



# Guidelines for Using the Verge



## Foreword

Damage to City property in the thoroughfare/verge area such as the road pavement, kerbs, footpaths, drains, street trees and plants is often caused by building and/or demolition works. Furthermore the City receives a large number of complaints from residents about not being able to use footpaths. These complaints are associated with builders and others either damaging or storing material across paths and roads.

The Council's Thoroughfares and Public Places Local Law 2012 places accountability on owners and builders when they use the City's verges. This Law means that the City has powers to issue on-the-spot fines and the ability to proceed with prosecutions.

This information provides owners and builders with the conditions under which they may use the verge area during building and/or demolition works. It details what the verge can and cannot be used for and how applicants can go about applying for a verge permit. It also provides information on how the City will enforce the conditions of the verge permit and how you can appeal any decision made by the City with regards to the issue of verge permits.

If there is a street tree on your verge you will most certainly be required to protect and maintain the tree during the construction period.

We wish you all the best with your building works.

## Guidelines for Using the Verge

### Background

If you are conducting building or demolition works and want to use the City's road reserve for anything, including parking vehicles, storing materials, crossing the verge area with vehicles or locating a bulk bin you will require a verge permit from the City.

You must apply for a verge permit and pay the applicable fee. This applies to anyone currently, or planning on, carrying out any building or demolition works, whether this work requires a Building Permit or not. It includes work such as, but not limited to, earthworks, demolition, new dwellings, additions and commercial or industrial developments.

As the applicant, you are responsible for informing all other parties, including sub-contractors, of the conditions of the verge permit.

If you use the verge without a verge permit the City may issue an on-the-spot fine or prosecute you. For more information about how to apply for a verge permit see the section: 'Applying for a Verge Permit'.

There are a number of important conditions you must comply with when using the verge - each is detailed below under a separate heading.

### Damage to Infrastructure

You must not damage any infrastructure when using the verge or do anything that could potentially cause damage. This includes, but is not limited to, property owned by the City of Gosnells, such as drainage lids, grates and pipes, rain gardens or kerbs or paths, or property owned by service agencies such as gas, water, sewerage, telephone, cable services for TV, internet or electricity to name a few.

If you or a subcontractor damages the City's property you must inform the City immediately. The City can provide you with information on how the item can be repaired to the City's specifications. If you damage property that is not owned by the City you must notify the owner or service agency/utility concerned immediately. The affected service agency may have certain conditions that you must adhere to.

### Drainage

Blocked drains are a nuisance for road-users and property owners alike and can be costly to repair and clean out. Many blocked drains are caused by building materials entering storm water drains.

As a condition of the verge permit, all materials, such as sand, soil, cement, rubbish and natural materials must not be allowed to flow, leach or enter into the City's drainage system. You must ensure that all materials are stored in a manner that prevents them from being affected by wind drift or provide other safeguards to stop materials from entering the City's drainage system.

### **Storage of Building Materials**

If you have been issued a verge permit you are able to store building materials on the verge, in a shed, sea container or in the open. However, you must adhere to the following conditions:

- You must ensure that you have undertaken measures that prevent the stored materials from flowing or leaching into the City's drainage system or otherwise cause damage to the City's infrastructure;
- Your materials/shed must not be placed in such a way as to obstruct or overhang a path, carriageway, access way or driveway. Where it is deemed that the materials/shed is causing an obstruction or is encroaching the path, carriageway, access way or driveway you may be directed to remove or relocate the offending materials/shed;
- You cannot place any materials on any other property or verge, without first obtaining permission from the owner;
- Your materials/shed must be stored in such a way that it does not cause any sight obstruction whatsoever, to drivers of vehicles or pedestrians;
- You must ensure that no damage is caused to any City property within the thoroughfare area such as a sign, kerb, path, street tree or garden maintained by the City;
- Where there are raingardens or bio retention tree pits in the verge these must be protected from rubbish, heavy sediment loads or other wash, for example, cement washings during any construction.
- You must store your materials/shed in such a way that no obstruction or damage is caused to a manhole, inspection pit, fire hydrant, water or gas valve, electrical substation, power pole drainage gully, water channel or any other service in the verge area;
- Your materials/shed must not be placed on a service in the verge area that is not covered with a trafficable lid;
- When you have finished using the verge you must leave it cleared of all materials including excess sand and return it to the level before building work commenced.

