



Building and Works Code of Practice

**Annexure to the Baw Baw Shire Council
Community Local Law 2016**

BAW BAW SHIRE COUNCIL - BUILDING AND WORKS CODE OF PRACTICE

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PART 1 - INTRODUCTION

Preamble

- (1) This Code of Practice (the Code) has been developed as a tool to manage the effects of building development within Baw Baw Shire.

The Code establishes requirements for the protection of the public and Council assets adjoining construction sites.

Whilst the Council encourages appropriate construction, it is crucial that public protection is of paramount importance.

Unsafe building practices are a cause of great concern to the community and Council. Residents who live near building sites often endure significant inconvenience and loss of amenity as a result of the conditions which prevail. Problems commonly encountered include:

- Broken footpaths, kerb and drainage pits.
- Road pavement damage.
- 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 etc. polluting the environment in surrounding public land, private property and associated waterways.
- Silt, sand, mud, dirt and various debris fouling the road pavement and storm water systems.
- Traffic and pedestrian hazards as a result of waste, mud, materials and equipment being left on roads, footpaths and nature strips.
- Unauthorised damage to and interference with Council infrastructure assets etc.

Objectives

- (2) The objectives of the Building and Works Code of Practice are:
- To minimise the risk of injury to the public;
 - To protect public assets and infrastructure during building work; and
 - To effectively control nuisance associated with building work.

Relationship with the Community Local Law

- (3) This Code of Practice has been incorporated by reference into the Baw Baw Shire Council Community Local Law 2016.

Clause 5.1 of the Community Local Law provides that:
“A person undertaking building works must comply and ensure compliance with Council’s Building and Works Code of Practice.”

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Definitions

- (4) Any word or term defined in the Baw Baw Shire Council Community Local Law 2016 has the same meaning in this Code of Practice.

Further, in this Code of Practice:

asset	Means any: <ul style="list-style-type: none">(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.
barrier	Means a fence, hoarding, rail, traffic cone, pedestrian control sign or barricade erected for the exclusion of the public and/or the control of noise, dust or debris.
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, whether temporary or permanent, or any part of such structure within the meaning of the definition of building in the <i>Building Act 1993</i> .
catch fan	Means an angled platform which is attached to a scaffold or perimeter of a building to contain unintentional falling debris.
construction period	Means the period in which building work is carried out.
Council Officer	Means any person appointed in writing by Council to be an Authorised Officer or delegate for specified purposes or functions in accordance with an Act or Regulation.
crane	Means any lifting or hoisting device including tower cranes, mobile cranes, travel towers, cherry pickers or the like.
gantry	Means a structure, which covers a road, footpath or public way and provides protection both from the side and overhead.
Hoarding	Means a high temporary fence or structure enclosing a demolition or building site during building works, to restrict access and provide protection to the public.

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minor building works	Means building work with a total estimated cost including labour and materials of less than \$12,000 and for which a building permit is required pursuant to the provisions of the <i>Building Act 1993</i> .
owner	Means the owner of land on which the building is situated.
perimeter scaffold	Means a temporary structure specifically erected to support access platforms or working platforms and to provide overhead and side protection around a building.
person	Includes a corporation, public body, trust, or association whether incorporated or otherwise.
Relevant building surveyor	Has the same meaning as in the <i>Building Act 1993</i> .
refuse facility	Means a rubbish receptacle capable of restricting debris and other waste from leaving a building site that is suitable in the opinion of an Authorised Officer.
road	Has the same meaning as in the <i>Local Government Act 1989</i> and includes a street as defined in the <i>Building Regulations 2006</i> .
safety fencing	Means heavy duty chain-wire mesh fencing having a minimum height of 1.8m.
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 an enclosure that separates a building site from adjacent properties, public land or a road during building work that: <ul style="list-style-type: none">(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:<ul style="list-style-type: none">i. Located to correspond with the location of the vehicle crossing for the building site,ii. 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, that 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 name of the person in charge;
 - c) The postal address of the person in charge; and
 - d) The contact telephone number or numbers for the person in charge.
- 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 Means a structure or material 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 building works.
- 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 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.

