



WHITEHORSE

Building and Works Code of Practice



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1. Introduction

Whitehorse City Council has developed the Building and Works Code of Practice (**Code of Practice**) to ensure that any person who is in charge of building work on a building site in the municipality, understands the minimum acceptable standards under which they operate.

Problems commonly reported to Council and observed by Authorised Officers 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 waste;
- Silt, sand, mud and litter fouling storm water systems;
- Traffic and pedestrian hazards causing risk to the public;
- Unreasonable noise; and
- Unauthorised damage to and interference with Council assets.

2. Objective

The objective of this Code of Practice is to protect the community and Council assets from activities relating to building sites and building works.

3. Relationship with the Local Law

3.1. This Code of Practice has been incorporated by reference into the Whitehorse City Council Community Local Law 2024 (**Local Law**).

3.2. Clause 4.2 of the Local Law 2024 provides that:

“The person in charge of building work on land must comply with Whitehorse City Council’s Building and Works Code Practice being a document incorporated by reference and forming part of this Local Law.”

3.3. It is an offence under the Local Law to fail to comply with the Code of Practice.

4. Definitions

The following definitions, as contained within the Local Law, also apply to the Code of Practice. Where a term is not defined it adopts its normal meaning:

Building Site	means the land upon which Building Work is being undertaken and includes a work site.
Building Work	has the same meaning as in the <i>Building Act 1993</i> .
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.
Council Land	means any land or road owned, vested in, managed by or under the control of Council and includes any building or structure on that land, within a reserve or on a road.
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.
Person in Charge	means the person or persons whether natural or incorporated, who has or have management responsibility for building works or a building site and includes the owner of land, the developer and any other person who has control of the building site or the building works being carried out.
Sanitary Facilities	means sanitary facilities provided for the use of persons working on a building site, including: <ul style="list-style-type: none">(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: <ul style="list-style-type: none">(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:<ul style="list-style-type: none">(i) has a width not greater than 2800 millimetres;(ii) is fitted with an 1800 millimetres high gate or gates which prevents litter from being transported from a building site when closed;



- (iii) is located to correspond with the vehicle crossing referable to the building site; and
- (iv) is securely closed when the building site is unattended.

Site Identification	<p>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:</p> <ul style="list-style-type: none">(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	<p>has the meaning ascribed to it by section 3 of the <i>Environment Protection Act 2017</i>.</p>
Waste	<p>has the meaning ascribed to it by section 3 of the <i>Environment Protection Act 2017</i>.</p>
Waste Container	<p>means the container that is designed for the containment of litter and waste material within the building site, and which is:</p> <ul style="list-style-type: none">(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. Building Site Containment

The person in charge must ensure that all:

- (a) building work is contained entirely within the building site;
- (b) building related materials are stored within the building site; and
- (c) materials used for or during building works cannot be deposited on Council land by wind or other means.

6. Entry to Building Sites

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

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.
- 8.2. The person in charge must ensure that sanitary facilities on a building site do not cause odours or are detrimental to the amenity of the area in which the building site is located.
- 8.3. The person in charge must ensure that any sanitary facilities on a building site are maintained in a clean and sanitary condition at all times.

9. Spoil on Roads

A person must not 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. Building Site Waste

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

- (a) contained in a waste container;
- (b) stored in a manner that does not attract the depositing of waste from sources other than the building site;
- (c) stored in a manner that does not cause detriment to the visual amenity of the area in which the building site is located;
- (d) disposed of regularly and to a legal point of waste disposal; and
- (e) stored and contained in a manner that will prevent waste from leaving the site by wind or other means.

11. Direction to Cease Building Works

A person in charge of building works on Council land or a road must cease building works immediately, when directed verbally or in writing to do so by an Authorised Officer.

12. Pedestrian and Traffic Hazards and Safety

- 12.1. The person in charge must ensure that building works do not cause detriment to pedestrian or vehicular traffic or become unsafe.
- 12.2. For the purposes of this Code of Practice, detriment to pedestrian or vehicular traffic includes but is not limited to:
 - (a) mud or debris on a road;
 - (b) materials referable to building works on a road;
 - (c) equipment referable to building works or other works on a road;
 - (d) excavation on or immediately adjacent to a road;
 - (e) building works on a road;
 - (f) damaged footpaths and nature strips; or
 - (g) any similar obstruction.

13. Soil Stockpiles and Dust

- 13.1. 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 is transported to a legal place of disposal.
- 13.2. The person in charge must not allow any dust or air pollutants to escape from the building site.

14. Site Fencing

The person in charge of a building site must ensure:

- (a) prior to the commencement of any building work, temporary fencing must be erected and in place until the completion of any building work;
- (b) temporary fencing gates are not left open at any time causing obstruction of the footpath or Council land; and
- (c) temporary fencing is secured to ensure it does not fall onto the footpath or Council land.

15. Blasting Controls

The person in charge must provide the Council with written notification 7 days prior to carrying out any blasting on the building site.

16. Working Hours and Unreasonable Noise

The person in charge of building works must not, without a permit, cause or allow building works or other building related activities that cause unreasonable noise to be carried out outside the hours of:

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

17. Drains

The person in charge must ensure that building works do not allow potential stormwater pollutants to escape from the building site.

18. Environmental Controls

The person in charge of a building site must ensure:

- (a) activities on a building site do not damage or cause detriment to the natural or built environment within the site or surrounding Council land in which the building site is located;
- (b) sediment, erosion or other site run off does not leave the building site.; and
- (c) sediment controls are in place on the building site at all times.



ACKNOWLEDGEMENT OF COUNTRY

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the traditional owners of the land. We pay our respects to their Elders past, present and emerging.

CONTACTING COUNCIL

Postal Address: Whitehorse City Council
Locked Bag 2
Nunawading 3131

ABN: 39 549 568 822

Telephone: 9262 6333 (including language support)

NRS: 133 677 then quote 9262 6333
(Service for deaf or hearing impaired people)

Service Centre: Whitehorse Civic Centre
379-399 Whitehorse Road,
Nunawading 3131

Website: www.whitehorse.vic.gov.au/contact-us

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

Social Media: Connect with Whitehorse City Council



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