



Local Government Act 1995

**CITY OF ROCKINGHAM
STREET VERANDAHS LOCAL LAW 2000**

Note: The Street Verandahs Local Law 2000 was published in the Government Gazette No. 59 on 21 March 2001.

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SCHEDULE 1 - APPLICATION FOR A STREET VERANDAH LICENCE

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Local Government Act 1995
CITY OF ROCKINGHAM
STREET VERANDAHS LOCAL LAW 2000

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Rockingham resolved on 27 February 2001 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the City of Rockingham Street Verandahs Local Law 2000.

1.2 Repeal

The City of Rockingham Street Verandahs Local Law published in the Government Gazette on 18 December 1998 is repealed.

1.3 Definitions

In this local law, unless the context otherwise requires -

“**licence**” means a licence issued under this local law;

“**local government**” means the City of Rockingham;

“**Surveyor**” means the Principal Building Surveyor or Acting Principal Building Surveyor of the local government;

“**verandah**” means any structure with a roof, of which any part extends over a street, way, footpath or other public place and includes an awning, blind, sunscreen or things whatsoever.

PART 2 - GENERAL

2.1 Requirement for a licence

A person shall not erect, alter, add to or maintain a verandah, and the owner or occupier of any premises shall not permit a verandah to remain on or attached to those premises -

- (a) unless a licence in respect of that verandah has been issued by the local government; and
- (b) if that verandah does not comply with any provision of this local law.

2.2 Application for licence

- (a) An application for a licence is to be in the form set out in Schedule 1 and is to be forwarded to the Surveyor together with-
 - (i) two copies of drawings comprising a site plan, plan, elevation and section of the verandah or proposed verandah;
 - (ii) a specification showing in detail the construction or proposed construction of the verandah;
 - (iii) a specification of the manner in which the verandah has been secured, or in which it is proposed to be secured, to the building;
 - (iv) any other information that the Surveyor considers necessary such as, a structural engineer's calculation or plan for the structural stability of the verandah or proposed verandah; and
 - (v) payment of the application fee as determined by the local government from time to time.
- (b) An application for a licence is to be signed by -
 - (i) the applicant; and
 - (ii) where the applicant is not the owner of the building to which the verandah is or is proposed to be attached - the owner.

2.3 Issue of licence

- (a) The local government may refuse to consider an application for a licence which does not comply with any of the requirements of clause 2.2.
- (b) The local government may, in respect of an application for a licence -
 - (i) refuse the application; or
 - (ii) approve the application on such terms and conditions, as it sees fit.
- (c) Where the local government approves an application for a licence it must issue to the applicant a licence in the form of Schedule 2.
- (d) A licence issued under this local law expires if the construction of the verandah to which it applies has not been -
 - (i) substantially commenced within 12 months of the date of the issue of the licence; or
 - (ii) completed within 30 days of the commencement of construction.

2.4 Types of verandahs permitted

A verandah is to -

- (a) be of a fixed, structurally suspended cantilever form unless otherwise permitted by the local government;
- (b) have a fascia which finishes no closer than 300mm from a vertical projection of the face of the street kerb;
- (c) incorporate guttering and downpipes so as to prevent water collected by the verandah from falling or being deposited onto a pavement or street unless otherwise approved by the local government;
- (d) be finished plumb, true and level both vertically and horizontally; and
- (e) be constructed in accordance with the current Building Code of Australia.

2.5 Verandah ends

- (a) If a proposed verandah is to abut an existing verandah, it may be required to be constructed so as to prevent rain falling between the two verandahs.
- (b) If the end of a verandah abuts the end of a right of way, street or public place, the fascia may be required to be returned along that end to the satisfaction of the Surveyor.

2.6 Height above pavement

Unless otherwise approved by the local government -

- (a) subject to paragraph (b), the lower level of a verandah at any point is to be 2700mm minimum above the pavement immediately below;
- (b) if a proposed verandah is to be constructed adjacent to an existing verandah, the proposed verandah may be required to be the same height as the existing verandah;
- (c) a verandah is to be stepped to conform with the grade of the pavement; and
- (d) any steps constructed under paragraph (c) are to be equal.

2.7 When a verandah may be constructed

- (a) The local government may prescribe -
 - (i) as a condition of the licence; or
 - (ii) by written notice to the owner or occupier of the premises to which the verandah is to be attached, the days and/or hours during which the verandah may be constructed.
 - (iii) a licence be procured, where required by the Surveyor, pursuant to the current Building Regulations, to enclose the pavement around the permitted place of work for the construction of the verandah.
- (b) A person must not construct, or cause or permit to be constructed, a verandah outside any days or hours prescribed by the local government under subclause (a)(ii).

