
8.3 Verge Maintenance

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: 20 July 2022
Amended:

Introduction

Pursuant to Section 55(1) of the *Land Administration Act 1997*, the land comprising a road is the absolute property of the Crown and, subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road. This care, control and management includes not only the road, drainage, footpaths and supporting infrastructure but also the naturally occurring vegetation contained within.

The verge area is generally considered to be the area within the road reserve between the edge of the road infrastructure and adjacent private property.

The verge area is created for a range of uses. Some of these include:-

- To provide a safe pedestrian space and paths
- To allow vehicle access to properties (crossovers)
- To accommodate public service utilities eg. street lighting, water, gas and telecommunications.

Due to the extensive amount of verges within the Shire, it is impractical to assign the level of resources that would be required to maintain all verges. The Shire therefore requires all residents and commercial property owners to endeavour to maintain the verge adjacent to their property, for their own benefit, the benefit of their neighbours and the wider Chittering community.

Objective

This policy is intended to outline Councils expectations, responsibilities and the extent to which verge maintenance services will be provided by the Shire in the overall management of the road reserve and verges within the Shire of Chittering.

Application

The Shire recognises that the appearance of road verges are important to owners / occupiers, due to the aesthetic impact on their properties and dwellings. The following policy is provided to maintain safety to the community whilst enabling owners / occupiers to improve the aesthetics and amenity of road verges adjacent to their properties.

Policy Intent

- To value the verge as an important component of the streetscape;
- To encourage ownership by owners/occupiers to improve and maintain verge presentation;
- Define the extent of general verge maintenance activities undertaken by the Shire;
- Reduce the impact of unwanted plants on agriculture, conservation and landscape values in the Shire;
- Ensure Council meets its legal responsibilities under the *Local Government Act 1995 (WA)* and to control unwanted plants within the Shire under the *Agricultural and Related Resources Protection Act 1976*

Interpretation

This Policy is to be read in conjunction with the Shire of Chittering's relevant Local Law pertaining to property.

Residents Responsibilities:

- Maintenance of the verge including tasks such as mowing, weeding, pruning and mulching. Appendix 1 – Road Verge Development Criteria and the Shire of Chittering's relevant Local Law in relation to Property shall be considered when making improvements to the verge.
- Residents should consider the verge adjoining their property as a part of their land's overall fuel management plan. The threat from fire to private property can be greatly minimised by maintaining a low fuel area between the verge and their property.
- If planting street trees do so within the guidelines set out in Appendix 1 – Road Verge Development Criteria. Where street trees have been planted by residents, residents will be responsible for the maintenance of the tree. Trees that do not fit within the guidelines may need to be removed.
- Clean-up and repair damage from falling trees and branches - the shire is mainly hilly and heavily treed. Should trees or branches cause damage to a resident's infrastructure, it is considered a part of living in the shire and the resident is responsible for the damage and clean-up of the tree or branch. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.
- Gaining appropriate approval prior to Hazard Reduction Burning, which is allowed to be undertaken. Approval to undertake burning must be received and Appendix 2 of this policy sets out the requirements that must be met for approval.
- Landowners who do not want spraying on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. Vegetation should be kept away from the road surface and managed to a not unreasonable height.
- Verge management activities must be considerate of potential high conservation roadside (endangered flora areas). Verge Management Activities undertaken on high conservation roadsides and shire managed reserves for the protection of flora and fauna require approval by the Chief Executive Officer under delegated authority.

Shire Responsibilities:

- Controlling the development of street verges and the provision and maintenance of street trees. We control the development of verges through local laws and policies such as this one.
- Verge maintenance adjacent to our buildings, parks and reserves.
- Spraying verges - this typically occurs once a year for the purpose of controlling weeds in order to protect our assets. For this reason, spraying typically occurs around the following assets: Kerbs; Edge of roadway; Pathways; Street trees; Drains; Other Shire infrastructure; Public Service infrastructure
- Fire mitigation works both in reserves and road reserve areas (i.e. within the verge). These works are identified and conducting in areas deemed a strategic fire risk by the shire's staff and under the Strategic Bushfire Risk Management Plan, taking into account the risks present for the whole of the shire. Due to the planned nature of these and resources required, request to burn typically cannot be undertaken.
- Removal of 'significant hazards', obstructions to road users or Shire infrastructure.
- Planting of street trees. These are trees planted in the road verge with the appropriate permit/approval from the Shire under the Shire of Chittering Property Local Law. Following establishment of the trees/vegetation, the Shire accepts responsibility for the ongoing maintenance of these trees.
- Naturally occurring trees/vegetation It is a common misconception that the Shire owns all naturally occurring verge trees. Naturally occurring trees are growing on Crown Land, the Shire simply manages the trees when and where necessary, predominately to stop trees interfering with the flow and/or safety of traffic and does not take ownership of a particular tree or trees.

