POST APPROVAL GUIDANCE

Environmental Management Plan Guideline

Guideline for Infrastructure Projects

April 2020

NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Environmental Management Plan Guideline

Subtitle: Guideline for Infrastructure Projects

First published: APRIL 2020

Department reference number: DOC20/277703

More information

Infrastructure Policy and Assessment Practice team / Infrastructure Management team

Infrastructure Assessments, Planning and Assessment.

Contents

Glossary

Term	Definition[1]
Conditions of consent	Any of the following, in accordance with the *Environmental Planning and Assessment Act 1979*: • development consents for a state significant development • infrastructure approvals for state significant infrastructure • transitional Part 3A project approvals • other approvals or consents granted by the minister responsible for planning.
Department	NSW Department of Planning, Industry and Environment.
EIA	Environmental impact assessment. This includes the approved documents prepared to support an application for consent or approval of a project, and any subsequent modifications to the application or proposed project, including (as relevant) further environmental impact assessments and responses to submissions.
EIS	Environmental impact statement prepared by the proponent for a state significant project application.
Environmental aspect	As defined by AS/NZS ISO 14001:2015 as an element of an organisation's activities, products or services that can interact with the environment. They can be direct or indirect.
Environmental control map or plan	A plan or map that identifies the location of physical protection measures, work method controls and monitoring requirements to minimise the impact of project activities on the environment and community in and adjoining a specific work area.
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be or cause a non-compliance.
Material harm	Harm that: • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial • results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).
Minister	NSW Minister for Planning and Public Spaces (or delegate or nominee, including the Secretary of the Department of Planning, Industry and Environment)
Mitigation	Actions or measures to reduce the impacts of a project.
Non-conformance	Failure to comply with an environmental requirement, standard, or procedure.
Non-compliance	An occurrence and/or set of circumstances that breach the conditions of consent and/or any other legal requirement.
Phase	A distinct period in the project (for example construction, operation, decommissioning).
Proponent	The person or entity that is referred to as the proponent in an approval or the applicant in a consent or any other person carrying out any part of the development to which the approval or consent applies.

[1] If the *Environmental Planning and Assessment Act 1979* and associated Regulations or the conditions of consent provide definitions for any terms used in this document that are inconsistent with the definitions provided in this document, the definitions in the Act, Regulation and the conditions of consent prevail to the extent of any inconsistency.

Term	Definition[1]
Planning Secretary	Planning Secretary under the *Environmental Planning and Assessment Act 1979*, or nominee. (Note references to the Planning Secretary in legislation now refer to the 'Secretary of the Department of Planning, Industry and Environment)
Stage	A discrete sequence of activities undertaken to complete one or many activities within the project scope. A project can have several stages which can extend throughout multiple phases.
State significant project	In this guideline, the term 'state significant projects' refers to both state significant development (SSD) and state significant infrastructure (SSI) projects. Although there are differences in the statutory regimes for SSD and SSI projects and in the terms used in each (e.g. applicant/proponent, development consent/infrastructure approval, consent authority/approval authority), this guideline focuses on the similarities between the projects in both statutory regimes and, for ease of reference, uses a single set of terms and applies them to both types of projects.

Introduction

1 Introduction

The Department of Planning, Industry and Environment has prepared this guideline to help proponents prepare an environmental management plan (EMP) for a state significant project[2] that falls within the following categories of development:

- rail and rail related transport facilities
- roads
- port, water or boating facilities
- educational establishments
- hospitals, medical centres and health research facilities
- correctional centres and complexes
- water storage and treatment facilities, sewerage systems and associated pipelines.

The term EMP refers to a wide variety of management documents such as environmental management strategies, construction environmental management plans, operational environmental management plans and sub-plans prepared to address specific environmental aspects.

For infrastructure projects in the above-mentioned categories, this Environmental Management Plan Guideline supersedes the Department of Infrastructure, Planning and Natural Resources (DIPNR) 2004 *Guideline for the Preparation of Environmental Management Plans*.

1.1 Purpose of this guideline

This guideline identifies the information that should be provided in an EMP, and sets out the Department's expectations for lodgement, approval, and publication.

An EMP should be clear, concise and address all relevant conditions of consent and any related legislative and compliance requirements, including commitments made in the approved environmental impact assessment (EIA). A proponent may include additional information if it is relevant to the project and adds value to the EMP.

If there is inconsistency between the requirements of a project's conditions of consent and the information provided in this guideline, the conditions of consent prevail to the extent of the inconsistency.

