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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ACTIVITIES ON
THOROUGHFARES AND
TRADING IN
THOROUGHFARES AND
PUBLIC PLACES
LOCAL LAW 2010

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THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on the 23rd November 2010 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish or recycling collection service;

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

“**CEO**” means the Chief Executive Officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

- (a) private land; or
- (b) a private thoroughfare serving private land;

“**district**” means the district of the local government;

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which—

- (a) is planted, by any person, only with grass, or with a similar plant; or
- (b) is planted, by the local government, with any other plant;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

“**local government**” means the Town of Bassendean;

“**local government property**” means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**lot**” has the meaning given to it in the *Planning and Development Act 2005*;

“**owner**” or “**occupier**” in relation to land does not include the local government;

- “**permissible verge treatment**” means a treatment described in clause 2.7(2), and includes any reticulation pipes and sprinklers installed for the purposes of the treatment;
- “**permit**” means a permit issued under this local law;
- “**permit holder**” means a person who holds a valid permit;
- “**person**” does not include the local government;
- “**premises**” for the purpose of the definition of “public place” in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;
- “**public place**” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—
- (a) premises on private property from which trading is lawfully conducted under a written law; and
 - (b) local government property;
- “**regulations**” mean the *Local Government (Functions and General) Regulations 1996*;
- “**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;
- “**thoroughfare**” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;
- “**town planning scheme**” means a town planning scheme of the local government made under the *Planning and Development Act 2005*;
- “**townsite**” means the townsit of the local government which is—
- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
 - (b) referred to in clause 37 of Schedule 9.3 of the Act;
- “**vehicle**” includes—
- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
 - (b) an animal being ridden or driven,
- but excludes—
- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
 - (b) a pram, a stroller or a similar device; and
- “**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

- (1) The *Town of Bassendean Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 16 August 2001 is repealed.
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person must not—

- (a) plant any plant except grass within 6m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden in a thoroughfare or public place unless—
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) place, or allow to be placed or remain, on a thoroughfare or verge any thing (except water) that—
 - (i) obstructs the thoroughfare or verge; or
 - (ii) results in a hazard for any person using the thoroughfare or verge;
- (d) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (e) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;

- (f) within a mall, arcade or veranda of a shopping centre, ride any skateboard, rollerblades, bicycles, scooters or similar device; or
- (g) remove or kill by felling, poison or any other means a tree on a verge area or thoroughfare or verge unless the person is—
 - (i) acting under authority of a permit issued by the local government; or
 - (ii) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or
 - (iii) acting under authority of a written law.

2.2 Activities allowed with a permit—general

- (1) A person shall not, without a permit—
- (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare, kerb or footpath;
 - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
 - (h) fell any tree onto a thoroughfare;
 - (i) unless installing, or in order to maintain, a permissible verge treatment—
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, including gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container;
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare;
 - (n) prune or lop a tree on a verge or in a thoroughfare unless that person is—
 - (i) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or
 - (ii) acting under authority of a written law;
 - (o) plant or sow any seeds in a thoroughfare;
 - (p) clear or maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land; or
 - (q) construct a firebreak on a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
- (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit;
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle Crossings

2.4 Temporary Crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
- (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The "person responsible for the works" in subclause (1) is to be taken to be—
- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

2.5 Removal of redundant crossing

(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—

- (a) remove any part of or all of a crossing which does not give access to the lot; and
- (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge Treatments

2.6 Interpretation

In this Division, unless the context otherwise requires—

“**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.

2.7 Permissible verge treatments

(1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—

- (a) the planting and maintenance of a lawn;
- (b) the planting and maintenance of a garden provided that—
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature; or
- (c) the installation of an acceptable material; or
- (d) the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.8 Only permissible verge treatments to be installed

(1) A person shall not install or maintain a verge treatment that is not a permissible verge treatment.

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.9.

2.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) ensure the verge treatment does not cause a sight distance obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment—
 - (i) do not protrude above the level of the lawn when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

2.10 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

2.11 Transitional provision

(1) In this clause—

“**former provisions**” means one or more of the provisions on a repealed local law which permitted certain types of verge treatments; and

“**repealed local law**” means the local law that is repealed by clause 1.4. without the consent of the local government.

(2) A verge treatment which—

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

2.12 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any—

(i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

*Division 4—Property Numbers***2.13 Interpretation**

In this Division, unless the context requires otherwise—

“**number**” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

2.14 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

*Division 5—Fencing***2.15 Public place—clause 4(1) of Division 1, Schedule 3.1 of Act**

Each of the following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

(a) a public place, as that term is defined in clause 1.2; and

(b) local government property.

*Division 6—Signs Erected by the Local Government***2.16 Signs**

(1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.17 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.16 if—

(a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and

(b) the condition of use specified is not inconsistent with any provision of this local law.

*Division 7—Driving on a Closed Thoroughfare***2.18 No driving on closed thoroughfare**

(1) In this clause—

“**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

(2) A person shall not drive or take a vehicle on a closed thoroughfare unless—

(a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

*Division 1—Preliminary***3.1 Interpretation**

In this Part, unless the context otherwise requires—

- “**advertising sign**” means a sign used for the purpose of advertising a business, organisation, person, service, product or event and includes an “election sign”;
- “**direction sign**” means a sign used to provide direction to another place where an activity or event is taking place, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;
- “**infrequent or occasional**” means a one off or annual occurrence; and
- “**portable sign**” means a portable free standing advertising sign or direction sign which is not placed on or affixed to any natural feature, including a rock or tree, or on any structure located within a thoroughfare.

*Division 2—Permit***3.2 Portable advertising signs and portable direction signs**

(1) A person shall not—

- (a) erect or place an advertising sign or direction sign on any part of a thoroughfare without the prior approval of the local government; and
- (b) place a sign of any other description on any part of a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which complies with the following—

- (a) the sign does not exceed 500mm in height or 0.5m² in area;
- (b) the sign is placed on a thoroughfare on an infrequent or occasional basis only to direct attention to a place where an activity or event is occurring, during the hours of that activity or event;
- (c) the number of portable direction signs providing direction to the place where the activity or event is occurring shall not exceed 4 in total;
- (d) the sign shall use symbols and lettering of a sufficient size so as to be clearly legible when observed from a distance;
- (e) the content of the sign shall be limited to advertising an activity or event and providing direction to its location;
- (f) the sign shall only be placed for the duration of the activity or event to which the sign relates;
- (g) the sign shall be secured while placed so as to not become a hazard, particularly when subject to wind loads;
- (h) the sign shall not be placed on a footpath;
- (i) the sign shall not be placed within 1m of a vehicle carriageway and a carriageway will be deemed to include a parking bay; and
- (j) the sign shall not be placed in any other location where, in the opinion of the local government, the sign is likely to obstruct sight lines along a thoroughfare or cause danger to any person using the thoroughfare.

(3) Notwithstanding subclause (1), a permit is not required in respect of a portable advertising sign which complies with the following—

- (a) the sign does not exceed 1m in height or 1m² in area;
- (b) the sign shall use symbols and lettering of a sufficient size so as to be clearly legible when observed from a distance;
- (c) the content of the sign shall be limited to advertising a business, organisation, person, service, product or event;
- (d) the sign shall be the only portable advertising sign serving the building, property or business to which the sign relates (1 sign per business/property/building);
- (e) the sign shall only be placed during the business hours to which the sign relates;
- (f) the sign shall be secured while placed so as to not become a hazard, particularly when subject to wind loads;
- (g) the sign shall, in all instances, be located directly adjacent to the building, property or business to which the sign relates;
- (h) the sign shall not be placed on a footpath;
- (i) notwithstanding subclause (3)(h), the sign may be placed on a footpath if the verge adjoining the building, property or business to which the sign relates consists only of a footpath. In this instance the sign must be—
- (i) located within a trading zone or alfresco dining zone if one has been approved for the subject property; or
 - (ii) where a trading zone or alfresco dining zone has not been approved for the subject property the sign must be placed such that it abuts the property's front boundary; and
 - (iii) the placement of a sign on a footpath must not reduce the footpaths effective width for use by pedestrians to a distance less than 1.8m.

- (j) the sign shall not be placed within 1m of a vehicle carriageway and a carriageway will be deemed to include a parking bay;
- (k) the sign shall not be placed in any other location where, in the opinion of the local government, the sign is likely to obstruct sight lines along a thoroughfare or cause danger to any person using the thoroughfare; and
- (l) the sign owner must maintain public liability insurance cover to a level agreed to by the local government. A copy of the insurance must be provided to the Town on an annual basis, or such other time as required by the Town, as evidence that the insurance cover has been renewed.

3.3 General Discretion

- (1) Notwithstanding other sections in this local law, the local government may consent to the placement of a sign that does not comply with a requirement or standard of this local law.
- (2) In determining whether to grant its approval to the placement of any sign, the local government may consider, in addition to any other matter, whether the placement of the sign would have an adverse affect on—
 - (a) the safe or convenient use of any land; or
 - (b) the safety or convenience of any person.

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and Vehicles

4.1 Leaving an animal or vehicle in a public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) Subject to any other local law, a person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) Subject to any other local law, a person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

- (1) In subclause (2), “owner” in relation to an animal includes—
 - (a) an owner of the animal;
 - (b) a person who has the animal in his or her possession or under his or her control; and
 - (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live.
- (2) An owner of an animal shall not—
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow the animal which has a contagious or infectious disease to be led, ridden or driven in a public place;
 - (c) train or race the animal on a thoroughfare; or
 - (d) subject to subclause (4), allow the animal to defecate on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the defecation is immediately removed.

4.3 Removal of vehicle or animal

An authorised person may impound an animal or vehicle left in contravention of clause 4.1

Division 2—Shopping Trolleys

4.4 Interpretation

In this Division—

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“shopping trolley” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.5 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.6 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place or on local government property other than in an area set aside for the storage of shopping trolleys.

4.7 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1).

4.8 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

4.9 Impounding of abandoned trolley

An authorised person may impound a shopping trolley that is—

- (a) left on a thoroughfare, verge or local government property that is not marked in accordance with clause 4.5; or
- (b) not removed by a retailer after having been so advised under clause 4.7(2).

PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and Traders***5.1 Interpretation**

In this Division, unless the context otherwise requires—

“public place” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property, but does not include premises on private property from which trading is lawfully conducted under a written law.

“stall” means a movable or temporarily fixed structure, stand, table or vehicle in, on or from which goods or services are sold, hired or offered for sale or hire;

“stallholder” means a person in charge of a stall;

“stallholder’s permit” means a permit issued to a stallholder;

“trader” means a person who carries on trading;

“trader’s permit” means a permit issued to a trader; and

“trading” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them.

5.2 Stallholder's permit

A person shall not conduct a stall on a public place unless that person is—

- (a) the holder of a valid stallholder’s permit; or
- (b) an assistant specified in a valid stallholder’s permit.

5.3 Trader's permit

A person shall not carry on trading unless that person is—

- (a) the holder of a valid trader’s permit; or
- (b) an assistant specified in a valid trader’s permit.

5.4 No permit required to sell newspaper

Despite any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

5.5 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading, must—

- (a) display her or his permit in a conspicuous place on the stall, vehicle or temporary structure or, if there is no stall, vehicle or temporary structure, carry the permit with him or her while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Trade Measurement Administration Act 2006*.

(2) A stallholder or trader must not—

- (a) deposit or store any thing or any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (b) act in an offensive manner; or

- (c) use or cause to be used any apparatus or device, including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit.

Division 2—Street entertainers

5.6 Interpretation

In this Division, unless the context otherwise requires—

- “**perform**” includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;
- “**permit**” means a permit issued for the purpose of clause 5.7;
- “**permitted area**” means the area or areas, specified in a permit, in which the permit holder may perform; and
- “**permitted time**” means the time or times, specified in a permit, during which the permit holder may perform.

5.7 Permit required to perform

A person shall not perform in a public place without a permit.

5.8 Variation of permitted area and permitted time

(1) The local government may by notice in writing to a permit holder vary—

- (a) the permitted area;
- (b) the permitted time; or
- (c) both the permitted area and the permitted time,

shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

5.9 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

5.10 Cancellation of permit

The local government may cancel a permit, if in the opinion of an authorised person—

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place; or
- (b) the performance otherwise constitutes a nuisance.

Division 3—Outdoor Eating Facilities on Public Places

5.11 Interpretation

In this Division—

- “**facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;
- “**permit holder**” means the person to whom a permit has been issued for the purpose of clause 5.12; and
- “**public place**” has the meaning given to it in clause 5.1.

5.12 Permit required to conduct facility

A person shall not establish or conduct a facility without a permit.

5.13 Removal of facility unlawfully conducted

Where a facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

5.14 Temporary removal of facility may be requested

(1) The permit holder for a facility is to temporarily remove the facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.

(2) The permit holder may replace the facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

(1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law must—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;

- (c) provide the information required by the form;
 - (d) contain other information required, for that particular type of permit, under this local law; and
 - (e) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

6.3 Relevant considerations in determining application for permit

- (1) In determining an application for a permit, the local government is to have regard to—
- (a) any relevant policy of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity; and
 - (d) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit on any one or more of the following grounds—
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit; or
 - (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 2—Conditions

6.4 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.5 Imposing conditions under a policy

- (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

(2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

6.6 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

6.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.11.

6.8 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed,

apply, with appropriate modifications to an application for the renewal of a permit.

6.9 Transfer of permit

(1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO or an authorised person; or
- (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.10 Production of permit

A permit holder is to produce to an authorised person his or her permit immediately on being required to do so by that authorised person.

6.11 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with—

- (a) a condition of the permit; or
- (b) a provision of any written law which may relate to the activity regulated by the permit.

(2) If a permit is cancelled the permit holder—

- (a) shall return the permit as soon as practicable to the local government; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

6.12 Nominee of permit holder

Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit apply to the nominee as if he or she was the permit holder.

PART 7—OBJECTIONS AND APPEALS**7.1 Application of Part 9 Division 1 of Act**

The provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to any local government decision.

- (a) to impose conditions on a permit;
- (b) to vary a permit; or
- (c) not to renew or cancel a permit.

PART 8—NOTICES**8.1 Notice to redirect or repair sprinkler**

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person or vehicle using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

8.2 Hazardous plants

(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard;

(2) Subclause (1) does not apply where the plant was planted by the local government.

8.3 Damage to thoroughfare

Where any portion of a thoroughfare, kerb or footpath has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

8.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 9—ENFORCEMENT*Division 1—Notices Given Under This Local Law***9.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

*Division 2—Offences and Penalties***9.3 Offences**

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

9.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

*First Schedule**Local Government Act 1995*

Town of Bassendean

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES LOCAL LAW 2010

PRESCRIBED OFFENCES

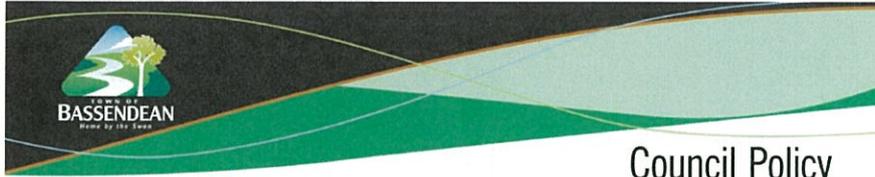
Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Obstructing or causing a hazard on thoroughfare or verge	200
2.1(d)	Damaging or interfering with thoroughfare structure	350
2.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(f)	Riding of skateboard or similar device on mall or veranda of shopping centre	125
2.1(g)	Removal of tree on thoroughfare or verge	350
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
2.2(1)(b)	Throwing or placing anything on a verge without a permit	200
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(f)	Damage a thoroughfare, kerb or footpath	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	200
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	200
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	200
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	200
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200
2.2(1)(n)	Prune or lop a tree without a permit	250
2.2(1)(o)	Plant or sow any seeds on a thoroughfare without a permit	125
2.2(1)(p)	Clear the surface of a thoroughfare without a permit	200
2.2(1)(q)	Construct a firebreak on a thoroughfare without a permit	250
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.8(1)	Installation of verge treatment other than permissible verge treatment	250
2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
2.10	Failure to comply with notice to rectify default	200
2.16(2)	Failure to comply with sign on public place	125
2.18(2)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	The erection or placing of a portable directional sign contrary to the local law	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125

Clause	Description	Modified Penalty \$
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(2)(d)	Allow a animal to defecate on a throughfare	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.6	Person leaving shopping trolley in public place other than trolley bay	125
4.7(2)	Failure to remove shopping trolley upon being advised of location	125
5.2	Conducting of stall in public place without a permit	350
5.3	Trading without a permit	350
5.5(1)(a)	Failure of stallholder or trader to display or carry permit	125
5.5(1)(b)	Stallholder or trader not displaying valid permit	125
5.5(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
5.5(2)	Stallholder or trader engaged in prohibited conduct	125
5.7	Performing in a public place without a permit	125
5.8(2)	Failure of performer to move onto another area when directed	125
5.12	Establishment or conduct of outdoor eating facility without a permit	350
5.14	Failure of permit holder to remove outdoor eating facility when requested	200
6.6	Failure to comply with a condition of a permit	200
6.10	Failure to produce permit on request of authorised person	125
9.1	Failure to comply with notice given under local law	200

Dated: 16 May 2011.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr J. R. H. GANGELL, Mayor.
Mr R. C. JARVIS, Chief Executive Officer.



Commented [AB1]:

1.1 ~~Verge Treatment and Maintenance~~ Policy

Street verges within the Town perform important functions including the provision of space for public utility services, increased public space and the visual linking of streetscapes. ~~In the interests of Bassendean's wellbeing into the future, the Town wishes to encourage landscaping that is waterwise, aesthetically pleasing and reflects our natural heritage.~~

It is acknowledged that verges form part of the public realm. Whilst Council allocates funding for the maintenance of selected verges, generally those adjacent to major or distributor roads, the Town relies on the goodwill and cooperation of adjacent land owners/occupiers for the maintenance of their verges.

Objectives

The objectives of this policy are to encourage adjacent owners/occupiers to ~~install and~~ maintain Permissible Verge Treatments in accordance to Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, for ~~the installation and~~ management of verges that are waterwise, aesthetically pleasing, and that reflect our natural heritage.

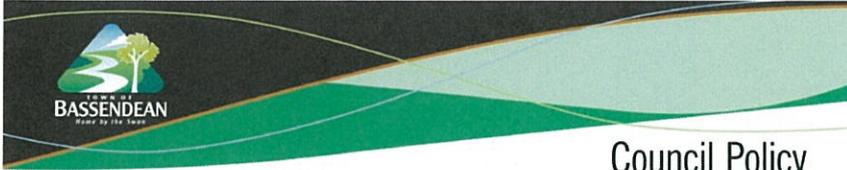
Council does not mow or slash verges adjacent to all private, commercial or industrial property on the basis that owners and residents with civic pride undertake this activity as a contribution to the amenity of the Town. This allows Council to direct its resources to priority services.

Strategy

The Town of Bassendean will achieve these objectives through ~~the application of "Permissible Verge Treatment" guidelines (see Appendix 1) with which to assess requests to develop new or alter existing verge treatments and~~ the development of a priority verge slashing program to reduce the grass loadings through out the year, within the allocated budget constraints.

Street verge slashing program is a grass reduction service not a lawn mowing service and will be provided within budget constraints, in accordance with the following priorities:

Priority One - Primary and District Distributor Roads – Guildford Rd, Lord St, Walter Rd East, Morley Drive (as arranged with the Shire of Swan), Collier Rd and Railway Parade, and areas required to be carried out for reasons of fire, traffic, cyclist or pedestrian safety.



Priority Two - Local Distributor Roads – West Rd, Ivanhoe St, Old Perth Rd, Hardy Rd, Reid St, Broadway, Northmoor Rd, Iolanthe St, Palmerston St, Shackleton St, Bridson St, Haig St and Colstoun Rd.

Priority Three - Local Roads - Scaddan St, North Rd, Bassendean Parade, Pearson St and Surrey St.

Priority Four - Verges adjacent to vacant and corner blocks, cul-de-sac heads, and closed road sections in other roads.

Note:

1. Verges adjacent to Council controlled reserves are to be mown as part of those reserves; and
2. Verges maintained by the resident are not included in the verge slashing program.

