

# Draft Council Policy – Permissible Verge Treatments – Rural

<b>Responsible Directorate</b>	Infrastructure Services
<b>Responsible Business Unit/s</b>	Environment
<b>Responsible Officer</b>	Manager Subdivisions and Environment
<b>Affected Business Units</b>	Operations Subdivisions Planning Building

## Objective

The objective of this Policy is to outline the permissible verge treatments in accordance with the *Public Places and Local Government Property Local Law 2019* and to ensure rural road verges are managed and maintained according to the following principles:

- Verges are managed and maintained according to established, industry best practice standards, procedures and guidelines.
- Verges protect heritage and biodiversity through creation of living nature strips that are safe, sustainable and attractive.
- Leafy localities are cool and liveable, with all trees protected and cared for, and old and new trees valued and thriving.
- High quality rural landscapes reflect the Shire's local character and foster a sense of ownership and community pride.
- Crossovers provide safe access to private properties, have appropriate width and are located in accordance with regulations.
- Verges are maintained by the community and the Shire according to mutually understood obligations and responsibilities.
- Verges are stabilised and do not generate excessive runoff or sediment load to the local drainage system.
- Verges demonstrate best practice Water Sensitive Design, including water infiltration on site and slowing down the flow where appropriate.
- Verges are widely planted with local native plant species, and pre-existing native vegetation is valued and protected.
- Environmental and declared weeds are managed and controlled according to industry best practice procedures and guidelines.
- Verges allow for sight lines, utilities, and Shire activities adjacent to the roadway.
- Verge management and maintenance complements the Shire of Serpentine Jarrahdale's Street Trees Policy and Urban and Rural Forest Strategy as a means to enhance aesthetic and environmental qualities, retain existing trees and native vegetation, and establish new trees.
- Verge management and maintenance minimises the risk of harm to the community.

## Scope

This Policy applies to anyone in rural, semi-rural, rural residential and special residential areas (i.e. property size over 2,000 m<sup>2</sup>, hereafter referred to as "rural") who is considering the creation



of a new verge or a modification to the road verge that abuts their property, where the road verge is vested under the management, care and control of the Shire of Serpentine Jarrahdale.

In commercial or industrial areas, verge development and management is to be covered in the Development Application.

Urban areas (zoned R5 and above, property size 2,000 m<sup>2</sup> or less) are covered separately in Council Policy 2.2.6 – Permissible Verge Treatments – Urban.

## **Policy**

### **Introduction**

A verge is the area of land located between a street kerb line, pavement edge or edge of maintained trafficable surface, and the boundary of an adjoining property.

Verges in rural areas play a significant role in:

- Accommodating overhead and underground utilities (including power, water, sewage, gas and communications)
- Providing delineation of the road's trafficable surface
- Establishing an area for trees, remnant native vegetation, revegetation with local native plants, and 'softening' hard landscape features
- Providing a refuge for fauna
- Reducing the effects of dust and pollution, storm water runoff and heat storage associated with hard pavements
- Providing biodiversity and habitat linkages between streets and open spaces connecting to vegetation on private or public land
- Linking elements of trails networks for pedestrians and horses
- Affecting traffic speed, with the potential for vegetation (particularly roadside trees) to slow traffic and reduce accident rates
- Increasing visual amenity and defining sense of place
- Attracting tourism to the local area

It is accepted practice for property owners to provide a level of maintenance on the verge adjoining their property, with the exception of the verge trees, any remnant vegetation, and any drainage infrastructure, which is maintained by the Shire.

### **Verge Treatments**

It is a requirement under the *Local Government Act 1995* and the *Public Places and Local Government Property Local Law 2019* that permission is sought from a local government before any private works are undertaken on a public thoroughfare or local government land. However, the Shire permits the planting or installation of plants, organic mulch, lawn and/or hardstand materials (within the maximum allocation) without prior approval.

