

# R 14 – Verge Management

---

## 1 Objectives

The purpose of this Policy is to;

- (a) Determine Councils role and responsibilities in terms of customer requests relating to road verges, and
- (b) Establish priorities and service levels for these customer requests,
- (c) Provide for the acceptable treatments of verges by owners or occupiers of adjoining properties

## 2 Scope

This Policy applies to service requests on road verges. A verge is the portion of land between the road carriageway and the property boundary, typically used for;

- (a) Providing a buffer between the road carriageway and the private land adjoining it.
- (b) Widening of the road carriageway, if this is necessary.
- (c) The construction of footpaths and vehicular crossovers.
- (d) The position of directional and regulatory signage.
- (e) The location of above or below ground infrastructure (such as power lines, underground cabling, sewer, drainage or water pipes).
- (f) A space to provide amenity for the area by use of appropriate gardens.

## 3 Policy

### 3.1 Road Verges under Shire Control and Management

The majority of road verges within the Shire are managed by the Shire, with the notable specific exception of;

- (a) South West Highway verge (outside of Bridgetown town site)
- (b) Bridgetown – Boyup Brook Road verge (outside of Bridgetown town site)

These verges are managed by Main Roads WA.

In addition there are other roads such as state forest roads and roads in private strata developments that are not controlled or managed by the Shire.

### 3.2 Statement

The responsibility for the management of road verges does not mean that the Shire is required to undertake all physical actions or works on verges where these might be requested by residents. Council actions with respect to verges will be determined by this Policy, which is based on prioritising activities that maintain community safety and amenity, whilst recognising the extent of verges under Councils management, and the resources the Council has available for responsive works.

The Council also expects that owners or occupiers of adjoining properties will take some responsibility for the maintenance of road verges, and these owners are provided with certain rights with respect to the use of verges, as outlined in this Policy.

### **3.3 Policy on Specific Verge Responsibilities of the Council and Adjoining Property Owners**

Excluding trees and any site actively managed by the Shire, the owner of the property adjoining the verge is responsible for the maintenance of verge vegetation and may remove or maintain such vegetation without Shire approval. Where a verge adjoins land owned by the Shire, then the Shire will maintain the vegetation on that verge.

### **3.4 Verge Tree pruning & Removal**

#### **3.4.1 Verge Tree Pruning And / Or Removal by Council**

The Shire will prune trees on verges where the tree is part of a cultivated collection of street trees which are currently shaped and maintained as part of the streetscape.

The Shire will also prune or remove trees on verges where the tree;

- (a) Is significantly damaging, or has potential to damage, public infrastructure (including power supply infrastructure). Note that The Shire will undertake powerline pruning of cultivated trees according to Western Power criteria. Western Power is responsible for powerline pruning of non-cultivated native trees.
- (b) Is causing an unacceptable fire risk (as determined by a suitably qualified and/or experienced Shire representative). Works will be considered for inclusion in the Shires budgeted fire mitigation program and included on a priority basis and according to available budget.
- (c) Is causing significant damage to buildings or structures on adjoining land.
- (d) Presents an imminent risk (as determined by a suitably qualified and/or experienced Shire representative) to public safety, or to the structure of adjacent buildings.

The following are not considered to be sufficient reasons to permit tree or removal or pruning;

- (a) Nuisance from leaves, nuts or seeds, sap or birds noise,
- (b) Insignificant or perceived fire hazard,
- (c) Unsightly trees or impacts on views.

#### **3.4.2 Removal or Pruning of Street Trees by Owners of Adjoining Properties**

Owners of properties adjoining the verge are permitted without Shire approval, to trim branches of trees where these encroach on their property or to permit adequate clearance under driveways or footpaths. In all other cases the approval of the Shire is required for removal or pruning of street trees.

The Shire will consider the approval of removal or pruning of street trees by owners of adjoining properties having regard to the following;

- (a) Whether removal is necessary for the construction of a vehicular crossover to provide access to an approved building.
- (b) Whether the tree is considered by the Shire to be incompatible with the streetscape, infrastructure or natural environment where it is located.
- (c) Whether removal is reasonable given the overall health and expected lifespan of the tree.
- (d) Whether the tree is providing food or habitat for native animals.
- (e) Whether the tree is native and requires a clearing permit.
- (f) Whether the tree has historical value or a significant amenity to the community.

The Shire may, as a condition of approval for the removal or pruning of street trees by owners of adjoining properties require;

- (a) That suitable arrangement is made by the owner for the planting of a replacement street tree in a location and of a species determined by the Shire.
- (b) That removal or pruning is carried out by a properly qualified contractor.
- (c) All tree waste is removed from the verge following completion.
- (d) That the verge is reinstated to the satisfaction of the Shire.

