



BUILDING & WORKS CODE OF PRACTICE

1. INTRODUCTION

This Building & Works Code of Practice (**the Code**) has been developed to manage the effects of building development within the municipality to ensure that any person who is responsible for building sites and building works 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;
- Windblown litter, wrappings, containers, plastics, styrene, or similar;
- Silt, sand, mud and litter with the potential for entering drainage systems or waterways;
- Traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads; and
- Unauthorised damage to and interference with Infrastructure Assets.

2. OBJECTIVE

The objective of the Code 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 do not interfere or have an adverse effect on the safety and amenity of the public and the community.

3. RELATIONSHIP WITH THE LOCAL LAW

The Code has been incorporated by reference in Council's Community Local Law 2023 forming part of the Local Law. A failure to comply with the Code constitutes an offence under the Local Law.

4. DEFINITIONS

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

Asset	means any: <ul style="list-style-type: none">(a) road;(b) footpath;(c) communications conduit or pit(d) drain;(e) waterway;(f) public park or reserve;(g) stormwater or drainage infrastructure;(h) street tree;(i) native vegetation;(j) street sign; or(k) other property vested in or under the control of the Council
Asset Protection Permit	means a written permit issued by Council for the protection of public assets and infrastructure during Building Work.
Building Site	means the land upon which Building Work is being undertaken and includes a work site.
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.
Council Officer	means any person appointed in writing by Council to be an Authorised Officer.
Diameter at breast height (DBH)	the nominal trunk diameter measured at 1300 millimeters above ground level determined from the circumference of the trunk divided by pi (π).
Hoarding	Fencing or barricades usually installed around a building site both to protect the public and to secure the site when unattended.

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).
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 (includes hoarding) 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 1500 millimetres; (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: <ul style="list-style-type: none"> (i) is fitted with a 1500 millimetres 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.
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 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.

Tree protection fence means a temporary fence of at least 1.8m high, fixed to the ground with concrete feet with the fence panels constructed of cyclone mesh wire or similar strong metal mesh or netting, with high visibility plastic hazard tape and secured to deter entry. The tree protection fencing must allow for free and clear passage of pedestrians on the footpath and adjacent portion of all affected streets.

Tree protection zone (TPZ) A is a specified area above and below ground and at a given distance from the trunk set aside for the protection of a trees roots and canopy to provide for the viability and stability of a tree but confined to the nature strip where it will not restrict the footpath or vehicle access. The TPZ is calculated by multiplying the DBH x 12.

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. ASSET PROTECTION PERMIT

- 5.1 To ensure that Council assets are adequately maintained and managed and that public safety is maximised during Building Works, the person in charge of Building Works or a Building Site is required to obtain an Asset Protection Permit prior to the commencement of Building Works (other than minor building works) which have the potential to damage Council assets.
- 5.2 Upon the payment of the application fee prescribed by Council, Council officers may issue an Asset Protection Permit in respect of any land where building works are to be carried out.

- 5.3 The person in charge of a Building Site must immediately report to the Council any damage to an asset.
- 5.4 The Asset Protection Permit will be subject to such conditions as Council may require, including:
- (a) payment of a refundable security deposit;
 - (b) repair, replacement or re-instatement of any or all Council assets or infrastructure damage within a specified time to Council's satisfaction; and
 - (c) 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.
- 5.5 Upon completion of the Building Works and Council receiving notification of the Final Certificate / Occupancy Permit (as applicable) having been issued, the amount of the refundable security deposit:
- (a) may be retained by Council to offset the costs of repairing any damage; or
 - (b) must be refunded to the person who lodged it, upon Council's satisfaction that no damage has been caused, or that any damage caused has been repaired by, or on behalf of that person to Council's satisfaction.
- 5.6 If a Council Officer identifies that damage has occurred as a result of noncompliance with the Code, the Council Officer may arrange for the damage to be reinstated and may seek reimbursement for costs associated with reinstatement, including administrative charges.

SITE CONTAINMENT

- 5.7 The person in charge must ensure that:
- (a) All Building Work is contained entirely within the Building Site;
 - (b) Prior to the commencement of any Building Work, a Building Site must be provided with a Hoarding or Site Fencing;
 - (c) Site Fencing is to be 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) Site fencing footings should be placed perpendicular to the property boundary, not side on to the boundary being defined;
 - (e) If the person in charge has more than one adjoining Building Site then the Site Fencing may enclose all of the Building Sites under the Builder's control;

- (f) Each section of the Site Fencing is to be erected as close as practicable to vertical at all times;
 - (g) Site Fencing must remain erected and in place until the completion of the Building Work;
 - (h) Regular inspections of the land should be undertaken to ensure fencing is intact;
 - (i) A hoarding permit is required if any part of the building works or machinery utilised in the building works is outside of the property, this includes the placement of concrete pumps;
 - (j) Materials, plant equipment, machinery or site sheds must not be deposited, stored or stockpiled on any part of the Road without the approval of Council; and
 - (k) Materials used for or during Building Works cannot be deposited, by wind or other means on any other Land other than the Building Site.
- 5.8 The requirement to provide Site Fencing under this clause may be waived or varied at Council's discretion.
- 5.9 Where buildings are being constructed on adjacent sites simultaneously by the same owner or builder, Council may waive the need to fence individual sites, provided all other requirements of the Code are met.

