

DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment

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This document provides guidance on what is required by the Department of Environment, Land, Land, Water and Planning for Construction Environmental Management Plans (CEMPs) prepared for subdivisions and works within or adjacent to conservation areas identified by the Melbourne Strategic Assessment Program.

Background

Under the Melbourne Strategic Assessment program all works within or adjoining a conservation area identified in the *Biodiversity Conservation Strategy* (DEPI 2013) require approval from the Department of Environment, Land, Water and Planning (DELWP). In most cases DELWP approval will require a Construction Environmental Management Plan (CEMP) to be prepared to its satisfaction.

The purpose of a CEMP is to set out how risks to ecological values within the conservation area will be managed, consistent with the conservation objectives of the Biodiversity Conservation Strategy.

Note that additional requirements to those outlined below often apply to works within conservation areas. These may include, but not be limited to, Aboriginal and European Heritage, dust control, noise management, and asset protection. Contact relevant authorities to find out if additional requirements apply.

These standards may be periodically updated over time to reflect current best practice standards for construction environmental management.

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DELWP Requirements

CEMPs should be prepared using an appropriate CEMP template (e.g. the Melbourne Water template) and include a site plan and a broader context plan, both to scale.

(<https://www.melbournewater.com.au/planning-and-building/developer-guides-and-resources/standards-and-specifications/develop-site>)

DELWP requires CEMPs to include the following information:

1. Responsibility for implementing CEMP

Identify personnel responsible for implementing the CEMP including for communicating CEMP requirements to all contractors and subcontractors. The CEMP should be prepared and submitted by the contractor undertaking the works.

2. Description of the works

Details of project location, including project footprint, construction methods (a brief summary of key steps involved in the construction process), and any associated site facilities or works to be shown on a plan drawn to scale.

3. Identifying biodiversity values

State objectives for the conservation area as outlined in Section 5 of the *Biodiversity Conservation Strategy* (available online at www.msa.vic.gov.au).

For works within the conservation area the following must be shown:

- extent of native vegetation within the conservation area shown by timestamping data layer, where the layer is based on site surveys (available from *Spatial Datamart Victoria* <https://services.land.vic.gov.au/SpatialDatamart>);
- extent of native vegetation within the conservation area as identified by an ecological consultant, where required by DELWP;
- Areas of Strategic Importance as identified in DELWP's *Growling Grass Frog Masterplan* (DELWP 2017) (available online at www.msa.vic.gov.au).
- the location of wetlands, waterways, and drainage lines;
- other values of State or National significance identified in the *Biodiversity Conservation Strategy* (DEPI 2013) or identified by an ecological consultant.

4. Risks to biodiversity values

Identify and assess all potential risks of impacting biodiversity values within the conservation area. The assessment of risk must consider the scenarios outlined in Table 1 below:

Table 1.

Scenario	Potential Impacts
Works encroaching beyond approved construction footprint	<ul style="list-style-type: none"> • Degradation and destruction of native vegetation protected under State and Commonwealth law. • Degradation and destruction of habitat for significant fauna required to be protected under State and Commonwealth law.
Deposition of sediments and discharge of sediment laden water into conservation area	<ul style="list-style-type: none"> • Degradation and destruction of native vegetation protected under State and Commonwealth law. • Degradation and destruction of habitat for significant fauna required to be protected under State and Commonwealth law.
Introduction of weeds	<ul style="list-style-type: none"> • Degradation of native vegetation protected under State and Commonwealth law. • Degradation of habitat for significant fauna protected under State and Commonwealth law.
Introduction of amphibian diseases	<ul style="list-style-type: none"> • Exposure of populations of amphibian species (including Growling Grass Frog) currently free of disease infection that potentially threatens persistence.
Harm of wildlife	<ul style="list-style-type: none"> • Death or injury of wildlife protected under State and or Commonwealth law.

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5. Establishment and maintenance of No-Go Zones

For works within conservation areas all areas outside the construction footprint approved by DELWP must be clearly shown as a no-go zone. For works adjoining a conservation area, the entire conservation area must be clearly shown as a no-go zone.

The site plan must show the alignment of protection fencing and location of no-go zone signage. To ensure retention of native vegetation, DELWP requires protection fencing to be located at a minimum distance of 2 metres from remnant patches and 12 x the Diameter at Breast Height from scattered trees. Unless otherwise agreed to by DELWP, the CEMP must state protection fencing treatment to be:

“Exclusion fencing (e.g. chain link or welded mesh) to a height of 1.8 metres mounted on vertical steel pipes at 3 metre intervals driven 0.7 metres into the ground.

