

Council

POLICY REVIEW

I/RR/4 - Town Street Verge Management (Existing Policy)

I/RR/4 – Town Street Verge Management (Amended Policy)

Meeting Date: 23 May 2017

Number of Pages: 12

POLICY No: I/RR/4

FORMER POLICY NO:

TOWN STREET VERGE MANAGEMENT POLICY

DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Infrastructure	Roads and Reserves

OBJECTIVE

To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.

POLICY

1. Verge Definition

A verge is defined as the part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath. The land is under the care, control and management of the Shire of Plantagenet for the provision of public services such as pathways and to accommodate public utilities.

2. Landscaping a Verge

The Shire permits, with permission, property owners to enhance their verge. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town's character and form a 'sense of place'.

Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn.

The Shire will not undertake any maintenance work (such as mowing, slashing and pruning) on townsite verges apart from drainage preservation, annual spraying for weeds and maintenance of street trees. The Shire will also remove trees that are considered a danger to persons or infrastructure.

3. Permissible Verge Treatments

Permissible Verge Treatments are detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

4. Verge Treatment Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;
- c) Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check;
- d) Productive gardens are permitted provided that produce will not lie on the footpath, kerb or street;

- e) The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and
- f) Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.

5. Irrigation

If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Property owners are advised that installation and maintenance of irrigation structures is at their expense and will not be maintained by the Shire.

If approved, irrigation pipes and connections shall be laid underground and pipe fittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half' sprinklers must be used adjacent to kerbs, footpaths or streets to ensure flow is directed away from these surfaces.

6. Street Trees

The Shire is responsible for the planting, maintenance and removal of trees on townsite verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the road way or one threatening to fall.

Property owners are permitted and encouraged to prune any branches overhanging their fenceline from a verge tree. The removal of these branches is the responsibility of the property owner. See Policy I/RR/5 Trees across Fences and Boundaries.

7. Verge Spraying Program

The Shire undertakes an annual verge spraying program within all townsites. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.

A 'Do Not Spray' Register is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.

The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, if they are not maintained to required standards.'

8. Obligations of the Property Owner

A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.

9. Notice to Property Owner

The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.

10. Non-Prescribed Verge Treatments

Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

11. Trees Near Power Lines

The Shire is provided with a regular report from Western Power listing trees within a townsite that require pruning. A resident may request a street tree be pruned by Shire staff, however, this will only occur if an inspection deems the branches be within Western Power's recommended safe 2.5m distance.

12. Conditions Applicable to all Verge Treatments

The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such loss. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.

ADOPTED: 9 DECEMBER 2014

LAST REVIEWED:

Current Policy

POLICY No: I/RR/4

FORMER POLICY NO:

TOWN STREET VERGE MANAGEMENT POLICY

DIVISION	BUSINESS UNIT	RESPONSIBILITY AREA
Works and Services	Infrastructure	Roads and Reserves

OBJECTIVE

To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.

POLICY

1. Scope

This policy applies to street verges within the townsite boundaries of Mount Barker, Kendenup, Rocky Gully and Narrikup. A separate policy (I/RR/2 – Rural Road Verge Vegetation Management) relates to the management of verges on rural roads.

2. Legislation

Dividing Fences Act 1961

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 – Division 1 – General and Division 3 – Verge treatments

Shire of Plantagenet Town Planning Scheme 3

3. Definitions

Verge The part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath (Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008).

Footpath An area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians (Road Traffic Code 2000).

4. Application of Policy

4.1 Council Responsibilities

4.1.1 The Shire may undertake drainage preservation, annual spraying for weeds and maintenance of street trees on verges in townsites. The Shire will also schedule the removal of trees on verges that are considered a danger to persons or infrastructure. Any other works are the responsibility of the adjoining land owner.

4.1.2 The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such removal. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.

4.2 Street Trees

- 4.2.1 The Shire is responsible for the planting, maintenance and removal of trees on townsites verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the roadway or one threatening to fall.
- 4.2.2 Property owners are permitted and encouraged to prune any branches overhanging their fence line from a verge tree. The appropriate removal and disposal of these branches is the responsibility of the property owner.
- 4.2.3 The Council will accept removal responsibility for any tree that has fallen from any Council controlled land within townsites onto private land, subject to the owner/occupier providing the required access authorisation. Local Government is not bound by the Dividing Fences Act 1961, therefore any damage to fences caused by a tree on Council controlled land is the responsibility of the property owner.

4.3 Trees Near Power Lines

The Shire is provided with a regular report from Western Power listing trees within a townsites that require pruning. A resident may request that a street tree be pruned by Shire staff, however, this will only occur if an inspection deems the branches to be within Western Power's recommended safe distance.

4.4 Verge Spraying

- 4.4.1 The Shire undertakes an annual verge spraying program within all townsites to reduce weeds and limit fuel loads on verges. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.
- 4.4.2 Residents may request that their verge be added to the 'Do Not Spray' Register, which is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.
- 4.4.3 The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, if they are not maintained to required standards.

4.5 Fire Hazard Reduction

Residents are encouraged to include their verges as part of the fire hazard management plans for their own properties, including raking and removing of accumulated leaf and twig materials to help reduce fuel loads. Any requests for the removal of larger branches for the purpose of fire hazard reduction will be assessed by the Council, subject to the level of risk and availability of resources.

4.6 Verge Enhancements by Property Owners

The Shire permits property owners to enhance their verge, subject to compliance with the conditions outlined in this policy. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town's character and form a 'sense of place'.

4.6.1 Permissible Treatments

As detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008, the owner or occupier of land which abuts a verge may install a permissible verge treatment, as follows:

- a) The planting and maintenance of a lawn;
- b) The planting and maintenance of a garden provided that:
 - i) Clear sight visibility is maintained at all times; and
 - ii) Where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb.
- c) The installation of an acceptable material, which is defined as the following hardstand materials:
 - i) Brick paving;
 - ii) Bitumen;
 - iii) Concrete; and
 - iv) Paving slabs.
- d) The installation of no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material, and the planting of either a lawn or a garden on the balance of the verge.

4.6.2 Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn. Productive gardens are permitted provided that produce will not lie on the footpath, kerb or carriageway.

4.6.3 Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check.

4.6.4 Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

4.7 Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;
- c) The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and

- d) Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.

4.8 Irrigation

- 4.8.1 If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Installation and maintenance of irrigation structures will be at the property owner's expense and will not be maintained by the Shire.
- 4.8.2 If approved, irrigation pipes and connections shall be laid underground and pipefittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half' sprinklers must be used adjacent to kerbs, footpaths or carriageways to ensure flow is directed away from these surfaces.

