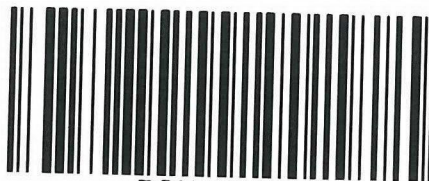




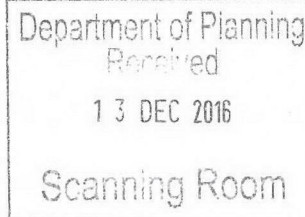
**Transport
for NSW**



PCU068596

5 December 2016

Erica Van Den Honert
Director, Planning Services, Business Systems
Department of Planning & Environment
Level 22, 320 Pitt Street
Sydney, NSW 2001



Dear Ms Van Den Honert

RE: EIA Improvement Project (State Significant Projects)

The Planning and Environment Services Team at Transport for NSW welcomes the opportunity to make a submission to the Department of Planning and Environment on the *Environmental Impact Assessment Improvement Project Discussion Paper* (the Discussion Paper). Transport for NSW supports the improvement project and the initiatives proposed for the potential benefits they will bring to the proponent, the consent authority and the community.

Please note our comments on the Discussion Paper were submitted via the online survey on 29 November 2016 c/o Ben Groth, Principal Manager, Environmental Impact Assessment. This letter is to formalise those comments and to offer our perspective as a state government proponent of major infrastructure projects. We provide the following comments in relation to each of the proposed initiatives:

Initiative 1: Prioritisation of issues at the scoping stage of the EIA process

Transport for NSW views this initiative *very positively*.

The level of examination of an issue should be based on its relative importance and its potential impact. The use of a risk matrix to determine the level of examination is an accepted practice for government agencies engaged in EIA. This process should apply to all EIA processes, particularly the private sector. The Secretary's Environmental Assessment Requirements (SEARs) is the key document to provide this risk assessment and ensure the appropriate prioritisation of issues and level of assessment from the outset. For this reason, SEARs are necessarily project specific although it is recognised that some level of standardisation of SEARs could be helpful in providing proponents with greater certainty.

Initiative 2: Earlier engagement with the community

Transport for NSW views this initiative *very positively*.

Transport for NSW strives for better, earlier and more meaningful engagement with the community on all of its projects. However, often the timing of engagement is subject to the availability of information and/or the government's agenda. Failure to engage with the community at the right time with the right information can cause unnecessary community angst. Often mitigation measures are unable to be identified at the early stages of EIA and there is a risk of causing an unnecessary adverse community reaction if information about key issues and impacts

are not presented in conjunction with proposed mitigation. For this reason, there needs to remain flexibility with regards to the timing of consultation.

Initiative 3: Consolidated Project Description

Transport for NSW views this initiative *very positively*.

Comprehensive project descriptions which clearly describe the project and the key impacts are included in all of Transport for NSW's EIA documents. We also include a section which summarises all of the proposed mitigation measures, usually in the form of a table. To improve the legibility and usefulness of EIA documents, it would be beneficial to update project descriptions in the event of modifications, such that they become live documents, separate to the main EIA. However, it may be the case that these updates are not necessary for minor modifications (which do not affect the project description).

Initiative 4: Performance based environmental management

Transport for NSW views this initiative *very positively*.

Performance based environmental management offers a better outcome for the reality of commercial arrangements that are led by contractors/alliances for the delivery of major projects and may lead to innovation. However, it may also create a requirement for greater monitoring if performance based goals are not properly articulated.

Initiative 5: Codes of conduct for EIA professionals

Transport for NSW is *neutral* on this initiative.

Government agencies are bound by their own codes of conduct and procurement guidelines in the preparation of EIA and engagement of professional services.

Initiative 6: Provide greater certainty on EIA timeframes

Transport for NSW views this initiative *very positively*.

Government agency proponents, the private sector and the community are likely to be aligned in their support for this initiative.

Initiative 7: Compliance monitoring

Transport for NSW is *neutral* on this initiative.

Transport for NSW utilises a comprehensive compliance management system for its major projects. While there is support for this initiative conceptually, consideration should be given to the need for some flexibility as to the type of systems employed to ensure ongoing competitive compliance practices.

Initiative 8: Project change processes following approval

Transport for NSW views this initiative *somewhat positively*.

Transport for NSW supports this initiative to the extent it would provide a clearer process for defining an approval pathway for modifications which is dependent on the scale of the modification. Assessment efforts for modifications should be proportionate to the potential impacts of the modification.

Other: Benchmarks and incentives for exemplary EIA

Transport for NSW would like the Department to give consideration to the promotion of industry benchmarks and exemplary projects through incentives and recognition of good practice / quality documents and outcomes.

If you have any further questions or wish to discuss our comments further, please contact Anna Bradley on 9422 0651 or by email at anna.bradley@transport.nsw.gov.au.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Louise', with a stylized flourish extending to the right.

Louise Sureda
Director Planning & Environment
Planning & Environment Services
Infrastructure & Services Division
Transport for NSW