

NSW Trains

Level 6, 477 Pitt Street
NSW 2000

**ENVIRONMENTAL MANAGEMENT
SPECIFICATION
FOR CONTRACTORS**

Version: 1.0

Date of issue: 1 July 2013

Version control

Version No.	Date	Clause	Description	Approved
1.0	1 July 2013	n/a	Amend RailCorp version to NSW Trains	S Walley

TABLE OF CONTENTS

1	GENERAL.....	4
1.1	Application.....	4
1.2	Definitions.....	4
1.3	Legal compliance.....	4
2	WORKING AT THE SITE.....	5
2.1	Hazard identification and risk assessment.....	5
2.2	Review of risk assessments and control measures.....	5
2.3	Competence of Employees.....	5
2.4	Environmental training and awareness.....	5
2.5	Environmental briefings by NSW Trains.....	5
2.6	Supervision of Employees.....	6
2.7	Pollution control equipment.....	6
2.8	Certification of Employees.....	6
2.9	Contractor’s environmental licences and permits.....	6
2.10	Contractor’s Plant.....	6
2.11	Subcontractors.....	6
3	ENVIRONMENTAL MANAGEMENT PLAN (EMP).....	6
3.1	Development and implementation of an EMP.....	6
3.2	Content of the EMP.....	7
3.3	Submission and review of the EMP.....	7
4	NOTIFICATIONS AND REPORTS.....	7
4.1	Pollution Incident notification.....	7
4.2	Notification of complaints.....	7
4.3	Waste and materials management reporting.....	7
5	FAILURE TO COMPLY.....	7
	APPENDIX 1 - RELEVANT LEGISLATION AND OTHER PUBLICATIONS.....	9
	APPENDIX 2 - WASTE AND MATERIALS MANAGEMENT REPORT.....	11

ENVIRONMENTAL MANAGEMENT SPECIFICATION FOR CONTRACTORS

1 GENERAL

1.1 Application

This Environmental Management Specification applies to all contractors who carry out work or provide services to NSW Trains. Its main purpose is to ensure that such work or services are carried out with due regard to environmental protection in accordance with legislative and NSW Trains requirements.

1.2 Definitions

In this Environmental Management Specification:

Contractor means a person, corporation or other legal entity that carries out work for or provides services to NSW Trains.

Employee means a person employed or engaged by the Contractor to carry out the Work and shall include a subcontractor and a person employed or engaged by a subcontractor.

Environmental Management Plan means a site or project specific plan developed to ensure that environmental requirements are complied with and that all environmental risks are identified and properly managed.

EPA means the NSW Environmental Protection Authority.

Hazard means a source or a situation with a potential for harm in terms of human injury or ill health, damage to property, damage to the environment, or a combination of these.

Incident means any occurrence that:

- (a) affects or has the potential to affect the well being of the environment; or
- (b) breaches the conditions of NSW Trains' Environment Protection Licences (EPLs) including NSW Trains' primary EPL [12208](#) (copies of all NSW Trains' Environment Protection Licences are available on the EPA website: NSW Trains EPL Licences).

Material Harm means any Incident to the environment that results in actual or potential harm to the health and safety of human beings or to ecosystems that is not trivial or results in actual or potential loss or property damage of an amount exceeding \$10,000 (as defined under the [Protection of the Environment Operations Act 1997](#)).

NSW Trains means NSW Trains as constituted under *Transport Administration Act 1988* (ABN 50 325 560 455).

Plant includes any machinery, equipment or appliance necessary or used to carry out the Work.

Pollution Incident refers to pollution incidents where material harm to the environment is caused or threatened (as defined under the *Protection of the Environment Operations Act 1997*).

NSW Trains Representative means the NSW Trains representative nominated in the Contract or such other person that NSW Trains may nominate from time to time.

Site means the lands and other places to be made available by NSW Trains to the Contractor for the purpose of carrying out the Work.

Work means the work under the Contract and includes any demolition, building, landscaping, maintenance and engineering activities under the Contract.

1.3 Legal compliance

The Contractor must comply with, and must ensure that Employees comply with, all relevant and applicable laws, codes, standards, guidelines, rules, policies and procedures relating to environmental protection and any approval, permit, or licensing conditions.

A non-exhaustive list of contacts and legislation, codes, standards, guidelines, rules, policies and procedures relating to the management of environmental protection is contained at Appendix 1.

In the event of any inconsistency between the provisions or requirements of any relevant codes, standards, guidelines, rules, policies and procedures relating to the management of environmental protection, the Contractor must comply with the provision or requirement that produces the higher level of environmental protection.

