1. **Background**

Requests to temporarily occupy the Council road reserve broadly fall under two areas:

- public or private local events where the street is temporarily closed (Temporary Road Closure), and
- development of an adjacent site where there is limited remaining space (Road Occupancy)

As the road authority for all local roads within the municipality Council is responsible for maintaining the safety and amenity of the road reserve. The occupation of a road reserve impact on this public infrastructure and needs to be appropriately managed to ensure the obligations of Council are achieved. Any inconveniences to the wider community need to be considered while maintaining the safety for all road users.

![Figure 1: Example of a road closure for a public event](image)

2. **Purpose**

The purpose of this policy and accompanying procedure manual is to provide clear guidelines for temporarily closing or occupying a road reserve and is intended for use by Council officers, utilities, private developers and residents.

The policy provides precautions and protective measures in order to cause minimal disruption to surrounding residents and businesses, and, road occupancy is done so in a safe manner. Either a Temporary Road Closure application or Road Occupancy application will be assessed to ensure the road is managed in the best interests of the
public. By providing these guidelines Council imparts transparent expectations to surrounding residents while also allowing developers and event managers to plan works.

3. Scope
This policy covers any individual or entity that plans to temporarily close or occupy any part of the Council road reserve outside of normal use. Authority to manage road occupancies and closures is provided to Council under the *Road Management Act 2004* (Vic) and the *Local Government Act 1989* (Vic).

This policy does not cover permits for closure of arterial roads and freeways which are the responsibility of VicRoads.

This policy does not cover a Report and Consent permit issued by Council for temporary works (e.g. hoardings, scaffolding and gantries) which must be obtained before applying for a Road Occupancy permit.

This policy does not cover Council permits for other uses of the road reserves that are required instead of or in combination with a Temporary Road Closure permit or Road Occupancy permit. Other permits that *may* relate but not directly covered under this policy include:

- Report and Consent permit (refer to Building, Health and Property Services)
- footpath trading (refer to Legislative Services and Support)
- itinerant trading (refer to Legislative Services and Support)
- busking (refer to Legislative Services and Support)
- filming (refer to Legislative Services and Support)
- skip bins (refer to Legislative Services and Support)
- permanent road closures (refer to Technical Services)
- closure or occupancy of other types of Council reserves (refer to Infrastructure Services, or, the relevant facility manager)
- large events outside of the road reserve which may be covered under Part 5 - Occupation of Buildings and Places of Public Entertainment of the *Building Act 1993* (Vic))

4. Definitions
*Nature strip:* area of road reserve between the property boundary and the back of kerb, excluding any public pavement or footpath area (in accordance with the definition of “roadside” under the *Road Management Act 2004* (Vic)). The nature strip may include other assets such as a street trees, vehicle crossings or items of public utility service infrastructure, including, but not limited to pits, pipes, cables, poles, posts and fire hydrant.

*Report and Consent:* a permit issued by Council relating to the erection of precautions over the street alignment where safety measures are required to protect the public
(Section 604 - Building Regulation 2006 (Vic)) and must be included with a Road Occupancy application.

**Right-of-Way**: commonly referred to as a ‘laneway’, portion of land not within the road reserve that provides a common right to use as a means of access or travel. Ownership of a right-of-way may be with Council, adjacent property owners, or, a third party, and, may be identified on the Certificate(s) of Title or implied.

**Road closure**: partial or complete closure of any part of the road reserve which requires the redirection of pedestrian and vehicle traffic.

**Road occupancy**: the partial closure or occupation of a section of the road reserve which may require redirection of vehicle or pedestrian traffic.

**Road reserve**: all of the area of land that is within the boundaries of a road reserve (Road Management Act 2004 (Vic)). Typically this is the area between property boundaries containing the roadway and areas adjacent to the roadway including nature strip, footpaths, traffic islands, vehicle crossings, etc.