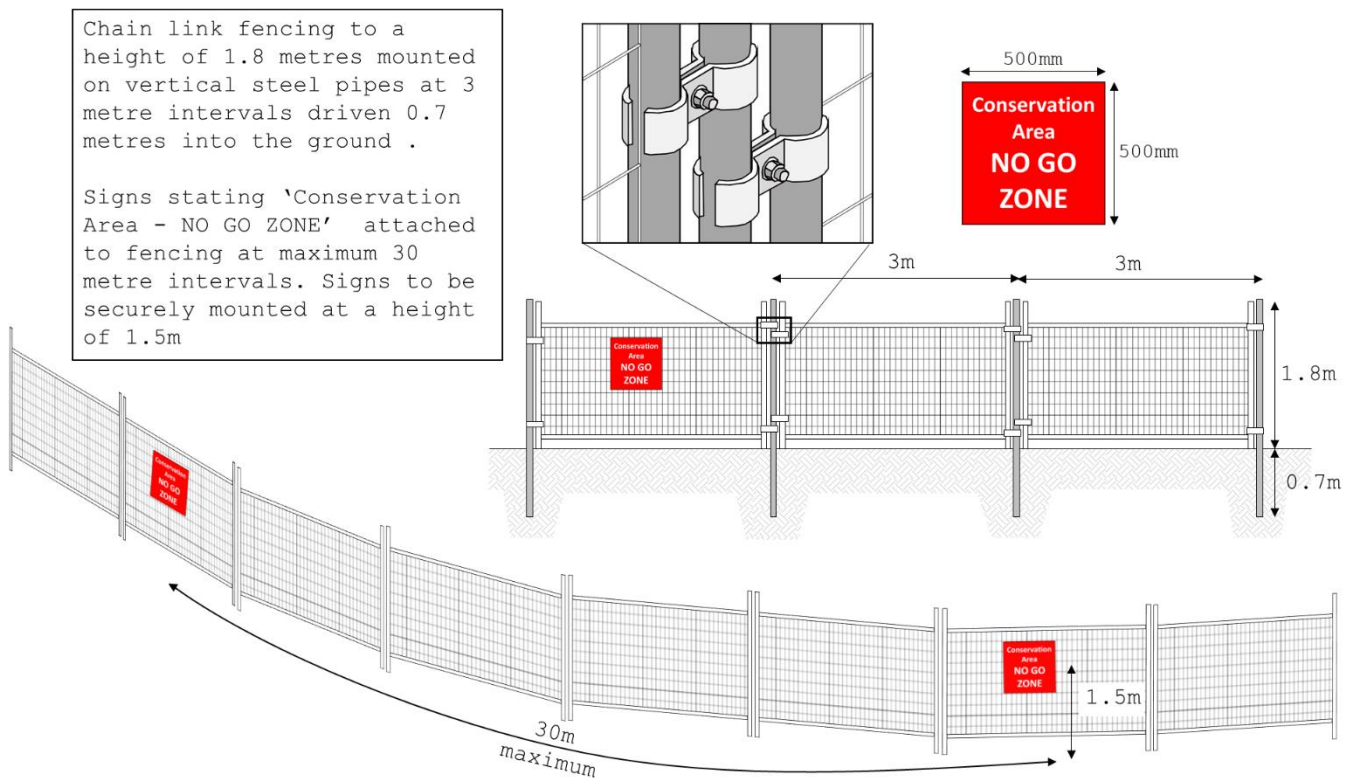
Signs stating, ‘Conservation Area – NO GO ZONE’ consistent with council requirements and securely affixed to fencing at 30 metre intervals and at a height of 1.5 metres.”

The CEMP must also state the following:

“No works to commence until a licensed land surveyor has confirmed to DELWP that alignment of protection fencing matches the outer extent of approved construction footprint as shown on the CEMP.

Construction, works, vehicle traffic, or placement or storage of structures or materials are not permitted within the No-Go Zone.”

The following diagram must be included in the CEMP:



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6. Erosion and Sediment control

The CEMP must demonstrate that erosion and sediment control measures will be implemented to prevent impacts on ecological values within the conservation area. Site drainage patterns must be shown and any areas at risk of being affected by erosion or sedimentation must be identified. Detail on how erosion and sedimentation risks will be managed must be provided with consideration of the following:

- retaining existing vegetation;
- drainage management including how stormwater will be managed to ensure sediment laden water does not flow into conservation areas. Discharged water must have turbidity as less than or equal to the receiving waters or otherwise $\leq 30\text{NTU}$, whichever measure lower;
- how monitoring of water quality will be undertaken where works are in proximity of waterways and or will result in discharge of water to the conservation area;
- soil stabilisation;
- stockpile protection and stabilisation;
- silt fencing;
- suitable in-stream/high-flow sediment and erosion controls;
- contingencies for high rainfall events and/or if control measures prove not to be effective. Contingencies should be specific to ensuring the protection of biodiversity values.