The Shire is not responsible for managing vegetation encroaching onto private property. Property owners can cut back any encroaching vegetation, including roots, at the property boundary. Responsibility for disposal of pruned material is as follows:

- (a) Where the pruned material originates from a verge developed by a current or previous adjacent landowner, disposal is the current landowners' responsibility. Pruned material must not be placed on the verge.
- (b) Where the pruned material originates from Shire managed vegetation such as street trees, the material may be placed on the verge in a safe manner for Shire collection but only with prior Shire approval. Approval is strictly subject to operational capacity and may not be granted.
- (c) Pruned material originating from private land will not be collected by the Shire and is the current landowners' responsibility. Pruned material must not be placed on the verge.

### **3.4.3 Clearing For Fence Line Construction or Maintenance**

The Shire is not responsible for, and will not undertake clearing of trees within the verge for private infrastructure construction or maintenance. Owners of land within the Shire of Bridgetown-Greenbushes are allowed to undertake vegetation clearing within Shire controlled road reserves for the purpose of maintaining or constructing a fence with the following conditions:

- (a) All works on Shire controlled land are undertaken in accordance with all relevant acts and regulations.

NOTE: The Shire does not have the authority to give approval to undertake clearing of native vegetation. The Department of Water and Environmental Regulation (DWER) is the authority in this regard. Responsibility for obtaining any necessary permits from DWER or identifying any applicable permit exemptions, rest solely with the landowner and persons undertaking the clearing.

It is the Shires understanding that an exemption exists under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 for the purpose of providing access to construct or maintain a fence, however confirmation and compliance is the responsibility of landowner and persons undertaking the clearing.

- (b) Clearing cannot be undertaken any further than 1.5m from the property boundary and must only be to the extent necessary to maintain or construct the fence. The Shire encourages landowners to make every reasonable effort to minimise the clearing performed and to consider planting native vegetation on non-arable land (i.e. not suitable for farming) within their property as an offset.
- (c) Shire land must be left in a tidy and levelled state in accordance with the areas original condition as a minimum.
- (d) All cleared vegetation must be removed from Shire land unless approval to the contrary is given.
- (e) The landowner is responsible for identifying any infrastructure that may be affected and for taking the necessary measures to ensure no damage occurs. The landowner is responsible for any costs that may result from the clearing activity.

### **3.5 Other Verge Management**

#### **3.5.1 Verge Mowing, Slashing and Weed Spraying and Removal**

Verge mowing, slashing and spraying is the responsibility of the owners of adjoining property excepting in the case;

- (a) The Shire owns the land adjoining the verge, or
- (b) Where this is necessary for reasons of road safety, or
- (c) It is required for maintaining Shire infrastructure.

The Shire may spray verges for weed elimination where this is part of an annual budgeted weed removal program. The intent of this program is to achieve broad outcomes for the community such as road infrastructure management. Flora declared as a pest species for the Bridgetown-Greenbushes area according to the Biosecurity and Agriculture Management Act 2007 (BAM Act) will be considered for inclusion in the program with other works on a priority basis within the budget constraints of the program. Isolated works for other reasons, such as for the amenity of local resident, are not considered for inclusion.

#### **3.5.2 Fallen Trees and Branches from Storms and Other Natural Occurrences**

Where storms or other natural events cause trees or significant branches to fall and impede a public thoroughfare the Shire will remove the obstruction as soon as practical. Incidents where a road has become impassable or a lack of sight lines creates an imminent risk will take priority.

Where storms or other natural events cause trees or significant branches from the road verge to fall and either damage or affect private property, as a natural event the Shire is not required to take any action. However, if resources are available the Shire may remove timber from a fence and make temporary repairs as necessary to contain stock to prevent a road hazard.

#### **3.5.3 Waste removal (excluding bulk waste collection)**

Where waste material is left on a verge The Shire will attempt to identify the party responsible for the placement of the waste and will require that the waste be removed by that party. Where it is not possible to identify this party the Shire will remove waste from verges where:

- (a) It is putrescible material and if it were left in situ it would cause nuisance to nearby properties and public places in terms of odour / flies / vermin.
- (b) It is an abandoned vehicle.
- (c) It is causing a significant hazard or impact on local amenity.
- (d) Leaves and branches will only be removed from verges where part of a developed and Shire managed streetscape or deemed a necessary for fuel reduction.

#### **3.5.4 Animal carcasses**

Large animal carcasses will be removed from verges at locations where if left in situ it would cause nuisance to nearby properties and public places in terms of odour / flies / vermin.

#### **3.5.5 Removal of Fauna**

The Shire will not eradicate or relocate fauna unless it presents an imminent risk to public safety (as determined by a suitably qualified and/or experienced Shire representative) or it is impacting public infrastructure. This includes but is not limited to, termites, ants, and bees.

### **3.5.6 Verge Fire Hazard**

Locations of concern regarding fire hazard will be assessed by a suitably qualified and/or experienced Shire representative and considered for inclusion in the Shires budgeted fire mitigation program on a risk priority basis and according to available budget.

