

Banyule City Council

Building Site Code of Practice

1. Preamble

The following *Code of Practice* is designed to ensure that building sites are appropriately managed and that there is no detriment to neighbouring properties, existing vegetation, council assets or waterways as a result of building activity. It is expected that all builders, developers and tradesmen operating within Banyule will comply with the Code. Breaches of the Code of Practice may be enforced under the relevant Legislation.

The Code reinforces Council's Local Law and other legislation and regulations which the Council can enforce including the following:

The *Environment Protection Act*;
The *Road Management Act*;
The *Domestic Animals Act*;
The *Planning and Environment Act*;
The *Health Act*;
The *Building Control Act*.

A copy of the Banyule Council General Local Law No 1 may be downloaded from our website at www.banyule.vic.gov.au

Relevant vegetation controls can be downloaded from the Department of Sustainability website at

<http://www.dse.vic.gov.au/planningschemes/banyule/home.html>

Or alternatively you may make enquiries at the Banyule Planning Department at 44 Turnham Avenue Rosanna or by phoning 9497 9991.

A builder's guide entitled "Keeping Our Stormwater Clean" is available from Council.

For more detail on best practice site management, builders and developers are recommended to refer to the following documents and websites.

Water sensitive Urban Design Engineering Procedures: Stormwater. Melbourne Water, 2005, CSIRO Publishing. (or see website at <http://wsud.melbournewater.com.au/>)

Urban Stormwater: Best Practice Environmental Management Guidelines. CSIRO 1999, CSIRO Publishing.
(Or see http://library.melbournewater.com.au/content/wsud/Urban_Ch_5.pdf)

Clearwater Site <http://www.clearwater.asn.au/>

2. Objective

The objectives of this *Code of Practice* are to:

- 2.1 ensure that Building Works do not damage or encroach onto a Road, Council Land or other asset, or make it unsafe; and to protect the amenity of the area;
- 2.2 protect drains and watercourses from the entry of building materials, dirt, mud, rubbish or litter;
- 2.3 ensure that land owners and developers are aware of vegetation that is protected under the Banyule Planning Scheme and that the vegetation is to be adequately protected from construction impact;
- 2.4 ensure that vegetation in neighbouring properties is adequately protected from construction impacts.

3. Relationship with Local Law Number 1 and relevant legislation

This *Code of Practice* provides guidance on the application of the Councils Local Law requirements for Building Sites as well as other legislative requirements for environment protection, noise, pollution and animal management. Penalties can be applied for non-compliance with legislative requirements.

4. Definitions

In this *Code of Practice*:

“Appointed Agent” means the person authorised in writing by an owner of a building or land to make an application, appeal, referral or representation on their behalf.

“Asset” means any:

- (a) road;
- (b) drain;
- (c) drainage infrastructure;
- (d) street tree;
- (e) street sign; or
- (f) other property vested in or under the control of the Council.

“Authorised Officer” means an authorised officer appointed under Section 224 of the Local Government Act 1989.

“Builder” means a person who has been nominated as the builder on the building permit, and if no such application has been made, the person in charge of the building works being carried out.

“Builders Refuse” includes any potential stormwater pollutant, solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.

“Owner” in relation to a building means the owner of land on which the building is situated.

“Person in Charge” means the builder, or the property owner, or the person in control of the building site if that person is not the builder and in the case of a company each director of that company.

“Road” includes a street; right of way; any land reserved or proclaimed as a street or road under the *Crown Land (Reserves) Act 1978* or the *Land Act 1958*; a passage; a ‘cul de sac’; by-pass; a bridge or ford; a footpath, bicycle path or nature strip; any culvert, kerbing or other land or works forming part of the road.

“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 2 metres;
- (b) so as to be capable of preventing litter from being transported from a building site by wind; and
- (c) having not more than one access opening which:
 - i is fitted with a 2 metres high gate or gates which prevents or prevent litter from being transported from a building site when closed;
 - ii is located to correspond with the vehicle crossing referable to the building site; and
 - iii is securely closed when the building site is unattended;
 - iv. Such gate or gates must open only onto the building site and not the footpath;
- (d) such fence must be placed solely on the property and no part of the fence shall intrude onto Council land.

