

# Hoarding and Occupation Fact Sheet

## Purpose of the Hoarding and Occupation Permit

A Hoarding and Occupation Permit is required to protect public safety, manage access and amenity, and protect public infrastructure such as roads, footpaths, drainage assets and trees by clearly assigning responsibility for maintaining safety, preventing damage and reinstating assets following completion of hoarding and occupation.

The Permit is required before hoarding and occupation commence when building or construction activities impact City of Ballarat road, footpath or land by:

- Occupying or fencing off public areas, or creating exclusion zones
- Restricting pedestrian or vehicle access use of roads and footpaths
- Placing hoardings, gantries, scaffolding or awnings
- Storing materials, plant or equipment
- Using cranes or machinery

The permit ensures these assets remain safe and serviceable throughout construction and are not left damaged once works are complete.



Figure 1 - Examples of road occupation

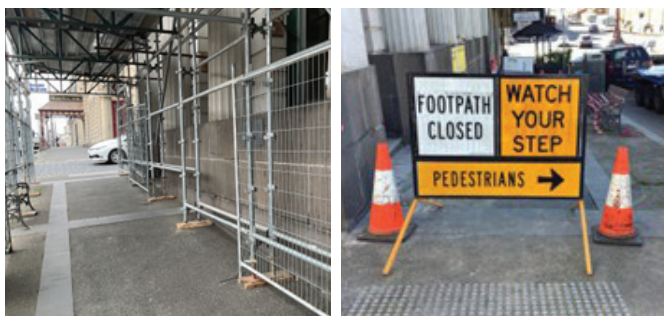


Figure 2 - Examples of road occupation

The requirement to obtain a Permit is stated in Clause 48 of the City of Ballarat Community Local Law 2017 and applies to owners, builders, demolition contractors and their agents in addition to any Building Permit.

**Note that the Permit cannot be used as Report and Consent under Regulation 116 of the Building Regulations 2018, which may be required prior to a Building Permit being issued.**

## Report and Consent – Regulation 116

A Report and Consent under Regulation 116 of the Building Regulations 2018 is an alternative hoarding and occupation approval process to allow temporary public protection measures to be erected over or within a road reserve or public space as part of Building Work, like a Hoarding and Occupation Permit.

The Relevant Building Surveyor (RBS) must determine if Regulation 116 applies (not the City of Ballarat) and if required, is to be obtained before a Building Permit can be issued by the RBS. If a Building Permit has been issued, then a Report and Consent is not required, and any hoarding and occupation is to be covered by a Permit.

**Note if a Report and Consent has been obtained which covers the building or construction activities being undertaken, an additional Permit is not required.**

**Note that all other types of Report and Consent such as building setbacks, building heights, site coverage, impermeable surfaces, solar access, overshadowing, overlooking, fence heights are to be obtained separately and do not follow the Regulation 116 application process.**

## Definition of Building Works

'Building Works' refers to any activity related to the construction, alteration, renovation, demolition or removal of a building that requires a Building Permit under the *Building Act 1993*.

## How to Apply

Applications for either a Permit or the Report and Consent (Regulation 116 only) must be submitted via the [eServices - City of Ballarat](#) portal. Applicants will need to register before accessing the Permit application.

The following information is to be provided as part of the application:

- A written statement indicating the scope of Building Work.
- Written approval and endorsed plans from the RBS advising they are satisfied with the proposed public protection measures in accordance with Regulation 116.
- Scaled drawings of the proposed Building Work in accordance with Regulation 25 of the Building Regulation 2018, the matters to be shown on a site / allotment plan are:
  - » The boundaries and dimensions of the allotment and the distance to the nearest intersecting street; street names, direction of traffic flow and north point.
  - » Extent of proposed Building Work and location of protection work measures, showing minimum clear pedestrian access width of 1.5m.
  - » Footpath / roadway width measured from the kerb and extent of occupation area required.
  - » Temporary road / footpath crossings, including location of temporary kerb ramps to comply with AS1428 (access for people with disabilities) if pedestrians are directed to use another footpath.
  - » Location of all street features e.g.: signs, poles, traffic lights, litter bins, bus stops, telephone and letter boxes, trees, fire hydrants, parking signs, site access, etc. and the clearance width to the hoarded area per example attached.
- A copy of the hoarding and occupation plan, including elevation and sections of proposed public protection measures showing:
  - » Type and height of hoarding. Solid hoarding must be painted white or yellow only.
  - » Construction and fixing details including any footing system of hoardings / barriers extending across the footpath, site and road reserve.
  - » Access and egress points to the site.
  - » Scaffolding details including width and height specifying that it will be encapsulated in heavy duty shade cloth fabric.
- Structural drawings and computations together with a Certificate of Compliance - Design from a Registered Professional Engineer for any proposed gantry / walk-through scaffold and solid hoarding. Specify maximum loading weight limits for gantries. Impact loads caused by vehicles are to be considered.