## **Building Activity**

It is not permissible to carry out any kind of building activity whatsoever in the verge area. This includes work such as cutting, mixing, preparing and assembling. All work must be undertaken within the building site.

## **Street Trees**

The City plants approximately 1,000 trees each year as part of its Tree Planting Program. Unfortunately a great deal of damage is caused to the City's street trees as a result of building or demolition works. The specific tree protection information in this document is intended to reduce the damage to trees and other vegetation growing on the verge. If there is a tree or shrub on the verge you must protect and maintain the tree so that any damage to the tree is minimised. For more information see the section: 'Street Trees'.

## **Verge Treatments**

The verge surface coverings within the thoroughfare, such as grass or mulch, may only be disturbed if it is being replaced with a treatment permitted and agreed to by the City. For more information about permitted verge treatments phone the City on 9397 3000 or visit the Verges section of the City's website: [www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au).

## **Rubbish, Litter and Bulk Rubbish Bins**

The City receives many complaints about rubbish from building sites blowing down the street and onto neighbouring verges and property. To reduce this, the City requires all rubbish to be placed in an appropriate waste container, such as a bulk container or skip bin. It is NOT to be stored in loose piles. You may be fined or prosecuted under the Public Health Local Law 2017 if you allow any litter to spread from your site to any other public or private property.

If you have a verge permit you may place your bulk container or skip bin on the verge, but you must adhere to the following conditions:

- The bin must not obstruct or overhang a footpath, carriageway, access way, or driveway or cause any sight obstruction;
- It is placed on the verge that immediately adjoins the property being developed;
- No damage is caused to any City property in the verge area such as a sign, kerb, footpath, street tree or garden maintained by the City;
- No obstruction or damage is caused to a manhole, inspection pit, fire hydrant, water or electrical substation, drainage gully, water channel, gas valve or other service in the verge area, for which access may be reasonably required;
- The bin is not placed on a service in the verge area that is not covered with a trafficable lid; and
- The bin must not be placed on a verge more than 48 hours before being used and has to be removed within 72 hours of being filled.

### **Public Access**

Unless the City has required that the verge area be fenced off as part of the verge permit application, you must ensure that the area is available for public use at all times. In particular, vehicles, trailers, sheds, bins and building materials must not block any path. Where the City has permitted a fenced off area the permit holder must provide sufficient lighting every night from sunset to sunrise.

### **Modification of the Verge**

You are not permitted to make any modification to the verge area without the City's permission. This includes creating steep slopes or steps, modifying the kerbing, changing the existing level of the verge or damaging the surface vegetation of the verge or underground services. Where rain gardens are installed they are not to be used as rubbish collection areas or filled with any materials whatsoever.

### **Parking of Vehicles**

Vehicles associated with the site works may be parked on the verge area if you have a verge permit. They can only be parked during working hours for the duration of the development and must not cause damage or obstructions. Vehicles or trailers blocking footpaths may be issued with fines without warning.

### **Temporary Fencing**

Depending on the location of your building site and/or the scale of the work being carried out, you may be required to install a temporary fence around the building site or verge area. This is to protect the public from hazards caused by building activity or storing materials. Such fencing is generally required if the area experiences high pedestrian traffic, is near a school or shopping centre or it is unsafe for pedestrians to walk in front of the site.

### **Crossing place**

If you have a verge permit you may install a temporary crossover. This crossing is required to protect any infrastructure assets. This temporary crossing must be removed and the verge area reinstated to its previous condition when building works have been completed. All redundant crossovers have to be removed and new crossover(s) installed as per the City's specifications. An application must be made before the new crossover is constructed and a subsidy may be paid by the City. The remaining verge area has to meet the City's permissible verge treatment specifications.

Please refer to the City's website [www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au)

### **Site Offices**

Site offices are not permitted to be placed within the verge area. They must be placed on the building site.

### **Toilets**

Under no condition will the City grant a permit for any temporary toilet facility to be placed within the verge area. These must be placed within the building site.

### **Identification on Site**

The name and contact details of the builder and/or contractor must be displayed in such a manner that it is visible and legible from the kerb during daylight hours.

**Public Safety**

The permit holder and /or sub-contractors are responsible for ensuring that public safety is maintained at all times.