“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 number, as described on the Certificate of Title relevant to the land;
- (b) the street number allocated by the Council;
- (c) the name of the Principal Builder;
- (d) the name of the Person in Charge;
- (e) The postal address of the Person in Charge;
- (f) the contact telephone number or numbers for the Person in Charge.

“Stormwater Pollutant” means any material that upon entering the stormwater system, degrades the quality of stormwater to the detriment of the environment, including litter, sediment, soil, mud, concrete and concrete washings, plaster, brick and tile dust, paint, thinners and acid.

“Stormwater System” means stormwater system which provide for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

“Vegetation Protection Measures”

Vegetation Protection that includes exclusionary fencing and other remedial measures that encompass the Tree/Vegetation Protection Zone.

“Vegetation Protection Zone”

That area set aside to protect the above and below ground parts of a tree/s.

“Vehicle Crossing” means the vehicle crossing referable to and constructed for land in accordance with a construction plan approved by the Council.

“Waste Container” means a receptacle designed for the containment of litter, not less than 1m³ in volume and which is of robust construction with a hinged lid attached to it.

5. Preservation of Reserves, Parks and Public Areas

Council’s Local Law makes it an offence to drive any vehicle or equipment, or store any material, on a Council Park or reserve without first obtaining a permit from the Council.

It is also an offence to remove any tree, plant, vegetation or furniture (including seats, poles, signs, and litter bins (from any Council land).

Any person failing to comply with these requirements may receive on the spot fines of up to \$200 per offence, or court imposed fines of up to \$2000.

6. Protection of Council Assets

- 6.1 The Person in Charge of a building site is liable for any damage that is caused to Council’s asset as a result of building works from the date of commencement of works to the date of issue of the Certificate of Occupancy.
- 6.2 The Person in Charge of a building site must immediately report any damage to an asset to the Council.
- 6.3 It is the responsibility of the Person in Charge of a building site to ensure that any subcontractors engaged on the building site do not cause damage to any Council asset.
- 6.3 The Person in Charge must pay to the Council any costs incurred by the Council in rectifying or replacing an asset damaged as a result of building works of which he or she is in charge.
- 6.4 Damage to Council assets occurring after a Certificate of Occupancy is issued for a building, as a result of works to that property, will be the liability of the Property Owner who must pay to the Council any costs incurred by the Council in rectifying or replacing an asset damaged as a result of building works to their property. Any charges remaining unpaid will generate a charge against the property and will incur interest at the applicable local government rate as notified in the Government Gazette.

7. Protection of vegetation

- 7.1 Controls over the removal, destruction and lopping of vegetation exist in many parts of Banyule under the provisions of the Banyule Planning Scheme.

- 7.2 Construction activity can threaten the health of trees and vegetation, particularly in a municipality such as Banyule where established and mature vegetation is prevalent. If vegetation is not adequately protected, immediate and long term irreparable damage may result.
- 7.3 Prior to commencement of development appropriate measures to protect vegetation must be set in place prior to any activity on the site and are required to be retained until completion of the works.
- 7.4 Please note that a building permit may not identify if vegetation controls apply. In instances where only a building permit is required all necessary enquiries as to the status of the vegetation with regard to the Banyule Planning Scheme must be undertaken. Please note that street trees may be protected by both the Local Law and the Banyule Planning Scheme.
- 7.5 In some situations vegetation may be required to be retained and protected under endorsed plans with the specifications for protection provided within planning permit conditions. The endorsed plans may also show the location of the Tree / Vegetation Protection Zone. The vegetation protection zone will include fencing, signage and in some situations mulch and irrigation requirements. The fencing is vital and must be installed prior to the commencement of works in accordance with the vegetation protection zone plan and any permit conditions and thereafter maintained throughout all development activity. Fencing must be fixed in the ground and be sturdy enough to withstand knocks from construction activity.
- 7.6 Trees located in neighbouring properties may also require protection under the Banyule Planning Scheme, endorsed plans, or to avoid civil action.

8. Containment of Building sites

- 8.1 Building works must be contained entirely within a building site.
- 8.2 A building site must be provided with "site fencing" as defined.
- 8.3 Site fencing must be installed in a way that it will not be damaged or removed during the building works and must keep litter contained within the site and ensure public safety.
- 8.4 Any site fencing that is damaged or removed as a result of building works, or for any other reason, must be reinstated within 24 hours.