Materials that require prior approval include any impermeable or semi-permeable hardstand materials in excess of the maximum hardstand allocation detailed below. A Shire of Serpentine Jarrahdale Verge Treatment Variation – Rural – Application Form must be submitted and approved in writing before any modification in excess of the maximum allocation of these materials commences.



Verge treatment approvals remain valid for a period of two years from the date of issue. If installation of the verge treatment has not commenced by this time a new application must be submitted to the Shire for consideration.

When undertaking any modification on a verge area adjoining a property, the property owner must ensure these works comply with this policy and the Shire of Serpentine Jarrahdale Permissible Verge Treatments Guidelines – Rural.

The Shire specifies materials which are acceptable and unacceptable as verge treatments.

### **Acceptable Materials**

The following materials are considered acceptable materials within verge treatments. All materials must be installed according to the Shire of Serpentine Jarrahdale Permissible Verge Treatments Guidelines – Rural.

### Planting on Verges

A planted and mulched verge provides a soft, visually appealing alternative in a rural landscape. This treatment involves the use of the verge for revegetation or as a garden bed, with the area being planted with local native plants (or other suitable species) of appropriate height, and the use of organic mulch as ground cover where appropriate.

The following conditions relate to planted verges:

- Poisonous, widely allergenic, thorny, pest or declared weed species are not permitted.
- All plants must be installed between the property boundary and the top of the roadside drain closest to the property, and have no impact on drainage or other infrastructure. In the absence of a roadside drain, plants must be installed at least 2m away from the kerb, pavement edge or edge of maintained trafficable surface.
- Roads, footpaths (where present), trails and drainage infrastructure must be kept clear of plants at all times.
- Plants within line of sight maintenance areas must be maintained at a height below 750 mm. Where space allows, taller plants may be planted closer to the property boundary.
- Plants on verges with overhead power lines must be maintained with appropriate clearance from the power lines, as defined by Western Power. No trees are to be planted under powerlines.

Information on local native plants can be found in the document “Keeping it Local” on the Shire’s website, Landcare SJ Inc.’s website, or as printed copies from the Shire offices or Landcare SJ centre. Additional information can be provided by Shire or Landcare SJ staff.

Rain gardens and tree pits located on the verge may be planted in accordance with the Vegetation Guidelines for Stormwater Biofilters in the South-West of Western Australia, available online ([https://watersensitivecities.org.au/wpcontent/uploads/2016/07/381\\_Biofilter\\_vegetation\\_guidelines\\_for\\_southwestWA.pdf](https://watersensitivecities.org.au/wpcontent/uploads/2016/07/381_Biofilter_vegetation_guidelines_for_southwestWA.pdf)).

The Shire runs an annual Free Verge Plants Program for residents, under which residents can apply for an allocation of free local native seedlings to be planted on their verge.

### Edible Gardens

Herbs, vegetables and small fruit trees are permitted to be planted on the verge provided that:



- They are not grown in garden beds which are held by built structures
- They are harvested regularly to ensure that they do not pose a hazard
- The property owner accepts responsibility for the management of mess and nuisance, and of fruit flies and other pests and diseases
- Wooden stakes may be used to support plants provided that they are:
  - placed between the property boundary and any roadside drain
  - in the absence of a roadside drain, placed at least 2m away from the kerb, pavement edge or edge of maintained trafficable surface
  - do not pose a safety hazard

The Shire reserves the right to remove unmanaged fruit trees and/or other edible plants in accordance with the non-compliance provisions of this Policy. The Shire takes no responsibility for the quality of the produce grown on the verge.

### Organic Mulch

Organic mulch is permitted to be placed on the verge, subject to:

- fire hazard considerations
- installation between the property boundary and any roadside drain
- no impact on drainage or other infrastructure
- in the absence of a roadside drain, installation at least 2m away from the kerb, pavement edge or edge of maintained trafficable surface
- a large chip or chunky type is used (i.e. particle size greater than 20mm on average).

