water by design
an initiative of
Healthy Land & Water

Erosion and Sediment Control Decision Support Tools for Local Government

Version 2.0 2024

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About Water by Design

Healthy Land & Water's Water by Design initiative is working to improve sustainable urban water management outcomes across Queensland.

About Healthy Land & Water

Healthy Land & Water is the peak environmental group for South East Queensland. For over 20 years it has been dedicated to investing in and leading initiatives to build the prosperity, liveability, and sustainability of our 'future region'. Healthy Land & Water is focused on **delivering an environment for future generations to thrive**.

Our success and strength stems from our extensive knowledge, science and evidence which informs investment in our environment. We are experts in research, monitoring, evaluation and project management. Our team has led many thousands of projects to restore waterways and landscapes, improve native habitats, manage weeds, protect native species, inform policy and educate communities on the best ways to improve and protect the environment.

Working in partnership with Traditional Owners, government, private industry, utilities and the community, Healthy Land & Water delivers innovative and science-based solutions to challenges affecting the environment. Through a combination of scientific expertise and on-ground management works, Healthy Land & Water **leads and connects through science and actions that will preserve and enhance our natural assets and support resilient regions long into the future**.

Disclaimer

Traditional Owner acknowledgement

We acknowledge that the place we now live in has been nurtured by Australia's First Peoples for tens of thousands of years. We believe the spiritual, cultural and physical consciousness gained through this custodianship is vital to maintaining the future of our region.

Funding acknowledgement

The Urban Stormwater (USW) and Erosion and Sediment Control (ESC) capacity building program is funded by the Queensland Government through the Department of Environment, Science and Innovation.

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Contact details

For further information about Healthy Land & Water www.hlw.org.au, please email info@hlw.org.au or telephone (07) 3177 9100.

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Introduction

Water by Design was commissioned by the Queensland Government Department of Environment, Science and Innovation (DESI) in 2023 to develop several standard Erosion and Sediment Control (ESC) decision support tools for use by local governments across Queensland.

The purpose of these tools is to improve the consistency of ESC implementation and enforcement at a state level.

The following tools have been developed for this purpose:

- *Erosion and Sediment Control Standard Conditions of Approval.*
- *Design Certificate for Erosion and Sediment Control.*
- *Inspection Certificate for Erosion and Sediment Control.*
- *Erosion and Sediment Control Plan Checklist.*
- *Erosion and Sediment Control Development Site Audit Checklist.*
- *Erosion and Sediment Control Pre-start Meeting Checklist.*
- *Environmental Enforcement Order – Environmental Protection Act 1994, Section 362(1).*

Several documents have been considered in the making of this document, including:

- Queensland Government *State Planning Policy 2017*.
- International Erosion Control Association (IECA) *Best Practice Erosion and Sediment Control* (latest version).
- *Environmental Protection Act 1994*.
- Queensland Department of Environment, Science and Innovation *Procedural guide – Environmental Protection Act 1994 – Releases to waters from land development sites and construction sites.*
- ESC policies in planning schemes of several local governments.

The following Certified Professionals in Erosion and Sediment Control (CPESC) were consulted in the making of this document (Version 1):

- Leon Rowlands
- Terry Clark
- Scott Paten
- Kel Sanson

Local governments across Queensland were consulted and provided professional review of this document (Version 1).

Legal reviews of the Environmental Enforcement Order template (Version 2) were undertaken by:

- Lee Turnbull & Co Solicitors
- NFP Lawyers

The Version 2 updates of this document include the addition of an *Environmental Enforcement Order* template, an amended definition for a suitably qualified professional in ESC to align with the current IECA definition (as of July 2024), as well as other minor amendments.

The following templates and documents are for general information only. Persons preparing or issuing any of these documents on behalf of a Council should refer to the requirements of the *Environmental Protection Act 1994, State Planning Policy 2017*, other relevant legislation, IECA *Best Practice Erosion and Sediment Control,* and the relevant Council's policies, forms, procedures and other requirements and obtain legal advice as necessary or appropriate.

Low risk sites

Low risk sites are defined as sites with a disturbance area below <2,500 m^2 and do not have any of the risk factors described in Table 1.

The *'standard conditions of approval for low risk sites'* should be applied to these sites.

Standard conditions of approval for low risk sites

The following conditions must be applied to low risk sites.

(1) An erosion and sediment control plan must be prepared and kept on site at all times and provided to Council upon request.

(2) Minimise onsite erosion and the release of sediment or sediment-laden stormwater from the site at all times by implementing industry best practice for erosion and sediment control (ESC), as per the International Erosion Control Association *Best Practice Erosion and Sediment Control* (IECA *BPESC*) *(*latest version*),* and the Water by Design ESC factsheets for house builders (https://waterbydesign.com.au/esc-house), including but not limited to:

  (a) Drainage control measures must be implemented and maintained to minimise water flow across areas of exposed earth.

  (b) Erosion and sediment control measures must be implemented and maintained to prevent soil loss from earth disturbance areas and prevent deposition beyond earth disturbance areas.

  (c) No release of contaminants to land beyond onsite area of earth disturbance, unless all reasonable and practicable measures have been implemented, as per the best practice guidelines.

  This condition applies from the time land disturbance first occurs until all exposed soil areas are permanently stabilised against erosion, for all works associated with this development permit.

Medium to high risk sites

Medium and high risk sites are defined as sites with disturbance areas above >2,500 m^2, and/or have any of the risk factors listed in Table 1.

The '*standard conditions of approval for medium to high risk sites*' should be applied to these sites.

Table 1. Environmental risk factors.

Environmental risk factors	**Applies Y/N**	**Additional actions to address risk** (In addition to complying with medium to high risk conditions)
Disturbance within a waterway, waterway corridor, riparian zone, and/or within a waterways and wetlands overlay.		Ensure relevant aspects of the waterways and wetlands code are considered and addressed in the ESC plan. Ensure the ESC plan considers and addresses risks to waterways and wetlands.
Disturbance within the steep and unstable lands overlay, or if there is any slope in the area of land disturbance before, during or after construction that is steeper than 15%.		Ensure relevant aspects of the steep and unstable lands code are considered and addressed in the ESC plan. Ensure the ESC plan considers and addresses the risks posed by steep and unstable lands.
Disturbance below 5 m AHD, disturbance of potential acid sulphate soils, and/or within the potential acid sulphate soils overlay.		Ensure relevant aspects of the acid sulphate soils code are considered and addressed in the ESC plan. Provide an acid sulphate soil management plan and ensure risks from acid sulphate soils are considered and addressed in the ESC plan.
Disturbance of dispersive soils.		Ensure relevant aspects of the dispersive soils code are considered and addressed in the ESC plan. Provide a dispersive soils management plan and ensure risks from dispersive soils are considered and addressed in the ESC plan.
Disturbance of groundwater.		Provide a groundwater and/or dewatering management plan and ensure impacts to groundwater and dewatering of groundwater are considered and addressed in the ESC plan.
Other risks as deemed by Council.		Address risks as identified by Council.

