



CITY OF WHITEHORSE

Construction Management Plan - Guidelines & Sign-off Document



PROJECT DETAILS

Project Name	
Project Address	
Suburb	
Postcode	
Client	
Builder	
Revision Date	
Planning Permit Number	

Municipality City of Whitehorse Endorsed Stamp

Office Use Only

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APPENDIX

Buildings and Works Code of Practice

Whitehorse City Council Community Local Law 2024

INTRODUCTION

A Construction Management Plan (CMP) is a condition of a planning permit. This condition is usually applied to large or difficult to build developments.

The CMP may be required to address some or all stages of a project, from demolition and excavations to construction and civil remediation.

In some instances where approved by the Council, Construction Management Plans may be staged to address the different project stages.

Diligent assessment of Construction Management Plans by the council is required and is vital to:

- Equitable community access
- The equitable amenity of an area
- Legislative compliance
- Management of council assets
- Environmentally responsible practices.

Whitehorse City Council requires developers and builders to carefully manage excavation, demolition and building work within the municipal boundaries.


This document, The City of Whitehorse Council construction management plan template aims to assist developers and builders in understanding what is required and how to prepare a construction management plan (CMP).

A copy of the CMP must be kept on site at all times. The CMP will outline any additional documents, such as the approved appendixes, plans and reports that must also be kept on site for inspection as required.

THE CMP MUST REFERENCE AND COMPY WITH COUNCIL’S LOCAL LAW FRAMEWORK IN PARTICULAR THE PROCEDURES FOR WORK ON AND PROTECTION OF COUNCIL ASSETS (PART 4.1, 4.3 AND 4.5), CODE OF PRACTICE FOR THE PLACEMENT OF WASTE BINS ON ROADSIDES (PART 5) AND THE BUILDING AND WORKS CODE OF PRACTICE (PART 4.2), WHITEHORSE CITY COUNCIL COMMUNITY LOCAL LAW 2024.
ALL RELEVANT LOCAL LAW PERMIS MUST BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY WORKS (SKIP BINS ETC.).

THE COMMUNITY LOCAL LAW 2024

To be read in conjunction with the following supporting document:

-  [Building Site Code of Practice \(252.33KB\)](#)

I.....have due authorisation and delegation to sign this construction management plan on behalf of the company listed above and I take responsibility for ensuring compliance with our commitment specified herein, the community local law 2024 and any other relevant legislation.

I am aware of the overall statutory and council requirements and my responsibilities and obligations to such requirements.

Signed Dated

CMP INFORMATION SHEET

PROJECT CONTACTS:

Company Operational Details

Directors Name

Company Name

Company Business Address

Company Contact Number

ONSITE CONTACT PERSON RESPONSIBLE FOR COMPLIANCE WITH THIS CMP

Name

Contact Number

After Hours Contact Number

CONTACT PERSON IN CONTROL OF THE SITE

Name

Contact Number

After Hours Contact Number

CONSTRUCTION WORKS

Has approval for construction in stages been provided? Yes/No

If Yes provide details.

--

Is your Company in control of the site during this stage of work Yes / No

If you answered NO only the Company in control of the site may complete and sign for the responsibility of the Construction Management Plan.

ELEMENTS OF THE CONSTRUCTION MANAGEMENT PLAN

The builder or developer must address each element to ensure that the work is undertaken in accordance with the relevant Planning Permit condition

The CMP Elements to be addressed are:

- Element 1: COMMUNITY COMMUNICATIONS STRATEGY PLAN
- Element 2: SITE PLAN
- Element 3: ASSET MANAGEMENT
- Element 4: OCCUPATION OF COUNCIL ASSETS & TRAFFIC MANAGEMENT
- Element 5: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)
- Element 6: TREE MANAGEMENT
- Element 7: GENERAL
- Element 8: MONITORING COMPLIANCE AND RESPONDING TO CONTRAVENTIONS

HOW SHOULD THE CONSTRUCTION MANAGEMENT PLAN TEMPLATE BE USED?

- Prepare the CMP using the headings in this template.
- Utilise these guidelines to understand councils expected detail to appropriately address each element.
- Make a note of whether additional specific planning permit requirements need to be addressed in the CMP (Tree Management Plans etc).
- All supporting plans, drawings and Traffic Guidance Scheme are required to be high resolution.

WHAT CONSULTATION DOES THE APPLICANT NEED TO UNDERTAKE?

All builders and developers intending to undertake work that requires a Construction Management plan are required to consult the council's Construction Management Plan Liaison Officer prior to any CMP submission.

The CMP Liaison Officer will meet with the applicant and outline the council's requirements as well as arrange a site meeting to gain an overview of any proposed methodology.

Where the CMP Liaison Officer deems necessary, as part of the CMP assessment, internal council departments will be referred to for technical advice to ensure compliance with councils standards and relevant legislation.

Approval for a CMP may take up to 28 days for an initial Council response depending on the completeness of the information provided. The CMP should be prepared by a suitably qualified and experience professional familiar with the preparation of CMP's.

PLEASE ATTACH ANY ADDITIONAL INFORMATION ACCORDING TO THE RELEVANT ELEMENT
(EG - ELEMENT 1: CMP COMMUNICATIONS STRATEGY PLAN)

ELEMENT 1: COMMUNITY COMMUNICATIONS STRATEGY PLAN**Provide a Communications Communications Plan**

The Communications Plan is to address and consider how the site management ensures:

- Regular, two-way community and stakeholder communications regarding the project, including engagement through the Council.
- Timely construction information including but not limited to potential major impact works, road closures, long term construction zones and environmental monitoring results.
- Engagement with Council to manage construction issues
- Display of relevant consents and permits from Council
- Outline the projects local Business Liaison Program and/or the role of the projects Community Liaison Officer.

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Signed Dated

ELEMENT 2: SITE PLAN

The Site Plan is required to indicate the location of the following (Further information may be requested by the assessment officer)

- Denote on the plan and provide details of any gantries or overhead protective awnings proposed over the road or footpath.
- Denote on the plan and provide details for the location/parking of site workers vehicles.
- Denote on the plan the location of street lights, fire hydrants, sewer and stormwater pipes and manholes and footpaths around/across the perimeter of the site. Include details of any proposed service protection measures to be installed during works.
- Denote on the plan the location and size of work zones for the loading and unloading of materials and deliveries.
- Denote on the plan the location of site sheds and sanitary facilities
 - Consideration to be given to access points, the height of sheds, shadowing and overlooking of neighbouring properties.
 - It is the council's preference that sheds are on private land.
- Denote on the plan and provide details of any proposed temporary vehicle crossing points.
- Denote on the plan and provide details of any construction zones or occupied space on the external verge or pavement within the road reserve.
- Denote on plan any vehicle wash down facilities within the site boundary

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ELEMENT 3. ASSET MANAGEMENT

The City of Whitehorse Council's Community Local Law 2024 makes it an offence to alter, interfere or damage the Council's assets without a permit.

It is essential that property owners and contractors obtain the appropriate permits from the Council before they start any works that could have an impact on the Council's assets. Property owners/contractors are responsible for any repairs required to Council assets if damage occurs.

Council Permits are required to:

- Regulate activities that may impact on Council's assets such as roads, kerbs, drains, footpaths and adjoining parks
- Ensure that ratepayers do not bear the costs associated with damage to Council assets due to work by others
- Ensure footpaths and nature strips are clear of obstructions associated with building activities
- Minimise damage to Council property and other Public Authority assets

Before commencing and during building work, a person in charge of that building work must comply with Council's  [Procedures for Work on and Protection of Council Assets \(6.99MB\)](#)

SUBMIT AN ASSET PROTECTION PERMIT APPLICATION

Asset Protection Permit Application Form

 [Application for Asset Protection \(351.13kB\)](#)

Submit a pre-condition survey (dilapidation report) and include:

A photographic condition report of council assets along site frontages as well as the vehicle route to/from the site (to the nearest arterial road) – including council roads, footpaths, laneways, kerbs, channels, stormwater pits, poles, power lines, street furniture, trees, nature strips, pits, roundabouts, traffic islands, speed-bumps and traffic/parking signs.

WORKING IN THE ROAD RESERVE

Outline instances where works in the road reserve will be required.

Council is the Coordinating Road Authority for **local roads**. VicRoads is the Coordinating Road Authority for **arterial roads**.

Consent to Undertake Works in the Road Reserve

Contractors planning to carry out work in Council road reserves (local roads) must obtain Consent to Undertake Works in the Road Reserve (Road Opening Permit) prior to the commencement of work. This permit allows contractors to excavate in a road reserve to install a vehicle crossing and/or make a connection to Council's drain, water main, gas, sewer or telecommunications services.

To determine which application type you require for the works to be undertaken please refer to [Roads, Footpaths and Vehicle Crossings](#) on Council's website

VEHICLE CROSSINGS

Is a temporary vehicle crossing required for site access?




The owner of land must ensure that at each point of any vehicular access from a carriageway on the road to the land there is a vehicle crossing that is constructed and maintained in accordance with Council's Procedures for Work on and Protection of Council Assets.

IS ACCESS REQUIRED TO THE SITE WHERE NONE CURRENTLY EXISTS?

If building work is to be carried out or is being carried out on private land, the builder must not drive, or permit to be driven a motor vehicle over a kerb, nature strip or footpath to access the private land unless a temporary vehicle crossing is in place, and the motor vehicle drives over that temporary vehicle crossing.

Anyone planning to construct or alter a vehicle crossing on a local road must obtain Consent to Undertake Works in the Road Reserve (Road Opening Permit) from the relevant Coordinating Road Authority prior to the commencement of work, which ensures that the work is completed to a satisfactory standard, and that Council's assets are not damaged.

For further information related to Vehicle Crossings refer to [Vehicle Crossings](#) on the Council website and the documents below:

-  [Guidelines - Vehicle Crossings \(229.23kB\)](#)
-  [Vehicle Crossings General Specifications \(142.85KB\)](#)
-  [Vehicle Crossings Drawings \(647.85KB\)](#)

PITS & COVERS

Include the following information:

- Where vehicle access is required over a utility pit with heavy vehicles submit supporting documents from the relevant authority.

