

Environmental Controls on Construction Sites Policy

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Strategic Pillar	Natural & Built Character
Responsible Branch	Natural Landscapes & Health

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1 OUTCOMES

- 1.1 Minimise the potential for negative environmental impacts arising from construction activities (including subdivision, building, earthworks, landscaping, and other activities resulting in land disturbance) in the QPRC area.
- 1.2 Educate stakeholders on responsibilities regarding installation and maintenance of environmental controls during construction
- 1.3 Establish a framework for enforcement regarding absent or inadequate environmental controls on construction sites

2 POLICY

- 2.1 There has been and will continue to be large growth in greenfield urban development across the Queanbeyan Palerang Regional Council area. Unless properly regulated this development has potential to negatively impact on the health and amenity of land and waterways in the area.
- 2.2 The policy aims to provide a framework for regulation of environmental controls on construction sites to ensure all stakeholders understand their roles and responsibilities to protect the environment during all stages of development and construction.
- 2.3 The policy outlines the process for investigation and enforcement where environmental controls on construction sites are either absent or inadequate.

3 SCOPE OF THE POLICY

- 3.1 The policy applies to all people undertaking construction work in the QPRC area.

4 DEFINITIONS

- 4.1 Pollution means—
 - (a) water pollution, or
 - (b) air pollution, or
 - (c) noise pollution, or
 - (d) land pollution.
- 4.2 Pollution incident means-
an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises.
- 4.3 Water pollution or pollution of waters means—
 - (a) placing in or on, or otherwise introducing into or onto, waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, so that the physical, chemical or biological condition of the waters is changed, or

(b) placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any refuse, litter, debris or other matter, whether solid or liquid or gaseous, so that the change in the condition of the waters or the refuse, litter, debris or other matter, either alone or together with any other refuse, litter, debris or matter present in the waters makes, or is likely to make, the waters unclean, noxious, poisonous or impure, detrimental to the health, safety, welfare or property of persons, undrinkable for farm animals, poisonous or harmful to aquatic life, animals, birds or fish in or around the waters or unsuitable for use in irrigation, or obstructs or interferes with, or is likely to obstruct or interfere with persons in the exercise or enjoyment of any right in relation to the waters, or

(c) placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter,
and, without affecting the generality of the foregoing, includes—

(d) placing any matter (whether solid, liquid or gaseous) in a position where—
(i) it falls, descends, is washed, is blown or percolates, or
(ii) it is likely to fall, descend, be washed, be blown or percolate,
into any waters, onto the dry bed of any waters, or into any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, or

(e) placing any such matter on the dry bed of any waters, or in any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, if the matter would, had it been placed in any waters, have polluted or have been likely to pollute those waters.

4.4 Waters means the whole or any part of—

- (a) any river, stream, lake, lagoon, swamp, wetlands, unconfined surface water, natural or artificial watercourse, dam or tidal waters (including the sea), or
- (b) any water stored in artificial works, any water in water mains, water pipes or water channels, or any underground or artesian water.

4.5 Clean Up Notices:

The appropriate regulatory authority may, by notice in writing, do one or more of the following—

- (a) direct an owner or occupier of premises at or from which the authority reasonably suspects that a pollution incident has occurred or is occurring,
 - (b) direct a person who is reasonably suspected by the authority of causing or having caused a pollution incident,
 - (c) direct a person who is reasonably suspected by the authority of contributing, to any extent, to a pollution incident,
- to take such clean-up action as is specified in the notice and within such period as is specified in the notice

4.6 Prevention Notices:

The appropriate regulatory authority may, by notice in writing, do either or both of the following—

- (a) direct the occupier of the premises,
 - (b) direct the person carrying on the activity (whether or not at premises),
- to take such action, as is specified in the notice and within such period (if any) as is specified in the notice, to ensure that the activity is carried on in future in an environmentally satisfactory manner.

- 4.7 Clean-up action, in relation to a pollution incident, includes—
- (a) action to prevent, minimise, remove, disperse, destroy or mitigate any pollution resulting or likely to result from the incident, and
 - (b) ascertaining the nature and extent of the pollution incident and of the actual or likely resulting pollution, and
 - (c) preparing and carrying out a remedial plan of action.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 Protection of Environment Operations Act 1997

5.2 Environmental Planning and Assessment Act 1979

6 REQUIREMENTS

6.1 All Development Approvals issued by QPRC have a requirement for installation of environmental controls prior to work commencing onsite. Failure to install and maintain controls is a breach of the Development Consent requirements.

6.2 All construction sites should have erosion and sediment control measures installed in accordance with the requirements of Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (colloquially known as the Blue Book)

6.3 Sites without appropriate environmental controls will be dealt with under the compliance and enforcement section of this policy (Section 7- Compliance and Enforcement)

7 COMPLIANCE AND ENFORCEMENT

7.1 Council becomes aware of a site where environmental controls are inadequate or absent (either through routine inspection by Council officers or a report from a member of the public)

7.1.1 Council's Development Compliance Team investigate and may commence enforcement action under the EP&A Act. This will likely involve the issue of a Penalty Notice for "Development Not in Accordance with Consent"

7.1.2 Council's Environmental Team investigate and may commence enforcement action under POEO

7.1.2.1 An initial caution letter is issued to the builder/developer of the site advising the requirement to install and maintain adequate environmental controls within seven days of the date of the caution letter.

7.1.2.2 If required works are not undertaken, then either a Clean Up Notice or Prevention Notice under the POEO Act is issued to the builder or developer. These notices incur additional administration fees.

7.1.2.3 Where the Clean Up or Prevention Notices have not been complied with Council has the option of issuing Penalty Notices for specific offences including non-compliance with the requirements of a Notice or for pollution of waters offences. For serious offences Council may elect to prosecute offenders.

8 REVIEW

- 8.1 This policy will be reviewed every four years or earlier as necessary if:
- a) Legislation requires it, or
 - b) Councils functions, structure or activities change