

## 1.9 Verges Treatment Policy

### INTRODUCTION

- (a) The Town of Bassendean (Town) recognises the important social and environmental role that safe, aesthetically pleasing and environmentally sustainable verges and streetscapes provide in the community.
- (b) Verges are Crown Land, representing a public space under the care, control and management of the Town. Verges also host vital public infrastructure and services.
- (c) Verges Treatments are regulated by the Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 (Thoroughfares Local Law 2010)*.
- (d) Nothing in this policy derogates from the Town's responsibility and control in this regard.

### POLICY OBJECTIVES

This policy provides the requirements and direction for permissible verge treatments in the Town of Bassendean Local Government area.

### POLICY SCOPE

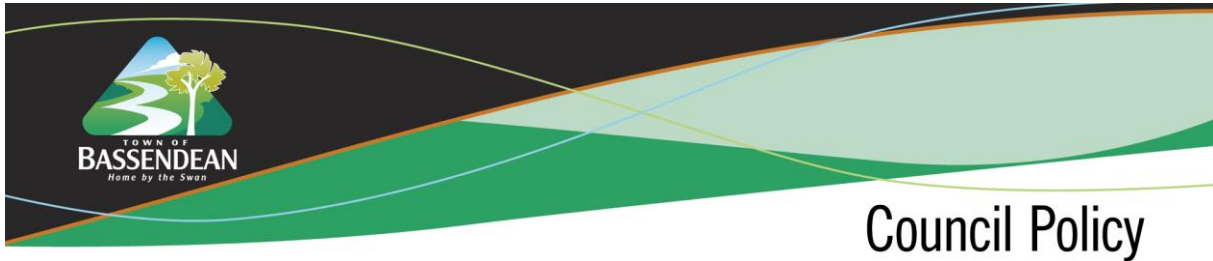
- (a) The policy applies to all owners and occupiers in the Town of Bassendean (Town), Local Government area.
- (b) The policy applies to all verges, existing and new, in the Town with the exception of verges adjacent to Council controlled reserves.
- (c) Verges trees remain under the control and responsibility of the Town and therefore, this policy does not apply to verge trees.
- (d) The policy should be read and applied in conjunction with the Town's Verges Treatments – Guidelines for enhancing your verge (guidelines).

### Definitions

For the purpose of this policy, the following definitions apply:

**Acceptable material** means any material which will create a hard surface, and which appears on a **list** of acceptable materials maintained by the Local Government..

**Crossing** means a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving private land.



**Footpath** has the meaning given to it in the *Road Traffic Code 2000*.

**Permissible verge treatment** has the same meaning as set out in clauses 1.2 and 2.7 of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*.

**Thoroughfare** has the same meaning as in the *Local Government Act 1995*, but does not include a private thoroughfare which is not under the management or control of the local government.

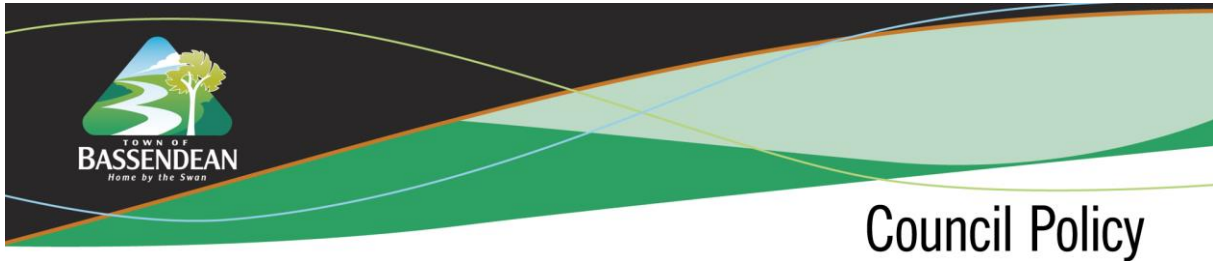
**Verge** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

### **Permissible Verge Treatments**

- (a) Only permissible verge treatments can be installed or maintained.
- (b) Visual and physical access lines for pedestrian and vehicle access must be maintained.
- (c) Footpath installation or maintenance takes precedent over verge treatments.
- (d) Barriers, fences, statues, bunting, signs, stakes or star pickets are **not** permissible verge treatments.
- (e) Built structures and walls are **not** permissible verge treatments.