### **3.5.7 Private Verge Development**

The owner of the property adjoining the verge may install turf, shrubs and groundcovers, vegetables and herbs, mulch, irrigation, and trafficable hard-stand on the verge adjoining their property without the approval of the Shire with the following conditions:

- (a) No plant that exceeds or which may exceed 0.75m in height is allowed on a verge within 6m of an intersection.
- (b) Other than lawn, no plant or loose material is permitted within 2 m of the road carriageway and no part of a development is permitted to encroach on a carriageway at any time. The edge of the road carriageway is the back of kerb or road shoulder and if no kerb or shoulder currently exists, then from the edge of seal.
- (c) Trafficable paving and/or hard standing is permitted where this occupies an area of less than one third of the verge (excluding the crossover) and 2m away from the trunk of a street tree.
- (d) Verges are public space and as such developments must not create a hazard or nuisance for persons using the area. The development must have finished levels that tie into adjacent verges, footpaths, property lines, accesses and service pits. They must not cause water to pond or cause run-off to become a hazard or a nuisance. No large rocks or non-frangible items (i.e. prone to break into fragments if impacted) can be placed on the road reserve.
- (e) Development must not interfere with the function or maintenance of installed infrastructure. This includes but is not limited to obstructing water meters, power domes, and drains.
- (f) By developing the road verge, the property owners shall accept responsibility for all risks, costs, and ongoing maintenance associated with the development. Property owners also accept that infrastructure owners such as the Shire, Telstra, Water Corp, etc. may conduct works within the verge as required and have an obligation to reinstate the verge to safe condition only.

At the discretion of the CEO or nomination officer the applicant may be directed to remedy or remove any unsatisfactory improvements or items at the applicants cost.

### **3.5.8 Existing Private Verge Developments**

The current owner of the property adjoining a developed verge is responsible for all conditions, risks, costs, and ongoing maintenance associated with the verge development regardless of whether or not they undertook the development.

## **3.6 Verge Infrastructure**

### **3.6.1 Footpath Hazards**

Hazards due to structural faults on pedestrian and shared paths will be assessed by a suitably qualified and/or experienced Shire representative and managed on a priority basis under the budgeted annual maintenance program. Hazards assessed as presenting an imminent risk to public safety will be addressed as soon as practical.

Hazards due to debris such as nuts, sticks, and leaves will be addressed under the budgeted annual street sweeping program.

### 3.6.2 Vehicle Crossovers

Installation, repair, and maintenance of vehicle crossovers are the landowners' responsibility. This includes maintaining any stormwater infrastructure associated with the crossover as well as managing vegetation for safe line of sight.

### 3.6.3 Stormwater Discharge onto Private Property

The Shire will investigate this on a case-by-case basis and program corrective works if required. The Shire generally will not discharge stormwater runoff from a road drainage system onto private property unless a drainage easement is in place or the runoff is following a natural flow path. Some minor concentration of runoff to the natural flow path is considered reasonable and consistent with the land use.

### 3.6.4 Verge Parking

Shire controlled verges are generally not managed for the purpose of vehicle parking and such use on a permanent or semi-permanent basis is not considered desirable. The Shire will not undertake works to improve or maintain verges for the purpose of parking apart from areas identified by the Shire as being of benefit to the general public.

## 3.7 Unmade Road Reserves

An unmade road reserve is a road reserve that does not currently contain a Shire constructed road. Some road reserves may contain an informal track created by incidental use however these are still considered unmade road reserves by the Shire and are not included in the managed road network.

Road reserves are public thoroughfares and regardless of whether there is a constructed road in place, must not be deliberately obstructed by the public. The Shire or other government agency may restrict access when required for purposes such as safety, biosecurity, traffic management, etc.

Unmade road reserves are generally left in a natural unmanaged state. Hazardous situations that may arise are addressed in the same manner as road verges.

There is no expectation for landowners to take responsibility for management of adjacent unmade road reserves.

### 3.7.1 Private Use of Unmade Road Reserves

Road reserves are public thoroughfares and must be kept accessible to the public. Placing an obstruction across a thoroughfare requires Shire approval and may be considered on a case-by-case basis. Approval, if granted, will require suitable gates to allow public access. The gates cannot be locked.

## 3.8 Prioritisation of Verge Service Requests

Verge service requests will be categorised into one of 3 categories based on priority and actioned accordingly.

1	Urgent action	Involves an imminent risk to public safety (as determined by a suitably qualified or experienced Shire representative)	Action to remove threat as immediate as is practicable
---	---------------	--	--

2	Action	Matter falls within the scope of this policy and budget / resources available	Action undertaken within 0-21 working days
3	Deferred action	Matter falls within the scope of this policy but rectification works likely to occur within programmed works or require additional budget resources resources	Action undertaken within 6 - 12 months or such time as allowed for in the annual budget

#### 4 Applicable Legislation and Documents

<b>Statutory Power</b> <i>(Acts, Regulations, Local Laws, TPS)</i>	s.2.7(2)(b) <i>Local Government Act 1995</i> – The council is to determine the local government’s policies  Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law
<b>Shire Policies</b>	
<b>Related Documents</b>	
<b>Related Procedure</b>	

#### 5 Administration

<b>Original Adoption Date</b>	23 February 2023 (C.15/0223)
<b>Last Reviewed</b>	
<b>Scheduled Reviewed Date</b>	23 February 2024