[2] In this guideline, the term state significant project refers to both state significant development (SSD) and state significant infrastructure (SSI) projects. Although there are differences in the statutory regimes for SSD and SSI projects and in the terms used in each (e.g. applicant/proponent, development consent/infrastructure approval, consent authority/approval authority), this guideline focuses on the similarities between the projects in both statutory regimes and, for ease of reference, uses a single set of terms and applies them to both types of projects.

General information

2 General information

This section provides general information that should be considered when preparing an EMP.

2.1 What is an environmental management plan?

An EMP is a document developed to ensure that there is appropriate and effective environmental management of a project and that the conditions of consent, any related legislative or compliance requirements, and the commitments made in the approval are met.

An EMP should be a practical, user-friendly document that provides clear direction for those responsible for its implementation. It should:

- outline the project's environmental management framework
- identify the relevant conditions of consent, any other related legislative and compliance requirements, and the commitments made in the approved EIA and outline how they will be met
- describe the environmental impacts of the project as they relate to the scope of work covered by the EMP
- include the environmental risk assessment process that will be used to identify ongoing risks
- identify the roles and responsibilities of personnel involved in environmental management
- outline environmental training and awareness needs
- provide a schedule of actions and processes that will be implemented to manage potential environmental impacts
- document any environmental and compliance monitoring and reporting programs
- include any strategies developed to drive continual environmental improvement
- include measures to review and revise the EMP as required.
- Where applicable, an EMP should also:
- demonstrate the application of best practice environmental management
- incorporate visual tools, tables, flow charts, figures and diagrams.

2.2 Who is the audience of an EMP?

The audience of an EMP is broad, including:

- those involved in the project, including proponents, contractors, subcontractors and project personnel
- the Department, other regulators and government agencies as required by the conditions of consent
- stakeholders including the community and/or a Community Consultative Committee.

2.3 Sub plans

In this guideline, the term EMP refers to the overarching EMP or any sub-plan required by the conditions of consent. Unless specified by a condition of consent, proponents may determine the content of the overarching EMP and any sub-plan. However, proponents should aim to minimise duplication across related documents or sub plans while still ensuring each plan can be individually understood and implemented.

2.4 Writing a quality environmental management plan

An EMP has no set length. The length will depend on the nature and scale of the project and the requirements of the conditions of consent.

An EMP should be written with clear and committed language so that the Department, agencies, and the community and other stakeholders understand the commitments being made. Examples of committed language include “must” and “will”. Ambiguous terminology such as “where possible” and “as far as practical” should be avoided. Where ambiguous terminology is used, an explanation and examples should be provided in order to set parameters for the ambiguity.

An EMP should use plain English. Jargon or long sentences with complex clauses should be avoided. Any technical terms or acronyms used should be clearly defined in a glossary.

The use of maps, photographs, interactive digital tools and checklists, figures and tables to present information in lieu of long, descriptive text is encouraged. Visual presentation of information should be consistent with the text and should be correctly cross-referenced.

When an EMP refers to information in the EIA, the conditions of consent or any other document, cross-references should be clear, complete and specify the document version and date. Circular referencing should be avoided.

Content of an EMP

3 Content of an environmental management plan

This section outlines the minimum content recommended for an EMP. Appendix A provides a checklist to assist in developing an EMP and Appendix B provides a suggested table of contents.

3.1 General requirements

The opening pages of an EMP should clearly and prominently identify the:

- document version or revision number
- stage of the project that the EMP relates to, if the project is staged
- phase of the project that the EMP relates to (for example, construction, operation, decommissioning)
- conditions of consent the EMP addresses
- title and name of the person who prepared and approved the EMP.

The header and footer on each page of the EMP should also include:

- the project application number
- the name of the EMP
- the date and version of the EMP
- sequential page numbering.

3.2 Introduction

The introduction should:

- describe the purpose, scope and objectives of the EMP
- identify the conditions of consent to which the plan relates and where in the document these are addressed
- reference the proponent's environmental policy, if applicable
- state whether the EMP is staged, in accordance with the conditions of consent.

3.3 Project description

3.3.1 Project overview

This section of an EMP should provide a summary of the project, preferably in dot points. The summary should be consistent with the approved project description.

Detailed descriptions of the project should be avoided to reduce the risk of introducing inconsistencies between the approved project, the conditions of consent and the project described in the EMP.

The project overview (and other relevant sections of an EMP) must be updated when the consent or approval authority approve modifications of the project.

3.3.2 Site location plan

A site location plan(s) should be included in an EMP, to provide visual context of the project location and related environmental aspects. The site location plan should accurately reflect the project as described in the approved EIA, and should include the following information (where relevant):

- the project boundary and approved disturbance footprint

- names of major roads and landmarks
- adjoining land uses
- location of sensitive receivers
- location of environmentally sensitive areas or features, buffer zones or 'no-go zones' on and adjacent to the site (for example, threatened species, critical habitat, contaminated areas, watercourses, heritage zones, lands reserved or acquired under the *National Parks and Wildlife Act 1974*).

