's environmental management framework drives continual improvement. This framework allows Transport for New South Wales to manage its obligations more effectively to move beyond compliance with legislative requirements. It also provides a basis for improving overall environmental performance by providing tools for effective planning, implementation and review of activities.</p>
<p>4 Has the person taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p> <p>4.1 EPBC Act No and/or Name of Proposal.</p>	<p>Yes</p> <p>Most recently:</p> <ul style="list-style-type: none"> • 2018/8286 M12 Motorway, NSW • 2017/8005 Pacific Highway Upgrade, Coffs Harbour Bypass, NSW • 2017/7909 Albion Park Rail Bypass, NSW • 2016/7715 Additional crossing of the Clarence River at Grafton, NSW • 2016/7696 The Northern Road Upgrade between Mersey Road and Glenmore Parkway, Sydney, NSW • 2015/7550 Newcastle inner city bypass Rankin Park to Jesmond, NSW • 2015/7520 Construction and operation of the Westconnex New M5, Sydney, NSW • 2014/7346 Safety works along the Bells Line of road between Mt Tomah and Kurrajong Heights, NSW • 2013/6968 Princes Highway Upgrade Termeil Creek, NSW • 2013/6963 Nambucca Heads to Urunga Pacific Highway Upgrade, NSW.