Shire of Peppermint Grove

Local Planning Policies - 5.8 Local Planning Policy – Construction Environmental Management Plans

Policy	Local Planning Policies – 5.8 Local Planning Policy – Construction Environmental Management Plans
Statutory Authority	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended Building Act (WA) 2011 and Building Regulations 2012

Purpose

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise on site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the basis for the Shire's Construction Environmental Management Plan (CEMP) requirements. It intends to influence the quality of documentation provided to support proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals. Should a CEMP seek to set aside a policy provision, adequate justification must be provided, and adequate contingency arrangements remain in place.

To ensure this local policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local policy to each case on its merits in order to achieve a balance between consistency and appropriate site related building and construction works.

Context

The Shire's Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes.

In the case of Peppermint Grove, the scale of residential construction places significant pressure on the availability of on street parking and has the potential to disrupt traffic and pedestrian movement for extended periods. Dry summers and strong prevailing winds from both the southwest and east further contribute to the potential for dust impacts. It is in this context that the Shire requires proponents and their contractors to ensure effective controls and contingencies are in place to manage development.

A CEMP shall be a standard requirement for all demolition permits, development applications, and works exempt from development approval that require a building permit unless the works are deemed by the Shire to be a negligible risk.

Planning Objective

- To ensure the effective management of demolition, construction and siteworks within the Shire of Peppermint Grove.
- To ensure that development is undertaken in a responsible manner that minimises impacts on surface and groundwater quality, verge infrastructure, rights-of-way, traffic and pedestrian movement, and to encourage the retention and protection of vegetation.
- To maintain the local amenity in the vicinity of all works.

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The terms development, building work and demolition work used in this local policy, have the same meaning as that defined in the Planning and Development Act, 2005 and the Building Act, 2011.

Pursuant to Section 18(1) of the Building Act (WA) 2011 the Shire may require the applicant to submit a CEMP with a building application, or pursuant to section 20(1)(n) and (o) evidence compliance with a development application that has force or effect.

This local policy should be read in conjunction with the local planning policy framework and local laws.

If there is a conflict between the local policy and the Shire's Activities in Thoroughfares, Public Places and Trading Local Law 2021 or the Shire's Fencing Local Law 2021, then this local policy shall prevail.

Policy Provisions

The content of a CEMP must have a nexus between what is being proposed (the potential risk the activity presents to the amenity of the area) the control measures to be employed. The Site Risk Assessment Matrix attached to this local policy will determine the risk classification and inform baseline dust and sediment control measures.

Every CEMP must address the following matters and include a scaled and legible site plan suitable for formal endorsement.

- Provide an outline of the proposed building or demolition work, the vehicles and machinery required, timeframe for completion, staging and construction hours.
- Nomination of a Site Superintendent and the contact details of key site personnel.
- Completion of the Site Risk Assessment Matrix contained in this local policy.

1. Management of stormwater and wastewater including sediment and erosion control.
   - That noise emissions will be contained within the limits established by the Environmental Protection (Noise) Regulations 1997 and any applicable practices that will be implemented as set out in AS 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
   - Traffic management including site access and safety controls (such as signage and devices), how streets (including communal streets and rights-of-way) and footpaths will remain unobstructed, and contractor parking arrangements including adherence with parking restrictions.
   - The loading and unloading of materials including maneuvering and minimising impacts on rights-of-way.
   - The means to protect vegetation and verge trees, kerbs, footpaths, and other Shire infrastructure such as fencing as per AS 4970-2009 and the use of ground protection mats.
   - The location and purpose of temporary site buildings and the location of laydown areas.
   - The management of waste materials and the location of bulk bins.
   - Site security (such as temporary fencing and monitoring).
   - How pool safety barriers will be maintained (if applicable).
   - Stakeholder consultation and complaints management practices, a copy of any notification letter and the extent of distribution, and emergency arrangements.

Site Plan

The accompanying site plan must show the existing and proposed building footprint and identify the location of laydown areas, waste receptacles, sediment control, temporary buildings and toilets for construction purposes, tree protection zones, temporary fencing and contractor parking.

Site Risk Assessment

The Site Risk Assessment Matrix contained in this local policy and the corresponding provisions, contingency arrangements and monitoring requirements have been sourced from the Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities (Guidelines) produced by the Department of Biodiversity, Conservation and Attractions and adapted to respond to the local context.

The risk classification determined by the Site Risk Assessment Matrix will determine the baseline provisions and contingency arrangements pertaining to dust and sediment control and the monitoring requirements outlined in the CEMP. The risk classification is informed by the type and scale of the activity, the proximity to other land uses, and climatic factors. Proponents may propose alternative arrangements provided it can be demonstrated that they will exceed the baseline requirements listed below.

All CEMP’s must include monitoring measures a complaints management process that provides

complainants an opportunity to be heard and to seek a resolution without the need to escalate the matter to the Shire. A written record of complaints must be made available to the Shire upon request.

Activities classified as low or medium risk undertaken in whole or in part during the dry period (1 October – 31 March) will automatically be classified as medium or high risk (respectfully).

