

## Appendix A1

### Register of legal and other requirements

**Table 1 Legal register**

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
General				
<i>Environmental Planning and Assessment Act 1979</i>	All	Comply with the terms Minister for Planning and Infrastructure's approval for the project. Obtain the Minister's approval for any project modifications that are not consistent with the planning approval.	S115ZI	Yes
Water				
<i>Water Management Act 2000</i>	Water access and use.	Do not take water from a water source (a lake, river or estuary or place where water occurs naturally on or below the surface of the ground, and includes coastal waters) without an access licence.	S56 S60A S89 S91A	No
With the exception of controlled activity approvals, the <i>Water Management Act 2000</i> (WM Act) only applies in relation to those water sources covered by operational water sharing plans – these areas cover most of the State's major regulated river systems.				
<i>Water Management Act 2000</i>	Water management works	Do not construct/use a water supply work, drainage work or flood work without the appropriate approval.	S90 S91B S91C S91D	No

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
<i>Water Management Act 2000</i>	Waterfront land.	Do not deposit material, excavate, or remove material within a watercourse bank, shore or bed, or on land 40 metres inland, or interfere with the likely flow of water to such a body, without a controlled activity approval.	S91	No  Public authorities are exempt from the need to obtain a controlled activity approval.  Water Management (General) Regulation 2004 (cl.39A)
<i>Water Act 1912</i>  Note that this Act is being progressively repealed by the <i>Water Management Act 2000</i> (WM Act).  With the exception of controlled activity approvals, the WM Act only applies in relation to those water sources covered by operational water sharing plans – these areas cover most of the State's major regulated river systems.	Surface water	Obtain a licence or permit for construction or use of 'work' for purposes including the taking and using of water.	S21B	Yes
	Groundwater	Obtain a licence where interference with groundwater is likely to occur.	S112 S121A	S112 does not apply to the Crown. RMS is therefore not required to obtain a licence under this provision.
	Floodplains	Obtain an approval for controlled works. These include works which occur on a designated floodplain, which can prevent land from being flooded or which can affect water flow to or from a river or lake.	S180	An exemption in relation to roads potentially applies – see clause 4 of the Water (Part 8-General) Regulation 1995.
<i>Protection of the Environment Operations Act 1997</i>	Water pollution	Do not cause water pollution (other than to a sewer), except in accordance with the conditions of any EPA licence.	S120 S122	Yes

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
Noise				
<i>Protection of the Environment Operations Act 1997</i>	Plant maintenance and operation	Do not operate plant if it emits noise caused by poor maintenance or operation.	S139	Yes
<i>Protection of the Environment Operations Act 1997</i>	Materials management	Do not cause noise by failing to properly and efficiently deal with materials.	S140	Yes
Protection of the Environment Operations (Noise Control) Regulation 2008	Marine vessels – offensive noise and noise control equipment	As owner or captain, do not allow a vessel to be used on navigable waters so as to emit offensive noise.  Do not use a vessel on navigable waters if its noise control equipment is defective.	cl. 30-31 cl. 32	NA
Contaminated material				
<i>Protection of the Environment Operations Act 1997</i>	Land pollution	Do not cause or permit land pollution other than under authority of a licence or regulation. (However it is not a land pollution offence to place virgin excavated natural material or lawful pesticides and fertilisers on land, or by placing matter on land that has been notified to the EPA as an unlicensed landfill and which is operated in accordance with the regulations.)	S142A – S142E	Yes
<i>Contaminated Land Management Act 1997</i>	Reporting contamination	Notify the EPA if <ul style="list-style-type: none"> <li>Contaminants exceed thresholds contained in guidelines or the regulations where contamination has entered or will foresee ably enter neighbouring land, the atmosphere, groundwater or surface water.</li> <li>Contaminants in soil are equal to or exceed guideline levels with respect to the current or approved use of the land.</li> <li>Contamination meets other criteria that may be prescribed by the regulations.</li> </ul>	S60	Yes