2 WORKING AT THE SITE

2.1 Hazard identification and risk assessment

Before carrying out any Work at the Site the Contractor must, in consultation with NSW Trains:

- (a) undertake a risk assessment to identify any foreseeable Hazards associated with the Site and the Work to be carried out by the Contractor, that has the potential to harm the environment;
- (b) assess the risk of harm to the environment arising from any Hazard identified; and
- (c) eliminate any reasonably foreseeable risk to the environment arising from any Hazard identified or, if it is not reasonably practicable to eliminate the risk, develop measures or procedures to effectively control the risk.

2.2 Review of risk assessments and control measures

The Contractor must review the risk assessment, and any measures adopted to control the risk, whenever:

- (a) there is evidence that the risk assessment is no longer valid; or
- (b) environmental damage results from exposure to a Hazard to which the risk assessment relates; or
- (c) a significant change is proposed in the place of work, the scope of work or in work practices or procedures to which the risk assessment relates.

2.3 Competence of Employees

The Contractor must ensure that each Employee:

- (a) is fully briefed and aware of the Work to be carried out;
- (b) has the necessary technical skills, knowledge, training, and experience to carry out the Work and appropriately manage any associated environmental risks;
- (c) has the necessary qualifications, certification and competencies required to satisfy applicable environmental legislative requirements and appropriately manage any associated environmental risks; and
- (d) has appropriate verbal language and literacy skills.

2.4 Environmental training and awareness

Prior to commencing any Work at the Site, the Contractor must ensure that all of the Employees are provided with environmental training to achieve the level of awareness and competence appropriate to their assigned activities. This includes any training required to comply with any relevant Environmental Management Plan required under the Contract.

The Contractor must not permit any Employee, without appropriate environmental training, to carry out work at the Site.

2.5 Environmental briefings by NSW Trains

Where NSW Trains identifies specific environmental issues associated with the Work and it decides to conduct an environmental briefing, the Contractor must ensure that each Employee carrying out Work at the Site attends any environmental briefing if directed to do so by NSW Trains.

2.6 Supervision of Employees

The Contractor must ensure that all Employees are adequately supervised by a competent person while carrying out the Work at the Site.

2.7 Pollution control equipment

The Contractor must ensure that each Employee carrying out Work at the Site:

- (a) is provided with all necessary and appropriate pollution control equipment including, but not limited to, if required:
 - (i) spill control equipment; and
 - (ii) sediment control devices;
- (b) is informed of any limitations of the equipment; and
- (c) is provided with the instruction and training necessary to ensure that the Employee is able to use the pollution control equipment to control the risk for which it is provided.

2.8 Certification of Employees

The Contractor must ensure that each Employee who will be carrying out the Work holds a recognised qualification or a certificate of competency where required, to complete the Work.

2.9 Contractor's environmental licences and permits

Before carrying out any licensed Work at the Site, where applicable, the Contractor must provide to NSW Trains satisfactory evidence of the Contractor's current licence and permits to carry out that Work.

2.10 Contractor's Plant

The Contractor must:

- (a) ensure that all Plant is fit for purpose;
- (b) ensure that all environmental Hazards arising from the installation, commissioning, erection and use of the Plant, and the systems of work associated with the Plant, are identified and the consequent risks assessed and eliminated or controlled;
- (c) ensure that all Plant is properly inspected, maintained and repaired in accordance with the requirements of the manufacturers' procedures, specifications or instructions; and
- (d) ensure that each Employee who will be operating the Plant:
 - (i) holds any licence or certificate necessary to operate the Plant,
 - (ii) has been provided with adequate information and training in the inspection, use, operation, maintenance and care of the Plant, and
 - (iii) is adequately supervised.

2.11 Subcontractors

The environmental requirements outlined in this Specification are also applicable to any subcontractors engaged by the Contractor. It is the Contractor's responsibility to ensure that its subcontractors are aware of these requirements and comply in all respects.

3 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

3.1 Development and implementation of an EMP

Where there is potential for damage to the environment or it is required under the Contract, the Contractor must develop and implement a Site-specific EMP to control the aspects of the Work that can impact on the environment. The EMP must be submitted to the NSW Trains Representative prior to commencing the Work.

3.2 Content of the EMP

The content of the EMP will be commensurate with the scale and level of environmental risk associated with the Work. The EMP must comply with the latest version of the [Environmental Management System Guidelines](#) (the Guidelines), or as otherwise directed under the Contract.

3.3 Submission and review of the EMP

The Contractor must submit a copy of the EMP to NSW Trains for its review and address NSW Trains' comments, if any, before the commencement of the Work.