6. SITE IDENTIFICATION

- 6.1 The person in charge must ensure that a Building Site is provided with site identification at the commencement of and for the duration of Building Works to the satisfaction of an Authorised Officer.

7. INSPECTIONS

- 7.1 Council may determine if and when inspections of Building Sites may be conducted.
- 7.2 Inspections of a Building Site may be conducted by a Council Officer.
- 7.3 If a Council Officer identifies any damage during an inspection of a Building Site which appears to result from non-compliance with the Code, the Council Officer may direct the person in charge of the Building Site to make the area safe and reinstate the damage within a specified time. The Council Officer will provide the person in charge of the Building Site with written confirmation either at the time of the inspection or within a reasonable timeframe.

- 7.4 If Council considers that works on a Building Site have 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 hours attendance as part of the reinstatement costs.

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:
- (a) Do not cause odours or detriment to the amenity of the area in which the building site is located; and
 - (b) are maintained in a clean and sanitary condition at all times.
- 8.2 Council staff may enter any Building Site at any reasonable time for the purpose of inspecting any sanitary facilities required to be provided under this Code.

9. BUILDING SITE WASTE

- 9.1 The person in charge must ensure that waste produced as a result of Building Works (including items considered litter) are:
- (a) contained entirely within the Building Site;
 - (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 transported to a legal point of disposal; and
 - (e) Stored and contained in a manner that will prevent it from leaving the site by wind or other means.
- 9.2 When transporting waste from the Building Site, the person in charge must ensure that loads on utilities, trailers and trucks are secured to prevent such waste from leaving the vehicle by wind or other means.
- 9.3 The person in charge must be proactive in maintaining the cleanliness of the work site and surrounding area with regard to waste and litter.

10. WASTE CONTAINER

- 10.1 Where any Building Work (other than Minor Building Work) is being carried out, the person in charge of a Building Site must:

- (a) place the Waste Container 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,
 - (b) not place a Waste Container on any Council Land, Road or street unless approved by Council; and
 - (c) remove and lawfully dispose of all Builder's Refuse within 7 days of completion of the Building Work or issue of an occupancy permit, whichever occurs last.
- 10.2 Where a Waste Container is lawfully placed on Council Land, or a road, the Waste Container Permit holder must:
- (a) remove all waste, windblown or otherwise within a 3-metre radius of the container; and
 - (b) ensure the waste container is secured to prevent unlawful dumping occurring.
- 10.3 The requirement to provide a Refuse Facility may be waived at Council's discretion.

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 will be caused by, and Building Works will become unsafe, if there is or are:
- (a) mud or debris on a road, footpath or Council Land;
 - (b) materials referable to building works on a road, footpath or Council Land
 - (c) equipment referable to building works or other works on a road, footpath or Council Land;
 - (d) excavation on or immediately adjacent to a road, footpath or Council Land;
 - (e) building works in, on, under or over a road, footpath or Council Land; or
 - (f) Grass or vegetation growing from the land and encroaching on to the footpath.
- 11.3 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 Manual of Uniform Traffic Control Devices, Part 3: Traffic Control Devices for works on roads which should be in operation for the duration of the works.
- 11.4 For the purposes of this clause:

- (a) the traffic management plan shall include provisions for the safe travel of all vehicular traffic, bicycles and pedestrians; and
- (b) the traffic management plan must be prepared and implemented by appropriate trained and qualified persons in accordance with section 15 of *Road Management Act 2004* Code of Practice Worksite Safety -Traffic management.

12. STOCKPILES & DUST

- 12.1 The person in charge must ensure that soil or like material 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.
- 12.2 Soil or like material stockpiled on a Building Site must be stored in a manner that prevents the soil entering the environment in the form of air or water pollution.
- 12.3 The person in charge of 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.

13. BLASTING CONTROLS

- 13.1 The person in charge must notify Council prior to carrying out any blasting on the Building Site.