On the same site location plan, or on a smaller scale drawing:

- key construction traffic and haulage routes
- site layout, including entry and exit points and internal roads
- the location of long-term site facilities, work compounds (including ancillary facilities and satellite compounds) and storage and laydown areas
- location of stormwater drainage and watercourses
- relationship between construction and operational areas, where relevant.

All site location plans should include a scale, orientation and legend, and where possible be based on a high-quality current aerial photo.

3.3.3 Scope of works

This section of an EMP should describe:

- the scope of works relevant to the EMP
- a brief description of how activities within this scope of work, or the limits of activities, will be carried out in order to meet the conditions of consent and manage the risks associated with the project
- indicative plant and equipment to be used.

Once an EMP has been approved, only the activities that have been included in the approved EMP can be undertaken.

3.3.4 Timing of activities

This section of an EMP should explain the timing of the project, including hours of work, sequencing of key activities and any concurrent activities. Information included should be based on, and consistent with, information in the approved EIA. The process used to change the timing of activities and hours of work should also be explained.

If the EMP covers more than one phase (for example, demolition, construction, operation) the sequence of these phases should be included. Sequencing of phases and key activities should be supported by a simple graphic showing the planned sequencing and indicative durations of each key activity.

If the conditions of consent require or allow for a Staging Report, an EMP must be consistent with the approved staging report.

3.4 Community and stakeholder engagement

An EMP should include a section on community and stakeholder engagement.

If the conditions of consent require the preparation of a communications plan or strategy (such as a community and stakeholder engagement plan or similar) the EMP only needs to reference this plan.

However, where a communications plan or strategy is not required by the conditions of consent, an EMP should describe how:

- the community and stakeholders will be informed about the project status and environmental performance
- complaints and enquiries will be received, recorded, handled and responded to
- complaints and enquiries will be reported, and to whom.
- the monitoring of actions taken to resolve complaints and enquiries will be undertaken
- any unresolved matters will be dealt with.

3.5 Environmental management framework

3.5.1 Relationship to an existing environmental management system

An EMP is often one component of a proponent's environmental management system (EMS). Where an EMP is integrated with an EMS, the EMP should note whether the EMS is certifiable, or certified, to ISO14001—Environmental Management Systems. It should also provide a brief overview of its relationship to the EMS. A detailed description is not required; a diagram or flowchart can assist in providing clarity.

In this section, a proponent may reference procedures and/or tools from their EMS, if there is enough detail in an EMP to satisfy the requirements of the conditions of consent and facilitate the implementation of the EMP. In this case, this section should include a statement that any procedures and/or tools referenced within an EMP meet the requirements of the conditions of consent. The Department may need to sight the relevant EMS documents/system prior to approval of the EMP by the Planning Secretary.

3.5.2 Environmental management structure and responsibilities

This section should provide a clear organisational structure outlining the personnel involved in the environmental management of the project. The structure should show the roles, responsibility, authority and accountability of personnel involved in environmental management, including subcontractors. The identification of position titles, roles and responsibilities is sufficient—names are not required. An EMP should be updated if roles and responsibilities change over the life of the project.

Any technical specialists or external parties required by the conditions of consent (for example, an environmental representative) should be included in this section.

3.5.3 Legal and compliance requirements

This section of an EMP should clearly identify the relevant legal and compliance requirements that relate to the EMP, including:

- legislative, regulatory and other requirements such as permits and licences
- conditions of consent
- guidelines, policies and standards.

This section should detail how they relate to the project and where they have been addressed in the EMP.

The information may be presented in a table and should be kept up to date. If the approved project is modified, these requirements may need to be updated.

3.5.4 Training and awareness

This section of an EMP should outline the training and awareness program that will be developed and implemented to ensure personnel are adequately trained and can competently fulfil their responsibilities under the EMP. A training needs analysis or gap analysis should be undertaken and used as the foundation for this program. Any training and awareness programs should be tailored to the roles of individuals to ensure personnel:

- are aware of the key environmental aspects, impacts and risks, the conditions of consent and approved EMP
- are aware of relevant legislative responsibilities, including any penalties for failing to meet these responsibilities
- have the required skills and competence to perform the relevant environmental management, reporting, monitoring and community engagement functions of their role.

An environmental training and awareness program may include:

- site induction and toolbox talks
- environmental incident and emergency response training
- training in the implementation of environmental management measures.

