

Advice Note

Responsible Officer: Manager Natural Areas and Parks

Date of Meeting: 16 July 2019

Meeting of the: Ordinary Meeting of Council

Item: **Proposed Notice of Motion – Verge Treatment**

This Advice Note has been prepared in response to a proposed motion by Cr Mair to be considered at the 16 July 2019 Ordinary Council Meeting.

Verge Policy CP-086

Verge treatment in the City of Melville is guided by Council policy CP-086 Verge Treatment Policy. The objective of this Policy is to enhance and maintain the visual amenity and safety of street verges throughout the City of Melville. The Policy, which has been in place since 2013 and was last reviewed in November 2017, is utilised by residents and City staff to ensure positive verge outcomes for the overall amenity of Melville is achieved. The verge is the area of land between the road kerb and the property boundary.

The City is of the view that property owners should take responsibility for the landscaping and maintenance of street verges adjacent to their property. As a result of this position, many homeowners utilise the verge space as extensions of their properties which is encouraged by the City as decreasing property sizes now means that verges are playing an important role in the public open space realm.

The verge area is also essential for locating public utilities/services such as power, gas, telecommunications and street trees. The City has limited ability to manage activities undertaken by State and private sector utility and service providers whose activities are covered by legislation or regulations.

The above factors, combined with a high level of interest from residents, result in verges tending to be very busy areas serving a number of different objectives and are very challenging spaces for City staff to manage. The City has the challenge of allowing residents the freedom to manage their verges within the Policy requirements as well as providing space for the various utilities. Finding this balance can be difficult at times, in particular where no footpath is present to allow for safe pedestrian access.

The current Policy includes a general condition;

Where there is no footpath present, pedestrians have safe and clear access (immediately adjacent to the road).

This condition caters for the situation where a pedestrian chooses to utilise the verge to walk on rather than the road. Generally roads with no footpaths are those local roads with lower demand for pedestrians and vehicles, therefore reducing the potential risk of conflict between pedestrians and traffic associated with their use.

Policy Application

Often staff are required to negotiate with property owners to ensure compliance with the Policy as well as meeting the needs of pedestrian safety and service provider requirements. The Policy provides guidance related to these factors and has been working well for a number of years; however it is recognised that there are times when residents may not be satisfied with a City decision and subsequently may feel aggrieved.

On balance however, the City receives minimal complaints regarding the management of verges and there does not appear to be a definite need to change the current Policy which is operating as intended. For example, a review of claims with the City's insurer indicates that no claim has been submitted to the City in relation to a pedestrian being struck on a road where no footpath is present.

As stated above, the Policy requires clear access immediately adjacent to the road which is intended to allow individuals to get off the road quickly if they feel unsafe or the need to do so. There is also the option for residents to use the entire verge area, if access is available, to walk if they did not feel comfortable walking down the edge of the verge or walking on the road.

As many verges are landscaped, the City may from time to time investigate a complaint regarding access and, if no clear access is provided, will follow it up with the property owner to negotiate compliance with the Policy. The outcomes of these discussions regarding the need to achieve safe and clear access usually consider factors that range from mounds of soil or mulch being levelled, to shrubs being removed or pruned to eliminate any trip hazards.

The requirement to include a setback the width of a dual use footpath (currently minimum of 1.8 metres) on verges throughout the City as proposed in the Notice of Motion has a number of significant implications for ongoing management and compliance from financial, resource and community relationship perspectives.

A 1.8 metre wide setback requirement does not currently exist on many verges throughout the City and the application of this policy change would require City officers to negotiate this setback width with landowners to provide increased access where no footpaths are established. A more extensive City wide program would need to be developed and implemented to achieve the 1.8 metre wide setback; including a community engagement campaign to make residents aware of their responsibilities should it become policy.

There would be a number of verges in the City that would require modification at expense to the City and or the property owner to achieve the 1.8 metre wide setback. Of particular concern would be the community backlash and associated reputational risk that the City would face from property owners who have had verge treatments in place (some of which have been approved by the City) that would have to be modified to accommodate the additional setback width.

Community Complaint Management

Experience indicates that residents treat the verge as part of their own property and are strongly attached to its use and enjoyment. It is likely that any imposition to modify the existing verge to comply with the intent of the “footpath” setback would be strongly resisted and residents may become angry and upset. This situation would significantly increase the generation of customer complaints, which the City would need to manage and often need to escalate through the organisation.

Footpath Construction Program

In the longer term, the City is committed to providing at least one footpath down most roads in the City; however this will take a number of years to implement. Those roads heavily used by pedestrians and with high traffic volumes will be treated as the priority for footpath construction due to safety reasons, with low risk roads being addressed progressively as part of the City wide capital works program roll out. Until that time, the City will continue to work with residents ensuring that the verge area provides amenity, allows for services and is a safe space to use and enjoy.