- Traffic Management Plan (TMP) and Pedestrian Management Plan (PMP) including all relevant signage details with pictures to be prepared by a registered company or traffic engineer in compliance with the *Road Management Act 2004*. TMP and PMP must be obtained when diverting pedestrians onto or across a road.
- Other relevant authority approvals maybe required: City of Ballarat / Transport for Victoria - Memorandum of Authorisation (MOA), Country Fire Authority (CFA) when obstructing the access to fire services, Australia Post and Public Transport Victoria.

## Fees

Fees are applicable for all instances where an application is made, as the Permit or Report and Consent is not valid unless the fee is paid. Fees are based on the following:

- Permit fees are in accordance with the City of Ballarat adopted fees and charges.
- Report and Consent fees are in accordance with the *Monetary Units Act 2004* and the prescribed fees and charges outlined in the *Building Act 1993* and Building Regulation 2018.

The fees cover:

- Two (2) inspections (initial and final)
- Application assessment and administration costs

**Note that should an 'additional inspection' be required, an additional fee may be applied in accordance with the City of Ballarat adopted fees and charges. Additional inspections may be triggered by customer complaints, non-compliance issues or disputes.**

## Security Bond

There is no requirement to lodge a deposit or bond with the City of Ballarat in addition to the fees. However, any costs that may be incurred by the City of Ballarat due to worksite safety and/or traffic management issues or rectification works due to non-compliance may be invoiced separately to the Permit holder.

## Permit Duration and Conditions

Permit holders must comply with all conditions outlined in the Permit throughout the duration of the hoarding and occupation. Permits are valid for 12 months, unless otherwise stated and included in the application documentation that is approved. Any extensions to this period must be submitted via [info@ballarat.vic.gov.au](mailto:info@ballarat.vic.gov.au) and agreed to in writing.

## Starting without a Permit

If hoarding and occupation commence without a Permit, or are undertaken contrary to requirements of the Permit, owners, builders, demolition contractors and their agents may receive an infringement notice.

## Pre-Hoarding and Occupation

Once an application for the Permit has been submitted, a City of Ballarat Asset Surveillance Officer will inspect the assets at and adjacent to the Building Site. This is referred to as the 'initial inspection' and is typically carried out within five (5) business days of your application receipt.

### Important:

It is critical that prior to commencement of hoarding and occupation that the City of Ballarat conducts the initial inspection or must be notified about what, if any, damage already exists to road assets, footpaths, kerb and channel, drainage pits, nature strips, trees etc. If this step is not completed, it may result in a Notice to Comply as a result of the final inspection relating to all asset damage identified.

## During Hoarding and Occupation

### Public Safety

It is the Permit holder's responsibility to ensure public safety. Any work on or adjacent to the site shall not represent an unacceptable risk to health and safety to the public in accordance with the *Occupational Health and Safety Act 2004* and the *Road Management Act 2004*.

During footpath occupation, a clear path width of 1.5 metres shall be provided for all pedestrian traffic to walk without walking onto the road carriageway. The pedestrian route shall have a firm, even and free draining surface, free from steps and obstructions. The route for pedestrian traffic shall be clear of nature strip trees, signposts or other similar obstructions.