Standard conditions of approval for medium to high risk sites

1 General

1.1 The following conditions apply to medium to high risks sites, that are under an Operational Works (OPW) application or Material Change of Use (MCU) or Reconfiguration (REC) approvals where there is no subsequent OPW but land disturbance will result.

1.2 Unless stated otherwise, the following erosion and sediment control conditions apply on commencement of any earth-disturbing activities and until all exposed soil areas are permanently stabilised against erosion.

2 Erosion and sediment control plan

2.1 A detailed 'for construction' erosion and sediment control (ESC) plan and accompanying documentation (including the ESC plan checklist and design certificate), must be provided to Council's delegate at least 10 business days prior to the onsite pre-start meeting or prior to any works associated with this development permit commencing if no pre-start meeting is required.

2.2 For medium to high risk sites, a detailed ESC plan must be prepared by a suitably qualified professional in ESC (refer to definition).

2.3 Where engineering structures, either temporary or permanent, such as basins, inlets, outlets and spillways, form part of an ESC plan, the design and inspection of such structures must be undertaken and certified by a Registered Professional Engineer of Queensland (RPEQ).

2.4 A separate ESC plan is required for each phase of the development including site clearing, bulk earthworks, civil construction, installation of services and final stabilisation.

2.5 The ESC plan must have all the relevant elements contained within the ESC plan checklist. The checklist must be completed and accompany the ESC plan when submitted to Council.

A design certificate must be completed and signed by the ESC plan developer in the approved form and accompany the ESC plan when submitted to Council.

3 Erosion and sediment controls

3.1 General

3.1.1 Prescribed water contaminants (as defined in the *Environmental Protection Act 1994* (Qld)) must not be released from the site or to waters within the site, or be likely to be released should rainfall occur unless all reasonable and practicable measures are taken to prevent or minimise the release and concentration of contamination. This condition applies from the time that land is first disturbed for any works associated with this development permit, until all exposed soil areas are permanently stabilised against erosion. These measures must be designed, implemented and maintained in accordance with International Erosion Control Association *Best Practice Erosion and Sediment Control* (IECA *BPESC*) (latest version), to the extent that such measures and practices are also consistent with the following conditions.

3.2 Minimise erosion

3.2.1 Initial erosion and sediment controls must be implemented prior to commencement of land clearing and land disturbance activities. Until initial controls are in place, land disturbance activities may only occur to the extent necessary to install those controls.

3.2.2 Restrict the extent of clearing and soil disturbance to that necessary for safe access and construction of approved works. Any areas not actively worked must be left undisturbed and/or immediately stabilised.

3.2.3 The duration of soil exposure is to be minimised by:

(a) Only clearing vegetation to an extent where earthworks will commence in that part of the land within 4 weeks of the clearing taking place. Vegetation must be protected in all unworked areas of the site.

(b) Stage the works to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable-sized areas of no greater than 10 hectares to ensure adequate ESC management and progressive stabilisation of disturbed surfaces.

(c) Effectively stabilise cleared areas if works are suspended for a period exceeding 10 days.

(d) Effectively stabilise steep areas, such as slopes, stockpiles, embankments, batters and bunds which are not being actively worked for a period exceeding 10 days.

(e) Effectively stabilise all permanent and temporary open drains immediately upon construction, including the base and the full width and length of the drainage channel.

(f) Effectively stabilise all areas at finished level within:

(i) 10 days of completion of works during December to May; and

(ii) 20 days of completion of works during June to November; and

(iii) Prior to rainfall.

For the purpose of this condition, an effectively stabilised surface is defined as one that, as a result of rainfall and stormwater runoff, does not erode, does not cause sedimentation and does not cause water contamination.

For the purpose of this condition, "prior to rainfall" is where the Bureau of Meteorology's 5-day forecast indicates a 50% or greater chance of rainfall occurring with a predicted total of 20 mm or more over the 5-day period.

3.2.4 Prior to plan sealing of the survey plan for the development, all site surfaces are to be effectively stabilised using methods that will continue to achieve effective stabilisation in the medium to long term. For the purpose of this condition, an effectively stabilised surface is defined as one that, as a result of rainfall and stormwater runoff, does not erode, does not cause sedimentation and does not cause water contamination.

3.2.5 Where hydromulch or polymers are used as a method of temporary stabilisation, grasses must be well established at the time of plan sealing. Hydromulch, polymers, mulch and any other erosion control measures are not to be conveyed to waterways.

3.3 Manage concentrated stormwater flows

3.3.1 Implement drainage and erosion control measures (including contingency measures) that prevent or minimise rill erosion and gully erosion prior to rainfall.

3.3.2 Ensure clean stormwater is diverted/managed around or through the site without increasing the concentration of total suspended solids (TSS) or other contaminants in the flow and without causing erosion (onsite or offsite). If it is not feasible to divert all areas discharging clean stormwater around or through the site, the clean stormwater runoff is managed in the same manner as contaminated stormwater runoff, ensuring that sediment basins are sized to accommodate the additional volume of runoff.

3.3.3 Prior to each rainfall event ensure concentrated stormwater flow paths are provided with capacity in accordance with IECA *BPESC* (latest version) Table 4.3.1 and do not cause water contamination, rill or gully erosion, sedimentation or damage to structures or property.

3.4 Manage groundwater

3.4.1 If the works involve the disturbance and/or dewatering of groundwater, a groundwater management plan must be provided to Council that addresses risks to the groundwater table, and the testing and treatment (if necessary) of groundwater discharged.

3.4.2 Discharged groundwater must meet the following water quality standards, in addition to any other requirements and conditions placed on the groundwater management plan:

(a) 50 mg/L total suspended solids (TSS) or less, and

(b) pH in the range 6.5 – 8.5.

3.5 Minimise sediment released from the site

3.5.1 All exposed areas greater than 2,500 m^2 must be provided with sediment controls which are designed, implemented and maintained to a standard which will achieve at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50 mg/L total suspended solids (TSS) (or 60 NTU) or less, and pH in the range 6.5 – 8.5. High efficiency sediment basins are the most effective way to achieve this (refer *Advice note 1*), and the following conditions are to be applied to their design:

(a) Each basin is sized and operated in accordance with either a Type A or Type B high efficiency sediment basin as documented in IECA *BPESC* (latest version) Appendix B (June 2018 or later amendments), based on the contributing catchment area including undisturbed catchments which cannot be diverted.

(b) Each basin is to be provided with an automated system of coagulant/flocculant dosing and a suitable supply of flocculant/coagulant, with the type of flocculant/coagulant determined based on jar testing and reference to the *Chemical coagulants and flocculants* fact sheet (IECA 2018 or later amendments). The proposed coagulant /flocculant must have regard to the downstream receiving environment and water quality (refer *Advice note 2*).

(c) Each basin must have suitable access for maintenance including for sediment removal, dewatering and water treatment.

(d) Markers are provided within each basin indicating the maximum sediment storage level and any additional water storage capacity for water reuse.

(e) During discharge from the primary outlet system, the concentration of TSS discharged does not exceed 50 mg/L (or 60 NTU – refer *Advice note 3*), and the pH is within the range of 6.5 – 8.5. These discharge standards apply equally to any intentional release of any water captured or stored within the site.