WILL THIS STAGE OF WORKS IMPACT EXISTING PUBLIC STREET LIGHTING, POLES OR POWER LINES?

Provide (map) detail of existing street lighting (either on a pole or the wall of property) that requires disconnection

PROVIDE AN ALTERNATIVE LIGHTING SOLUTION

All proposed changes to existing lighting will be referred to the Council's Civil Engineering Unit for assessment and must be satisfied prior to the CMP being endorsed.

WILL IT BE POSSIBLE TO REINSTATE EXISTING / ORIGINAL LIGHTING DUE TO PROXIMITY TO THE NEW DEVELOPMENT?

Future reconnection of permanent lighting details must be submitted to the council, together with the application to disconnect the existing street lighting.

WILL THE DEVELOPMENT REQUIRE THE RELOCATION OF POWERLINES AND POLES

Provide detail of the proposal and outline the scope of works required.

Relevant authority contact to be provided.

Details of works to be provided as part of the project's Communication Strategy Plan.

REMEDIATION

For remediation and civil works, contact council three months prior to completion of the development to arrange a site meeting with the senior reinstatement officer. They will advise on council standards and scope of works. The builder, developer or any other responsible person is liable for the full cost of reinstatement for any damage to council assets as a result of the development. This must be to the satisfaction of the responsible authority.

COMPULSORY COUNCIL APPENDIX ELEMENT 3A: ASSET PROTECTION BOND AGREEMENT

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ELEMENT 4: OCCUPATION OF COUNCIL ASSETS & TRAFFIC MANAGEMENT PLANS

A person must not, without a permit,

- a) occupy or fence off;**
- b) leave or store building or construction material on;**
- c) erect a hoarding or scaffolding on;**
- d) use any plant or equipment on; or**
- e) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic on**

– any road or footway or part of a road or footway, or on any Council land.

WHEN YOU NEED TO OCCUPY COUNCIL ASSETS TO UNDERTAKE BUILDING WORKS

Where a local road footpath and or nature strip and or road is required to be occupied as part of your works, (such as unloading and loading of goods, crane lifts and concrete pours) and proposed changes to existing pedestrian and vehicle traffic management arrangements are required, or requested, a temporary part or full road closure consent is required.

-  [Application for Consent for Temporary Road Closure \(190.13KB\)](#)

PROTECTION OF THE PUBLIC

If there is a risk to the public, public property or public space, a report and consent (building regulation 116) provide that precautions must be taken as required by the relevant building surveyor.

If the proposed precautions involve projection beyond the street alignment, a report and consent from the relevant council must be obtained before the building permit is issued.

Once the report and consent have been approved, submit a hoarding permit application form to occupy council land.

Hoarding /Gantries /Fencing / Excavation: Any significant occupation of council assets to facilitate protection measures will be required to be addressed at the CMP assessment stage

Where public protection measures include a long term installation on council assets, the council may request Road Safety audits on the proposal and the finished installation. Any road safety audit requested is compiled and provided at the cost of development management/CMP applicant.

Hoarding Permit Application Form and Information Sheet



[Hoarding Permit Application Form \(160.07kB\)](#)

Application form to seek Council approval to erect hoardings.

[Victorian building authority Practice Note](#) provides additional information.

IS A WORK ZONE REQUIRED?

The installation of a new 'Works Zone' is for the purpose of providing safe access along the immediate frontage of the construction site for construction vehicles engaged in construction work undergoing loading and unloading activities. A Works Zone is not for the purpose of providing parking for construction workers close to the construction site

- A 'Works Zone' will only be considered along the frontage of the construction site for a minimum of 26 weeks (i.e. 6 months).
- A 'Works Zone' is not supported where there are existing parking prohibitions and clearways unless written support is obtained by the responsible authority.
- A 'Works Zone' is not supported where there are existing bus or tram stops (or similar) unless written support is obtained by the responsible public transport operators.
- The maximum operating period of a 'Works Zone' is 7am to 5pm, Monday to Saturday.
- To extend/renew an existing 'Works Zone' Consent, the applicant will need to apply using the 'Works Zone' Renewal Form and nominating the additional weeks required.
- As per Road Rule 181 of the Victoria Road Safety Road Rules 2017, "A driver must not stop in a 'Works Zone' unless the driver is driving a vehicle that is engaged in construction work in or near the zone." The applicant is responsible for monitoring vehicles illegally parked in the 'Works Zone' and to contact Council's Compliance Department on 9262-6333 during work hours for enforcement of illegally parked vehicles.

WORK ZONE ASSESSMENT

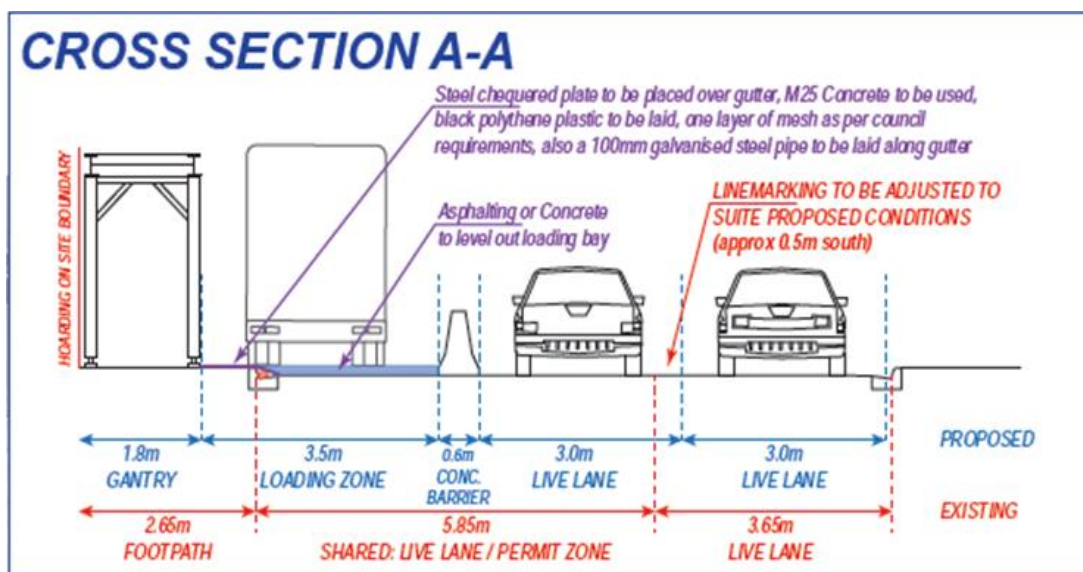
Diligent assessment is required prior to signing off on a work zone and is vital to:

- Ensuring commercial optimisation
- Equitable community access
- Legislative compliance
- Proper maintenance of the asset
- Environmentally responsible practices, across Council's property portfolio

MANDATORY INFORMATION TO BE PROVIDED:



- Traffic Guidance Scheme – set up and aftercare of work zone
- Public Safety Statement
 - List the type of high-risk construction work being done
 - State the health and safety hazards and risk to the public arising from that work
 - Describe how the risks will be controlled
 - Describe how the risk control measures will be put in place
- A dimensioned plan including:
 - Denote the type of protection barriers being used
 - Denote existing on-street arrangements
 - Denote existing council street assets
 - Denote the current line markings and measurements
 - Denote current parking sign locations
 - Denote property boundary line
- If the location of your work zone and site access affects nearby residents and businesses, provide detail of noise barriers solutions to be utilised onsite to reduce the associated construction noise
- Detail the number of parking bays and metered parking bays required for the occupation
- Photographs of nearest existing parking signs adjacent the proposed construction zone
- Swept path analysis of vehicle egress/ingress to the construction zone from the nearest arterial road
- A cross-section drawing of proposed construction zone showing:
 - Existing and proposed conditions at the location of the construction zone
 - Where temporary drainage solutions are required, provide detail in the drawing
 - Show barriers and screens (as required).

EXAMPLE 1



Where a work zone is a long term installation council may request Road Safety audits on the proposal and the finished installation. RSA is at the cost of the development management

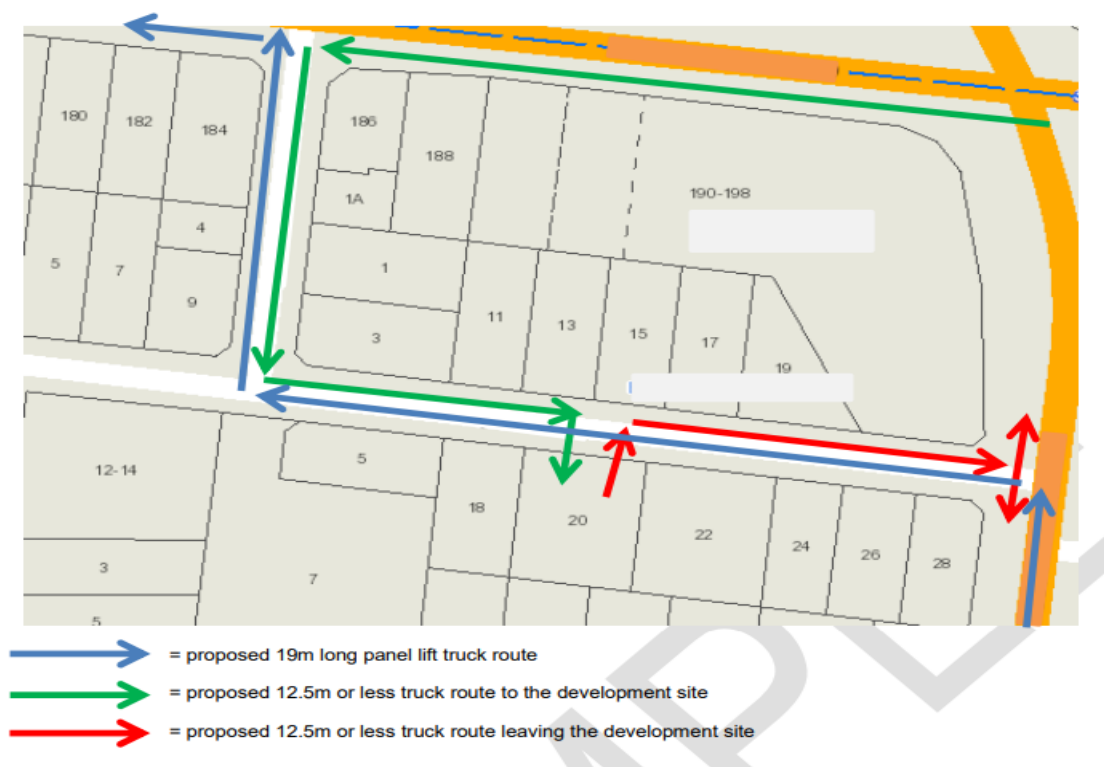
Application form for a 'Works Zone' along the frontage of a worksite.

