

SHIRE OF CAMPASPE

BUILDING & WORKS CODE OF PRACTICE

1. PREAMBLE

This Code of Practice (**the Code**) has been developed as a tool to manage the effects of building development within the Shire of Campaspe, to help protect infrastructure and supporting the wellbeing of local communities and the environment.

A strategic objective in the Council Plan for the Built Environment is to preserve and enhance public areas and infrastructure to provide safe, accessible and attractive places and facilities. This Code describes minimum performance requirements and encourages responsible building site management to reduce infrastructure damage and protect public amenity and safety. The Code applies to development of subdivisions, urban infill, rural development, commercial, industrial and residential building and demolition activities.

Major types of infrastructure damage occurring within the Shire of Campaspe include:

- (1) broken footpaths, kerb and drainage pits;
- (2) road pavement damage (sealed and unsealed);
- (3) silt on roads and in drains; and
- (4) pollution of downstream and receiving water bodies.

Residents who live next door to building sites often endure significant inconvenience and loss of amenity as a result of the conditions which prevail. Problems commonly encountered include:

- (1) storage of material and equipment on roads, footpaths and nature strips;
- (2) waste materials and litter not stored or removed in a responsible manner;
- (3) builders refuse such as wind blown litter, wrappings, containers, plastics, styrene, etc, escaping from the site; and
- (4) traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads.

2. OBJECTIVE

The objective of the Building and Works Code of Practice is to protect public assets and infrastructure during building work and to provide an environment where activities on and related to building sites and building work complement the safety and amenity of the public and the community.

3. RELATIONSHIP WITH GENERAL LOCAL LAW NO. 8 2015

The Code has been incorporated by reference in Council's General Local Law No.8 2015.

Clause 42 of the Local Law provides that:

- (1) The Building and Works Code of Practice is incorporated into this Local Law pursuant to section 112 of the Local Government Act 1989.
- (2) A person carrying out building works on a building site located within the Shire of Campaspe for which a building permit or planning permit has been issued and is not considered minor building works must:
 - (a) obtain an Asset and Amenity Protection Permit before commencing, or allowing to be commenced, any such building works, and
 - (b) comply with the Building and Works Code of Practice as amended from time to time.
- (3) In determining whether to grant an Asset and Amenity Protection Permit, Council must have regard to the Building and Works Code of Practice.

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4. DEFINITIONS

Any word defined in General Local Law No. 8 2015 has the same meaning in this Code of Practice. Further, in this Code of Practice:

- Asset and Amenity Protection Permit** means a written permit issued by Council for the protection of public assets and infrastructure during building work;
- Builder** means a person who has applied for a building permit or, an application has been made, a person carrying out building works on any building site;
- Builder's refuse** includes any 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, food wrappers and containers, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work;
- Building** includes any structure or building, whether temporary or permanent, or any part of such building or structure;
- Building site** means any parcel of Land on which building work is occurring as defined herewith;
- Building work** means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a building or installation of a swimming pool including landscaping, concreting, subdivision and road construction;
- Construction period** means the period in which building work is carried out;
- Hoarding** means an enclosure that separates a building site from adjacent properties during building works within business zoned precincts or areas of significant numbers of people;
- Minor building work** means building work valued at less than \$10,000, excluding demolition and removal of buildings and structures and installation of swimming pools (regardless of value);
- Owner** in relation to a building means the owner of land on which the building is situated;
- Private building** means any works undertaken on private land by a private person, business or their nominee that requires a building permit to be issued;
- Refuse facility** means a suitable rubbish receptacle capable of restricting debris and other waste from leaving a building site;
- Site fencing** means an enclosure that separates a building site from adjacent properties during building works, and:
- (a) is not less than 1.5 metres in height;
 - (b) is capable of preventing litter from being transported from the building site by wind;
 - (c) has not more than one access opening to the building site which is:
 - (i) fitted with gates not less than 1.5 metres in height that prevents litter from being transported from the building site by wind;
 - (ii) located to correspond with the location of the vehicle crossing for the building site;
 - (iii) kept closed at all times when building work is not in progress;

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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: <ul style="list-style-type: none">(a) the lot number, as described on the certificate of title relevant to the land;(b) the name of a person carrying out building work on the building site;(c) the postal address of a person carrying out building work on the building site;(d) the contact telephone number or numbers for a person carrying out building work on the building site;
Stormwater system	means a stormwater system which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways;
Temporary vehicle crossing	is a structure or material placed that extends from the road to the property boundary or to within the property boundary, sufficient to minimise the damage to public assets such as kerbs and footpaths and to stabilise ground so as to minimise the amount of mud or debris being trafficked by motor vehicles and materials entering and leaving the property during the currency of building work;
Vehicle crossing	is a physical means of entry or exit for vehicles from adjoining land to a roadway;
Waste	includes any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid) and includes putrescible waste, other residual wastes, and green waste.

