

POLICY NUMBER 7.13**POLICY SUBJECT 7.13 Verge Treatments, Plantings and Beautification****ADOPTED****Objectives**

1. Provide guidelines to what is a “Permissible Verge Treatment” within the verge area of local government roads within the Shire of Merredin.
2. To provide guidelines of plantings and/or beautification and to outline the Shire’s and residents’ responsibilities.
3. Ensure that verges within the Shire are maintained at a safe level relative to that of the abutting road and/or footpath.
4. Establish the extent of the Shire’s responsibility for maintenance and the removal of rubbish from road verges.

1. Definitions

For the purpose of this Policy the following definitions will apply:

“carriageway” has the meaning given to in the Road Traffic Code 2000; Regulation 3 of the Road Traffic Code 2000 provides -

“carriageway” means a portion of road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;”

“footpath” has the meaning given to in the Road Traffic Code 2000; Regulation 3 of the Road Traffic Code 2000 provides -

“footpath” means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;”

“thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits and nothing is prevented from being a thoroughfare only because it is not open at each end;

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include a footpath;

“verge treatment” means any treatments approved by the local government as the standard verge treatments permitted by Council Policy and includes reticulation pipes and sprinklers.

2. Conformance

Any person who wishes to carry out any works on the verge shall do so in accordance with this policy, guidelines, specifications and the Shire of Merredin - Activities in Thoroughfares and Public Places and Trading Local Law (as Amended 2017).

The Shire will encourage and assist where practicable owners/occupiers to maintain street verges in a way that retains and enhances the streetscape, whilst minimising water usage.

The Shire will provide assistance with cleaning and maintenance of verges in accordance with the policy guidelines.

3. Beautification of Street Verges

Owners/occupiers of land abutting a street verge may undertake works to beautify the verge. These guidelines apply to the design and installation of verge gardens and landscaping features.

3.1 Approvals

Beautification of street verges carried out in line with these guidelines do not require approval from the Shire.

The Shire recommends you discuss your verge design with neighbours prior to commencing any works, to identify any potential issues that may arise.

3.2 Underground Services

Prior to commencing any work on the verge, it is advised to contact 'Dial Before You Dig' to ascertain what, if any services, including Telstra, Water Corporation, Western Power and NBN cables, are located within the verge and to ensure that the depth of the services is sufficient to carry out the proposed works safely.

Any works carried out on the verge by the resident, that results in damage or disruption to the services will need to be reinstated at the resident's full cost.

3.3 Verge Gardens

The Shire strongly encourages the use of Waterwise plants, in particular natives, for planting on verges due to their ability to survive hot dry summers with little to no supplementary water. This information is available on the Water Corporation of WA website – Waterwise Plants Directory.

Subject to budgetary constraints, Waterwise native plants can be purchased through the Shire at subsidised prices. Orders for native plant are to be forwarded to the

Shire Natural Resource Management Officer by 1 April each year and further information can be obtained by contacting the Shire.

Plant species selected for the verge should not be prickly, have spines or be known to be poisonous or cause allergic reactions. Plants that bear fruit should be maintained and the fruit harvested to ensure excess or rotting fruit does not pose a hazard or nuisance to pedestrians, cyclists or motorists.

All plants should be maintained to ensure clear lines of sight for pedestrians, cyclists and motorists are provided at all times.

Turfing of verges is permitted however in the interests of saving our precious water resources and reducing fertiliser run-off, alternative options are encouraged. Should turfing be required, it is recommended that a hardy low maintenance turf developed for Australian conditions be laid.

3.4 Landscaping Features

3.4.1 In addition to verge gardens and lawn, there are a number of permissible landscaping features that may be installed within the verge. The installation of these features must be setback from and provide clear access to any infrastructure such as, power poles and underground services.

3.4.2 The installation must also maintain safe access for pedestrians and cyclists and must be setback from footpaths, kerbs and vehicular crossings in accordance with these guidelines so as to not obscure or intrude into sightlines and maintain safe access for pedestrians and cyclists.

