



POLICY

TITLE:	USE OF VERGE DURING BUILDING WORKS AND DEVELOPMENT	CODE:	DO.02
PURPOSE or OBJECTIVE:	This Policy establishes the City's position with regard to granting a permit to allow use of the verge areas and other areas of the road reserve during building or demolition works, or related works on an adjoining property.		
REFERENCE DOCUMENTS:	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>City of Canning Consolidated Local Laws 2000 (amended 2 February 2001)</i>		

POLICY STATEMENT

The City recognises that smaller block sizes and constrained development sites mean that adequate space for storage, skip bins, and the like may not always be available on private land. It is acknowledged that use of the road reserve often occurs by builders or landowners and that there is a need to facilitate this use, while at the same time maintaining adequate protection of the City's assets that are located within the road reserve.

The City's Consolidated Local Laws 2000 and the Local Government (Uniform Local Provisions) Regulations 1996 authorises the City to issue a permit for use of the road reserve. It is considered that where building, demolition or development works are planned on a private property and there exists legitimate justification for a temporary use of the road reserve, primarily the verge area, the City will consider issuing a permit for such use in order to facilitate those works.

- 1. Scope**
 This Policy applies to the use of the road reserve during building work, demolition work and associated works on an adjoining property. The Policy is also applicable to major works undertaken on an adjoining property that is likely to require use of the road reserve area for similar purposes such as major landscaping, driveway reconstruction or property maintenance.

- 2. Definitions**

<i>road reserve</i>	road reserve refers to that area of land under the care and control of the City of Canning and which facilitates roads, footpaths, street trees and other such features for public use.
<i>verge</i>	means any part of a road reserve other than the carriageway.

- 3. Legislation**
 In accordance with the *Local Government (Uniform Local Provisions) Regulations 1996* and the City'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.

- 4. Circumstances under which a Permit will not be Issued**
 The City may grant a permit to use the road reserve, except where:
 - (1) There is sufficient usable space on the private property;
 - (2) Granting a permit would result in an unacceptably high safety risk to pedestrians and cyclists;
 - (3) An unacceptable level of damage to City property or other infrastructure may result; and
 - (4) Trees are likely to be damaged and a Tree Protection Zone cannot be established.

5. Conditions of a Permit

- (1) When granting a Permit, the City may apply such conditions as it believes are reasonably necessary. Requirements for the setting of conditions are set out within the *Local Government (Uniform Local Provisions) Regulations 1996* and the City's *Consolidated Local Laws 2000* (amended 2001).
- (2) Conditions imposed may also include, but is not limited to:
 - (a) Specifications for traffic management;
 - (b) Protection of street trees and the need to maintain a Tree Protection Zone;
 - (c) Notification to the City upon complete removal;
 - (d) Public liability insurance;
 - (e) Maintaining the safe and free movement for pedestrians, cyclists and vehicles;
 - (f) Development and implementation of a construction management plan;
 - (g) The verge area being returned to the condition it was in prior to the works commencing.

6. Application for Permit

Upon receiving information that a public thoroughfare is being obstructed by building materials, the City will offer the opportunity for an application to be made in the first instance, seeking approval for storage of building materials on the road reserve. The City will not require the removal of such material while an application is being assessed, unless the storage is untidy, poses a high risk to the safety of pedestrians, vehicles or City infrastructure, or restricts the free movement of pedestrians, cyclists and vehicles.

7. Supporting Procedures

The City will implement procedures to support this Policy, including the process for lodgement and assessment of an application, issuing of the permit and monitoring of compliance.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995 - Part 9 Division 1</i>
Process Links	

POLICY ADMINISTRATION

Directorate		Officer Title	Authority to Approve
Planning and Regulation		Director Planning & Regulation	Council
Version	Decision Reference	Synopsis	Delegation No. N/A
1	October 2015	New Policy	
1	OCM 13/10/2015 (PR-060-15)	Adopted	