9. Building Site identification

- 9.1 Each building site must be identified with a "Site Identification" which displays the required information;
- 9.2 Such Identification sign must be clearly displayed at the front of the site and clearly visible from the road.

10. Safety of Building Sites and Surrounds

- 10.1 Building works must not cause detriment to pedestrian or vehicular traffic or be unsafe.

- 10.2 For the purposes of this *Code of Practice*, detriment to pedestrian or vehicular traffic will be caused by, and building works will be unsafe if there is or are:
 - 10.2.1 mud or debris on a road or footpath;
 - 10.2.2 materials referable to building works on a road or footpath;
 - 10.2.3 equipment referable to building works or other works on a road or footpath;
 - 10.2.4 excavation on or immediately adjacent to a road; or
 - 10.2.5 building works on a road or footpath.
- 10.3 All pedestrian walkways, footpaths and roadways must be kept free of materials and be safely trafficable.
- 10.4 Building residue, sand, mud, cement and the like must not be allowed to remain on road surfaces and footways.
- 10.5 Building materials must be stored on site and must be kept in a neat, tidy and safe state.
- 10.6 No fires may be lit on building sites at any time.
- 10.7 The Person in Charge of a building site must carry out any directions to clean up building materials or make safe a building site issued by an Authorised Officer.

11. Works on Roads or Council Land

- 11.1 A permit must be obtained from the Council prior to any works being carried out on a Council road or land.
- 11.2 Excavations/holes must be properly illuminated and either barricaded or temporarily sealed with cold mixed asphalt and left in a safe state.

12. Amenity Controls

- 12.1 Activities on a building site (including building works) must not damage or cause detriment to the natural or built environment in which the building site is located.

13. Waste and litter control

Where any building work is being carried out on any land, the Person in Charge of a building site must ensure that:

- 13.1 Litter and building rubbish from building works does not escape the building site.
- 13.2 Prior to any building works commencing, the building site is provided with a Waste Container as defined for the deposit of all building rubbish and litter.
- 13.3 All litter and building waste must be stored in the Waste Container.
- 13.4 The Waste Container must be emptied as soon as it is full and if necessary, a replacement container should be provided during the emptying process.
- 13.5 Bulk rubbish skips used on site must be removed immediately upon being filled. Such containers should not be left on site overnight, unless securely stored in an area fenced to at least 2 metres in height.

14. Storage of Building Materials

- 14.1 All building materials and equipment must be stored on site – NOT on the nature strip, footpath or roadway. This applies to materials removed from the site and deliveries of new materials.

- 14.2 Stockpiles of soil and building materials should be surrounded by silt fencing and located away from areas prone to wind and water, and away from any waterway or drainage lines.

15. Soil Stockpiles

- 15.1 Soil that is stripped from a building site must be stockpiled on the building site for re-use or be transported to a legal place of disposal.

16. Entry to Building Sites/ Delivery of Materials

- 16.1 Access to the site must be restricted to properly constructed crossovers.
16.2 A permit must be obtained prior to the construction of any vehicle crossover.
16.3 The Person in Charge of the building site must ensure that soil, mud, sand, concrete or other materials are not deposited on the footpath or road by vehicles or equipment leaving the building site.

16. Vehicles and vehicle loading

- 16.1 All loads on utilities, trailers and trucks must be secured to prevent litter blowing from vehicles. Vehicles delivering loose materials must have a cover to prevent sediment escaping.

18. Erosion and sediment control

- 18.1 Building works must not cause detriment to any stormwater drainage system, waterway or asset.
18.2 Detriment to a stormwater drainage system or asset will occur if:
17.2.1 material, equipment, litter, waste, mud, silt, sand or another product emanating from building works enters or interferes with the stormwater drainage system, waterway or asset; or
17.2.2 there occurs any alteration to or interference with a stormwater drainage system or asset, other than an alteration or interference authorised by Council permit.
18.3 To ensure no detriment occurs to stormwater drainage systems, waterways or assets, building sites must be provided with measures, facilities or equipment which ensure the retention of silt and soil on site, and the retention of other water borne particles and pollutants for later transportation to a legal place of disposal. Suggested means of control include sandbags, sediment fences and /or hay bales.
18.4 Mud and clay tracked onto the footpath or roadway must be immediately removed back to the site.