### Grassed Verges

While irrigated lawns are not common in rural areas, drought-tolerant grass types such as kikuyu or couch are often present without requiring water. Where lawn or unirrigated grass is present or preferred, the Shire encourages the use of grass types that are drought-tolerant and have lower fertiliser requirements. These types of grass generally require less mowing, weeding and maintenance by property owners.

Some grass types, however, can be very invasive (such as kikuyu and couch), and in some cases (such as in proximity to waterways or natural areas), male sterile varieties will be the only acceptable type of a particular species. Some varieties of kikuyu that are male sterile include Kenda, Village Green, Mallee and Eureka.

Grassed verges must be kept mowed and maintained.

In many cases, however, verge lawn or unirrigated grass is not being utilised and could be transformed into a garden or the grass replaced by low, waterwise groundcovers.

### Hardstand Verge Treatments

The permitted hardstand allocation for verges is dependent on the length of verge (property frontage). A hardstand area includes the crossover (driveway) but not the footpath (where present), and may consist of impermeable or semi-permeable materials. The balance of the verge must contain a permeable treatment.

Hardstand does not require prior permission, subject to the maximum hardstand allocations below. Crossovers are subject to a separate approval process and permission must be received to install a



crossover. Hardstand in excess of the maximum allocation requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Verge Treatment Variation – Rural – Application Form.

The maximum hardstand allocation is 35% of the frontage, to a maximum length of 50m, including any crossovers. Compliant internal firebreaks are still required, even if the verge has a hardstand treatment.

Permitted hardstand materials include:

- paving (including heavy duty paving, open gap brick paving, or porous pavers)
- compacted materials, such as limestone, gravel or blue metal fines
- loose gravel or blue metal

Concrete and asphalt are only permitted on approved and compliant crossovers.

General conditions for hardstand include:

- Installation between the property boundary and the top of any roadside drain closest to the property
- No impact on drainage or other infrastructure
- In the absence of a roadside drain, installation at least 2m away from the kerb, pavement edge or edge of maintained trafficable surface
- Hardstand must maintain a clearance of at least 1.5m from the trunk of any tree or the edge of any area of remnant vegetation
- No change of level or other trip hazard
- Safe access for pedestrians and vehicles

### **Non-Permissible Verge Treatments**

The following materials are not permitted to be placed on the verge area:

- Retaining walls or other obstructions
- Artificial turf
- In-situ concrete or any asphalt material (crossovers and footpath excluded)
- Loose materials (other than gravel or blue metal) such as sawdust, crumbed rubber or crushed bricks
- Private infrastructure such as letter boxes, water meters, and electrical wiring may only be placed between the property boundary and any roadside drain

### **Installing a Verge Treatment**

Acceptable and approved materials must be installed and maintained so that they are flush with any existing crossover, kerb, road surface or other services or infrastructure, and must meet the following conditions:

- Installation must be only between the property boundary and any roadside drain
- No impact on drainage or other infrastructure
- Existing pits, manholes or hydrants shall not be covered by any material
- Barriers within or across the verge are not permitted
- Sight lines for pedestrian and vehicular access across or through the verge shall be maintained
- Changing the level of a verge is not permitted



- Infrastructure located within verges (including public utilities, footpaths, stormwater treatment, drainage infrastructure, street lighting poles, street trees and other landscaping) may not be removed or damaged

Activities within the verge, including storage of materials and skip bins, associated with development on an adjoining lot requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Verge Treatment Variation – Rural – Application Form.

### **Reticulation**

Drip lines, sprinklers and reticulation may be installed in a verge if required, providing any sprinklers or pipes installed to irrigate the verge treatment comply with the following conditions:

- All parts of the reticulation system are installed between the property boundary and any roadside drain
- Pipes are installed between 150 and 300 mm below the surface
- Sprinklers are installed and directed away from a footpath or road
- All parts of the reticulation system do not protrude above the level of the verge when not in use
- Control boxes must be installed within the property boundary
- Reticulation systems are not to be used other than during the allocated watering days and times
- Reticulation does not otherwise present a hazard to pedestrians or the public

### **Excavation for the Purposes of Installing Verge Treatment**

In general terms, changing the level of a verge is not permitted. In some situations, however, excavation may be required to install reticulation or ensure that the installed materials finish flush with any existing crossover, kerb, road surface or other services or infrastructure. Any excavation requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Verge Treatment Variation – Rural – Application Form.