3.4.3 Permissible verge landscaping features include:

- (i) raised garden beds
- (ii) rocks/stones and/or logs
- (iii) compacted crushed gravel pathways
- (iv) paved pathways and/or bin stand areas
- (v) seating or benches
- (vi) decorations and lighting
- (vii) any other item (not listed above) may be considered at the discretion of the Executive Manager Engineering Services in accordance with the policy.

3.4.4 When installing and/or incorporating landscaping features on the verge, the following guidelines must be met:

- (i) Any landscaping feature installed on the verge must not obstruct clear lines of sight for any pedestrians, cyclists or motorists;

- (ii) Residents may incorporate a number of permissible verge landscaping features provided the specific guidelines for each feature are adhered to;
 - (iii) Residents must ensure landscaping features are checked regularly and well maintained so that they meet and continue to meet the verge landscaping feature guidelines;
 - (iv) If a verge landscaping feature is considered by the Shire to pose a safety hazard or does not meet the guidelines, the Shire may require the resident to remove/ revise part or all of the feature to comply with this policy and guidelines;
 - (v) Raised Garden Beds
 - Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
 - The raised garden bed (built structure) height shall not exceed 0.5 metres unless approved by the Shire;
 - Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;
 - Provide a minimum 0.5 metre setback from the face of the kerb.
 - (vi) Rocks, Stones and Logs
 - Maintain clear access for parked vehicles at all times;
 - Be of a size and installed securely so as to not be easily moved.
 - (vii) Compacted Gravel Pathways

Provide a minimum 0.5 metre setback from any street trees to maintain the health of the street tree.
 - (viii) Paved Pathways and Bin Stands
 - Finished level to be flush with the adjacent footpath, driveway, kerb and verge soil level so as to not create a trip hazard;
 - Provide a minimum 0.5 metre setback from street trees to maintain the health of the street tree.
- NOTE: The above guidelines apply to verge paving for non-parking purposes only.
- (ix) Seating or Benches
 - Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
 - Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;
 - Maintain clear access for parked cars at all times.
 - (x) Decorations and Lighting

- Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
- Maintain clear access for parked cars at all times;
- Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;
- Only solar lighting is permitted in the verge area.

3.5 Reticulation and Watering

The Shire encourages the installation of Waterwise verge gardens that conserve water eliminating the need for permanent reticulation. If reticulation is to be installed, sub-surface drip irrigation is recommended as the most water efficient reticulation type suited to the exposed conditions typical on the verge area.

3.6 Fertilising

If required, slow release fertilisers are recommended for use on all verge beautification treatments, however their use should be carefully monitored and particular care should be undertaken when applying fertiliser to ensure that granules or residues do not enter the local drainage system.

3.7 Mulching

Mulching of the verge area is encouraged to reduce plant stress, suppress weed growth and reduce moisture evaporation from the soil.

Mulch should be installed approximately 5-10cm thick and the finished level must sit just below the adjoining kerbs, footpaths and crossovers. This will prevent the mulch from spreading beyond the verge area, flowing into drainage systems and/or creating a hazard.

3.8 Indemnification

The Shire reserves the right to remove any verge beautification treatment or landscaping feature at any time if the Shire considers the installation is contrary to this policy or poses a hazard to or interference with persons or property.

3.9 Damage

Any damage to the footpath, kerb and road reserve whilst undertaking works will need to be made good by the resident, to the Shire's satisfaction.

Although due care will be taken, the Shire will not be held responsible for any damage that occurs to verge gardens and landscaping features as a result of the Shire's regular maintenance programs or capital works projects.

4. Levelling of Street Verges

4.1 Where the level of a kerb or footpath has been changed or the level of the verge is considered to pose a safety problem the Shire will:

- (i) establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and street kerb;
- (ii) take all reasonable actions to replace any lawns and/or plants where the level has been changed by the Shire.

4.2 Where the level of a kerb has not been changed the Shire will establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and the street kerb. Where it is necessary to remove or cover lawn to effect the levelling, the lawn will not be replanted by the Shire. Such work will only be undertaken after written request from the adjoining property owner.

