

## POL 0073: Street Verge Development

### **Purpose**

To provide an opportunity for residents to develop and maintain street verges and to ensure that street verges within the Shire of Esperance are managed and developed to an appropriate and consistent standard, with due regard to streetscape amenity, aesthetics and public safety.

### **Scope**

This policy applies to townsite street verges within the Shire of Esperance.

### **Definitions**

N/A

### **Practice**

#### Background

Street verges make an important contribution to the aesthetic nature of the Shire of Esperance. A street verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits. Street verges are typically described as the area of land between a road edge and the adjacent property boundary.

The Shire recognises that the appearance of a verge is important to property owners/ occupiers because of the significant aesthetic impact on their dwellings. The Shire maintains street verges with available resources with a priority on verges adjacent to public sites, community assets and infrastructure or based on broader community benefit. The Shire encourages property owners/ occupiers to maintain and develop verges adjacent to properties in line with this policy.

#### Policy

Street verge development and maintenance may be undertaken by adjacent landowners in accordance with the relevant conditions.

#### Conditions

1. A person shall not plant and maintain a garden or lawn on a street verge -
  - a. such that it extends beyond the frontage of the adjoining/abutting property in respect of which the approval is granted;
  - b. such that it encroaches on the pavement of the carriageway or a constructed path or adversely impacts on Shire infrastructure;
  - c. such that it encompasses earth mounding, rocks, retaining walls or built structures, i.e. fountains, ponds; or
  - d. to the exclusion of any public pedestrian access.
2. The owner or occupier of land abutting a street verge, in which a lawn or garden is to be planted and maintained, shall make arrangements to determine the

location of public utilities which may be located within the road reserve, prior to installation and shall be liable for damage to any utilities or shire infrastructure.

3. Street verge development in line with this policy does not give the person the right to clear native vegetation or alter or damage any street trees.

### Permissible Treatments

The owner or occupier of land abutting onto a street verge may, on the street verge in front of such land, install one of the following five treatments:

#### Treatment One – Lawn

1. Plant and maintain a lawn subject to -
  - a. The owner of land abutting a portion of a street verge in which a lawn is planted, ensuring that any water pipe laid to that lawn:
  - b. Is kept beneath the surface of the road reserve, at a depth of not more than 300mm no less than 150mm and so that any fitting connected to a pipe does not project above the surface of the lawn or garden.
  - c. If connected to a public water supply, complies with the requirements of the Water Corporation being the body constituted for, and having control of water in the district.
  - d. If connected to a private water supply, where passing under road, pavement, made footpaths, or crossings, is of at least class 12 PVC piping.
  - e. Has approved valves, located within the private property where they are connected to the water supply and is fitted so as to give complete control of the flow and isolation of water for that supply.
  - f. Irrigation sprinklers must be positioned to minimise water spraying on either pedestrian pathways or vehicle carriageways and adjacent properties.

#### Treatment Two – Native Verge Garden

Plant and maintain a garden subject to -

1. The Shire encourages the residents to plant native species that are drought tolerant and water saving verge treatments. The Shire permits a native verge garden to be mulched.
2. No part of the garden (plant, or other vegetation making up the garden) exceeding a height of 750mm (excluding approved street trees).
3. No plant or other vegetation making up the garden being of an invasive, thorny or poisonous nature or otherwise creating a hazard.
4. Where there is no footpath, a 2.0m wide strip parallel and adjacent to the kerb being provided and this area being sufficiently stable for pedestrian traffic and as approved by the Manager Asset Development.
5. In the event that portion of the garden being lawn or involving the installation of irrigation infrastructure, that development complying with Treatment One as described above.

### Treatment Three – Hard Surface and Part Paved Areas

Portion of a street verge may be treated with an 'acceptable material' subject to -

1. The area of hard surface being limited to a maximum of 33% of the total area of the verge (excluding any crossover).
2. Hard surface treatments being installed to accommodate vehicle loadings in compliance with the Shire's specifications for the construction of residential crossovers.
3. The remainder of the street verge being developed with lawn or garden.
4. In the event that lawn or garden is planted on the remaining portion of the road reserve, that development complying with Treatment One and or Treatment Two described above.

### Treatment Four – Complete Hard Surface and Paved Area

The Shire at its discretion may approve the paving of an area which is greater than 33% of the total verge (excluding existing crossovers) with an 'acceptable material' subject to -

1. A proven need
2. In the opinion of the Shire, not constituting a negative impact on the aesthetic and amenity value of the existing streetscape.
3. An appropriate storm water drain disposing of excess water into an approved soak well system.
4. The construction of the drain and soak well being installed to specifications approved by the Shire.

### Treatment Five – Verge Stabilisation

The street verge may be stabilized with a 50mm thick permeable layer of gravel, crushed limestone material or scalps to stabilize sandy surfaces. It is the landowner's responsibility to maintain the surface to a smooth uniform finish.

### Obligations of Owner or Occupier

Maintenance of street verge landscaping (apart from a street tree if present) is the responsibility of the owner and/or occupier of the property adjoining the street verge.

An owner or occupier who installs or maintains an approved verge treatment shall -

1. Keep the approved verge treatment in a good and tidy condition and ensure, where the verge treatment is a native garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment.
2. Not place any obstruction on or around the verge treatment.
3. Not disturb a footpath on the verge.

### Interpretation

This Policy is to be read in conjunction with the Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* and *Shire Street Tree Policy*.

The term ‘acceptable material’ includes mulch, brick paving, bitumen, concrete, compacted metal dust/scalps/crushed limestone and paving slabs. Materials not classified as acceptable include crushed brick rubble, pea gravel or any other material deemed by Council to be unstable or unsuitable.

**Implementation**

1. Verge development in accordance with Treatments Two, Three and Four require written approval of the Shire.
2. Applications for verge development in accordance Treatments Two, Three and Four are to include a plan detailing the proposed verge development, including the portions of any proposed garden beds, trees, shrubs and paved areas.
3. Applications must include details of any proposed plant species, noting that unsuitable species, such as those of an invasive, thorny or poisonous nature will not be approved.

.....End.....

**Document Information**

Responsible Position	Manager Parks and Environment
Risk Rating	Low

**Referencing Documents**

- *Local Government Act 1995*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*
- *Street Tree Policy*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2003	1		New policy	O0203-0509	Feb 2005
Sept 2007	2	D12/71			Sept 2009
Feb 2016	3	D16/28968	Remove statement of intent – covered under objective. Remove item 3 under associated procedure and move to ‘Treatment Two – Garden’ item 5. Addition of fifth permissible treatment – Verge Stabilisation	O0216-042	Feb 2018
Aug 2018	4	D16/28968[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	5	D16/28968[v3]	Change responsible officer, minor wording changes, inclusion of landowner responsibility to maintain verges adjacent to their property.	O1219-268	Dec 2021

Mar 2022	6	D16/28968[v4]	Update background to specify Shire responsibilities. Include paragraph in Obligations of Owners and Occupiers to specify responsibilities. Minor wording updates throughout.	O0322-062	Mar 2024
Mar 2024	7	D16/28968[v5]	Change title to Street Verge Development, amend scope, add point 3 under conditions.	O0324-023	Mar 2026
Mar 2026	8	D16/28968[v6]	Include provision for owners/occupiers to maintain verges adjacent to their properties. In Conditions section, include shire infrastructure to point 2 and 'alter or damage street trees' to point 3. Include reference to native verge garden, and hard surface treatments. Include mulch and crushed limestone as acceptable materials.	O0326-053	Mar 2028