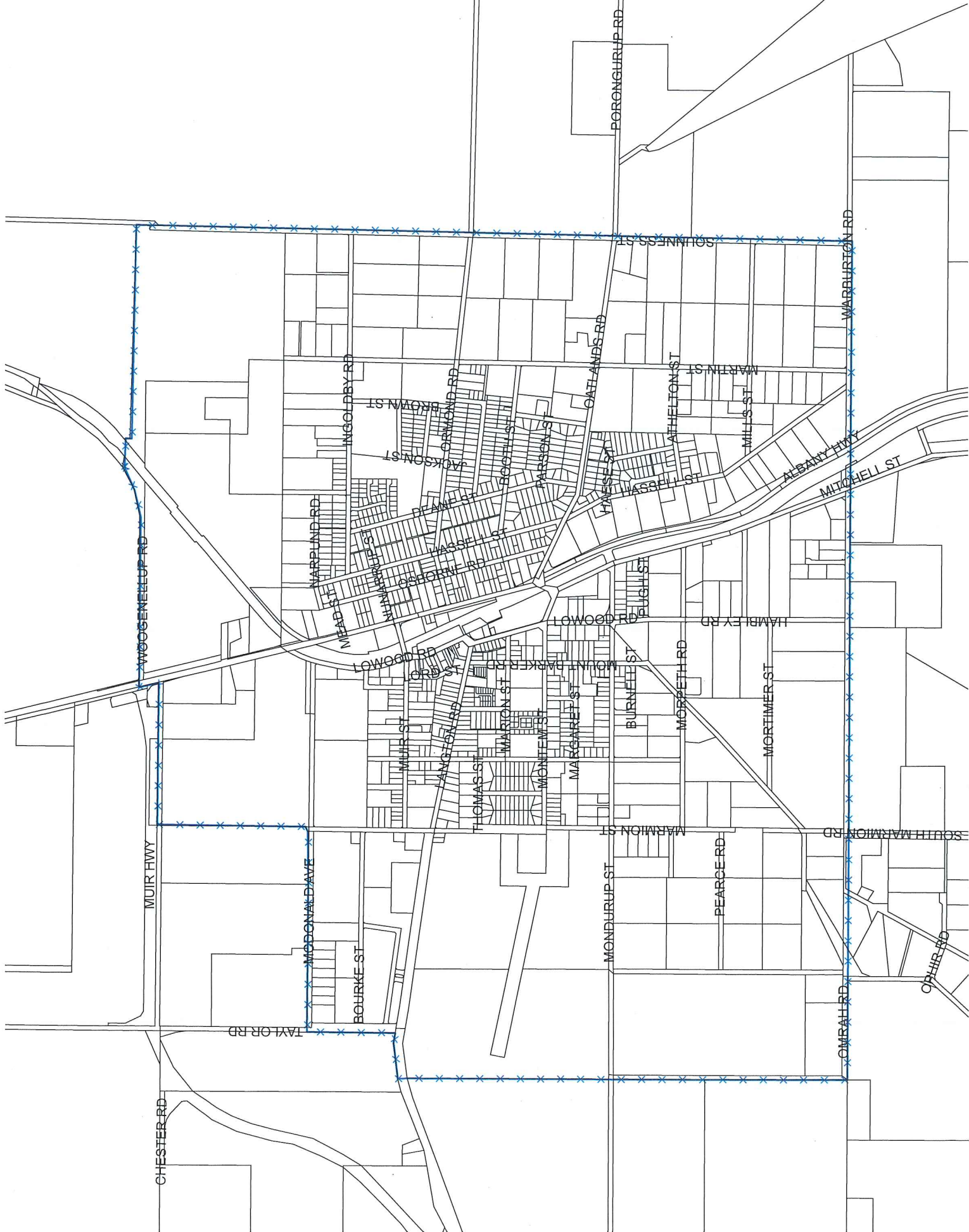
4.9 Obligations of property owners

- 4.9.1 A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.
- 4.9.2 The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.

