

Asset Protection Information Sheet

This Information Sheet should be read in conjunction with Local Law No. 8. The Local Law is available online at www.maroondah.vic.gov.au or can be viewed at Council Offices.

It is the Owner and Builder's responsibility to ensure that Council infrastructure assets are protected and not damaged as a result of building works on the site. Council will issue infringement notices and initiate legal proceedings against the Owner for any breaches associated with the Local Law.

Council reserves the right to initiate action against the Builder, in addition to the Owner, as set out in the provisions of the Local Law.

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 therefore very important that the Owner and Builder have a clear agreement as to the costs and responsibilities under Council's Asset Protection Program.

A Builder may obtain an Asset Protection Permit, however the Owner should ensure that an Asset Protection Permit is in place seven (7) days prior to commencing **any** building work.

The onus is on the Owner or Builder to advise Council that there is damage to Council infrastructure assets prior to commencing any building work.

Why Is An Asset Protection Permit Required?

Local Law 8 introduced Asset Protection Permits to protect Council infrastructure assets that could be affected by any building works.

Council infrastructure assets include, **anything** outside the property including, but not limited to, vehicle crossings, footpaths, naturestrips, drains and pits, kerb, road pavement, trees, signs, poles and hydrants etc.

An Asset Protection Permit will protect the Owner of the site against paying for existing damage to Council infrastructure assets that existed prior to the commencement of any building works (with the exception of the vehicle crossing which under the Local Law, the owner must ensure is properly constructed and maintained at all times).

When Is An Asset Protection Permit Required?

An Asset Protection Permit is required to be issued seven (7) days prior to the commencement of any building works including:

- where the cost of any domestic building work is \$20,000 or more
- the demolition and/or removal of buildings
- where the cost of commercial/industrial building work is \$30,000 or more
- all swimming pools/spas irrespective of the cost of works

Domestic building work, in this context, is any building work that requires a building permit. For example: a new house, alterations to a house, a swimming pool or spa, retaining walls, fences, etc.

The cost of building work is based on either the contract price or estimated cost of the development. The estimated cost includes the value (i.e. market trade rate) of all labour and materials.

How Much Does An Asset Protection Permit Cost?

The non-refundable Asset Protection Permit Fee is \$200. The minimum amount of the refundable Security Bond is:

- \$1000 for a residential site
- \$1500 for a residential corner site
- \$2000 for a commercial/industrial site

There may be special circumstances where 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

What Are My Responsibilities As The Owner/Builder?

Not less than seven (7) days prior to commencing building works the Owner/Builder must:

- obtain an Asset Protection Permit
- pay the Asset Protection Permit Fee and lodge the Security Bond with Council
- carefully inspect Council's infrastructure assets in the vicinity of the proposed building works **and**
- advise Council in writing of any existing damage to Council's assets; recording any existing damage in the vicinity of where the building work is to take place
- attach the inspection report and photographs to the Asset Protection application form

How Do I Obtain An Asset Protection Permit?

To obtain an Asset Protection Permit:

- complete an Asset Protection application form
- pay Asset Protection Fee and Security Bond
- submit a damage report (including photographs) showing any prior damage to Council's infrastructure assets (as per example provided).

An Asset Protection information sheet and application form is sent to the Owner by Council's Asset Protection Officer 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).

An Owner or Builder can organise an Asset Protection Permit prior to applying for any Building Permit by contacting Council's Asset Protection Administration Office.

Additional copies of the Asset Protection information sheet can be obtained online at www.maroondah.vic.gov.au or from Council's Service Centres.

Note: If Council is not advised of any prior damage, it is deemed that there was no prior damage to Council's infrastructure assets.

There will be no discretion in applying this provision of the Local Law.

What Constitutes Damage?

Examples of typical damage includes but is not limited to:

- cracked or broken footpath and crossing panels
- chipped or broken kerb panels
- damaged street tree
- wheel marks, rutts and holes in the naturestrip
- subsided tapping sites
- broken pit or cracked lids and lintels
- mud on road tracked from the building site
- re-instatement required as a result of provision for services

How Do I Advise Council Of Prior Damage?

The advice must be in writing, preferably accompanied by photographs. It is strongly recommended that photographs have a date record. Attached to this information sheet is a sample damage report to assist you (Appendix A). A copy of your damage report must be attached to the Asset Protection application form.

What Are The On-Going Responsibilities During Construction?

At all times during the building work Council's infrastructure assets must be protected (e.g. provide tree guards).

Standard conditions will be placed on the Asset Protection Permit to encourage the Owner/Builder to implement good site management techniques:

For example:

- The Owner/Builder is 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.
- 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 naturestrip, 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 nearby the building site must be kept free of materials and be kept safely trafficable at all times.
- The use of timber vehicle crossing protectors is prohibited within Maroondah.

- Failure to restore the road reserve and make good any damage caused to Council's infrastructure assets within 28 days of 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 invoiced.
- The entry point for the transport of materials should be confined to the existing crossing point.
- Where the property is not provided with a permanent vehicle crossing, a temporary crossing should be installed at the place of point of entry to the satisfaction of the Council (Refer Council Engineering Department).

When Is The Security Bond Refunded?

Council's Asset Protection Officer will conduct an inspection at the completion of the building works to compare the condition of Council's infrastructure assets to the damage report that was submitted by the Owner/Builder prior to works commencing. The Asset Protection Officer will ensure that no damage has occurred during buildings works or that any reinstatement has been undertaken to Council's satisfaction.