4.3 The service is not provided as a top dressing for street lawns, nor will the Shire assist with excavating verges below the kerb level to facilitate paving of verges.

5. Mowing & Cleaning of Street Verges

5.1 Mowing

Verges along all Shire roads shall be maintained/mowed by the adjacent owner/occupier. The shire may direct the adjacent owner/occupier to conduct additional maintenance where the in the opinion of the Chief Executive Officer, the verge represents either a:

- (i) Fire hazard;
- (ii) Visibility problem;
- (iii) Safety issue; or
- (iv) In a neglected state.

5.2 Cleaning

- (i) Cleaning of litter and removal of the build-up of leaves and grass clippings not associated with shire owned property from the verge is the responsibility of the adjacent owner/occupier.
- (ii) The Shire will assist with the removal of litter and general rubbish from verges only in the following circumstances:

- Accidents;
- Storm damage;
- Where the responsibility for placing litter on a verge cannot be determined;

- (iii) Where responsibility for placing litter on the verge can be determined, the Shire will direct the person responsible to remove the litter and will enforce the *Litter Act 1979* and Regulations.

6. Plant Containers on the Footpath in Commercial and Retail Precincts

Placement of plant containers on or obstructing the footpath in commercial and retail precincts within the Shire need to take into account public safety, practical and aesthetic considerations, with a view to preserving and enhancing the streetscape.

6.1 Size

Containers shall be of an appropriate scale in relation to other elements of the streetscape, and easily seen by pedestrians.

6.2 Design

The design of the planters including materials, colour and finish - should be in keeping with the surrounding streetscape and to the satisfaction of the Executive Manager Engineering Services.

6.3 Plant Material

Plant species are to be approved by the Executive Manager Engineering Services and must not exceed a height of 1.2 metres above ground level. Alternatively trees in pots may be approved where the bottom of the canopy has a minimum 1.5m clearance to the footpath and is not more than 300mm wider than the container and should not obstruct parking signs. The plants must be maintained in a healthy, tidy condition at all times, and all maintenance is the responsibility of the property owners/occupants. No drainage or other discharges from the containers are to flow across the footpath or stain the pavement in any way. No poisonous, prickly or other harmful plants are to be used and maintenance procedures should not interfere with pedestrians at any time.

6.4 Location

Plant containers must:

- (i) not obstruct pedestrian crossing points, public utilities or other public facilities;
- (ii) be located to provide, at all times, free and unobstructed access of not less than 1.5 metres for pedestrians and other users of the footpath or paved area.

6.5 Approvals

The Shire's approval is not required for plant containers that comply with the requirements of this Part 6. The Shire reserves the right to request owners to remove the containers at any time.

6.6 Cleaning

The applicant shall be responsible for the cleaning of the area immediately adjacent to and under the container.

6.7 Cost

All costs associated with the application, purchase of containers and plants and installation are to be borne by the applicant.

6.8 Indemnification

Notwithstanding the granting of approval, the Shire reserves the right to remove the containers at any time, and applicants should ensure that the Shire is indemnified against all claims resulting from the installation of plant containers.

6.9 Damage

Any damage to footpath, verge or other street furniture caused by the planter or its movement shall be the responsibility of the applicant.

7. Memorial Footpath Plaques

The Shire will consider on its merits any application for a memorial plaque or slab to be included in a footpath within the Shire. The criteria to be taken into account shall include:

- (i) the person or event, subject of the memorial, shall have made a significant contribution to the development of the Shire or the State, or some major contribution to a social welfare or community or public organisation.
- (ii) comments received from the Heritage Council, West Australian Historical Society or other relevant organisation.

The sponsor may be identified either by words or a logo, provided that this identification does not exceed an area of 75mm by 25mm.

The location of the plaque or slab shall be at the discretion of the Shire which may take into account in considering the application, the nature of work undertaken by the person, subject of the memorial. The memorial plaque shall be cast in bronze or other approved material and of such design and of such dimensions as determined by the Shire at the time of application.