3.5.5 Environmental risk assessment

An EMP should be informed by the identification and analysis of environmental aspects and impacts, and the mitigation of associated risks.

This section of an EMP should reference the environmental risk assessment process undertaken for the EIA, and the management measures developed in response to those risks. It should also describe the initial risk assessment undertaken before the commencement of construction, describe the environmental risk assessment process adopted for the ongoing identification, and review known and potential environmental impacts associated with the project.

Environmental risks should be effectively evaluated and translated into practical construction or operation management measures to be implemented by the project. An example methodology for evaluating risk is provided in Appendix D.

Environmental risk assessment cannot be used to identify and assess changes to the project that are not described and assessed in the approved EIA. These may be project modifications and may need to be referred to the Department.

A copy of the initial environmental risk assessment should be included as an appendix to an EMP.

3.5.6 Hold points

Conditions of consent, the requirements of other additional approvals, relevant legislation and the project EMS may require that certain activities associated with the project are not commenced until certain obligations have been met (i.e. ‘hold points’).

Hold points that apply to the overall environmental management of the project must be included in the EMP. Proponents may also include hold points that are not as a result of the conditions of consent but may be required in response to the project EMS or to manage environmental risks.

The EMP should identify hold points relevant to each environmental aspect, and who is authorised to provide sign off before that hold point can be released, so the relevant activity can commence or re-commence. Where there are no hold points, a statement must be included in the sub-plan to that effect.

3.5.7 Environmental management measures

This section of an EMP should detail all environmental management activities, mitigation, control and contingency measures, including measures from the approved EIA. Environmental management measures must ensure compliance with the conditions of consent and all relevant legal and compliance requirements.

Additional environmental management measures may also be required to meet the project's compliance obligations and could be identified through ongoing environmental risk assessment, environmental monitoring, surveys and/or targeted studies. It is the responsibility of the proponent to ensure that any additional measures being proposed are either already allowed by the approved EIA or to obtain further approval through a request to modify the existing project.

When reproducing the environmental management measures from the approved EIA, the exact wording of the management measure must be used. Additional environmental management measures should be easily distinguished from the EIA approved environmental management measures and written in committed language.

All environmental management measures should be presented in table format with measurable outcomes and clear timeframes.

The environmental management measures table should include:

- the environmental management measure
- a cross-reference to the source of the environmental management measure
- the phase of the project to which the measure relates
- the timing and/or frequency for implementation of the measure
- the location where the measure will be implemented, by referring to a specific area or zone or describing the type of area
- how implementation of the measure will be monitored, including environmental inspections
- the project role responsible for the implementation of the measure, including any hold points that apply to the measure
- the evidence that will confirm that the measure is met and how this will be documented.

The location of an environmental management measure may change as the works progress (for example, erosion and sediment controls to manage excavations). If the description of the measure or the type of area where it will be implemented (e.g. downslope of the works) has not changed this will not require further approval by the Planning Secretary. However, if the environmental management measure or the type of area in which it will be implemented changes, this section of the EMP must be amended and may require further approval by the Planning Secretary, as required by the conditions of consent.

Examples of environmental management measures and how they might be presented are provided in Appendix D.

3.5.8 Environmental monitoring program

Where the conditions of consent require a monitoring program, the program may be included in an EMP. In addition to meeting any requirements of the conditions of consent, an environmental monitoring program should include the following:

- the purpose of the monitoring (for example, noise monitoring to ensure compliance with noise levels/goals)
- the standards, guidelines or methodologies that will be used to inform the monitoring
- details of existing baseline data that is available, and any further baseline data that will be obtained

- the parameters that will be monitored (for example, extent of vegetation clearing, pre-clearing checks for fauna)
- methodology (for example, grab samples for water quality monitoring, site inspections)
- monitoring locations (fixed or subject to change depending on project phases) and how the locations will be chosen
- timing and frequency of monitoring (for example, following trigger events) and duration
- project position responsible for monitoring
- evidence that will be collected or provided to demonstrate compliance and how this will be documented
- how any actions arising from the monitoring will be managed, including response times, review of effectiveness, implementation of additional mitigation measures and closure of responses. For some projects this may lead to a requirement to prepare a 'Trigger action response plan' or to review and revise the EMP
- any consultation that is to be undertaken in relation to the monitoring program.

Where the method of monitoring is not specified in the conditions of consent, or any other related legislative or compliance requirements, it should be undertaken in accordance with current accepted industry standards, guidelines and methodologies. Any equipment used for monitoring should be in good working order (including any calibration requirements) and suitable for the monitoring being undertaken.