Minor changes of the level to create watering basins around trees and other plants are encouraged to improve water infiltration on site and to direct water to where it is needed.

Property owners and contractors are responsible to contact 'Dial-Before-You-Dig' to confirm the location of any underground services prior to all works being carried out.

Work should be staged to ensure that hazards, such as unattended open trenches, are not created during the installation of the treatment.

Should any damage occur to existing underground services and infrastructure as a result of any works, the property owner is responsible for repairing all damage and/or payment of costs incurred for the repair, and for notifying the utility provider of any damage that has occurred.

### **Verge Maintenance**

The Shire relies to a large degree on its residents to maintain the rural landscape through the weeding, mowing, planting and minor maintenance of road verges adjoining their properties.

Following the installation of any approved verge modification, the property owner will be responsible for all maintenance works such as weeding, mulching, mowing and repairing the verge treatment.

Verges must be kept in a well maintained and safe condition by the resident at all times by:





- Ensuring that plants are pruned so that they do not protrude onto pathways, driveways or the trafficable road surface (excluding trees, which are maintained by the Shire)
- Ensuring that plants have no impact on drainage or other infrastructure
- Keeping the verge free of weeds and rubbish, any tripping hazards and any protruding objects

### **Maintenance of Truncations and Sight Lines**

Verge treatments must be designed, installed and maintained in accordance with all relevant regulations governing obstruction of sight lines and truncations adjacent to crossovers and intersecting streets.

### **Mowing and Slashing**

The Shire will undertake the mowing or slashing of some road verges in areas including:

- Community facilities
- Open space recreational areas, parks and reserves
- In accordance with any current maintenance schedules associated with the road hierarchy

The Shire will not mow or slash road verges fronting private or commercial properties unless such mowing or slashing is deemed necessary for the maintenance of essential infrastructure.

### **Shire Works on Rural Verges**

From time to time the Shire may carry out works on rural verges for the purpose of maintenance of essential infrastructure. This may include:

- Maintenance of essential drainage infrastructure (including spraying, slashing, excavation and vegetation pruning and removal)
- Maintenance of the road's trafficable surface and shoulders (including resealing, grading and resheeting)
- Maintenance of safety and sight lines (including vegetation pruning and removal)

The Shire will not maintain minor roadside drains, or carry out any of the other works listed above, unless such works are deemed necessary for the maintenance of essential infrastructure.

Property owners may apply to the Shire by email ([info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au)) or letter (6 Paterson Street Mundijong WA 6123) to be responsible for all management of the verges adjoining their properties through the Managed Verges program.

### **Verge Maintenance Works**

The Shire seeks to support adjoining landowners in maintaining their verge areas to acceptable levels. This is through providing education materials to residents, through constructing well designed infrastructure, and promoting verge tree subsidy programs and the like.

The Shire will take action on a verge in front of private property if it constitutes a significant sight-line hazard when at road intersections, or the slashing of drains and footpath edges if growth is causing obstruction to this infrastructure. The Shire has maintenance schedules for such works, but also welcomes residents reporting such action requests given the varying nature of vegetation growth that can occur across the district.

Verge maintenance by landowners is a key action that can assist in the shared responsibility towards bushfire preparedness and prevention.

### **Reinstatement of Verge Treatments**



It is important to note that the Shire and utility service authorities such as water, gas, electricity, sewage, fire services and telecommunications have access rights to the road reserve and may be required to excavate the verge periodically. Trenchless methods may be used to bore under existing trees to reduce damage to root systems. The Shire will generally endeavour to contact landowners prior to undertaking works that could damage landscaping.