(f) The hydraulic structures such as inlets, outlets, and spillways must be structurally sound for the design events as specified in IECA *BPESC* (latest version).

(g) The sediment basin is to be constructed and operational before any disturbance occurs in the catchment upslope of the basin. Accumulated sediment from the operation and maintenance of basins and other controls is to be removed and disposed of appropriately without causing water contamination.

3.5.2 If a disturbed area is <2,500 m^2 and it is not feasible to divert runoff from the area to a sediment basin, compensatory ESC measures must be implemented and maintained to ensure that erosion of those areas is minimised, and Type 2 or Type 3 sediment controls provided in accordance with IECA *BPESC* (latest version).

3.5.3 Controls are to be installed and maintained to minimise the tracking of dirt from the site onto roadways. Any dirt on roadways caused by vehicles leaving the site is to be removed without causing water contamination, prior to rainfall and at least at the end of each workday.

3.5.4 Decommissioning of sediment and drainage controls must only occur once a minimum of 70% ground cover across the disturbed catchment has been achieved.

3.6 Manage works within waterways

3.6.1 Waterways, including perennial and permanent waterways, are not to be altered, nor riparian vegetation disturbed without prior written approval of the relevant administering authority.

3.6.2 Work within waterways is to be:

(a) Only undertaken during the lower rainfall months between June and October.

(b) Rescheduled if the Bureau of Meteorology 5-day forecast indicates a 50% or greater chance of rainfall occurring with a predicted total of 20 mm or more over the 5-day period.

(c) Promptly rehabilitated to the natural channel form, substrates and riparian vegetation as far as possible. Rehabilitation timeframes must not exceed those specified in the IECA *BPESC (latest version), Appendix I – Instream works*.

(d) Undertaken in accordance with IECA *BPESC (latest version), Appendix I – Instream works*.

3.6.3 Temporary vehicular crossings of waterways are to be designed and constructed to convey flows for the 63% AEP and remain stable for all rainfall events up to the 10% AEP event of critical duration.

3.6.4 Unless works are being undertaken in the riparian buffer zone under a development approval, erosion and sediment controls are not to be constructed within the riparian buffer zone.

4 Litter and other contaminants

4.1 Collect and remove gross pollutants, litter and contaminants to authorised waste facilities.

4.2 Prevent the release of oil or visible sheen to waterways.

4.3 Prevent the release of mulch and other contaminants to waterways.

5 Implementation and maintenance

5.1 Implement the certified ESC plan and maintain all ESC measures in accordance with industry best practice as per IECA *BPESC* (latest version) and, to the extent of any inconsistency, the relevant approval conditions.

5.2 For all sites, contractors responsible for the implementation and maintenance of ESC measures must inspect the ESC measures regularly, including before, during, and after rainfall events, to ensure that the ESC measures are implemented as per the ESC plan and conditions of approval, and are maintained in good working order. If any issues are identified, they must be rectified immediately and the advice of a suitably qualified professional in ESC be sought if necessary.

6 Prestart meeting

6.1 Request and attend a pre-start meeting with an ESC Officer from Council (or similar) prior to any works associated with this development permit commencing onsite. Requests are to be made when submitting copies of all required documentation, including design certificates.

6.2 The name and contact details of the landowner, superintendent, and principal contractor, for the purposes of compliance with the conditions of this approval, must be provided to Council's delegate in writing prior to the onsite pre-start meeting and prior to any works associated with this development permit commencing. The details must include the name of the corporation (including ACN) or natural person undertaking each role. Any changes to these parties during construction must be notified to Council in writing within 5 business days of the change occurring.

7 Inspections

7.1 For sites with exposed areas equal to or greater than 1 hectare, the proponent is to engage a suitably qualified professional in ESC (refer to definition) to supervise the implementation of ESC measures on the site and certify that the conditions of this approval, and the requirements of the *State Planning Policy 2017* and IECA *BPESC* (latest version) are achieved. The suitably qualified professional must undertake site inspections and complete an inspection certificate using the approved form, at the following intervals:

(a) Inspection of ESC measures prior to commencement of earthworks.

(b) 10 days after commencement of earthworks.

(c) Following completion of bulk earthworks.

(d) Immediately prior to any instream works or disturbance within a waterway and immediately following completion of instream works or disturbance within a waterway.

(e) Immediately prior to and after decommissioning of any sediment basin or transitioning from a sediment basin to a water sensitive urban design (WSUD) bioretention device.

(f) Immediately prior to any request for survey plan sealing.

(g) At intervals not exceeding 1 month.

7.2 Where engineering structures, either temporary or permanent, such as basins, inlets, outlets and spillways, form part of an ESC plan, the design and inspection of such structures must be undertaken and certified by an RPEQ. These structures must be inspected upon installation at a minimum.

7.3 Copies of the inspection certificate and updated ESC plans must be provided within 5 business days of the inspection taking place to the landowner, superintendent and principal contractor and are to be kept on site at all times and provided to Council upon request.

7.4 Where inspection indicates a non-conformance, a non-conformance report is to be completed and kept on site at all times and provided to Council upon request. The non-conformance report must include:

(a) The chain of responsibility.

(b) Details of the nature and cause of non-conformance.

(c) Details of the required corrective actions.

(d) The timeframe for corrective actions to be implemented.

8 Monitoring and record keeping

8.1 Monitoring

8.1.1 Release limits: Unless all reasonably and practicable measures have been taken as per IECA *BPESC* (latest version), there shall be no release of contaminants to land beyond the onsite area of earth disturbance, other than releases that achieve water pollutant concentration release limits of:

(a) Either 50 mg/L TSS (or 60 NTU – refer *Advice note 4*) or less.

(b) pH in the range 6.5 – 8.5.

If water is released with pollution concentrations outside of the prescribed range and not in accordance with conditions of this approval, the local regulatory authority must be notified immediately.

8.1.2 The water quality of the discharge flows must be measured at each concentrated discharge point from the site, including but not limited to sediment basin outlets, all pumped or gravity releases of captured water, other applicable sediment control devices and the site water drainage system, and recorded against the release limits at least once on each calendar day until discharge stops.

8.1.3 Undertake soil testing and other environmental testing and monitoring as specified in the ESC plan and other conditions of approval.

8.1.4 Maintain a written record on site for inspection by Council officers of all soil, water and other environmental testing and monitoring required to be undertaken as specified in the conditions of approval.

8.2 Record keeping

8.2.1 The following documents must be kept on site at all times and provided to Council upon request:

(a) ESC plan including original and updated versions. All updates must be signed off by a suitably qualified professional in ESC.

(b) Design certificate.

(c) Inspection certificates.

(d) All soil, water and other environmental testing and monitoring required to be undertaken as specified in the conditions of approval.

9 Definitions

9.1 Suitably qualified professional in ESC

As defined by IECA Australasia, a suitably qualified and experienced professional must demonstrate all of the following:

(1) Certification under a nationally recognised professional program in Erosion and Sediment Control, such as a Registered Soil Practitioner in ESC (RSP-ESC) or Certified Professional in ESC (CPESC) or similar).

(2) Completion of an advanced training course in erosion and sediment control, provided under the auspices of a reputable body such as the International Erosion Control Association (IECA) Australasia, Soil Science Australia, or similar, and be able to provide evidence of training.