Standard construction details for sediment controls available in EPA Publication 1834.

7. Site management

The site plan must clearly show the following:

- access tracks;
- washdown bays (to be outside of conservation areas);
- designated areas for storage of chemicals (to be outside of conservation areas);
- refuelling areas (to be outside of conservation areas);
- waste storage locations (to be outside conservation areas);
- stockpiles (to be outside of conservation areas).

8. Maintenance and monitoring

Detail must be provided on how all protection control measures will be monitored and maintained. Monitoring reports must be kept on file and made available to DELWP on request. This includes outlining the frequency that inspections of controls will be undertaken, and the method for recording rectification works. Controls must be regularly inspected as well as before, during and after rainfall and extreme wind events. Rectification works required to address any identified issues must be undertaken within 24 hours.

9. Hygiene measures for controlling amphibian diseases

(specific to Growling Grass Frog conservation areas)

A CEMP for works within 30 metres of a water body identified as an Area of Strategic Importance in DELWP's Growling Grass Frog Masterplan (*available online at www.msa.vic.gov.au*), must outline the implementation of hygiene measures to minimise risk of introducing/spreading chytrid fungus and other diseases.

Hygiene measures will involve the cleaning and disinfection of plant, equipment, tools, and footwear prior to entering works areas within 30 metres of a water body identified as an Area of Strategic Importance, in accordance with the *Hygiene protocols for the control of diseases in Australian frogs* (Murray et al 2011). This should comprise the following:

- **cleaning** – removal of soil and debris with pressurised water and other means required;
- **disinfection** – application of appropriate disinfectant (e.g. PhytoClean) following cleaning of surfaces.

Cleaning and disinfection must be carried out in a wash down area with an earthen bund and sump at a safe distance, greater than 30 metres, from any water bodies.



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10. Weed management

The CEMP must demonstrate how the following will be achieved:

- all machinery must be cleaned prior to entering the conservation area and leaving the construction site;
- all imported soils and materials must be certified as free of environmental weeds (refer DELWPs Advisory List of Environmental Weeds (DELWP 2018)) and pathogens, with record keeping that confirms this;
- the site must be kept free of environmental weeds for the duration of the works and maintenance period with weed control works undertaken by a suitably qualified contractor.

11. Environmental accreditation for contractors and subcontractors

The following accreditation must be stated as a requirement for the Project Manager and Project Engineer (or relevant equivalent position) of any works within or adjoining a conservation area:

- *Site Environmental Management Level 2.*

12. Site induction

The following wording must be included in site induction section:

“Prior to commencing works the contractor must induct all onsite personnel on the need to strictly adhere to the requirements of the CEMP (including the No-Go Zone applying to the conservation area) in order to protect biodiversity values of State and National significance during construction and to ensure works adhere to Commonwealth law under the Environment Protection Biodiversity and Conservation Act 1999. The induction must also ensure all onsite personnel understand the requirements of the approved Kangaroo Management Plan including what to do if kangaroos enter the construction area.”

13. Measures for when Growling Grass Frogs are encountered

(specific to Growling Grass Frog conservation areas)

All CEMPs in a Growling Grass Frog conservation area must include the following:

“If any Growling Grass Frogs are encountered during works, then:

- *works in the immediate area must cease until the frog is relocated to a suitable site within 100 metres in the same conservation area. Single use gloves and or single use lightweight plastic bags must be used when handling frogs;*
- *any identified frogs should be reported to DELWP.”*

The CEMP should include a photo of a Growling Grass Frog to aid identification (examples below).



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14. Rehabilitation

Prior to works commencing a Land Rehabilitation Plan must be prepared to DELWP's satisfaction. The CEMP must state that all disturbed areas will be rehabilitated in accordance with a Land Rehabilitation Plan, to DELWP's satisfaction.

15. Kangaroo Management

All development in the Melbourne Strategic Assessment program area within the western, north-western and northern growth corridors requires an approved Kangaroo Management Plan (KMP) to be prepared and implemented. The CEMP must outline how works will be undertaken in accordance with the relevant approved KMP. This is to include:

- induction of all onsite personnel on the requirements of the KMP (refer to Site induction section);
- displaying information on what to do if workers see a kangaroo in the construction area, as outlined in KMP;
- the installation of protective fencing consistent with the requirements of the KMP. This includes where the KMP's strategy to avoiding landlocking is dependent on kangaroos dispersing through a conservation area.

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