You are responsible for preparing a documented risk assessment (including the identification of hazards and implementing control measures) to minimise the risk of harm to members of the public.

This includes ensuring that access to the site and movement of vehicles and plant near public areas is controlled.

This risk assessment is to be provided to your sub-contractors and compliance must be enforced. The risk assessment must be reviewed when site conditions change.

## **Street Trees**

Street trees improve the amenity of the City. When works are undertaken it is important to protect trees on the verge.

Trees adjacent to building or demolition works will be inspected before the commencement and after the completion of works.

Any tree damaged as a result of construction/demolition works may render the applicant liable for costs associated with remediation of the damage or replacement of the damaged tree with a new tree.

## **Protecting Street Trees during Building or Demolition Works**

You must take all measures to protect and retain all street trees during your building or demolition works.

Specifically you must ensure that:

- No building materials are stored or stacked under the tree;
- No excavation takes place within the root zone of the tree;
- The ground surface within the root zone remains free of oil, bitumen, cement or other contaminants;
- Chemical toilets are not to be situated within close proximity to the root zone of the tree, even if on private property;
- No fires may be lit under the tree;
- Trees must not be used as anchorage points or to hang signs;
- There is no alteration to soil levels around the tree;
- If vehicular access is required across the root zone of the tree then approval for this must be obtained from the City; and
- Street trees may be required to be watered throughout the duration of the works.

## **Development**

Street trees will not be approved for removal or pruning unless a consulting arborist indicates that the tree/s cannot be sustained throughout the planned development. A pre-application arboricultural report must fully support removal or pruning management in this circumstance. A final decision will be made by the City based upon this advice.

## **Root Pruning**

Root pruning is the practice of removing a selective portion of a tree's root system, sometimes necessary in order to accommodate landscape features such as walks, retaining walls, drains, or utilities. Light top dressing of good topsoil is recommended as a first step to prevent the removal of key structural roots. If this is not sufficient and major root pruning is required, it should only be carried out by, or in consultation with, the City's Arborist.



### **Relocating Trees**

In cases of young trees where tree retention is not practical or desirable, transplanting could be considered as an alternative to removing the tree. You must contact the City for permission if you would like to relocate a tree. The City will advise on whether a tree is able to be relocated and what actions are required.

### **Removing Street Trees**

In some cases retaining a street tree may not be feasible or reasonable, owing to the condition, location or species of the tree. Under these circumstances the City may agree to a tree being removed after assessment of the individual circumstances. Removal of street trees without the written approval of the City is an offence.

In order to apply to remove a street tree you must submit a report to the City justifying the request. The City will then undertake an Amenity Tree Valuation, which is a process of applying a monetary value in light of the tree being considered an Environmental Asset. Should the removal be approved, you will have to pay the Amenity Value plus the removal cost for the tree. Details of these fees are advertised in the annual budget and will be discussed with you, when you apply to remove a tree.

### **Protection from Compaction**

Heavy equipment or repeated vehicle or foot traffic can compact the soil and seriously damage the roots of a tree to the point where the tree will not survive. Roots need pore-space within the soil for growth and this is destroyed when the soil is compacted by heavy weights. For temporary traffic over any part of the root zone, heavy duty rubber drive mats or boards must be used to avoid root compaction.

## Applying for a Verge Permit

### Overview

In order to gain approval to use the verge for any purpose relating to demolition or building activities, you must complete a Verge Permit Application Form and pay the application fee.

### Information and Requirements to Apply for a Permit

Information required to obtain a permit will vary by site, but in general the following items need to be included when you submit the Verge Permit Application Form:

- The name of the person, company or party responsible for the use of the verge; this is usually the owner or builder;
- A brief description of how the verge area will be used; for example access to the site, storage of material, storage of a bulk container;
- Details of other issues such as the location of site offices and/or sheds;
- Site plans of the development showing the location of the thoroughfare area, including footpaths, crossovers, drainage systems, vegetation, street furniture, trees, bus shelters and signs;
- A traffic management plan may be required for high vehicle traffic areas, sites that are difficult to access, for example where trucks have to swing across the median line to enter the site, or sites in areas used frequently by pedestrians.
- Payment of a fee is required. For more information see the section: 'Fees'.

