

Guide to Public Protection Permits

GUIDE

Public Protection (Hoardings and Protective Structures) permits – top tips to improve your processes, manage risks and reduce delays

This guide includes best practise tips and model local law requirements for council permits covering construction works that require the setup of hoardings, gantries, scaffolding or similar protective measures on public land. These permits are only one part of construction approvals but play an important role in risk management for councils, businesses, local residents and the broader community.

What we mean by public protection

Victorian councils currently vary in the names used for public protection permits. These include hoarding, barricade, gantry permits, or 'scaffold over a street' consents. They can also include street, road or footpath occupation permits.

This guide uses the term Public Protection (Hoardings and Protective Structures) to refer to these types of permits. This term does not include report and consent requirements under Regulation 116 of the Building Regulations 2018.

DTF encourages councils to work towards a common naming convention for these permits to reduce confusion for applicants working across different councils and help support better compliance.

Permit/approval	Definition	How they fit together
Public Protection (Hoardings and Protective Structures) permit	A permit for hoardings/gantry/scaffold on or over footpath or roadway.	Collectively they facilitate public-space occupation specific to construction efforts and set out required precautions to protect the safety of the public.
Report and Consent (Regulation 116)	<ul style="list-style-type: none"> Requires that precautions must be taken before and during building work to protect the safety of the public (if required by the relevant building surveyor), and must be approved prior to building work being commenced (clauses 1 and 2). In addition, consent of the relevant council must be obtained to an application for a building permit relating to the erection of precautions over the street alignment (unless a local law requires the taking of precautions and the precautions comply with the local law) (clause 4). 	

Better practices can reduce processing delays without compromising on compliance

Better practices already in use by some Victorian councils include:

Better practice	Key example
Adopting common permit names across councils	<p>Promote more consistent permit names (e.g. 'public protection permit', 'hoarding permit' and 'occupation permit'), drawing on peak body and industry guidance to reduce confusion and overlap across councils.</p> <p>This guide uses the term Public Protection (Hoardings and Protective Structures) to refer to these types of permits.</p>
Clarifying key stages of the permit process in a quick guide	Publish a one-page checklist or yes/no flowchart with clear guidance around what stage in the process relevant permits and approvals are required to help applicants understand what is required upfront, to avoid late surprises and delays.
Offering pre-application meetings	Meet applicants early on to discuss their project and help applicants understand what is required to support their application.
Proactively engaging stakeholders on permit requirements	Actively engage and notify owners and builders once a Section 80 and/or Section 30 notification has been received (including other internal council teams).

Better practice	Key example
Combining related permits and approvals	Consolidate related permit and approval applications where practical, to reduce duplication for council staff and businesses, e.g. combining Regulation 116 consent applications with Hoardings and Protective Structures permit applications.
Developing ready-made templates and online lodgement	Provide digital, editable neighbour-notice letters, sample Traffic Management Plans and fencing specifications.
Standardising safety rules	Keep it simple: For example, 1.5m clear path, at least 40 lux lighting after dark, accredited Traffic Management Plan (where required), and no loss of disability or emergency access ways.
Improving internal coordination	Enhance coordination across planning, building, engineering, and other relevant teams to ensure all necessary permits and approvals are obtained before works commence.
Facilitating fast extensions	For example, instant permit update (with no fresh application needed) if a builder declares 'no changes' and insurance certificate remains valid for extension period.

Better practice example – Guidance clarifying key stages – City of Yarra

City of Yarra publishes clear guidance online about the key stages in the permit application process. It includes simple questions and answers that enable applicants to understand each step. All forms and documents required for submission are linked on the page, as well as links to related actions, such as booking an inspection, or booking an appointment with a permits officer.

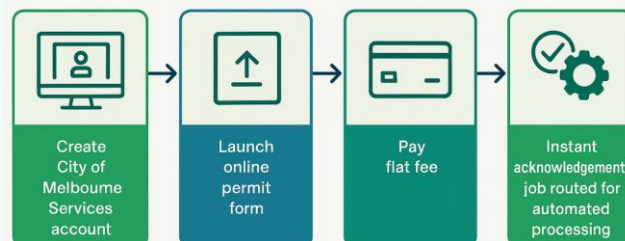
Better practice example – Combined applications – City of Greater Dandenong and Brimbank City Council

City of Greater Dandenong and Brimbank City Council provide applicants with a single form, enabling them to apply for both a Regulation 116 consent and a Hoarding permit at the same time where required. A checklist of required supporting documentation is provided in the application form, as well as clear information on how to pay for and submit the application.

Councils may wish to adopt this approach to more effectively streamline processes designed to protect public safety and minimise damage or obstruction to public land created by temporary protective hoardings, scaffolds, gantries and other similar structures.

Better practice example – Extract from City of Melbourne’s permit portal

In City of Melbourne’s permit portal, applicants create a City of Melbourne Services account, launch the online form, upload their Regulation 116 documents, pay the flat fee and submit. The portal issues an acknowledgement immediately and routes the job for automated processing, as in the diagram below.



1. Benefits to your council and local businesses

Reduced paperwork and manual handling

- Combining relevant permits and digitising application processes minimises touchpoints and manual handling for council staff.
- Bringing together local-law applications with Regulation 116 approvals allows applicants to submit safety documents and plans just once, saving time for both applicants and council officers.

Better compliance

- Simpler applications with standardised safety rules and clearances aligned to the *Disability Discrimination Act 1992* requirements reduce non-compliance and risks to the public.

