

POLICY TITLE **Asset Protection Policy**

POLICY NUMBER **POL/INFRA509**

1. PURPOSE

To provide a policy that clearly informs builders, developers, municipal and private building surveyors, contractors, demolition crews and landowners about the responsibilities associated with the protection and reinstatement of assets vested in Council. This is to ensure the safety of persons on, adjacent to, opposite or passing a building site and to protect Council infrastructure. This policy allows Council to recover costs where damage is caused to Council infrastructure by a builder, developer, owner or any other party.

2. SCOPE

This policy applies to all building and development works carried out within the municipality that may have an impact of Council's physical infrastructure and covers the protection of all Council assets within the road reserve or Council easement.

This policy does not cover damage to private assets within the road reserve (e.g., private drainage connection to the Council stormwater system).

This policy does not cover Council assets located other than on the road reserve or easement. The protection of those assets within parks, sports reserves, buildings and other Council owned properties, is covered under separate processes (e.g., license agreements etc.).

3. POLICY

Council has an obligation and right to ensure that any private works or developments are not carried out at the cost of its infrastructure assets. Where it is likely that building works on any land will involve vehicles leaving a road and entering the land, the person responsible for the building works must obtain a permit.

It is Council policy to allow building works in the vicinity of Council assets only where the person in charge of building work, owner, builder or appointed agent will take reasonable precautions to prevent damage to these assets. Where damage to Council assets has occurred as a result of building works, it is Council policy for the person in charge of the building work, owner, builder or appointed agent to repair these assets, and/or for Council to recover the costs of repairing these assets from the person in charge of building work, owner, builder or appointed agent.

Infrastructure that may need monitoring includes, but is not limited to:

Stormwater channels
Kerb and guttering
Vehicle crossings
Footpaths (paved/unpaved)
Trees
Nature strips
Drainage pits
Roads
Signs
Balustrade
Street furniture (seats, bins, etc)

It is expected that any person responsible for undertaking work on or around Council infrastructure undertake their own inspections to verify condition.

4. RELATED POLICIES/PROCEDURES/DOCUMENTS

PRO/INFRA509 Asset Protection Procedure
Conditions for Works in Roads

5. RELATED LEGISLATION

Building Act 1993 (Vic)
Building Regulations 2006 (Vic)
Road Management Act 2004 (Vic)
Local Government Act 2020 (Vic)
Community Local Law No.2

6. DOCUMENT CONTROL

Version Number	Issue Date	Description of Change
1.0	December 2001	Initial Adoption
1.1	December 2014	Review
1.2	December 2018	Review
2.0	April 2024	Major Review and change of policy name

Signed: Stuart King Mayor Date: 18/04/2024

PROCEDURE TITLE **Asset Protection Procedure**

PROCEDURE NUMBER **PRO/INFRA509**

1. ENABLING POLICY

POL/INFRA509 Asset Protection Policy

2. ENABLING LEGISLATION

Building Act 1993 (Vic)
Building Regulations 2006 (Vic)
Road Management Act 2004 (Vic)
Community Local Law No.2

2. PURPOSE

The purpose of this procedure is to provide direction to Council employees allowing for the efficient and effective implementation of Council's enabling policy.

The effective application of this procedure will ensure that any private building works carried out within the municipality will not impact adversely on Council's assets.

4. SCOPE

This procedure applies to any person/s carrying out works within the municipality.

This may include, but is not limited to, Council employees, private contractors, or other public agencies.