Detail

This policy applies to the portion of land between the road kerb/edge and the property boundary. The requirements of the policy exclude footpaths and crossovers.

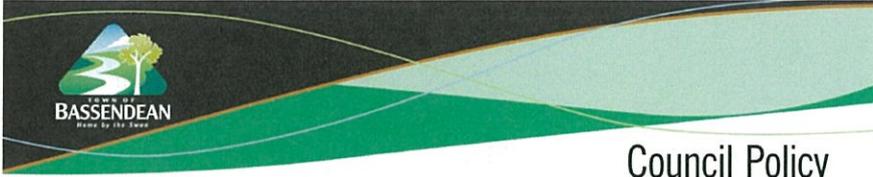
~~Treatments should be attractive and provide a positive enhancement to the streetscape. Street tree planting shall be in accordance to the adopted Street Tree Master Plan.~~ Street trees remain the responsibility of the Town and are therefore, excluded from this policy.

Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Chief Executive Officer (CEO) has the authority to administer the requirements of this policy. The CEO has on-delegated this authority to the Manager Asset Services.

The Policy is to be reviewed every three years.

<p>Policy Type: Strategic Policy</p> <p>Link to Strategic Community Plan: Town Planning & Built Environment</p>	<p>Policy Owner: Director Operational Services</p> <p>First Adopted: OCM-12/12/11-</p> <p>-Last Review Date: March- 2014_</p> <p>-Version 1</p> <p>Next Review due by: December-2016-</p>
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Council Policy

APPENDIX 1

PERMISSIBLE VERGE TREATMENTS

Introduction

The portion of land between a property boundary and the carriageway or road is referred to as the verge. Property owners or residents of land abutting the verge may install a permissible verge treatment.

A permissible verge treatment is one that is approved by Council and subject to stringent conditions.

Waterwise management practices are encouraged for verge treatments. The Water Corporation webpage (www.watercorporation.com.au) has a range of initiatives to assist residents minimise water usage.

Permissible Verge Treatments

The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

Division 1—General prohibitions : A person must not plant any plant except grass within 6m of an intersection

Division 3—Permissible Verge treatments:

(1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are:

(a) the planting and maintenance of a lawn;

(b) the planting and maintenance of a garden provided that:

(i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

(ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;

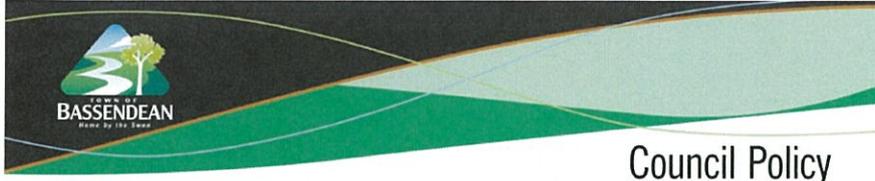
(iii) it does not include a wall or built structure; and

(iv) it is not of a thorny, poisonous or hazardous nature; or

(c) the installation of an acceptable material; or

(d) the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

Acceptable materials	Conditional requirements
1. Composted mulch or chipper mulch material 2. Small format Permeable/Porous Pavers	➤ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree ➤ To protect the tree roots, all earth works under the tree drip line shall be performed using hand tools ➤ Verge pavers shall be at least 20 per cent porous



Acceptable materials	Conditional requirements
3- Irrigation system 4- Grass 5- Low growing ground cover plants	<input type="checkbox"/> Storm water on verge shall be managed on site <input type="checkbox"/> Verge pavers shall not be laid within 2 metres from base of existing tree trunk <input type="checkbox"/> A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s) <input type="checkbox"/> No more than one third of the verge shall be paved excluding the crossover <input type="checkbox"/> Mulch or paving once installed shall not be higher than the adjacent kerb line, footpath or crossover <input type="checkbox"/> Paving shall tolerate limited vehicle traffic <input type="checkbox"/> Below ground irrigation / pop up sprinklers

Examples of Non-Acceptable materials	Reason
1- Frangible objects such as mounds, rocks, sleepers, walls, and garden kerbs 2- Loose objects such as gravel or aggregate 3- In-situ concrete, concrete slabs, and bitumen 4- Artificial turf	<input type="checkbox"/> Frangible objects may be considered unsafe, cause damage or be used to cause damage <input type="checkbox"/> Loose objects impact upon pedestrian safety <input type="checkbox"/> Concrete & bitumen have poor water permeability and contribute to storm water flow <input type="checkbox"/> Synthetic turf may reduce soil health and contribute to the urban heat island effect by absorbing sunlight and emitting heat

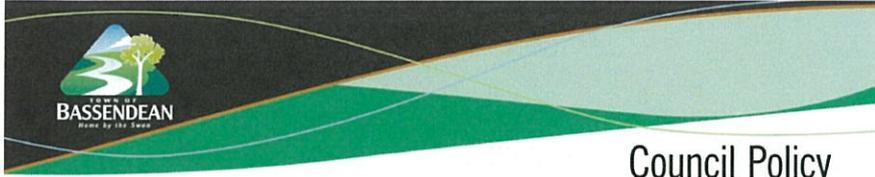
Irrigation & Planting requirements

Irrigation of the verge is an acceptable material on the following condition:

- Gate valve(s) / solenoid valve(s) are located on private property
- Installation of retractable sprinkler heads, level with grass surface
- Irrigation system designed to ensure that the water is not distributed onto paved surfaces.
- Irrigation is applied in accordance to Waterwise for WA water roster requirements.

In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 2 metres of a road edge and no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection. Other low growing plants shall not exceed 0.75 metres in height.

The sketch landscape plan below is provided to assist the owner / occupier of the lot abutting a verge, appreciate visually the verge planting requirements. In this plan, the plants have been arranged so that grass or a similar ground cover plant covers are placed at edges and low growing plant towards the middle of the verge area.

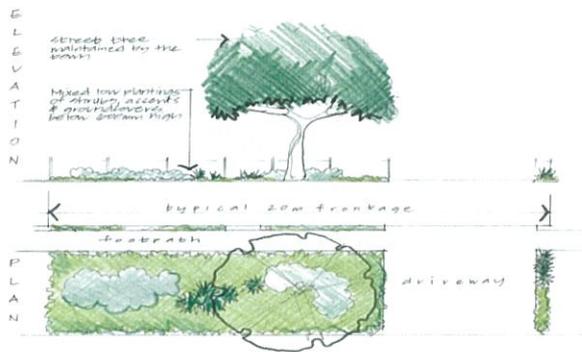


Council Policy

Where street trees are growing under the overhead power lines it is essential that the Town of Bassendean approved contractors have appropriate machinery access to carry out street tree pruning operations. Should a verge treatment proposal prevent a street tree from being maintained/pruned or will damage an existing street tree, the application shall be refused.

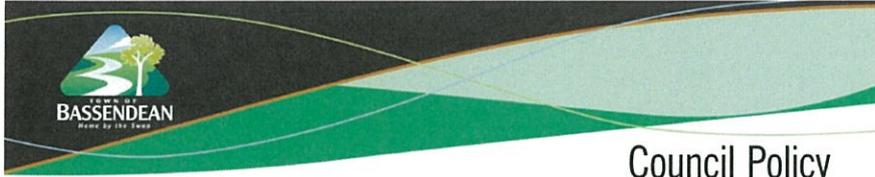
When considering landscaping a verge, the planting of endemic (local native) low-growing groundcovers and shrubs are strongly encouraged. *Grow Local* native plants brochures can be obtained from the Town's Customer Service information desk. The brochure contains a range of hints and information on how to use and look after native plants

Below is an example of a verge landscaped plan



Important Information:

- Please refer to the Council adopted Verge Treatment Policy, Street Tree Protected Policy and the Crossover Policy are available for viewing on the Town of Bassendean webpage at: www.bassendean.wa.gov.au/information-&-feedback/policies.
- Before the owner/occupier of the lot abutting a verge or contractors start to dig, plough, excavate or undertake any sub-surface activity, contact the "Dial Before You Dig" service on telephone 1100 to access indicative plans / information within 4-5 days on underground pipes and cables. Failure to take steps to avoid damage may leave you liable for costs incurred in the event of infrastructure damage.
- Local native plants will generally need to be watered for the first two summers until established. Some non-native plant species whilst 'waterwise' should be avoided as there is the potential for seed dispersal into natural areas. For this reason local natives are preferred



APPENDIX 2

VERGE TREATMENT APPLICATION FORM

Name of Applicant:
Property Address:
Email:
Telephone (Hom):(Mob):

Verge Treatment Details

Please (✓) tick to confirm the required information has been attach to the verge treatment application form.

- Sketch plan of proposed verge treatment attached
- Specification of material planned to be utilised provided
- If garden to be provided, ensure plant species proposed are clearly shown.
- Reticulation plan of proposed spray or drip reticulation attached
- Dial before you dig information attached
- Request the Town plant and maintain a street tree.

Please Note: If above supporting information is not submitted with application, the Town will have no option but to reject application until relevant information is provided

For General Information Sheets, please refer to the Town of Bassendean web page at :- www.bassendean.wa.gov.au/ for the following:

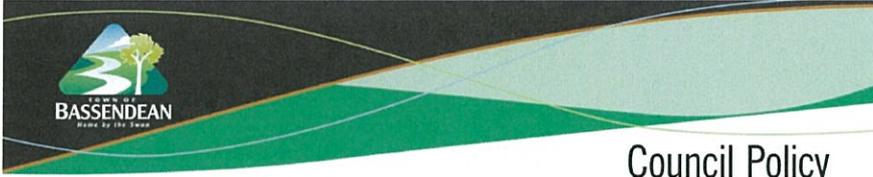
- * "Street Tree" — Telephone 93779000 or request in writing a street tree (s) be planted
- * "Street Tree Protection" — building permit requirements.
- * "Crossovers" — constructed in accordance to Town's specifications
- * "Availability of Mulch" — Free mulch during specified time frames or pay for delivery.

I/we, agree:

1. to maintain the verge area in accordance to the approved permissible verge treatment in a good and tidy condition and ensure that pedestrian access will be maintained.
2. that service utilities on occasions will require access to the verge area to undertake underground, above ground routine work and street tree pruning operations.
3. that if the approved permissible verge treatment is damaged as a result of the routine work, the applicant shall reinstate the area at no cost to the Town of Bassendean.

