

INFORMATION SHEET - FAQ



GLENELG SHIRE COUNCIL LOCAL LAW 2018 - PART 5 PROTECTION OF COUNCIL ASSETS AND CONTROL OF BUILDING SITES

This Information Sheet should be read in conjunction with the Glenelg Shire Council General Local Law 2018, Part 5 - Protection of Council Assets and Control of Building Sites. The Local Law is available online at the Glenelg Shire Council web site www.glenelg.vic.gov.au or can be viewed at any Council Customer Service Centre.

It is the Owner and Builders responsibility to ensure that Council infrastructure assets are protected and not damaged as a result of building works on a site.

A Builder may obtain an Asset Protection Permit, however the Owner should ensure that an Asset Protection Permit is in place prior to commencing any building work. It is recommended that the Owner sight a copy of the Asset Protection Permit prior to authorising the Builder to commence building work.

It is very important that the Owner and Builder have a clear agreement as to the costs and responsibilities under Council's Asset Protection process. The Owner or Builder should advise Council if there is prior damage to Council infrastructure assets before commencing any building work.

Council may initiate proceedings against property owners for any breach associated with the General Local Law 2018. However, Council also reserves the right to initiate legal action against the Builder, in addition to the Owner, as set out in the provisions of the Local Law.

1. Why is an Asset Protection Permit Required?

Glenelg Shire Council has introduced Asset Protection Permits to protect Council infrastructure assets and the surrounding environment which could be affected by any building construction works.

Council infrastructure assets include, anything outside the property including, but not limited to, footpaths, stormwater drains and pits, kerb and channel, road pavement, street trees and garden beds, signs etc.

An Asset Protection Permit will also protect the Owner of the site against paying for repairs to any damage to Council infrastructure assets that existed prior to the commencement of the building works.

2. When is an Asset Protection Permit Required?

An Asset Protection Permit is required to be issued prior to the commencement of any building works including:

- after receiving notice of the appointment of a relevant building surveyor
- after a building permit has been issued
- after a permit for a bulk rubbish container has been issued
- after an application is made to Council by a party seeking to build over an easement
- after an application is made to Council by a party seeking information on a legal point of discharge for stormwater
- prior to the commencement of any building work which has the potential to damage public infrastructure assets

3. How much does an Asset Protection Permit Cost?

The non-refundable Asset Protection Permit Fee for the financial year 2024-2025 is \$165.00.

A security bond is required for projects having a value of \$20,000 or more and all projects involving the construction or removal of fencing on a boundary to a public place, demolition, building removal, excavation or construction of swimming pools.

The amount of the refundable Security Bond is \$900.00. (Refer to note 12).

There may be special circumstances where the Security Bond is increased having regard to the following considerations:

- the extent of the works
- the potential to cause damage
- site conditions
- the proposed development

A security bond is not required for projects that are exempt or have a value of less than \$20,000 that do not involve fencing on a boundary to a public place, demolition, building removal, excavation or the excavation or construction of swimming pools, unless it is determined that there is unreasonable risk of damage to Council infrastructure due to the proposed works.

Projects that are exempt include building in Rural Land Zones, Farming Zones where there is little or no risk of damage to Council infrastructure and also Township Zones where there is only a nature strip or no Council assets surrounding the property.

A fee waiver option is offered to projects where the risk to damage of Council Assets is low. The assessment can be carried out by the Municipal Surveyor or by completing the Asset Protection Risk Assessment Tool.

If the work proposed has been considered to be of a low risk nature, an Asset Protection Permit will still be necessary but the fees and bond will not need to be paid on the condition that:

- 1) the application form (signed by the applicant as the inspector) are completed and returned.
- 2) photos (preferably electronic) are provided of the following:
 - a) Council's assets (e.g. Footpath, kerb and channelling) including close-up shots of any damage, and
 - b) a context photo to identify the location of the damage photo.

4. What are my Responsibilities as the Owner or Builder?

Prior to commencing building works the Owner or Builder must:

- obtain an Asset Protection Permit
- pay the Asset Protection Permit Fee and lodge the Security Bond with Council (if applicable)
- carefully inspect Council's infrastructure assets in the vicinity of the proposed building works and advise the Asset Protection Permit administration officer of any existing damage so it can be recorded on the asset protection permit pre-building condition damage report.

