



Enforcement of Environmental Controls on Building Sites

Date policy was adopted by Council:	25 June 2014
Resolution number:	137/14
Previous Policy review date:	15/9/2004
Next Policy review date:	25 June 2016
Reference number:	C1473376

1. OUTCOMES:

This Enforcement of Environmental Controls on Building Sites Policy review is in order to comply with changes to law and to maintain Council's obligations to protect the environment. In addition this activity is required to protect council stormwater assets

2. POLICY:

With significant development taking place at Googong and proposed to take place in Tralee and other areas of the City, Council needs an up to date policy in order to maintain effective regulation of builders, developers and landscapers on building sites.

3. DEFINITIONS

Clean Up Notice - "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.

Prevention Notice – May be issued to a person carrying out an activity in an environmentally unsatisfactory manner. The Notice specifies preventive action to be taken to improve environmental performance, such as repairing controls to prevent water pollution.

4. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Council has responsibility under the *Protection of the Environment Operations Act 1997 NSW* (POEO), to protect the local environment regarding activities scheduled as responsibilities of Local Government.

Enforcement proceedings can also be undertaken in accordance with the *Environmental Planning and Assessment Act 1979* where conditions of consent relating to the implementation of environmental controls have not been complied with.

5. CONTENT:

1. That the “Blue Book” (Managing Urban Stormwater, Soils and Construction, produced by the NSW Department of Housing) be used as the primary source of information as to how erosion control on building sites should be effectively implemented.
2. That the procedure for enforcing litter and sediment control on building sites is as follows:

Where the developer/builder/landscaper has not previously received a Clean Up Notice from Council:

Step 1 - An initial Intention to Issue a Clean Up Notice is issued to any building site not applying effective litter and or sediment control.

Step 2 – If work is carried out to bring the site into compliance, no further action is taken. If the site does not comply then a Clean Up Notice under Section 91 or a Prevention Notice under Section 96 of the POEO is issued along with the associated administrative fee in force at the time (\$466 in 2013-14).

Step 3 – If work is carried out to bring the site into compliance, no further action is taken. If the site does not comply then evidence is to be obtained which could support the issue of a penalty infringement notice (PIN) under POEO for failure to comply with Notice. The matter is then placed before the Manager Environment and Health or other delegated officer who will determine whether the PIN should be issued.

Step 4 – Where a fine has been issued and not paid the matter will be handled the State Debt recovery Office in accordance with their policy.

Where the developer/builder/landscaper has previously received one or more Clean Up Notices from Council the investigating officer has the discretion to dispense with step 1 above and move straight to step 2.

3. If the same builder has received more than three clean up notices and or fines in a twelve month period, a brief of evidence be prepared and submitted to Council’s solicitor in order to allow the local court to make the appropriate orders and/or fines under the POEO, as per the EPA prosecution guidelines.
4. The same rules which apply to builders are to apply to landscapers.
5. That the information brochure “Erosion and Sediment Control for Residential Building Sites” which is attached, be adopted having regard to this policy.

6. PERFORMANCE INDICATOR

The number of Intention to Issue Clean Up Notices that do not proceed to a necessity to issue a full Clean Up Notice.

2. Retain Vegetation

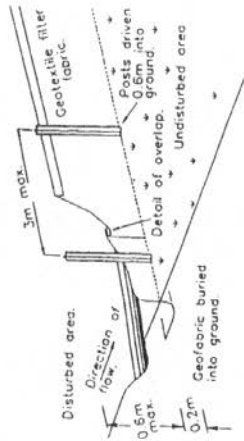
- Fence or tape off those areas to remain undisturbed
- Limit vehicle movements on site to avoid compacting soils and destroying tree roots
- Existing vegetation on the footpath areas is to be retained as this provides an effective sediment filter.

4. Sediment Control

- Provide sediment fencing below all construction sites to slow and filter sediment laden runoff
- Ensure all sediment fencing is installed correctly, in accordance with the manufacturer's recommendation.

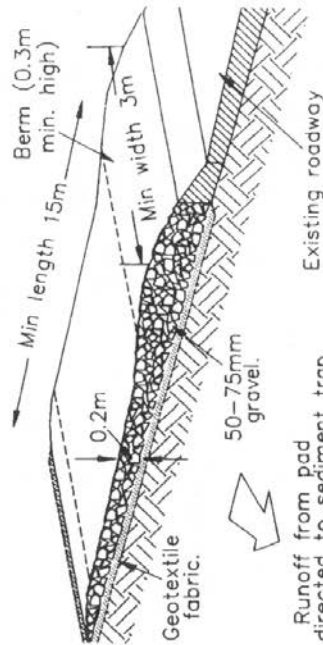
3. Control Site Access

- Limit site access to one point only
- Stabilise the access point by using gravel or crushed concrete with a minimum aggregate size of 50mm
- Control vehicular access to ensure that soil is not tracked from the building site on to the roadway
- Vehicles are to park on the stabilised access point or on the roadway. Under no circumstances are vehicles permitted to park on the footpath area.



Sediment Fence

Construction Site



Temporary Construction Exit

5. Stockpile Topsoil

- Retain stripped topsoil for reuse during landscaping and site rehabilitation
- Protect stockpiles by erecting sediment fencing on the downslope side
- Do not place stockpiles in drainage lines, depressions or around trees and shrubs.

- All control measures are to be inspected after each storm and cleaned if required
- Accidental spills of soil or other materials onto the roadway or gutter must be removed prior to completion of the day's work. Spills are to be removed by sweeping, shovelling or a means other than washing.

6. Washout Areas

- Do not wash-out barrows, paintbrushes, brickcutters and other tools into the street gutter
- Provide a designated wash-out area which will detain and filter polluted water.

9. Site Rehabilitation

- Reuse topsoil for landscaping and revegetation
- Stabilise disturbed areas by turfing, mulching, seeding, paving or similar
- Retain all excavated and filled areas.

7. Control Stormwater

- Where possible, use grassed or natural drainage channels to slow and filter runoff
- Retard the rate of flow to non-erosive velocities using sediment fencing or straw bales across the line of flow
- Connect downpipes to the stormwater system before placing roof materials
- Backfill all trenches and compact to a level at least 75mm above the adjoining ground level.


8. Maintain Your Site

- Erosion and sediment controls must be maintained throughout the course of construction and until the building site has been rehabilitated and stabilised
- Stabilised access points are to be replenished as necessary to maintain their effectiveness

All erosion controls are to remain in place and be maintained until the site has been rehabilitated and stabilised to Council's satisfaction.

POLICY:-	
Policy No:	
Policy Title:	Enforcement of Environmental Controls on Building Sites
Date Policy was adopted by Council:	25 June 2014
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Previous Policy Review Date:	15/9/2004
Next Policy Review Date:	25 June 2016
PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	N/A
RECORDS:-	
Container Reference in TRIM: Policy	SF080616
Container Reference in TRIM: Procedure	N/A
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	
	N/A
RESPONSIBILITY:-	
Draft Policy developed by:	Environmental Compliance Officer
Committees (if any) consulted in the development of the Draft Policy:	Nil
Responsibility for Implementation:	Manager Environment and Health
Responsibility for Review of Policy:	Group Manager Sustainability and Better Living

INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Theme No.6
Delivery Program Title:	Landuse Regulation
Operational Plan:	Program No. 526

Senior Authorising Officer	Position General Manager	Signature/Date  26/06/2014
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All Divisions

ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED			
New	25 June 2014	137/14	5.7

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME