

## The Law in detail:

Pollution from building and construction sites is regulated under the Protection of the Environment Operations Act 1997 (POEO Act). Under this Act it is an offence for anyone to let any substance other than rainwater enter a waterway including the stormwater system.

The Council and the Environment Protection Authority (EPA) can issue notices and penalties on building and construction sites to protect the environment. There are three kinds of notices:

- **Clean up notices** can be issued to require clean up of sites.
- **Prevention notices** can be issued if an activity is being carried out or is suspected to be carried out in an environmentally unsatisfactory manner. The prevention notice requires certain action to be taken and can be appealed in the Land and Environment Court.
- **Prohibition notice** can be issued to require work to cease for a given time.

When a company receives a Clean Up or Prevention Notice they may be liable for a \$320 administration fee. They can also be charged all costs incurred by the EPA or Council to ensure compliance with the notice.

As well as notices there are three levels of offences that apply to building and construction sites if they pollute the environment:

- **Tier 1 Offences** are the most serious and involve wilful or negligent behaviour resulting in harm to the environment. The penalty is up to \$1 million and 7 years imprisonment. In defending against a Tier 1 offence the company or individual will need to show that they had no control over the pollution event and that they took reasonable precautions and exercised due diligence to prevent the offence.
- **Tier 2 Offences** have a maximum penalty of \$250,000 for a corporation and \$120,000 for an individual. Further daily penalties apply to continuing offences.
- **Tier 3 offences** are dealt with by penalty infringement notices, similar to speeding fines. These notices impose a fine that can be paid or defended in court. The maximum penalty is \$1500 for a corporation or \$750 for an individual.

**Public Register of Notices:** Councils and the EPA are required to keep a public register of all companies and individuals who are issued notices. So in addition to the fines and lost time in cleaning up, companies who pollute also risk damaging their reputation. This is a foolish thing to do when the public are becoming more and more concerned about the environment and are starting to look at a company's environmental record when deciding which company to use. If you do have a pollution incident which harms the environment, under the POEO Act, you have a *duty to notify* the Council or EPA. They can then work with you to minimise the harm to the environment. The maximum penalty for failing to notify them are \$250 000 for corporations or \$120 000 for individuals. Further daily penalties apply to continuing offences.

## List of fact sheets available from Council:

1. Diversion of Upslope Water
2. Dust Control
3. Early installation of Roof Drainage
4. Excavation Pump Out
5. Protected Concrete, Brick and Tile Cutting
6. Protected Concrete Delivery
7. Protected Service Trenches
8. Protected Stockpiles
9. Protected Wash Areas
10. Protected Waste Management and Chemical Storage
11. Protecting Vegetation
12. Protection of Gutter and Street Stormwater Drains
13. Protection of Site Stormwater Pits
14. Sediment Controls
15. Soil and Water Management Plans
16. Stabilised Site Access

For further information on preventing pollution from building and construction sites contact your local council.

# 'Do It Right On-Site'

## Soil and Water Management for the Construction Industry

**'Do it right on-site' is a project to help the construction industry protect the environment and achieve the many benefits that come from doing so.**

### Impact of Building and Construction Industry on the Environment:

The Building and Construction Industry has a large impact on the environment, in particular our waterways. Sand, soil, cement slurry, paint and other building materials that enter our waterways kill fish and aquatic plants, silt up streams, and block stormwater pipes which leads to increased flooding.

Due to the high number of construction sites even small amounts of pollution from each site is enough to cause significant damage to our waterways. This project aims to work cooperatively with the construction industry to find ways to prevent pollution. Together we can make a difference.

### Who is responsible for ensuring there is no pollution from the site?

Everyone! Under legislation anyone who places material into the stormwater system or even in a position where it may enter the stormwater system is guilty of an offence. Depending on the extent of the pollution, penalties range from on-the-spot fines of \$750 to a maximum of \$1 million or 7 years in gaol. It is the Builder/Site Supervisor's responsibility to ensure that all workers on site, including sub-contractors, do not breach environmental laws. Workers have a responsibility under the law to notify their supervisors if they see a pollution incident which harms the environment. If the supervisor cannot be contacted, workers should notify the Council.

### What are the benefits of preventing pollution?

#### Benefits to the Builder

- ✓ a better looking more saleable site
- ✓ reduced clean up costs
- ✓ less mud and dust problems
- ✓ improved occupational health and safety on site
- ✓ improved drainage and reduced site wetness which will result in less down time, earlier completion and earlier sales!
- ✓ fewer public complaints
- ✓ no fines, no problems with Council
- ✓ better image within the community
- ✓ marketing advantage to win work from environmentally conscious clients
- ✓ better fishing due to improved water quality!!

#### Benefits to the Owner

- ✓ Reduced site rehabilitation/landscaping costs because the soil and vegetation is still on the site!
- ✓ Peace of mind knowing that their home hasn't caused damage to the environment
- ✓ Less chance of flooding as the stormwater drains are not clogged up with sediment

#### Benefits to the Community

- ✓ less risk of flooding
- ✓ healthier waterways with more plants and animals
- ✓ increased recreational opportunities in and around our waterways
- ✓ increased sales as surrounding environment is more attractive



'Do it right on site' is funded by the Natural Heritage Trust and the Southern Sydney Regional Organisation of Councils – Bankstown, Botany Bay, Canterbury, Hurstville, Kogarah, Marrickville, Randwick, Rockdale, South Sydney, Sutherland Shire, Waverley and Woollahra.

## THE DRAIN IS JUST FOR RAIN



Southern Sydney Regional Organisation of Councils (SSROC) [www.ssroc.nsw.gov.au](http://www.ssroc.nsw.gov.au)

## How can you prevent pollution from the site?

### Step 1: Planning

Prepare a soil and water management plan, also known as a sediment and erosion control plan. This will be required prior to Council issuing you a Construction Certificate (either at DA stage or as a condition of consent). The Soil and Water Management Plan should outline the methods you will use to prevent pollution of the stormwater system throughout the life of the construction period. There may be different controls needed as the site develops due to changes in drainage patterns and location of building materials. These stages and their controls must be shown on your Soil and Water Management Plan. Sample Soil and Water Management Plans are available from Council, however you must develop a plan specific to your site.

### Step 2: Installation of soil and water controls

Before work commences install the sign provided by the Council and ensure that all workers know their responsibilities. Set up the soil and water controls. A recommended sequence for doing this is:

- 1) establish a single stabilised entry/exit point.
- 2) install sediment fence(s) along the low side of the site.
- 3) divert up slope water around the work site and stabilise channels.
- 4) clear only the areas necessary - fence off no go areas where vegetation is to be kept - and plan the staging of work to minimise the amount of soil exposed at any time. Revegetate any areas that will be left exposed for more than 14 days.
- 5) store stockpiles on site and place sediment controls around them. If storage room is not available on site, seek Council approval for an offsite storage area with pedestrian access and appropriate soil and water controls.
- 6) stabilise exposed earth banks (use vegetation or erosion control mats, put sediment fence down slope).
- 7) install onsite waste receptacles (mini-skips, bins, wind proof litter receptors).
- 8) commence building activities.
- 9) install roof downpipes prior to frame inspection.

### Step 3: Maintenance of soil and water controls

Soil and water controls should be checked daily to ensure that they are operating effectively. Maintenance that will be required includes:

- Removing sediment collected by sediment fences and catch drains
- Topping up the gravel on the stabilised entrance way
- Repairing erosion in drainage channels
- Inspecting roadways and gutters and sweeping up any sediment

Remember that the soil and water controls may need to be modified if the slope and drainage paths are changed as the site develops. Best practice includes anticipation of risks as well as being prepared for abnormal circumstances and emergencies eg: storage of clean up materials and extra sediment fence on site just in case.

### Step 4: Finalisation of site

Ensure the site is stabilised -no exposed soil remains- before removing the soil and water controls. If landscaping is not completed prior to handover ensure that the new owners are aware of their responsibility to prevent pollution from entering the stormwater system.

## Ways you can reduce erosion & control sediment on a building or construction site

Follow these site management practices and you will help reduce impact on our waterways . . .

**1 LIMIT DISTURBANCE WHEN EXCAVATING**  
Preserve as much grassed area as possible as not only does it improve the appearance of your site, it also filters much of the sediment from stormwater runoff before it reaches the drainage system.

**2 CATCH DRAINS AND PERIMETER BANKS**  
Where possible allow for diversion of up slope stormwater around the work site and other disturbed surfaces.

**3 SINGLE GRAVELLED ENTRY/EXIT**  
Restrict vehicle access to one entry/exit point where possible. Adding gravel to the access point will allow all weather entry/exit, will reduce the amount of soil carried off the site by vehicles, and will provide a permanent base for the driveway.

**4 SAND AND SOIL STOCKPILES**  
Place stockpiles wholly on the construction site and behind a sediment barrier. Soil or cement should be covered at the end of each day if excessive wind or rain is likely.

**5 INSTALL A SEDIMENT BARRIER**  
Sediment barriers down slope of the building site filter coarse sediment before it can wash into gutters, drains and waterways.  
**You can . . .**  
- attach geotextile sediment fabric to posts with the fabric buried in an up slope trench; or  
- place straw bales, staked in a 10mm (minimum) deep trench; or  
- place turf of a 60mm (minimum) width along the kerb line.

**6 EARLY STORMWATER DRAINAGE CONNECTION**  
Connect temporary or permanent downpipes to the stormwater system before laying the roof, or slow and spread the flow from downpipes to avoid localised erosion. All stormwater should discharge in a way that does not cause soil erosion.

**7 LITTER AND WASTE CONTROL**  
All hard waste and litter must be stored on site in a way to prevent any materials from entering the stormwater system & adjacent areas by wind or water action.

**8 CLEAN AND CLEAR FOOTPATH & ROADWAY**

**9 CONCRETE WASTE AND WASHING**  
Wash equipment in a designated area of the site that does not drain to the stormwater system.

**DO IT RIGHT ON SITE**  
• PREVENT POLLUTION • INFORMATION FOR BUNNIP STREET

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