

## Council Policy 2.2.6 – Permissible Verge Treatments – Urban

<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 urban residential road verges are landscaped and maintained according to the following principles:

- Verges are landscaped 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 suburbs are cool and liveable, with all trees protected and cared for, and old and new trees valued and thriving.
- High quality streetscapes reflect the Shire's local character and foster a sense of ownership and community pride.
- 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 Urban Design, including water infiltration on site where appropriate.
- Verges are widely planted with local native plant species, drought-tolerant exotic species, and according to Waterwise principles and landscape design.
- Verges allow for pedestrian access, sight lines, utilities, and Shire activities adjacent to the roadway.
- Verge landscaping 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 street trees, and establish new trees.
- Verge landscaping and maintenance minimises the risk of harm to the community.

### Scope

This Policy applies to anyone in areas zoned R5 and above (i.e. property size 2,000 m<sup>2</sup> or less) 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 management is to be covered in the Development Application. Rural, semi-rural and rural residential areas will be covered separately.



### Policy

#### Introduction

A verge is the area of land located between a street kerb line and the boundary of an adjoining property.

Verges in urban areas play a significant role in:

- Accommodating overhead and underground utilities (including power, water, sewage, gas and communications)
- Providing delineation of the road to allow for safe pedestrian access
- Establishing an area for street trees, gardens and lawns and ‘softening’ hard landscape features
- 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
- Providing space for community expression and neighbourhood interaction

It is accepted practice for property owners to establish and maintain the verge adjoining their property, with the exception of the street trees 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, including heavy duty paving, open gap brick paving, or porous pavers. A Shire of Serpentine Jarrahdale Urban Verge Treatment Variation Application Form must be submitted and approved in writing before any modification using an excess area 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 (Urban) Guidelines.

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 (Urban) Guidelines.

#### Waterwise Verges

The Shire’s preference is for Waterwise verges, which minimise water usage, help create aesthetic streetscapes, and cool the local area. The general principles for Waterwise verges include:

- Predominantly vegetated verges, using waterwise plants (preferably local native species)
- Organic mulch, of a large chip or chunky type (with a finished surface lower than the adjacent footpath, road kerb or road pavement edge)



- Minimisation of water-hungry lawns
- Consideration of the use of soil conditioners, organic supplements such as compost, and periodical application of wetting agents
- Waterwise irrigation systems if required (such as sub-surface drip irrigation)
- Compliance with allocated watering days and times (new verge gardens may be eligible for a watering exemption from Water Corporation)

### Planting on Verges

A planted and mulched verge provides a soft, visually appealing alternative to a grassed verge. This treatment involves the use of the verge as a garden bed with the area being planted with low growing (preferably native) plants, and the use of organic mulch as ground cover.

The following conditions relate to planted verges:

- Poisonous, allergenic, spiky foliaged, pest or declared weed species are not permitted
- Where there is no footpath, all plants (other than lawn or trafficable groundcovers) must be installed at least 1.2m away from the kerb or pavement edge to allow for safe access by pedestrians. This area should be mulched.
- Roads and footpaths (where present) 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

A list of plants that are suitable for planting on a verge is included in the Shire of Serpentine Jarrahdale Permissible Verge Treatments (Urban) Guidelines. Additional information on local native plants can be found in the document “Keeping it Local” on the Shire’s website.

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/wp-content/uploads/2016/07/381\\_Biofilter\\_vegetation\\_guidelines\\_for\\_southwestWA.pdf](https://watersensitivecities.org.au/wp-content/uploads/2016/07/381_Biofilter_vegetation_guidelines_for_southwestWA.pdf)). A list of suitable plants is included in the Shire of Serpentine Jarrahdale Permissible Verge Treatments (Urban) Guidelines.

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. Free street trees are also available on application.

### 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 at least 2 m from the kerb and 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



Prior permission is not required to place organic mulch on the verge, subject to fire hazard considerations, with a finished surface lower than the adjacent footpath, road kerb or pavement edge and of a large chip or chunky type (i.e. particle size greater than 20mm on average).

### Grassed Verges

Where lawn is needed 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. Lawns which are regularly top-dressed must not be allowed to increase in height and must remain flush with the kerb.

Most turf species (excluding pest or declared weed species) that can achieve good site coverage are acceptable. 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.

In many cases, however, verge lawn 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, 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. Hardstand in excess of the maximum allocation requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Urban Verge Treatment Variation Application Form.

The maximum hardstand allocation is:

- For verges less than 15m, 50% of the frontage, or the width of the crossover, whichever is greater
- For verges of 15m to 20m, up to 7.5m in width (including the crossover), or equivalent area
- For verges more than 20m, 35% of the frontage (including the crossover)

Permitted hardstand materials include heavy duty paving, open gap brick paving, or porous pavers. Concrete and asphalt are only permitted on approved and compliant crossovers.

General conditions for hardstand include:

- Hardstand must maintain a clearance of at least 1.5m from the trunk of any street tree
- 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 such as rocks, posts or raised garden beds
- Artificial turf
- In-situ concrete or any asphalt material (crossovers and footpath excluded)
- Compacted materials, such as limestone, gravel or blue metal fines
- Loose materials such as gravel, blue metal, sawdust, crumbed rubber or crushed bricks
- Private infrastructure such as letter boxes, water meters, and electrical wiring

**Installing a Verge Treatment**

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

- 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, 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 Urban Verge Treatment Variation Application Form.

**Reticulation**

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

- 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, or other services or infrastructure. Any excavation requires the submission and approval in writing of a Shire of Serpentine Jarrahdale Urban Verge Treatment Variation Application Form.

Minor changes of 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 landscaping 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 streetscape through the weeding, mowing 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 over the kerb
- 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. These regulations include the Residential Design Codes of Western Australia.

### **Mowing**

The Shire will undertake the mowing of 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 road verges fronting private or commercial properties.

### **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.

### **Street Trees**

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

The Shire is responsible for the planting, maintenance and removal of all street trees in accordance with the Shire's Street Tree Policy.

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

Damage to existing street trees or native 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 understorey 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 understorey 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) 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) by the Helliwell Method (or other method authorised by the Shire) and/or the cost of removal and replacement of the tree(s), whichever is greater. Where a street tree is approved for removal in relation to a development, its removal and replacement will be at the cost of the applicant.

### 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 will 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.

**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 Tree** means a tree, identified by the Shire as an asset, planted in the road reserve.

**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 2.3.5 – 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



Continued

## Council Policy 2.2.6 – Permissible Verge Treatments – Urban

Office Use Only				
Relevant Delegations				
Council Adoption	Date	19 August 2019	Resolution #	OCM185/08/19
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	