

ASSET PROTECTION PERMIT

GENERAL INFORMATION

(20/1217291)



GLEN EIRA
CITY COUNCIL

Why is an Asset Protection Permit required?

An Asset Protection Permit helps us to ensure that Council assets (public, infrastructure or environmental) are not damaged as a result of any building works (which include any associated excavation or demolition works).

Obtaining an Asset Protection Permit and informing us of existing damage to Council assets protects the permit holder from having to pay for existing damage to Council assets.

It is an offence to undertake building works without an Asset Protection Permit. Clause 15 of the **Community Local Law 2019** requires that the person in charge of a building site obtain an Asset Protection Permit before commencing or allowing to be commenced any building works.

When is an Asset Protection Permit required?

An Asset Protection Permit must be obtained before any building works are undertaken on a building site. The only exception is for Minor Building Works, which are building works that do not require a building permit under the **Building Act 1993**. For more information about when a building permit is required, refer to the Victorian Building Authority publication [When is a building permit required](#) (PDF, 336KB).¹

What are building works?

Building works include but are not limited to:

- construction, demolition, renovation, alteration, repair, pulling down, relocating or removal of any building or structure;
- trenching, digging, excavating or filling whether by mechanical or manual methods;
- loading or unloading of any goods or materials for or in connection with any building work;
- erection or removal of any hoarding, scaffolding or overhead protective awning;
- excavation and carrying away of earth, soil, clay, rock or material;
- moving about of any building equipment or material and any rubble, waste or second-hand building materials.

Can I start building works before an Asset Protection Permit is issued?

No. You are required to obtain an Asset Protection Permit before commencing any building works other than Minor Building Works. You should apply for a permit at least ten working days before the date you plan to commence the building works. This will allow scheduling of the pre-works commencement inspections by Council.

If building works commence without an Asset Protection Permit, penalties of up to \$2,000 may be imposed on the owner of the relevant land, the builder engaged in carrying out the building works, any appointed agent and any demolition contractor engaged as part of the building works.

I don't need a building permit for the building works, do I still need to apply for an Asset Protection Permit?

No, an Asset Protection Permit is not required for Minor Building Works as these do not require a building permit under the **Building Act 1993** (refer to the section above titled "When is an Asset Protection Permit required?").

How much is the Asset Protection Permit fee and is it refundable?

The application fee for an Asset Protection Permit is \$350, which contributes to the costs associated with administering and enforcing Council's Asset Protection Program. This fee is not refundable.

¹ https://www.vba.vic.gov.au/__data/assets/pdf_file/0008/99377/PN-32-When-is-a-building-permit-required.pdf

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How much is the security bond?

In addition to the permit fee, a security bond is required. The security bond amount is based on the estimated costs of repairing potential damage to Council assets arising from the building works and the fee is based on the following criteria:

- Residential Single Frontage Development (a lot shares boundaries with a single road): \$2,000
- Residential Corner Development (a lot shares boundaries adjoining two separate roads): \$5,000
- Commercial/Large Scale Developments: to be assessed by Council

The amount of the security bond may be increased where Council determines it is warranted.

What is required to be lodged with an application for an Asset Protection Permit?

An Asset Protection Permit application will not be processed until the following items are provided:

- completed Asset Protection Permit Application Form on Council's website;²
- Asset Protection Permit fee;
- plan/s showing details of building works; and
- security bond.

It is the responsibility of the applicant to ensure, before commencing building works, that any existing damage to any Council assets around the building site is reported to Council.

How long does it take to process the application?

An Asset Protection Permit will be issued within ten working days from the date that Council receives the completed application and all items required to process the application (refer to the section above titled "What is required to be lodged with an application for an Asset Protection Permit?").

When will Council conduct a pre-building works inspection?

Upon application and before a decision on issuing the permit, a Council officer can inspect the area around the building site to determine and document the existing condition of Council assets which could be damaged by the building works. The application will then be processed, and a permit may be issued.

Notifying Council of completed works and booking an inspection

After all building and associated works are completed, the permit holder must book an inspection with Council's reinstatement officer on 9524 3333 — at least 24 hours notice is required. Council will then contact the permit holder with the outcome of the inspection.

When and to whom will the security bond be reimbursed?

The security bond is refunded to the Payee, nominated on Council's online Asset Protection Permit application form, on completion of the building and associated works, provided that there has been no damage to Council assets or any damage attributed to the building works has been reinstated to Council satisfaction.

Any damage to Council assets attributed to the building works and not reinstated to Council's satisfaction on the completion of the building works, or earlier, will be repaired or replaced by Council and the cost incurred deducted from the security bond. If the security bond is insufficient to cover the cost of the repair or replacement, the balance will be invoiced to the permit holder.

Where all reinstatement works have been undertaken to Council's satisfaction by the permit holder, a full refund of the security bond will be made to the Payee nominated on the Council's online Asset Protection Permit application form within 21 working days.

² <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-protection-permit>