3.5.9 Environmental inspections

A program of environmental inspections to be carried out as part of the project should be included in an EMP. Environmental inspections confirm the implementation of an EMP and assist in assessing the adequacy of the EMP in achieving required compliance and environmental outcomes. Environmental inspections also provide an opportunity to investigate whether the controls implemented on site could be altered to improve outcomes beyond compliance.

Environmental inspections can include:

- general environmental condition assessments of project and surrounding areas
- targeted inspections of key aspects, e.g. inspection of an area of protected vegetation
- assessment of the presence, state of repair and adequacy of installed environment controls, e.g. inspection of erosion and sediment controls after a rainfall event
- activity observations, e.g. an inspection undertaken during works such as a concrete pour or vegetation clearing.

When including details of environmental inspections in the EMP, the following should be included:

- what will be inspected
- when the inspection will occur (for example, set frequency, following trigger events)
- who (project position) will carry out the inspection
- how inspections will be documented
- how actions arising from the inspections will be managed, including action response times, review of effectiveness and closure of action responses and how and to who inspections will be reported.

Where matter specific inspections are required, the details of this inspection are to be included in the relevant sub-plan. The details of the inspection are to be consistent across the EMP and the sub-plan.

3.5.10 Environmental control maps or plans

Environmental control maps or plans (ECMs) can provide useful and dynamic environmental management information about the project, including information on controls and constraints such as the location of:

- environmentally sensitive features
- sensitive receivers and control measures relating to them
- exclusion fencing to protect sensitive areas or vegetation
- watercourses including drains and culverts that require protection and associated protection measures
- areas that require erosion and sediment control measures and what those measures are
- restricted areas outside and within the site
- work areas, machinery or vehicle parking, stockpile areas, storage and laydown areas
- other environmental controls or management measures
- monitoring stations.

ECMs do not need to be included in an EMP. However, the EMP should state whether ECMs will be used and list when they will be used. If the project covers several sites or locations, the list of ECMs should refer to the site or location to which they apply.

3.5.11 Environmental management documents

This section of an EMP should list any environmental management documents that will be used to record and report the implementation of the project's environmental management measures. These environmental management documents may include forms, reports and registers such as:

- environmental site inspection checklist
- corrective and preventative action report
- complaints register and enquiries form
- environmental incident report form
- environmental training register
- waste register
- monitoring and discharge checklist/s.

Other environmental management documents, such as environmental work method statements and noise and vibration impact statements, should be included in this section where relevant to the project.

3.5.12 Compliance monitoring and reporting

An EMP should document procedures to monitor the compliance status of a project.

If the proponent is required to monitor compliance with the conditions of consent in accordance with the Department's Compliance Reporting Post Approval Requirements (PAR), there is no requirement to include any other details in an EMP beyond a statement to that effect.

If the conditions of consent do not require the application of the Department's Compliance Reporting PAR, an EMP must explain how the compliance status of the project will be monitored and reported against the conditions of consent.

An EMP must also document how the environmental performance and compliance status of the project will be monitored and reported against any other relevant legal and other compliance requirements. These procedures must ensure that:

- all relevant compliance requirements that apply to each phase of a project are identified

- the approach for assessing compliance is considered and documented
- the project's performance in terms of compliance with the relevant requirements is evaluated based on monitoring data
- the reporting obligations are addressed
- opportunities for improvement are identified and adopted.

3.5.13 Environmental auditing

Audits are undertaken to obtain an objective assessment of the environmental performance and compliance status of a project.

If the conditions of consent require the project to be audited in accordance with Department's Independent Audit Post Approval Requirements (PAR), there is no requirement to include any other details in an EMP beyond a statement to that effect.

If the conditions of consent do not require a Department's Independent Audit PAR, this section of an EMP should document the program to be implemented to audit the environmental performance and the compliance status of a project internally, externally, and independently. The audit program should include information on:

- whether or not the audit/s will be undertaken by a person independent of the project team, and whether any technical specialists are required
- the audit scope, timing, frequency and methodology
- whether the audit report will be made public and, if so, where it will be located (for example on the proponent's website).

3.5.14 Other environmental reporting

This section should document all other relevant environmental reporting requirements for the project, such as reports on environmental incidents to regulators, reports to the community and stakeholders, environmental monitoring reports, complaint management reports, audit reports and any other reports that address the conditions of consent.

All relevant environmental reporting requirements should be documented in a table and include:

- the name of the report
- the scope of the report
- the schedule or triggers for preparation of the report (including timing for submission)
- who the report will be provided to, and whether their review or approval is required
- responsibilities and timeframes for following up on outstanding actions within each report
- document control procedures.

