City of Ballarat

Asset Protection Fact Sheet

Purpose of the Asset Protection Permit

The Asset Protection Permit (the Permit) is designed to safeguard public infrastructure from damage caused by private building activities on adjacent private land. This includes protecting:

- Footpaths
- Roads
- Drainage systems
- Street trees and other public vegetation

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

Example: Street shot - before and during works.

When there is a Permit required under the City of Ballarat *Community Local Law 2017,* all owners, builders, demolition contractors and their agents are required to obtain the Permit before any building work commences if:

- The construction value exceeds $25,000, or
- The works carried out under a Building Permit involve:
  - » Demolition works
  - » Construction of swimming pools/spas
  - » Removal of dwellings
  - » Commercial/large scale developments
  - » Front fence works
  - » Construction of retaining walls
  - » Use of cranes and scissor lifts on footpaths

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 must be submitted via the eServices - City of Ballarat portal. Applicants will need to register before accessing the Permit application.

While it is good practice for building surveyors to confirm the Permit has been obtained prior to issuing the Building Permit, the responsibility remains with the owners, builders, demolition contractors and their agents to obtain the Permit.

Permit Fee

The Permit fee is applicable for all instances where the Permit is required and is applied in accordance with the City of Ballarat adopted fees and charges. The fee covers:

- Two (2) inspections (initial and final)
- Administration costs

The Permit is not valid unless the Permit fee is paid.

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 permit fee. 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 building works. 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 and agreed to in writing.

Starting without a Permit

If Building Works commence without the Permit, are undertaken contrary to requirements of the Permit, or people in association with Building Works do not refrain from commencing work or deliveries before the Permit is issued, owners, builders, demolition contractors and their agents may receive an infringement notice.

Pre-Building Works

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 Building Work (including work that does not require a Building Permit such as Building Site establishment and deliveries) 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 Building Works

Building Site Access

The Permit holder is responsible to protect assets and are permitted to use one (1) temporary crossing in front of the site for access if there is no other crossover exists. Not complying with this requirement increases the risk of damage to assets, irrespective of their construction standard or condition. While it may not always be practical to limit access to the nominated crossing point, it is the Permit holder's responsibility to consider how this is implemented with asset protection in mind. The Permit holder is responsible for any damage caused.

Example: Nature Strip Damage - Illegal Access

Existing Assets

If you believe nearby public assets are already damaged or non-compliant, notify the City of Ballarat early. 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 works.

Tree Protection

Tree Protection Zones (TPZs) must be established around public trees for the duration of works.

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

Only authorised personnel may prune or remove public trees.

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 wastes or gross pollutants.

All Building Works must comply with Victorian Building Regulations, including connecting stormwater to a legal point of discharge specified by the City of Ballarat.

Hoarding Permits

If you plan to place things like structures, plant and equipment, or building supplies on the road reserve as part of construction works, you may require a Hoarding Permit, which can be applied for via eServices - City of Ballarat . Where existing traffic controls are to be altered, a Memorandum of Authority must also be applied for.

In accordance with the City of Ballarat Community Local Law 2017 all owners, builders, demolition contractors and their agents are required to obtain a Hoarding Permit before occupying or fencing off part of a Road or Council Land, for any Building Work, or allowing the Building Work to be carried out, blocking any Road with a Vehicle or any other machinery or temporary structure, erecting a hoarding, scaffolding or overhead protective awning on or over Road or Council Land, using a mobile crane or travel tower to carry out Building Work on or over a Road or Council Land. For further information visit Works on council land | City of Ballarat.

Asset Reinstatement

All reinstatements must meet City of Ballarat standards and requirements to ensure the safety, and ongoing useful life of public infrastructure.

There are two types of standard drawings used, which can be found via Infrastructure design | City of Ballarat.

- Infrastructure Design Manual Standard Drawings and
- The City of Ballarat's standard infrastructure drawings

In most new development sites, the Infrastructure Design Manual standard drawings will be used. For development in existing urban areas, the Infrastructure Design Manual takes priority, unless existing City of Ballarat infrastructure prevents the use of the Infrastructure Design Manual standards.

Works Within Roads Reserve Permits

Any excavation or digging within the road reserve requires a separate Works Within Roads Reserve Permit. For roads belonging to the City of Ballarat you can apply for a Works Within Roads Reserve Permit online via eServices - City of Ballarat . Where existing traffic controls are to be altered, a Memorandum of Authority must also be applied for. Upon receipt of an application, one of our Asset Surveillance Officers will confirm whether you can proceed with your work. Further information can be found via Works Within Roads Reserve | City of Ballarat.

Completion Of Building Works

Upon receipt of a notice of Building Works completed from the Permit holder to info@ballarat.vic.gov.au, or when an Occupancy Certificate as part of the Building Permit has been received by the City of Ballarat (whichever is first), an Asset Surveillance Officer will conduct a *'final inspection'* to assess if any asset damage has occurred.

If no asset damage is identified at the final inspection, the City of Ballarat will provide a letter advising the Permit is completed and closed.

Notice to Comply

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* and 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 Asset Protection | City of Ballarat.