



Australian Government

**BUILDING OUR FUTURE**



# **The Northern Road Upgrade Mersey Road, Bringelly to Glenmore Parkway, Glenmore Park**

NSW Environmental Impact Statement /  
Commonwealth Draft Environmental Impact Statement

**Appendix A – Proponent details and environmental  
performance of the proponent**

June 2017



# Appendix A – Environmental record of the responsible party

**Proposed development / title of the action** - The Northern Road Upgrade – Mersey Road, Bringelly to Glenmore Parkway, Glenmore Park

**EPBC Referral Number** - EPBC 2016/7696

**EP&A Act Assessment Number** - SSI 7127

**Designated proponent** - Roads and Maritime Services

**ACN / ABN** - 76 236 371 088

**Postal address** - PO Box 973, Parramatta, 2124

RMS is a major infrastructure agency with responsibility for the delivery of a substantial road and bridge development and maintenance program. Within this context the RMS has a good environmental record, with few infringements over the last decade. This is due largely to the commitment of the RMS and its staff to environmental outcomes and the systems it has put in place.

There have, however, been occasions where successful proceedings have been brought against the RMS and where penalty infringement notices have been issued. In such instances, the RMS has instituted measures to ensure that appropriate lessons are communicated to its staff and/or contractors and that any necessary changes are made to management systems and operating procedures. Further detail is provided below.

**Table A-1: Environmental record of the person proposing to take the action.**

EIS Requirement	Environmental record of the person proposing to take the action
<p>Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:</p> <p>a) the person proposing to take the action, and</p> <p>b) for an action for which a person has applied for a permit – the person making the application</p>	<ul style="list-style-type: none"> <li>Environment Protection Authority v Roads and Traffic Authority of New South Wales [1998] NSWLEC 3 – The Court found that RTA 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. This amounted to an offence under the NSW Clean Waters Act 1970. On 2 February 1998 the court imposed a penalty of \$30,000 and awarded the EPA \$6000 in costs. In determining the penalty to be imposed the Court considered the following: <ul style="list-style-type: none"> <li>The harm to the environment which was found to have occurred</li> <li>The absence of measures to prevent, control or mitigate harm</li> <li>That the RTA should reasonably have foreseen that contamination of the river was possible by paint flakes and grit falling from the bridge</li> <li>That the RTA was in control of the operation.</li> <li>The RTA's early guilty plea</li> <li>The fact that the RTA had no prior record, which given the extent of its operations and responsibilities, signified a good record and care of environmental matters</li> <li>The extensive clean-up undertaken by the RTA at a cost of \$125,000 coupled with evidence that the</li> </ul> </li> </ul>

EIS Requirement	Environmental record of the person proposing to take the action
	<p>affected environment had been restored</p> <ul style="list-style-type: none"> <li>○ The review of RTA procedures and the existence of a training system, which should help prevent a similar occurrence in the future</li> </ul> <p>Subsequent to the incident, the requirements for effective management of the environment were communicated to all relevant staff through workshops, training courses and site visits. Relevant systems were also reviewed.</p> <ul style="list-style-type: none"> <li>• Penalty Notice (P8669550) for inadequate sediment controls at an RTA site on the corner of Stoney Creek Road and King Georges, Beverly Hills.</li> <li>• Penalty Notice (Z0578326) 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Penalty Notices (7616962760 &amp; 7616962751) for failing to supply Dangerous Goods Shipping documents to two drivers of asphalt trucks near Nyngan, western NSW.</li> <li>• Penalty Notice (7616957069) for unauthorised discharge of water from a construction site to an adjacent water course at Pambula.</li> <li>• Penalty Notice (7616963164) for clearing of native vegetation (Myall Woodland) adjacent to Mitchell Highway west of Trangie from a construction site to an adjacent water course at Pambula.</li> <li>• Penalty Notice (7601508961) for pollution of waters arising from discharges from the Central Coast Highway Upgrade project.</li> <li>• 3 Penalty Notices (3013382406, 3013382415 &amp; 3013382424) for breaches of Dangerous Goods transport legislation for RFS vehicle on New England Highway.</li> <li>• 3 Penalty Notices (3013382406, 3013382415 &amp; 3013382424) for breaches of Dangerous Goods transport legislation for RFS vehicle on New England Highway.</li> <li>• 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.</li> <li>• Penalty Notice for breaches of Dangerous Goods transport legislation for a Roads and Maritime vehicle on Cormorant Road at Kooragang.</li> </ul>
If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework	Roads and Maritime Services has set the environmental direction for the organisation in its Corporate Framework, which seeks to minimise impacts on the natural, cultural and built environment from road use and RMS activities. RMS's commitment to meeting this priority is demonstrated in its environmental policy and the environmental considerations incorporated into its activities. To strengthen this commitment and to ensure the environmental policy is carried out, RMS has implemented an Environmental Management System (EMS).

EIS Requirement	Environmental record of the person proposing to take the action
	<p>RMS's EMS provides a framework for environmental management of RTA activities and enables RMS to manage its environmental obligations more effectively to move beyond compliance with legislative requirements. It provides a basis for improving overall environmental performance by providing the tools for effective planning, implementation and review mechanisms. A copy of the RMS Environmental Management System Manual (October 2006) can be provided should it be required.</p>