5. ASSET PROTECTION

(1) Asset and Amenity Protection Permit

For the protection of public assets vested in Council and for the protection and safety of persons on, adjacent to, opposite, or passing a building site. Council requires a person carrying out building works on a building site for which a building permit or planning permit has been issued to undertake building work, but not including minor building work, must obtain an Asset and Amenity Protection Permit under 42(1) of the General Local Law No. 8 2015.

- (a) On the payment of an application fee as determined by resolution of Council, Council may grant an Asset and Amenity Protection Permit in respect of a building site.
- (b) An Asset and Amenity Protection Permit may allow a person to enter a building site from a road other than by a permanently constructed vehicle crossing whether or not public assets or infrastructure are likely to be damaged.
- (c) An Asset and Amenity Protection Permit may be subject to such conditions as Council determines including:
 - (i) the requirement for an asset condition report to be submitted by the applicant and for the report to form part of the approval;
 - (ii) requiring protection works to be done;
 - (iii) requiring the erection of site fencing or hoardings to the satisfaction of Council;
 - (iv) requiring that any or all public assets or infrastructure damage be repaired, replaced or re-instated within a specified time; and
 - (v) requiring a temporary vehicle crossing to be installed to Council's satisfaction before the commencement of any building work or delivery of any materials to the property, and be maintained for the duration of the building work.

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- (d) A person carrying out building works on a building site must repair, to the satisfaction of Council, damaged roads, channels, drains, vehicle crossings or other assets vested in Council which has been determined referable to the building site for which a permit has been obtained.
- (e) If an Authorised Officer identifies that damage has occurred as a result of non-compliance with the Code, the Authorised Officer may arrange for the damage to be reinstated and may seek reimbursement for costs associated with reinstatement, including administrative charges.
- (f) Where in the opinion of an Authorised Officer, an existing driveway crossing, footpath, kerb or other part of the road may be damaged, the person carrying out building works must, when requested, pay a bond to Council.
- (g) The amount of the bond required under clause 65 must be proportionate to the likely cost of repairing any damage and must be refunded on completion of the work or may be retained by the Council to off-set the costs of repairing any damage.
- (h) Where in the opinion of an Authorised Officer, the safety of persons on, adjacent to, opposite or passing a building site is at risk, the Authorised Officer may direct further protection works to be undertaken by the person carrying out the building works.

6. SITE CONTAINMENT & IDENTIFICATION

(1) Site Containment

A person carrying out building works on a building site must ensure that;

- (a) All building work is contained entirely within the building site;
- (b) Prior to the commencement of any building works, a building site must be provided with a hoarding or site fencing;
- (c) Site fencing is erected on the boundary of the building site's property line, and must not protrude in or on any land other than the building site where practicable;
- (d) If a builder has more than one adjoining building site then the site fencing may enclose all of the building sites under the builder's control;
- (e) Each section of the site fencing is erected as close as practicable to vertical at all times;
- (f) Site fencing must remain erected and in place until the completion of the building works;
- (g) Entry to the building site must not take place other than across the vehicle crossing for the building site;
- (h) Materials must not be deposited, stored or stockpiled on any part of the road without the approval of Council;
- (i) 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;
- (j) The requirement to provide site fencing under this clause may be varied by a permit where the permit holder is able to obtain public liability insurance cover for that part of the building site outside the property line.

(2) Site Identification

A person carrying out building works on a building site must provide site identification.

7. INSPECTIONS

- (1) Council may determine if and when inspections of building sites may be conducted.
- (2) Inspections of a building site may be conducted by an Authorised Officer.

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- (3) If an Authorised Officer identifies any damage during an inspection of a building site which appears to result from non-compliance with the Code, the Authorised Officer may direct a person carrying out building works on the building site to make the area safe and reinstate the damage within a specified time. The Authorised Officer will provide a person carrying out the building work on the building site with written confirmation either at the time of the inspection or within a reasonable timeframe.
- (4) If Council considers that building works on a building site has created a risk to the public that requires immediate action to make the area safe. Council will undertake appropriate action to remove the risk to the public and recover any costs associated with doing so, including the cost of after hour's attendance as part of the reinstatement costs.

8. ENVIRONMENTAL PROTECTION

(1) Noise

A person carrying out building works on a building site shall have regard to General Local Law No. 8 2015, Part 3 Environment 31 – Dangerous and Unightly Land and Nuisances, regulations, standards and guidelines issued from time to time by the Environment Protection Authority.