5. How do I Obtain an Asset Protection Permit?

An Asset Protection Permit application form and information sheet is provided to the Property Owner and/or Builder by Council following notification that:

- a Building Permit application has been lodged with Council or
- a Private Building Surveyor has been engaged (Private Building Surveyors are required to advise Council that they have been appointed to issue a Building Permit)

A Property Owner or Builder can organise an Asset Protection Permit prior to applying for a Building Permit at any Council Customer Service Centre or by contacting Asset Protection Permit administration officer.

Additional copies of the Asset Protection Permit application form can be obtained from any Council Customer Service Centre or on Council's Asset Protection webpage at www.glenelg.vic.gov.au/Asset_Protection.

To obtain an Asset Protection Permit you must:

- complete the Asset Protection Permit application form
- pay the Asset Protection Permit fee and Security Bond as required
- notify Council of any prior damage to Council infrastructure assets 14 days prior to the commencement of any building works or delivery of any building material to the site

A copy of the Asset Protection Permit will normally be sent to both the Applicant and Builder after approval of the pre-building condition damage report by Council's Inspection Officer.

Note: If Council is not advised of any additional prior damage to Council's infrastructure assets, to that indicated on the pre-building damage report, it will be deemed that all prior damage has been recorded. There is no discretion in applying this provision of the Local Law.

6. What Constitutes Damage?

Examples of typical damage includes, but is not limited to:

- cracked or broken footpath and vehicle crossing panels
- chipped or broken kerb panels
- scraped or scoured bitumen seal
- damaged or removed street trees
- wheel marks, rutts and holes in the naturestrip
- subsided tapping sites
- broken pits or cracked lids and lintels
- reinstatements required as a result of provision for services

7. What are the On-Going Responsibilities during Construction?

At all times during the building work Council's infrastructure assets must be protected. An Asset Protection Permit encourages the Owner and Builder to implement good site management techniques:

For example:

- The Owner and Builder are to take all necessary precautions to ensure that Council's infrastructure assets are not damaged and the building site and areas adjacent to the building site are maintained at all times.

- Prior to the commencement of work, sandbags, sediment fences and/or hay bales must be used to surround drains and the perimeter of sloping land. This will reduce the potential for sediment being washed off-site and polluting the stormwater system.
- Mud and clay tracked onto the footpath and roadway by a vehicle or trailer must be immediately removed back to the building site.
- All building materials and building debris must be stored on site – not on the nature strip, footpath or roadway. This applies to materials removed from the site and deliveries of new materials to the site.
- All pedestrian walkways, footpaths, roadways and the area adjacent to or nearby the building site must be kept free of materials and be kept safely trafficable at all times.
- The use of temporary timber vehicle crossing protectors is permitted within the Glenelg Shire, however prior approval is required by a Council Authorised Officer.
- Failure to restore the road reserve and make good any damage caused to Council's infrastructure assets on completion of the building works, will result in Council undertaking the necessary restoration work and the cost being deducted from the Security Bond. Where the costs exceed the Security Bond, the owner will be liable for the excess and will be invoiced for the additional cost.
- Where the property is not provided with a vehicle crossing, a temporary crossing should be installed at the proposed permanent point of entry to the satisfaction of Council's Inspection Officer.

8. What are my obligations regarding Environmental Protection?

There are provisions under part 5.06 of the Glenelg Shire Council General Local Law 2018 (which is listed at www.glenelg.vic.gov.au/Local_Laws_Documents_and_Forms) regarding environmental protection surrounding the building site.

Where any building work is being carried out, the Owner or Builder or appointed agent must undertake the following:-

- minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system.
- prevent building cleanup, wash down or other wastes (including excess concrete or runoff from washing out concrete delivery trucks) or builders' refuse being discharged or allowed to enter the stormwater system.
- provide a facility for the purpose of disposal of builders' refuse, in which case provided the facility contains all builders' refuse to the satisfaction of an authorised officer, its size, design and construction will be at the discretion of the Owner or Builder or appointed agent.
- place the 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.
- not place the facility on any Council-controlled land, public place or road without a permit.
- empty the facility whenever full and, if necessary, provide a replacement facility during the emptying process.
- ensure that all builders' refuse which requires containment is placed in the facility.
- ensure that all materials containing asbestos are handled in accordance with current laws relating to demolition, handling, transport and disposal of asbestos, and are not included in with general site refuse.
- ensure that builders' refuse is not deposited in or on any land, public place or road.
- remove and lawfully dispose of all refuse generated by the building work including, without limitation, the builders' refuse in the facility referred to above, within 7 days

of completion of the building work or issue of an occupancy permit, whichever occurs last.