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PART 2 – PERMITS AND CONSIDERATIONS

Public Protection Permits

(5) Pursuant to clause 5.4 of the Community Local Law 2016, a person must not undertake any of the following activities without a permit:

- (a) occupy or fence off part of a road or public place; or
- (b) erect a hoarding, gantry, scaffolding or site shed on or over a road; or
- (c) operate a crane, hoist, lift, travel tower or similar machinery or devices on or above a road or public place; or
- (d) make a hole or excavation in or adjacent to a road or public space; or
- (e) fill a hole or excavation in or adjacent to a road or public space; or
- (f) remove, damage or interfere with a temporary traffic signal, sign, barrier or other structure erected to protect pedestrians or regulate traffic.

Considerations

(6) The following factors are some but not all, of the matters that should be considered in relation to building works:

- Nature and duration of required public protection;
- The changing needs of public protection throughout the duration and staging of the building works.
- Width of footpath and extent of hoarding intrusion required;
- Pedestrian access, including disabled and pram access;
- Obstructions such as street lighting, street furniture, trees, signage and bus stops, including any temporary relocation;
- Site security;
- Location of services and access to service pits, hydrants etc.;
- Dust, noise and dirt control;
- Material delivery times and frequency of deliveries;
- Signage and goods displayed by adjoining businesses required to be unobstructed;
- Electrical hazards;
- Pedestrian slipping and tripping hazards;
- Night lighting;
- Structural strength and stability of temporary structures proposed;
- Location of site sheds;
- Visibility of traffic signals;
- Catch fans or the like to trap falling debris near the source in multistorey construction;
- Effect on amenity of adjoining properties; and
- Any other hazards and likely associated risks

Documentation Required

(7) A permit application under clause 5.4 of the Community Local Law 2016 should include the following where applicable.

- Site plan, showing all footpath or roadway details.
- Location of service pits, fire hydrants, trees, street furniture, public transport stops and building or site access should be marked on the plan.

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- Architectural and Structural plans, sections and street elevation to a scale of 1:100 including all necessary dimensions.
- Construction and structural details, including structural connections and footings.
- Program of building works and building stages.
- Lighting and general public amenity.
- A services map detailing all services that could be influenced or hindered by the erection of precautions.
- Computations, drawings, specifications and geotechnical reports for all shoring, retaining walls or similar works or structures either temporary or permanent, that are designed or intended to support a road or public place.
- A bond as required for the purpose of maintenance or removal of the structure if required for public safety and amenity, and reinstatement of any damage to Council's assets.
- Evidence of a public liability policy indemnifying Baw Baw Shire Council.

Proposed

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PART 3 – PUBLIC PROTECTION

Hoardings and Safety Fencing

- (8) The general requirements that must be met in relation to hoardings and safety fencing are:
- (a) The size and shape of all hoardings and safety fencing erected on Council property must be to the satisfaction of an Authorised Officer.
 - (b) Hoardings shall be used in preference to safety fencing and safety fencing shall not be permitted and is prohibited unless otherwise approved in writing by Council.
 - (c) Hoarding screens must be constructed of closely boarded timber or plywood between 1.8m to 2.4m in height to secure a building site and form a barrier against noise, dust and debris.
 - (d) Hoardings are to be designed to withstand wind loads to AS1170.2 with counterweights as necessary to prevent overturning. In addition, hoardings adjoining excavations are to be designed to withstand a lateral line load of 0.75 kN/m applied at a height of 1 metre from the base and suitably guarded by barriers to prevent vehicular impact.
 - (e) Hoardings and barricades must be in good condition, free from graffiti and maintained to the satisfaction of the Council. They should be painted in a uniform colour, preferably white.
 - (f) All building work or site work must be contained within the hoarding.
 - (g) Adequate safety lights must be provided to the satisfaction of the Council and generally in accordance with AS1742. All lights must be kept lit from sunset to sunrise.
 - (h) Putrescible, dangerous or hazardous substances must not be placed within or stored in any public place.
 - (i) Hydrants, service pits, or other street furniture must not be covered, or access impeded, in any way.
 - (j) No advertisements or bill posters other than the contact board is to be affixed to hoardings without prior approval of the Council.

