



WHITEHORSE  
CITY COUNCIL

# Whitehorse City Council

## Building and Works Code of Practice



# Building and Works Code of Practice

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## 1. Preamble

Whitehorse City Council has developed the Building and Works Code of Practice (Code of Practice) to ensure that any person who is responsible for building sites and building works in the municipality understands the minimum acceptable standards under which they operate. Problems commonly encountered include:

- Storage of materials and equipment on roads, footpaths and nature strips;
- Waste materials and litter not stored or removed in a responsible manner;
- Wind-blown litter, wrappings, containers, plastics, styrene, etc.;
- Silt, sand, mud and litter fouling storm water systems;
- Traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads;
- Noise and anti-social behaviour;
- Unauthorised damage to and interference with Infrastructure assets, etc.

## 2. Objective

The objective of this Code of Practice is to provide an environment where activities on and related areas to building sites and building works complement the safety and amenity of the public and the community and also to minimize damage to Council assets.

## 3. Relationship with Community Local Law 2014

- 3.1. This Code of Practice has been incorporated by reference into the Council's Community Local Law 2014.
- 3.2. Clause 4.27 of that Community Local Law 2014 provides that: "The Person in charge of building works or a building site must, in respect of the building works or building site, comply with the Building and Works Code Practice" as amended from time to time.

## 4. Definitions

- 4.1. Any word or term defined in Community Local Law 2014 has the same meaning in this Code of Practice.

Further, in this Code of Practice:

**"building"** includes any structure whether permanent or temporary or any part of a building or structure.

**"construction"** includes any work for or in connection with the construction, demolition, renovation, alteration or removal of any building or structure; and includes any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods and the loading or unloading of any goods or materials for or in connection with any building work.

**"drainage system"** means a stormwater system which provides for the conveyance and / or detention of stormwater run-off, including kerb and channel,

open channels, underground pipe systems, water sensitive urban design infrastructure (such as swale drains or rain gardens) and natural waterways.

“**owner**” in relation to any land, has the same meaning as it has in section 3 of the *Local Government Act 1989 (Act)*.

“**private land**” means land that is not:

- Council Land; or
- Non-residential land occupied, managed or controlled by a public authority.

“**road related area**” has the same meaning as the *Road Safety Act 1986* (this includes footpaths and footways).

“**sanitary facilities**” means sanitary facilities provided for the use of persons working on a building site, including:

- (a) toilets;
- (b) hand basins; and
- (c) the supply of clean water to toilets and hand basins.

“**site fencing**” means a fence around the entire perimeter of a building site at the commencement and for the duration of the building works,

- (a) at a height of not less than 1800 millimetres;
- (b) so as to be capable of preventing litter from being transported from a building site by wind; and
- (c) any access opening:
  - (i) has a width not greater than 2800 millimetres;
  - (ii) is fitted with a 1800 millimetres high gate or gates which prevents litter from being transported from a building site when closed; and
  - (iii) is located to correspond with the vehicle crossing referable to the building site.

“**site identification**” means a sign which is at least 600 millimetres in height and 400 millimetres in width, is erected at the entrance to the building site and is clearly visible from the road, and includes:

- (a) the lot and street number, as described on the Certificate of Title relevant to the land;
- (b) the name of the Person in charge;
- (c) the postal address of the Person in charge; and
- (d) the 24 hour contact telephone number or numbers for the Person in charge.

“**unreasonable noise**” has the meaning ascribed to it by section 3 of the *Environment Protection Act 2017*.

“**waste**” has the meaning ascribed to it by section 3 of the *Environment Protection Act 2017*.

“**waste container**” means the container that is designed for the containment of litter and waste material within the building site, and which is:

- (a) of robust construction;
- (b) not less than one cubic metre in volume;
- (c) has a lid which is attached to the container with hinges;
- (d) closed at all times to prevent wind borne litter escaping from the container;
- (e) emptied regularly; and
- (f) not overfilled at any time.

## 5. Containment of Building Sites

The Person in charge must ensure that:

- 5.1. building works are contained entirely within the building site;
- 5.2. the building site has site fencing; and
- 5.3. all building related material must be stored on the building site.