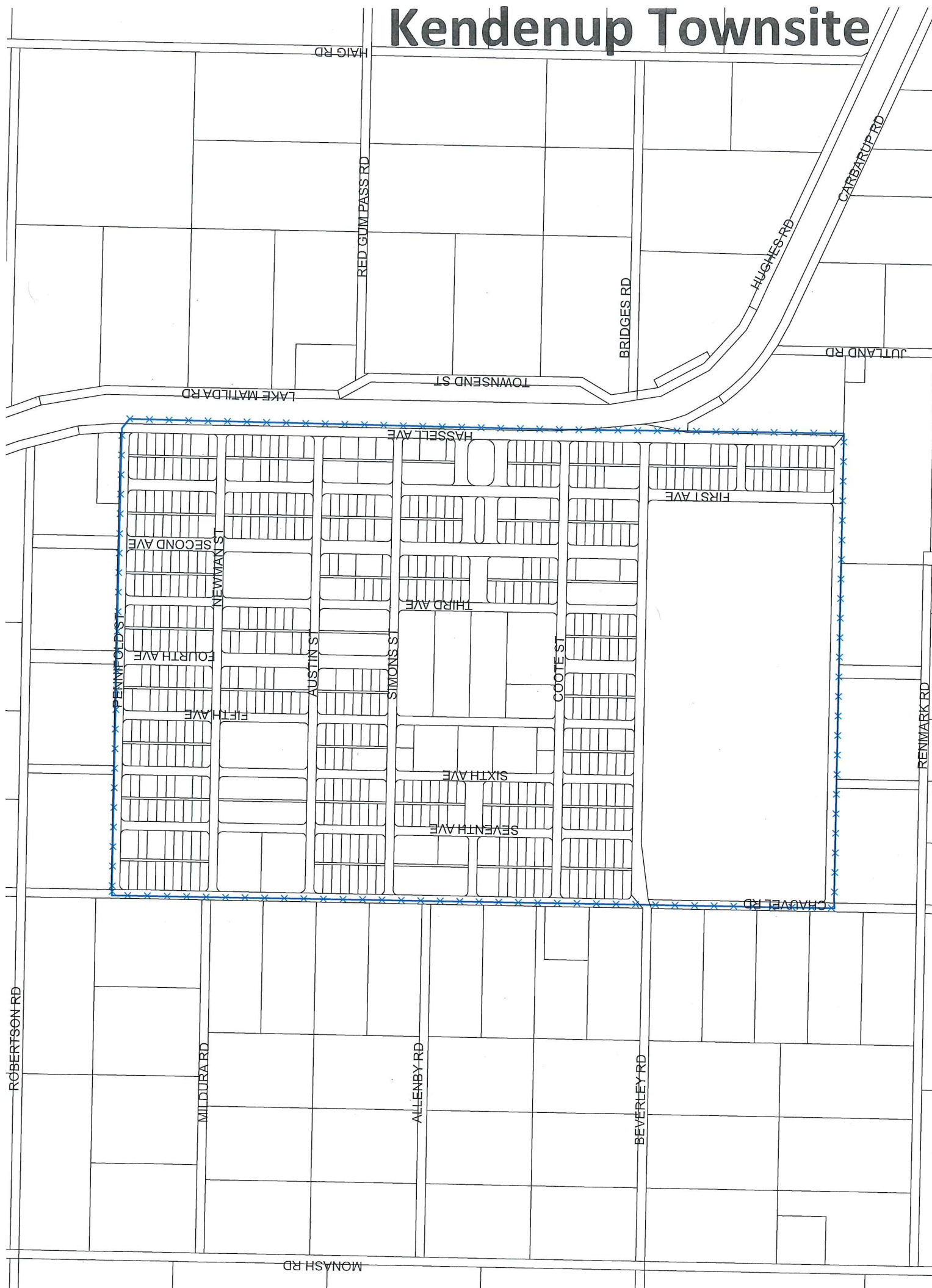
ADOPTED: 9 DECEMBER 2014

LAST REVIEWED: 20 JUNE 2017

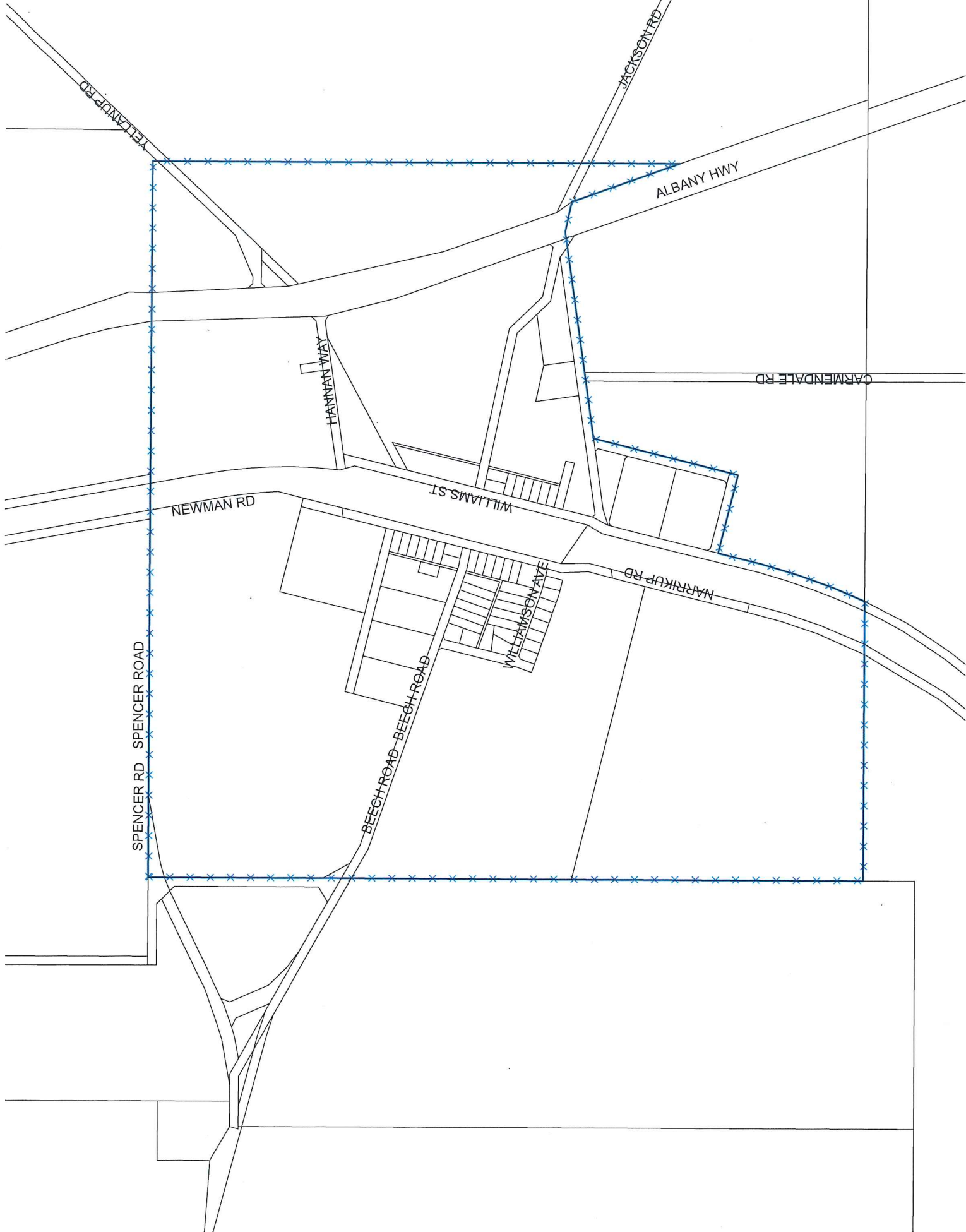
Mount Barker Townsite



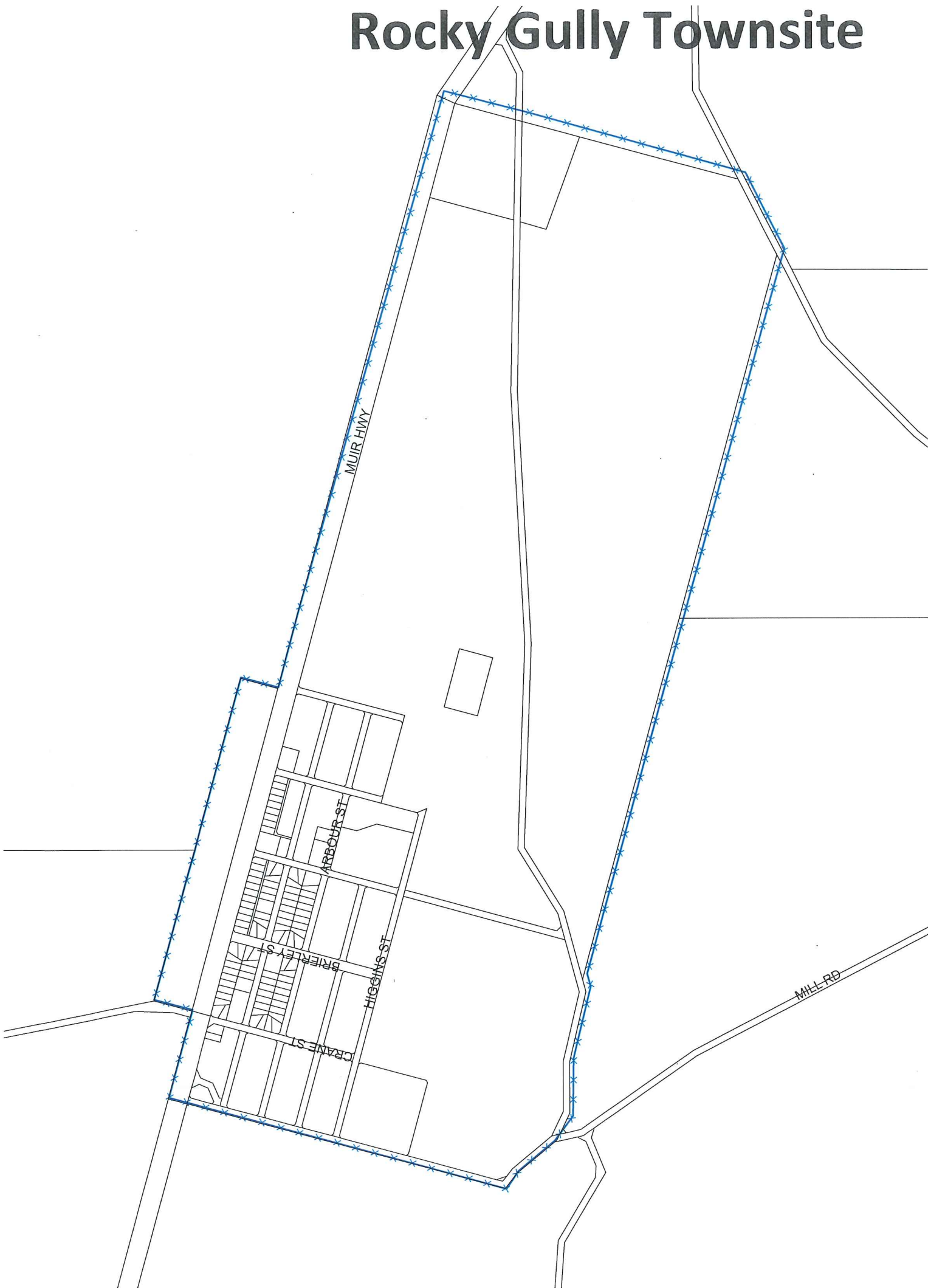
Kendenup Townsite



Narrikup Townsite



Rocky Gully Townsite



Council

REGISTER OF DELEGATED AUTHORITY

Summary of Review of Delegations (attached)

Delegation Register 21/06/2016 (separate
attachment)

Proposed Register of Delegated Authority 20/6/2017
(separate attachment)

Meeting Date: 20 June 2017

Number of Pages: 5

Summary of Review of Delegations

Current Delegation	Actions/Comments →	Proposed Delegations
LG001 General Rates	Updated and renumbered	2.10 Rates Issues – General Delegation
LG002 Investment of Surplus Funds	Updated and renumbered	2.7 Investment of Surplus Funds
