

Road Verge Development and Maintenance Guidelines

1. Introduction

The nature strip (road verge) is the area between the private property boundary and the edge of the road. A well planned and maintained garden that incorporates the nature strip, greatly enhances the amenity and environmental quality of a neighbourhood. These guidelines have been created to assist residents in carrying out maintenance, landscaping or other improvement works to the nature strip area adjoining their property. The Shire is responsible for the control of development of street verges. The maintenance of lawns and gardens on verges is the responsibility of the adjoining landowner.

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2. Background

Nature strips (Road verges) are public land and serve a variety of important functions, such as providing space for service infrastructure (drainage, paths, power, communications, etc). They also provide useable space and amenity for the public and adjacent landowners. The Shire, service providers, general public, and residents therefore all share an interest in verges. With the potentially conflicting use and expectations of these stakeholders, it is important to have clear guidelines and rules regarding verge use, development, and management.

In order to ensure public safety, Council and Service Authority access and rights over this portion of the road reserve, the form and development of road verges permitted by the Council, is outlined in these guidelines. The guidelines also align with the Shire of Waroona's commitment to environmental stewardship and seeks to encourage homeowners to transition to waterwise verges with enhanced tree canopy cover in the longer term.

3. Statement

For the purpose of these guidelines, a road verge or nature strip, is the portion of land between the road and the property boundary. Road reserves (this includes the verge) are crown land and not owned by the Shire. However, Local Governments do have responsibility for the care, control, and management of this land (unless the road has been designated a highway or main road). The responsibility for the management of verges does not mean that the Shire is required to undertake works requested. In summary the Shire is responsible for the control of development of street verges. The maintenance of lawns and gardens on verges is the responsibility of the adjoining landowner.

Council policy dictates the level of service provided, with this being a balance between the activities undertaken and the associated cost to ratepayers. This means that Shire works will be restricted to essential areas, such as public safety and infrastructure maintenance.

- a. **Verge mowing, slashing, and spraying is the responsibility of the owners** of adjoining property excepting in the case:
 - i. The Shire owns the land adjoining the verge, or
 - ii. Where this activity is undertaken by the Shire for reasons of road safety, or
 - iii. It is required for maintaining Shire infrastructure.
- b. Isolated works for other reasons, such as for the amenity of local resident, are not considered for inclusion.
- c. The following are not considered to be sufficient reasons to permit tree or removal or pruning;
 - i. Nuisance from leaves, nuts or seeds, sap or birds noise,
 - ii. Insignificant or perceived fire hazard,
 - iii. Unsightly trees or impacts on views.
- d. The Shire will not undertake maintenance for aesthetic reasons unless the location is part of a Shire managed developed streetscape.
- e. The Shire may spray verges for weed elimination where this is part of an annual budgeted weed removal program.
 - i. 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 Shire of Waroona area according to the Biosecurity and Agriculture Management Act 2007 (BAM Act) and Local Laws, will be considered for inclusion in the program with other works on a priority basis within the budget constraints of the program.

4. Principles

The Shire of Waroona Council recognises that:

- a. A principal purpose of that part of the road reserve between the kerb and the property boundary is for use by pedestrians and to accommodate Service Utilities.
- b. The verge area is increasingly becoming an important part of the local amenity and green space for the community. It also provides important functions for facilitating our street trees, opportunities for improving water runoff and quality via Water Sensitive Urban Design. Along with increasing tree canopy and vegetation cover, which help cool our Shire and mitigate climate change impacts.
- c. The nature strip (verge) is the area between the private property boundary and the edge of the road.
- d. A well planned and maintained garden that incorporates the nature strip, greatly enhances the amenity and environmental quality of a neighbourhood.
- e. The maintenance of road verges is a shared responsibility between Council and its residents;
 - ii. Landowners or residents are typically required to maintain their verges.
 - iii. The Shire of Waroona will only undertake the maintenance of road verge required for essential areas, such as public safety and infrastructure maintenance,
 - iv. The Shire of Waroona has published these “Verge Treatment Guidelines” to assist residents in carrying out maintenance, landscaping or other improvement works to the nature strip adjoining their property.