## 6. Occupation of Roads, Footpaths or Council Land for Works

- 6.1. A person must not, without a permit, or allow or suffer another person, without a permit, to:
  - occupy or fence off;
  - leave or store building or construction material on;
  - erect a hoarding or scaffolding on;
  - use any plant or equipment on; or
  - remove, damage or interfere with a temporary traffic signal, sign, barrier or other asset erected to protect pedestrians or regulate traffic on –any road or footway or part of a road or footway, or on any Council land.

## 7. Entry to Building Sites

- 7.1. The Person in charge must ensure that the point of entry to a building site is by way of an approved vehicle crossing.

## 8. Building Site Identification

The Person in charge must ensure that a building site is provided with site identification to the satisfaction of an Authorised Officer.

## 9. Sanitary Facilities

9.1. The Person in charge must ensure that sanitary facilities are provided on the building site at the commencement of and for the duration of building works, which:

9.1.1. do not cause odours or detriment to the amenity of the area in which the building site is located; and

9.1.2. are maintained in a clean and sanitary condition at all time.

## 10. Spoil on Roads

10.1. A person must not:

- drive; or
- permit or cause to be driven,

a vehicle on a road or footway in the course of any trade, industry or commercial undertaking, unless the:

- wheels; and
- tyres,

of the vehicle are free from soil, earth, clay or like substances.

10.2. A person must not allow any produce, soil, earth, mud, clay, liquid waste or like substance to fall from or escape onto a road or footway from any vehicle which he or she is driving or any equipment which he or she is operating in the course of any trade, industry or commercial undertaking.

10.3. A person must not allow any grease, oil, mud, clay or like substance to run off a motor vehicle he or she is cleaning in the course of any trade, industry or commercial undertaking onto a road, footway or into a drain.

## 11. Building Site Waste

11.1. The Person in charge must ensure that waste produced as a result of building works are:

11.1.1. contained entirely within the building site;

11.1.2. stored in a manner that does not attract the depositing of waste from sources other than the building site;

11.1.3. stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located;

11.1.4. disposed of regularly and to a legal point of waste disposal;

11.1.5. preventing any sediment or erosion or other site run off from leaving the building site;

- 11.1.6. not allowing potential stormwater pollutants to escape from the building site; and
- 11.1.7. not allowing any dust or air pollutants to escape from the building site.

## **12. Litter**

- 12.1. Waste produced on the building site which is capable of being blown off the building site by wind must be stored by the Person in charge in a waste container;
- 12.2. The Person in charge must ensure that vehicles leaving the building site do not deposit litter; and
- 12.3. Waste produced as a result of building work on a building site must be disposed of by the person in charge of the building site work in a container, recycled or other approved method.

## **13. Pedestrian and Traffic Hazards and Safety**

- 13.1. The Person in charge must ensure that building works do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 13.2. For the purposes of this Code of Practice, detriment to pedestrian or vehicular traffic includes but is not limited to:
  - 13.2.1. mud or debris on a road;
  - 13.2.2. materials referable to building works on a road;
  - 13.2.3. equipment referable to building works or other works on a road;
  - 13.2.4. excavation on or immediately adjacent to a road ;
  - 13.2.5. building works on a road;
  - 13.2.6. damaged footpaths and nature strips; or
  - 13.2.7. any similar obstruction.

## **14. Soil Stockpiles**

The Person in charge must ensure that soil that is stripped from the building site is stockpiled on the building site for re-use or be transported to a legal place of disposal.

## **15. Camping**

The Person in charge must ensure that the building site is not used for camping without a permit issued under Community Local Law 2014.

## **16. Blasting Controls**

The Person in charge must provide the Council written notification seven days prior to carrying out any blasting on the building site.

## **17. Animal Control**

The Person in charge must ensure that a dog taken onto a building site is effectively confined within the building site and does not create a noise or any other nuisance.

## **18. Working Hours and Unreasonable Noise**

The person in charge of a building site must ensure unreasonable noise is not emitted during the residential construction and demolition working hours of:

- Monday to Friday - 7am to 6pm
- Saturday - 9am to 3pm
- Sunday & Public Holidays - Not permitted