5. **Responsibility**

**Building, Health & Property Services**
- assess an applications and record on Council database
- assess public liability insurance
- determine the correct fee based on area
- issue and specify conditions of a Temporary Road Closure permit or Road Occupancy permit
- respond to public queries relating to temporary road closure or occupancy
- as required under the Planning and Environment Act 1987 (Vic) enforce conditions of the CMP and issue penalty infringement where conditions have been contravened

**Legislation Services and Support**
- enforce Council requirement as set out under the General Purposes Local Law
- where an infringement has occurred issue a Notice to Comply, an infringement notice, impounding of materials, and/or pursue court action

6. **Legislation**

This policy has been developed with consideration to the following legislation:

- Building Act 1993 (Vic)
- Building Regulations 2006 (Vic)
- Local Government Act 1989 (Vic)
- Planning and Environment Act 1987 (Vic)

1 Part 14 Occupation of Roads for Works
7. Policy

It is Council policy to allow temporary closure (8 hours or less) of a local road where there is a community benefit and there is not an increased safety risk or unreasonable disruption to other road users and nearby properties.

It is also Council policy that where it is not practical for building works to contain all facilities or items on-site the road reserve may be occupied for a brief period (28 days plus possible extension) on the condition there is not an increased safety risk or unreasonable disruption to other road users and nearby properties.

8. Consultation

In developing this policy the following departments were consulted:

- Building, Health and Property Services
- City Planning
- Infrastructure Services
- Legislative Services and Support
- Operations Delivery
- Statutory Planning
- Technical Services

9. Related Documents

- Department of Planning and Community Development (DPCD), 2011, Better Practice Building Site Management Project
- Department of Transport, Planning and Local Infrastructure, 1997, A ‘Good Neighbour’ Code of Practice for a Circus or Carnival
- Moonee Valley City Council, 2011, Event Planning Guide
- Moonee Valley City Council, 2015, Footpath Trading Policy [DRAFT]
- Moonee Valley City Council, 2008, General Purposes Local Laws
- Moonee Valley City Council, 2007, Guidelines and Good Practice for Public Safety and Amenity at Construction Sites
- Moonee Valley City Council, 2013, Municipal Parking Strategy
- Moonee Valley City Council, 2013, Road Management Plan
- Moonee Valley City Council, 2010, Road Safety Plan
- Moonee Valley City Council, 2015, Works within Municipal Road Reserve Policy
- VicRoads, 2009, A Guide to Working within the Road Reserve

• Road Management Act 2004 (Vic)
For further information including the Temporary Road Closure application or Road Occupancy application refer to the following Council websites:

**Road occupancy:**

**Temporary road closures**
Procedure Manual

Both a Temporary Road Closure application and a Road Occupancy application assist Council in assessing whether a request to use all or part of a road reserve conforms to Council policies. A Temporary Road Closure application is typically required for public events including fun runs, bike rides, street parties, festivals, parades, community events and sporting events. A Road Occupancy application is required for all other situations, typically private and/or commercial activities and often related to development or renovations of an adjacent property.

Both application must clearly show:

- applicant’s name and contact details including address, phone numbers and email
- payment details
- address and extent of road occupancy
- location of occupancy on road reserve (footpath, nature strip, road, right-of-way – can be multiple)
- description of the type of occupancy
- plans showing clear dimensions, clearances from the road or kerb and clearances from other adjoining assets
- Public Liability Insurance Certificate of Currency
- where the occupation will affect vehicle or pedestrian traffic, a traffic management plan meeting relevant standards

Council assessment of the application

Applications received by Council will be assessed with consideration to the following:

- proximity to other road occupancies in the area and the impact this may have on local traffic conditions including level of inconvenience
- roads with bus or tram routes, or, where emergency service access is required will only be occupied/closed in exceptional circumstances
- access to the road needs to be maintained for all nearby residents and emergency service vehicles
- potential impacts on amenity including: dust, vapour, sediment, other types of pollution and nuisance, or, risks to health and safety
- outcomes of a site assessment to determine the impact on Council assets
- potential damage to Council assets or those of other authorities caused by placement of materials or equipment
- damage to street trees from soil compaction or impact
Figure 2: Extent of dripline and root extents

- Suitability of items to be stored within the road reserve
- An applicant can calculate their own road occupancy measurements and therefore provide a costing of their proposed occupancy, but a Council Technical Officer will provide the final cost of the occupancy after it assesses the area, the measurements and nature of occupancy

Council application approval
If Council approves an application the permit will include:

- duration of the occupancy
- conditions to notify affected residents of the road occupancy
- conditions on signage
- hours during the work week and weekend when the occupancy can and cannot take place
- cost of the permit

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1 Maximum time frame permitted by Council for a Road Occupancy permit is 3 months. If an occupancy is needed for a period greater than this, a new application needs to be submitted prior to the permit expiration, again providing all the relevant information. Because an application was granted in the first instant, this does not imply it will be granted again or as an extension of time.
Types of road closure and occupancy

1. Storage of materials
Moonee Valley has recently undergone a period of steady residential and commercial development. This creates a challenge in storing materials which are used in construction, particularly when a development occupies an entire site. Where this can be appropriately catered for within the road reserve, Council may consider an application to occupy part of the road reserve in order to facilitate temporary storage of materials which are to be used on site.

Occupation for the purpose of storing materials will generally be confined to the nature strip of the road reserve directly at the front of the property.

A road occupancy for a storage of materials must:

- be stored in containers and appropriately covered
- not allow dust or sediment to leave the permit area
- not be mixed within the permit area
- not be within the drip line of a street tree and where a street tree is nearby this must be fenced

2. Use as a construction area
During the course of a development works are to be contained on the development site and road reserve used for deliveries. Where the developer can show exceptional reason Council may allow the road reserve to be occupied for other reasons. Council does not encourage the use of the road reserve for construction and will only allow such use where the developer can show there is no reasonable alternative.

A Road Occupancy application for a construction area must:

- be fenced to a height of 1.8m and including fineshade mesh
- contain dust or debris
- provide appropriate alternate means of access for pedestrians
- provide any power supplies or other connections to the site in accordance with standards
- limit the occupancy areas to 3 months duration
- nearby street trees must be fenced to protect the drip line
- not involve the welding, mixing of material or other potentially hazardous actions in a construction area
- more than 5 metres from a utility pole or street tree or agreement from Council where this is not practical

3. Safe working area
Where a development site has limited free space Council may consider use of the road reserve for delivery of machinery, materials and delivery machinery where the
developer can show: it will improve safety on site; and, no significant impact on other road users and residents.

A Road Occupancy application for a safe working area must:

- identify use of the roadway by stages of development in the Construction Management Plan (CMP) for the development
- prepare a Traffic Management Plan (TMP) for any closure of the road or where pedestrian of vehicle traffic will be affected
- where a CMP is not in place approval from the Building, Health and Property Services department (the Coordinator of Technical Permits)
- where a CMP is not in place provide details of the proposed works and reason why works cannot be performed on-site

4. Approved skip bins providers and POD type storage

Before a request to occupy a road reserve for the purposes of storing a skip bin or POD can be assessed a Skip Bin permit must first be issued. A Road Occupancy application must include a copy of the Skip Bin permit and provided to the Building, Health and Property Services department for assessment. For details on Skip Bin permits refer to the following Council website: http://mvcc.vic.gov.au/for-residents/waste-and-recycling/skip-bins.aspx

To ensure skip bins are placed appropriately and without damaging Council assets a Skip Bin permit must first be obtained and an accredited skip bin/POD provider be used before a Road Occupancy permit is issued. These providers have demonstrated they are capable of placing, delivering and removing containers appropriately and as outlined under the VicRoads Code of Practice for the Placement of Waste Bins On Roadsides.

5. Building works precautions: fencing, hoardings, scaffolding, overhead gantries, etc.

Regulation 604 of the Building Regulations 2006 (Vic) requires that the safety of the public must be maintained during building works by taking precautions approved by the building surveyor (e.g. fencing, hoardings, scaffolding, gantries, etc.). Where it is only practical to locate these precautions within the road reserve a Report and Consent permit must also be obtained from Council.

A Report and Consent application is assessed only in relation to whether the proposed precautions maintain the safety of the public during building works. The Report and Consent permit must be included with a Road Occupancy application. The Road Occupancy application will then be assessed in relation to this policy (e.g. protection of street trees, etc.). A Report and Consent permit is separate to the Road Occupancy permit and does not imply approval to occupy the road reserve.