3.5.15 Environmental incident and emergency planning, preparedness and response

This section should list the roles and responsibilities of project personnel responsible for managing environmental incidents and emergencies, including those responsible for determining whether an event is an incident. Names and phone numbers of these project personnel should not be included in the EMP, however these details should be readily available on site.

This section should include:

- contact details for emergency services (ambulance, fire brigade, police, spill clean-up services and others if relevant)
- the location of on-site information on hazardous materials, including safety data sheets and spill containment materials

- procedures to minimise damage and to control an environmental incident or emergency
- a process for notifying the Department, relevant government agencies, local councils and, if necessary, nearby residents
- a process for reviewing environmental incident and emergency planning, preparedness and response procedures following an environmental incident or emergency.

Where legislation and/or permit or licencing requirements for a project specify incident notification, reporting and response obligations, these should be referenced in this section of an EMP (for example, if a project requires an Environment Protection Licence, a reference to the associated Pollution Incident Response Management Plan should be included).

3.5.16 Corrective and preventative actions

A corrective and preventative action process should be initiated following the identification of a non-conformance and/or non-compliance. Non-conformance is defined in this guideline to be a failure to comply with an environmental requirement, standard, or procedure. Non-compliance is defined as an occurrence and/or set of circumstances that breach the conditions of consent and/or any other legal requirement.

This section should include:

- the project position involved in the review of the non-conformance and/or non-compliance and in the development of corrective and preventative actions to address it
- how timeframes for the implementation of identified corrective and preventative actions will be decided
- how the implementation of corrective and preventative actions and their effectiveness will be checked and tracked to prevent a reoccurrence or drive improvement
- how the corrective action and preventative process will be documented
- who this will be reported to (including the Department and other authorities and stakeholders, where relevant).

3.5.17 EMP review and revision process

An EMP should be regularly reviewed as part of a continual improvement process to ensure it remains current and relevant to the project.

The process that will be adopted to review and, where necessary, revise an EMP should be documented in this section. It should also include details of the triggers or thresholds for review or revision.

Unless otherwise specified by the conditions of consent, an EMP should be reviewed and, where necessary, revised following:

- an incident (as defined by the conditions of consent)
- any non-compliance with the conditions of consent or other legal requirement
- any non-conformance with any other environmental requirements
- audit findings (internal, external and/or independent)
- project modifications approved by the consent or approval authority
- changes to legislative requirements.

If an EMP is revised, it should be submitted to the Department (and/or other party as required by the conditions of consent) for assessment and approval in accordance with the requirements of any relevant conditions of consent and the review process that was documented and approved in the earlier version/s.

To facilitate more efficient document review and approval (if required), a version of the revised EMP should be provided to the Department, and accompanied by information that identifies:

- what has changed and why it has been changed
- the proposed timeframe to implement the change.

A brief summary of the changes made and the circumstance/s that triggered the review and revision should also be included in the version control information.

Where the conditions of consent allow for minor amendments to an EMP to be approved by the project's Environmental Representative (ER) or another approver, the EMP should include a definition of what is considered to be a minor amendment and the process that will be followed to obtain that approval.

Consultation, approval and revision process

4 Consultation, internal approval and lodgement

This section provides guidance on the Department's expectations for consultation to be undertaken during the preparation of an EMP and on the requirement to internally approve an EMP prior to submission to the Department.

4.1 Stakeholder engagement

The conditions of consent may require consultation during preparation of an EMP.

Details of any consultation should be appended to an EMP, and include:

- when the consultation was carried out and with whom
- how the consultation was carried out (for example, face to face meeting, workshop, telephone conversation)
- the views of the stakeholders
- how views have been considered and any changes made to the EMP in response
- details of any disagreement and how the proponent has addressed matters not resolved.

If the conditions of consent require an EMP to be prepared to the satisfaction of a stakeholder, or evidence that a stakeholder is satisfied with the response to issues raised during consultation, written evidence of the stakeholder's satisfaction should be provided.

Notwithstanding the above, proponents should take care not to include any confidential or personal information as an EMP is likely to be a publicly available document.

Where the conditions of consent require an EMP to be prepared in consultation with a stakeholder, the relevant party should be notified about any revisions to the EMP that were approved by the Department and advised as to where they can view or obtain a copy.

If significant changes are made to an EMP, further consultation may be necessary as required by the conditions of consent. If a proponent is unsure whether changes warrant further consultation or if, due to lapsing of time since the plan was last changed, it is not possible to contact the parties named in the conditions of consent, they should contact the Department for clarification.