5. Nature Strip Gardens and Landscaping

Efficient use of water can be achieved by choosing the right plant selection, mulching and watering methods. The Shire can provide advice on the species of plants best suited to nature strip areas. When landscaping (e.g. planting of trees, shrubs etc.) is being planned on the nature strip, the following requirements should be considered:

- a. The area set back a minimum of 1.5 metres from and parallel to the kerbline shall be designed to allow pedestrians to walk through without being obstructed if there is no footpath in the street.
- b. In addition, the area set back a minimum of 1.5 metres from and parallel to the kerbline shall be designed to enable vehicles to temporarily park clear of the carriageway if a breakdown occurs.
- c. If a public utility such as water, gas, sewerage, electricity or telephone undertakes work on your nature strip area they are then responsible for replacing any disturbed soil. However, they are not responsible for replacing disturbed irrigation, landscaping, etc., as this is the adjoining property owner’s responsibility.
- d. Landscaping must be kept clear from obstructing the roadway or any footpath.
- e. Any landscaping on the nature strip area must not create any undue hazard to road users or pedestrians.
- f. To ensure adequate sight lines are maintained at vehicle crossovers and road intersections, landscaping at these locations, shall not exceed 600mm in height at full maturity. Otherwise, landscaping at these locations must be maintained regularly. When developing or improving properties, it is recommended that a nature strip landscape proposal be submitted to the Shire for approval. As many shrubs and trees may be inappropriate for the street environment and if already existing, may need to be removed.

- g. Residents are also encouraged to consider aligning with Water Corporations “**Creating a Waterwise Verge**” guidelines, to save on water consumption. Information can be found on their website:

<https://www.watercorporation.com.au/Help-and-advice/Waterwise/Garden/Creating-a-waterwise-verge>

❖ What can be installed or grown in the verge without Shire Approval?

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:

- No plant that exceeds or which may exceed 600mm in height is allowed on a verge within 6m of an intersection.
- Other than lawn, no plant or loose material is permitted within 1.5 m of the road carriageway without approval 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.
- 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.
- 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. not prone to break if impacted) can be placed on the road reserve.
- Development must not interfere with the function or maintenance of installed infrastructure. This includes but is not limited to obstructing footpaths, roads, water meters, power domes, and drains.
- 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 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 applicant's cost.

❖ Can I prune or remove a tree on the verge myself without Shire Approval?

The Shire of Waroona would like to remind all residents that any street trees located on your verge are the sole responsibility of the Shire, for example pruning and other maintenance. If you have any concerns regarding the trees located on your verge, for example reaching overhead power lines, please contact the Works and Services Department on 9733 7817.

The Works and Services department will be available to help you with any enquiries you may have. The Shire will consider the approval of removal or pruning of street trees by owners of adjoining properties having regard to the following:

- Whether the tree or part of the tree is safe.
- Whether removal is necessary for the construction of a vehicular crossover to provide access to an approved building.
- Whether the tree is considered by the Shire to be incompatible with the streetscape, infrastructure or natural environment where it is located.
- Whether removal is reasonable given the overall health and expected lifespan of the tree.

- Whether the tree is providing food or habitat for native animals.
- Whether the tree is native and requires a clearing permit.
- 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;

- 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.
- That removal or pruning is carried out by a properly qualified contractor.
- All tree waste is removed from the verge following completion.
- That the verge is reinstated to the satisfaction of the Shire.

❖ Getting Bushfire Ready - Verge Burning Permits

The Shire support and encourages efforts for residents to be 'bushfire ready'. However, residents still need to obtain a permit from the Shire to burn on verges (or other Shire reserves). **This is needed all year round.** This permit is easy to obtain from the Shire and does not incur a fee. Once the permit has been issued there are safety procedures that must be followed prior to or while conducting the burn such as:

- Notifying the Shire Works and Waste department prior to starting the burn
- Notifying adjoining neighbours
- Notifying DFES before commencing the burn 1800 198 140
- Wearing suitable clothing
- Not conducting burns in high winds

Additional Community Safety Information and Emergency Contact information is available from DFES, your local Bush Fire Brigade representatives and the Shire.