Applicant (s) Name
Applicant/s Signature
Date:

Please note that landscaping of verge area shall not be undertaken without written approval that the application is in accordance to the Permissible Verge Treatment requirements



OFFICE USE ONLY

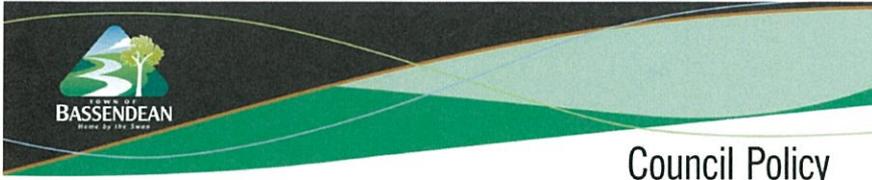
- Required Verge Treatment documentation and Plans submitted Yes No
- Street Tree Protected policy considered & applied Yes No
- Acceptable materials utilized Yes No
- Pedestrian Access provided Yes No
- Existing / Future Street Tree considered Yes No

Application Approved Refused

Comments:

.....
.....

Officer Title : Date: Applicant advised Yes



1.1 ~~Verge Treatment and Maintenance~~ Policy

Street verges within the Town perform important functions including the provision of space for public utility services, increased public space and the visual linking of streetscapes. In the interests of Bassendean's wellbeing into the future, the Town wishes to encourage landscaping that is waterwise, aesthetically pleasing and reflects our natural heritage.

It is acknowledged that verges form part of the public realm. Whilst Council allocates funding for the maintenance of selected verges, generally those adjacent to major or distributor roads, the Town relies on the goodwill and cooperation of adjacent land owners/occupiers for the maintenance of their verges.

Objectives

The objectives of this policy are to encourage adjacent owners/occupiers to install and maintain Permissible Verge Treatments in accordance to Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, for the installation and management of verges that are waterwise, aesthetically pleasing, and that reflect our natural heritage.

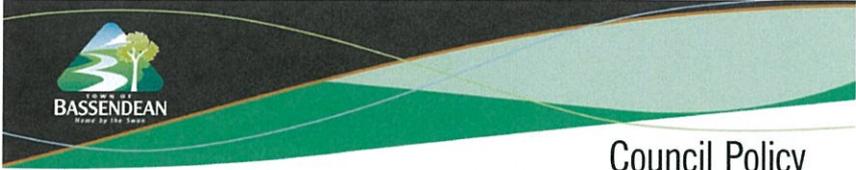
~~Council does not mow or slash verges adjacent to all private, commercial or industrial property on the basis that owners and residents with civic pride undertake this activity as a contribution to the amenity of the Town. This allows Council to direct its resources to priority services.~~

Strategy

The Town of Bassendean will achieve these objectives through the application of "Permissible Verge Treatment" ~~G~~guidelines" (see Appendix 1) with which to assess requests to develop new or alter existing verge treatments ~~and the development of a priority verge slashing program to reduce the grass loadings through out the year, within the allocated budget constraints.~~

~~Street verge slashing program is a grass reduction service not a lawn mowing service and will be provided within budget constraints, in accordance with the following priorities:~~

~~Priority One – Primary and District Distributor Roads – Guildford Rd, Lord St, Walter Rd East, Morley Drive (as arranged with the Shire of Swan), Collier Rd and Railway Parade, and areas required to be carried out for reasons of fire, traffic, cyclist or pedestrian safety.~~



~~Priority Two – Local Distributor Roads – West Rd, Ivanhoe St, Old Perth Rd, Hardy Rd, Reid St, Broadway, Northmoor Rd, Iolanthe St, Palmerston St, Shackleton St, Bridson St, Haig St and Colstoun Rd.~~

~~Priority Three – Local Roads – Scaddan St, North Rd, Bassendean Parade, Pearson St and Surrey St.~~

~~Priority Four – Verges adjacent to vacant and corner blocks, cul-de-sac heads, and closed road sections in other roads.~~

Note:

- ~~1. Verges adjacent to Council-controlled reserves are to be mown as part of those reserves; and~~
- ~~2. Verges maintained by the resident are not included in the verge-slashing program.~~

Detail

This policy applies to the portion of land between the road kerb/edge and the property boundary. The requirements of the policy exclude footpaths and crossovers.

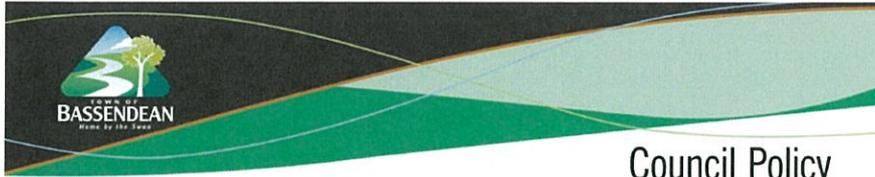
Treatments should be attractive and provide a positive enhancement to the streetscape. Street tree planting shall be in accordance to the adopted Street Tree Master Plan. Street trees remain the responsibility of the Town and are therefore, excluded from this policy.

Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Chief Executive Officer (CEO) has the authority to administer the requirements of this policy. The CEO has on-delegated this authority to the Manager Asset Services.

The Policy is to be reviewed every three years.

<p>Policy Type: Strategic Policy</p> <p>Link to Strategic Community Plan: Town Planning & Built Environment</p>	<p>Policy Owner: Director Operational Services</p> <p>First Adopted: -</p> <p>Last Review Date: -</p> <p>Version 1</p> <p>Next Review due by: -</p>
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APPENDIX 1

APPENDIX 1 : PRE –APPROVED PLANT SPECIES

Pre-approved Plant List (as per policy to be kept at 750mm or less)

Conostylis candicans

Conostylis aculeata

Anigozanthus (smaller cultivars)

Eremophila glabra (Kalbarri Carpet)

Maleleuca incana nana (Velvet Cushion)

Myoporum parvifolium

Pimelea ferruginea

Banksia blechnifolia

Grevillea obtusifolia (Gin Gin Gem)

Hypocalymma angustifolium (Coconut Ice)

Hypocalymma robustum (Swan River Myrtle)

Carpobrotus virescens

Kennedia prostrata

Scaevola cultivars

Herbs (Basil, Chives, Dill, Lavender, Lemon Grass, Marjoram, Mint, Parsley, Rosemary, Oregano, Tarragon, Thyme)

Other Native plant choices (as per policy to be kept at 750mm or less)

Banksia nivea (Honey Pot)

Boronia crenulata (Pink Passion)

Brachyscome multiflora (Swan River Daisy)

Darwinia citriodora (Seaspray)s

Eremophila spp (Winter Gold, Tar Bush)

Revillea lanigera (Dwarf form)

Hibbertia racemose (Coastal Buttercup)

Hypocalymma strictum

Rhagodia spinescens (Creeping Saltbush)

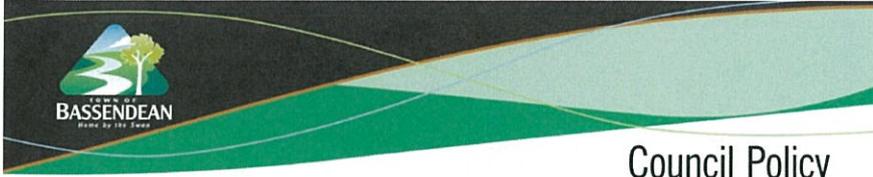
Templetonia retusa (Cockies Tongues)

Templetonia smithiana

Thryptomene saxicola (Mingenew)

Verticordia plumose (Pink Feather Flower)

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Westringia fruticosa (Native Rosemary, Variegated form)

APPENDIX 2

VERGE TREATMENT APPLICATION FORM

Name of Applicant: Property Address: Email: Telephone (Hom):(Mob):

Verge Treatment Details

Please (✓) tick to confirm the required information has been attach to the verge treatment application form.

- Sketch plan of proposed verge treatment attached
- Specification of material planned to be utilised provided
- If garden to be provided, ensure plant species proposed are clearly shown.
- Reticulation plan of proposed spray or drip reticulation attached
- Dial before you dig information attached
- Request the Town plant and maintain a street tree.

Please Note: If above supporting information is not submitted with application, the Town will have no option but to reject application until relevant information is provided

Please refer to the [Permissible Verge Treatment Guidelines](#) for a step by step method to creating a waterwise verge garden.

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For General Information Sheets, please refer to the Town of Bassendean web page at : www.bassendean.wa.gov.au/ for the following:

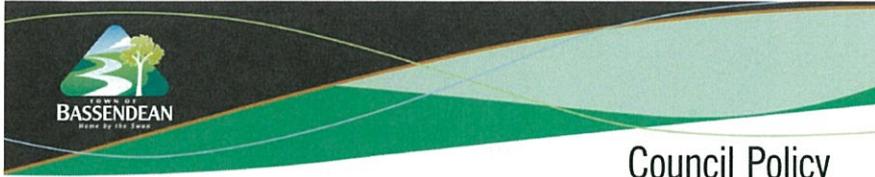
- * "Street Tree" – Telephone 93779000 or request in writing a street tree (s) be planted
- * "Street Tree Protection"- building permit requirements.
- * "Crossovers" – constructed in accordance to Town's specifications
- * "Availability of Mulch" Free mulch during specified time frames or pay for delivery.

I/we, agree:

1. to maintain the verge area in accordance to the approved permissible verge treatment in a good and tidy condition and ensure that pedestrian access will be maintained.
2. that service utilities on occasions will require access to the verge area to undertake underground, above ground routine work and street tree pruning operations.
3. that if the approved permissible verge treatment is damaged as a result of the routine work, the applicant shall reinstate the area at no cost to the Town of Bassendean.