4.2 Internal approval of an EMP

An EMP provided to the Department must be internally approved by an authorised representative of the proponent or contractor. This includes any revisions that occur under Section 3.6 of this guideline.

The person internally approving an EMP should have experience in the management of environmental aspects to which the EMP relates. The internal approval should confirm the EMP:

- identifies and addresses all relevant conditions of consent, legislative and compliance requirements
- has been prepared in consultation with, or to the satisfaction of, stakeholders, as required by the conditions of consent
- was prepared having regard to this guideline.

4.3 Lodgement

An electronic copy of an EMP and the plan preparation checklist (see Appendix A) must be submitted to the Department. All the documentation must be in PDF format, text-searchable and non-secured.

An EMP should meet the requirements of the Web Content Accessibility Guidelines (WCAG) 2.0 and should have a navigable table of contents in a PDF, viewable on a mobile device.

Approval and publication

5 Approval and publication

5.1 Role of the Department in the approval process

When the conditions of consent require an EMP to be approved by the Planning Secretary, the role of the Department is to confirm that the:

- EMP has been prepared in accordance with the conditions of consent, including any consultation requirements
- EMP identifies the conditions of consent and all relevant legal and compliance requirements
- EMP has been prepared having regard to this guideline
- proponent has provided enough detail on how environmental management measures will be implemented
- environmental management measures appear acceptable to manage the environmental impacts associated with the project.

A proponent is responsible for ensuring the project is undertaken in compliance with all the conditions of consent and all other relevant legal and compliance requirements. The Planning Secretary's approval of an EMP is not to be construed as absolving the proponent of such responsibility.

An EMP will only be approved if all requirements in the relevant conditions of consent have been addressed. If an EMP fails to do this, or the Planning Secretary is not satisfied the environmental management measures are acceptable, it will not be approved, and the proponent will be required to revise and resubmit an EMP.

5.2 Public availability

Where the conditions of consent require an EMP to be made publicly available, the Department should be notified:

- when the EMP has been made publicly available
- how the EMP can be accessed by the public.

An EMP may only be published after the Department approves the EMP or any subsequent revision.

If the conditions of consent require that an EMP be approved by the Department or another party, the letter of approval should be attached to the EMP when it is made publicly available.

Appendices

Appendix A. EMP preparation checklist

Use the checklist below to help develop an EMP that contains all the required information. The checklist should be completed and supplied to the Department with the EMP. One checklist should be submitted for each EMP.

Requirement	Plan reference	Yes/No/Not applicable
Document preparation and endorsement		
Has the EMP been prepared in consultation with all relevant stakeholders as per the requirements of the conditions of consent? (Section 4.1)		
Have the views of the relevant stakeholders been taken into consideration? Have appropriate amendments been made to the EMP and does the EMP clearly identify the location of any changes? (Section 4.1)		
Has the EMP been internally approved by an authorised representative of the proponent or contractor? (Section 4.2)		
Version and content		
Does the EMP describe the proponent's Environmental Management System (EMS) (if any), and identify how the EMP relates to other documents required by the conditions of consent? (Section 3.5.1)		
Does the EMP include the required general content and version control information? (Section 3.1)		
Does the EMP have an introduction that describes the project, scope of works, site location and any staging or timing considerations? (Section 3.2)		
Does the EMP reference the project description? (Section 3.3)		
Does the EMP reference a Community and Stakeholder Engagement Plan (or similar) or include community and stakeholder engagement actions (if required)? (Section 3.4)		
Have all other relevant approvals been identified? Has appropriate information been provided regarding how each approval is relevant? (Section 4)		
Has the environmental management structure and responsibilities been included? (Section 3.5.2)		
Does the EMP include processes for training of project personnel and identify how training and awareness needs will be identified? (Section 3.5.3)		
Does the EMP clearly identify the relevant legal and compliance requirements that relate to the EMP? (Section 3.5.3)		
Does the EMP include all the conditions of consent to be addressed by the EMP and identify where in the EMP each requirement has been addressed? (Section 3.5.13)		
Have all relevant guidelines, policies and standards been identified, including details of how they are relevant? (Section 3.5)		
Is the process that will be adopted to identify and analyse the environmental risks included? (Section 3.5.5)		
Have all the environmental management measures in the EIA been directly reproduced into the EMP? (Section 3.5.7)		
Have any additional environmental management measures been included in the EMP? (Section 3.5.7)		