(3) More than 2 years' experience in implementing and designing erosion and sediment control plans and controls on site, which can be verified by an independent third party.

(4) Professional affiliation with an engineering, environmental engineering, soil science, and/or scientific organisation (e.g. the International Erosion Control Association, Engineers Australia, Soil Science Australia, New Zealand Soil Science Society, Environment Institute of Australia and New Zealand, or Stormwater Industry Association).

10 Advice notes

Advice note 1: High efficiency sediment (HES) basins are the preferred and most effective option to capture and treat runoff from development sites over 2,500 m^2. However, alternatives to HES basins that achieve an equivalent outcome may be adopted in circumstances where HES basins are not able to be constructed due to site constraints. These options include total site capture, enlarged Type D basins, erosion control, and other innovative measures. Refer to the Healthy Land & Water *Sediment Management on Construction Sites: Complying with the SPP (July 2017) Technical Note for Local Government Assessment and Compliance Officers.*

If an alternative option is proposed, the ESC plan must specify:

(a) Why the site is not able to accommodate a HES basin.

(b) How the alternative option will be designed and maintained with sufficient storage capacity to capture runoff from the design rainfall event and treat the water to meet the required water quality standards, to the equivalent of or greater than a HES basin.

(c) How water will be treated and tested prior to release to achieve the necessary discharge water quality standards of 50 mg/L TSS or less and a pH in the range of 6.5 – 8.5.

Advice note 2: If not applied and managed correctly, coagulants and flocculants can have negative impacts on the environment. Aluminium chlorohydrate (ACH) and chitosan have low ecotoxicity, negligible effect on pH, and low dose rates, so are considered suitable for most applications. For other products refer to: https://www.austieca.com.au/documents/item/818.

Advice note 3: It is suggested that each site obtain a site-specific relationship between TSS and turbidity (NTU) by undertaking laboratory testing on runoff sampled from the site. Once established, the turbidity NTU value corresponding to 50 mg/L TSS may be used at the site as the release limit. Until such time as this relationship is established, a turbidity limit of 60 NTU shall apply.

Design Certificate for Erosion and Sediment Control

The design certificate is to be completed and signed by a suitably qualified professional in ESC (refer to definition) and submitted to Council with the detailed erosion and sediment control plan and erosion and sediment control plan checklist, prior to commencement of works.

1. Development details
Development name:
Street address/location:
Approval number(s):

2. Details of suitably qualified professional			
Name:	RPEQ number: CPESC/RSP-ESC number (or proof of equivalent qualifications):		
Company name:			
Postal address:			
Suburb:	State:	Postcode:	
Email:	Phone:		

3. Criteria			
Drawing number(s) and title(s):			
Document details (e.g. for reports):			
Certification	Yes	No	N/A
Are the erosion and sediment control plans and associated design and calculations in accordance with the conditions of approval?	☐	☐	☐
If the answer to the above is no, provide details of alternative measures employed to comply with conditions of approval and *Environmental Protection Act 1994*. Use a separate sheet if necessary.			

4. Certification	
I certify that the plans and associated documents were completed by myself, or under my direct supervision, and I am suitably qualified and experienced to provide such certification. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge and accept that Council, as the administering authority, relies, in good faith, on this certification as part of its development approval process and that the provision of false or misleading information to Council constitutes an offence against the *Planning Act 2016*.	
Certifier's signature:	**Date:**

Privacy
Council will use any personal information provided for the intended purpose only and for remaining in contact with you. Council is authorised to collect this information in accordance with the *Local Government Act 2009* and other local government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with Council's Privacy Policy.

Inspection Certificate for Erosion and Sediment Control

The inspection certificate is to be completed and signed by a suitably qualified professional in ESC (refer to definition) at intervals specified in the conditions of approval, and is to be retained on site and provided to Council upon request.

1. Development details
Development name:
Street address/location:
Approval number(s):

2. Details of suitably qualified person		
Name:	RPEQ number: CPESC/RSP-ESC number (or proof of equivalent qualifications):	
Company name:		
Postal address:		
Suburb:	State:	Postcode:
Email:	Phone:	

3. Inspection details
Inspection date:
Inspection number:
Construction stage/hold point:

4. Criteria			
Mandatory information		Yes	No
(1)	Is the development site in compliance with the conditions of approval and have all reasonable and practical measures been taken to prevent or minimise the release of contaminants to the environment?	☐	☐
(2)	Have the major elements of the ESC plan provided to Council with the design certificate been constructed as per the design (e.g. sediment basins, drainage channels)?	☐	☐
(3)	If the answer to either of the above is no, has specific advice been given to the principal contractor, superintendent and landowner which, if implemented, will achieve compliance?	☐	☐
(4)	Do the recommended actions change the intent or suitability of elements specified within the ESC plan? If so, provide a revised/amended ESC plan.	☐	☐

Provide the following information as attachments:

(a) Photographs of the site and the erosion and sediment controls.
(b) Water quality and soil test results since the last inspection (if applicable).
(c) Evidence of rectification of previous non-compliances.
(d) Detail of non-compliances including photographs and descriptions.
(e) Detail on how and when non-compliances will be rectified.
(f) Amended ESC plan if applicable.
(g) A summary of the advice issued to the principal contractor, superintendent and landowner. This can be in the form of an attached audit report, email, etc.

5. Certification	
I certify that I have undertaken inspections in accordance with Council requirements and that having made all relevant enquiries, I am satisfied that no matters of significance have been withheld from Council. The information submitted is, to the best of my knowledge and belief, true, accurate and complete. I also certify that I am suitably qualified and experienced. I acknowledge and accept that Council, as the administering authority, relies, in good faith, on this certification as part of its development approval process and that the provision of false or misleading information to Council constitutes an offence against the *Planning Act 2016*.	
Certifier's signature:	**Date:**

Privacy Council will use any personal information provided for the intended purpose only and for remaining in contact with you. Council is authorised to collect this information in accordance with the *Local Government Act 2009* and other local government Acts. Your personal information is only accessed by persons authorised to do so. Your personal information is dealt with in accordance with Council's Privacy Policy.

Erosion and Sediment Control Plan Checklist

This checklist outlines the elements required in ESC plans. It must be completed by the ESC plan developer and accompany the ESC plan when submitted to Council. Council ESC plan assessing officers can also refer to the checklist to determine if a submitted ESC plan should be deemed suitable.

If an ESC plan fails to comply with the essential checks, then it is suggested that the applicant is advised, and the pre-start meeting is cancelled until an acceptable plan is resubmitted.

Erosion and Sediment Control Plan Checklist

The following checklist is to be completed and signed by the ESC plan developer and accompany the ESC plan submitted to Council.

