

Trim Container	FOL/17/1004
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**1. PREAMBLE**

**1.1 Background**

Councils need to keep public infrastructure in good repair, maintaining public safety and ensuring maximum public use and value.

The Local Government Act specifies legal obligations placed on councils in this regard and sets a framework for management of public infrastructure.

Builders often erect hoardings or other structures that encroach on public infrastructure. These hoardings may affect both the community's access to and use of the infrastructure as well as their safety when in the vicinity of the hoarding.

From time to time builders may cause damage to Council owned public infrastructure.

City of Holdfast Bay Report 590/05 provides legal advice and direction on how the City of Holdfast Bay (Council) should manage these issues.

**1.2 Purpose**

This policy provides a framework whereby the City of Holdfast Bay (Council):

- a. Maintains general public access to public infrastructure while allowing the construction of ordinary houses and units including renovations that may otherwise encroach on that public infrastructure
- b. May seek restitution or reparation for builder damage to public infrastructure

**1.3 Scope**

This policy refers to all building activities that may encroach upon or cause damage to any Council owned public infrastructure by any person, organisation, business or other entity undertaking building or construction work within the municipality.

**1.4 Definitions**

# HOARDING PERMITS AND BUILDER DAMAGE POLICY

*Building works* means any construction activity undertaken by an individual, business, company or other entity including owner builder activities.

*Hoarding* means temporary fencing or other barriers set up or erected by the management of building / construction sites.

*Public Infrastructure* means infrastructure owned by the Council that is located in a public place for general use and includes but is not limited to:

- a. Kerbs and footpaths
- b. Roads
- c. Street trees
- d. Street furniture

## 1.5 Strategic Reference

A Place that is Well Planned

## 2. PRINCIPLES

- 2.1 Council will ensure through its planning process that construction activities do not encroach unnecessarily on public infrastructure.
- 2.2 Where building activities do have to encroach on or affect public infrastructure Council will seek to minimise impact through the issuing and enforcing of specific permits or licences.
  - a. Where such activities are permitted specific time frames are specified.
  - b. Council may levy a fee where hoardings encroach on public infrastructure.
- 2.3 Council will encourage builders to comply with approvals given by council through support and education.
- 2.4 Where builders fail to comply with approvals Council will take action deemed appropriate to the circumstances and conditions.

## 3. REFERENCES

### 3.1 Legislation

- *Local Government Act 1999*

### 3.2 Other References

Nil