(2) Stormwater Protection

Where any building work is being carried out, a person carrying out building works on a building site must ensure that the building site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants or other associated builder's refuse in accordance with currently accepted best practice. This includes adoption of measures to:

- (a) minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads, adjoining land or washed into the stormwater system;
- (b) prevent building clean-up, wash down or other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system;
- (c) ensure all vehicles delivering materials to the site are prevented from depositing mud, sand, soil or stones onto council's road network;
- (d) ensure that any waste which has spilled onto the road, nature strip or surrounding area is removed as soon as practicable so that any residues are prevented from entering the stormwater system;
- (e) ensure that any footpath adjacent to the building site or likely to be affected by the building work is kept clear of mud and dirt at all times,
- (f) ensure that the building site is managed and controlled in accordance with the principals of best practice guidelines as issued from time to time by the Environment Protection Authority, Catchment Management Authority or any other relevant water authority or organisation that may come into operation.

(3) Dust

Where any building work is being carried out, a person carrying out the building work on a building site must ensure that the site is managed to minimise the risk of detrimental effects to the health and amenity of nearby residents through reduced visibility, reduced air quality and the effects of deposition of dust generated from the building site.

(4) Containment & Removal of Refuse

- (1) Where any building works (other than minor building work) is being carried out, a person carrying out building work on a building site must:
 - (a) provide a closed refuse facility for the purpose of disposal of builder's refuse which is of robust construction, not less than 1 cubic metre in volume and has a lid which is attached to the container with hinges and from which litter cannot escape;

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- (b) place the refuse facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) not place a refuse facility on any council land, road or street unless approved by Council;
 - (d) keep a refuse facility closed to prevent wind borne litter escaping from the refuse facility; and
 - (e) empty a refuse facility whenever full and, if necessary; provide a replacement facility during the emptying process.
- (2) The requirement to provide a refuse facility may be waived at Council's discretion.
- (3) During building works:
- (a) a person carrying out building works on a building site must ensure that all builder's refuse, which requires containment, is placed in the refuse facility referred to in clause 4(1);
 - (b) a person carrying out building works on a building site must ensure that builder's refuse is not deposited in, or on any land other than in accordance with clause 4(1); and
 - (c) a person carrying out building works on a building site must ensure that builder's refuse is not deposited in or over any part of the stormwater system.
- (4) Any land where building works is being, or has been, carried out, a person carrying out the building work on a building site must remove and lawfully dispose of all builder's refuse including, without limiting the generality of the above, the builder's refuse in the facility referred to in clause 4(1), within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (5) Council encourages responsible waste management and recycling of building waste.

9. SANITARY FACILITIES

(1) Sanitary Facilities

- (a) A person carrying out building works on a building site must not undertake or carry on any building work or other work necessitating the employment of persons on a building site unless a sewerer toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and serviced as required (as a guide at least monthly) for the use of the persons on that building site to the satisfaction of an Authorised Officer.
- (b) Notwithstanding sub clause 9(1)(a), where buildings are being constructed on adjacent building sites simultaneously by the same person and Council allows one sewerer toilet system or a fresh water flush with water seal type portable toilet (closed) system between them, no offence will arise.
- (c) An Authorised Officer may enter land at any reasonable time for the purpose of inspecting any sewerer toilet, portable toilet (closet) systems, urinals, pans, receptacles, plant and any other things and places for ascertaining compliance with this part.

10. PEDESTRIANS & TRAFFIC

(1) Pedestrian & Vehicular Traffic - Hazards & Safety

- (a) Building works must not cause an impediment or detriment to, or be carried out in an unsafe manner so as to pose a risk to the safety of, pedestrians and vehicles.
- (b) For the purposes of this clause, impediment, detriment and risk to safety to pedestrians or vehicular traffic may be caused by:
 - (i) mud or debris on a road or footpath; or
 - (ii) material referable to building works on a road or footpath; or
 - (iii) equipment referable to building works on a road or footpath; or

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- (iv) excavation on or immediately adjacent to a road or footpath; or
- (v) damage referable to building works on, or directly adjacent to, a road or footpath; or
- (vi) building work on a road or footpath
- (c) Works required to be undertaken within the road or road reserve may be subject to the requirement of a traffic management plan in accordance with section 99A of the Road Safety Act 1986 and Australian Standard AS 1742.3 traffic control devices for works on roads which should be in operation for the duration of the works.
- (d) For the purposes of this clause, the traffic management plan shall include provisions for the safe travel of all vehicular traffic, bicycles and pedestrians.

11. PRIVATE, COMMERCIAL & SUBDIVISION WORKS

(1) Buildings & Works Code of Practice

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 - (ii) comply with the Building and Works Code of Practice as amended from time to time.

The Shire of Campaspe Building & Works Code of Practice was adopted by Council on 20 October 2015.

..... Councillor

..... Councillor

..... Chief Executive Officer