


# Guideline on Asset Protection Permits

## 1 Document Control

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RELEVANT REFERENCE	Community Local Law.

## 2 Background

Kingston City Council's Community Local Law requires persons to obtain an *Asset Protection Permit (APP)* to ensure that *public infrastructure assets* are kept safe during *Building Works*. An APP requires any damages incurred during these *Building Works* to be repaired by the applicant to Council's (Council's) standards, at the completion of the *Building Work*.

## 3 Purpose

Persons undertaking *Building Works* that may have an impact on *public infrastructure assets* must obtain an APP in accordance with these Guidelines.

## 4 Scope

This Guideline applies to the property owner, occupier, builder, landscaper, appointed agent, or demolition contractor engaged to carry out the *Building Work*, hereafter referred to as the Applicant.

## 5 Guidelines

### 5.1 Asset Protection Permit

An APP is designed to provide the Applicant with some surety as to any existing damage to *public infrastructure assets* before the *Building Works* begin. This will allow Council to be aware of any existing damage in order to compare any future damage that may occur to these *public infrastructure assets* during or after the *Building Works*.

## 5.2 Fees, security bonds and refunds

An application fee is required to be paid to Council for all APPs (refer to [website](#) for current fee).

A refundable security bond is also required to be paid to Council and is calculated based on the estimated cost of the project, refer Table 1 below.

Project Value	Security Bond
Under \$100,000	\$2,000
Between \$100,000 to \$1,000,000	\$5,000
Between \$1,000,001 to \$5,000,000	Minimum \$7,500, subject to a risk assessment by the Asset Protection Officer
Over \$5,000,001	Minimum \$12,500, subject to a risk assessment by the Asset Protection Officer
In cases where the property needs to be accessed through Council land or a foreshore reserve	An additional security bond of \$1,500 and Council pre-approval is required

**Table 1**

## 5.3 Apply for an APP

An application for an APP must be completed at least five (5) days before the proposed *Building Works* commence.

Prior to applying for an APP, the Applicant must take photos and record details of all the *public infrastructure assets* around the work site and the adjacent area. If there is no record, it is presumed there is no existing damage to *public infrastructure assets* prior to the *Building Works* commencing.

An Applicant must complete the online [application](#), attach the photos, add any relevant comments, pay the fee and the applicable security bond and submit the application for assessment.

Council will review the application within five (5) business days of receipt. If Council considers that a higher security bond is required, an additional fee payable letter will be issued to the Applicant. This will need to be paid before the APP can be issued. When an application is considered satisfactory an APP with applicable terms and conditions, will be emailed to the Applicant.

An APP is valid for as set out on the permit. If works will exceed that time, a permit extension needs to be applied for before it expires.

## 5.4 Developments

A development can have several stages, e.g., demolition, construction, pool installation and landscaping. An APP is required for all *Building Works* from commencement to completion of the development. An Applicant can take out:

- one APP to cover all stages of the development and the security deposit will be refunded in whole or in part when all works are completed if no damage has occurred to *public infrastructure assets* or damaged assets have been reinstated to Council's standards, or
- a permit and security deposit for each stage. The security deposit will be refunded in whole or

in part to the Applicant upon completion of each stage, at the discretion of the Asset Technical Officer, if no damage has occurred to *public infrastructure assets* or damaged assets have been reinstated to Council's standards.

### 5.5 Permit conditions

The granting of an APP is subject to a number of permit conditions that may include but are not limited to:

- The construction of temporary fencing to the satisfaction of Council, where applicable.
- The protection for the safety of the public, including signage, barricading, and lighting must be erected to the satisfaction of Council, as applicable.
- Always keeping the roads, footpaths and channels in a clean and tidy condition and removing any surplus materials at the completion of the *Building Works*.
- Materials are not deposited or stored on any part of the road or Council land abutting the site where the *Building Works* are being conducted or on any adjacent area on which *Building Work* is to be carried out.
- Requiring that any or all damage to *public infrastructure assets* be repaired, replaced or reinstated within a specified time to the satisfaction of Council.

### 5.6 Permit extension

To extend a current APP a permit extension is required. No additional security bond payment is required, as the original security bond will be retained until the work is completed and a request for final inspection as per *5.7 Final inspection and security bond refund* is made.

### 5.7 Final inspection and security bond refund

A final inspection of *public infrastructure assets* is required for Council to be satisfied that the security bond can be refunded in part or in full.

The security bond will be fully refunded at the completion of works if no damage has occurred to the *public infrastructure assets* or damaged *public infrastructure assets* have been reinstated to Council's standards.

A request for final inspection is made through Council's website. Upon receipt of the application for final inspection, a Council Officer will inspect the site.

The APP fee allows for two (2) security bond refund site inspections. If more inspections are required, there is a fee for every additional visit.