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

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

What Happens If There Is New Damage?

Damage must be reinstated to **Council specifications within 28 days** of receiving notification from the Asset Protection Officer.

If the work is not complete within the specified time, 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, which includes the footpath panels either side of the vehicle crossing, requires a Vehicle Crossing Permit. Any repair or replacement work to footpath panels or stormwater outlets requires a Road Opening Permit. These permits can be obtained from the Council Engineering Department (Ph: 9298 4292).

What Happens If An Asset Protection Permit Is Not Obtained?

It is an offence under Local Law No. 8 to commence building works without first obtaining an Asset Protection Permit seven (7) days prior to commencement of any building works. **A maximum 20 penalty units applies.**

Council will issue a 'Notice to Comply' if building works have commenced without an Asset Protection Permit being issued. The Owner/Builder is then required to 'Stop Work' and make application for an Asset Protection Permit within seven (7) days of receiving the 'Notice to Comply'. Failure to adhere to the 'Notice to Comply' will result in Infringement Notice(s) being served, withdrawn only when the fee and security bond payment has been received.

If building work has commenced without an Asset Protection Permit, all damage to Council's infrastructure assets is attributed to building works and reinstatement will be the responsibility of the Owner/Builder.

Outstanding issues will be referred to Council's Solicitor.

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 Officer of the details.

The Security Bond can be held over against any further or subsequent work for a period not exceeding 6 months. This is a saving of \$200 for an additional Asset Protection Fee (conditions may apply).

Cancellation Policy

Council's Asset Protection 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 the Asset Protection 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.

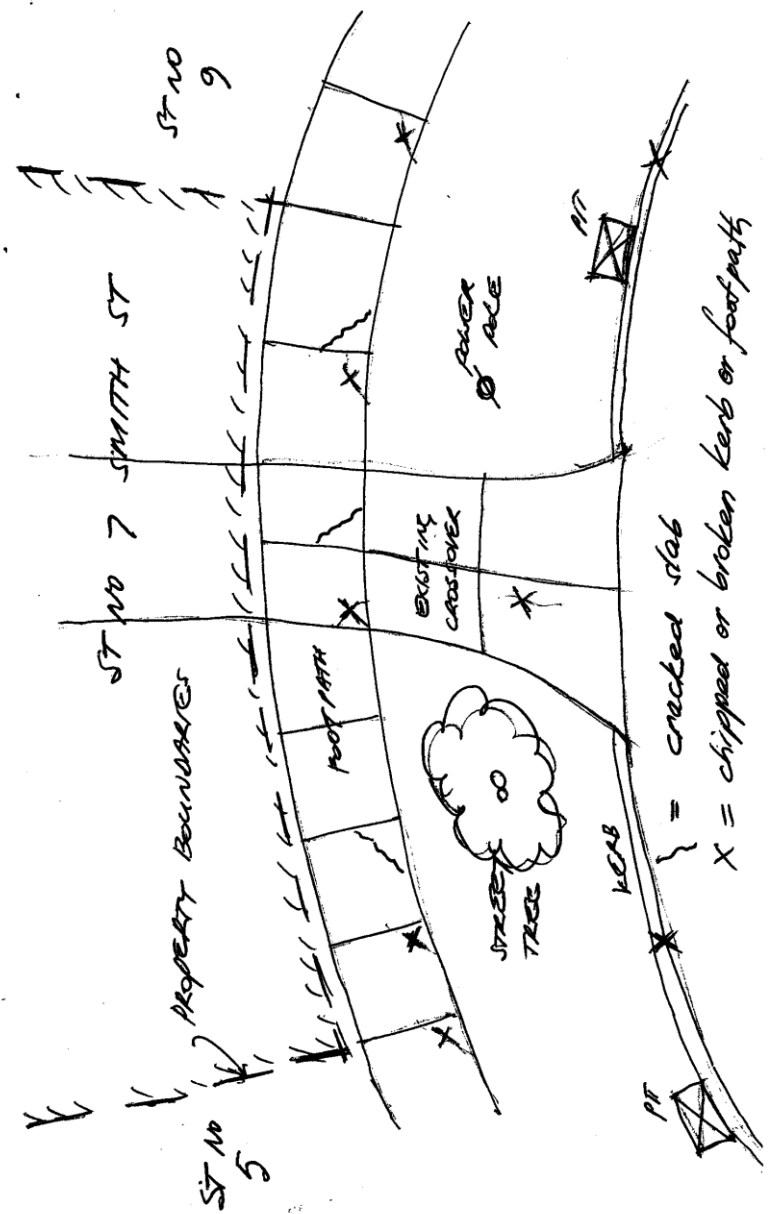
The Asset Protection Fee of \$200 will not be refunded.

If you have any enquiries please contact Asset Protection Administration on
Ph: 9294 5671 Mon-Fri 9am-3pm

EXAMPLE ASSET PROTECTION REPORT

Appendix A

Street No.: 7	Street: SMITH STREET	Suburb: SMITH TOWN
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Signed: <i>Bygn Buany</i>	Owner/Builder: <i>(Signature)</i>	Date: 1 APRIL 2010
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ATTACHED ARE PHOTOGRAPHS OF ALL DAMAGED ASSETS