Requirement	Plan reference	Yes/No/Not applicable
Have environmental management measures been written in committed language? (Section 3.5.7)		
Have project environmental management measures, including hold points, been identified and included? (Section 3.5.6)		
Are relevant details of environmental monitoring that will be carried out included? (Section 3.5.8)		
Have the components of any environmental monitoring programs been incorporated? (Section 3.5.8)		
Are environmental inspections included? (Section 3.5.9)		
Does the EMP document all relevant compliance monitoring and reporting requirements for the project? (Section 3.5.12 and 3.5.13)		
Does the EMP describe the types of plans or maps (such as environmental control maps) that will be used to assist with the management of environmental matters on site? (Section 3.5.10)		
Does the EMP list environmental management documents? (Section 3.5.11)		
Is an auditing program referenced? (Section 3.5.13)		
Does the EMP include the incident notification and reporting protocols that comply with the relevant conditions of consent? (Section 3.5.15)		
Does the EMP identify the project role/position that is responsible for deciding whether an occurrence is an incident? (Section 3.5.15)		
Does the EMP describe a corrective and preventative action process that addresses the requirements? (Section 3.5.16)		
Does the EMP include details of a review and revision process that complies with the requirements? (Section 3.6)		

Appendix B. Example table of contents

Appendix C. Risk assessment

The information below sets out a qualitative risk assessment methodology that can be applied to the identification of environmental risks associated with a wide range of projects. It is provided as an example of one approach to risk assessment. Further guidance on evaluating and managing risk can be found in AS/NZS ISO 31000:2009 Risk management—Principles and guidelines (Standards Australia 2009).

Likelihood and consequence

The list of activities to be carried out, including any activities undertaken by subcontractors or other suppliers, together with the actual and potential environmental impacts associated with each activity, must form the basis of a risk assessment process. Each environmental risk should be assessed in terms of the likelihood and consequence criteria in the tables below.

Likelihood	Qualitative measure of likelihood (how likely is it that this event/issue will occur after control strategies have been put in place)
Highly likely	Is expected to occur in most circumstances
Likely	Will probably occur during the life of the project
Possible	Might occur during the life of the project
Unlikely	Could occur but considered unlikely or doubtful
Rare	May occur in exceptional circumstances

Consequence	Qualitative measure of consequences (what will be the consequence/result if this issue does occur rating)
Minor	Minor incident of environmental damage that can be reversed
Moderate	Isolated but substantial instances of environmental damage that could be reversed with intensive efforts
High	Substantial instances of environmental damage that could be reversed with intensive efforts
Major	Major loss of environmental amenity and real danger of continuing
Critical	Severe widespread loss of environmental amenity and irrecoverable environmental damage

Risk rating

The risk rating is determined using the likelihood and consequence rating and the below risk matrix. Using this risk matrix, the proponent will be able to assess whether the environmental risk is low, medium, high or severe. The risk rating should be used to identify and prioritise environmental management measures to mitigate the risks to an acceptable level. Risks with 'low' risk ratings will usually require significantly less management than 'medium', 'high' and 'severe' risks.

	Consequence				
Likelihood	**Minor**	**Moderate**	**High**	**Major**	**Critical**
Highly likely	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	Severe
Unlikely	Low	Low	Medium	High	High
Rare	Low	Low	Low	Medium	High

Appendix D. Example environmental management measures table

For air quality and soil and water management.

No.	Environmental management measures	Phase	Timing/ frequency	Location	Responsibility	Source/ reference	Evidence
AQ1	Dust generation mitigation. Unsealed and unstabilised surfaces within the project area near residences must be sprayed regularly with water during dry and windy conditions such that the potential for dust generation is managed.	During construction	During unfavourable atmospheric conditions	Southern zone project area near residences detailed on Map X.	Site Foreman	EMP and EMS	Site diary
AQ2	Work must stop during periods of high wind	During construction	At all times	Southern zone	Site Foreman	Condition 20	Site diary
AQ3	The work area must be cleared incrementally to minimise exposed surfaces	During construction	At all times	Southern zone	Site Manager	Condition 25	Site inspection checklist
AQ4	All trucks entering or leaving the site with loads must have their loads covered	During construction	At all times	Southern zone	Site Foreman	Condition 22	Site diary
SW1	Sediment fencing must be installed prior to the commencement of any works on site	During construction	Prior to ground disturbance or as needed to manage stockpiles, drainage points and site boundaries	In areas with potential for erosion and sediment issues	Site Environmental Officer	Soil and Water Management Plan (including version and approval details)	Weekly inspection checklist
SW2	Stormwater detention basin must be established prior to commencement of operations	Operation	Prior to operations commencing	Site Map 001 (including any licence discharge points)	Site Environmental Officer	Soil and Water Management Plan (including version and approval details)	Approved Site Map. Approved sediment basin de-watering procedure

Note: This is an indicative example only and can be modified or altered by the proponent.