

<b>Policy number</b>	Policy 204
<b>Policy title</b>	Improvement of verges or footpaths adjacent to commercial properties
<b>Strategic outcomes supported</b>	EN5 – Providing facilities that are well-built and well-maintained EN6 – Improving how people get around the Town

## Policy objective:

To allow commercial applicants, subject to the Town’s approval, to aesthetically improve commercial areas immediately adjacent to the property in question by paving or placing plant containers on the verge or footpath.

## Policy scope:

This policy applies to the paving of verges and the placing of plant containers on verges or footpaths immediately adjacent to commercial properties.

## Policy definitions:

**Applicant** means the entity who is proposing the paving or plant container to the verge or footpath immediately adjacent to the street frontage of a commercial property, who must be the property owner, business owner, tenant or other person responsible for the maintenance and/or management of the commercial property.

**Commercial property** means a property from which commercial activities are legally carried out, in accordance with any necessary approvals of permits from Council, including (but not limited to) the Town of Victoria Park Town Planning Scheme No. 1, any relevant Local Planning Policies and/or Local Laws.

**Verge** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare.

**Footpath** means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists.

## Policy statement:

1. The intent of this policy is to allow for and encourage enhancements to public verge or footpath areas immediately adjacent to commercial property frontages by the installation of aesthetically suitable and well-maintained paving materials and/or the placement of appropriate plant containers.
2. All paving of verges immediately adjacent to commercial properties should conform to the Town of Victoria Park’s Street Verge Guidelines, except where otherwise approved in writing by the Town.
3. All placement of plant containers on verges or footpaths immediately adjacent to commercial properties should conform to the Town of Victoria Park’s Street Verge Guidelines.
4. All maintenance and cleaning are the responsibility of the applicant, unless otherwise agreed with the Town.
5. Maintenance procedures should not interfere with pedestrians at any time.
6. No drainage, soil, mulch, plant material or liquid discharge of any kind directly from the containers are to flow across the footpath or stain the pavement in any way.
7. All costs associated with the construction, purchase, installation, greening, maintenance and removal remains with the applicant, unless otherwise agreed with the Town.
8. Any damage to the footpath, verge or other street furniture caused by the paving or plant container or its movement shall be the responsibility of the applicant.

9. Applicant to ensure that a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb or where a path exists and continuity is provided
9. Replacing stolen or repairing damaged or vandalised paving or plant containers is the responsibility of the applicant.
10. The Town reserves the right to remove the containers or paving at any time.
11. If a liability arises out of the actions of the applicant as a result of non-conformance or failure to adhere to reasonable written instructions by Town officers, then the applicant will indemnify the Town against all claims resulting from that action. If a liability arises out of the Town's negligence then it is the Town that will manage the claim.

## Related documents

[Street Verge Guidelines 2016](#)

[Policy 211 Parklets and alfresclets](#)

[Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000](#)

<b>Responsible officers</b>	-
<b>Policy manager</b>	Manager Technical Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	February 2027

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	12/08/1997	Council	-	Item 14.3
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	15/12/2020	Council	595/2020	Item 15.2
7	Administratively amended	24/08/2023	Delegation		
8	Reviewed and amended	20/02/2024	Council	7/2024	Item 11.3