Further Information:

Appendix 1

Road Verge Development Criteria

- i) Council shall encourage and support the development of road verges in urban areas, either maintained grass style or dry garden style or a mixture of both.
- ii) The preferred style shall be the Native Garden option with irrigation and up to two trees/20m of frontage. Any irrigation system shall be installed and operated to avoid nuisance to the public. All pipes shall be installed at a minimum depth of 400mm and approved pop-up type sprinkler equipment is preferred.
- iii) The trees shall not be planted on the 3.5m offset so as to avoid electrical power lines and all other services. No trees shall be planted within 12m of street corners or within 2.5m of crossovers. Tree planting on road verges shall not take place without prior consultation with Executive Manager Technical Services.
- iv) Subject to keeping the verge clear for the first 1.5m width from kerb of seal a dry garden style of small vegetation, shrubs and ground covers may be established, however, no large rocks or non-frangible items shall be placed on the road reserve. Weed control using plastic sheeting with aggregate, mulch, metal dust overlay is acceptable.
- v) No assistance shall be given by the Shire for development, ongoing operation or maintenance costs.

Appendix 2

Road Verge Burning

Council fully supports road verge burning by residents, and brigades, and this policy sets out the circumstances where road verges may be burnt for the purposes of fire protection; as long as the following guidelines are followed:-

- a) All applications shall be made on the prescribed “Application for Approval to Burn the Verge” form; which can be found [here](#)
- b) No authority is given for any Brigade Fire Control Officer to allow the burning of road verges;
- c) That no authority can be given by an officer of the Shire of Chittering or Fire Control Officer to burn road verges that are not under the control of the Shire, unless written approval has been received from the controlling body;
- d) Approvals to Burn the Verge – for hazard reduction, along road verges – can only be provided after a site inspection has been completed. The inspection will take into consideration the environmental impact on the road verge, the potential hazard the road verge would pose in the event of bush fire and the weather patterns and forecasts for that time of year;
- e) Approvals issued pursuant to the above are to state the measures that must be taken to prevent damage to native vegetation along the verge, acceptable weather conditions and other normal permit conditions;
- f) Council is committed, where possible, to preserving natural vegetation on road reserves and the proper management of specified weeds. Accordingly all reasonable precautions are to be taken to protect flora and fauna during the course of road verge burning (pest plants and wild weeds excluded); and
- g) All necessary safety precautions are to be taken.
- h) Approvals to burn the verge will only be issued by Authorised Officers to residents during the Unrestricted Burning period.

Council authorises the following officers to determine applications and apply conditions to approvals:-

- o Community Emergency Services Manager
- o Bushfire Risk Officer
- o Ranger(s)

Appendix 3

Hazardous Trees

As per general maintenance considerations, Shire involvement is limited to ‘significant hazards’ and/or obstructions to road users or Shire infrastructure.

What constitutes a hazard?

- o *A dead or dying tree (or limbs) that is close to a crossover, road, footpath and/or infrastructure.*
- o *A tree that is severely diseased and of poor structure.*
- o *A tree that has become unstable at the base where root ball heave is present.*
- o *A tree or limb/s that is causing sight line problems when exiting a driveway, gateway or an intersection.*

- *A tree that is deteriorating in health (photographic evidence to be captured)*
- *A tree with severe termite infestation.*
- *A limb/s that is cracked or damaged.*
- *A limb/s that is encroaching over infrastructure or the road with the potential for failure or injury or causing damage to a vehicle permitted to use the road.*

What does not constitute a hazard?

- *A tree simply shedding leaves, bark and fruits. This is a natural occurrence.*
- *The height of a particular tree.*
- *The proximity to infrastructure if the tree is in good health and structure.*
- *The species of a particular tree.*
- *A limb/s encroaching over a fence that has no impact on infrastructure.*
- *The size of a limb/s.*
- *A particular limb/s shedding leaves, bark and fruits, this is a natural occurrence.*
- *Limb/s encroaching into a paddock where no infrastructure is present.*

References:

- *Shire of Chittering Local Law in relation to Property*
- *Local Government Act 1995 (WA)*
- *Agricultural and Related Resources Protection Act 1976*
- *Environmental Protection Act 1986*
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- *Application for "Approval to Burn the Verge" form*