

POLICY NO: 7.4.9

ENCROACHMENTS OVER CROWN LANDS

OBJECTIVES

1. To detail guidelines for developments that encroach over Crown Lands.
2. To provide guidance for applicants and the City's Officers in designing and assessing buildings with structures that may encroach over Crown Lands.
3. To minimize the impact that structures encroaching over Crown Lands have on the public and Crown Land.
4. To ensure that developments that encroach over Crown Lands do not contradict the State Land Service's Policy Customer Information Bulletin No. 6 (November 2008) which requests that Local Governments comply with Planning Bulletin No. 52 and Government Land Bulletin No. 5.

POLICY STATEMENT

1. For the purposes of this Policy Crown Land is defined as:
 - (i) public roads (excluding Primary Regional Roads);
 - (ii) ways vested in the Crown, whether Crown or freehold land;
 - (iii) unmanaged reserves;
 - (iv) managed reserves, where the management body consents to the airspace encroachment;
 - (v) Crown land subject to a tenure, provided the tenure holder consents to the airspace encroachment; and
 - (vi) unallocated Crown land.
2. For the purposes of this Policy an encroachment into Crown airspace is defined as being any part of a building or structure associated with a building that horizontally projects from the building, such as a balcony verandah or lesser intrusion, beyond the lot boundaries over one of the abovementioned parcels of land.
3. The City of Vincent can support minor encroachments into Crown airspace, which are defined as:
 - (i) A building that has string courses, cornices, copings, eaves or window sills that project not more than 230mm into airspace over Crown land; but excluding bay windows at street level forming part of a building under the Strata Titles Act 1985 (see s. 400 (1a) of the Local Government (Miscellaneous Provisions) Act 1960);

- (ii) Awnings or verandahs, whether supported by posts or otherwise, a minimum of 2.75m above the footpath of a public road, way, other public place or Crown land generally, and providing weather protection to the public using roads beneath, or otherwise; provided the verandah does not form a balcony which increases floor space or is used for commercial purposes (see s.400 (2) (a) of the Local Government (Miscellaneous Provisions) Act 1960);
 - (iii) Plinths, flowerpots, lightfittings, flagpoles, sunscreens (for the purposes of this Policy defined as similar devices/structures as depicted in clause (v) below), and signs; provided such signs are related purely to the building and/or businesses located in that building, and are not of a general advertising nature;
 - (iv) Mouldings and minor ornamental features intruding no more than 12mm at street level; or (for example, where the intruding structure is of an ornamental nature, and does not form a permanent, load-bearing, original part of the relevant building) – such further depth as may be determined by a DLI Regional Manager as appropriate under those particular circumstances (see Reg 33 of the Building Regulations 1989); and
 - (v) Curtains or other similar temporary apparatus designed to provide weather protection to clients using alfresco dining facilities in roads, ways or other public places.
4. Any encroachments into Crown airspace greater than the above will require consent and tenure from the Minister for Lands in accordance with the State Land Services Policies and Bulletins relating to Balconies Over Crown Lands.
5. The City 's Technical Services Department have the discretion to refuse encroachments over Crown Land of which the City has vested care, control and management regardless of whether the encroachment/s comply with the requirements specified in clause 3, as such encroachments may be deemed inappropriate by the City in certain locations.