

NSW Roads and Maritime Services

WOOLGOOLGA TO BALLINA | PACIFIC HIGHWAY UPGRADE ENVIRONMENTAL IMPACT STATEMENT

MAIN VOLUME 1B

Appendix C

RMS 12.604B

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Appendix C Environmental record of person proposing to take the action

Supplementary Director General's requirement	Environmental record of 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> <ol style="list-style-type: none"> the person proposing to take the action, and for an action for which a person has applied for a permit – the person making the application 	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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"> The harm to the environment which was found to have occurred. The absence of measures to prevent, control or mitigate harm. That the RTA should reasonably have foreseen that contamination of the river was possible by paint flakes and grit falling from the bridge. That the RTA was in control of the operation. The RTA's early guilty plea. 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. The extensive clean-up undertaken by the RTA at a cost of \$125,000 coupled with evidence that the affected environment had been restored. The review of RTA procedures and the existence of a training system, which should help prevent a similar occurrence in the future <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"> Penalty Infringement Notice (P8669550) issued 3 June 1998 – \$600 fine for inadequate sediment controls at an RTA site on the corner of Stoney Creek Road and King Georges, Beverly Hills. Penalty Infringement Notice (Z0578326) issued 21 February 2000 – \$1,500 fine 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 that created the potential to pollute an onsite drain and possibly other waters. Routine maintenance contractors working for the RTA are now required to address this issue specifically in the relevant construction environmental management plan. Penalty Infringement Notice (N7899706) issued 18 January 2002 – a subcontractor working on the Tandys Lane Upgrade, Pacific Highway

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	<p>employed an incorrect sediment basin pump-out procedure and in doing so breached a condition of an Environment Protection Licence. The issues raised by this incident have been used within the RTA to illustrate the importance of adhering to environmental protection procedures.</p> <ul style="list-style-type: none"> • Penalty Infringement Notice (B5102543) issued 28 October 2002 – \$1,500 fine issued to the Mona Vale Road upgrade project for pollution of waters. Sediment laden water escaped the site into stormwater drains during the works. • Penalty Infringement Notice (7616962760 & 7616962751) issued 7 August 2006 – \$1,500 fine for failing to supply Dangerous Goods Shipping documents to two drivers of asphalt trucks near Nyngan, western NSW. No environmental harm resulted. • Penalty Infringement Notice (7616957069) issued 8 November 2007 – \$1,500 fine issued to the upgrade of the Pambula River Road project for the discharge of turbid water from the construction site to an adjacent watercourse. The issues raised by the incident led to the review of dewatering procedures and the delivery of environmental awareness and erosion and sediment control training. • Penalty Notice (7616963164) issued 11 December 2008 – for clearing of native vegetation (Myall Woodland) adjacent to Mitchell Highway west of Trangie. • Penalty Notice (7633250250) issued 29 April 2008 for pollution of waters as a result of inadequate sediment control measures, Great Western Highway, Marangaroo. • Penalty Notice (7601508934) issued 28 September 2010 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. • Penalty Notice (7601508961) issued 22 October 2010 for pollution of waters arising from discharges from the Central Coast Highway Upgrade project. • 3 Penalty Notices (3013382406, 3013382415 & 3013382424) issued 31 March 2011 for breaches of Dangerous Goods transport legislation for RFS vehicle on New England Highway. • Penalty Notice (3068038537) issued 17 November 2011 for pollution of waters of Byarong and America Creeks, Wollongong for failure to fully implement the sediment and erosion control measures outlined in the REF for the project. • Penalty Notice (3085764202) issued 15 June 2012 for breach of EPL13135 relating to sediment basin discharge from the Central Coast Highway Upgrade project.
<p>If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework</p>	<p>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).</p> <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.</p> <p>A copy of the RMS Environmental Management System Manual (October 2006) can be provided should it be required.</p>