Temporary Road Closures

- (9) Subject to the approval of Council, a road closure for a short duration may be the most practical method of implementing public protection. Road closures, including those for a short term duration shall not occur without written consent from Council. In this case, written notification of at least 10 working days must be provided to Council.

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Gantries

- (10) A gantry shall be erected where other forms of overhead protection are considered inadequate or require supplementation. A hoarding or perimeter scaffolding is normally used in conjunction with a gantry.

A gantry shall be erected where deemed necessary by the Relevant Building Surveyor or Council. The design and minimum construction standard for a gantry system must be approved by Council prior to erection of the structure.

Perimeter Scaffolding and Catch Fans

- (11) Perimeter scaffolding is generally used on demolition sites and in multistorey construction; a catch fan is generally used in conjunction with a perimeter scaffold.

Scaffolding must comply with the following:

- (a) Where access is provided under a scaffold the coverway, it shall satisfy the same design criteria as gantries. Once the scaffold has been erected, any temporary bracing or obstacles at ground level must be immediately removed to allow unobstructed pedestrian access. A width of not less than 1.2 metres and a headroom clearance of 2.4 metres are required for pedestrian access. Couplings or exposed tube ends shall be lagged.
- (b) Unless otherwise approved by Council, no scaffold standards or other parts thereof, including catch fans, are to be erected on a footpath nearer than 750mm to the back of the kerb.
- (c) Scaffolding must be well lit and lighting maintained between sunset and sunrise.
- (d) Catch fans that project beyond the face of the scaffold must not be installed at a height of less than 2.4m above the surface of the footpath, unless otherwise approved by Council in writing.
- (e) The outside face of the scaffolding shall be continuously lined with shade cloth and fans decked with scaffolding planks.
- (f) Scaffolding, scaffolding planks, and shade cloth must be properly secured to resist winds.
- (g) All scaffolds are to be structurally sound, comply with Australian Standards and Work Safe Guidelines.

Excavations Adjoining a Road or Public Places

- (12) The general requirements in relation to excavations adjoining roads and public places are:
- (a) All excavations accessible to the public must be suitably guarded or fenced.
 - (b) Where an excavation is proposed adjoining a road or beyond the street alignment, suitable protection works to support the road must be provided.

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- (c) The stability of all services or structures belonging to any service authority and adjoining an excavation shall be maintained. The consent of all service authorities shall be obtained before commencement.
- (d) The maximum width of a vertical excavation (temporarily unsupported) shall be 2.5m or less if specified by a geotechnical engineer.

Proposed

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PART 4 –ASSET PROTECTION

Asset Protection Permit

- (13) 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 the person in charge of a building site or works site to obtain an asset protection permit. This does not include sites on which minor building work is being undertaken. See clause 5.2(1) of the Baw Baw Shire Council Community Local Law 2016 for more information.
- (a) On payment of an application fee, Council may grant an asset protection permit in respect of a building site.
 - (b) An asset 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 protection permit may be subject to such conditions as Council determines including:
 - (i) Requiring protection works to be completed.
 - (ii) Requiring the erection of site fencing or hoardings to the satisfaction of Council.
 - (iii) Requiring that any or all public assets or infrastructure damage be repaired, replaced or reinstated within a specified timeframe.
 - (iv) 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.
 - (d) The person in charge of a building site must repair, to the satisfaction of Council, damaged roads, channels, drains, vehicle crossings, nature strips or other assets vested in Council which has been determined referable to the building site for which a permit has been obtained.
 - (e) If a Council Officer identifies that damage has occurred as a result of non-compliance with this Code of Practice, the Council Officer may arrange for the damage to be reinstated and may seek reimbursement for the costs associated with reinstatement, including administrative charges.