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
Biodiversity				
<i>Noxious Weeds Act 1993</i>	Weed control	As a public authority occupier of land, control noxious weeds on the land as required under the control category or categories specified in relation to the weeds concerned.  Notify relevant control authority within 3 days of becoming aware that a notifiable weed (W1 weed) is on land. (or ought reasonably to have known).  Must not scatter or cause to scatter notifiable weed material.	S13 S16 S30	Yes
<i>National Parks and Wildlife Act 1974</i>	Native fauna	Do not harm any animal that is of a threatened species population or ecological community, or its habitat except in accordance with a planning approval.	Part 8A	Yes
		Do not harm critical habitat except as in accordance with a planning approval.	S98	Yes
		Do not harm native fauna (other than listed unprotected fauna) except in accordance with a planning approval or licence.	S120, S127, 132C	Yes
<i>Native Vegetation Act 2003</i>	Flora and native vegetation conservation	Only clear native vegetation in accordance with a planning approval or property vegetation plan.	S12	Yes
<i>National Parks and Wildlife Act 1974</i>	Flora and native vegetation conservation	Do not pick protected native plants without a licence.	S117 S131	Yes
<i>Fisheries Management Act 1994</i>	Dredging or reclamation	Provide the Minister for Primary Industries 28 days notice of planned dredging or reclamation work.	S199	Yes

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
<i>Fisheries Management Act 1994</i>	Mangroves, seagrasses and marine vegetation	Do not harm any mangroves, seagrasses or other marine vegetation on public water land protected by the regulations without a permit.	S205	No
<i>Fisheries Management Act 1994</i>	Fish passage	Do not block fish passage without a permit.	S219	No
<i>Environment Protection Biodiversity Conservation Act, 1999 (Commonwealth)</i>	Flora and fauna conservation	Do not kill, injure or take a member of a listed threatened species without a permit.	Part 13	Yes
	All	Comply with the terms of any EPBC Act approval for the project.		Yes
<b>Waste</b>				
<i>Protection of the Environment Operations Act 1997</i>	Littering	Do not litter in a public place or an open private place. Do not litter from a vehicle.  Only deposit advertising material in receptacles provided for mail or newspapers or under the door of the premises.  Do not deposit advertising material on or in vehicles.	Part 5.6A	Yes
<i>Protection of the Environment Operations Act 1997</i>	Waste and transportation	Do not undertake a scheduled waste activity unless in accordance with an environmental protection licence.  A licence must be obtained when construction and demolition wastes are applied to land under certain circumstances. This includes the reincorporation of crushed road base material back into roads and the placing of excess fill material onto properties. A licence is not required if the material: <ul style="list-style-type: none"> <li>• Is VENM.</li> <li>• Does not exceed 200 tonnes in the Sydney, Newcastle and Wollongong areas, or 20,000 tonnes outside these areas.</li> <li>• Is covered by a “general exemption”. Current exempted materials are ENM, recycled aggregates and raw mulch. These</li> </ul>	Part 3.2 Schedule 1	Yes

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
		<p>exemptions are conditional and require some chemical testing of materials before they are placed onto land.</p> <p>A licence must be obtained if more than 2,500 tonnes (or cubic metres, whichever is lesser) are stored on a stockpile site at any one time, or more than 30,000 tonnes of waste is received per year from off site.</p>		
		Only transport waste to a facility that can lawfully accept the waste.	S143	Yes
		Do not dispose of waste in a manner that harms or is likely to harm the environment.	S115	Yes
Protection of the Environment Operations (Waste) Regulation 2005	Waste and transportation	Comply with general requirements for the transport of waste. For example, any vehicle used by the person to transport waste must be kept in a clean condition and be maintained so as to prevent spillage of waste. For some wastes only licensed transporters can be used.	Regulation cl.49	Yes
		Comply with record keeping requirements in relation to the transport of certain types of waste.	Regulation Part 3	Yes
<b>Heritage</b>				
<i>Heritage Act 1977</i>	Heritage	Do not undertake an activity that will affect a place, building, work, relic, moveable object or precinct which is subject to an Interim Heritage Order or is listed on the State Heritage Register without approval from the Heritage Council.	S56-57	No
		Do not disturb or excavate land with knowledge or reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. Do not disturb or excavate land on where a relic has been discovered or exposed.	S139	No
		Notify the heritage Council on discovery of a relic.	S146	Yes

Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
<i>National Parks and Wildlife Act 1974</i>	Aboriginal places and objects	Do not harm or desecrate an Aboriginal object or Aboriginal place without consent.	S86 S90	No
		Notify the NPWS within reasonable time of becoming aware of the location or discovery of certain Aboriginal objects.	S89A	Yes
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)</i>	Protection of areas and objects	Report any discovery of Aboriginal remains to the Federal Minister for the Environment and Heritage.	S20	Yes
		Comply with the provisions of any declaration in relation to a significant Aboriginal area or object.	S22	Yes
<b>General</b>				
<i>Protection of the Environment Operations Act 1997</i>	Harming the environment	Do not risk harming the environment by wilfully or negligently:	S115	Yes
		• Disposing of waste unlawfully.	S116	
		• Causing any substance to leak, spill or otherwise escape (whether or not from a container).	S117	
<i>Protection of the Environment Operations Act 1997</i>	Control equipment	Properly and efficiently maintain and operate any installed pollution control equipment (including monitoring devices).	S167	Yes
		Notify the EPA immediately of pollution incidents where material harm to the environment is caused or threatened.	S148	Yes



Act	Activity / aspect	Requirement	Reference	Part 5.1 applicability
<i>Protection of the Environment Operations Act 1997</i>	Site licensing	Do not carry out or allow an activity listed in Schedule 1, or carry out work to enable such an activity, unless the premises are licensed by the EPA. This applies to: <ul style="list-style-type: none"> <li>road construction: meaning the construction, widening or re-routing of roads if it results in the existence of 4 or more traffic lanes (other than bicycle lanes or lanes used for entry or exit) for 1 kilometres of their length in the metropolitan area, or 5 kilometres in length in any other area, where the road is classified, or proposed to be classified, as a freeway or tollway under the Roads Act 1993.</li> </ul>	S47 S48	Yes
<i>Environmentally Hazardous Chemicals Act, 1985</i>	Hazards and risks	Obtain a licence to undertake prescribed activities involving environmentally hazardous chemicals or declared chemical wastes.	S28	Yes
<i>Dangerous Goods (Road and Rail Transport) Act 2008</i>	Hazards and risks	Ensure that dangerous goods are transported in a safe manner.	S9	Yes
<i>Pesticides Act 1999</i>	Hazards and risks	Use pesticides in an environmentally sensitive manner. Do not use an unregistered pesticide without a permit. Read the label or permit for the pesticide. Use registered pesticides in accordance with instructions on the label. Do not use any restricted pesticide unless authorised by a certificate of competency or a pesticide control order under the Act. Compliance with pesticide codes of practice is required.	S12 S13 S14 S15 S17	Yes
<i>National Greenhouse and Energy Reporting Act, 2007 and Regulations 2008</i>	Greenhouse gas emissions	Accounting and reporting of greenhouse gases produced and energy consumed during construction. Applicability dependent on thresholds.	-	Yes

