

POTENTIAL DAMAGE TO TOWN PROPERTY DURING CONSTRUCTION

Previous policy number: 3.3.4

Policy Statement

To provide direction in relation to the costs payable to the Town by the holder of a Building Permit to cover potential costs to restore any damage to a street verge, footpath, kerb or any other Town owned infrastructure as a result of construction work on adjoining land.

Policy Details

Objective

To specify the payment process applicable to different categories of building works where development works are likely to impact on the condition of the verge, footpaths or kerbing.

Policy Principles

Payment applies as follows:

Type of Construction	Any Building Work over \$50,000; All Swimming Pool applications; All Demolition Permit applications.	Building Work for developments (other than a single house) with a value exceeding 2 million dollars.
Type of Payment	Payment of a fixed amount.	Payment of: <ul style="list-style-type: none"> a security amount secured through bank guarantee to be held as a deposit for the period of construction; a 10% defect liability amount to be held for 2 years after completion of any remedial works; and a non-refundable administration fee.
Cost of Payment	As determined by Council from time to time.	As determined by the Town at the time of making the payment in accordance with the Town's Fees and Charges
Calculation of cost	Fixed amount charged per lot frontage to any street accessible from the development lot.	Charged per lot frontage to any street accessible from that lot.

Policy Guidance

1. Payment for potential damage to the Town owned infrastructure is required to be made at application of Building Permit.
2. Payment does not exempt the party that has caused the damage from the obligation to rectify the damage.
3. Payments are not transferrable between Permit holders.
4. The Town may refund at its discretion on a pro-rata basis determined by completion of work.
5. The applicable payment types and amounts may be waived in accordance with relevant delegations if:
 - a. the responsible officer is satisfied that no heavy vehicles will transverse the road reserve or enter upon the site; and
 - b. in the opinion of the responsible Officer, the works are of such a minor nature that no damage is likely to occur.

Definitions

Non Refundable Administration Fee: means the cost of 2 hours of a senior officer's time.

Governance References

Statutory Compliance	<i>Town of Mosman Park Activities on Thoroughfares and Public Places Local Law (Clause 2.2)</i>
Organisational Compliance	Nil.

Policy Administration

Directorate:		Officer title:
Planning and Regulatory Services		Executive Manager Planning and Regulatory Services
Next Review		Review Cycle
October 2022		
Version	Date	Ref
1	Old Policy No.DS14	
2	23 March 2010	OCM-72-2010
3	19 December 2017	OCM-213-2017
4	23 October 2018	OCM-173-2018