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PART 5 – SITE CONTAINMENT AND IDENTIFICATION

Site Containment

(14) The person in charge of 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 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) 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 to be 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 work.
- (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) The requirement to provided site fencing under this clause may be waived or varied at Council's discretion.

Site Identification

(15) The person in charge of a building site must provide site identification by means of a sign which is at least 600 millimetres in height and 400 millimetres in width, that 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 name of the person in charge;
- (c) The postal address of the person in charge; and
- (d) The contact telephone number or numbers for the person in charge.

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PART 6 – INSPECTIONS

Inspections

- (16) Council may determine if and when inspections of building sites may be conducted.
- (17) Inspections of a building site may be conducted by an Authorised Council Officer.
- (18) If an Authorised Council Officer identifies any damage during an inspection of a building site which appears to result from non-compliance with the Code of Practice, the Authorised 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 Authorised 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.
- (19) If an Authorised Council Officer forms the opinion that public protection is required or public protection is non-compliant with this Code of Practice or a permit or approval granted by Council, the Authorised Officer may direct the owner of the land or the person in charge of the building site to make the area safe and/or alter or install additional measures of public protection.
- (20) 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.

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PART 7 – ENVIRONMENTAL PROTECTION

Noise

(21) The person in charge of a building site shall have regard to the policies, regulations, standards and guidelines issued from time to time by the Environmental Protection Authority in relation to noise.

Stormwater Protection

(22) Where any building work is being carried out, the person in charge of 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 waste 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 road abutting roads, adjoining land or washed into stormwater system.
- (b) Prevent building cleanup, 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 principles of relevant best practice guidelines as issued from time to time by the Environmental Protection Authority, Melbourne Water, Gippsland Water or any other relevant organisation that may come into operation.

Dust

(23) Where any building work is being carried out, 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.

Containment and Removal of Refuse

(24) Where any building work (other than minor building work) is being carried out, the person in charge of 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.
 - (e) Empty a refuse facility whenever full and, if necessary, provide a replacement facility during the emptying process.
- (25) The requirement to provide a refuse facility may be waived at Council's discretion.
- (26) During building work:
- (a) The person in charge of a building site must ensure that all builder's refuse which requires containment is placed in the refuse facility referred to in clause 24.
 - (b) The person in charge of a building site must ensure that builder's refuse is not deposited in, or on any land other than in accordance with clause 24.
 - (c) The person in charge of a building site must ensure that builder's refuse is not deposited in or over any part of the stormwater system.
- (27) The person in charge of a building site where work is being or has been carried out must remove and lawfully dispose of all builders' refuse within seven days of completing the building work or issuing of an occupancy permit, whichever occurs last.

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PART 8 – SANITARY FACILITIES

Sanitary Facilities

- (28) The person in charge of 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 seweried 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 the Council.
- (29) The sanitary facilities shall not be installed or erected outside the boundaries of the allotment/s upon which the building work is occurring without written consent from Council.
- (30) Sanitary facilities shall not be installed or erected in a location where they are offensive or cause a nuisance.
- (31) Notwithstanding Clause 28, where buildings are being constructed on adjacent building sites simultaneously by the same person and Council allows one seweried toilet or fresh water flush with water seal type portable toilet (closed) system between them, no offence will arise.
- (32) A Council Officer may enter into or upon any premises, yard or land at any reasonable time for the purpose of inspecting any seweried toilet, portable toilet (closed) systems, urinals, pans, receptacles, plant and any other things and places therein and thereon and for ascertaining compliance with this part.