**Circumstances under which a Verge Permit will not be granted**

In most cases a verge permit will be granted once a completed Verge Permit Application Form has been submitted and all fees and security deposits/bonds are paid. Work **cannot** commence until the permit has been received.

There are a number of circumstances under which a verge permit will not be granted, namely:

- If using the verge is not safe;
- The use will cause unacceptable damage to the verge or infrastructure;
- Street trees are endangered and protection for the tree cannot be established;
- The Development is completed;
- The Development Approval has expired.

**Verge Permit Duration**

A verge permit is valid for the same period of time noted on the approved Demolition Permit or Building Permit or where no time period is stipulated, the permit is valid for 12 months from the date of issue

A Permit can be extended by contacting the City on 9397 3000, before the expiry date.

## Fees

### Background

The verge permit requires payment of a fee to cover the cost of conducting an inspection prior to and after works have been completed. Routine inspections may also be conducted to ensure all conditions of the verge permit are being adhered to. For more information on these inspections see the section: 'Inspections and Penalties'.

### Fees

The amount charged for the verge permit application is subject to change and is advertised in the City's annual Fees and Charges.

## Inspections and Penalties

### Inspections

As well as the pre and post-development inspections, the City may also conduct routine and regular inspections of building sites. These inspections are to ensure that everyone who is granted a verge permit is meeting the conditions of the permit. The number and frequency of these inspections will depend on the scale of works undertaken, the risk to the public, complaints about a particular site or past performance of a permit holder.

### Penalties

Where the verge area is not being used in accordance with the conditions of the verge permit, under the City of Gosnells' Thoroughfares and Public Places and the City of Gosnells' Parking Local Laws 2012, the City may issue an infringement notice to the permit holder and require that the situation be rectified within a given timeframe.

Further offences may result in the City issuing an infringement notice and or instigating prosecution. This may involve a fine up to \$5,000 and daily penalties of up to \$500 for each day the offence is continuing.

Where a notice has been issued and has not been complied with in the timeframe specified, the City may impound any materials or goods involved in the contravention. The City may also revoke the verge permit where the verge area is not being used in accordance with the conditions of the verge permit.

Vehicles or trailers blocking footpaths may be issued with an infringement without warning.

## Other Useful Information

### Noise

Please be considerate to surrounding neighbours. Noise regulations state that operating times for building sites are Monday – Saturday: 7am - 7pm. Construction noise is not permitted on Sundays or Public Holidays.

If there is a complaint against you for building noise then the City of Gosnells will investigate and you could be fined or prosecuted.

### Animal Control

A dog taken onto a building site must be registered and under effective control at all times. You must also ensure that any dogs on site do not create a noise nuisance.

### Property Identification

Allocated property numbers should be clearly displayed and no further than 0.5m inside the front boundary line. The number must be on a contrasting background and must be easily read at all times from the road. This will assist in the easy identification of the property by delivery drivers and emergency vehicles.

All building sites are required to have details of the Building Permit displayed on site. The details required are:

- The builders name and registration number and/or
- If the builder is a company, the supervisor/manager's name and registration number.
- No signage is to be attached to a street tree.

### Securing Loads

When transporting waste from the building site, you should ensure loads on utilities, trailers and trucks are secured to prevent litter blowing from vehicles.

### Site Toilet

A working toilet and running water must be provided on all building sites. The toilet must not be placed on the thoroughfare under any circumstance.

### **Other Relevant Documents and Information**

The City has a number of documents that relate to building or demolition activities that you may find useful, namely:

- Conditions of Approval for Construction Works in a Thoroughfare
- Crossing Information Sheet
- Crossing specifications and application form
- Demolition Information Sheet
- Fencing Local Law 2017
- Guideline for litter and refuse on building sites
- Management and protection of trees
- Noise – Guideline for equipment used on residential premises
- Parking Local Law 2012
- Street Tree Policy
- Thoroughfares and Public Places Local Law 2012
- Vehicle Crossings Policy
- Your Guide to Parking

You can request the documents by telephoning the City on 9397 3000 or visiting the Building and Development section of the City's website: [www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au).

Further Building information is to be found under the Builder's page on the City's website.

**City of Gosnells  
PO Box 662  
Gosnells WA 6990  
9397 3000**

**[council@gosnells.wa.gov.au](mailto:council@gosnells.wa.gov.au)  
[www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au)**

