# Building Site Data for each Council

## November 2021

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| Questions for Councils | Melbourne | Moreland | Moonee Valley | Hume |
| What is written in your general local law regarding litter on construction sites? | City of Melbourne Compliance and Local Laws  There is no specific Local Laws (LL) for litter on construction sites.  The management of litter from constructions sites is enforced via:   * the EPA 2017 litter provisions * Clause 9.4 of the LL. Specifically, adherence to the Construction Management Plan which usually covers management of waste * Clause 12.1 of the LL – authorisation required for discharge   Melbourne Local Law Refuse and waste  * Clause 12.10 to 12.16 - Waste  Storage and delivery of materials  * Clause 12.10 to 12.16 – Waste * Clauses 9.1 to 9.4 | Moreland General Local Law Refuse and waste 10.16 A person must on any building site:   * 1. provide a *refuse facility* for the purpose of disposal of builder's refuse to the satisfaction of an *Authorised Officer*;   2. *place* the *refuse facility* on the land and keep it in place (except for such periods as are necessary to empty the refuse facility) for the *construction period*;   3. empty the *refuse facility* whenever full, and, if necessary, provide a replacement refuse facility during the emptying process;   4. remove and lawfully dispose of all builder's refuse, including the builder's refuse in the *refuse facility*, within seven days of completion of the *construction period* or issue of an occupancy *permit* whichever occurs last; and   5. *place* all builder’s refuse in the *refuse facility;*   10.17 A person must not, without a permit place the refuse facility on any Council land or road. Storage and delivery of materials 10.18 A person must securely store or place materials associated with building works on the land.  10.19 A person must not, without a permit store or place materials associated with building works on Council land.  10.20 A person must not, without a permit store or place materials associated with building works on a road.  10.21 A person must not, without an Asset Protection permit, carry out or allow to be carried out equipment or material deliveries to land on which building work is being carried out. | Councils Activities and General Amenities Local Law 2018 state.  *4.32 On any land where building work is being, or has been, carried out, the owner, builder or appointed agent must comply with the Building Sites Guidelines, being a document incorporated by reference into this Local Law.*  The Building Site Guidelines which are an incorporated document state:  *2. Containment of builders’ refuse*  *2.1 Where any building work (other than minor building work) is being carried out on any land, the owner, builder or appointed agent must:*  *a) ensure that dust, litter, runoff and rubbish from a building site or an approved area where building works are being conducted does not escape the site or approved area;*  *b) provide a lidded container for the disposal of builders’ refuse to the satisfaction of Council;*  *c) place the container on the land away from the drainage flow and keep it in place (except for such periods as are necessary to empty the container) for the duration of the building work;*  *d) not place the container on any Council land, road or street without a relevant permit;*  *e) empty the container whenever necessary to maintain levels so that the lid can be fully closed. A replacement container should be provided during the emptying process; and*  *f) no dangerous or toxic materials are to be placed in these containers.*  *The requirement to provide a container may be waived at Council’s discretion.*  *2.2 For the purpose of identifying a person as described in item 2.1, a building site must include, by way of a sign, the name and contact details of the builder’s allocated site supervisor.*  *2.3 Where any building work is being carried out on any land, the owner, builder or appointed agent must manage the building site to ensure:*  *a) no storm water discharge from a building site will contain sediments or pollutants;*  *b) any potential storm water pollutant is contained or stored in a manner such as to prevent it escaping from the building site;*  *c) building works and materials must be contained entirely within the building site and/or within an area approved by Council or an Authorised Officer;*  *d) materials/stockpiles must be located away from drainage flows or contained using a method such as silt fencing;*  *e) no substances or materials are to be hosed or swept into a Council storm water drain;*  *f) vehicles must be cleaned of concrete, clay or dirt before leaving the site, to prevent spillage on roads. They must not be washed or swept down on a road or driveway connecting to a Council storm water drain; and*  g) any spillage of materials offsite must be cleaned up immediately.  All building sites are also subject to all litter and waste legislated under Environment Protection Act 2017. | “waste container” means the container that is designed for the containment of litter and waste material within the building site, and which is:   1. of robust construction; 2. not less than one cubic metre in volume; 3. has a lid which is attached to the container with hinges: 4. closed at all times to prevent wind borne litter escaping from the container; 5. emptied regularly; and not overfilled at any time.   General Local Law Refuse and wasteStorage and delivery of materials |
| Who enforces the local law and other litter infringements? | Council has numerous Asset Protection Officers (building sites) who are within the City of Melbourne Site Services Team. For further information, please CoM can provide contact details to assist with this enquiry  General Local Law officers (rubbish dumping)  We have approx. 32 Local Laws officer across 3 Day Teams and 2 Shift Team, including 5 Supervisors. Please note that is when we are at a full complement of staff. | Moreland has a number of authorised officer that work across different areas of Council that manage enforcement of General the Local Laws   * Asset Protection Officers manage active building sites * Local Law officers manage all other litter or dumped rubbish offences. | Local laws and Litter Infringements may be issued by any authorised officer under the Local Law within Council. | Asset Protection & Local Laws  Eg Council has XX Asset Protection Officers (building sites)  General Local Law officers (rubbish dumping) |
| Do your enforcement staff feel there are any gaps in your local law that make it difficult to enforce? | * State’s satisfaction of an Authorised officer – no clear guidance. * Nature strips are not included as part of sites * The current laws appear to be sufficient. Not aware of any issues in relation to waste from constructions sites at this time * The large construction sites tend to be compliant, it appears the smaller construction sites are more prone to illegal dumping | * states satisfaction of an Authorised officer – no clear guidance. * Nature strips are not included as part of sites | N/A | Only when there is no evidence. |
| What information is provided to builders? | Builders are required to consider and refer to local laws and are referred to CoM’s Site Services team – Local Laws in general wouldn’t be providing information to builders other than when compliance action is taken. | No general information is provided to builders at the beginning of a project. Education takes place on a case by case basis where required. | Local Laws and Building Site Guidelines | Local law & BWCOP |
| How many cases of non-compliance have you come across in the last 12 months? | * Approx 65 Litter offence issued – This is all litter not just construction sites (doesn’t include cigarette butts) * 12 breaches of clause 12.1 – Unauthorised discharge – This is all discharges not just construction sites |  | Unable to detail. | Multiple breaches—27-10-20 -27-10-21 1,519 cases |
| What are the repercussions for non-compliance and how many of these have been issued? Warnings? Fines? | Please refer to figures provided on question 5.  In general there is a zero tolerance policy for litter so no official warnings are issued | Infringements or court charge and summons issued. | Notices may be issued to direct offenders to remove litter, fines may be issued for continued non-compliance. | Warnings only used if builder on site and/or on occasion when unable to attend due to lockdown conditions due to covid. |
| Is enforcement of the local law routine or reactive (based on complaints)? | Enforcement is both proactive and actioning of complaints | General enforcement is reactive. | Inspections of Building Sites are undertaken on the receipt of a complaint. | Both |
| Are your enforcement officers part of EPAs in the litter enforcement officer network (LEON)? | No but we look forward to investigating LEON further. | All the Local Laws officers work with LEON. |  | Not Sure |
| Contact | Steve Dickson – Waste & Recycling | Ashley Herz – Unit Manager Compliance Operations | Brendon Browning – Team Leader City Compliance |  |