

CITY OF GREATER BENDIGO**PROTECTION OF PUBLIC ASSETS & CONTROL OF BUILDING SITES****LOCAL LAW NO.11****CONTENTS:**

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PART 1 – INTRODUCTION

1. Title

This is Local Law Number Eleven of the Greater Bendigo City Council and shall be titled "Protection of Public Assets and Control of Building Sites"

2. Purpose of Local Law

This Local Law is made for the purposes of:-

- (a) Providing for the peace, order and good Government of the Municipal District;
- (b) Protecting public assets and amenities vested in Council from damage, accelerated deterioration or abuse during the building process;
- (c) Providing a physical environment which aim to minimise hazards to health and safety of persons attending building sites and those adjacent, opposite or passing building sites;
- (d) Prohibiting, regulating and controlling the presence and disposal of refuse, rubbish and soil on and from building sites within the municipal district to reduce hazards to the environment and promote an environment where residents can enjoy a quality of life that meets the general expectation of the community;
- (e) Defining the standards to which persons engaged in building work should adhere;
- (f) And educating and inducing persons involved in building work to act responsibly to reduce the extent and cost of infrastructure damage for the benefit of the wider community.

3. Authorising Provision

This Local Law is made under Section 71 of the Local Government Act 2020.

4. Commencement and Revocation

This Local Law comes into operation on **27 May 2024**.

5. Area Of Operation

This Local Law shall apply and have operation throughout the whole of the Municipal district.

6. Cessation Date

Unless earlier revoked sooner its operation will cease on the day which is 5 years after the day on which it came into operation.

7. Definitions

Where inconsistencies exist between any definition in this Local Law and those contained within other relevant legislation, the definition in the relevant legislation will prevail.

'Administration and Enforcement of this Local Law' Notices to Comply, Notices of Impounding, Fees and Permits for this Local Law may be issued by an Authorised Officer pursuant to the Administration Local Law No. 10.

'Appointed agent' means the person authorised in writing by an owner of a building or land to make an application, appeal, referral or representation on their behalf.

'Asset Protection Permit' means a written permit issued by Council for the protection of public assets and infrastructure during building work.

'Authorised Officer' means a person appointed by Council under Section 331 of the Local Government Act 2020.

'Builder' a person who has applied to the Council (or any other person to whom such an application may be made) for a building permit or, if no such application has been made, the person in charge of any building work being carried out.

'Builders' refuse' includes any solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with building work.

'Building' includes any structure or building, whether temporary or permanent, or any part of such building or structure.

'Building work' means work over the value of \$10,000 for, or in connection with, the construction, renovation and alteration of buildings. This also includes the relocation or removal of a building and/or structure regardless of the value.

'Construction period' means the period in which building work is carried out.

'Construction works' means building or earthworks for which no Building Permit may be required

'Council' means the Greater Bendigo City Council.

'Control of building sites' provision to maintain original site amenity, including site toilets and control of builders refuse.

'Facility' means any device capable of restricting debris and other waste from leaving the building site.

'Land' means any land or building in separate ownership or separate occupation.

'Municipal district' means the municipal district of the Council.

'Owner' means the person who is entitled to receive the rent for the land.

'Public asset' means public infrastructure including footpaths, naturestrips and street trees, kerbs and channels, roads, signs, stormwater drains and pits, table drains and crossovers.

'Road' means and includes a street, right-of-way, bridge, ford, footpath, bicycle path, nature strip, culvert or kerbing.

'Security bond' means a payment made to Council for the purposes of securing public assets and infrastructure from the cost of damage during building work.

'Stormwater system' means stormwater system which provide for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

'Temporary vehicle crossing' is constructed from of a series of wooden panels or other approved materials over a bed of sand, that emends from the boundary or a property over any public assets such as footpaths, nature strips, kerbs and channels to the road, and is designed to minimise damage to the assets, caused by motor vehicles and materials entering and leaving the property, during the currency of building work.

'Vehicle crossing' is a bridge or crossing constructed to council specifications, not within a rural area, over any footpath or channel next to a road to enable a person using the road to have access to land on the other side of the footpath or channel.

'Footpath' – concrete, pressed, patterned, concrete, brick or concrete pavers, asphalt or other purpose made paving

'Kerb and channel' – formed roll over curve, concrete/stone up stand kerb, brick lined drains that is formed to catch water runoff

'Stormwater drain and pit' – concrete or brick lined pipe, side entry pit or junction pit, elements of a piped drainage system

'Table drain' – earthen drain formed to catch stormwater runoff

'Street signage' - including street identification, hydrant markers and any warning/regulatory signs