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2 Code of Practice for the Placement of Waste Bins on Roadsides, January 2001
Note: Where temporary works such as fencing, hoardings, scaffolding, overhead gantries, etc. are to be located within the road reserve both a Report and Consent permit and Road Occupancy permit are required.

6. Commercial activity (including filming)
Before a request to occupy a road reserve for filming (or other commercial activities) can be assessed a Filming permit must first be issued by Council Local Laws and Parking Control. A Road Occupancy application must include a copy of the Filming permit and provided to the Building, Health and Property Services department for assessment. For details on Filming permits refer to the following Council website:


A Temporary Road Closure application for a commercial activity (including filming) must include:

- a copy of the Filming permit
- description of how affected residents will be consulted
- description of how road access will be maintained for all affected properties
- description of how the extent of closure has been minimised

7. Public events
Public events such as community fun runs, school fetes and charity events, or demonstrations must be undertaken with consideration to other road users. Public events must be consistent with the Council Event Planning Guide prior to a Temporary Road Closure application being received. A Temporary Road Closure application must be provided and include: a copy of the approved event planning documentation; permit fees; copies of insurance details; and, traffic management plans.

A Temporary Road Closure application for a public events must include:

- approval consistent with Council Event Planning Guide
- public liability insurance for the period of road closure
- a traffic management plans for the route proposed
- approvals from affected services (bus or tram operators, arterial roads, etc.)
- organise road closures by private Traffic Control companies
- consultation with residents and businesses along the route and provided with details of any inconvenience which may be caused

8. Street parties
Council encourages activities within a local community including promotion of street parties where the common area between properties, including the road reserve, is used for public activities.
A Temporary Road Closure application for a street party must:

- show precautions will be taken on site for both pedestrian and vehicle traffic during the event.
- meet Council requirements set out on the Temporary Road Closure application
- provide details on how access for emergency service vehicles will be maintained

A Temporary Road Closure application will not be approved where a road closure will impact bus routes, tram routes, arterial roads (VicRoads), or a business during operating hours.

To assist with street party preparations Council provides a Road Closure Kit consisting of 6 A-frame “Road Closure” barricades and flashing lights (if a night party). The kits are available for pickup and return from the Council Depot & Transfer Station (188 Holmes Road Moonee Ponds) weekdays between 8.00-12.00pm and 1:30-3.30pm. Kits are not available for pick or return on weekends.

![Example of a Council provided street barricade](image)

*Figure 3: Example of a Council provided street barricade to be used at either end of a road to notify users that a public event (such as a street party) is underway*
Additional Information

Care of and access to road assets
The Road Management Act 2004 (Vic) provides a right of access to service authority assets within the road reserve and so ensures Council may perform emergency works regardless of any existing permits.

Where a permit has been issued it is on the assumption that all assets within the permit area are operating effectively and are undamaged. Where damaged to an asset within the permit area has been observed it must be recorded by digital photographs and reported to either Council or the service authority. Failure to undertake this step will result in the permit holder being invoiced for repair costs.

In order to protect the assets within the road reserve all permit holders must:

- not undertake excavation within the road reserve
- not place loads on the permit area which may damage underground assets
- protect street trees by placing fencing around the drip line
- reinstate grassed areas after the road occupancy
- remain 5 metres from power or utilities poles at all times

Occupation of a right-of-way
Given the narrow width, lack of nature strip, limited entry/exit options, and, proximity to private areas minimising disruption within a right-of-ways is generally more difficult to achieve than a local road. In practice a Road Occupancy permit for a right-of-way is limited to uses where a vehicle can still pass. Where more significant works are required then conditions of the road occupancy will need to be provided as part of a CMP and may be subject to consultation with affected property owners.

Duration of permit
The duration of a Road Occupancy permit or Temporary Road Closure permit is based on both the needs of the applicant and minimising inconvenience and safety risk to road users and residents. Upon expiry of a permit all items and materials must have been removed and reinstatements completed to the same condition as prior to works.

Road Occupancy permit:

- Occupation of the road reserve
  3 days maximum with provision to re-apply where the applicant has shown reasonable need.

- Occupation of the nature strip
  28 days maximum with no provision to re-apply or extend a permit except under exceptional circumstances.