-  ['Works Zone' - New Application Form and Consent \(223.54KB\)](#)
-  ['Works Zone' Renewal - Application Form and Consent \(193.92KB\)](#)

HEAVY VEHICLE MANAGEMENT PLAN

PROVIDE DETAILS TO ADDRESS THE FOLLOWING (EACH STAGE)

- Truck access to/from the site from the nearest arterial road. You can use a google map screenshot and draw on the route.
- A statement indicating the largest sized trucks (including trailers) to be utilised during each phase – demolition, excavation and construction.
- Submit a plan for the management of construction vehicles accessing and leaving the site to prevent queuing on roads and unnecessary disruption to local traffic.



Identify the route to be used from the nearest arterial road to the site access.

Staging is not permitted on local roads within the municipality. A copy of the Register of Public Roads can be found [here](#).

“Staging” means heavy motor vehicle/s stopping, or assembling, and parking on council roads either illegally or in a manner likely to affect the amenity of the area, en route to the land where building work is occurring to either deliver to or pick up from the land any soil, materials or machinery related to those building works.

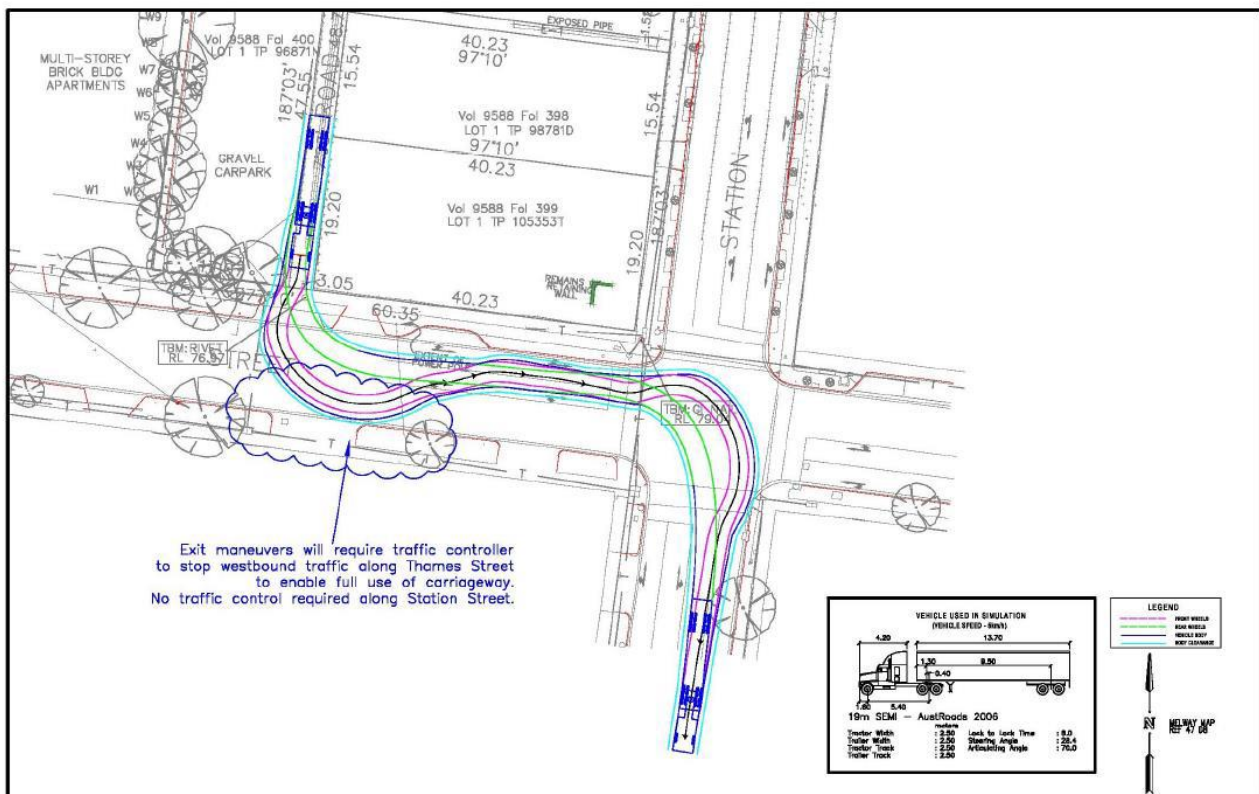
SWEPT PATHS

Provide Swept Path Analysis for large vehicles (tandems, cranes, truck and dog/concrete panel transport).

A Swept Path Analysis is the calculation and analysis of the movement and path of different parts of a vehicle when that vehicle is undertaking a turning manoeuvre. At a basic level, this includes calculating the path taken by each wheel during the turn and also calculating the space needed by the vehicle body during the turn.

Demonstrate that proposed traffic routes can accommodate the movement of vehicles regularly expected by the development. Refer to AS2890.2

- A swept path analysis for each vehicle requiring access to site/work zone, demonstrating access and egress routes to the site from the nearest arterial road (full route).
- Swept paths must not mount pedestrian footpath or kerb (this is not permitted). Alternatively the crossover may be extended temporarily by way of road opening consent.
- For each swept path, identify how access is to be provided for trucks where vehicle swept paths encroach into parking bays. Note: no stopping zones can be to be installed to facilitate truck movements at the applicants cost.
- Swept paths must take into account clearance to parked cars, poles and other obstacles.
- Relevant forward and reversing manoeuvres.
- Notate where any asset is required to be moved to facilitate movements. (signs, poles etc)



WHEN IS A TRAFFIC GUIDANCE SCHEME / TRAFFIC MANAGEMENT PLAN (TGS/TMP) REQUIRED?

A traffic management plan (TMP) is a written document that outlines all aspects of a TGS (Traffic Guidance Scheme) and takes into consideration items that could affect your works/event.

A Traffic guidance scheme (TGS) is a visual representation of the traffic control devices to be implemented to change existing road/footpath conditions so that an area can be isolated for contractors to carry out their works/event. A traffic guidance scheme is a useful item so that all parties involved are aware of the overall scope of a work site or event area.

If you are planning any works that require the occupation on a road, street, lane or footpath, you must submit a Traffic Guidance Scheme Plan (TGS) with your application for review. The plan covers temporary changes to traffic conditions, road and footpath closures and traffic detours.

A Traffic Guidance Scheme must be prepared by a qualified person as required by the Road Management Act 2004 and Road Safety Act 1986 and must be in accordance with Australian Standard AS 1742.3 2009.

Label the Traffic Guidance Scheme with the purpose of the closure, i.e. Crane Lift;

You must ensure the information provided is true and accurate. Any inaccurate information or inconsistencies may result in the assessment of the application being delayed.

Mandatory provisions for all Traffic Guidance Schemes

- Minimum 3m clearance for vehicle through traffic to be maintained at all times
- Minimum 1.2m clearance for pedestrian traffic to be maintained at all times
- If no pedestrian crossing ramped access (existing vehicle crossovers) in place, DDA (Disability Discrimination Act) compliant pedestrian ramps must be placed to assist pedestrian access
- Traffic Controllers must be present either side of work area at all times during operation & setup/dismantle
- All signage and safety equipment must be implemented during all works in accordance with approved TMP
- Temporary Ramps over concrete line: Minimum 1.2m clearance for pedestrian traffic to be maintained at all times. DDA (Disability Discrimination Act) compliant pedestrian ramps must be placed to assist pedestrian access

Note: Traffic Guidance Schemes for CMP sites will be assessed by council officers to ensure compliance with the Road Management Act 2004 (A code of practice for worksite safety – traffic management), the Road Safety Act 1986 and Australian Standard AS 1742.3 2009 Traffic control devices for works on roads. Additionally where deemed a requirement by the council's assessment officer, Road Safety Audits may be required.

Evidence exists that conducting audits in a timely and disciplined manner remains a highly effective proactive way of identifying safety-related risks and hazards for works on roads around construction sites so that they can be mitigated, with the ultimate aim of providing a road system free of death and serious injury. Although in practice most road safety audits require consideration of all road user groups, increasingly what is called 'thematic road safety audits' are being commissioned which involve a focus on one or more, typically vulnerable, road user groups, e.g. pedestrians, cyclists, and on-road public transport users.

[Guide to Road Safety Part 6: Managing Road Safety Audit](#)

[Guide to Road Safety Part 6A: Implementing Road Safety Audits](#)

TGSs will be required for the occupation of council assets to undertake but not limited to the following

- Demolition Works
- Excavation Works
- Concrete Pours
- Oversized Piling Rig Transport
- Mobile Crane works
- Tower crane erection/dismantle
- Initial Work Zone set-up (ongoing occupation)
- Material deliveries
- Road/laneway closures

The Traffic Guidance Scheme endorsed within the CMP is subject to further review during the assessment of permit applications. Amendments to the plans or further information relating to the works may be requested by the Council when assessing the permit applications.

ARE OTHER AUTHORITY APPROVALS REQUIRED?

Other authority approvals may be required for any works carried out in proximity to their assets. On arterial roads, if there is occupation, potential traffic impact or placement of regulatory signage, approvals will be required from VicRoads.

Submit supporting documentation from the relevant authority.

