



FRANKSTON CITY COUNCIL

BUILDING AND WORKS CODE OF PRACTICE

April 2015

Frankston City Council

Building and Works Code of Practice

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Table of Contents

1. PREAMBLE	1
2. OBJECTIVES	2
3. RELATIONSHIP WITH GENERAL LOCAL LAW 2012 No. 7	2
4. DEFINITIONS	2
5. CONTAINMENT OF BUILDING SITES	4
6. ENTRY TO BUILDING SITES.....	4
7. BUILDING SITE IDENTIFICATION.....	4
8. SANITARY FACILITIES	5
9. BUILDING SITE WASTE.....	5
10. LITTER.....	5
11. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY	5
12. SOIL STOCKPILES.....	6
13. BLASTING CONTROLS.....	6
14. ENVIRONMENT PROTECTION CONTROLS.....	6
15. DRAINS, WATERWAYS, PARKS AND RESERVES	6
16. ASSET PROTECTION PERMIT	7
17. VEHICLE CROSSING APPROVAL	7
18. ROAD OPENING PERMIT.....	7
19. COUNCIL TREES – TREE PROTECTION FENCING	8

1. PREAMBLE

This Code of Practice has been developed to ensure that all personnel who are responsible for building sites and building works understand the minimum acceptable standards under which they operate.

The Code of Practice was initially developed and adopted by Council in April 2006, following the inception of the issuing of building permits by private building surveyors. At that time, the standard of many building sites in the municipality had fallen below an acceptable level. Unsafe practices had become common, and were a cause of great concern to Council and the community. Many residents living near building sites were enduring significant inconvenience and loss of amenity as a result of the conditions which then prevailed.

The Code of Practice addresses problems that were commonly encountered at the time, including:

- Unauthorised 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 litter, wrappings, containers, plastics, styrene, etc;
- Silt, sand, mud, pollution and litter fouling storm water systems;
- 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, etc.

This version of the Code of Practice has been amended to update the references to Council's General Local Law (which has itself been amended). The main additional changes from the April 2006 version to this version consist of:

- clarification of the requirements in relation to the storage of site waste;
- strengthening of protections for Council's trees, waterways and reserves; and
- incorporation of Council's requirements in relation to tree protection fencing for any Council trees located in road reserves, nature strips or reserves, which have previously been set out only in planning permit conditions.

2. OBJECTIVES

The objectives of this Code of Practice are:

- (a) to provide an environment where activities on and related to building sites and building works complement the safety and amenity of the public and the community;
- (b) to protect public assets and infrastructure during building works; and
- (c) to provide for a permit system (Asset Protection Permit) including payment of a security deposit.

3. RELATIONSHIP WITH GENERAL LOCAL LAW 2012 No. 7

This Code of Practice has been incorporated by reference into Council's General Local Law 2012 No. 7. Clause 3.4 of that Local Law provides that: "The Person in Charge of building works or a building site must ensure that an Asset Protection Permit is applied for and issued prior to commencing, or allowing to be commenced, any such building works, and Council's Code is complied with". The Code referred to in that clause is this Code of Practice.

4. DEFINITIONS

Any word or term defined in General Local Law 2012 No. 7 has the same meaning in this Code of Practice. Further, in this Code of Practice:

- "asset"** means any:
- (a) road;
 - (b) drain;
 - (c) waterway;
 - (d) public park or reserve;
 - (e) drainage infrastructure;
 - (f) street tree;
 - (g) native vegetation;
 - (h) street sign; or
 - (i) other property vested in or under the control of the Council.

- "person in charge"** in relation to clause 13 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 on which the building works are being carried out or the building site is located.

"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 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:
 - (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.

"tree protection fence" means a temporary fence of at least 1.8 metres in height, constructed using steel or timber posts, fixed in the ground or to a concrete pad, with the fence's panels constructed of cyclone mesh wire or similar strong metal mesh or netting, with a high visibility plastic hazard tape.

"tree protection zone" or "TPZ" means the area surrounding a Council tree, which is required to be inside the tree protection fence. The tree protection zone is calculated as the diameter of the tree's trunk, measured at 1.3 metres above the ground x 12, but confined to the nature strip where it will not restrict the footpath or vehicle access.

"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 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**.

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

"Vehicle Crossing Approval" means a written approval issued by Council to construct, install or alter a vehicle crossing.

