

SOUTH GIPPSLAND SHIRE COUNCIL

# Building and Works Code of Practice 2024



*Annexure to the General Local Law 2024*

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# Part One – Preliminary



## Title

This Code of Practice is the "*Building and Works Code of Practice 2024*".

## Preamble

This Code of Practice (the Code) has been developed as a tool to manage the effects of building development within the municipal district, enhancing sustainable infrastructure and supporting the wellbeing of local communities and the environment.

The Code describes the minimum performance requirements and encourages responsible site management to reduce infrastructure damage and protect public amenity and safety.

The Code applies to developments of broadacre subdivisions, suburban infill and rural developments, commercial, industrial and residential building and demolition activities.

Major types of infrastructure damage occurring within the municipal district include:

- Broken footpaths, kerbs and drainage pits.
- Road pavement damage (sealed and unsealed).
- Silt on roads and in drains.
- Dispersal of builder's refuse.
- Pollution of downstream and receiving water bodies.

## Objective

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

## Relationship with the General Local Law 2024

This Code of Practice has been incorporated by reference into South Gippsland Shire Council's *General Local Law 2024*.

Clause 55 of the Local Law provides that:

1. A **builder, owner, occupier** or **appointed agent** must not carry out or allow to be carried out **building works** on or in respect of **private property** unless **Council** or an **Authorised Officer** has issued an **Asset Protection Permit** in respect of that **private property**.
2. An **Asset Protection Permit** may be subject to such conditions as **Council** or the **Authorised Officer** deems appropriate.

3. Without limiting sub-clause (2), an **Asset Protection Permit** may include a condition that the **permit holder** pays to Council a bond, in the form of a bank guarantee or such other form specified, before commencing the works to which the **Asset Protection Permit** applies.
4. A **builder, owner, occupier** or **appointed agent** of a **private property** must comply with any conditions or requirements in the **Asset Protection Permit** and **Council's Building and Works Code of Practice**.
5. The requirements of sub-clause (1) and (2) do not apply where **minor building works** are being undertaken.

## Definitions

Any word defined in the Local Law has the same meaning in the Code.



# Part Two – Building and Construction Site Amenity



## Site Identification

1. The **builder, owner, occupier** or **appointed agent**, prior to the commencement of any **building works**, must erect and maintain site identification in a conspicuous position accessible to the public, close to the main entrance to the **building site** which:
  - a. Is at least 600 millimetres in height and 400 millimetres in width; and
  - b. Is clearly visible and legible from the **road**; and
  - c. Contains the lot number, as described on the Certificate of Title, relevant to the **land**; and
  - d. Identifies the name, registration number, telephone contact number and postal address of the **owner, builder** or **appointed agent**; and
  - e. Identifies the name, registration number and contact details of the relevant building surveyor; and
  - f. Identifies the **building permit number** and the **date** of issue of the building permit.
2. The site identification must continue to be displayed and remain visible and legible for the duration of the **building works**.

## Site Fencing

1. The **builder, owner, occupier** or **appointed agent** must ensure that, prior to the commencement of any **building works** and for the duration of the **building works**, the site is provided with adequate site **fencing** or gates of a temporary or permanent nature, that:
  - a. Provides a banner to adequately prevent unauthorised access to the building site, for the duration of the building works.
  - b. Are not less than 1500 millimetres in height; and
  - c. Are capable of ensuring all materials and waste for or from the **building site** are contained within the boundaries of the **building site**; and
  - d. Are capable of preventing litter from being transported from the **building site** by wind; and
  - e. Have no more than one access opening to the **building site** which is located to correspond with the location of the existing or temporary **vehicle crossing** for the **building site**, and is kept closed at all times when **building work** is not in progress; and
  - f. When erected on the boundary of the **building site's** property line, it does not protrude into or onto any **land** other than the **building site**; and
  - g. May enclose more than one **building site** where the **owner, builder** or **appointed agent** is responsible for adjoining **building sites**.

## Vehicular Site Access

1. The **builder, owner, occupier** or **appointed agent** must ensure that vehicular entry to the building site takes place only across the existing **vehicle crossing** or a temporary **vehicle crossing**.

## Site Toilets

1. Where any **building works** are carried out on a **building site** that necessitates the employment of staff, or the engagement of other contractors or sub-contractors, the **builder, owner, occupier** or **appointed agent** must ensure that adequate toilet facilities are provided on the **building site**.
2. Where a temporary toilet is required to comply with sub-clause (1):
  - a. The temporary toilet must:
    - i. Include hand washing facilities;
    - ii. Be provided on the **building site** at all times; and
    - iii. Be a type approved by **Council**.
  - b. Servicing, maintenance and location of temporary toilets must be to the satisfaction of an **Authorised Officer** or **Delegated Officer**.

## Stormwater Protection

1. The **builder, owner, occupier** or **appointed agent** must ensure that, for the duration of the **building works**, the **building site** is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off chemicals, sediments, animal waste or gross pollutants or other associated **builder's waste** in accordance with currently accepted best practice. This includes, but is not limited to, 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; and
  - b. Prevent building clean-up, wash down and other wastes and builder's refuse being discharged offsite or allowed to enter the stormwater system; and
  - c. Ensure all **vehicles** delivering materials to the site are prevented from depositing mud, sand, soil, or stones onto **roads**; and
  - 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; and
  - e. Ensure that any footpath adjacent to the **building site** or likely to be affected by the **building works** is kept clear of mud, dirt, stones and all loose debris at all times.



## Containment and Removal of Building Site Waste

1. The **builder, owner, occupier** or **appointed agent**, prior to the commencement of any **building works**, and for the duration of the **building works**, must:
  - a. Provide a closed waste facility suitable for the disposal of **builder's** waste which may become wind-blown;
  - b. Place the waste facility on the **building site** and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the **building works**;
  - c. Ensure that all **builder's** waste which requires containment is placed in the waste facility;
  - d. Keep the waste facility closed to prevent wind-blown litter escaping from the waste facility;
  - e. Empty the waste facility whenever full and, if necessary, provide a replacement facility during the emptying process.
2. The **builder, owner, occupier** or **appointed agent**, upon completion of any **building works**, must remove and lawfully dispose of all **builder's** waste within 14 days of completion of the **building works** or issuing of an occupancy **permit**, whichever occurs last.

## Direction to Cease Building Works

1. An **Authorised Officer** or **Delegated Officer** may inspect a **building site** at any time and may direct any person found carrying out **building works** in contravention of the Local Law or a **permit** issued under this Local Law to cease carrying out those **building works** immediately or within any period the **Authorised Officer** or **Delegated Officer** deems as being reasonable.

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