4 NOTIFICATIONS AND REPORTS

4.1 Pollution Incident notification

The Contractor must:

- (a) promptly notify NSW Trains of the occurrence of:
 - (i) an Incident (whether or not the occurrence of the Incident is required to be notified to the EPA); or
 - (ii) a Pollution Incident; and
- (b) no later than 24 hours after the occurrence of an Incident or Pollution Incident, prepare and give to NSW Trains a written report setting out details of the nature, cause and effect of the Incident or occurrence, and any other details that NSW Trains may request; and
- (c) if required to give notice of any occurrence to the EPA or any other authority, give to NSW Trains a copy of that notice at the same time; and
- (d) promptly give to NSW Trains a copy of any notice received from or any penalty imposed by the EPA.

4.2 Notification of complaints

The Contractor must keep a record of all complaints made by the public or any other persons in relation to environmental issues, including noise, for Work under the Contract. Within one working day of receiving the complaint, the Contractor must provide a written report to the NSW Trains Representative detailing the nature of the complaint and all actions taken in response to remedy any problem resulting from the complaint.

4.3 Waste and materials management reporting

In accordance with the reporting requirements of the [NSW Government Waste Reduction and Purchasing Policy](#), the Contractor must report to NSW Trains details on the quantities of material purchased, material purchased with recycled content, of waste generated and recycled by the Contractor and its subcontractors in carrying out the Work. The Contractor must report such quantities by completing the "Waste and Materials Management Report" in Appendix 2 and submit it to the NSW Trains Representative with its final payment claim at the completion of the Contract (or as otherwise requested by NSW Trains).

5 Failure to comply

If NSW Trains is of the opinion that the Contractor or any of its Employees has not complied, or is not complying, with any environmental obligation, or failing to show an appropriate level of environmental responsibility, then NSW Trains may:

- (a) direct the Contractor to immediately comply, or ensure the Employee immediately complies, with the obligation;
- (b) if it is of the opinion there is a risk to the environment because of the non-compliance, direct the Contractor to immediately suspend carrying out all or any part of the Work until such time as the Contractor or the Employee has complied, or is complying, with the obligation and NSW Trains has given the Contractor written permission to resume carrying out the Work; and

- (c) if it considers the Employee's non-compliance to be a serious non-compliance direct the Contractor to immediately remove the Employee from the Site and not permit the Employee to return to the Site without NSW Trains' written permission.

If NSW Trains directs the Contractor to suspend carrying out all or any part of the Work, the Contractor shall not be entitled to make any claim for payment, and NSW Trains shall not be liable to make any payment to the Contractor, until such time as the Contractor or the Employee has complied, or is complying, with the obligation and NSW Trains has given the Contractor written permission to resume carrying out the Work.

APPENDIX 1 - RELEVANT LEGISLATION AND OTHER PUBLICATIONS

**The New South Wales
Parliamentary Counsel's Office**
Level 23, AMP Centre
50 Bridge Street
Sydney NSW 2000
Telephone: 61 02 9321 3333
Facsimile: 61 02 9232 4796
www.legislation.nsw.gov.au

Contaminated Land Management Act 1997
Environmental Planning and Assessment Act 1979
Environmentally Hazardous Chemicals Act 1985
National Parks and Wildlife Act 1974
Native Vegetation Act 2003
Noxious Weeds Act 1993
Occupational Health & Safety Act 2000
Pesticides Act 1999
Protection of the Environment Operations Act 1997
Rivers and Foreshores Improvement Act 1948
Road and Rail Transport (Dangerous Goods) Act 1997
Threatened Species Conservation Act 1995
Waste Avoidance and Resource Recovery Act 2001

The regulations associated with the above Acts are also applicable.

NSW Trains
477 Pitt Street
NSW 2000
Phone: 02 8202 2000
www.transport.nsw.gov.au/nswtrains/commercial/contracts

Code of Conduct
Environment and Sustainability Policy
NSW RailSafe Network Rules
NSW RailSafe Network Procedures
RailCorp Network Safeworking Standard

Standards Australia
1 The Crescent
Homebush NSW 2140
Phone: 1300 65 46 46
Fax: 1300 65 49 49
www.standards.com.au

AS/NZS ISO 14001: Environmental Management Systems – Requirements with guidance for use
HB:203: Environmental Risk Management: Principles and process
AS/NZS ISO 31000: Risk Management – Principles and guidelines

Department of Commerce
McKell Building
2-24 Rawson Place
Sydney NSW 2000
Phone: 02 9372 8877
Fax: 02 9372 7070
www.commerce.nsw.gov.au