Approval number		**Address/Development name and stage**		
Plan developer	Name: Company: Postal address:	**Plan developer qualifications**	RPEQ number: CPESC/RSP-ESC number (or proof of equivalent qualifications):	
Category	**Criteria**	**Notes**	**Criteria addressed[1]?**	
			Plan Developer (Yes/No/NA)	**Council Assessor[1]**
Plan developer	The ESC plan must be prepared by a suitably qualified professional (refer to definition).			
	Where engineering structures (either temporary or permanent) such as basins, inlets, outlets and spillways form part of an ESC plan, the design and inspection of such structures must be undertaken and certified by a RPEQ engineer.			
Plan staging	The ESC plan must be staged and relate to each phase of the works including site clearing, bulk earthworks, civil construction, services installation, and final stabilisation/landscaping.			
	The staged plans must detail the type, location, sequence and timing of measures and actions to effectively minimise erosion, manage flows and capture sediment.			
	Separate drawings must be provided for each stage and phase of the works.			
Best practice standards	The ESC plan must be consistent with current best practice ESC standards as per the International Erosion Control Association *Best Practice Erosion and Sediment Control* (IECA *BPESC*) (latest version) to the extent that the standards are consistent with the conditions of approval and taking into account all environmental constraints, including erosion hazard, season, climate, soil, slope, catchment area, flow paths, and proximity to waterways.			
	The ESC plan must provide sufficient detail to demonstrate compliance with all conditions of this permit relating to ESC.			
Soil investigations	Undertake soil investigations and testing, including testing for dispersive soils and acid sulphate soils (if applicable).			

	Results of all soil investigations undertaken for the site must be provided in the plan, along with RUSLE calculations and erosion hazard risk assessments. The ESC plan must address the results of these investigations and manage the risks identified.			
	Dispersive soils: If the works disturb dispersive soils, provide a dispersive soil management plan that ensures soils are adequately managed and treated. Ensure risks from dispersive soils are considered and addressed in the ESC plan.	Notes must include amelioration of subsoil associated with drainage controls (i.e. either capping with topsoil or gypsum amelioration prior to lining) and amelioration of topsoil prior to revegetation.		
	Acid sulphate soils: If the works disturb acid sulphate soils, provide an acid sulphate soil management plan that ensures soils are adequately managed and treated. Ensure risks from acid sulphate soils are considered and addressed in the ESC plan.			
	Disturbance of groundwater: if the works involve the disturbance of groundwater provide a groundwater management plan that addresses the impact of the disturbance and any dewatering activities. Ensure impacts to groundwater and dewatering of groundwater are considered and addressed in the ESC plan.			
Site constraints and plan detail	Provide a set of contour drawings showing existing and design contours, including locations of cut and fill, for each phase of the works. Contours surrounding the site should also be shown so catchment boundaries can be considered.	At least existing and final contours need to be shown on separate plans in order to understand whether controls need to be repositioned during construction as contours change.		
	Provide the real property description(s), north point, plan scale, legend of symbols, site layout, boundaries and features.			
	Identify site offices, car parks, roads, structures and stabilised entry/exit points, stockpile locations, and all proposed ESC measures on the plan.			
	Show all major features shown on the plan (waterways, riparian buffers, protected vegetation, and full extent of disturbance needed to construct works).			
	Clearly identify areas of non-disturbance, vegetation protection areas and waterway corridors. Detail how these sites will be delineated and protected during construction. All ESC measures are to be located outside of these areas.			
	Identify areas of potential dispersive soils, acid sulphate soils, high and extreme erosion risk areas and how these areas will be protected or managed during the construction phase.			

	Indicate the location and diagrammatic representations, including detailed cross-sectional drawings and design details, of all ESC measures included in the plan.			
	Detail the timing for implementation and decommissioning of controls, as well as hold points.	Prior to land clearing and commencement of works, install all major ESC measures in particular, sediment controls, basins and diversion drains. Post construction, catchments must be stabilised prior to basins being decommissioned or converted to bioretention.		
Minimising soil exposure and erosion	Stage the works to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable-sized areas of no greater than 10 hectares to ensure adequate ESC management and progressive stabilisation of disturbed surfaces.			
	Any areas not actively worked must be left undisturbed or if disturbance is unavoidable, must be immediately stabilised.			
	Provide plans and specifications detailing soil stabilisation and rehabilitation methods. Describe the scheduling of progressive and final rehabilitation of exposed soil areas as civil works progress, including the stabilisation of upslope catchments prior to sediment basin decommissioning.			
	Timing and methods of stabilisation must be specified and be consistent with the conditions of approval.			
	Include a technical note on suitable dust control measures consistent with IECA *BPESC* (latest version).	Refer to Book 1, Chapter 4: Design standards and technique selection, Section 4.4.5: Dust control techniques, and Chapter 6: Site management, Section 6.13: Dust control.		
Drainage and stormwater control	Detail how clean water will be diverted around or through the site and illustrate catchment areas and flow paths. Explain how manner of diversion will keep stormwater clean (i.e. will not cause erosion).	If clean water is not able to be diverted, it must be managed as dirty runoff, and site sediment controls (basins) need to be sized to account for this additional hydraulic loading.		
	All drainage structure designs (including diversion drains, chutes, and spillways) must include calculations and linings consistent with expected velocities.	Design ARIs for drainage structures are provided in IECA *BPESC* (latest version), Table 4.3.1. Detail of drainage structures shall include minimum dimensions (including any specified freeboard) and lining or velocity control requirements to provide non-erosive flow up to the design ARI.		

Sediment capture and minimising contaminant releases	Detail how the sediment basins will meet the following performance criteria: *All exposed areas greater than 2500 m² must drain to a sediment basin which is designed, implemented and maintained to a standard which will achieve at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50 mg/L total suspended solids (TSS) or less, and pH in the range 6.5 – 8.5.*	High efficiency sediment basins are the most effective way to meet this criteria. If an alternative option is proposed, the ESC plan must specify: (1) Why the site is not able to accommodate a HES basin. (2) How the alternative option will be designed and maintained with sufficient storage capacity to capture runoff from the design rainfall event and treat the water to meet the required water quality standards, to the equivalent of or greater than a HES basin. (3) How water will be treated and tested prior to release to achieve the required discharge water quality standards of 50 mg/L TSS or less and a pH in the range of 6.5 – 8.5.		
	Sediment basins designs must include: (a) Sizing and hydraulic calculations that demonstrate compliance with the performance criteria (above). (b) Hydraulic structures such as inlets, outlets, forebays, level spreaders, and spillways designed in accordance with IECA *BPESC* (latest version). (c) A basin layout that is suitably designed and positioned in accordance with IECA *BPESC* (latest version). (d) Access for maintenance including sediment removal, dewatering and water treatment. (e) Details of the materials to be used in its construction, including compaction levels and liners. (f) Details on the proposed coagulants/flocculants and automatic dosing systems, including jar testing results. Must also demonstrate the suitability of the proposed coagulant/ flocculant with regard to the downstream receiving environment and water quality. Automated systems must demonstrate how they will be adequately designed and suitable for catchment size to achieve the performance criteria (above). (g) Description of the ongoing operation and maintenance of the basin.	Refer to IECA *BPESC* (latest version). Dosing method should consider basin type and layout (particularly inflow into basin). Aluminium chlorohydrate (ACH) and chitosan have low ecotoxicity, negligible effect on pH, and low dose rates, so are considered suitable for most applications. For other products refer to: https://www.austieca.com.au/documents/item/818		
Work within waterways	Demonstrate that all necessary approvals for works within waterways have been obtained, including riverine protection permit (if applicable).			