Figure 3 - Pedestrian path is non-compliant as it does not meet minimum 1.5m clear width

The hoardings or awnings shall:

- Not obstruct motorists' line of sight or cause danger to any road user.
- Include two (2) steady yellow lamps provided from sunset to sunrise at the ends of the hoarding, with additional lamps at a maximum of 10 metre centres along the length of the hoarding.
- Have appropriate support so that hoarding panels are stable under all conditions and designed for the appropriate wind category.
- Have gates that open inwards.
- Be 20mm minimum, solid faced boarding, plywood or other approved materials and be always painted and kept clean. No placards shall be posted on the hoardings.
- Be maintained in good condition, and no objects shall protrude beyond the face of the hoarding. Any damaged hoarding shall be repaired or replaced immediately.

### Traffic Management

If Traffic Management Plans are proposed traffic control devices (beyond basic works advisory signs that certain utilities may use under conditions), authorisation under the Road Safety (Traffic Management) Regulations 2019 is required and commonly referred to as a **Memorandum of Authorisation (MoA)**. Traffic control signs/signals must be authorised, and Traffic Management Plans must meet the Code of Practice for Worksite Safety – Traffic Management.



Figure 4 - Signage non-compliant with Code of Practice for Worksite Safety – Traffic Management

A MoA does not give consent to conduct the works under the *Road Management Act 2004* which is to be obtained via Works within Road Reserve Consent.

## Existing Assets

If nearby public assets are already damaged or non-compliant, notify the City of Ballarat as soon as possible. An Asset Surveillance Officer can assess and advise on any reinstatement requirements. This does not remove the Permit holder's responsibility to protect and repair any damage caused during work.

## Tree Protection

Tree Protection Zones (TPZs) must be established around public trees for the duration of work. Use the method outlined in **AS 4970-2009** to determine TPZ distances.

All works near public trees must comply with the **City of Ballarat's Tree Protection Guidelines**, available online at [ballarat.vic.gov.au](http://ballarat.vic.gov.au)

Only authorised personnel may prune or remove public trees.



Figure 5 - Tree Protection Zone does not meet AS 4970-2009 and City of Ballarat Guidelines

## Drainage Asset Protection

Permit holders must ensure that the Building Site is developed and managed to prevent stormwater pollution, through the contamination of run-off by chemicals, sediment, animal waste or gross pollutants. All Building Works must comply with Building Regulations 2018, including connecting stormwater to a legal point of discharge specified by the City of Ballarat.

## Asset Protection Permits

In accordance with the City of Ballarat Community Local Law 2017, either an owner, builder, demolition contractor and their agent is required to obtain an **Asset Protection Permit** before any Building Work commences if:

- The Building Work value exceeds \$15,000 inclusive of GST, or
- The Building Work involves:
  - » Demolition works
  - » Swimming pool or spa installation
  - » Retaining wall construction.

For further information visit

[Asset Protection | City of Ballarat.](http://ballarat.vic.gov.au)

## Asset Reinstatement

All reinstatements must meet City of Ballarat [Works within Road Reserve: Standards and Requirements](#) to ensure the safety, and ongoing useful life of public infrastructure.

Any asset reinstatement including excavation or digging within the road reserve requires a separate **Works Within Roads Reserve Permit**.

Further information can be found via [Works Within Roads Reserve | City of Ballarat.](#)

## Completion of Building Works

If there are asset damages identified, the Permit holder is responsible for reinstatement and will be issued with a Notice to Comply outlining the items to be remedied within a specified period. This will require an additional inspection to be carried out at the end of the specified period to assess if items to be remedied have been completed.

Failure to comply with a Notice to Comply is an offence and may result in a penalty issued via an Infringement Notice for the offence in accordance with the City of Ballarat Community Local Law 2017.

## Compliance Works and Cost Recovery

If Notices to Comply are not actioned, in accordance with Section 117 of the *Local Government Act 2020* or Section 19 of the *Road Management Act 2004*, the City of Ballarat or contractors working on behalf of the City of Ballarat can carry out compliance works and recover the costs of carrying out these works from the Permit holder.

Upon completion of compliance works, a Tax Invoice for the actual cost will be sent to the Permit holder for payment in accordance with the City of Ballarat payment terms and may be charged interest on unpaid money. If any infringements previously issued in association with Notice/s to Comply would remain payable unless otherwise withdrawn in writing by the City of Ballarat.

## Further Information

Further information can be found online via [Works on council land | City of Ballarat.](#)