**Table 2 RMS G36 requirements**

Requirement	Relevant section of CEMP or supporting documentation
Implement a Contractors Environmental Management System (CEMS)	This document
An environmental policy must be included in the CEMS	Appendix A3
Prepare and implement a CEMP in accordance with ISO 14001 Clause 4.	This document
Nominate the Environmental Manager directly responsible for ensuring that the requirements of the CEMS are implemented and maintained.	Section 4.2
Indicate how suitable resources will be assigned to ensure that the CEMP is fully implemented.	Section 4.2
Detail the relationship between the designated Environmental Manager and other personnel responsible for implementing the CEMP.	Section 4.2
Include a matrix or index in the CEMP showing where the environmental protection requirements of G36 have been addressed.	This table
Advise RMS Representative of any changes to the CEMS or CEMP	Chapter 9
Monitor and evaluate environmental performance.	Chapter 8
Detail how control of non-conformity, corrective and preventive actions will be implemented and closed out.	Section 8.6
Schedule and undertake CEMS audits and CEMP compliance audits.	Section 8.3
A CEMP must be prepared and include environmental protection practices, resources and sequence of activities required to comply with relevant environmental legislation, conditions of any applicable licence, approval and permit, ISO 14001 Clause 4.	This document
The CEMP must be either incorporated or part of the project quality plan.	Noted
The CEMP must identify potential adverse environmental effect, applicable regulatory requirements and/or compliance limits, with a particular emphasis on a risk-based	Appendix A2

Requirement	Relevant section of CEMP or supporting documentation
<p>approach. Appropriate environmental protection measures must be documented to keep environmental effects within compliance limits.</p>	
<p>The CEMP must include all supplementary plans for environmental protections</p>	<p>Appendix B1 – Appendix B11</p>
<p>The CEMP must indicate the names, responsibilities and authority of your site management personnel who have primary responsibility for implementing the CEMP, monitoring its effectiveness, rectifying and reporting any environmental deficiencies, controlling further construction activities until deficiencies are rectified and keeping your environmental records.</p>	<p>Section 4.2</p>
<p>The CEMP must identify the Environmental Manager as the authorised contact person for communications with the RMS Representative and EPA on environmental matters.</p>	<p>Section 4.2</p>
<p>The CEMP must detail how changes to the environmental management documentation and data are to be identified and communicated to relevant project personnel.</p>	<p>Section 1.6</p>
<p>The CEMP must include details of:</p> <ul style="list-style-type: none"> <li>• Key emergency response personnel showing responsibilities and contact details including all-hours telephone numbers.</li> <li>• Emergency services (e.g. ambulance, fire brigade, spill clean-up services).</li> <li>• Communications strategy (internal and external).</li> <li>• Containment measures to be taken in the event of emergency situations that may arise during the Contractor’s Work and procedures for restoration.</li> </ul>	<p>Contacts, Section 4.2, Chapter 6, Chapter 7</p>
<p>All Environmental Incidents must be managed and reported in accordance with the <a href="#">RMSTA</a> Environmental Incident Classification and <a href="#">Management Reporting</a> Procedure.</p>	<p>Appendix <a href="#">A67</a></p>
<p>EPA will be notified via the EPA Environment Line (telephone 131 555) of any environmental incidents or pollution incidents on or around the Site in accordance with Part 5.7 of the Protection of the Environment Operations Act 1997 (NSW) (POEO Act), in the following circumstances:</p> <ul style="list-style-type: none"> <li>• If the actual or potential harm to the health or safety of human beings or ecosystems is not trivial.</li> </ul>	<p>Chapter 7 and Appendix <a href="#">A67</a></p>

