

**POLICY No: I/RR/4**

**FORMER POLICY NO:**

**TOWN STREET VERGE MANAGEMENT POLICY**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
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. Any other works are the responsibility of the adjoining property owner.

4.1.2 Unless an agreement is in place, the Shire will only undertake the mowing of vegetated road verges and upkeep of garden beds in the following areas of townsites:

- a) Community facilities (eg Mount Barker CRC and Library, Mount Barker Swimming Pool, Tourist Information Centre, town halls, cemeteries);
- b) Open space recreational areas such as playgrounds, parks and reserves; and
- c) Areas located along key transport corridors and entry statements.

The Shire will not mow vegetated road verges and verges fronting private properties, commercial properties or properties owned by government authorities.

4.1.3 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 townsite 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 to prune any branches overhanging their fenceline 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 responsibility for the removal of 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 and other infrastructure 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 townsite on Council land that require pruning. When identified the Shire will undertake the works required to ensure the tree is the required safe distance from a powerline.

## 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.

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. Drains and footpaths adjacent to the property may still be sprayed by Shire staff as part of the maintenance of Council infrastructure.

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 fire hazard management plans for their own properties. Any requests for the removal

of large 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:
  - Clear sight visibility is maintained at all times; and
  - 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:
  - Brick paving;
  - Bitumen;
  - Concrete; and
  - 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 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 should include a 'Dial Before You Dig' check.

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

#### 4.7 Restrictions

The following restrictions apply to private 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: 13 AUGUST 2019**