

# GUIDELINES FOR USE OF THE VERGE DURING BUILDING WORKS AND DEVELOPMENT



**Contact: City's Compliance Services on 1300 422 664**

## **Background**

Damage to City Infrastructure within the road reserve, such as the road pavement, kerbs, footpaths, drains and street trees is often caused by building and demolition works. The City receives complaints from residents about the inability to safely use footpaths, verges and concerns are often raised about the condition of the verge due to the storage of building materials and rubbish. These complaints are generally associated with builders and others either storing material across footpaths, verges and on the roads.

Council recognises that smaller block sizes and constrained development sites mean that adequate space for storage, building materials, skip bins, and the like may not always be available on private land. It is acknowledged that use of the adjacent verge area is often unavoidable and there is a need to facilitate its use for storage, whilst maintaining adequate protection to the City's assets that are located within the road reserve.

Council approved a Policy DO.02 titled "Use of Verge During Building Works and Development, at its Ordinary Council Meeting in October 2015. This Policy establishes the City's position with regard to granting a permit to allow use of the road reserve during construction or demolition works, or related works on an adjoining property.

In accordance with the *Local Government (Uniform Local Provisions) Regulations 1996* and the *City of Canning's Consolidated Local Laws 2000* (amended 2001), the City has the authority to permit use of the City's road reserve for storage purposes and has the authority to apply conditions to such use.

It is compulsory to have a valid verge permit to store materials on a verge located within the City.

## **Applying for a permit (including fees, permit duration and inspection information)**

In order to obtain approval to use the verge area, please complete and submit a Verge Permit Application Form along with a detailed site plan to scale. The site plan should include dimensions and must include the location for: the storage of materials, verge trees, pedestrian footpaths and crossovers. An application fee of \$297 applies at the time of submitting the application. However, if lodged electronically, via [customer@canning.wa.gov.au](mailto:customer@canning.wa.gov.au) the fee does not need to be paid at the time of lodgement, a separate email will be forwarded to the applicant after the application is lodged advising you of how to pay online. The email will have a reference number and provide the details on how to pay online.

Following approval of the application, the applicant will receive a verge permit from the City. Your permit will be valid for the duration of time as stated on the permit.

The \$297 application fee covers the cost of processing the application and two inspections by a City's Compliance Officer. These inspections will be conducted prior to the approval of the application and upon expiration of the Permit.

No bonds are applied to the storage of materials on the verge.

## **Verge Permit Usage Requirements**

The following conditions apply to use of the verge for storage, unless approved otherwise;

### **Setback from Curb and Footpath**

- ✓ Materials stored within 2 m of a curblin shall be no greater than 1m in height.
- ✓ Where no constructed footpath is located within the verge, the materials shall be set back 1.0m from the curblin.
- ✓ Where a footpath is in place, the materials shall be set back at least 0.5m from the curblin.

### **Obstruction of Footpath**

- ✓ Existing footpaths shall not be obstructed, unless an alternative arrangement has been approved by the City.

### **Damage**

- ✓ Any damage to the public thoroughfare or the City's infrastructure resulting from the storage is repaired to the satisfaction of the City of Canning within a reasonable time as required by the City.

### **Street Tree**

- ✓ Street trees must be protected at all times, and storage of materials shall not encroach closer than 2m to the trunk of the tree, unless otherwise approved by the City.
- ✓ Should any street tree be damaged by the storage of materials, the City may require the applicant to replace the tree, with a tree as determined by the City, within a timeframe as determine by the City.

### **Protection of Drainage Network**

- ✓ Materials, such as sand, soil, cement, and other materials are contained and do not leak or leach into the City's drainage system or otherwise damage the City's infrastructure.

### **Making Good the Verge Area**

- ✓ The verge area is to be cleared of all materials, rubbish, sand and the like and returned to the level and state before works commenced or as otherwise approved by the City.

### **Truncation to be provided at crossover/curb intersection**

- ✓ Materials shall be set back (at the point the crossover meets the roadcurb) 1.5m from any crossover, and 1.5m from the verge adjacent to the crossover to provide for a truncated area of 1.5m by 1.5m, which will allow for vehicles to exit the cross over safely.

### **Final Inspection by City Officer**

- ✓ Upon removal of the materials completely from the verge, upon expiration of the permit, the applicant shall notify the City of such removal, to enable an inspection to be carried out.