Applicant (s) Name
 Applicant/s Signature
 Date:

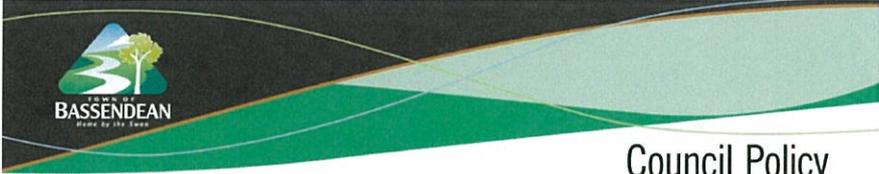
Please note that landscaping of verge area shall not be undertaken without written approval that



Council Policy

*the application is in accordance to the Permissible Verge Treatment
requirements Guidelines.*

Please provide below a plan/sketch of the proposed verge treatment:



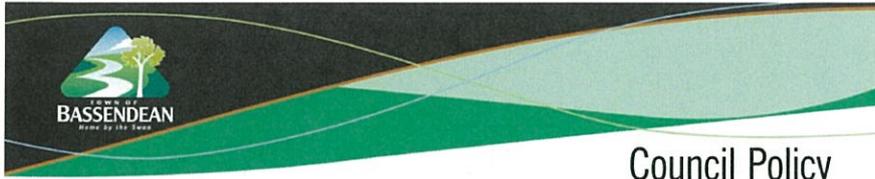
OFFICE USE ONLY

- Required Verge Treatment documentation and Plans submitted Yes No
- Street Tree Protected policy considered & applied Yes No
- Acceptable materials utilized Yes No
- Pedestrian Access provided Yes No
- Existing / Future Street Tree considered Yes No

Application Approved Refused

Comments:
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Officer Title : Date: Applicant advised Yes



Council Policy

PERMISSIBLE VERGE TREATMENT GUIDELINESS

Let's keep our verges safe, waterwise and beautiful!

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Introduction

The portion of land between a property boundary and the carriageway or road is referred to as the verge. Property owners or residents of land abutting the verge may install a permissible verge treatment.

A permissible verge treatment is one that is approved by Council and subject to stringent conditions.

The choice of what to do with your verge is yours, provided it meets the Town's requirements and all verge landscaping treatments are approved.

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Waterwise management practices are encouraged for verge treatments. The Water Corporation webpage (www.watercorporation.com.au) has a range of initiatives to assist residents minimise water usage.

Why turn your verge into a waterwise garden?

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Beyond providing safety for pedestrians, access to the property and a place for utilities such as electricity, gas, water and street lights, verges provide an opportunity to enhance the urban landscape. Street verges are an important part of the Town's management of stormwater, urban heat and public space. Verges also provide habitat and wildlife corridors as well as an aesthetically pleasing streetscape when maintained.

The Town of Bassendean hopes to encourage residents to enhance their adjacent verge into safe, waterwise and beautiful verges for the community and natural ecosystem.

Traditional verges require regular irrigation to maintain water-greedy lawns and a lack of tree canopy increases the risk of heat-related illness through the urban heat island effect. The transformation of a verge into a waterwise garden can reduce the Town's residential water consumption, improve local water quality, reduce electricity costs, support biodiversity and provide an appealing street frontage. A waterwise garden generally requires less maintenance than a traditional verge once established with occasional weeding, pruning and mulching.

Who is responsible for your verge?

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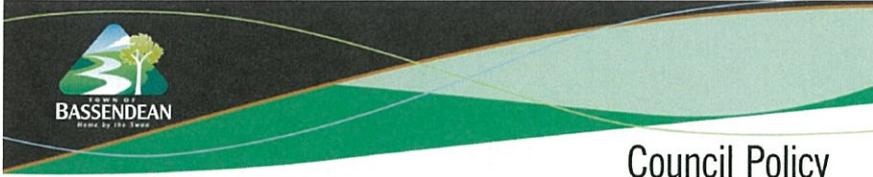
The property owners or residents of the property are responsible for the maintenance of their adjacent verge and any treatments they wish to implement.

The Town of Bassendean is responsible for the planting, removal and maintenance of all street trees (any tree that is located on a property verge). The Town is also responsible for approving verge treatment applications.

Where do I start?

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Please ensure you read the entire guidelines before beginning verge treatment works to ensure



you are fully aware of what is required during each step.

Download the Verge Treatment Application Form which is part of the Permissible Verge Treatments information sheet from the Town of Bassendean's website (www.Bassendean.wa.gov.au/documents/information-sheets).

Please submit the form and obtain approval prior to beginning any works.

Permissible Verge Treatments *What is and is not allowed on my verge?*

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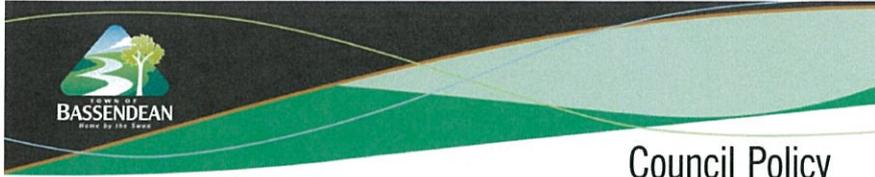
The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

Division 1 - General prohibitions : A person must not plant any plant except grass within 6m of an intersection

Division 3 - Permissible Verge treatments:

- (1) *An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.*
- (2) *The permissible verge treatments are:*
 - (a) *the planting and maintenance of a lawn;*
 - (b) *the planting and maintenance of a garden provided that:*
 - (i) *clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;*
 - (ii) *where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;*
 - (iii) *it does not include a wall or built structure; and*
 - (iv) *it is not of a thorny, poisonous or hazardous nature; or*
 - (c) *the installation of an acceptable material; or*
 - (d) *the installation of an acceptable material or other verge treatment in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).*

Acceptable materials	Conditional requirements
1. Composted mulch or chipper mulch material 2. Small format Permeable/ Porous Pavers	<ul style="list-style-type: none"> ➤ Street Tree Protection policy requirements are applied to ensure the long-term health of the tree ➤ To protect the tree roots, all earth works under the tree drip line shall be performed using hand tools ➤ Verge pavers shall be at least 20 per cent porous



Acceptable materials	Conditional requirements
3. Irrigation system 4. Grass 5. Low growing ground cover plants	<input type="checkbox"/> Storm water on verge shall be managed on site <input type="checkbox"/> Verge pavers shall not be laid within 2 metres from base of existing tree trunk <input type="checkbox"/> A minimum of 2 metre wide street tree planting bay (s) shall be provided for future street tree (s) <input type="checkbox"/> No more than one third of the verge shall be paved excluding the crossover <input type="checkbox"/> Mulch or paving once installed shall not be higher than the adjacent kerb line, footpath or crossover <input type="checkbox"/> Paving shall tolerate limited vehicle traffic <input type="checkbox"/> Below ground irrigation / pop up sprinklers

Examples of Non - Acceptable materials	Reason
1. Frangible objects such as mounds, rocks, sleepers, walls, and garden kerbs 2. Loose objects such as gravel or aggregate 3. In-situ concrete, concrete slabs, and bitumen 4. Artificial turf	<input type="checkbox"/> Frangible objects may be considered unsafe, cause damage or be used to cause damage <input type="checkbox"/> Loose objects impact upon pedestrian safety <input type="checkbox"/> Concrete & bitumen have poor water permeability and contribute to storm water flow <input type="checkbox"/> Synthetic turf may reduce soil health and contribute to the urban heat island effect by absorbing sunlight and emitting heat

Irrigation & Planting requirements

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Irrigation of the verge is an acceptable material on the following condition:

- Gate value(s) / solenoid value(s) are located on private property
- Installation of retractable sprinkler heads, level with grass surface
- Irrigation system designed to ensure that the water is not distributed onto paved surfaces.
- Irrigation is applied in accordance to Waterwise for WA water roster requirements.

In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 2 metres of a road edge and no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection. Other low growing plants shall not exceed 0.75 metres in height.

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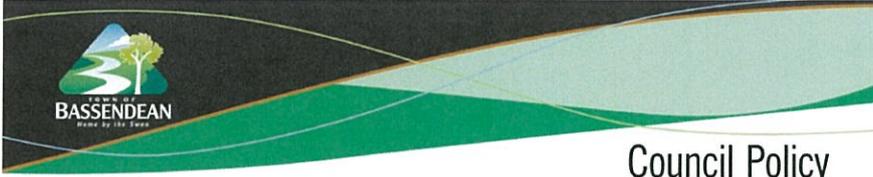
Where street trees are growing under the overhead power lines it is essential that that the Town of Bassendean approved contractors have appropriate machinery access to carry out street tree pruning operations. Should a verge treatment proposal prevent a street tree from being maintained/ pruned or will damage an existing street tree, the application shall be refused.

How do I create my own waterwise verge?

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STEP 1: MEASURE YOUR VERGE

Measure and map out your current verge dimensions with a measuring tape (both width and length). Make sure to note important existing aspects such as the footpath, street trees, or any public utilities (electricity pillars/domes, water meters, power poles, etc.). Take a picture of your



verge for reference and to compare later.

STEP 2: BE INSPIRED AND PREPARED

Once you have your verge dimensions and map, research what sort of treatments you would like on your verge.

You can speak to your local nursery OR you may want to research yourself from sources such as:

- [Water Corporation – 'A step by step guide to creating a waterwise verge'](#)
- [Garden workshops and information – Beyond Gardens' 'Waterwise Verge Makeover Program', the Water Corporation's 'Waterwise Irrigation Workshop', the River Guardians' 'Your Garden with Josh Byrne' and 'Great Gardens' by The Forever Project.](#)

Plan to begin your verge treatment during late autumn or early winter to utilise the winter rains and prevent plant death that is more likely in the summer months. This time also is when the Town usually has it's 'Plants-to-Residents' program which runs annually in autumn.

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Keep in mind that you may have to apply for a watering exemption from Water Corporation while establishing your new waterwise verge garden. This will allow an increase in water consumption just for the period of establishment, which will decrease again once your plants are established, in keeping with the lower water requirements of your new verge.
<https://www.watercorporation.com.au/save-water/watering-days/exemptions>

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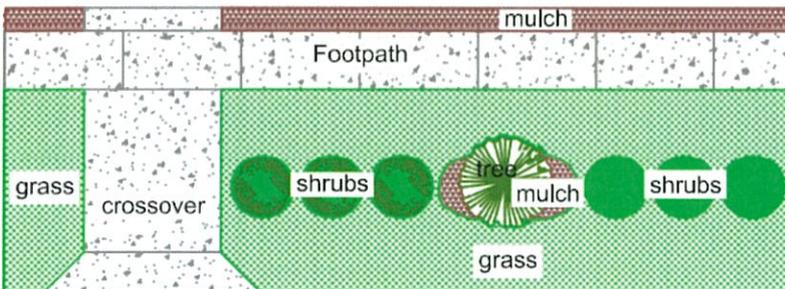
During the planning phase, contact Dial Before You Dig (<https://www.1100.com.au/>), to avoid any potential conflicts with or damage to public utility services.