LG003 Insurance – Public Liability Claims	Administrative. Function of Management – no longer required.	
LG005 Donations	Updated, expanded and renumbered	2.5 Donations, Discounts and Debt Write-offs
LG006 General Competence Powers	Administrative – Function of Management – no longer required	
LG008 Acting Chief Executive Officer	Updated and renumbered	1.2 Appointment of Acting CEO
LG009 Gate Permits	Updated and renumbered	5.2 Gate Permits
LG010 Street Appeals	Updated, expanded and renumbered	5.1 Closure of Streets, Thoroughfares, Control of Reserves and unvested facilities
LG011 Conferences/Seminars, Professional	Administrative with budget parameters. Function of Management – no longer required	
LG012 Property – Acquisition and Disposal	Updated, expanded and renumbered (2 delegations)	1.12 Tenders and Expressions of Interest 2.4 Disposal of Plant, Equipment and Property
LG013 Creditors, Payment of	Updated, expanded and renumbered	2.9 Payments from Municipal or Trust Funds
LG014 Events on Roads	Included in information with street appeals	5.1 Closure of Streets, Thoroughfares, Control of Reserves and unvested facilities
LG015 Vehicles, Use of	Administrative with budget parameters. Function of Management – no longer required	
LG016 Insurance	Administrative. Function of Management – no longer required	
LG017 Disputes, Arbitration and Industrial	Updated , expanded and renumbered	2.8 Legal representation and cost indemnification
LG018 Legal Advice	Combined with Disputes, Arbitration and Industrial and renumbered	2.8 Legal representation and cost indemnification
LG019 Liquor, Sale from Council Property	Handled administratively through booking process however Liquor Licensing handled through 3.8 Liquor Licensing and Control	