### **Obligations of Owner or Occupier**

- (a) Division 3, *Thoroughfares Local Law 2010* applies to all verge treatments.
- (b) Where a verge treatment contravenes Division 3 of the *Thoroughfares Local Law 2010* or this policy or the guidelines or it poses a hazard or safety risk, the Town may issue a notice to the owner or occupier to undertake works, within the time specified, to meet requirements, or remove the verge treatment.
- (c) Verge treatments must maintain unobstructed and safe physical and visual access for service infrastructure (for example poles; pits), contractors, footpaths, driveways and local traffic.
- (d) Verges maintained by an owner or occupier do not form part of the Town's existing verge slashing program.



## **Verge treatments – Guidelines for enhancing your verge**

In accordance with the Thoroughfares Local Law 2010 the guidelines provide a list of acceptable material that can be used for verge treatments.

Design requirements and options are also set out in the guidelines.

### **Approval**

Prior approval is not required for verge treatments that comply with the Thoroughfares Local Law 2010.

For verge treatments that fall outside of the Thoroughfares Local Law 2010, the owner or occupier must obtain prior approval.

The prescribed application form must be completed and submitted to the Town. Work cannot commence on the verge treatment unless and until approval is granted.

Where a verge is 'common property' between two or more owners or occupiers, the owner or occupier proposing to install a verge treatment must obtain written agreement from all other owners or occupiers prior to commencing a verge treatment.

### **Dial Before You Dig**

The Town requires that every owner or occupier proposing to install a verge treatment, contacts the Dial Before You Dig Service (DBYD) prior to commencing any work on the verge.

It is the responsibility of the owner or occupier, or a contractor acting on behalf of an owner or occupier, to contact DBYD.

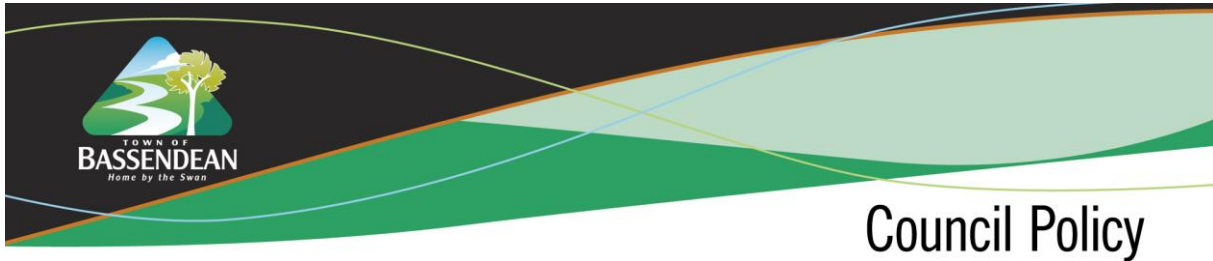
Where an owner or occupier, or contractor acting on behalf of the owner or occupier, does not take appropriate and necessary steps to avoid damage to underground or sub-surface service infrastructure, the owner or occupier may be liable for the costs associated with any damage caused or any repair or replacement required.

The Town recommends that owners or occupiers also refer to the Utility Providers Code of Practice for Western Australia prior to commencing work on the verge.

### **Costs for Verge Treatments**

The Town is not liable for any costs associated with verge treatments.

The costs of installation, maintenance or removal of verge treatments remains solely with the owner, occupier, or an agent of the owner or occupier, responsible for the verge treatment.



The Town is not liable for any costs associated with any damage caused by an owner or occupier, or agents of the owner or occupier, in the planning, development, installation, maintenance or removal of a verge treatment.

The Town may issue an invoice to the owner or occupier to recover any costs associated with the removal of a non-compliant or unsafe verge treatment.

**APPLICATION**

Policy Type:	Responsible Officer: Executive Manager Infrastructure
Link to Strategic Community Plan: Town Planning and Built Environment	First Adopted: OCM Last Reviewed: March 2020 Version : 2 Next Review due by: March 2023