In general, property owners who have modified the verge area will not be compensated for any loss of vegetation or landscaping items as a result of these works.

**Exemptions**

Works relating to an authorised and compliant crossover are exempt from this Policy.

Emergency works and urgent safety works carried out by Shire, utility or emergency services officers are not subject to the provisions of this Policy.

The local government should be consulted to determine whether Policy exemptions apply.

**Remnant Vegetation**

The Shire's Local Biodiversity Strategy and the Urban and Rural Forest Strategy recognise the value of remnant vegetation to the environment and the community. Many rural verges contain remnant vegetation, which may consist of isolated native trees or densely vegetated, naturally occurring local native trees, shrubs and small plants in close to natural condition, or anything in between. These vegetated verges are of particular value to the rural landscape, providing habitat for native animals and rare plants and animals, linking natural areas to allow movement of birds and animals, cooling the local climate, providing windbreaks and shade, and contributing to the attractive rural landscape.

Protection, retention and enhancement of remnant vegetation is the primary objective of both the Local Biodiversity Strategy and the Urban and Rural Forest Strategy. For this reason, any proposed works on verges containing remnant vegetation requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Verge Treatment Variation – Rural – Application Form. In most cases, any activities that will disturb remnant vegetation will not be approved, unless there are serious mitigating circumstances as determined by the Shire.

**Verge Burning**

Property owners who wish to burn the verge adjacent to their property are advised to consider the legal requirements for burning. A burning permit may be required from the local Fire Control Officer. Burning a verge requires written approval from the Shire, as well as an approved permit from a Fire Control Officer. In most cases burning of verges that contain any remnant vegetation will not be approved, unless there are serious mitigating circumstances as determined by the Shire. Any verge burning must be accompanied by post-fire weed control by an appropriate professional, as fire often encourages the growth of highly flammable weeds and can increase fire hazard.

**Protection of Verge Trees and Remnant Vegetation**

This Council Policy – Permissible Verge Treatments – Rural complements the objectives of the Shire's Street Tree Policy and the Urban and Rural Forest Strategy, and seeks to ensure the health and retention of existing trees and remnant vegetation, and promote the planting of new trees and local native plants.





The Shire is responsible for the maintenance and removal of all rural verge trees in accordance with the Shire's Street Tree Policy. This includes remnant vegetation of any size.

All verge treatments, particularly those containing hardstand materials, are required to include at least one tree per ten (10) metres unless there are serious mitigating circumstances as determined by the Shire.

Damage to existing street trees or remnant vegetation, including root systems, must not occur during any modification to the verge. If the health of trees or other vegetation declines following the modification to the point where removal is necessary, the property owner may be responsible for all costs associated with removal and replacement of the tree or vegetation, as per the Helliwell method (or other method authorised by the Shire).

During all development or other works involving the use of plant or machinery on or crossing the verge, the developer and/or owner is responsible for the protection of existing street trees and remnant vegetation by the installation of a temporary protective barrier excluding the Tree Protection Zone (TPZ) from works. The TPZ must be compliant with the Australian Standard 4970 – Protection of Trees on Development Sites and the following conditions:

- A fence or other barrier must be installed to create a TPZ at the cost of the applicant
- The acceptable size of a TPZ will be to the tree's drip line, with any smaller exceptions to be approved in advance by the Shire
- Remnant vegetation must be fenced in its entirety, excluding only those areas approved in advance for removal
- The TPZ barrier should not obstruct roads or footpaths unless approved alternatives are in place

A bond for the protection of tree(s) and/or remnant vegetation may be requested and held by the Shire prior to the commencement of development and held for the duration of the works. The bond will be calculated by assessment of the tree(s) and/or remnant vegetation by the Helliwell Method (or other method authorised by the Shire) and/or the cost of removal and replacement of the tree(s) and/or remnant vegetation, whichever is greater. Where a street tree and/or remnant vegetation is approved for removal in relation to a development, its removal and replacement will be at the cost of the applicant.

