

Verge Maintenance

Introduction

Under 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 (not being a State Government Road) 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.

Objective

- To value the verge as an important component of the streetscape.
- To encourage owners and 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](#)

Scope

The Shire recognises that the appearance of street verges is 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 street verges adjacent to their properties.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008.</i>
Regulations	Local Government (Administration) Regulations 1996.
Shire	The Shire of Toodyay.

Term	Definition
Verge area	The area within the road reserve between the edge of the road infrastructure and adjacent private property.
Verge Management Activities	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.
Local road	A road concerned or situated within the local government district that the local government is responsible for.
State Government Road	A road that is the responsibility of the State Government who proclaim those roads as either a highway or main road in accordance with the provisions of the <i>Main Roads Act 1930</i> . These roads are collectively known as State Roads.

Policy Statement

This policy is intended to outline Council's 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 Toodyay.

1. General Maintenance

- (a) Owners/occupiers are encouraged to maintain the verge area(s) adjacent to their property.
- (b) Shire involvement is limited to 'significant hazards', obstructions to road users or Shire infrastructure and/or paid private works requests.
- (c) The Shire will maintain verges adjacent to Shire owned property and important public places, as and when required.
- (d) The Shire conducts annual fire mitigation works both in reserves and road reserve areas (i.e., within the verge). However, these works are identified and conducted in areas deemed a strategic fire risk by the Shire's Community Emergency Services Manager. Ad-hoc requests for fire mitigation in isolated areas will not be considered.
- (e) The Shire will not become involved in verge maintenance issues involving the presentation or perceived levels of neglect when a landholder does not maintain the verge unless there is a perceived risk or hazard.

2. Verge Trees

Verge trees can be classified into three main categories with the following responsibilities:

- (a) Approved street trees/vegetation

These are trees planted in the road verge with the appropriate permit/approval from the Shire under the Shire of Toodyay Thoroughfares Local Law. Following

establishment of the trees/vegetation, the Shire accepts responsibility for the ongoing maintenance of these trees.

(b) Non-approved street trees/vegetation

These are trees planted in the road verge without the appropriate permit/approval from the Shire. The Shire will not maintain unapproved street trees or vegetation and may remove or order their removal.

(c) 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 and does not take ownership of a particular tree or trees. Should a verge tree fall or be damaged because of a storm or high winds, and cause damage to a resident's infrastructure, the Shire cannot be held responsible for any damages as this is a naturally occurring event and part of living in the hills and a heavily treed environment.

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

(i) What constitutes a hazard?

- *A dead or dying tree (or limbs) that is close to a crossover, road, footpath and/or infrastructure.*
- *A tree that is severely diseased and of poor structure.*
- *A tree that has become unstable at the base where root ball heave is present.*
- *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.*

(ii) 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.*

Residents are entitled to prune limbs of a tree that is overhanging their fence line.

It is the resident's responsibility to ensure compliance with the local Fire Break Order, therefore Residents will be required to prune trees encroaching their firebreak, regardless of whose land the tree may be on.

The removal of any vegetation, whether it be in private property or the road reserve, needs to be undertaken in compliance with the *Environmental Protection Act 1986*, *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and the *Shire of Toodyay Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

3. Weed Control

The *Agriculture and Related Resources Protection Act 1976* places an obligation on all landholders to control 'Declared Plants' on their properties. A list of Declared Plants can be obtained from the Department of Primary Industries and Regional Development.

The *Shire of Toodyay Pest Plant Local Law 1979* places an additional requirement on Shire of Toodyay landholders to control further pest plants identified in the First Schedule of this Local Law.

In addition to the Shire's obligations to also control the above Declared Plants and Pest Plants on Shire managed land, the Shire will conduct annual roadside verge management activities addressing weeds and vegetation within the road shoulder, drains and batters (generally covering 3-5m from the trafficable edge or the road).

4. High Conservation Roadsides

The Shire is committed to identifying and preserving high conservation roadsides and shire managed reserves for the protection of flora and fauna.

This should be assisted by identifying and implementing verge management activities that preserve, support, and enhance the conservation value of the high conservation roadsides.

Revegetation on high conservation roadsides must be undertaken with local provenance species.

The Shire promotes its verge management activities on a regular basis, through local public notice as per the Community Consultation and Engagement Policy.

Reference Information

- [*Shire of Toodyay Thoroughfares Local Law*](#)
- [*Shire of Toodyay Pest Plant Local Laws 1979*](#)
- [*Main Roads Act 1930*](#)
- [*Road Responsibility Policy*](#)

Legislation

- [Local Government Act 1995](#)
- [Agricultural and Related Resources Protection Act 1976](#)
- [Environmental Protection Act 1986](#)
- [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#)

Associated documents

[Community Consultation and Engagement Policy \(REG07\)](#)

Refer to the [Roadside Conservation Value Schedule](#)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27/10/2020 (CRN: 300/10/20)	Adopted	Manager Infrastructure and Assets	Council
V2	24/05/2023	Review	Executive Services	Council

Document control information	
Document Theme	Governance
Document Category	Infrastructure and Assets
Document Title	Verge Maintenance
Document ID	INF05
Document Owner (position title)	Executive Manager Infrastructure, Assets & Services
Author (position title)	Executive Manager Infrastructure, Assets & Services
Date of approval	24 May 2023 (CRN: OCM110/05/23)
Approving authority	Council
Access restrictions	Nil
Date Published	7 August 2023
Date of last review	24 May 2023 (CRN: OCM110/05/23)

Document control information	
Date of next review	5 February 2025
Archived antecedent documents and previous versions	Adopted 27 Oct 2020 OCM Reviewed 24 May 2023 OCM