The Shire of Waroona requires that all 'burning off' is conducted via, 'cool', controlled, low impact burns to preserve native flora and fauna, as well as tree canopy. Empirical evidence has clearly shown that 'hot' burns can kill off trees as well as native vegetation and fauna. Resulting in an increase in 'weed' and understory density and therefore increase future fuel loads. "Hot" burns, are considered 'clearing', which is 'works' under the planning regulations and requires a written approved development application. Where the burn area is in an area of native vegetation, mosaic style 'cool' burns are also mandatory.

❖ There is some rubbish / waste left on the verge will the Shire arrange to remove it?

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:

- 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.
- It is an abandoned vehicle.
- It is causing a significant hazard or impact on local amenity.
- 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.

❖ Will the Shire repair my crossover or fix associated drainage problems?

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. A crossover is private infrastructure for the benefit of a specific property. Crossovers are constructed by the property owner with Shire permission and do not become Shire property.

❖ **Verge parking development and maintenance.**

- 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.
- In addition, the area set back a minimum of 1.5 metres from and parallel to the kerbline shall enable vehicles to temporarily park clear of the carriageway if a breakdown occurs.

6. **Vegetation encroaching onto private property.**

The Shire is not responsible for managing vegetation encroaching onto private property. Property owners can cut back any encroaching vegetation, including roots, on their side of the property boundary. **Except for where the vegetation is mature trees deemed to be providing urban canopy in a townsite area, street trees located on your verge, or is other vegetation protected by the Shire's Local Planning Framework, or other legislative requirements, including the conservation of native vegetation.** Responsibility for disposal of pruned material is as follows:

- 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.
- 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.
- 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.

❖ **I think a tree is dangerous what will the Shire do about it?**

A suitably qualified and/or experienced Shire representative will assess the tree and if necessary, a formal Quantified Tree Risk Assessment (QTRA) will be undertaken. The outcome of the assessment will determine the action (if any) the Shire takes. The timeframe of any work the Shire undertakes will depend on the assessed urgency. Naturally, imminent risk situations are given the highest priority.

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

- 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.
- 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.
- Is causing significant damage to buildings or structures on adjoining land.
- 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.

❖ **What happens when storms or other natural events cause trees or significant branches to fall?**

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.

❖ **The verge is looking untidy due to fallen branches, logs, weeds etc. will the Shire tidy it up?**

The Shire will not undertake maintenance for aesthetic reasons such as fallen leaves, nuts, small branches, logs weeds etc, unless the location is part of a shire managed developed streetscape. If a large branch falls that is unsafe residents are asked to please contact the Shire of Waroona.

❖ **There is a dead animal on the verge will the Shire remove it?**

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.

❖ **Will the Shire remove insects and/or other animals causing a nuisance in the verge?**

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.

❖ **I am concerned about the verge being a fire hazard. What action will the Shire take?**

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.

7. Associated Documents.

Other documents that have an association to this policy and that may be useful reference material are:

- Bush Fires Act 1954 Section 33(1), 25(1a) and 24G(2).
- IP010 – Street and Reserve Trees
- The Shire of Waroona “Verge Maintenance Guidelines”.
- The Shire of Waroona local law “Activities on Thoroughfares and Trading in Thoroughfares and Public Places”.
- The Shire of Waroona local law “Local Government Property Law”.

SOURCES REFERENCED & QUOTED –

<https://www.bridgetown.wa.gov.au/services/roads/verge-managment.aspx>

<https://www.watercorporation.com.au/Help-and-advice/Waterwise/Garden/Creating-a-waterwise-verge>

https://www.wanneroo.wa.gov.au/downloads/file/77/verge_treatments_-_protective_devices_policy

file:///C:/Users/dids/Downloads/Verge_Treatments_Protective_Devices_Policy.PDF

file:///C:/Users/dids/Downloads/city_of_wanneroo_verge_guidelines_nov2020.pdf

https://www.campbelltown.sa.gov.au/_data/assets/pdf_file/0022/236524/Road-Verge-Development-and-Maintenance-Policy-effective-from-5-April-2022.pdf

<https://www.campbelltown.sa.gov.au/development/undertaking-works-on-council-land/verges-and-naturestrips>