5. PROCEDURE

- 5.1. The Building Surveyor shall include a standard condition of the building permit expressly stating that: If any damage is caused to Council assets during the permit period, the permit holder will be held accountable for reasonable costs for the reinstatements of the assets to an as new condition.
- 5.2. Within seven days of being issued with a building permit, the holder of the permit shall give notice to Council's Building and Planning department, of what, if any, damage already exists to any footpath, kerb and gutter, vehicle crossing, nature strip, drainage pits or roadways, signs or trees adjacent to the land to which the building permit relates, or is likely to be affected by the works authorised by the building permit. This must be supported by relevant evidence that includes the date and photos

- 5.3.** If 'Prior Damage' is notified by the holder of the building permit, an inspection shall be made by the Infrastructure Services Assets Department within seven (7) days. The damage will be marked and noted on the 'Report of Prior Damage' form which is then to be filed until the Certificate of Occupancy is issued.
- 5.4.** If the Enterprise Assets Manager assesses the risk of the works to be carried out as significant, further requirements may be sought such as, but not restricted to the followi
- i. Public Liability Insurance for no less than \$20,000.00
 - ii. Bank Guarantee to a value deemed necessary to cover the cost of potential loss or damage to Council's infrastructure as a result of the building works.
- 5.5.** If the holder of the building permit does not give notice to the Council, in accordance with Clause 5.2, it will be deemed for the purpose of Clause 5.9, that there was no existing damage to any of Council's assets that are adjacent to the land to which the building permit relates, or is likely to be affected by the building works authorised by the building permit.
- 5.6.** The Building department will supply a list of Certificate of Occupancies issued by the Building Unit or private building surveyors on a monthly basis to the Enterprise Assets Manager.
- 5.7.** The Enterprise Assets Manager must as soon as practicably possible after receiving notice of the issue of a Certificate of Occupancy, arrange an inspection to be carried out of, but not limited to, the footpath, kerb and gutter, vehicle crossing, nature strip, drainage pits, signs and trees and roadway which is adjacent to the land to which the building permit relates or is likely to be affected by the building works authorised by the building permit.
- 5.8.** If, as a result of the inspection, the Enterprise Assets Manager considers that the building works authorised by the building permit have caused damage to a Council asset, a *Notice to Comply* will be issued to the holder of the building permit requiring that person to repair or arrange for the repair of the asset, within 28 days of the notice being given.

A written quotation for reinstatement works will be provided with the notice outlining costs if Council are required to carry the reinstatement works. These costs will include a 15 per cent administration charge to cover the cost for Council to administer the reinstatement works.

Types of damage to Council assets within the road reserve or easement that may be identified include but are not limited to:

Asset Type	Potential Damage
Street Trees	<ul style="list-style-type: none"> • compaction of soil around roots • infiltration of chemicals in soil
Right-of-ways	<ul style="list-style-type: none"> • Damage to drain and swales • Damage and dislodgement to surface
Underground drainage	<ul style="list-style-type: none"> • Damage caused by heavy loads during demolition, construction, delivery etc. • Blockage from spoil, sediment and concrete
Footpaths	<ul style="list-style-type: none"> • Damage by vehicles and machinery

	<ul style="list-style-type: none"> • Uneven or slippery surface from spoil and dirt
Roads (pavement, kerb and channel)	<ul style="list-style-type: none"> • Uneven or slippery surface from spoil and dirt • Damage and dislodgement to surface
Stormwater pits	<ul style="list-style-type: none"> • Damage to lids and frame from excessive loads • Blockage from spoil, sediment and concrete
Nature strips and landscaping	<ul style="list-style-type: none"> • Damage caused by vehicle traffic • Infiltration of chemicals/sediment from site
Signage	<ul style="list-style-type: none"> • Impact from vehicles or machinery • Removal without replacement

5.9. An inspection will be undertaken after 28 days by the Infrastructure Services Assets Department to see if the necessary works have been undertaken and if so, whether the standard of repair is satisfactory.

5.10. If the works have not been carried out or are of an unsatisfactory standard, Council will carry out or arrange to be carried out the necessary repair works and an invoice for the reinstatement works, at the cost specified in the notice, will be forwarded to the holder of the building permit.

6. RELATED POLICIES/PROCEDURES/DOCUMENTS

Report of Prior Damage Form

7. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	December 2001	Initial Adoption
1.1	December 2014	Review
1.2	December 2018	Review
2.0	April 2024	Major Review and change of policy name

Signed: Scott Barber CEO Date: 18/04/2024