19 Site rehabilitation and landscaping

- 198.1 All areas disturbed by building activity should be stabilised, e.g. revegetated or reseeded promptly following completion of works.
19.2 Erosion and sediment control measures, such as sandbags, sediment fences or hay bales, should be kept in place until the site is fully stabilised and/or landscaped.

20. Control of Pollutants

- 20.1 Building sites must assign an area on site where concrete, brick and tile cutting can occur to restrict the spread of dust and slurry. If this is

not possible, then a filter system will be required to prevent this material from entering the stormwater system.

- 20.2 All paint, plaster and concrete washings must be confined to the building site and sediment control measures used to protect the stormwater system from pollution.

21. Noise

- 21.1 The noise level on the land must not exceed any level designated in any policy or guideline made under the Environment Protection Act 1970 (Noise Control Guidelines TG 302/92); AND
- 21.2 Building or other works that may produce noise may only be carried out on any land between the hours 7.00 am and 8.00 pm on weekdays and 9.00am and 8.00 pm on weekends and public holidays.
- 21.3 Deliveries and unloading of materials to the building site shall not take place outside of the times designated above.
- 21.4 No truck associated with the work should be left standing with its engine operating.
- 21.4 No radio or other amplified noise emanating from the building site, or any vehicle attending the building site, shall be capable of being heard from the inside of any neighbouring property with windows and doors.

22. Animals

- 22.1 Any animal taken onto any building site must be confined to the site, or kept under the effective control of a person by means of a leash.
- 22.2 The person in control of such animal shall ensure that any faeces from the animal are immediately collected and deposited via an onsite sanitary facility or a fully enclosed rubbish bin.
- 22.3 Animals taken onto a building site shall be provided with shelter, clean bedding and a fresh supply of water at all times the animal is on the site.
- 22.4 The person in control of the animal shall ensure that no noise emanates from the animal to the detriment of neighbouring properties.

23. Sanitary Facilities

Sanitary facilities must be provided on a building site at the commencement of and for the duration of building works, and must:

- 23.1 be either connected to the sewerage system by a licensed plumber in compliance with a permit issued by the appropriate water authority; or
- 23.2 be a portable, closed system, fitted with fresh-water flush and with a water seal;¹
- 23.3 contain a basin for hand washing;
- 23.4 be sited so that the door opening is not directly visible from the street or other neighbouring properties;
- 23.5 not cause odours or detriment to the amenity of the area in which the building site is located;
- 23.6 be maintained in a clean and sanitary condition at all times; and

¹ These units must have –

- (a) A fresh water holding tank of at least 60 litres
(b) A wasteholding tank of at least 400 litres.

© A rear evacuating point.

- 23.7 have a self latching door that can be securely closed at all times and locked when the building site is unattended.
- 23.8 must be stabilised to prevent the facility from blowing over.

24. Activity on Roads/ Footpaths

- 24.1 Council requires that these areas are kept clear for their normal use, and that footpaths are kept in a safe condition at all times during construction.
- 24.2 Builders and developers are required to discuss any proposed occupation of a part of a road, nature strip or footpath, park, reservation, laneway, right of way etc with Council officers beforehand and obtain an appropriate permit before works proceed.

25. Camping

A building site must not be used for camping.

26. Blasting Controls

The Person in Charge must notify the Council prior to carrying out any blasting within the municipal district.

27 Enforcement

Council Officers have powers under the Local Law and other State Government Legislation to enforce this Building Site *Code of Practice*.

Officers are available to provide advice and assistance where required. They can also attend sites at the commencement of a project to advise site managers and workers of the requirements of the Code.

Where offences are detected, these officers are authorised to issue on-the-spot Compliance and Infringement Notices. They also have the authority to enter sites and conduct investigations at any time.

Persons found committing an offence, who also refuse to provide their name and address to an officer may be guilty of a further offence, and they will be prosecuted further should they fail to cooperate with Council officers.