Temporary Road Closure permit

- Public events (including fun runs, bike rides, street parties, festivals, parades, community events and sporting events)
8 hours including time for installation and removal of traffic management signage, bollards or other temporary structures. A separate Road Occupancy application is required to store materials off the roadway to ensure the road can be closed and reopened efficiently.

**Parking and work zone applications**

Council acknowledges that the process of construction and development requires a number of trades, delivery vehicles and materials to access the site. The storage of materials and crowding of work vehicles and machinery around the site may, at times, cause an inconvenience to surrounding properties and potential risks to other road users. In such cases, permits will not be issued where they are for the purpose of parking vehicles or storing machinery.

The Council *Parking Strategy* provides opportunities for developers to apply for an altered parking area at the front of the development during the course of construction through a *Work Zone* application. Applications to alter parking arrangements due to a development must be made to the Building, Health and Property Services department. Fees are associated with the application assessment, altering of street signage to reflect and exclusive Work Zone area and the monitoring of parking in the area.

**Developments site skip bins, shipping containers, site sheds and materials**

Council does not support the placement of large objects within the road reserve for reasons of safety and obstructing traffic. Council regularly rejects applications to place within the road reserve: skip bins; site sheds; shipping containers; and, delivered material. These items are considered unsuitable for the following reasons:

- reduced line of sight for road users
- impact hazard for traffic
- accessibility hazard for pedestrians, disabled and prams
- loss of street parking
- diminished coverage of street lighting
- damage to Council assets (drains, footpaths, road surface, etc.) and/or
- diminished aesthetic appeal of the streetscape

Where the entire site is to be excavated and no adjacent site available Council on rare occasion may allow a single level site shed/shipping container to be located in the road reserve. Once construction allows use of the ground level the site office/shipping container must be removed from the road reserve.
### Application checklist

The following tables list requirements for consideration when assessing a Temporary Road Closure application or Road Occupancy application.

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| All Road Occupancy     | • Public Liability Insurance to the value of $10 million  
                          • contact details for site manager including mail, email and mobile phone details  
                          • reasons for the proposed closure  
                          • 1.5 metre clearance for pedestrians or other appropriate traffic management measures  
                          • access to properties and businesses including in right-of-ways  
                          • occupied area returned to original conditions |
| Storage of materials   | • goods stored must not produce dust or sediment, or, pose a hazard to road users or general public  
                          • materials such as cement, sand or crushed rock must be stored in containers and appropriately covered  
                          • no mixing of concrete, mortar, plaster or other material  
                          • materials must not interfere with street trees including fencing off around drip line |
| Construction areas     | • fenced to a height of 1.8 metres including use of fine shade mesh  
                          • provide alternate means of access for pedestrians  
                          • power supplies or other connections to the site must be provided in accordance with standards  
                          • works zone permits will be limited to 3 months duration  
                          • construction area more than 5 metres from a utility pole or street tree  
                          • must not interfere with street trees including fencing off around drip line  
                          • no welding, mixing of materials or other potentially hazardous actions |
| Safe working areas     | • use of the roadway for identified stages of development listed in the development site’s Construction Management Plan (CMP)  
                          • where a construction occupancy is proposed without a supporting CMP approval from the Building, Health and Property Services department  
                          • where no CMP is required provide details of the proposed works  
                          • a traffic management plan for any closure of the roadway or where pedestrian or vehicle traffic will need to be modified |
<table>
<thead>
<tr>
<th>Consideration</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Public events      | • consistent with Council Event Planning Guide  
• public liability insurance  
• traffic management plans for the proposed route  
• approval from affected services including bus operators, tram operators and VicRoads  
• road closures managed by a licensed traffic control company  
• consultation with affected residents and businesses along the route |
| Commercial activities | • access to nearby properties must be maintained  
• partial preferred to total closure of residential streets where practical  
• details of how the closure time will be minimised to reduce the inconvenience to nearby properties  
• consultation with affected residents and businesses along the route |
| Street Parties     | • details of safety precautions for pedestrian and vehicle traffic during the event.  
• details on how access for emergency service vehicles will be maintained  
• evidence closures will not impact bus routes, tram routes, arterial roads, or, a business during operating hours |