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 1 – under 199 (Negligible Risk) typically internal alterations, minor structures, and fencing. CEMP not required.	Nil	Nil	Nil

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 2 – 200 to 399 (Low Risk) typically small outbuildings, patios, minor additions, and retaining walls.	A contingency should dust impacts occur such as use of a water cart and/or wind fencing. Wash down areas located away from stormwater drains.	Include an allowance for water-cart operation, wind fencing and surface stabilisation (geofabric or chemical suppressants) during the construction period for the purposes of dust suppression. The means to stabilise areas of disturbed land to ensure that exposed areas are kept to a practical minimum.	Complaints management system in place (complaints recorded and acted on promptly). Notice to be erected at the site, providing contact details of the person to be contacted and works.
Site Classification 3 – 400 to 799 (Medium Risk) typically large outbuildings, more significant additions, new houses and siteworks requiring the removal of topsoil.	Appropriate wind fencing to be stored on site or available within one hour of being required by the Shire or site supervisor. The means to stabilise stockpiles, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum. Wash down areas located away from stormwater drains.	A water cart of not less than 1,000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to be available within 18 hours of being requested by the Shire or site supervisor. If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical stabilisation is implemented. Sediment control fencing and temporary drainage to reduce runoff.	Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request. Notice to be erected at the site, providing contact details of the person to be contacted and works.

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 4 – over 900 (High Risk) typically significant demolition and siteworks, new houses with basements and substantive commercial development.	Notification letters to neighbours and the Shire to be distributed to an agreed radius no less than 48 hours prior to the commencement of works. Wind fencing and sediment control to the extent and in locations agreed by the Shire to be installed on site prior to the commencement of works and to remain in position until the disturbed soil is stabilised. The means to stabilise and minimise stockpile height, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum. Wash down areas located away from stormwater drains.	A water cart of not less than 1,000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to commence immediate watering. If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical suppressants are implemented. Sediment control fencing and temporary drainage to reduce runoff.	Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request. Notice to be erected at the site, providing contact details of the person to be contacted and works. Dust monitoring at boundaries or at sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School is encouraged and may be required.

Noise and Vibration Management

Construction work shall be conducted in accordance with the Environmental Protection (Noise) Regulations 1997 and section 6 of Australian Standard: AS2436:2010 – Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites.

The use of generators or amplified music is discouraged after 6pm.

Significant works such as large-scale demolition projects and deep excavation in the immediate vicinity of heritage listed places and noise sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School may require off-site noise monitoring and dilapidation reporting. Dilapidation reports help protect proponents and landowners in the face of possible damage claims because they create a record of the condition of surrounding infrastructure and properties, including trees, shrubs, fences, paving and driveways. They are prepared by an impartial third party, like a building consultant or a professional structural engineer.

A Nightworks Permit is required to be submitted for the prior approval of the Shire for construction

outside of the hours of 7am to 7pm or on Sundays or public holidays. Please contact the Shire for further information on the application requirements for Nightworks Permits.

Traffic Management Plans

The CEMP for activities likely to cause significant disruption to motorists or pedestrians including through street or footpath closures, requiring a significant workforce, or the closure of a public car park during trading periods, should be supported by a standalone Traffic Management Plan prepared by a suitably qualified traffic engineer having additional regard to impacts on the broader road network including the avoidance of heavy vehicle movements through school zones.

Should access from a cul-de-sac, a right-of-way, or a street impacted by on street parking be required, turning templates for all heavy rigid or articulated vehicle movements should be provided. The management measures to facilitate safe access and egress (such as use of accredited traffic controllers and directional signage) and the means to restrict vehicles larger than that demonstrated to safely access and egress the site must be evidenced.

Rodent Treatment Plans

Where full site demolition is proposed or whether demolition works are proposed for unoccupied sites a rodent treatment plan must be provided. Contractors are to use Natural Rodenticides or First Generation Anticoagulant Rodenticides (FGAR) to avoid the secondary poisoning of wildlife. Non-coagulant rodenticides (NAR) or Second Generation Anticoagulant Rodenticides (SGAR) are not permitted to be used within the Shire of Peppermint Grove.

Enforcement and Penalties

Should the CEMP not be complied with, the Shire is able to issue a written direction to stop development under Section 214(2) of the Planning and Development Act, 2005. Section 214(7) of the Planning and Development Act, 2005, prescribes that a person who fails to comply commits an offence, and is liable to prosecution in the Magistrates Court.

The general penalty for such an offence is a fine of up to $200,000 (for an individual), and in the case of a continuing offence, a further maximum fine of up to $25,000 (for an individual) for each day during which the offence continues, under Section 223 of the Planning and Development Act, 2005. For a corporation, the maximum penalties are multiplied by five.

Alternatively, the Shire may issue a Planning Infringement Notice (PINs) under Part 13 of the Planning and Development Act, 2005. PINs are a modified penalty of up to $500 and can be issued for any offence against a Local Planning Scheme. In the case of a continuing offence, a further maximum fine of up to $500 for each day during which the offence continues may be issued.

Variations to this Policy

Shire discretion may be granted to the CEMP content having regard to the proponent clearly demonstrating the ability to achieve the local policy objectives.

Shire of Peppermint Grove

Related Procedure	Nil
Amended Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended Building Act (WA) 2011 and Building Regulations 2012
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