14. DRAINS, WATERWAYS, PARKS AND RESERVES

- 14.1 The person in charge must ensure that Building works do not cause detriment to any stormwater drainage system, waterway, public park, reserve, or asset.
- 14.2 Detriment to a stormwater drainage system, waterway, public park, reserve, or asset will occur if:
 - (a) material, equipment, litter, waste, chemicals, mud, silt, sand or another product emanating from building works enters or interferes with the stormwater drainage system, waterway, public park or reserve, or asset; or
 - (b) there occurs any alteration to or interference with a stormwater drainage system, waterway, public park or reserve, or asset.

- 14.3 To ensure no detriment occurs to storm water drainage systems or assets, the person in charge must ensure that the Building Site is 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.
- 14.4 The person in charge of a Building Site must ensure that water run off is not directed on to another property through the undertaking of Building Works.
- 14.5 Water from a Building Site should be directed to an approved point of discharge.

15. PARKING & ENTRY TO BUILDING SITES

- 15.1 The person in charge must ensure that there is provision for any vehicles associated with the Building Works or deliveries to park in a manner which is lawful and which does not impact or cause damage or detrimental impact on the surrounding area.
- 15.2 This may be achieved through the
 - (a) development of a parking management plan; or
 - (b) provision of parking on the building site.
- 15.3 The person in charge must ensure that the point of entry to a Building Site is by way of a vehicle crossing referable to and constructed for land in accordance with a construction plan approved by Council, which is protected by way of an approved covering at the commencement of and for the duration of the Building Works.
- 15.4 The person in charge must ensure that access to the Building Site is not attempted across the road reserve between the roadway and the property boundary or across vacant land, and that no parking of any vehicle owned or driven by a person working on the Building Site takes place on any nature strip adjacent to or within 100 metres of the building site.
- 15.5 A person in charge of Building Work must ensure that all points of entry into the Building Site is by way of a properly constructed vehicle crossing that is capable of protecting Council's assets.

16. TREE PROTECTION FENCING

- 16.1 Prior to the commencement of Building Works (including demolition of existing structures, site leveling or similar), tree protection fencing must be installed around any Council tree adjacent to the Building Site, generally in accordance

with Australian Standard AS 4970-2009 Protection of Trees on Development Sites. The tree protection fencing must meet the fencing requirements to the satisfaction of Council, including:

- (a) Be constructed of 1.8 metre high chain link fence and supported by concrete footings;
- (b) Provide for clear visibility of fire hydrants, driveway access, crosswalks and other infrastructure;
- (c) Provide for clear visibility of fire hydrants, driveway access, crosswalks and other infrastructure; and
- (d) Be maintained in good condition until the completion of all works on the land.

16.2 A sign must be affixed on all visible sides of the tree protection fence, stating "Tree Protection Zone – No entry without permission from Manningham City Council".

16.3 The person in charge must ensure that, inside the Tree Protection Zone:

- (a) There is no vehicular or pedestrian access;
- (b) The existing soil level is not altered either by fill or excavation;
- (c) The soil is not compacted, and the soil's drainage is not changed;
- (d) No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are stored or disposed of;
- (e) There is no refuelling, no preparation of chemicals, including preparation of cement products, and no wash down or cleaning of equipment;
- (f) No equipment, machinery or material is stored;
- (g) Open trenching to lay underground services (e.g. drainage, water, gas) is not used unless prior approval to tunnel beneath the site has been granted by Council; and in the event that approval is granted by Council to tunnel beneath the site, a qualified Arborist is on site to oversee this process;
- (h) Nothing whatsoever, including temporary services, wires, nails, screws or any other fixing device, is attached to any tree;
- (i) No building or any other structure is erected;
- (j) No temporary or permanent utilities or signs are installed; and
- (k) No fires are lit; and
- (l) There is no physical damage to the tree, and tree roots are not severed or injured.

17. NOISE AND VIBRATION

- 17.1 A person in charge of a Building Site will have regard to section 4 of the EPA Publication 1834 when they are scheduling works to occur on the land.
- 17.2 Where a person in charge of a Building Site wishes to conduct works which will cause an impact outside of Normal Working Hours (as set out in the EPA Publication 1834) the person in charge must obtain approval from Council before undertaking the works.

18. ENVIRONMENT PROTECTION CONTROLS

- 18.1 Activities on a Building Site (including Building Works) must not damage or cause detriment to the natural or built environment within or surrounding the land which the building site is located.
- 18.2 A person in charge of a Building Site must ensure that the general condition of the building site is not kept in a dangerous or unsightly manner.
- 18.3 A person in charge of a Building Site must immediately remove graffiti or other material from a site fence or hoarding.
- 18.4 A person in charge of building works must comply with EPA Publication 1834 Civil Construction, building and demolition guide.