Authority examples include:

- [VicRoads](#)
- [Public Transport Victoria](#)
- [Yarra Trams](#)
- [CitiPower](#)
- [VicTrack](#)
- [Water Authority](#)

NATIONAL HEAVY VEHICLE REGULATOR (NHVR) [PERMITS](#)

Where works are for oversized vehicles provide NHVR permits

TRADES/WORKERS PARKING

To manage the impact of construction worker parking demands, there are two main options the developer should consider:

Off-street parking (preferred option):

Off-street parking opportunities include commercial car parks, Council car parks and vacant sites and are required to be within easy walking distance of the site.

Off-street parking is the Council's preferred option as it minimises the impact of construction worker parking upon the street network. Off-street parking is to be provided at the developer's expense. Evidence of any parking agreements must be provided.

On-Street parking management (if there is no other option):

If there are no feasible off-street parking opportunities, an alternate is on-street parking management which is designed to discourage construction worker parking on both sides of the road near the development site. The installation of a 1-hour or 2-hour parking restriction on one side of the road may be considered.

If this option is chosen by the developer they will need to pay a lump sum non-refundable fee which includes the costs:

- to install and remove the required parking signage, and
- the fees associated with the issuing of resident parking permit fees as per Council's Resident Parking Permit Scheme.

WORKERS PARKING IMPACT

If deemed a requirement by the council and or where a request for construction worker parking in a sensitive area is submitted the following is mandatory.

- Implementation of temporary parking restrictions in nearby local streets to minimise impact to residents during construction. All related works, including temporary parking permits for residents of affected streets, signage etc are at the cost of the applicant
Or
- Evidence where the applicant has secured off-street car parking arrangements with a third party for construction workers to minimise impact to on-street parking.

PARKING SENSORS:

- Requirement 1: Additional fees apply for the removal and reinstatement of parking sensors.
- Requirement 2: Council can confirm if proposed works are in an area serviced by in-ground parking sensors

VULNERABLE USERS (PEDESTRIANS & CYCLISTS) MANAGEMENT

All traffic management executions are required to consider the following

- DDA Compliance (A person with a disability has a right to have access to places used by the public.)
 - The Disability Discrimination Act (DDA) makes it against the law for public places to be inaccessible to people with a disability
- Pedestrian and bicycle paths to be provided are on the same scale and to the same width as any facilities for pedestrian or bicycle traffic that were existing prior to the works.
- Temporary paths provide direct, separate, clearly marked walkways through or around the worksite. They keep pedestrians and vehicles separate, and follow pedestrian 'desire lines' to limit unsafe shortcuts. Provide a temporary path when:
 - The path is important to the local community (for example, it connects local businesses).
 - A footpath closure would make the walking distance unreasonable, tempting risky short cuts.
- Road crossings are used only when an existing formal crossing is not available. They are clearly signed and lit, and visible to both pedestrians and vehicles.
- Risky behaviour is provided for in the design. Proximity to some institutions, such as schools or entertainment precincts, may increase the likelihood of risky behaviour in pedestrians.
- Signposts, fencing and barriers are clear from the path of travel and do not obscure sightlines.
- Roadside barriers are to legislative standard-approval, follow the desired path of travel, and are not small enough to act as projectiles when impacted on by a vehicle.

- Lighting is at least as luminous as the original and does not shine directly into road users' eyes. Additional lighting is used where it is necessary to improve visibility or highlight crossing points.
- Monitoring and auditing by council officers are conducted regularly to identify non-compliance and corrective actions.

Bicycle lanes

- A minimum 1.2m must be maintained for a bicycle lane to remain safe and operational.
- If 1.2m cannot be maintained the lane must be closed/terminated by using either:
 - temporary signs for short term closures as part of TMP.
- changes to the road markings for longer term diversion in the case of something like a construction/loading zone with semi-permanent barriers on the road. This could include removal of the existing line markings and sharrows for the bike lane and having new line marking done on the road (see WSDXXX for a typical Bicycle Sharrow).

I.....have due authorisation and delegation to sign this construction management plan on behalf of the company listed above and I take responsibility for ensuring compliance with our commitment specified herein, the community local law 2024 and any other relevant legislation.

I am aware of the overall statutory and council requirements and my responsibilities and obligations to such requirements.

Signed Dated

ELEMENT 5: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

The EPA's [Environmental Guidelines for major Construction Sites](#) provides a useful source document to help prepare and implement an environmental management plan for major constructions sites.

The Guidelines are not prescriptive or detailed. Applicants will require tailoring them to particular site conditions and making adjustments if the measures listed are inappropriate to the site.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

The purpose of a construction environmental management plan is to outline how a construction project will avoid, minimise or mitigate effects on the environment and amenity of the surrounding area. The plan is to include where required the removal of hazardous or dangerous materials from the site.

The purpose of a construction environmental management plan is typical to:

- Ensure that the development is compliant with current environmental legislation.
- Ensure that any adverse effects on the environment and residents are minimised during construction.
- Describe any site-specific method statements required.
- Maintain amenity of the area

Construction environmental management plans might be structured as follows:

- Introduction – General purpose, scope and structure of the document.
- Scope of work and project description – Information about the development.
- Environmental requirements and controls – Policy and planning, environmental impacts, risks and mitigation, procedures for monitoring construction processes against environmental objectives, pollution control measures, environmental risk register.
- Consents, commitments and permissions – Appropriate environmental legislation, planning conditions and any other consents or licensing.
- Management plans – Specific management plans such as; ecology, noise and vibration, and so on.
- Communication – External and internal consultations.

The Plan must include the following sections at a minimum for all Construction Management Plans

1. AIR AND DUST MANAGEMENT

To ensure there is no health risk or loss of amenity due to the emission of dust to the environment.

Provide details of any equipment and activities that may cause excessive dust or otherwise affect air quality.

Provide proactive and reactive methods to manage potential air and dust issues that may arise.

Frequent inspection and monitoring are required to continually check the effectiveness of measures.

2. STORMWATER MANAGEMENT

To minimise the impact of contaminated stormwater on receiving waters.

Provide details of methodology to ensure compliance with the City of Whitehorse's Local Laws 2014 (Building Protocols)

The plan must include the following headings

- Spoil Management (Mud etc. falling from tires onto roads)
- Concrete Run-Off
- Stormwater Management

Falling substances from vehicles

A person who drives or operates a vehicle, must not allow any grease, oil, mud, clay or other substance to fall from the vehicle onto a road, into a drain or in a municipal place.

For additional information, visit the [Melbourne Water website](#) and refer to "Sediment management measures".

3. NOISE AND VIBRATION MANAGEMENT PLAN (SITE SPECIFIC)

The noise and vibration management plan must outline methods to minimise noise and vibration impacts on nearby properties. Methods to facilitate community consultation, complaint resolution and proactive strategies to minimise issues. The plan needs to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008

4. BUILDING WASTE MANAGEMENT

Before commencing any building work on any land, the builder engaged in carrying out building work on the land must prepare and submit to the Council a waste management plan.

Submit a waste management plan and include the following information:

- Identify which waste streams are likely to be generated and estimate the approximate amounts of material.
- Ways to avoid the generation of that waste.
- Details of the qualified waste management contractor who will provide services for the waste streams generated and data on waste/recycling generation.
- How the waste management system will work on-site, including bin placement and access.
- How the various elements of the waste management plan will be implemented and monitored on site.

5. EAO / AUDIT REPORT

A planning permit condition may require a suitable environment investigation, an environmental audit or a statement by an environmental auditor that the site is suited to residential use. The audit and statement may include measures to be undertaken to rectify site contamination.

Is this a requirement for this site? If yes please provide a copy of statement.

6. WORK TIMES

EPA provides guidelines that apply to many large commercial and residential construction projects. Section 48A, Unreasonable noise from residential premises of the *Environment Protection Act 1970* also applies to residential premises under construction, including mixed used developments. These particular controls depend on the specific site under construction.

Commercial construction and demolition sites

For commercial construction sites (e.g. shops, supermarket, offices, factories) EPA's [Noise control guidelines](#) (PDF 0.18MB) applies. The guidelines also apply to large scale demolition sites. They do not apply to apartments or mixed residential/commercial sites in residential areas, or home renovation.

EPA provides the guidelines as a reference for government and industry to manage noise impacts and working hours. The guidelines should be read in full, because they cover work hours, noise management and community notification expectations.

Councils generally manage construction site issues, including commercial construction site noise. They can apply the guidelines through permits and local laws, or as a reference in compliance decisions.

Normal work hours for commercial construction and demolition sites:

- 7 am – 6 pm weekdays
- 9 am – 3 pm Saturday

The guidelines also allow for some flexibility for work hours depending on the circumstances of the noise. For example, quiet work such as painting in the evening may be allowed (see the guideline for more information).

If a council has a local law or other statutory control different from the guidelines, this will apply, as EPA's *Noise control guidelines* are not law.

Large-scale residential developments in non-residential zones

These are residential or mixed-use premises under construction that:

- will have at least four storeys above ground when complete or two storeys below ground
- are in a non-residential zone (e.g. Business Zones and Special Purpose Zones, but not the Mixed Use Zone – typically large development areas or shopping strips)
- are not occupied (if an existing building under alteration).

Two main controls apply to these sites:

- Section 48A of the EP Act applies. This makes it an offence to cause unreasonable noise from any residential premises, including premises under construction. Construction noise can be unreasonable because it goes on for too long, or is excessive in the circumstances.
- The *Noise control guidelines* apply. They describe how to manage noise so it is not unreasonable under s48A. They can be implemented through local laws or permits. The guidelines ensure that commercial and residential construction of similar scale and circumstances are treated the same way.

Normal work hours for large-scale residential developments in non-residential zones:

- 7 am – 6 pm weekdays
- 9 am – 3 pm Saturday

Other large residential developments

Other large residential developments can include construction of apartments (including mixed developments) or multiple dwellings on a subdivision. These do not include the large-scale sites in non-residential zones described above. Two main controls apply to these sites:

- The residential noise regulations prohibited times apply. This means that, as a minimum requirement, noise from equipment must not be audible to neighbours after 8 pm and before 7 am on weekdays and 9 am on weekends and public holidays.
- Section 48A of the EP Act applies. This makes it an offence to cause unreasonable noise from any residential premises, including premises under construction. Construction noise can be unreasonable because it goes on for too long or is excessive in the circumstances. This requirement covers noise occurring outside of the prohibited times.