	Provide details of scheduling and timing to ensure works within waterways will be only undertaken during the lower rainfall months between June to October.			
	Show all waterways (perennial and non-perennial) and locations of any works within waterways including temporary crossings.			
	Provide design details for all temporary waterway crossings. Temporary vehicular crossings of waterways are to be designed and constructed to convey flows for the 63% AEP and remain stable for all rainfall events up to the 10% AEP event of critical duration.	Temporary crossings must have a low-flow culvert and must be constructed of rock (not an earth embankment) so they will not erode when overtopped.		
	For works within waterways (i.e. bridges and culverts) provide details for flow diversion consistent with IECA *BPESC* (latest version) *Appendix I.*			
	Ensure instream works are undertaken in accordance with IECA *BPESC* (latest version) *Appendix I* – Instream works.			
Monitoring and maintenance	Specify maintenance requirements and schedules for all ESC measures.			
	Specify inspection schedules that include and are in addition to any mandatory inspections specified in the conditions of approval.			
Design certificates	Complete, sign and attach a *Design Certificate for Erosion and Sediment Control* to the plan using the prescribed form.			
Documentation and document control	ESC plans must be implemented and modified as required. All modifications must be signed by a suitably qualified professional and be kept on site at all times.			
	The ESC plan, design certificate, inspection certificates and any updated versions of the ESC plan must be kept on site at all times and made available for inspection by Council officers upon request.			

[1] **C** = Conformance, **NC** = Non-conformance, **N/A** = Not applicable, **NFV** = Not fully verifiable

[2] Non-conformance with one or more of the criteria indicates ESC plan is not acceptable.

To be completed by Council ESC plan reviewer:

Plan reviewer/s (Council Officer name)		**Date reviewed**	
ESC plan acceptable or not acceptable[2]?		**Comments**	

Erosion and Sediment Control Development Site Audit Checklist

This checklist is designed to assist the ESC Officer in determining if erosion and sediment controls implemented on a site meet best practice requirements and hence comply with development permit conditions and *Environmental Protection Act 1994* obligations.

The checklist is adapted from the Queensland Government Department of Environment, Science and Innovation *Procedural guide: Releases to waters from land development site and construction sites 2,500 m² and greater* (2020) and that publication should be referred to for advice notes on assessing each criteria.

The checklist is intended to be applied in its entirety to each individual sub-catchment at the site.

A copy of the checklist should be provided to the principal contractor at the pre-start meeting.

Erosion and Sediment Control Development Site Audit Checklist

Approval number		Address/Development name and stage		
Date		Auditor		
Category	**Criteria[1]**	**Compliant (Y/N/Partially)**	**Severity/Impact[2]**	**Observations and actions**
Weather prior to and/or during the inspection	If there were any significant rain events prior to or during the inspection, make a note of this. If so, is there any dirty water run-off exiting the site?			
Minimising soil exposure and erosion	Has the development been staged so that the extent of clearing is restricted to that necessary for access to, and safe construction of the immediate stage of works, and are vegetation and waterways intact/protected in all other areas of the site?			
	Has soil exposure been minimised by: • Only clearing vegetation to an extent where earthworks will commence in that part of the land within 4 weeks of the clearing taking place. Vegetation must be protected in all unworked areas of the site. • Staging the works to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable-sized areas of no greater than 10 hectares to ensure adequate ESC management and progressive stabilisation of disturbed surfaces. • Effectively stabilising* cleared areas if works are suspended for a period exceeding 10 days. • Effectively stabilising steep areas, such as slopes, stockpiles, embankments, batters and bunds which are not being actively worked for a period exceeding 10 days. • Effectively stabilise all permanent and temporary open drains immediately upon construction, including the base and the full width and length of the drainage channel. • Effectively stabilising all areas at finished level within 10 days of completion and prior to rainfall (50% or greater chance of rainfall occurring with a predicted total of 20 mm or more over a 5-day period). *For the purpose of this section, an effectively stabilised surface is defined as one that, as a result of rainfall and stormwater runoff, does not erode, does not cause sedimentation and does not cause water contamination.			

Drainage and stormwater control	Is clean stormwater diverted around or through the site and will the manner of diversion keep stormwater clean (i.e. will not cause erosion)? Alternatively, if flow cannot be diverted, is it managed as for dirty runoff and are sediment control devices provided and sized to accommodate this additional flow?			
	Are drainage controls (bunds, chutes, etc.) and/or erosion controls in place to control flow onto and manage flows down steep batters and embankments without causing rill or gully erosion?			
	Are drainage controls (catch drains and diversion drains/bunds) and/or erosion controls in place to intercept and control sheet flows to prevent rill and gully erosion?			
	Do all concentrated drainage lines and structures have adequate capacity and appropriate lining to prevent erosion of the flow surface (i.e. is erosion or scour visible or likely within drainage features)? Velocity control devices (e.g. check dams) can be used in unlined drains, however lining drainage channels is more effective at reducing erosion and preventing the mobilisation of sediment.			
Sediment capture and minimising contaminant releases	Do all disturbed areas greater than 2,500 m^2 drain to a sediment basin* or equivalent sediment control which is designed, implemented and maintained to a standard which would achieve at least 80 % of the average annual runoff volume of the contributing catchment treated to 50 mg/L total suspended solids (TSS) (or 60 NTU) or less and pH in the range 6.5 – 8.5? *High efficiency sediment basins are the most effective way to comply with this condition.			
	Are sediment basins: (1) Appropriately sized. Refer to IECA *Best Practice Erosion and Sediment Control* (IECA *BPESC*) (latest version). (2) Provided with an effective and operational automated system of flocculant/coagulant dosing (Type A and B) and a suitable supply of flocculant/coagulant (all types) to meet water quality standards of 50 mg/L TSS (or <60 NTU) or less and pH in the range 6.5 – 8.5 prior to any discharge. *Advice note: If not applied and managed correctly, coagulants and flocculants can have negative impacts on the environment. Aluminium chlorohydrate (ACH) and chitosan have low ecotoxicity, negligible effect on pH, and low dose rates, so are considered suitable*			

	for most applications. For other products refer to: https://www.austieca.com.au/documents/item/818 (3) Automated systems adequately designed and suitable for basin design and catchment size. (4) Dewatered within 5 days of rainfall ceasing (Type D). Water released during dewatering must meet water quality standards of 50 mg/L TSS or less and pH in the range of 6.5 – 8.5. (5) Provided with hydraulic structures such as inlets, outlets, forebays, level spreaders, and spillways which are structurally sound and installed and designed in accordance with IECA *BPESC* (latest version). (6) Layouts suitably designed and positioned in accordance with IECA *BPESC* (latest version).			
	Is any active release from a sediment basin, for events up to the relevant design event for the basin type, discharging at water quality standards of <50 mg/L TSS (or <60 NTU) and pH in the range of 6.5 – 8.5?			
	Is accumulated sediment from basins and other controls removed before the sediment storage capacity is reached and disposed of appropriately without causing water contamination? Has a marker post or similar been installed to identify sediment storage zone depth?			
	For areas or sub-catchments <2,500 m^2 which are not able to drain to a sediment basin due to the topography of the site, are Type 2 or Type 3 sediment controls provided consistent with IECA *BPESC* (latest version) and/or has the area been stabilised with adequate erosion controls?			
	Have controls been implemented to prevent or minimise sediment from leaving the site on the tyres of vehicles?			
Work within waterways	Are works undertaken in accordance with IECA *BPESC* (latest version), *Appendix I – Instream works?*			
	Does the timing of works avoid rainfall events?			
	Are temporary vehicle crossings provided with a low-flow culvert and constructed of clean rock fill (not earth embankment)?			
	For works within waterways (i.e. bridges and culverts) is a system of flow diversion in place consistent with IECA *BPESC* (latest version) *Appendix I– Instream works*?			
Maintenance	Are all controls effective and maintained?			
Unlawful discharge	There is no evidence of unlawful discharge from the site.			