"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. CONTAINMENT OF BUILDING SITES

- 5.1 Building works must be contained entirely within a building site.
- 5.2 A building site must be provided with **site fencing**.
- 5.3 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 Building and Works Code of Practice are met.

6. ENTRY TO BUILDING SITES

- 6.1 The point of entry to a building site must be by way of a **vehicle crossing**.

7. BUILDING SITE IDENTIFICATION

- 7.1 A building site must be provided with **site identification**.

8. SANITARY FACILITIES

- 8.1 **Sanitary facilities** must be provided on a building site at the commencement of and for the duration of building works, and must:
- 8.1.1 not cause odours or detriment to the amenity of the area in which the building site is located;
 - 8.1.2 not leak effluent or chemicals into the environment; and
 - 8.1.3 be maintained in a clean and sanitary condition at all times.

9. BUILDING SITE WASTE

- 9.1 Waste produced as a result of building works must be:
- 9.1.1 contained entirely within the building site, unless in accordance with clause 2.15 of General Local Law 2012 No. 7;
 - 9.1.2 stored in a manner that does not attract the depositing of waste from sources other than the building site;
 - 9.1.3 securely stored in a **waste container**, and not cause detriment to the visual amenity of the area in which the building site is located; and
 - 9.1.4 disposed of regularly and to a legal point of waste disposal.

10. LITTER

- 10.1 Litter that is capable of being blown off the building site by wind must be stored in a **waste container**.

11. PEDESTRIAN AND TRAFFIC HAZARDS, AND SAFETY

- 11.1 Building works must not cause detriment to pedestrian or vehicular traffic or be unsafe.
- 11.2 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:
- 11.2.1 mud or debris on a road;
 - 11.2.2 materials referable to building works on a road;
 - 11.2.3 equipment referable to building works or other works on a road;

11.2.4 excavation on or immediately adjacent to a road; or

11.2.5 building works on a road.

11.3 Sub-clause 11.2 does not apply if the works have been authorised in writing by Council beforehand.

12. SOIL STOCKPILES

12.1 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.

12.2 Soil 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.

13. BLASTING CONTROLS

13.1 The ***person in charge*** must notify the Council and obtain all statutory approvals prior to carrying out any blasting within the municipal district.

14. ENVIRONMENT PROTECTION CONTROLS

14.1 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.

15. DRAINS, WATERWAYS, PARKS AND RESERVES

15.1 Building works must not cause detriment to any stormwater drainage system, waterway, public park or reserve, or ***asset***.

15.2 Detriment to a stormwater drainage system, waterway, public park or reserve, or ***asset*** will occur if:

15.2.1 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

15.2.2 there occurs any alteration to or interference with a stormwater drainage system, waterway, public park or reserve, or ***asset***.

16. ASSET PROTECTION PERMIT

In order to ensure that the **assets** within the municipality are adequately maintained and managed and that public safety is maximised during building works, Council will require the **person in charge** of building works or a building site 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**.

- 16.1 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.
- 16.2 The Asset Protection Permit will be subject to such conditions as Council may require, including:
 - 16.2.1 payment of a security deposit; and
 - 16.2.2 repair, replacement or re-instatement of any or all Council **assets** or infrastructure damage within a specified time;
- 16.3 Upon completion of the building works and Council receiving notification of the Final Certificate / Occupancy Permit (as applicable), the amount of the security deposit:
 - 16.3.1 may be retained by Council to offset the costs of repairing any damage; or
 - 16.3.2 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.