STEP 3: START DESIGNING

Now that you have seen some waterwise verge garden options, design your own using the Verge Treatment Application Form provided by the Town. Use your verge dimensions and create a sketch of your preferred verge garden style, labelling all features as you go. Include types of plants, garden style, general layout and room for your bins to be placed on the verge for rubbish pick up (this may be a small paved area, low groundcover or grass).

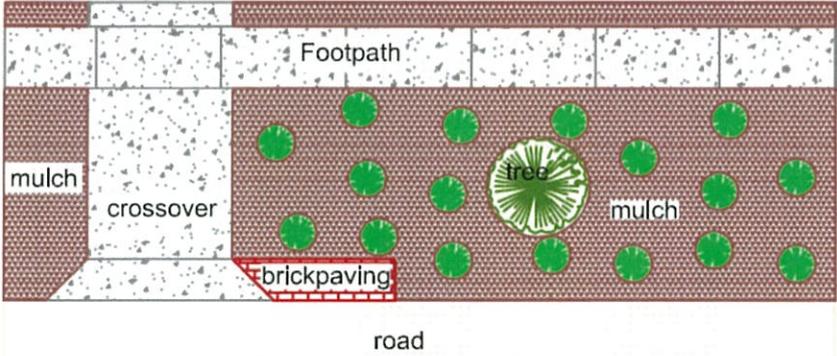
The sketch landscape plan verge design examples below are provided to assist the owner / occupier of the lot abutting a verge. appreciate visually the verge planting requirements. In this plan, the plants have been arranged so that grass or a similar ground cover plant covers are placed at edges and low growing plant towards the middle of the verge area.

1

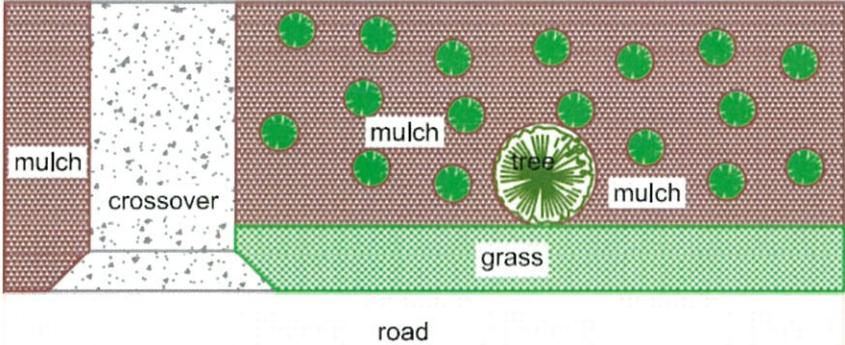


road

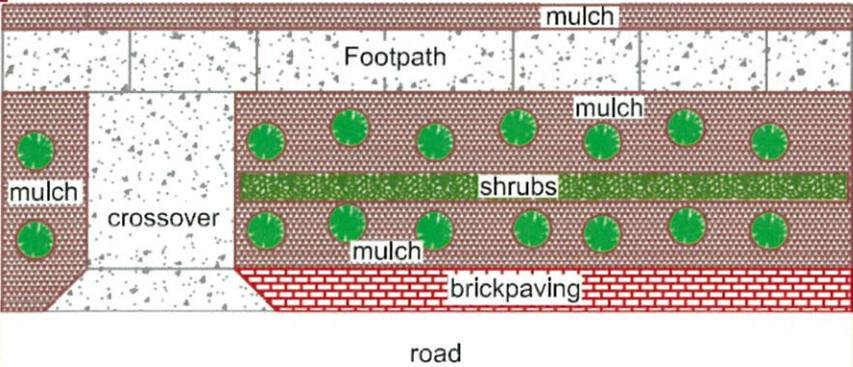
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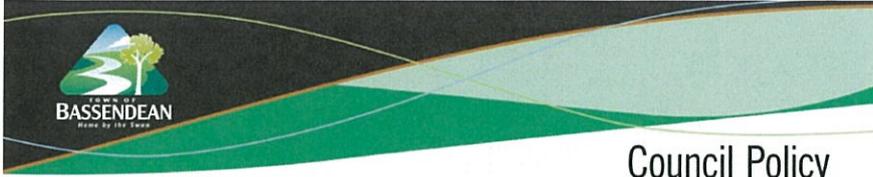


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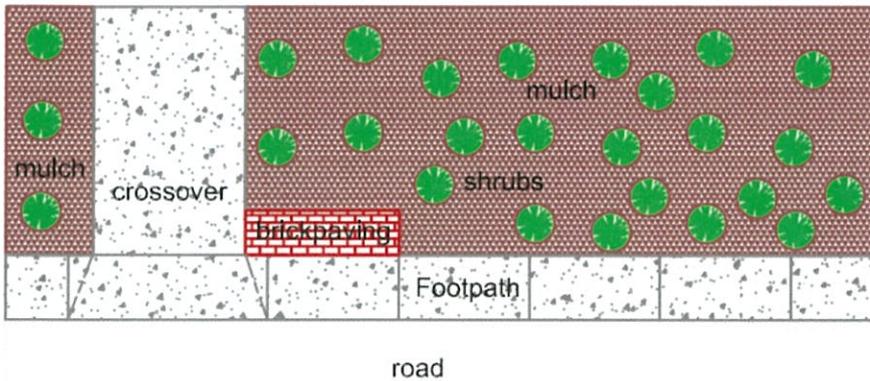


4





5



Selecting Plants

When choosing which plants would be most suitable, there are a number of resources available. Local native plants are recommended in the Town of Bassendean. Some non-native plant species whilst waterwise should be avoided as there is the potential for seed dispersal into natural areas. For this reason, natives are preferred. The Town of Bassendean developed a Pre-approved Plant List, which can be found as Appendix 1 to this guidelines.

Edible plants are also permitted on the verge; please note the herbs/vegetables planted on the verge will be for everyone to share, as they will be planted on a public space. Please see Appendix 1 for the list of pre-approved plants.

Water Corporation has developed a waterwise plant search (<https://watercorporation.com.au/save-water/waterwise-plants-search>) which you can search by postcode, key word or plant name, and a waterwise plant directory (<https://watercorporation.com.au/save-water/waterwise-plants-search/plants-directory>) where you can search for the best plants for your needs, using filters such as location, height, colours and garden style.

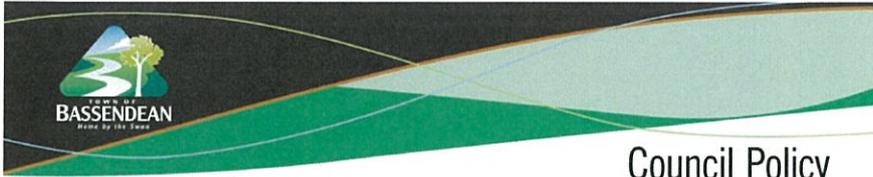
Your local plant nursery will also have recommendations of native plants suitable for your location and garden design.

Remember to ensure that your plants can be maintained to a maximum height of 0.75 m and that they are not thorny, poisonous or hazardous.

Requesting a Street Tree

Trees offer essential services to the community by providing shade, reducing local temperatures, acting as wind breaks, aiding biodiversity and reducing storm water run-off. They also add aesthetic appeal to your property, reduce energy consumption and contribute to a beautiful streetscape.

Residents are not permitted to plant their own street tree and must request one from the Town whom select the preferred species based off the Town's Street Tree Master Plan. Refer to the Street Tree Master Plan to see what tree species is planned for your street (<http://www.bassendean.wa.gov.au/documents/open-space-plans>).



To request a street tree, contact the Town's Parks and Gardens Supervisor on 9377 9000. The Town carries out its street tree planting program in July/August each year, although additional time will be required to process a new street tree request. See the Town's Street Tree Information Sheet for further details ([http://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Information Sheets/Information Sheet 5 - Street Tree.pdf](http://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Information%20Sheets/Information%20Sheet%205%20-%20Street%20Tree.pdf)).

A street tree can also be requested on the Town's Verge Treatment Application Form.

Waterwise Lawn Varieties

If you are replacing your old verge grass with a new waterwise variety, Water Corporation has a list of WA suitable, drought tolerant varieties that you can choose from and information about establishing a new lawn (<https://www.watercorporation.com.au/save-water/in-the-garden/establishing-a-new-lawn>).

STEP 4: SUBMIT YOUR PLANS

Submit your Verge Treatment Application Form (with your detailed sketch) to the Town of Bassendean and await approval before starting any treatments on your verge.

Once you have approval, you can get started!

STEP 5: PREPARE YOUR VERGE

Always look out for Waterwise Approved or Smart Approved WaterMark products when purchasing gardening products such as plants, sprinklers and soil wetting agents. These certify the products as being water efficient.



The Town offers residents free mulch as part of its tree recycling program. The mulch is free for pick up during specified time frames, pending availability, or can be delivered to your property for a service fee. See the 'Availability of Mulch' information sheet on the Town's website for further information.

STEP 6: MAINTAINING YOUR NEW VERGE

Once waterwise plant species are established, which can take up to two summers, they should only require occasional hand watering, pruning and mulch.

In line with the Town's Verge Treatment and Maintenance Policy, plants must be maintained to a maximum height of 0.75 m. Therefore, plants may need pruning to adhere to this standard. Also remember to ensure that there is clear and safe access for pedestrians, and clear visibility and line of sight for cyclists and motorists.