PART 2 - ASSET PROTECTION

8. Asset Protection

1. For the protection of public assets vested in Council and for the safety of persons on, adjacent to, opposite, or passing a building site, Council require the owner, builder or appointed agent to obtain an Asset Protection Permit where major building work is to be carried out.
 - (a) An Asset Protection Permit must be obtained by an owner, builder or appointed agent, where construction works occur, or a Building Permit has been issued for any building work to be carried out, primarily in the urban areas of the Municipality where the following asset categories exist:
 - Constructed footpath or walkways
 - Kerb and channel
 - Storm water drains and pits
 - Formed and or constructed vehicle crossings
 - Formed urban nature strips including street trees and street signage
 - (b) An application for an Asset Protection Permit in accordance with Form A needs to be made.
 - (c) An Asset Protection Permit is valid for 3 years from the date of issue and will need to be renewed if an Occupancy Permit or Final Certificate for the building works has not been issued within this time.
 - (d) An application for an Asset Protection Permit must detail if any damage already exists to any of the asset categories listed in Part 1 (a) as well as any obvious damage to assets on land directly adjacent to the subject property.
 - (e) If the holder of the Building Permit or owner of the property does not give notice in accordance with sub clause 1 (d) it is deemed that there was no existing damage to the asset categories listed in part 1 (a) nor the assets directly adjacent to the subject site.
 - (f) The person responsible for the building and/or construction works must repair any damage to the existing road, kerb, drains or footpaths to the satisfaction of the Council.
 - (g) The permit holder must, within 7 days of completion of the building works to Occupancy Permit or Final Certificate stage, arrange with the Council for an inspection of the site.

PART 3 –INSPECTIONS

9. Inspection

- (1) Council may determine if and when inspections of building sites may be conducted. Inspections may be conducted at any reasonable time.
- (2) If Council identifies any infrastructure damage which appears to result from non compliance with this Local Law, council officers may direct the responsible party to reinstate the damage within a specified time. Council officers will provide the responsible party with written confirmation either at the time of the inspection or within a reasonable timeframe.
- (3) This includes work sites where damage has occurred regardless of whether a formal application under this Local Law has been received.

PART 4 - STORMWATER PROTECTION

10. Stormwater Protection

- (1) Where any building work is being carried out on any land, the owner, builder or appointed agent must ensure that the site is developed and managed to minimise the risks of stormwater pollution, through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice. This includes adoption of measures to:
 - (a) Minimise the amount of mud, dirt, sand, soil or stones deposited on the abutting roads or washed into the stormwater system; and
 - (b) Prevent building clean up, wash down or other wastes being discharged offsite or allowed to enter the stormwater system.
- (2) Council from time to time may provide guidelines to assist owners, builders or their appointed agents in complying with subclause (1)

PART 5 - CONTROL OF BUILDERS' REFUSE

11. Containment of Refuse

- (1) Where any building work is being carried out on any land, the owner, builder or appointed agent must:
 - (a) Provide a facility for the purpose of disposal of builders' refuse and provided the facility contains all builders' refuse on the land to the satisfaction of Council, its size, design and construction will be at the discretion of the builder;
 - (b) Place the facility on the land and keep it in place (except for such periods as are necessary to empty the facility) for the duration of the building work;
 - (c) Do not place the facility on any Council land, road, street or nature strip without a Local Law Permit from Council;
 - (d) Empty the facility whenever full and if necessary, a replacement facility should be provided during the emptying process.

- (2) The requirement to provide a facility may be waived at the discretion of an Authorised Officer.

12. Disposal of Builders' Refuse

During building work: -

- (a) The owner, builder or appointed agent must ensure that all builders' refuse, other than sand and soil, is placed in the facility referred to in Clause 11 (1) (a); and
- (b) The owner, builder or appointed agent must ensure that builders' refuse is not deposited in, or on any land or part of the stormwater system other than in accordance with clause 11.

13. Removal of Builders' Refuse

- (1) On any land where building work is being, or has been carried out, the owner, builder or appointed agent must remove and lawfully dispose of all refuse including, without limiting the generality of the above, the builders' refuse in the facility referred to in Clause 11, within 7 days of completion of the building work or issue of an occupancy permit, whichever occurs last.
- (2) The driver of any vehicle involved in placing or removing builders' refuse facilities must access the building site by way of a temporary vehicle crossing unless otherwise permitted by Council and in accordance with that permission.

PART 6 - SANITARY FACILITIES - BUILDING SITES

14. Sanitary Facilities

- (1) The owner, builder or appointed agent must not undertake or carry out any building, engineering or other work necessitating the employment of persons on a site unless a sewered toilet or a portable toilet (closet) system is provided for the use of the persons on that site to the satisfaction of council officers.
- (2) Notwithstanding sub clause (1) where buildings are being constructed on adjacent sites simultaneously by the same person and Council allows one sewered toilet or one portable toilet (closet) system for every three adjoining sites, no offence will arise.
- (3) Authorised officers may enter into or upon any premises, yards or lands at any time for the purpose of inspecting any sewered toilet, portable toilet (closet) systems, urinals, pans, receptacles, vehicles, plant and any other things and places therein and thereon and for the purpose of carrying out the provisions of this Part.

PART 7 – STORAGE OF MATERIALS AND EQUIPMENT

15. Building Material and Equipment

- (1) All building materials and equipment to be kept/stored on building sites in a manner to ensure that no damage is caused to adjoining properties.

- (2) No building materials or equipment to be placed or stored on Council land, road, street or nature strip without a Local Law Permit from Council.

PART 8 - PENALTIES

16. Penalties

Any person who contravenes or fails to comply with any provision of this Local Law or contravenes or fails to comply with a Notice to Comply shall be guilty of an offence and shall be liable to a penalty of five penalty units for a first offence and to a further one penalty unit for each day after conviction during which the contravention continues; and upon conviction for the second or subsequent offence, shall be liable to a penalty of ten penalty units; and as an alternative to prosecution for the offences, may be served with an infringement notice.