The regulations set a wide range of times for both builders and residents to use noisy equipment, but continuous, intrusive work throughout the non-prohibited times is likely to be unreasonable.

This can be a particular issue with large scale sites in residential areas. Large sites are also expected to minimise their environmental impacts wherever possible. To prevent excessive noise, these sites should therefore follow the advice in the *Noise control guidelines* where appropriate.

This means that these sites need to:

- adopt proper community consultation and work scheduling as described in the *Noise control guidelines*, such as notifying residents and avoiding work at sensitive times
- adopt the work requirements in the Regulations, such as managing delivery times
- not operate audible vehicles or equipment before 7 am on weekdays or 9 am at weekends, or after 8 pm on any day (to follow the residential noise Regulations' prohibited times)
- Generally avoid noisy work after 6 pm on weekdays, Sundays and later afternoon and evening on Saturdays (adopting work hour advice from the *Noise control guidelines*).

Normal work hours for large residential developments in residential areas:

- 7 am – 6 pm weekdays
- 9 am – 3 pm Saturday

A later Saturday finishing time may be acceptable for sites with a 9 am start.

The local council can manage decisions on these issues, with EPA advice where required.

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Signed Dated

ELEMENT 6: TREE MANAGEMENT

ATTACH A TREE MANAGEMENT PLAN

Key objectives of the Tree Management Plan are:

- Detail protection/management actions required from pre-demolition to post-construction.
- Produce a comprehensive timeline (tree management program) for the duration of the project.
- Minimise the impact of the development and ensure long-term viability is maintained for all trees nominated/marked for retention.
- Tree Protection Zones (TPZ) shall be established for the duration of any works near a tree.
- A Tree Protection Management Plan is developed in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites or any more recent standard. It is prepared by a certified arborist to assess impacts to public & private trees, provide recommendations to reduce impacts on public trees and identify construction guidelines to be followed through all phases of construction.
- Removals of trees will not occur unless approved by the Council.
- No council tree may be removed by anyone other than those authorised by the Council.
- Where a public tree removal is approved by the Council's arborist in relation to development, the associated cost of the tree and its removal shall be paid by the property owner or a representative prior to the removal.
- Denote where the relevant planning permit provides detailed measures to be implemented and compliance with these conditions.

TREE PROTECTION OVERLAYS

Before you remove or lop trees on your property, contact **Whitehorse City Council's Planning Department on 9262 6303** to determine whether you require a planning permit.

In general, the protection of trees on private property is controlled by a tree protection overlay or control applicable to the land or planning history which may exist over the property, such as a development permit.

A summary of each of the planning controls that may restrict the removal of trees on your property, or affect a development proposed on your property is provided on. The Council website '[Tree Controls, removal, Lopping and Pruning](#)'.

REMOVAL REQUEST

Council is guided by Council's Street Tree Policy when making decisions about removing trees. Removal of a tree is usually the last option and only considered when other options to rectify the concern have been exhausted.

We only consider removing trees that are:

- Dead
- Dying
- Structurally unsound
- Proven to be causing property damage that cannot be remedied through other arboricultural solutions

Are there any trees and/or vegetation that require removal?

Yes* No*

Submit details including location and justification for removal.

STREET TREE PROTECTION

The following tree protection measures are mandatory on all development sites within the City of Whitehorse:

Each Tree Protection Zone shall:

- Be enclosed by a 1.8m high fully supported chain-mesh protective fencing. The fencing shall be secure and fastened to prevent movement. The fencing shall have a lockable opening for access. Roots greater than 40mm in diameter shall not be pruned, damaged or destroyed during the installation or maintenance of the fencing. The fencing shall not be moved, altered or removed without the approval of the Project Arborist;
- Have a minimum of two signs that include the words "Tree Protection Zone – Keep Out". Each sign shall be a minimum size of 600mm x 500mm and the name and contact details of the Project Arborist. Signs shall be attached facing outwards in prominent positions at 10-metre intervals or closer where the fence changes direction. The signs shall be visible within site;
- Be kept free of weeds and, except where the existing surface is grass, grass. Weeds shall be removed by hand; and unless the existing surface is grass, have mulch installed and maintained to a depth of 75mm."

The following activities shall not be carried out within any Tree Protection Zone:

- disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint,
- fuel or oil);
- stockpiling, storage or mixing of materials;
- refuelling, parking, storing, washing and repairing tools, equipment, machinery and vehicles;
- disposal of building materials and waste;

The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist:

- increasing or decreasing soil levels (including cut and fill);
- soil cultivation, excavation or trenching;
- placing offices or sheds;

- erection of scaffolding or hoardings; and/or
- any other act that may adversely affect the vitality or structural condition of the tree.

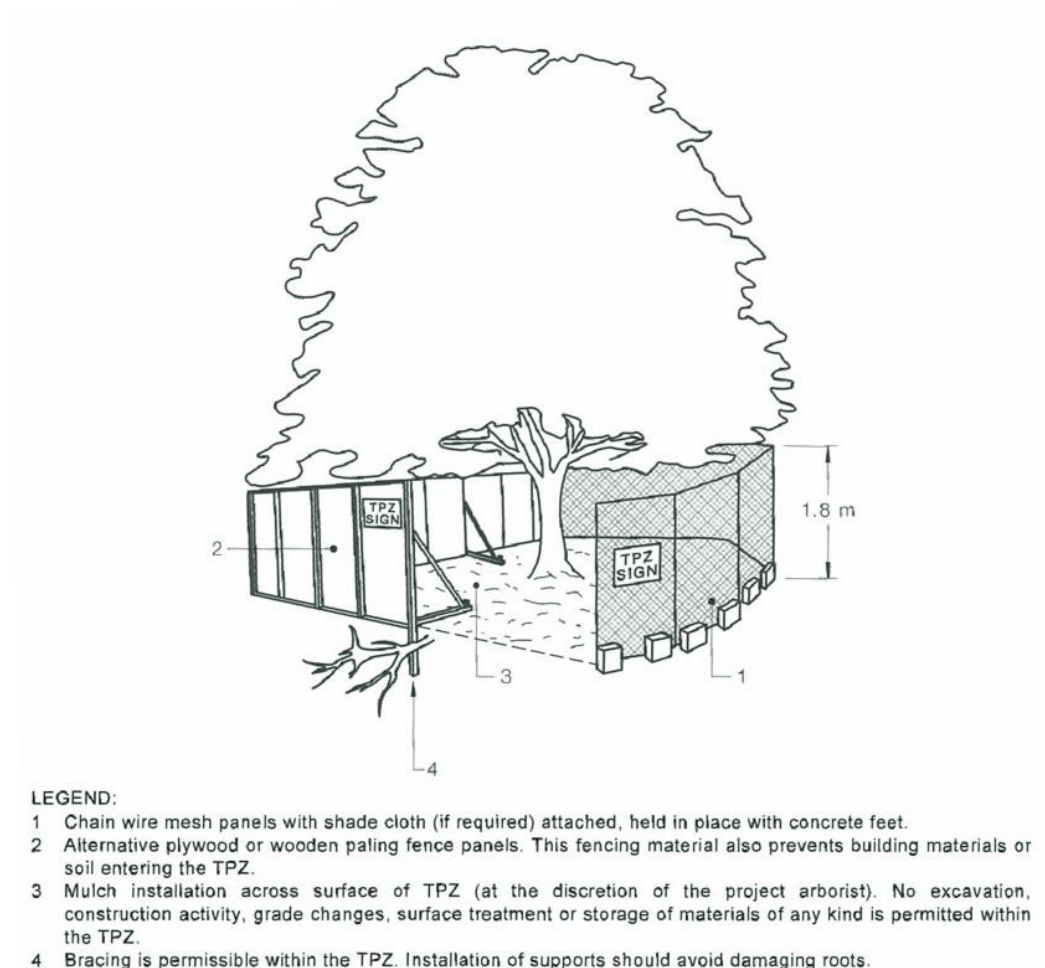
All work undertaken within or above a Tree Protection Zone shall be supervised by the Project Arborist.

Excavation within the Tree Protection Zone of any tree to be retained shall:

- be undertaken using non-destructive methods (eg. an Airspade or by hand) to ensure no roots greater than 40mm in diameter are damaged, pruned or removed. All care shall be taken to preserve and avoid damaging roots;
- not occur within the Structural Root Zone.

The City of Whitehorse shall only give approval for minor pruning works. All pruning works shall be specified by the Project Arborist. All pruning shall be carried out by a suitably arborist qualified.

Written approval from the City of Whitehorse shall be obtained prior to removing or pruning any street tree. All street trees not approved for removal shall be protected in accordance with the tree protection measures set out above.



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ELEMENT 7: GENERAL

CONSTRUCTION PROGRAM

Submit a detailed breakdown of the development stages and include the following information:

- Proposed dates & duration of each stages works
 - A number of workers expected to be onsite during each major stage (average).
 - The table is showing works and deliveries that require the occupation (part or full closure) of any road or laneway.
- Size and type of trucks/deliveries where possible.

Example 1: Construction Program

Stage	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Anticipated Number of Road Closures	
												Part Road	Full Road
Demolition												0	0
Excavation												1	0
Foundation												3	0
Structure												2	5
Fit-out												7	2

Expected maximum No of Construction Workers	4	6	10	20	30	30	70	90	90	100	80
Expected Number of Vehicles	3	5	8	16	24	24	56	72	72	80	64

Type of Truck	Number of Anticipated Truck Movements per day										
8.8m Concrete Truck	7										
12.5m Semi Rigid Vehicle		3	3		2	2	2	2	2	2	2
19m long semi-trailer				1	1	1					
25m long semi trailer											

SIGNAGE

Appropriate SITE IDENTIFICATION SIGNAGE is to be located along the street frontage and erected on the outer face of the fence/hoarding.