	(Y = No evidence, N = Obvious signs/evidence of discharge).			
Water quality monitoring	Have water quality tests been undertaken as per the conditions of approval, and are they available on site to be provided to Council upon request?			
Planning and adaptive management	Is an adequate and up-to-date ESC plan available on site and does the plan adequately reflect current site conditions and the stage of works?			
	Have ESC measures been implemented in accordance with the most current ESC plan?			
	Have the conditions of approval been met?			
	Have independent audits and inspection certificates been completed to the frequency required by the development permit (where applicable)?			
	Have additional controls been implemented to address any issues identified through previous independent or Council audits (where applicable)?			
Risk of actual or potential water contamination	Have all reasonable and practicable measures been implemented to reduce the likelihood of releases of contaminated runoff to a waterway or drainage system?			
Overall compliance rating[3]		**Proposed action (e.g. education, advice and follow-up and/or enforcement action[4])**		
Comments				

[1] The *IECA Site Inspection Checklist (detailed)* may be referred to for advice on what to check on individual control measures to determine if they are adequate (https://www.austieca.com.au/publications/free-downloads).

[2] Severity should be classified as either *Low* – technical or inconsequential non-compliances which are easily resolved (e.g. sediment fence temporarily removed for works to proceed), *Moderate* – non-compliance will cause design standard to not be met, although some protection provided to a lower standard and water contamination has not occurred, or *High* – non-compliance either has caused or will cause water contamination of a non-trivial nature if rainfall occurs.

[3] If the answer to all criteria is 'Yes', then the site is compliant. If the answer to any of the criteria is 'No', then site is non-compliant. However, if all non-compliances are deemed of low severity, then a rating of 'partially compliant' may be considered.

[4] In general, the enforcement response should consider the severity of the non-compliance as well as the level of planning and adaptive management (i.e. willingness to comply) that is exhibited at the site. This is illustrated below in Figure 1. Further advice on enforcement tools and determining a proportional response can be found in the Department of Environment, Science and Innovation *Enforcement Guidelines* (2019).

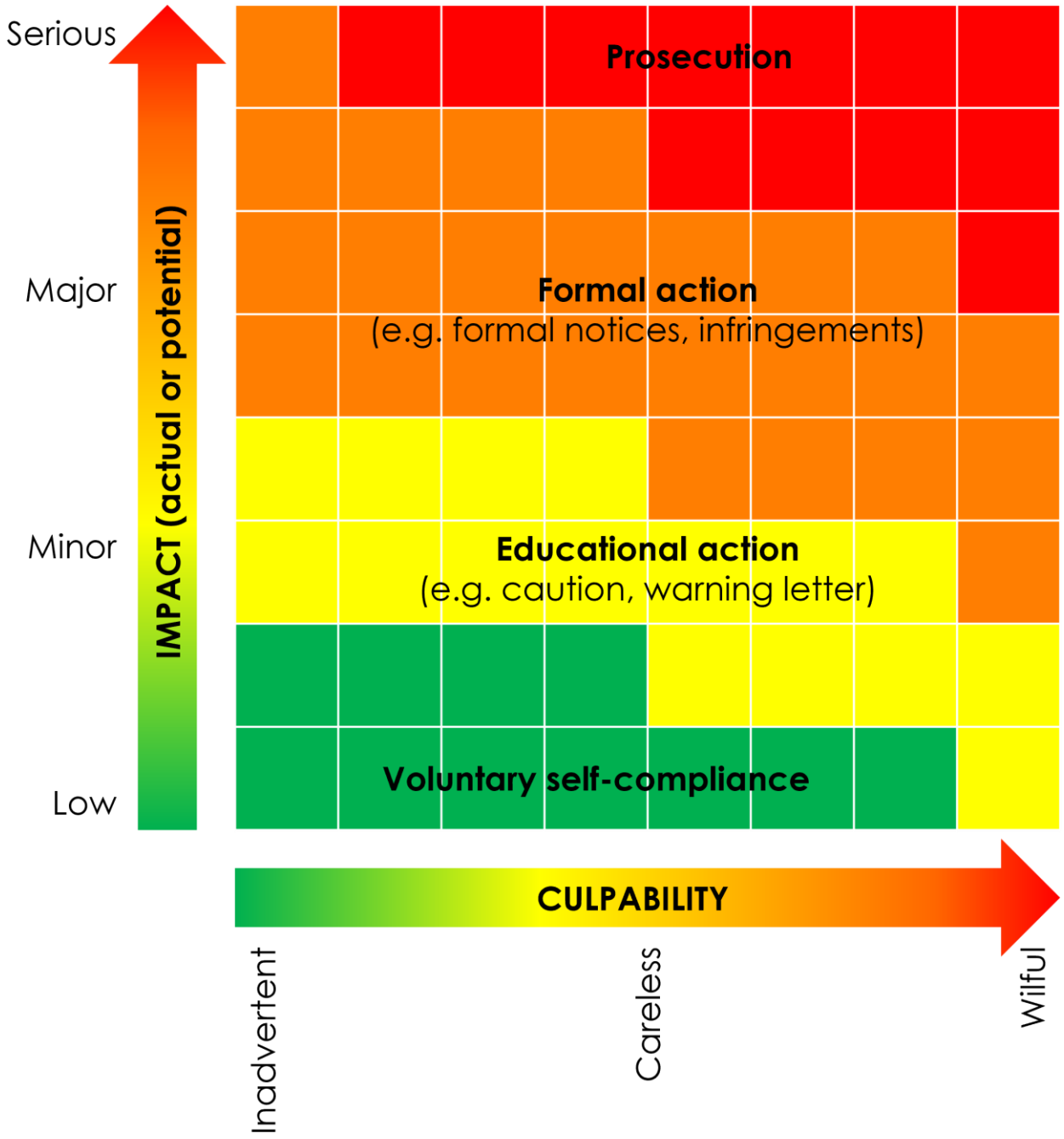

Figure 1. Considerations for determining a proportional compliance response.