Requirement	Relevant section of CEMP or supporting documentation
<ul style="list-style-type: none"> <li>If actual or potential loss or property damage (including clean-up costs) associated with an environmental incident exceeds \$10,000.</li> </ul> Notify RMS verbally immediately, and in writing within 24 hours, of all environmental incidents.	
Ensure that all staff and subcontractors working on the Site are provided with environmental training to achieve a level of competence and awareness appropriate to their assigned activities before they commence their assigned activities.	Chapter 5
Include in the CEMP the procedures to be implemented to ensure subcontractor compliance.	Section 4.3
The CEMP must identify at least two people (and their contact telephone numbers) who will be available to be contacted by the EPA on a 24 hour basis and who have authority to take immediate action to shut down any activity, or to effect any pollution control measures, as directed by an authorised officer of the EPA.	Contacts
Notify local residents about new or changed construction activities which will affect access to their properties or otherwise significantly disrupt residents' use of their premises.	Section 6.3
Inform residents of the proposed work outside normal working hours.	Section 6.3
The CEMP must include a procedure for notifying RMS and all relevant authorities in advance of proposed extension to hours of work.	Section 6.23
Report on complaint about any environmental issue, including pollution, arising from the Works.	Section 6.23
Maintain environmental records to demonstrate compliance with the CEMP.	Section 8.3, Section 8.4 and Section 8.5
Document in the CEMP and implement a checking procedure to verify that work is in compliance with this Specification.	Section 8.3
Undertake inspections and surveillance, and report on performance on high risk events and activities, works in environmentally sensitive areas, the adequacy of operational	Chapter 8

Requirement	Relevant section of CEMP or supporting documentation
controls, and measurements for aspects where compliance limits have been specified.	
Develop and implement a risk-based auditing program.	Section 8.3
Implement and document in the CEMP a waste and recycling material data collection program.	Appendix B7
Detail in the CEMP the location of environmental controls in environmentally sensitive areas.	Appendix A5
Identify obligations under environmental legislation relevant to the Work.	Appendix A1
Obtain all necessary approvals, licences and permits required for the work and carry out work in accordance with the requirements.	Section 3.3
Identify construction activities and access requirements to the construction site and the other areas affected by the Work.	Appendix B1
Prepare and implement a construction traffic and access management plan	Appendix B1
Prepare and implement a construction soil and water quality management plan addressing: <ul style="list-style-type: none"> <li>• Erosion and sedimentation control.</li> <li>• Water extraction.</li> <li>• Dewatering.</li> <li>• Works in waterways</li> <li>• Impacts on groundwater from construction.</li> </ul>	Appendix B4
Prepare and implement a construction air quality management plan.	Appendix B6
Prepare and implement a construction noise and vibration management plan.	Appendix B3
Manage clearing, mulch, flora and fauna. Prepare and implement a construction flora and fauna management plan.	Appendix B2

Requirement	Relevant section of CEMP or supporting documentation
Include fauna habitat conservation measures in the CEMP. The CEMP must include provisions for compliance with the <i>EPBC Act</i> and <i>Threatened Species Conservation Act</i> where listed threatened species or migratory species are affected.	Appendix B2
Plan and execute the Work so as to minimise the possibility of pollution of the Site and adjoining areas from chemicals, dangerous goods and other potential contaminants.	Appendix B4
The CEMP must include details of the management of the bunded area including, but not be limited to, monitoring of the bunded areas, drainage requirements and procedures to meet environmental requirements and to ensure that bund capacities are maintained.	Appendix B4
Plan and execute the Work so as to minimise the possibility of pollution of the Site and adjoining areas from chemicals, dangerous goods and other potential contaminants.	Appendix B4
Prepare and implement a construction heritage management plan to manage Aboriginal and non-Aboriginal heritage.	Appendix B5
Manage contaminated land.	Appendix B4, <a href="#">Appendix B10</a>
Prepare and implement a construction waste and energy management Plan.	Appendix B7
The CEMP must contain details of types and quantities of proposed material likely to be generated and proposed methods of disposal, recycling or re-use of such surplus materials.	Appendix B7
Reinstate all disturbed areas both on and off the Site.	Appendix B4, <del>Design and Landscape Plan</del>
Prepare and implement an ancillary facilities management plan.	Appendix B8
Prepare and implement a borrow sites management plan.	Appendix B9 – <u>Note: This Appendix is not applicable to the Wave 2 project and therefore has been intentionally omitted.</u>
Prepare and implement a construction contaminated land management plan	Appendix B10

Requirement	Relevant section of CEMP or supporting documentation
Prepare and implement a construction acid sulphate materials management plan	Appendix B11

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