Improved customer service

- Clear triggers for when a permit is needed and an online form can typically cut turnaround times by two days and reduce phone queries, improving overall customer experience for applicants.
- A standardised, plain-English permit name across councils removes confusion for builders working across multiple councils.

2. Model local law requirements and guidance

Conditions

Circumstances (when a permit is required)

A Public Protection (Hoardings and Protective Structures) permit will be required when the structure:

- encroaches on, projects over or occupies any public land, beyond the limits specified by council (i.e. above **[clearance limit]** but equal to or under **[upper clearance]**)
- remains on, above, or within public land – excluding the time it takes to install or remove it – beyond a duration specified by council (i.e. over **[minimum time]** but equal to or under **[maximum time]**)
- exceeds **[height-trigger]** above public land.

General

- All works must be carried out in accordance with specified conditions.
- You are responsible for all protective measures to ensure the safety of the works and the community.
- A public liability insurance policy must be in place for a minimum amount of \$10 million for the permit duration.
- This permit must be presented to an authorised officer upon request.
- You are responsible for obtaining any additional Council permits, for example planning permits, building permits, reports of consent, and/or other permits associated with the works.

Duration

- The Public Protection (Hoardings and Protective Structures) permit remains in force for the full period of hoarding or protective structure encroachment on public land, as defined by council.
- You must ensure any hoardings or protective structures are removed before the expiry date.
- You may apply to extend the duration of the occupation.

Conditions

Protection of Council assets

- You must ensure that no other areas of council-controlled land are impeded or occupied other than those specified on this permit.
- Any damage to council assets because of the works associated with this permit must be reinstated to the satisfaction of council and at your own cost. Any damage not rectified may result in fines to the permit-holder and/or builder.
- Council assets including street furniture, trees or any other council assets cannot be removed without prior permission from council. If any street furniture or other authority's assets are to be removed or relocated, you are responsible for paying for the removal or relocation of such assets.

Pedestrian and traffic management

- You must ensure safety precautions are made on site for pedestrian and vehicular traffic while the hoarding fence/gantry is on site, including ensuring:
 - items do not impair the vision of motorists or pedestrians
 - safe disabled access is always maintained around the site, compliant with the *Disability Discrimination Act 1992* requirements
- A minimum provision for pedestrians of 1500mm clear passageway from the face of the hoarding, or materials placed on the footpath to any existing pole, post or street furniture, is always required. In certain circumstances, council may approve a minimum width of clear passage **[e.g. 1200mm]**.
- Where minimum requirements cannot be met, you must make provision of safe passage for pedestrians, cyclists and people with disabilities to the satisfaction of Council.
- An approved Traffic Management Plan is to be implemented during all works and during the occupation.
- Traffic Management is to be installed in accordance with Australian Standard AS1742.3-2009, Part 3 – Traffic Control devices for works and *Road Management Act 2004* – Worksite Safety – Traffic Management Code of Practice on Road Traffic Control Devices for Works on Roads.

Notifications and consent

- Where restricted access to adjoining properties may occur during the erection and dismantling or occupation, written notification **[time, e.g. seven days]** in advance of the proposed works must be given to all affected parties.

You may also be required to notify:

- relevant public transport authorities and obtain written consent when occupying a road which services trams and/or buses.
- the relevant power authority and obtain written consent prior to the carrying out of building works within a restricted overhead powerline zone.

Conditions

Report and consent

- You must comply with the conditions of the Report and Consent pursuant to Regulation 116
- Protective structures must be approved by the relevant building surveyor before building works commence pursuant to Regulation 116(2)
- You must lodge with Council a signed certificate obtained from the Relevant Building Surveyor certifying that any hoardings and or overhead protective awnings have been designed and are constructed in accordance with sound engineering principles.

Additional conditions may be imposed

If a structure:

- narrows the accessible path beyond a specified limit, and/ or results in non-compliance with the *Disability Discrimination Act 1992* requirements (e.g. under 1.5m for pedestrians to walk in front of your building (if your footpath is between 2.5m and 3.5m) or 1.8m for pedestrians to walk in front of your building (if your footpath is more than 3.5m))
- occupies a traffic lane
- involves placement of an overhead protective awning (e.g. requiring provision of lighting)
- remains in place beyond a specified limit (e.g. over **[maximum timeframe]**)

Example model fee structure

- Simpler fee structures allow for instant upfront payments when submitting a digital application.
- Fees are recommended based on area and duration of occupation. This supports councils to recover costs from any damage associated with public protection structures and incentivises less occupation of public space.
- The table below outlines an example that can help councils simplify or update their fee structures.

Component	Suggested model structure
Application fee	Flat fee for initial application, which may be reduced or waived upon renewal or where combined with Report and Consent applications.
Occupation fees	<ul style="list-style-type: none">• Occupation of council land set at a daily or weekly rate per m²• Daily rates (where they do not overlap with the above) can also be set for occupation of:<ul style="list-style-type: none">– paid or other restricted parking– non-restricted parking

Enforcement and penalties

- Failure to comply with any of the conditions of this permit, including non-compliance with the expiry date, may result enforcement action being taken against you including but not limited to the issuance of a penalty infringement notice.
- Erecting a structure that exceeds the specified limits without obtaining the relevant permit carries a maximum penalty of **[penalty units]**.
- Failure to comply with the conditions of a Public Protection (Hoardings and Protective Structures) permit carries a maximum penalty of **[penalty units]**.