Before applying for the security bond refund, it is recommended you complete the checklist below.

Checklist	✓
If any <i>public infrastructure assets</i> , or vehicle crossings are damaged during any building works, they must be repaired to Council's specifications before requesting a bond refund inspection.	
Complete all landscaping and the construction of a front fence (if applicable).	
Remove all stones, rubble, concrete, building materials and temporary fencing from nature strips and footpaths.	
Replace any nature strips damaged during works; and make sure that any seeded topsoil is level with footpaths and/or kerbs.	
Make sure offset areas (the space between footpaths and the property line) is filled and level with the footpath.	

## **5.8 Repairing *public infrastructure assets***

Damaged *public infrastructure assets* which have been caused or contributed to by the *Building Works*, must be reinstated to Council's standards which are found on Council's [website](#) scroll down to "*Repairing Council assets*".

## **5.9 Permits required for vehicle crossing and road opening works**

A [Vehicle Crossing Permit](#) is required for all new crossings, repairs or changes to existing crossings.

A [Road Opening Permit](#) is required for any digging or excavation within the *road reserve*.

If both works are required, only one permit, **the Vehicle Crossing Permit**, needs to be applied for as both permits are an authority to work within the *road reserve*.

All formwork for concrete reinstatement works must be inspected by an Asset Technical Officer pre-pour. Call 1300 653 356 to request a pre-pour inspection allowing one (1) business days' notice, subject to availability. Book earlier to secure your preferred day and time.

## **5.10 Failure to reinstate *public infrastructure assets***

If the first inspection fails, the Applicant will be advised the reasons and be required to rectify the works and apply for a second inspection. If the second inspection fails, the Applicant will be advised the reasons and be required to rectify the works and apply and pay for a third inspection.

If the Applicant does not apply for a third or subsequent inspection within a reasonable period, not less than 60 days from the first notification, or communicate with Council how they will proceed, Council can reinstate Council's *public infrastructure assets* and recover the actual reinstatement cost, an administration fee and the cost of an additional inspection. The total cost will be retained from the security bond and any extra costs will be invoiced to the Applicant.

## **5.11 Penalties**

Failure to obtain an APP as required by Council under Kingston's Community Local Law may incur a maximum penalty of 20 *penalty units*.

## **5.12 Unclaimed security bonds**

If an Applicant does not apply for a final inspection and the Certificate of Occupancy has been issued, Council can conduct a final inspection.

Where there is damage to *public infrastructure assets*, the security bond or part thereof will be used to reinstate those assets.

Where there is no damage to *public infrastructure assets* or residual funds from repairs and previous attempts to contact the Applicant have failed, Council will deal with the money in accordance with the relevant Local Law and *Unclaimed Money Act 2008* (Vic).

## **6 Contact**

Queries can be submitted by emailing [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au) or contacting the Asset Protection Team on 1300 653 356.

APPs can be applied for online through the Council [website](#).

## **7 Responsibility**

The areas or positions responsible for defined tasks in implementing, maintaining and approving this Guideline.

<b>Position/Team</b>	<b>Responsibility</b>
Team Leader – Roads and Drains	Approving, implementing and maintaining the guideline
Asset Protection Officer	Implementing and maintaining the guideline
Asset Technical Officer	Implementing and maintaining the guideline

## 8 Related Documents and Resources

### Legislation / External Document

- Local Government Act 1989 (Vic)
- Local Government Act 2020 (Vic)

### Internal Document

- Kingston Community Local Law
- Road Opening Permit
- Standard Drawings for kerb and channel, footpaths, vehicle crossings
- Vehicle Crossing Permit

## 9 Definitions

<b>Word/Term</b>	<b>Description</b>
<i>appointed agent</i>	the person authorised in writing by an owner of a building or land to make an application, appeal, referral, or representation on the owner's behalf.
<i>Asset Protection Permit</i>	A written permit issued by Council for the protection of <i>public infrastructure assets</i> during building work.
<i>Asset Technical Officer</i>	Oversees and coordinates <i>public infrastructure asset</i> work undertaken by private developers and contractors.
<i>Building Works</i>	Includes demolition, construction (including extensions), renovations, pool / spa installation, front fence construction and landscaping works requiring a building permit.
Owner	Means the person who owns the land on which the <i>Building Work</i> is or is due to be carried out.
<i>public infrastructure assets</i>	Includes items, facilities or systems owned, managed, or otherwise controlled by Council which provide or facilitate a public service, including (but not limited to) roads, footpaths, stormwater systems, lighting, fencing, retaining walls, trees, landscaping, kerb and channel, traffic management devices, traffic signals, signs, line marking, nature strips, street furniture, car parks, bridges, buildings and structures.
road reserve	Includes the nature strip, vehicle crossing, footpath, kerb, channel and roadway.