

# **LANDCOM**

## **SCHEDULE OF CONDITIONS FOR PROTECTION OF THE ENVIRONMENT BUILDING CONTRACTS**

This document is for Landcom's project partners only managing building contracts under project delivery agreements with Landcom.

## Protection of the Environment

- a) The *Builder* acknowledges that the *Principal* must demonstrate due diligence under the *Protection of the Environment Operations Act 1997* (NSW).
- b) The *Builder* must:
  - i) carry out all *WUC* in such a manner as to avoid nuisance, interference with or damage to the environment;
  - ii) comply with the requirements of:
    - A) the *Protection of the Environment Operations Act 1997* (NSW);
    - B) the *Contaminated Land Management Act 1997* (NSW);
    - C) the *Environmentally Hazardous Chemicals Act 1985* (NSW);
    - D) the *Waste Avoidance and Recovery Act 2001* (NSW);
    - E) the *Water Management Act 2000* (NSW); and
    - F) any other relevant law;
  - iii) not bring any *hazardous materials* onto the *site* without the prior written approval of the *Principal's Representative*;
  - iv) provide impervious bunded storage if significant quantities of *hazardous materials* are stored on the *site*:
    - A) having the capacity of not less than 110% of the volume of the largest containers stored within the bund;
    - B) without drain valves; and
    - C) in accordance with Australian Standard, AS 1940-2004, "The Storage and Handling of Flammable and Combustible Liquids" if the bunded storage relates to the storage of fuel and oil;
  - v) leave the *site* tidy and properly dispose of all *hazardous materials* brought onto the *site* by the *Builder*;
  - vi) remove from the *site* all refuse resulting from *WUC*, and handle the refuse in a manner so as to confine the material completely and to prevent any dust emission;
  - vii) spray earthwork formations and stockpiles to reduce dust emissions and otherwise prevent dust emissions by stabilising earthwork formations and stockpiles adequately;
  - viii) mulch and soils for landscaping purposes shall have at least 90% and 40%, respectively, of recycled content and comply with Australian Standards AS 4454-2003 and AS 4419-2003.
  - ix) convey all matters include soils, earth, sand and loose debris to and from the *site* in such a manner as to

- prevent spilling of materials on roads, pavements and footpaths;
- x) ensure that wheels and outside surfaces of all vehicles travelling to and from the *site* are free of mud so that no tyre marks are made on roads, pavements and footpaths;
  - xi) ensure that the relevant *key personnel*:
    - A) are available to the relevant *authority* on a 24 hour basis; and
    - B) have authority to take immediate action to shut down any activity or to effect any *pollution* control measure, as directed by an *authority*;
  - xii) install and maintain erosion and sedimentation controls in accordance with the requirements of the *soil and water management plan* and the *project brief*;
  - xiii) in relation to air quality, ensure that all *construction plant* on the *site* is designed and operated to minimise the emission of smoke, dust and other substances into the atmosphere;
  - xiv) ensure that any *contamination, pollution* or damage to the environment occurring during *WUC* is either removed off *site* or remediated at the *Builder's* cost, and a certificate by an *environmental consultant* evidencing that this has occurred is provided to the *Principal's Representative* as a pre-condition to the achievement of *practical completion*;
  - xv) ensure that the use and storage of any "Class 6" herbicide or other chemicals (as defined in the *Dangerous Goods (General) Regulation 1999 (NSW)*) is undertaken strictly in accordance with the manufacturer's instructions and the relevant *material safety data sheets*;
  - xvi) ensure that refuelling does not occur in the vicinity of waterways or environmentally sensitive areas and that refuelling operations are not left unattended while in progress;
  - xvii) ensure that stormwater accumulated in fuel and chemical bunds:
    - A) is not discharged into any waterways; and
    - B) is pumped out and disposed of off *site* by an *EPA* accredited waste management contractor;
  - xviii) give a certificate, by the *EPA* accredited waste management contractor referred to in clause (b)(xvii)(B), to *Principal's Representative* prior to *practical completion*, certifying that the stormwater referred to in clause (b)(xvii) has been disposed of in accordance with all *laws*;
  - xix) ensure that appropriate spill kits and suitable fire extinguishers are available on *site* at all times; and
  - xx) ensure that:
    - A) all *waste* is disposed of in an appropriate landfill;

- B) copies of waste disposal dockets required under any law are provided to *Principal's Representative* within 7 days after disposal of any waste;
  - C) waste data is monitored and recorded in accordance with the *EMP report card* (copy available on [www.landcom.nsw.gov.au](http://www.landcom.nsw.gov.au)); and
  - D) copies of any notices or penalties served or levied on the *Builder* or its *subcontractors* for non-compliance with any laws are copied to *Principal's Representative* within 7 days after such notices or penalties are served or levied on the *Builder* or its *subcontractors* as applicable.
- c) The *Builder* must comply with the guidelines provided in the NSW EPA publication "Environmental Information for Builders" (ISBN 0 7313 0188 9) available on [http://www.epa.nsw.gov.au/internet/small\\_business/builders.htm](http://www.epa.nsw.gov.au/internet/small_business/builders.htm).
  - d) The *Builder* must ensure that all its personnel and subcontractors on site are adequately trained with regard to environmental management and compliance requirements relevant to their tasks.
  - e) The *Builder* must ensure that all its site supervisors on Landcom projects attend Landcom's environmental induction training for builders prior to commencing work on any Landcom site.
  - f) The *Builder* must complete the relevant sections of the *EMP report card* and provide a copy to *Principal's Representative* prior to *practical completion*. The *Builder* can obtain a copy of the *EMP report card* from Landcom's website [www.landcom.nsw.gov.au](http://www.landcom.nsw.gov.au).
  - g) The *Builder* must indemnify the *Principal* against any claim, demand, duty, liability or obligation, cost expense, loss or damage (including legal expenses on a full indemnity basis) suffered or incurred by the *Principal* as a result of:
    - i) any *contamination* of or from the *site*;
    - ii) any *pollution* occurring on or from the *site*;
    - iii) the disposal of *waste* to the *site*; and
    - iv) any injury or death of a person on the *site*,
 which occurs before the *date of practical completion*, except to the extent that it arises out of a negligent act or omission of the *Principal*, its servants, agents or contractors.
  - h) The:
    - i) parties acknowledge that an *authority* may seek information relating to environmental management practices in connection with *WUC*;
    - ii) *Builder* must:
      - A) promptly provide information relating to its environmental management practices to the *authority*;

- B) not provide information relating to the *Principal's* environmental management practices unless directed by *Principal's Representative*; and
  - C) to the extent that the *authority* seeks information relating to the *Principal's* environmental management practices, refer the matter to *Principal's Representative*.
- i) The *Builder* shall keep a log book on *site* including its records of:
    - i) erosion control measures put in place with descriptions and dates;
    - ii) its record of daily inspection of erosion and sediment controls;
    - iii) maintenance *work* undertaken on sediment and erosion control measures, including detailed descriptions and dates; and
    - iv) the date and quantity of construction and demolition waste removed *off-site* for recycling. The *Builder* shall aim to achieve 80% recycling of building construction waste.
  - j) The log book referred to in clause (i) shall be kept up to date daily and may be reviewed by *Principal's Representative* at least weekly. The log book shall be available for inspection of any authority on request.

#### **GLOSSARY**

ARA – Appropriate Regulatory Authority

EMP – Environmental Management Plan

EPA – Environment Protection Authority (part of Department of Environmental and Conservation)

WUC – Works under the contract