17. VEHICLE CROSSING APPROVAL

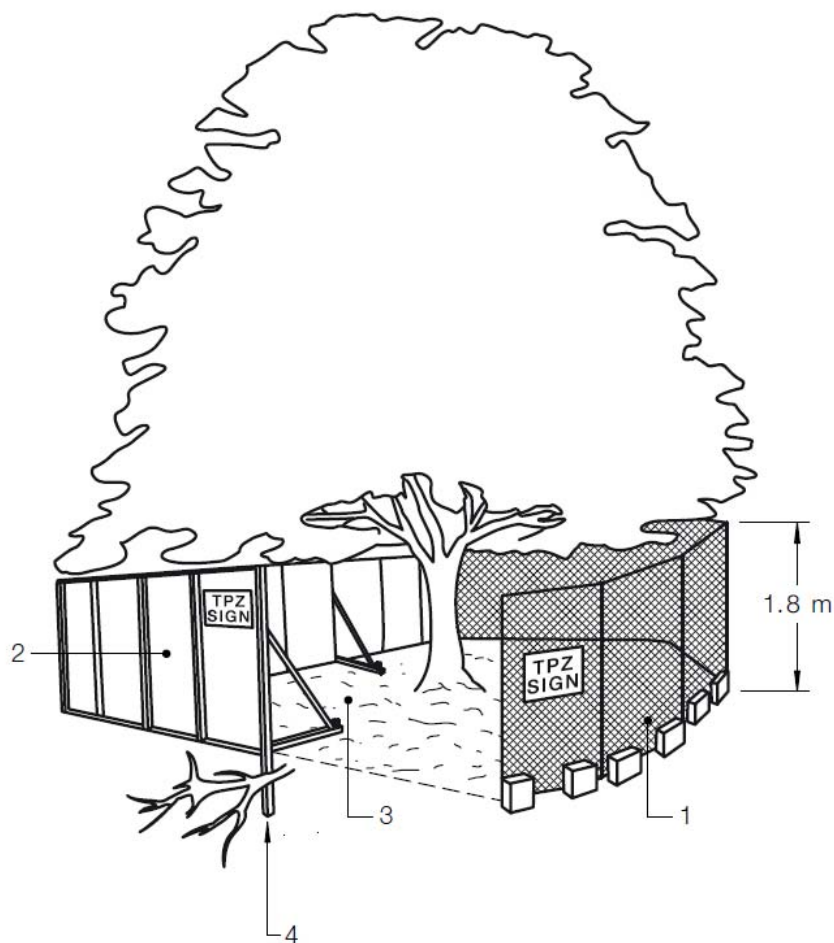
Clause 12 of Schedule 10 of the Local Government Act 1989 allows Council to grant approval for a person to construct, install, remove or alter a **vehicle crossing**. No such work is permitted without prior approval from an authorised Council officer. Construction of the **vehicle crossing** must be in accordance with Council's Specifications for Vehicle Crossing. (Refer Standard Drawing SD 310)

18. ROAD OPENING PERMIT

Refer to Section 63 of the Road Management Act 2004 and Clause 2.14 of Council's General Local Law 2012 No. 7.

19. COUNCIL TREES – TREE PROTECTION FENCING

- 19.1 Prior to the commencement of building works (including demolition of existing structures), a **tree protection fence** must be installed around any Council tree adjacent to the building site, in accordance with Australian Standard AS 4970-2009 *Protection of Trees on Development Sites*.



LEGEND:

- 1 Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
- 2 Alternative plywood or wooden paling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
- 3 Mulch installation across surface of TPZ (at the discretion of the project arborist). No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
- 4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

AS 4970-2009 Figure 3 - Reproduced with permission from SAI Global under Licence 1503-c111.

- 19.2 A sign must be affixed on all visible sides of the **tree protection fence**, stating “Tree Protection Zone – No entry without permission from Frankston City Council”.
- 19.3 The **person in charge** must ensure that, inside the Tree Protection Zone:
- 19.3.1 There is no vehicular or pedestrian access;
 - 19.3.2 The existing soil level is not altered either by fill or excavation;
 - 19.3.3 The soil is not compacted, and the soil’s drainage is not changed;
 - 19.3.4 No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are stored or disposed of;
 - 19.3.5 There is no refuelling, no preparation of chemicals, including preparation of cement products, and no wash down or cleaning of equipment;
 - 19.3.6 No equipment, machinery or material is stored;
 - 19.3.7 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;
 - 19.3.8 Nothing whatsoever, including temporary services, wires, nails, screws or any other fixing device, is attached to any tree;
 - 19.3.9 No building or any other structure is erected;
 - 19.3.10 No temporary or permanent utilities or signs are installed;
 - 19.3.11 No fires are lit; and
 - 19.3.12 There is no physical damage to the tree, and tree roots are not severed or injured.

At Ordinary Meeting OM270 on 13 April 2015, Council resolved to incorporate this Building and Works Code of Practice by reference into General Local Law 2012 No. 7.

Notice of the incorporation by reference was published in the Victoria Government Gazette on 14 May 2015.