2.8 Maintenance

- (a) An owner or occupier of a building to which a verandah is attached is to keep the verandah clean, painted, watertight and in good repair.
- (b) The Surveyor may give written notice to the owner or occupier of a building to which a verandah is attached to clean, paint or repair the verandah if in his or her opinion such cleaning, painting or repairing is required.
- (c) The Surveyor may give written notice at anytime for the verandah to be structurally checked by a practising structural engineer at the owners or occupiers cost.
- (d) An owner or occupier of a building to which a verandah is attached who receives a notice under subclause (b) and/or (c) is to carry out the specified cleaning, painting, repairs or structural check within 60 days of receiving the notice.

2.9 Blinds and sunscreens

- (a) In this clause -
 - “**blind**” includes a roller type blind; and
 - “**sunscreen**” includes a sheet metal or synthetic material sunscreen.
- (b) A blind or sunscreen under or near a verandah is -
 - (i) to be hung from or near the outer edge of the verandah;
 - (ii) to be parallel but not closer than 300mm from a vertical projection of the face of the street kerb;
 - (iii) not to hang lower than 2400mm above the level of the pavement at its lowest point when closed;
 - (iv) to be rigidly fixed in position, by an approved method, when down;
 - (v) not to display any form of advertising, unless approved by the local government; and
 - (vi) to be maintained in a proper state of repair to the satisfaction of the Surveyor.
- (c) Unless authorised in a licence by the local government a blind or sunscreen must not be placed or hung on the side of a verandah.

PART 3 - MISCELLANEOUS

3.1 Alterations to an existing verandah

Any alteration or addition to an existing verandah is to be made and maintained in accordance with the provisions of this local law.

3.2 Advertising

Any sign, advertisement or artificial lighting borne by a verandah is to be in accordance with the local government's requirements relating to signs.

3.3 Penalties

A person who fails to comply with any provision of this local law commits an offence and on conviction is liable to a penalty of not more than \$1,000 and a daily penalty of not more than \$50 for each day or part thereof that the offence continues.

Clause 2.2(a)

SCHEDULE 1 - APPLICATION FOR A STREET VERANDAH LICENCE

To the Principal Building Surveyor
City of Rockingham

I, (Applicant's Full Name)
of (Residential Address)
..... (Postal Address)
..... (Occupation)
..... (Telephone Number)
apply for a licence under the City of Rockingham Street Verandahs Local Law 2000.

Details of Verandah or Proposed Verandah

1. Location Address
2. Building to which verandah is, or is to be, attached
3. Dimensions -
 - (a) area
 - (b) length
 - (c) width
 - (d) height above pavement
 - (e) distance setback from edge of kerb
4. Estimated cost of construction
5. Details of owner(s) of the building to which the verandah is to be attached and/or the builder (delete whichever is not applicable) -
 - (a) Owners(s)
..... (Name)
..... (Address)
..... (Telephone)
..... (Signature(s) of Owners(s))
 - (b) Builder
..... (Name)
..... (Address)
..... (Telephone)
..... (Signature of Builder)

Attached are -

1. Two copies of drawings comprising a site plan, plan, elevation and section of the verandah or proposed verandah.
2. A specification showing in detail the construction or proposed construction of the verandah.
3. A specification of the manner in which the verandah has been secured, or in which it is proposed to be secured to the building.
4. Any other information that the Surveyor considers necessary such as, for example, a structural engineer's calculation or plan for the structural stability of the verandah or proposed verandah.

I enclose the application fee.

Dated this day of 20

.....
(Signature of Applicant)

SCHEDULE 2 - STREET VERANDAH LICENCE

This licence is issued to -

.....(Full Name)
of (Residential Address)
(the "licensee").

This licence authorises the licensee to construct and/or retain the verandah or proposed verandah which was the subject of Street Verandah Licence Application No. in accordance with the approved drawings, specifications and other information and subject to the provisions of the City of Rockingham Street Verandahs Local Law 2000 and the following terms and conditions -

This licence lapses if the construction of the verandah has not been -

- (a) substantially commenced within 12 months of the date of issue of the licence; or
- (b) completed within 30 days of the commencement of construction.

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Issued this day of20....

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Principal Building Surveyor

If in the course of constructing or altering the verandah the applicant will be carrying out excavation near and/or depositing building material on a street, he or she is required to obtain a licence for excavation near and the deposit of building material on a street pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and Regulation 25 of the building Regulations 1989. The licence is in Form 6 of the First Schedule to the Building Regulations 1989.

Dated 6 March 2001

The Common Seal of the)
City of Rockingham)
was affixed by)
authority of a resolution)
of the Council in the)
presence of -)

C S ELLIOTT
MAYOR

G G HOLLAND
CHIEF EXECUTIVE OFFICER