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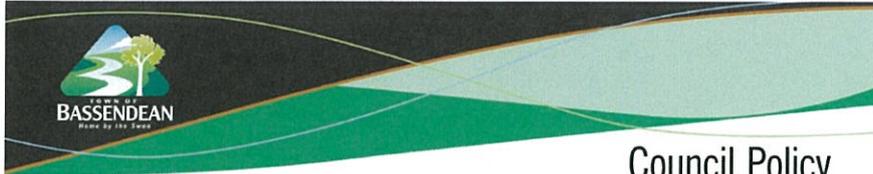
If a street tree requires any maintenance, contact the Town's Parks and Gardens Supervisor on 9377 9000 or visit the Town of Bassendean website for further instructions.

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Irrigation & Planting requirements

Irrigation of the verge is an acceptable material on the following condition:

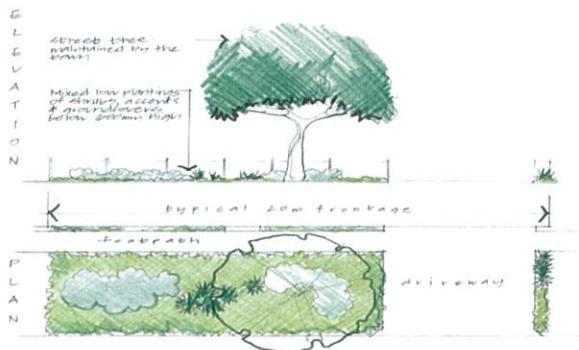
- Gate valve(s) / solenoid valve(s) are located on private property
- Installation of retractable sprinkler heads, level with grass surface



- Irrigation system designed to ensure that the water is not distributed onto paved surfaces.
- Irrigation is applied in accordance to Waterwise for WA water roster requirements.

In regards to the landscaping of the verge, it is essential to provide at all times clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 2 metres of a road edge and no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection. Other low growing plants shall not exceed 0.75 metres in height.

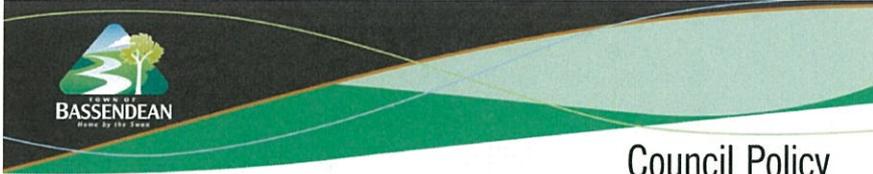
The sketch landscape plan below is provided to assist the owner / occupier of the lot abutting a verge, appreciate visually the verge planting requirements. In this plan, the plants have been arranged so that grass or a similar ground cover plant covers are placed at edges and low growing plant towards the middle of the verge area.



When considering landscaping a verge, the planting of endemic (local native) low growing groundcovers and shrubs are strongly encouraged. Grow Local native plants brochures can be obtained from the Town's Customer Service information desk. The brochure contains a range of hints and information on how to use and look after native plants. Below is an example of a verge landscaped.

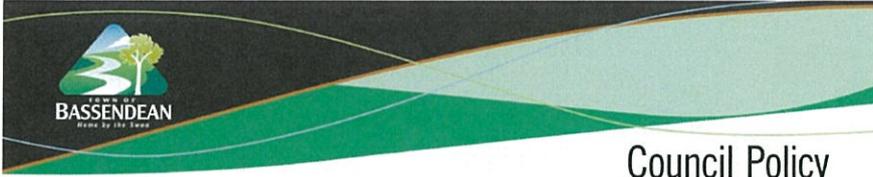
Important Information:

- Please refer to the Council adopted Verge Treatment Policy, Street Tree Protection Policy and the Crossover Policy are available for viewing on the Town of Bassendean webpage at: [www.bassendean.wa.gov.au/information & feedback/policies](http://www.bassendean.wa.gov.au/information%20&%20feedback/policies).
- Before the owner/occupier of the lot abutting a verge or contractors start to dig, plough, excavate or undertake any sub-surface activity, contact the "Dial Before You Dig" service on telephone 1100 to access indicative plans / information within 4-5 days on underground pipes and cables. Failure to take steps to avoid damage may leave you liable for costs incurred in the event of infrastructure damage.
- Local native plants will generally need to be watered for the first two summers until



Council Policy

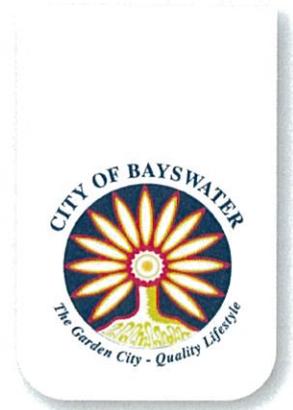
established. Some non-native plant species whilst 'waterwise' should be avoided as there is the potential for seed dispersal into natural areas. For this reason local natives are preferred.



Council Policy

~~Where street trees are growing under the overhead power lines it is essential that that the Town of Bassendean approved contractors have appropriate machinery access to carry out street tree pruning operations. Should a verge treatment proposal prevent a street tree from being maintained/ pruned or will damage an existing street tree, the application shall be~~

STREET VERGES POLICY



Responsible Division	Technical Services
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	Parks and Gardens, Engineering

PURPOSE:

To provide direction with respect to maintenance of unkempt verges, including mowing and rubbish removal and to prescribe permissible verge treatments.

POLICY STATEMENT:

Verge Mowing

High profile street verges		
Bassendean Road	Beechboro Road North	Beechboro Road South
Benara Road	Broun Avenue	Camboon Road
Catherine Street	Central Avenue	Collier Road
Coode Street	Crimea Road	Drake Street
Emberson Road	Garratt Road	Grand Promenade
Guildford Road	King William Street	McGilvray Avenue
Morley Drive	Paperbark Drive	Peninsula Road
Railway Parade	Russell Street	Walter Road
Walter Road East	Wellington Street	Whatley Crescent

The City of Bayswater will also periodically mow verges other than the above as directed by the Chief Executive Officer subject to the owner being a resident of the property and demonstrating an inability to mow the verge or the verge is a fire hazard or creates visibility issues for traffic. All other requests will be progressed in accordance with clauses 2.9 to 2.11 of the *Local Laws for Activities on Thoroughfares*.

Verge Rubbish Removal

Where rubbish or materials have been deposited on the verge, the City of Bayswater will respond in accordance with the following procedure:

- Ranger and Security staff are to immediately record the details of the incident in the Customer Request Module (CRM);
- The incident is then to be allocated to a Community Ranger for appropriate investigation.
- The Community Ranger is to attend and photograph the rubbish and make all reasonable inquiries with neighbouring properties to ascertain the owner of the rubbish;
- If the owner of owners including a Body Corporate can be identified that is, through investigation or the rubbish is adjacent to their property, then a warning notice is to be issued. If the owner/s fail to attend to the rubbish within seven (7) days of the warning, then an infringement notice will be issued.

- If no persons can be identified and regardless of whether an infringement has been issued or not the designated Community Ranger is to update the CRM with all actions taken so far;
- The Community Ranger is then to forward the CRM to Technical Services, attention, to arrange clean up. The Community Ranger is to include in the CRM the detail of the rubbish i.e. type of rubbish, volume of rubbish etc.; and
- Once the CRM has been forwarded to Technical Services they will be responsible for the incident from that point in time.

Verge Construction

Where City of Bayswater works require alteration to the level of verges, City of Bayswater's liability to reinstate established lawns is restricted to requesting owners whether they wish to retain the turf so removed.

Permissible Verge Treatments

1. An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
2. The permissible verge treatments are:
 - a. the planting and maintenance of a lawn;
 - b. the planting and maintenance of a garden (acceptable gardens include native gardens, waterwise gardens, edible/vegetable gardens, raised garden beds) provided that –
 - i. clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare;
 - ii. where there is no footpath, a pedestrian has a safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb; and
 - iii. raised garden beds meet the following requirements:
 - The maximum raised garden bed (built structure) height is 0.35m (not including vegetation);
 - Provide a 0.5m setback from footpaths, common driveways and street trees;
 - Provide a 0.5m setback and clear access to any other infrastructure such as power poles and underground services; and
 - A dial before you dig check being undertaken prior to works.
 - c. the installation of an acceptable material; or
 - d. the installation of hard stand in a way which restricts water runoff onto the road.
3. The list of acceptable materials shall be as follows:
 - lawn;
 - low plant ground cover;
 - shrubs that do not restrict sight lines;
 - brick paving (to a maximum of 30% of the verge area excluding driveways and footpaths) which allows for infiltration;



- materials to construct a raised garden bed;
 - woodchips; and
 - vegetables and other edible plants.
4. Undue hazards and sharp objects such as rocks, stakes and star pickets cannot be placed on the verge.
 5. A walkable neighbourhood is a sustainability priority for the City of Bayswater. As such, footpath installation will have priority over verge treatments.
 6. If a verge is considered to pose a safety hazard or does not meet the design guidelines, the City of Bayswater will ask the adjacent resident to undertake the works to meet the requirements or remove the verge garden.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	27 June 2006
Reviewed / Modified	Date	26 February 2008
Reviewed / Modified	Date	17 March 2016
Reviewed / Modified	Date	15 November 2016
Reviewed / Modified	Date	22 February 2017



Verge Greening Guidelines

The City has developed verge greening guidelines to empower its residents to green their verges in a safe and sustainable way. Verge greening projects may include native gardens, waterwise gardens or edible gardens. The guidelines enable residents to maximise the use of verges adjacent to their **property**, whilst ensuring there is enough space for pedestrians, service utilities and trees. Upgrading of a verge that is designed and installed in line with these guidelines does not require the City's approval.

Verge Greening Design Guidelines

- ❖ To ensure sight lines to pedestrians and traffic are maintained, any planting within 1.5m either side of a crossover is less than 0.75m in height;
- ❖ Provide clear lines of sight for road and crossover users and ensure that visibility is maintained by the property owner;
- ❖ Do not include plants that may reasonably be considered to pose a hazard to people; such as plants that are poisonous or with thorns greater than 1 inch;
- ❖ Use plants that will not interfere with or cause damage to the footpath, trees or property;
- ❖ Where there is no existing footpath, a clear thoroughfare must be kept with a minimum width of 2m immediately adjacent to the kerb;
- ❖ All verge gardens must meet the higher level requirements of the City of Bayswater's Street Verge Policy; and
- ❖ Undue hazards and sharp objects such as rocks, stakes and star pickets cannot be placed on the verge.