Environmental Management Systems Guidelines

Office of Environment and Heritage

59-61 Goulburn Street

Sydney

Phone: 02 9995 5000

Fax: 02 9995 5999

www.environment.nsw.gov.au

www.wrapp.nsw.gov.au

Safe Work Australia

Department of Employment and Workplace Relations

220 Northbourne Avenue

Barton ACT 2612

Phone: 1300 551 832

www.safeworkaustralia.gov.au/

NSW Government Waste Reduction and Purchasing Policy

WRAPP Guidelines 2007

Environment Protection Licence 12208

Other NSW Trains Environment Protection Licences: 7515 and 79

Hazardous Substances Information System

APPENDIX 2 - WASTE AND MATERIALS MANAGEMENT REPORT

Contractor:	Site or Workplace:
Contract No:	Description of Work:

A. VEGETATION, CONSTRUCTION AND DEMOLITION MATERIALS

(Complete **all** categories - if none generated or recycled, please mark as 'Nil')

MATERIAL CATEGORY	TOTAL QUANTITY GENERATED (Tonnes)	TOTAL QUANTITY RECYCLED (Tonnes)	COMMENTS (if applicable)
Vegetation Waste			
Concrete			
Fill/Virgin Excavated Natural Material			
Asphalt			
Timber			
Bricks and roof tiles			
Glass			
Plasterboard			
Steel			
Non-ferrous material			
Mixed waste stream			
Contaminated waste stream (i.e. asbestos)			
Other, please specify:			

B. LANDSCAPING AND CONSTRUCTION MATERIALS

(Complete **all** categories - if none purchased or none purchased *with* recycled content, please mark as "Nil")

MATERIAL CATEGORY	TOTAL QUANTITY PURCHASED (Tonnes)	QUANTITY PURCHASED WITH RECYCLED CONTENT (Tonnes)	COMMENTS (if applicable)
Landscaping Materials			
Concrete			
Fill/Virgin Excavated Natural Material			
Asphalt			
Aggregates			
Timber			
Sand			
Bricks and roof tiles			
Other, please specify:			

Report compiled by:	Position:
Phone number:	Date:

DEFINITIONS OF WASTE, RECYCLING AND PURCHASING MATERIALS

The following definitions will assist in filling out the above reports.

Please note that descriptions of vegetation, construction and demolition materials are broad, to encompass the range of activities undertaken by NSW Trains.

If a material used in the work under the Contract does not exactly fit the description below, either list it under the material category that it best fits and briefly describe it in the comments section of the report, or list it under an 'Other' category with a brief description.

MATERIAL	DESCRIPTION
Aggregates	Rock or other hard materials such as concrete, crushed stone or bricks, between 4.25mm and 100mm particle size. See Australian Standards for detailed specifications.
Asphalt	Any materials containing bituminous hydrocarbons. May contain additives such as concrete. Includes recycled asphalt pavement.
Bricks and roof tiles	Clay bricks and roof tiles which may be mixed together. This can include small amounts of concrete or plaster render. Recycled bricks and roof tiles are those that have been reclaimed, reused or recycled.
Concrete	Mixture of cement, sand and aggregates. May include additives or substitutes such as fly ash.
Fill	Excavated material such as clay, gravel, sand, soil and rock that has been mixed with another waste or excavated from areas that are contaminated with manufactured chemicals, as the result of industrial, commercial, mining or agricultural activities.
Glass	Sheet glass used for doors, windows, partitioning etc.
Landscaping materials	Organic products such as mulch, compost, bark, wood chips and soil blends.
Non-ferrous metal	Metal building materials other than steel e.g. aluminium, brass, copper etc.
Sand	Very fine hard aggregate between 0.75mm and 4.25 mm in size. See the relevant Australian Standard for detailed specification.
Steel	Metal building products and materials e.g. reinforcing steel, sheet roofing, structural columns and beams etc.
Timber	Wood materials used for formwork or other construction purposes. Recycled timber is timber that is reclaimed, reused or recycled.

MATERIAL	DESCRIPTION
Total quantity generated and purchased	The combination of the amount of waste disposed to landfill and the amount recycled. For example 800 tonnes recycled and 200 tonnes to landfill equals 1,000 tonnes generated. The total quantity purchased is the entire amount purchased, including the amount with recycled content.
Vegetation waste	Vegetation such as leaves, grass clippings, branches and logs. Includes materials that have been processed e.g. sawn, chipped, mulched or composted. Does not include putrescible waste such as food scraps.
Virgin excavated natural material (VENM)	Virgin excavated natural material such as clay, gravel, sand, soil and rock that is not mixed with any other waste and has been excavated from areas that are not contaminated with manufactured chemicals, as the result of industrial, commercial, mining or agricultural activities.