The removal of remnant trees and vegetation may require a State vegetation clearing permit in addition to Shire approval. Application for a State clearing permit is the responsibility of the party carrying out the clearing.

### **Variation to the Policy**

A variation to this policy will be assessed against the objectives of this policy where adequate justification is provided and the intent of the policy is deemed to have been met.

### **Non-compliance**

Non-compliance with this policy may result in enforcement action in accordance with the provisions of the *Public Places and Local Government Property Local Law 2019*.



## **Definitions**

**Acceptable Material** means any material which would create a hard surface, and which has been approved by the local government.

**Boundary** means the dimensions of the property shown on the Survey Plan.

**Crossover** means the connecting driveway between the kerb line and the boundary of the property.

**Impermeable** means a material that prevents water and oxygen getting in, and may be included within the hardstand allocation. This includes concrete, asphalt or heavy duty paving.

**Modification** means any improvement, addition or alteration to the verge from its natural state.

**Path** means a bicycle path, footpath, separated footpath and shared path as defined in the Road Traffic Code 2000.

**Paver** means clay or concrete standard size brick paving.

**Permeable** means a material that allows full infiltration of water and oxygen, and includes mulch, garden beds, trees, and lawns.

**Property Owner** means the owner or authorised occupier of a property that the verge treatment abuts and includes a builder, an agent or a contractor authorised by the owner of the property to install a verge treatment.

**Remnant vegetation** means naturally occurring local native species (trees, shrubs and small plants) that remain in the present day. This includes natural areas (bushland), areas of native vegetation that are degraded such that they cannot be defined as a natural area, and natural regrowth of local native species, but excludes revegetated (planted) areas of native species.

**Road Reserve** means any land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, thoroughfare or yard for the passage of pedestrians or vehicles or both. This includes both the trafficable surface and adjacent Street Verge.

**Semi-permeable** means a material that allows some infiltration of water and oxygen, and is included within the hardstand allocation. This includes open gap brick paving or porous pavers.

**Street or Verge Tree** means a tree, identified by the Shire as an asset, planted or naturally occurring in the road reserve.

**Truncation** means a line joining the points equidistant from the intersection of the street reserve boundaries.

**Variation** means a modification or addition to the proposed verge treatment that meets the objectives of this policy.

**Verge** means the portion of land between a property boundary and the road kerb, bitumen edge, or edge of maintained trafficable surface. It may accommodate public utilities, footpaths, stormwater flows, street lighting poles, street trees and other landscaping.

## **Relevant Policies/Council Documents**

- Council Policy 2.2.6 – Permissible Verge Treatments – Urban



- Council Policy 2.3.5 – Street Trees
- Urban and Rural Forest Strategy
- *Town Planning Scheme No. 2* – provisions of TPS2 relating to applications regarding or affecting verges – clause 7.14 (until LPS3 is operational)
- *Local Planning Scheme No. 3* – provisions of LPS3 relating to applications regarding or affecting verges

## Legislation/Local Law Requirements

- Shire of Serpentine Jarrahdale *Public Places and Local Government Property Local Law 2019*
- *Local Government Act 1995*
  - s. 9.1 allows Council to regulate:
    - cl. 2 – disturbing local government land or anything on it
    - cl. 3 – obstructing or encroaching on public thoroughfare
    - cl. 6 – dangerous excavation in or near public thoroughfare
    - cl. 8 – private works on, over or under public places
- *Local Government Act 1995*
  - s. 2.7 allows Council to determine policies
- *Local Government (Uniform Local Provisions) Regulations 1996*
  - r. 5 allows Council to impose a penalty for interfering with, or taking from, local government land
  - r. 17 allows Council to regulate and impose penalties for private works on, over, or under public places
- *State Planning Policy 3.1 Residential Design Codes (R-Codes) 2018*
  - cl. 5.2.5 regulates the maintenance of adequate sight lines

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	