### **Public Liability Insurance**

- ✓ The applicant must have valid public liability insurance for the duration of the permit.

### **General Obstructions**

- ✓ All materials must not be placed in such a way as to obstruct or overhang a footpath, carriageway, access way or driveway. Where there is no footpath, a

safe and clear access of a minimum width of 1m along that part of the verge immediately adjacent to the kerb must be maintained, unless approved otherwise.

- ✓ Applicants must store all materials in such a way that no obstruction or damage is caused to manholes, inspection pits, fire hydrant, water or gas valve, electrical substation, power pole drainage gully, water channel or any other service in the verge area for which access may be required.

#### **Parking**

- ✓ Vehicles associated with the site may be parked on the verge (providing all parking is in accordance with the City of Canning Parking Local Laws 2010) (Note; the City of Canning's Parking Local Law 2010 are available here; [https://www.slp.wa.gov.au/gazette/GAZETTE.NSF/gazlist/03B9084726EDB313482577FB003532FB/\\$file/gg242.pdf](https://www.slp.wa.gov.au/gazette/GAZETTE.NSF/gazlist/03B9084726EDB313482577FB003532FB/$file/gg242.pdf))

#### **Portable Toilets**

- ✓ Toilets must be placed within the building site.

#### **Rubbish**

- ✓ All rubbish must be placed in a covered waste collection facility, such as a bulk rubbish bin.

### **Once Works are Complete and Verge Use has ceased**

On completion of the works it is a condition of approval, that the City's Compliance Services is notified to undertake an inspection to ensure that no damage has occurred to City infrastructure. Applicants must leave the verge cleared of all materials including sand, and returned to the level existing prior to commencement of the works. Any damage caused within the road reserve is to be rectified to the satisfaction of the City.

### **Building Activity**

Building activity on the verge area is forbidden under any circumstances, this activity includes, but is not limited to, cutting, mixing, preparing and assembling. All building activity work must be conducted within the properties boundaries.

### **Site Offices and Sheds**

All site buildings should be placed within the property boundaries. It is noted that there may be situations where it may be appropriate for a site office to be located temporarily in the road reserve, subject to approval. In this case the City may require fencing of the verge area.

### **Vehicles and trailers**

Vehicles and trailers must not block footpaths under any circumstances. Vehicles associated with the works may be parked on the road reserve area, so long as the parking meets the requirements of the City's Parking Local Law 2010.

### **Bulk Rubbish Bins**

All rubbish must be stored in a rubbish bin or suitable enclosure; rubbish is not permitted to be stored in loose piles on the site or verge. Bulk rubbish bins must be placed in a location that does not obstruct or overhang a footpath, carriageway, access way, or driveway or cause any sight obstruction. Care must be taken to ensure that damage to City infrastructure does not occur due to bin placement; City infrastructure includes signs, street trees, kerbs, and footpaths. Furthermore bulk rubbish bins are not permitted to damage or obstruct other infrastructure including any manholes, inspection pits, fire hydrants, water or electrical substations, drainage gully's, water channels or other services in the verge area for which access may be reasonably required.

## Public Liability Insurance

The permit holder must have a current Public Liability Insurance policy, with sufficient cover for the activity being undertaken.

## Circumstances under which a verge permit will not be issued

A verge permit application may be refused, where the City deems:

- (a) It is considered that there is sufficient usable space on the property.
- (b) Granting the permit would result in an unacceptably safety risk to pedestrians.
- (c) An unacceptable level of damage to City property or other infrastructure may result.
- (d) Trees are likely to be damaged or removed and a Tree Protection Zone cannot be established;
- (e) The applicant or persons engaged by the applicant have previously;
  - (i) failed to obtain a permit;
  - (ii) consistently failed to comply with permit conditions; or
  - (iii) failed to repair damage caused to the satisfaction of the City.

## Penalties

Unauthorised use of a verge or continued verge storage without a valid permit may attract penalties in accordance with the *City of Canning's Consolidated Local Laws 2000*. Penalties can include a modified infringement or prosecution. Permits that are issued will be issued subject to compliance with a range of conditions, which if contravened will constitute an offence under the City's Local laws, for which penalties are prescribed.

## Contact Details

The City's Compliance Services are responsible for managing the permits to use the verge and can be contacted on 1300 422 664 or via [customer@canning.wa.gov.au](mailto:customer@canning.wa.gov.au)