All signage is to be lit (illuminated by led lighting) at night & include full contact details of the following: -

- Registered Builder,
- Registered Building Surveyor, including details of the Building Permit,
- Architects,
- Engineers ; (Including Structural, Civil , Mechanical and Electrical)
- Project Managers,
- Developers Company and Contact details.
- After hours contact details including phone numbers of the project manager and builder are to also be included for OH & S and emergency situations
- The Builder must ensure - Compliance with Building Regulation 41 (1) & 41 (2) of the Building Regulation 2018

GRAFFITI

(Include this text in CMP) Hoardings will consist of appropriate coverings to assist in graffiti removal or measures to reduce the occurrence of graffiti. Graffiti will be removed or painted over on all hoarding structures within 48 hours of detection or council notification. Unless otherwise stated the hoarding is to be of solid construction and painted in accordance with regulations. No advertising sign or placard of any description will be placed on or affixed to any hoarding or overhead protective, other than precautionary measures signage or other than as in conditions of the report and consent.

SECURITY

Security measures must be provided to prevent construction work or protective measures from facilitating unauthorised access to an adjoining building(s) and to safeguard site materials and equipment. Submit details of security measures

FIRE SAFETY -The Relevant Building Surveyor (RBS) is to ensure and provide adequate measures for Fire protection during construction as per Part E1.9 of the BCA & the NCC and the Occupation Health and Safety Act 2004.

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Signed Dated

ELEMENT 8 MONITORING COMPLIANCE AND RESPONDING TO CONTRAVENTIONS**ENFORCEMENT AND THE PLANNING SYSTEM**

Planning schemes are designed to regulate the use and development of land so that it meets agreed community objectives. A planning scheme is a law (technically, a subordinate instrument) that regulates the way land can be used and developed.

The responsible authority is required by law to efficiently administer and enforce the planning scheme.

The responsible authority will typically be the council of the municipal district to which the planning scheme applies.

The objectives of enforcement are to:

- ensure compliance with
- avert or prevent threatened breaches of
- stop existing breaches of, and
- punish for breaches of

the planning scheme, planning permits and their conditions and agreements made under section 173 of the Planning and Environment Act 1987 (the Act).

AUTHORISATION

Section 224 of the Local Government Act 1989 allows a council to appoint an officer to be authorised 'for the purposes of the administration of any Act, regulations or local laws which relate to the functions and powers of the Council'.

The powers of an officer authorised under the Local Government Act 1989 are extensive.

The authorised officer may enter any land or building at any reasonable time to carry out and enforce the Local Government Act 1989 or any Act without notice.

MONITORING COMPLIANCE AND RESPONDING TO CONTRAVENTIONS

Regular checks and inspections can be carried out by an authorised officer of a responsible authority to ensure that the use or development of land does not contravene a planning scheme, section 173 agreement or planning permit.

Compliance with this document including all works undertaken by sub-contractors as part of the works permitted under the relevant planning permit is the responsibility of the applicant/signee.

DECLARATION

A person who:

- contravenes or fails to comply with any provision of this construction management plan or any document incorporated by reference;
- contravenes or fails to comply with any condition contained within;

is guilty of an offence

I _____ have due authorisation and delegation to sign this cmp on behalf of the company listed above and take responsibility for ensuring compliance with our commitment specified herein, the Local Government Act 1989, Planning and Environment Act 1987, the Council's Community Local Law 2024 (The person in charge of building work must comply with Council's Building and Works Code of Practice being a document incorporated into and forming part of this Local Law) and any other relevant legislation.

Any breach may result in enforcement action taken by the council.

FURTHER ASSISTANCE

Do you have a question for Whitehorse City Council? Please call and speak to us.

General CMP enquiries (Construction Management Plan Liaison Officer) (03) 9262 7689

Email: customer.service@whitehorse.vic.gov.au

Website: www.whitehorse.vic.gov.au

The CMP should be prepared by a suitably qualified and experienced professional familiar with the preparation of CMP's.

DISCLAIMER

This template has been developed to provide general guidance in relation to the general requirements for Construction Management Plans. It is not extensive and the City of Whitehorse hereby expressly disclaims all liability for errors and omissions of any kind whatsoever whether negligent or otherwise for any loss, damage, injury or other consequences that may arise from any reliance on this publication. The use or representation of any product or system is not to be taken to imply approval or endorsement of the same.

The personal information requested on this form and collected by Council is necessary for the administration and enforcement of permits under the Road Management Act 2004 and/or the Local Government Act 1989. This information will be used solely by Council for that /those primary purposes or directly related purposes. The intended recipients of the information are Council officers. Council may disclose the personal information collected on this form to law enforcement agencies, courts and other organisations authorised to collect it pursuant to law. Individuals have a right to seek access to their personal information held by Council and may make corrections to that information by contacting Council on 9262-6303. You may view Council's Privacy Policy on our website www.whitehorse.vic.gov.au or obtain a copy from any of the Council offices.



City of Whitehorse

Building and Works Code of Practice



Updated: May 2014

Building and Works Code of Practice

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1. Preamble

Whitehorse City Council has developed this 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,
- 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 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 has been incorporated by reference into the Council's Community Local Law No 2014.

3.2 Clause 4.27 of that Community Local Law No 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 No 2014 has the same meaning in this Code of Practice.

4.2 Further, in this Code of Practice:

“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 1500 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 1500 millimetres high gate or gates which prevents or prevent 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;

“Drains and 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.

“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. Entry to building sites

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

7. Building site identification

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

8. Sanitary facilities

8.1 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:

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

8.1.2 are maintained in a clean and sanitary condition at all times.

9. Building site waste

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

- 9.1.1 contained entirely within the building site;
- 9.1.2 stored in a manner that does not attract the depositing of waste from sources other than the building site;
- 9.1.3 stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located;
- 9.1.4 disposed of regularly and to a legal point of waste disposal;
- 9.1.5 preventing any sediment or erosion or other site run off from leaving the building site;
- 9.1.6 not allowing potential stormwater pollutants to escape from the building site; and
- 9.1.7 not allowing any dust or air pollutants to escape from the building site.

10.Litter

- 10.1 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;
- 10.2 The Person in charge must ensure that vehicles leaving the building site do not deposit litter; and
- 10.3 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.

11.Pedestrian and traffic hazards and safety

- 11.1 The Person in charge must ensure that building works do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 11.2 For the purposes of this Code, detriment to pedestrian or vehicular traffic includes but is not limited to:
 - 11.2.1 mud or debris on a road;

11.2.2 materials referable to building works on a road ;

11.2.3 equipment referable to building works or other works on a road ;

11.2.4 excavation on or immediately adjacent to a road ;

11.2.5 building works on a road;

11.2.6 damaged footpaths and nature strips; or

11.2.7 any similar obstruction.

12.Soil stockpiles

12.1 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.

13.Camping

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

14.Blasting controls

14.1 The Person in charge must notify the Council prior to carrying out any blasting on the building site

15.Building or industrial noise

15.1 The Person in charge of a building site must ensure compliance with the relevant *Environment Protection Act 1970* noise regulations, the nuisance provisions of *Public Health and Wellbeing Act 2008* and any other related legislation.

16.Animal control

16.1 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 nuisance.



WHITEHORSE CITY COUNCIL COMMUNITY LOCAL LAW 2014

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PART 1 – INTRODUCTION

Local Law

1.1 This Local Law is titled the Whitehorse City Council Community Local Law 2014.

Objectives

- 1.2 The objectives of this Local Law are to -
- (a) provide for the peace, order and good government of the municipal district; (b) regulate activities related to, and ensure the protection of, Council assets;
 - (c) protect the health and safety of persons who reside or work in, or visit, the municipal district;
 - (d) regulate the management of animals on land and in municipal places;
 - (e) protect, maintain and enhance the natural environment of the municipal district; and
 - (g) provide uniform and fair administration of this Local Law.

Power to make this Local Law

1.3 This Local Law is made under section 111 of the Act and section 42 of the *Domestic Animals Act 1994*.

Commencement

1.4 This Local Law commences on 1 January 2015.

Revocation of Local Laws

1.5 Council's Community Local Law No 1 of 2006 is revoked, save that any notice or consent given or any business, matter or thing commenced, made or done under that Local Law is not affected.

Sunset provision

1.6 This Local Law ceases to operate 10 years from the date it commences, unless earlier revoked.

Application

1.7 This Local Law operates throughout the municipal district.

Definitions

1.8 In this Local Law, unless inconsistent with the context:

Act means the *Local Government Act 1989*;

advertising sign means a placard, board, sign, card or banner, whether portable or attached to any land, building or vehicle which –

- (a) provides information about a business or industry or organisation;
- (b) advertises goods, services, an event or a competition; or
- (c) contains offensive or inappropriate content as determined by an authorised officer;

authorised officer means a person appointed by Council under sections 224 or 224A of the Act;

bond means a sum of money, or another means of security acceptable to Council, the amount of which has been determined by Council, after taking account of –

- (a) the nature of the building work;
- (b) likely costs that would be incurred for repairs to Council infrastructure assets;
- (c) if damage does occur to them, during or as a result of the building work;
- (d) requirements which are commonly applied in comparable situations; and
- (e) any relevant Act, regulation or government policy directives;

builder means a person to whom a building permit has been issued under the *Building Act 1993*;

building work means work for which a building permit is required to be issued under the *Building Act 1993*;

camping means using a caravan, tent, motor vehicle or like structure for residential accommodation (either temporary or permanent) of a person and ‘**camp**’ has the corresponding meaning;

caravan includes a mobile home and moveable dwelling;

charity bin means a receptacle used for the donation of clothing or household goods of a type which the organisation concerned indicates can be deposited there;

Council means Whitehorse City Council;

Council building means Council's municipal offices and buildings;

