



# Guidelines for Builders: using the verge



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## Foreward

The City of Gosnells has created this *Guidelines for Builders: using the verge* to assist people building within the City care for the verge during construction.

Damage to City assets in the thoroughfare/verge area is often caused by building or demolition works. Assets in the verge include the road pavement, kerbs, footpaths, drainage, street trees and plants.

Over the course of a year, the City receives a large number of complaints from residents about not being able to safely use footpaths, due to obstructions or damage. These complaints are often associated with building or demolition works. Some common activities that cause damage to footpaths include the storage of materials and parking.

Use of the City's verge is managed under the *Thoroughfares and Public Places Local Law 2021*. Under this local law, requirements including verge permits are stipulated, with prescribed offences. Through this local law, builders are required to apply for a permit to utilise the verge during construction.

This document has been created to provide owners and builders with the conditions under which they may use the verge during building and/or demolition works.

It details what the verge can and can not 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.

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 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 any work being carried out, whether this work requires a building permit or not.

It includes work such as, but not limited to:

- earthworks
- demolition
- new dwellings
- additions
- 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. For more information about how to apply for a verge permit see the section: 'Applying for a verge permit'.

This section is broken into key areas of interest, and where key conditions of a verge permit may exist. These are:

- Damage to City infrastructure
- Drainage
- Building activity
- Verge treatments
- Storage of building materials
- Rubbish, litter and bulk rubbish bins
- Public access
- Modification of the verge
- Parking of vehicles
- Temporary fencing
- Crossing place
- Site offices
- Toilets
- Identification on site
- Public safety

## 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, kerbs, 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. Building materials entering storm water drains can cause blockages, and can result in sediment discharge into our waterways.

As a condition of the verge permit issued to you, 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.

## 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.

## 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/waterwise-verge](http://www.gosnells.wa.gov.au/waterwise-verge).

## 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 obstruct a path, carriageway or verge crossing and driveway. Where it is deemed that the materials/shed is causing an obstruction 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 signs, kerbs, paths, street trees, raingarden or garden maintained by the City.
- Where there are raingardens or bioretention tree pits in the verge these must be protected from rubbish, heavy sediment loads or other wash, during any construction.
- You must store your materials/shed in such a way that no obstruction or damage is caused to an utility service or assets (for example Water Corporation, ATCO Gas, Western Power).
- 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.

## 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.

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

The City requires all rubbish to be placed in an appropriate waste container, such as a bulk container or skip bin. Material 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 an utility service or assets (for example Water Corporation, ATCO Gas, Western Power).
- The bin is not placed on a service in the verge area that is not covered with a trafficable lid.
- 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.

## **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 and toilets

Site offices and temporary toilet facilities are not permitted to be placed within the verge area. They must be placed on 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

The City plants over 1,000 trees a year as part of the Gosnells Green Streets Program. Street trees improve the amenity of the City and are an asset the City is keen to protect. When works are undertaken street trees are often at risk of damage.

Under the City's Thoroughfare and Public Place Local Law 2021, it is an offence to interfere with a street tree. If your works are likely to interfere with a street tree in any way, contact the City's Tree Services Team to discuss an assessment.

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 must be obtained from the City.
- 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.

## Modifications to Street Tree

Modifications to a street tree to enable building can be approved by the City's Tree Services Team.

These include:

- root pruning - the removal of a selective portion of a tree's root system to accommodate landscape changes.
- relocation of the tree - the relocation of a young tree within the verge to an area that will not be impacted by the building or demolition works.
- removal of the tree - under the City's policy, trees will be removed only under specific circumstances. Fees may apply.

Interfering with a tree in any way without the permission of the City can result in a fine. The City's Tree Services Team is here to help you to protect our natural verge assets.

## 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.

You can complete the form online on the “Verge Permits” webpage, or via a printed form that is submitted to [council@gosnells.wa.gov.au](mailto:council@gosnells.wa.gov.au).

## 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.
- Payment of a fee is required. For more information see the section: ‘Fees and Penalties’.

## 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 are paid. Work can not commence until the permit has been received.

There are a number of circumstances under which a verge permit will not be granted. These include if using the verge is not safe, the use will cause unacceptable damage to the verge or infrastructure, or street trees are endangered and protection for the tree cannot be established.

## 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 and Penalties

## 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.

## Fees

The amount charged for the verge permit application is subject to change and is advertised in the City's annual Fees and Charges. You can find these on our website by searching for "Fees and Charges".

## 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 Local Law 2021 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.