Summary of Review of Delegations

Current Delegation	Actions/Comments →	Proposed Delegations
LG020 Unpaid Rates, Power of Sale	Updated, expanded and renumbered	2.11 Rates – Recovery where unpaid
LG021 Permits, Road Trains and Extra Mass	Updated, expanded and renumbered	5.3 Roads Heavy Vehicle Access
LG022 Road Closures, Temporary	Updated and combined with new delegation	5.1 Closures of Streets, Thoroughfares, Control of Reserves and unvested facilities
LG023 Enforcement and Legal Proceedings	Updated and combined in new delegation	3.9 Local Laws
LG024 Frost Oval Race Track	Administrative. Function of Management - no longer required	
LG025 Hall Furnishings	Updated, expanded and renumbered	1.8 Loan of Council Furniture
LG026 Road Warning Signs	No longer required	
LG027 School Bus Bays	Managed by the Public Transport Authority. Administrative. Function of Management - no longer required	
LG029 Payments on Electronic Banking – Salaries and Wages, Councillors Fees and Reimbursements	Updated and combined with other delegations into new delegation.	2.9 Payments from Municipal or Trust Funds
LG030 Crossover Construction	Combined with other matters and renumbered	5.1 Closures of Streets, Thoroughfares – Control of Reserves and unvested facilities
LG031 Signing and Issuing of Purchase Orders	Combined with other matters and renumbered	2.9 Payments from Municipal or Trust Funds
LG032 Penalty Write-off	Combined with other matters and renumbered	2.5 Donations, Discounts and Debt Write-offs
LG033 Firebreaks – Alternative Positions	Updated and renumbered	3.3 Bush Fires Act – Variations to Firebreak Orders
LG034 Alteration to Bush Fire Season	Updated and renumbered	3.2 Bush Fires Act – Prohibited Burning Times
LG035 Implementation of Town Planning Scheme	Updated and renumbered	7.1 Town Planning Scheme No. 3 – Various duties, powers and functions
LG036 Provisions of the Health Act 1911, Regulations, Local Laws and Orders	Updated legislation, included with other matters and renumbered	3.9 Local Laws 4.2 Health (Miscellaneous Provisions) Act – General Delegation and appointment
LG037 Banners – Approve Banner Applications	Updated and combined with other matters and renumbered	1.11 Signage, Banners - Directional, Service and Tourism
LG039 Permits for Stallholder, Trader and/or Outdoor Eating Facility	Updated and renumbered	4.4 Permits for Stallholder, Trader and/or Outdoor Eating Facilities
LG040 Issue of s39 and s40	Updated, combined with other	3.8 Liquor Licensing and Control

Summary of Review of Delegations

Certificates – Liquor Licencing	matters and renumbered	
Current Delegation	Actions/Comments →	Proposed Delegations
LG041 Directional, Service and Tourism Signage	Updated, combined with other matters and renumbered	1.11 Signage, Banners - Directional, Service and Tourism
LG042 Road Renaming and Future Street and Reserve Names	Updated and renumbered	7.3 Crown Reserves and Street Names
LG043 Vandalism Prevention Reward	Updated, combined with new Graffiti Act information and renumbered	3.6 Graffiti Vandalism Act – General Delegation
LG044 Appointment of Authorised Officers	Updated, expanded and renumbered	1.3 Appointment of Authorised Officers
LG045 Buildings and Incidental Structures	Updated, combined with other building matters and covered within 2 new delegations	6.1 Building Act and Regulations – Powers, Duties and Functions 6.2 – Building Act – Occupancy permits and Building approval Certificates for Strata Plans and Survey Strata Plans.
LG046 Determination of Exemption (Rateable Land) for Charitable Purposes	Updated, combined with other matters and renumbered	2.10 Rates Issues – General Delegation
	New delegation	1.1 Annual Electors’ Meeting – Setting Dates
	New delegation	1.4 Collection of Native Flora and Vegetation
	New Delegation	1.5 Duplication of Services
	New Delegation	1.6 Executing Documents
	New Delegation	1.7 Gifts to Retiring Councillors
	New Delegation	1.9 Local Government Elections
	New Delegation	1.10 Private Property – Notices – Power of Entry
	New Delegation	2.1 Annual Financial Report
	New Delegation	2.2 Annual Report
	New Delegation	2.3 Business Plans – Preparation of
	New Delegation	2.6 Expenditure in the event of an emergency
	New Delegation	3.1 Bush Fires Act – General Delegation
	New Delegation (new legislation)	3.4 Cat Act – Duties and Functions
	New Delegation	3.5 Dog Act – General Delegations

Summary of Review of Delegations

Current Delegation	Actions/Comments →	Proposed Delegations
	New Delegation	3.7 Impounding Abandoned Vehicles and Goods
	New Delegation	3.9 Local Laws
	New Delegation (new legislation)	4.3 Public Health Act 2016 – Appointment of Authorised Officers
	New Delegation	5.4 Street Alignment and Related Matters
	New Delegation	7.2 State Administrative Tribunal – Determination of position