Erosion and Sediment Control Pre-Start Meeting Checklist

Date			
Address/Development name and stage			
Approval number			
ESC officer			
Attendees	**Role/Company**	**Phone number**	**Email address**

Items		**Notes**
General information	ESC plan submitted and certified (including design certificate).	
	Schedule of registered business names provided (for high risk sites).	
	Confirm project start date and duration of works.	
	ESC plans and design certificate (including updates) to be kept on site at all times and be available for inspection.	
Review of ESC plan	Identify deficiencies or areas of concern from the *ESC Plan Checklist*.	
	Identify that ESC plan is a tool for the developer/contractor to achieve compliance with development permit conditions and *Environmental Protection Act 1994* requirements and needs to be updated as a living document.	
	Highlight critical areas where extra care must be taken.	
	Highlight key hold points – controls to be established prior to bulk earthworks. Stabilisation of catchment prior to basin decommissioning.	
Inspections/audits	Council inspection procedures explained (proactive/reactive).	
	Audit inspection checklist explained, and copy provided to principal contractor.	
	Non-compliance (breaches under *Environmental Protection Act 1994* and *Planning Act*) explained – range of enforcement tools available.	
	Occupiers' responsibility to maintain ESC as per certified plan and any updated versions.	

Erosion and sediment control maintenance	Discuss the need for maintenance and material replacement.	
	Discuss when maintenance needs to be accomplished (e.g. before, during and after rain).	
	Additional ESC control installation should be undertaken as needed to comply with relevant permit conditions and be noted/updated on the ESC plan.	
Inspection certificate (for medium and high risk sites)	Discuss the need for inspection certification, as per condition requirements (to be kept on site). Highlight the minimum frequency for inspections to be undertaken as per condition requirements and request details of nominated inspector.	
Release criteria	Highlight release criteria from basins or any dewatering is <50 mg/L TSS (or <60 NTU) and pH in the range of 6.5 – 8.5 and must be monitored in accordance with approval conditions.	
	Records to be kept on site.	
Chemical usage	Discuss proposed coagulant/flocculant and any environmental risks. Seek confirmation that site personnel are aware of dosing rates and application methods.	
Decommissioning	Discuss what degree of stabilisation is required for ESC measures to be removed.	
Potential complaints	Dust/noise/construction parking/sediment tracked onto roadways/turbid water and sediment discharge onto adjoining properties.	

Environmental Enforcement Order

The template *Environmental Enforcement Order* is for general information only. Persons preparing or issuing an environmental enforcement order on behalf of a Council should refer to the requirements of the *Environmental Protection Act, 1994* and the relevant Council's policies, forms, procedures and other requirements for issuing environmental enforcement orders and obtain legal advice as necessary or appropriate.

ENVIRONMENTAL ENFORCEMENT ORDER

Environmental Protection Act 1994
Section 362(1)

To: **[RECIPIENT NAME]** (A.C.N **XXX XXX XXX**)

ATTENTION: **[FULL NAME/s]** (as Director/**s**)

Address: **[NUMBER STREET]**

[SUBURB STATE POSTCODE]

Located at: **[NUMBER STREET SUBURB STATE POSTCODE]** otherwise described as Lot **#** on Registered Plan **#**

In respect of: Contravention of section 440ZG

Reference: **[Council Reference]**

I **[name of delegate of Council]** being a delegate of **[Name of Council]** believe that an enforcement ground exists on which to issue an environmental enforcement order under section 362(1) of the Environment Protection Act 1994 to [Person's Name] namely that [Person's Name]

(i) is contravening section 440ZG of the said Act.

(ii) has contravened section 440ZG of the said Act, in circumstances that make it likely the contravention will continue or be repeated.[1]

1. It is believed that you have unlawfully at ..... hrs on the ...../...../..... at .....
.....

☐ Deposited a prescribed water contaminant namely ..... in waters in contravention of section 440ZG(a)(i) of the *Environmental Protection Act 1994* (Qld).

☐ Deposited a prescribed water contaminant namely ..... in a roadside gutter or stormwater drainage in contravention of section 440ZG(a)(ii) of the *Environmental Protection Act 1994* (Qld).

☐ Deposited a prescribed water contaminant namely ..... at another place namely ..... and in a way so that the contaminant could reasonably be expected to wash/blow/fall/otherwise (state how) ..... move into waters/roadside gutters/stormwater drainage in contravention of section 440ZG(a)(iii) of the *Environmental Protection Act 1994* (Qld).

☐ Released stormwater runoff into waters/roadside gutters/stormwater drainage that results in the buildup of earth in waters/roadside gutter/stormwater drainage in contravention of s440ZG(b) of the *Environmental Protection Act 1994* (Qld).

[1] Guidance Note: Meaning of enforcement ground – see section 359(f)(iv) – either or both (i) and (ii) may apply

2. Details of the relevant matter for the order are as follows:[2]

[Guidance note: insert details about the relevant matter - Section 366(1)(c)]

3. You must take the actions set out below in this section 4[3] to remedy the contravention/s outlined in part 2 of this order by the ……/……/……[4]

Guidance Note: See section 367 for actions that may be stated in an order.

Example of directions to remove a buildup of earth in a gutter and prevent recurrence:

You (name) are to remove the buildup of earth in the gutters of X Street between the street numbers of J and K (or lot numbers as required) within 24 hours in a way that does not see any earth move into the stormwater drainage system.

You (name) are then to put in place whatever steps are required to ensure that there is no future buildup or accumulation of earth in the gutters of X Street between the street numbers of J and K originating from lot Z (or lot numbers as required) until the construction at lot Z is completed.

5. You are hereby warned that it is an offence pursuant to section 369A of the *Environmental Protection Act 1994* to fail to comply with this order unless you have a reasonable excuse.[5]

This Environmental Enforcement Order is issued by [Delegate] on behalf of [Council] at [Hours] on the [Day] of [Month] [Year].

[Council Officer]

[Position]

[Development Control Unit]

[Name of Council]

[Address]

[Contact details of Council[6]]

(Delegate)

---

[2] Guidance Note: Section 366(1)(c)
[3] Guidance Note: Section 366(1)(e)
[4]Guidance Note: Section 366(1)(f) – if separate actions are specified, different times may be specified for each action. The time stated must be reasonable having regard to the matters stated in section 368.
[5] Guidance Note: Section 366(1)(h)
[6] Guidance Note: section 366(1)(i)

Notice of Service

I, [Name], herby certify that at [Hours] on the [Day] [Month] [Year] a copy of this order was given to [Name] at [Location] by:

(a) Giving a copy of this order personally to the said person named in this order.

(b) Leaving a copy of this order with [Name] at [Location] which is the registered place of business for the person named in this order.

REVIEWS AND APPEALS[7]

(1) If you as the recipient of this environmental enforcement order are dissatisfied by the original decision to issue this order, you have the right to have the matter reviewed.

(2) As a dissatisfied person you may apply for a review of the original decision.

(3) That application must be made in the approved form to the Council as the administering authority within 10 business days after receipt of this order.

(4) An extension may be granted by the Council if there are special circumstances.

(5) Your application to review must be supported by enough information to enable the Council to decide the application.

[7] Guidance Note: sections 366(1)(g) and 521

Level 11, 240 Queen St, Brisbane QLD 4000 | PO BOX 13204 George St, Brisbane QLD 4003
T. 07 3177 9100 | info@hlw.org.au | hlw.org.au