Council land means any land or road owned, vested in, managed by or under the control of Council and includes any building, structure, street sign, fence, tree and plant situated on that land;

farm animals includes horses, cattle, sheep, donkeys, mules, goats, pigs and deer or similar of any age;

goods includes but is not limited to produce, articles, items, tables, chairs, advertising signs, planter boxes, umbrellas and anything similar;

heavy vehicle includes a long vehicle has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2009*;

incinerator means an outside structure, device or equipment that is not a barbeque and which is designed, adapted, used or capable of being used for the burning of materials or substances;

land means any land in separate ownership or occupation and includes a shop, dwelling or a factory or part thereof as may be separately owned or occupied;

litter bin means a receptacle provided by Council, or with the authority of Council, in or on a road or municipal place, for use by the public to deposit small items of litter;

litter device means an appropriate apparatus designed for, or able to be used for, the purpose of collecting and removing animal and/or dog faeces;

liquor means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius;

motor vehicle includes a long vehicle and has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2009*;

municipal district means the municipal district of Council;

municipal place means any land and/or building, reserve, river, creek, lake or body of water, which is owned, occupied or under the control of Council and includes recreation centres, libraries, shopping malls, reserves and other Council land but excludes roads;

noxious weed has the meaning ascribed to it by section 3 of the *Catchment and Land Protection Act 1994*;

nuisance includes any behaviour or condition which is or is liable to be dangerous to health or is noxious, annoying or injurious to personal comfort;

occupier includes a resident, and in relation to land which has a lot entitlement or lot liability in respect of common property the Owners Corporation created upon the registration of a Plan of Subdivision affecting that land;

permit means a permit, authorised or required under this Local Law;

person includes a corporation;

person in charge means:

- (a) a person in charge of a building site or land where building works are to be carried out;
- (b) a person who causes building works to be carried out;
- (c) the owner of the building site and in the case of a company, each director of the company; or
- (d) the person in charge of an animal or bird.

planning scheme means the Whitehorse Planning Scheme;

poultry includes chickens, ducks, geese, peacocks, pheasants, turkeys and guinea fowl;

racine pigeon means a pigeon that is kept by a person who is a registered, current member of a recognised National or State Homing Pigeon Association;

redundant vehicle crossing means a vehicle crossing no longer required for vehicular access to land, or vehicle crossing not approved by Council;

residential area means land zoned as residential or predominantly residential under the planning scheme;

road has the meaning ascribed to it by section 3 of the Act and includes every part of a road;

rodents includes guinea pigs, mice, rats and hamsters and other mammals characterised by incisors adapted for gnawing and nibbling;

sell includes –

- (a) sell by means of any machine or mechanical device;
- (b) barter or exchange;
- (c) agree to sell;
- (d) offer or expose for sale;
- (e) keep or have in possession for sale; and
- (f) directing, causing or attempting any such acts or things;

shopping trolley means a wheeled receptacle supplied by a retailer of goods to enable customers purchasing any of those goods to transport them to or from one place to another;

traffic control device means any signal, sign, barrier or any structure built or erected to warn, advise or protect pedestrians or cyclists or motorists and to regulate traffic;

unsightly includes land which contains -

- (a) unconstrained rubbish such as paper, cardboard, plastic bags, styrene, house hold rubbish, second hand containers;
 - (b) second hand timber or second hand building material;
 - (c) discarded, rejected, surplus or abandoned solid or liquid materials; (d) graffiti;
 - (e) machinery or machinery parts stored on the land for more than 2 months;
 - (f) unregistered, unroadworthy, dissembled, incomplete or deteriorated motor vehicles, caravans, trailers or similar stored on the land for more than 2 months;
 - (g) anything being built which is left incomplete and constitutes a detriment to the appearance of the surrounding area;
 - (h) any other thing making the land visually repugnant; or
 - (i) detrimental to the general amenity to the area;
- but excludes an enclosed building or structure on the land which complies with regulations made under the *Building Act 1993* or the *Planning and Environment Act 1987*.

vehicle has the same meaning ascribed to it by the *Victorian Road Safety Road Rules 2009*;

vehicle crossing means a Council approved constructed surface between the property boundary and roadway required for vehicular access to land;

vermin includes rodents and insects likely, or with the potential, to cause a nuisance;

waste bin means a bin, skip or other container used for the deposit of waste, but excludes an approved garbage bin used in connection with Council's refuse collection service; and

wheeled recreational device has the same meaning ascribed to it by the *Road Safety Road Rules 2009*.

1.9 Other legislation

Anything allowed under any Act, Regulation or the Planning Scheme, is not affected by any prohibition, requirement or restriction under this Local Law.

PART 2 - MUNICIPAL PLACES AND ROADS

Prohibited conduct in Council buildings, municipal places and on roads

2.1.1 A person must not, in a municipal place or on a road –

- (a) commit any nuisance;
- (b) conduct an activity that interferes with, or may likely interfere with, another person's reasonable use and enjoyment of the municipal place or road, without the written permission of an authorised Council staff member;
- (c) act in a manner that endangers any person;
- (d) destroy, damage, foul, interfere with or deface anything located in the municipal place or on the road;
- (e) enter other than through an entrance provided for that purpose;
- (f) park, drive or ride a vehicle unless that land has been designed or developed for the purposes of parking, riding or driving a vehicle;
- (g) ride a bicycle or use a wheeled recreational device in a manner that –
 - (i) interferes with another person's use and enjoyment of the municipal place or road;
 - (ii) endangers any other person; or
 - (iii) causes damage to the municipal place or road.

2.1.2 A person must not smoke in any Council building.

2.1.3 A person who is issued a residential parking permit must comply with all the conditions of that permit.

Direction to leave

2.2 An authorised officer may direct a person to leave a municipal place or Council building if that person's conduct is contrary to the requirements of this Part.

Vegetation control

- 2.3 A person must not, without a permit, plant, damage or interfere with any vegetation on Council land.

Filming of persons

- 2.4 An authorised officer may direct a person not to film or record any person or thing in a Council building.

PART 3 – PROTECTION OF COUNCIL ASSETS

Meaning of Council assets

- 3.1 For the purposes of this Part, 'Council assets' means any - (a) road which includes the road reserve;
- (b) drain;
 - (c) drainage infrastructure;
 - (d) footpath
 - (e) nature strip
 - (e) street tree or other vegetation; (f) street sign; or
 - (g) other property or assets
- vested in or under the control of Council.

Incorporated document

- 3.2 Council's document entitled, *Procedures for Work on and Protection of Council Assets* is incorporated by reference into this Local Law and has application to this Part.

Protection of Council assets during building work

- 3.3 Before commencing and during building work, a person in charge of that building work must comply with Council's *Procedures for Work on and Protection of Council Assets*.

Interference with Council assets

- 3.4 A person must not, without a permit:
- (a) destroy, damage, connect to, modify or interfere with Council assets; or
 - (b) undertake any works in a road reserve, municipal place or drainage easement located within any private land.

Protection and use of drains

- 3.5 A person must not allow any drain located on land owned or occupied by that person to be - (a) in disrepair;

- (b) in a condition which is a nuisance;
- (c) in a condition that interferes with a Council asset; or
- (d) dangerous to health.

Drainage of land

- 3.6 An owner and occupier of land must ensure that -
- (a) the land is adequately drained to the satisfaction of an authorised officer;
 - (b) the land does not discharge water that in the opinion of an authorised officer is a nuisance to an occupier of adjoining land; and
 - (c) water does not discharge from an air conditioner or other equipment on that land onto a footpath.

Vehicle crossings

- 3.7 The owner of land must ensure that at each point of any vehicular access from a carriageway on a road to the land there is a vehicle crossing that is constructed and maintained in accordance with Council's *Procedures for Work on and Protection of Council Assets*.

PART 4 - AMENITY, PUBLIC HEALTH & SAFETY

Condition of land

- 4.1.1 The owner or occupier of land must not allow:
- (a) that land to be unsightly; or
 - (b) grass or weeds to grow on that land to a height exceeding 200 millimetres above the surface of the ground.
- 4.1.2 An authorised officer may, by serving a notice to comply, direct an owner or occupier of land to temporarily fence that land in a manner directed by the authorised officer so as to:
- (a) conceal an unsightly condition of the land; or
 - (b) prevent persons from accessing the land if in the reasonable opinion of the authorised officer, the condition of the land constitutes a danger to any person who may enter the land.

Vermin and noxious weeds

- 4.2 An owner or occupier of land must not allow any vermin or noxious weeds to exist on the land.

Machinery, materials, goods or vehicles on land

- 4.3 A person must not, without a permit, use any land for:
- (a) the storage of disused old, used or second hand machinery, material or goods; (b) the assembly or dismantling of such machinery, material or goods;
 - (c) the storage of unregistered vehicles or parts of vehicles; or
 - (d) the assembly or dismantling of old or second hand vehicles - unless the storage, assembly or dismantling is confined to an enclosed building on the land.

Heavy vehicles kept on residential land

- 4.4 The owner or occupier of any land in a residential area must not, without a permit, allow a heavy vehicle to be parked, kept, stored or repaired on that land.

Security alarms

- 4.5 An owner or occupier of any land must not allow a security alarm to operate in such a manner that emits a noise audible beyond the boundary of the land, unless such alarm is constructed or regulated so as to ensure that:
- (a) whenever the alarm is activated it is automatically rendered inaudible beyond the boundary of the land within 10 minutes of it being activated; and
 - (b) the alarm cannot re-activate until the device has been manually re-set.

Camping

- 4.6.1 A person must not, without a permit, camp: (a) on any land;
- (b) on any road managed by Council; or
 - (c) in a municipal place.
- 4.6.2 The owner or occupier of any land must not, without a permit, allow camping on that land.

Unattended vehicles

- 4.7 A person must not without a permit leave on a road or in a municipal place:
- (a) a motor vehicle weighing more than 1 tonne, a trailer or a caravan for more than 14 continuous days; or
 - (b) a motor vehicle weighing up to 1 tonne, for more than 30 continuous days.

Caravans

- 4.8 A person must not, without a permit, keep or store more than one caravan on land in a residential area.