Raised Garden Bed Guidelines

- ❖ The maximum raised garden bed (built structure) height is 0.35m (not including vegetation);
- ❖ Where there is no existing footpath, a clear thoroughfare must be kept with a minimum width of 2m immediately adjacent to the kerb;
- ❖ Provide a 0.5m setback from footpaths, common driveways and street trees; and
- ❖ Provide a 0.5m setback and clear access to any other infrastructure such as power poles and underground services.

Responsibility of Residents

Residents must:

- ❖ Ensure that their verge is well maintained;
- ❖ Contact utility providers or '*dial before you dig*' to ensure that their verge gardens will not impact on existing infrastructure.

What the City encourages

In considering the installation of a green verge you should:

- ❖ Take into consideration how your verge makeover will improve biodiversity, water usage, aesthetics, food production and minimise the need for fertiliser use and other chemicals; and
- ❖ Discuss your plans with your neighbours before you undertake your verge makeover to ensure that it will not adversely impact on them.

If a green verge is considered to pose a safety hazard, does not meet the design guidelines or resident responsibility criteria, the City may ask you to undertake works to meet these requirements or remove the verge garden.

Green verges may have to be disturbed to allow access for utility service providers and the installation of footpaths. In these cases, the disturbed area will be returned to level ground.



Help Green our City!
**Street Verge
Greening Guide**



Verges 101

What is a verge?

The verge is the area of land between the road and your property. Some properties will have a footpath running through their verge. The verge is Crown land and in most cases the Council will have the management authority over it.



Who maintains the verge in front of my house?

The City relies on the residential property owners to maintain the verge. Verges in town centres and along some major roads are maintained by the City as part of the streetscape.

Why install a verge garden?

Establishing a verge or footpath garden helps to beautify local streets, show pride in your neighbourhood and contribute to a clean, greener local environment. Increasing 'green spaces' also helps address issues relating to climate change and delivers other environmental benefits such as providing habitat and food sources for native animals.

Where do I start?

The City of Bayswater has developed Green Verge Guidelines to help residents who are interested in establishing a verge garden to self assess their compliance with Council requirements. The City aims to reduce the 'red tape' burden for residents by not requiring a permit to install a green verge as long as your garden plans meet the requirements outlined in the Guidelines.

Verges 101

To make sure your garden meets the City of Bayswater's requirements, residents are encouraged to review the Guidelines (online) prior to starting your project. It will also help you to ensure your verge garden does not impact on the safety of your local community, environment or surrounding infrastructure such as gas and sewerage lines.

Some of the requirements outlined include

- Contacting 'Dial before you dig' prior to undertaking any works
- Utilising plants that are not hazardous to people or animals such as noxious plants and plants that have thorns in excess of 25mm
- Where no footpath has been installed, maintaining a clear thoroughfare of 2m for pedestrian use immediately adjacent the road
- Limiting the need for, or wise usage of fertilisers and herbicides
- Maintaining your Green Verge to comply with the outlined standards

What can be planted on street verges?

Green verge gardens may range from Waterwise, native, bush tucker, edible and ornamental gardens. Ultimately the choice is yours as long as you meet the requirements outlined in the Green Verge Guidelines.

The City of Bayswater promotes the use of local native plants and has developed a Local Native Plant Guide to aid you in selecting the most suitable plants for your garden (online). The use of local native plants has many benefits including

- ◆ Minimal watering and soil amendment requirements as these plants have evolved to the local soil type
- ◆ Providing habitat and food sources for native animals



What green makeovers you can do



Drought tolerant lawn: Kikuyu and couch are considered to be water wise lawns

Verge Trees: If you want to be cooler in summer and have a shady place for your visitors to park their car, the City will plant a verge tree for you. You may also want to join the urban orchard revolution and plant a fruit tree instead. Check out the Bayswater



Waterwise garden: If you want a low water usage verge garden then check out the City of Bayswater's website <http://www.bayswater.wa.gov.au/trees/what-tree-is-that> for all the information you will need to get started.

Edible verge gardens: The urban food revolution has seen many people convert their traditional grassed verges into a productive garden to grow herbs, fruit and vegetable. Growing your own food promotes sustainability helps reduce your carbon footprint

What green makeovers you can't do



Vegetation should not obstruct sight lines and a 2m wide thoroughfare is required adjacent to the road where there is no formal pathway installed.

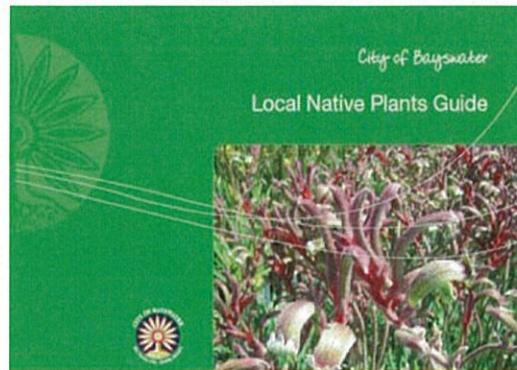
- ◆ Raised garden beds over 0.35m in height
- ◆ Fences and barriers
- ◆ Bunting and signs
- ◆ Fountains and ornaments
- ◆ Stakes and star pickets

Remember that common sense is the key. Think about whether your design could pose a hazard for pedestrians or block sight lines for cars.

Want to know more?

Want to know how to make your verge greener, get inspired or find more resources?

<http://www.bayswater.wa.gov.au/trees>



Example Verge Layout



Check out a few sample verge layouts for different verge types in the City online

<http://www.bayswater.wa.gov.au>

Here you can find out more on sight lines, access for pedestrians and general safety tips.

Want a free tree for your verge makeover?

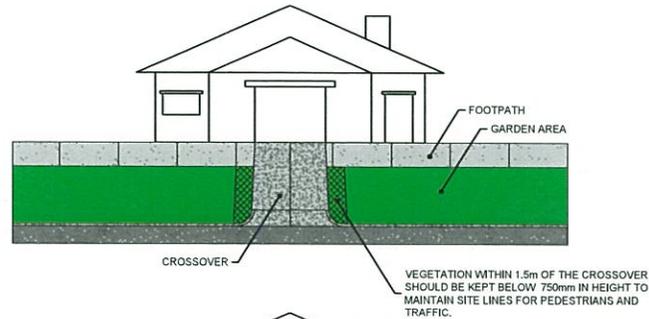
Beautify your street with a free verge tree

Each winter the City plants over 1000 verge trees. There is 18 different trees to choose from

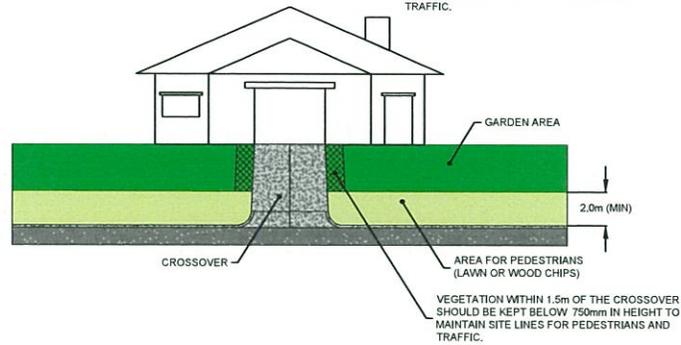
If you would like a free verge tree visit <http://www.bayswater.wa.gov.au/trees/want-a-free-street-tree>



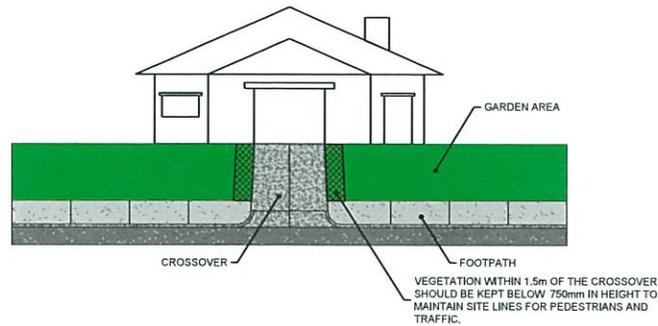
WHERE THERE IS A FOOTPATH NEAR THE PROPERTY BOUNDARY (REMEMBER TO KEEP AN AREA FREE FOR YOUR RUBBISH BIN)



WHERE THERE IS NO FOOTPATH RETAIN A 2m WIDE STRIP OF LAWN OR WOOD CHIPS ALONG THE KERB FOR PEDESTRIANS.



WHERE THERE IS A FOOTPATH ON THE KERB LINE THE ENTIRE VERGE CAN BE PLANTED.



APPROVED VERGE TREATMENT REQUIREMENTS

IN THE ABSENCE OF THE APPROVED SIGNATURE THIS DRAWING SHALL BE TREATED AS PRELIMINARY

ALL SIGNAGE AND LINE MARKING TO BE RETAINED UNLESS OTHERWISE INDICATED

AMENDMENTS	DATE	DESCRIPTION	VER'D	DRAWN	APP'D
A	Jun-15	PLOT FOR COUNCIL COMMENT AND CONSIDERATION		B.K.	
		AMENDMENT			



CITY OF BAYSWATER
TECHNICAL SERVICES
 DIVISION
 PO Box 467 Morley
 Perth WA 6943

DESIGNED BY J.MAHER	DESIGNED DATE 16/10/16	MAIN ROADS APPROVAL:		DRAWING:		SHEET 1 of 1
DRAWN BY B.KING	DRAWN DATE 02/11/2016	Ref No.	DATE	COB Ref No.	CONTACT	DRAWING No.
SURVEYED BY N.A.	SURVEYED DATE	PLOT: 02/11/2016	DATUM: AHD	GRID: PCG 1994	VERGE TREATMENT EXAMPLES	
CHECKED BY:	RECOMMENDED BY:	APPROVED BY:	SCALE:	DRAWING STAGE:		AMENDMENT
TECHNICAL MANAGER	MANAGER OF ENGINEERING SERVICES	DIRECTOR OF TECHNICAL SERVICES	SCALE: N.T.S.	PROPOSED		A

SCALE: 1:5
MICROFILM DATE
A3