- ensure that any vehicle involved in placing or removing a facility for contained builders' refuse must access the building site by way of temporary vehicle crossing unless otherwise permitted by Council and in accordance with a permit.

9. What if there are Environmental Issues During Construction?

Any Environmental issues must be rectified to Council satisfaction within the time frame specified in the notice to comply from the Asset Management Coordinator.

If the rectification works are not complete within the specified time, all or part of the Security Bond will be used to pay for the rectification without any further notice. If the cost of rectification exceeds the Security Bond held, the Owner will be invoiced for the additional cost.

10. What happens if there is New Damage?

Any new damage must be reinstated to Council specifications within 28 days of receiving a notice to comply from the Asset Protection Permit administration officer.

If the work is not complete within the specified time, an infringement notice and fine will be issued, and all or part of the Security Bond will be used to pay for the repairs to be completed without any further notice. If the cost of reinstatement exceeds the Security Bond held, the Owner will be invoiced for the additional cost.

Note: Any reinstatement to the vehicle crossing, repair or replacement work to footpath panels, or stormwater, sewer and water connections, requires a Works Within Road Reserve application for consent under the *Road Management Act 2004*. Application forms can be obtained from the Council's Works Within Road Reserve Webpage at www.glenelg.vic.gov.au/Works_Within_Road_Reserve or at any of Council's Customer Service Centres (for location and contact details go to www.glenelg.vic.gov.au/Customer_Service_Centres).

11. When is the Security Bond Refunded?

Council's Inspection Officer will conduct an inspection, at the completion of the building works, to compare the condition of Council's infrastructure assets to the pre-building damage report that was recorded prior to works commencing. The Inspection Officer will ensure that no further damage has occurred during building works or that any reinstatement of damage has been undertaken to Council's satisfaction.

Provided there is no new damage, or the damage has been repaired to Council's specifications, the Security Bond will be refunded to the payee within 30 days of the final inspection by the Council's Authorised Officer.

Building work is considered complete when the Asset Protection Permit administration officer has received a copy of the Certificate of Final Inspection, or a notice of completed works from the Builder, when all building work, including landscaping, is complete and no further risk or liability is deemed to exist in relation to the building works and Council's infrastructure assets.

12. What happens if an Asset Protection Permit is Not Obtained?

It is an offence under Glenelg Shire Council General Local Law 2018 Part 5 to commence any building works without obtaining an Asset Protection Permit. Council will

issue a 'Notice to Comply' if building works have commenced without an Asset Protection Permit being issued.

The Owner or Builder is then required to 'Stop Work' and make application for an Asset Protection Permit within 14 days of receiving the 'Notice to Comply'. Failure to adhere to the 'Notice to Comply' will result in an Infringement Notice(s) and subsequent fine being served.

A maximum 5 penalty units applies.

If building work has commenced without an Asset Protection Permit, all damage to Council's infrastructure assets will be attributed to the building works and reinstatement will be the responsibility of the Owner or Builder, unless satisfactory evidence can be provided that indicates the damage was not caused as a result of the building works.

Outstanding issues will be referred to Council's Solicitor.

13. What if there are Further or Subsequent Building Works to be Completed?

If you are aware of any further or subsequent building work requiring Asset Protection on the site, it is in your interest to advise the Asset Protection Permit administration officer of the details.

The Asset Protection Permit and Security Bond can be held over against any further or subsequent work for a period not exceeding 6 months. Any request for an extension should be made in writing to the Asset Protection Permit administration officer and conditions may apply.

Cancellation Policy

A Council Officer will conduct an inspection of the building site following written advice to Council by a Building Surveyor that a Building Permit has been cancelled or withdrawn.

Once Council Officer confirms that no building work commenced on the site and there is no damage to Council's infrastructure assets, arrangements will be made to refund the Security Bond to the payee within 30 days of the site inspection.

Asset Protection Permit fee of \$170.00 will not be refunded.

If you have any enquiries please contact the Asset Protection Permit administration officer at the Glenelg Shire Council on 1300 GLENLEG or 03 5522 2200.

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