Overhanging vegetation

- 4.9 A person who owns or occupies any land abutting any road or municipal place must not permit any vegetation on that land:
- (a) to overhang at a height of less than 2.5 metres from the level of the adjacent footpath or nature strip; or
 - (b) to interfere with –
 - (i) a Council sign on a road or municipal place; or
 - (ii) a vehicle using a road.

Numbering of land

- 4.10 The owner or occupier of land to which a number has been allocated by Council must mark the land with the number so that it is clearly visible and readable from the road that the land fronts.

Fires in the open air

- 4.11 A person must not without a permit light or allow to be lit or remain alight, a fire: (a)
in the open air; or
(b) in an incinerator.

Dilapidated and unsafe buildings

- 4.12 The owner of land on which a building exists must maintain that building in a state of good repair.

Shopping trolleys

- 4.13.1 A person must not leave a shopping trolley on a road or in a municipal place, except in an area designated for the leaving of shopping trolleys.
- 4.13.2 The owner of any shopping trolley, on becoming aware that the shopping trolley has been left other than in compliance with sub-clause 4.13.1, must promptly ensure that the shopping trolley is retrieved.

Advertising signs, goods and furniture

- 4.14 A person must not, without a permit:
- (a) display or permit to be displayed any goods; or
 - (b) place or allow to be placed an advertising sign, a seat, umbrella, table, chair, planter box or other items –
- on any road or in a municipal place.

Charity bins

- 4.15 A person must not, without a permit, place, allow to be placed, or allow to remain, a charity bin on any road or in a municipal place.

Receptacles and obstructions on roads or municipal places

- 4.16 A person placing a bulk rubbish bin, shipping container or any other large receptacle which encroaches on or obstructs the free use of a road or municipal place must comply with the *VicRoads Code of Practice for the Placement of Waste Bins on Road Sides* being a document incorporated by reference into this Local Law.

Repair of vehicles

- 4.17.1 A person must not, without a permit: (a)
paint;
- (b) service;
 - (c) perform maintenance on; or
 - (d) dismantle, or repair -
- a vehicle on a road or in a municipal place.

4.17.2 This clause does not apply if a vehicle is dismantled or repaired for the purpose of removal from a road or municipal place.

Falling substances from vehicles

4.18 A person who drives or operates a vehicle, must not allow any grease, oil, mud, clay or other substance to fall from the vehicle onto a road, into a drain or in a municipal place.

Consumption and possession of liquor

4.19 A person must not, without a permit, on a road or in a municipal place: (a) dispense or consume liquor; or
(b) have in their possession an open receptacle that contains liquor.

Soliciting gifts

4.20 A person must not without a permit solicit, or cause or authorise another person to solicit, a gift:
(a) on a road;
(b) in a municipal place or Council building; or
(c) on private land.

Distribution of unsolicited material

4.21 A person must not without a permit, on a road or in a Council building or municipal place, distribute to any person any advertising or promotional items or any printed material.

Persons selling goods, services or motor vehicles

4.22 A person must not, without a permit, sell any goods, services or a motor vehicle from: (a) a municipal place;
(b) a road;
(c) vacant land; or
(d) land that is not ordinarily occupied by the person.

Busking

4.23 A person, whether or not for financial gain, must not without a permit on any road or in a municipal place:
(a) busk;
(b) sound or play any musical instrument; (c) sing; or
(d) harangue or recite –
so as to annoy another person using the road or municipal place

Restriction on use of litter bins

4.24 The owner or occupier of land must not deposit in a domestic litter bin any waste that has not been generated on or from that land.

Waste collection

- 4.25 The occupier of land from which any waste is collected, must comply with Council's *Domestic and Commercial Waste Management Procedures*, being a document incorporated into and forming part of this Local Law.

Interference with waste

- 4.26 A person must not, without a permit, remove or interfere with any waste left out on a road or in a municipal place for collection by Council.

Building works

- 4.27 The person in charge of building work must comply with Council's *Building and Works Code of Practice* being a document incorporated into and forming part of this Local Law.

PART 5 - KEEPING OF ANIMALS

Permitted animals and birds kept on land

- 5.1 Except with a permit or in accordance with the following table, a person must not keep or allow to be kept on land occupied by that person any animal or bird.

Type of Animal or Bird Kept on a	Small land size*	Any other land size
Poultry but excluding roosters	0	6
Roosters	0	0
Caged Birds	5	10
Dogs	1	3
Cats	1	3
Cats and Dogs	1	4
Rabbits	1	5
Rodents	2	6
Reptiles	5	5
Racing Pigeons	0	40
Farm Animals	Only permitted where there is 2000 square metres of open land per animal	
All other animals	0	0

* **small land size** means land of less than 450 square metres.

Keeping of bees

- 5.2 The owner or occupier of any land who keeps bees on that land must do so in accordance with the relevant Apiary Code of Practice.

Conditions under which animals and birds are kept

- 5.3 The owner or occupier of any land where an animal or bird is kept, must maintain any structure used for housing the animal or bird:
- (a) in a clean, inoffensive and sanitary condition; and
 - (b) so as not to cause any nuisance.

Noise and odour

- 5.4 The owner or occupier of any land on which any animal or bird is kept must not allow any noise or odour that emanates from the animal or bird in a manner that interferes with the reasonable comfort or convenience of any person.

Animal litter

- 5.5 Whenever an animal is outside the land at which it is normally kept, the person in control of the animal must:
- (a) not allow any faeces from the animal to remain on a road, municipal place or land owned or occupied by another person;
 - (b) carry a litter device and must use it for the purposes of removing any faeces of the animal; and
 - (c) dispose of any faeces of the animal in a manner which does not cause any nuisance or health hazard to any person or detriment to the environment.

Wandering animals and birds

- 5.6.1 The owner or person in charge of any animal or bird must:
- (a) not allow that animal or bird to wander from where it is normally kept; and
 - (b) ensure that the land on which the animal or bird is normally kept is adequately fenced to prevent the animal or bird from being at large or escaping.

- 5.6.2 Subclause 5.6.1(a) does not apply to dogs and cats.

NOTE: Sections 24 and 25 of the *Domestic Animals Act 1994* provide that an owner of a dog or cat found at large will be guilty of an offence.

Prohibited places for farm animals and dogs

- 5.7.1 Except with a permit, the owner or person in charge of:
- (a) a farm animal must not allow that farm animal to enter any municipal place; and
 - (b) a dog must not allow that dog to enter any Council building or a wetland identified in Council's *Specified Wetlands Guide* being a document incorporated by reference into this Local Law.
- 5.7.2 Subclause 5.7.1(b) does not apply to a dog that is: (a)
- a guidance assistance animal; or
 - (b) being used by a government agency.

PART 6 - PERMITS

Applications

- 6.1 If this Local Law requires a permit to be obtained, the application for the permit must: (a) be made to Council in writing; and
- (b) be accompanied by the fee prescribed by Council.

More information

- 6.2 Council may require an applicant to provide more information before it deals with the application.

Decision on application

- 6.3 Council may decide:
- (a) to grant a permit;
- (b) to grant a permit subject to conditions; or
- (c) refuse to grant a permit on grounds it thinks fit.

Review

- 6.4 An applicant for a permit may apply to Council for review of a decision to refuse to grant a permit or to grant a permit subject to conditions.

Correction of a permit

- 6.5 Council may amend or revoke a permit granted by it under this Local Law.

Bonds

- 6.6.1 In deciding to grant a permit, Council may require the applicant to lodge with Council a bond for such amount and in such a manner as Council deems reasonable in the circumstances.
- 6.6.2 If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may for that purpose, use part or all of any bond associated with that permit.
- 6.6.3 Where the bond or any part is used pursuant to clause 6.6.2, the person to whom the permit was granted or the property owner may be directed to replenish or increase the bond amount.
- 6.6.4 On satisfactory completion of any works under a permit, Council must release any applicable bond or remainder of the bond.
- 6.6.5 If after 12 months, Council cannot locate a person entitled to the release of any bond, Council will remit the funds to the State Revenue Office.

PART 7 - ENFORCEMENT

Offences

- 7.1 A person who:
- (a) contravenes or fails to comply with any provision of this Local Law or any document incorporated by reference;
 - (b) contravenes or fails to comply with any condition contained in a permit under this Local Law;
 - (c) knowingly provides false information in support of an application for a permit under this Local Law;
 - (d) knowingly supplies false or misleading information to an authorised officer;
 - (e) fails to comply with a verbal direction issued, or a notice to comply served, by an authorised officer;
 - (f) fails to comply with a sign erected by Council; or
 - (g) makes or attempts to make any agreement with an authorised officer to induce that authorised officer to compromise his or her duty -
- is guilty of an offence and is liable to -
- (i) a maximum penalty of \$2000; and
 - (ii) a further penalty of \$200 for each day after a finding of guilt or conviction for an offence during which the contravention continues.

Infringement notices

- 7.2.1 As an alternative to a prosecution for an offence, an authorised officer may serve a person with an infringement notice in a form approved by Council.
- 7.2.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 7.2.3 The amount of the fixed penalty to be specified in an infringement notice is set out in Council's "*Fixed Penalties for Offences Dealt with by Infringement Notice*" being a document incorporated by reference into this Local Law.

Notice to comply

- 7.3.1 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may issue a written direction called a Notice to Comply requiring a person to stop offending and do anything necessary to rectify the offence.
- 7.3.2 A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the specified directions.
- 7.3.3 The period required to comply with a Notice to Comply must be reasonable in the circumstances having regard to:
- (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant factor.

Urgent circumstances

- 7.4 In any urgent circumstance arising under this Local Law, an authorised officer may take any reasonable action to remedy the situation circumstance without first serving a notice to comply.

Obstructing objects

- 7.5.1 An authorised officer may:
- (a) require any person responsible for an obstructing object on Council land to move it; (b) move or impound any object that obstructs a road, Council Building or municipal place;
 - (c) return the object to its owner on payment of the prescribed fee; or
 - (d) sell, dispose of or destroy the object if the owner has not paid the fee within 7 days of impounding.
- 7.5.2 Where any item has been impounded under this clause, Council must, if practicable, serve written notice of the impounding by pre-paid mail on the person who appears to be the owner of the impounded item.

END