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1. PREAMBLE

The Verge Management Policy provides a framework for verge management within the City of Holdfast Bay (the Council).

1.1 Background

Verges are part of the public road and consist of the land between the nearest edge of a road carriageway (i.e. kerb) and the property boundary on both sides of the road. The verge may include a footpath, street trees, bus stops, street furniture, underground and overhead services, etc.

The Verge Management Policy refers to, in particular, that part of the verge, excluding the footpath, that may currently be landscaped or undeveloped or is proposed to be planted/landscaped.

A landscaped verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits.

From August 2019, artificial turf was not permitted on verges and this policy was amended to reflect this. Artificial turf is not considered environmentally friendly as it has a significant carbon footprint during manufacture, it contains plastics, is not permeable and creates a high heat load.

1.2 Purpose

The Council recognises that the appearance of a verge is important to property owners/ occupiers and can improve the amenity of the locality and provide environmental benefits.

This policy provides advice and guidance on the constraints and opportunities residents should take note of when improving and maintaining Council verges.

Council has an overarching requirement that verges are maintained in a safe condition for community use.

1.3 Scope

This policy applies to the Council's verges. A separate policy for trees is in Council's Tree Management Policy.

1.4 Definitions

Public road:	the area between a property boundary (often front fence) which may include the road carriageway, kerb and water table, verge, footpath
Verge:	the area between the property boundary (front fence) and the edge of the road in Council ownership or control
Footpath:	the made or unmade area of pathway in the verge that enables the safe and efficient movement of pedestrians
Section 221 application:	under Section 221 of the <i>Local Government Act 1999</i> , property owners must receive authorisation from council to make an alteration to a road, which includes the verge
Service Authority:	any utility service provider responsible for the care and/or control of utility services including water, sewerage telecommunications, natural gas and electricity, which may own infrastructure in the vicinity of the public road

1.5 Strategic References

Our Place 2030
Environment Strategy 2020 - 2025

2. POLICY STATEMENT

2.1 Alteration to a Public Road

- 2.1.1 Section 221(1) of the *Local Government Act 1999* requires property owners to receive authorisation from Council to make an alteration to a road (which includes the verge).
- 2.1.2 Section 221(2) of the *Local Government Act 1999* defines an alteration to a public road as:
- alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
 - erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
 - changes or interferes with the construction, arrangement or materials of the road; or
 - changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or
 - plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.
- 2.1.3 Section 221(3) of the *Local Government Act 1999* states authorisations are not required if:
- the person who proposes to make the alteration has some other statutory authorisation to make the alteration; or
 - the purpose of the alteration is to permit vehicular access to and from land adjoining the road and the alteration is approved as part of a development authorisation under the *Planning, Development and Infrastructure Act 2016*; or

- c) the alteration is of a kind classified under the regulations as a minor alteration.

2.2 Applications to Undertake Works on the Verge

- 2.2.1 Applicants are required to complete a Section 221 application form to undertake alterations on Council verges. No works can start until approval from Council has been received. There is no application cost for Section 221 approval to landscape verges.
- 2.2.2 Only property owners can submit an application form and only for verges immediately adjacent to their property. If the area is adjacent to a Community Title / Strata Title, then all parties must support the application form. Tenants wishing to alter the verge must have the application lodged by the property owner.
- 2.2.3 Applicants may alter the verge, subject to permit approval, provided the following conditions are adhered to (which may vary from time to time):
 - i) A safe continuous pedestrian access along the verge area is provided with a minimum width of 1.5 metres, regardless of whether a footpath has been constructed or not.
 - ii) There is no obstruction to traffic sight lines, once vegetation is fully established.
 - iii) The existing ground level is maintained.
 - iv) There is access for Council and Service Authorities for installation of new infrastructure and maintaining existing infrastructure (underground and above ground).
 - v) Provision is made for a street tree(s) as per Council's Tree Management Policy. Council may plant street tree(s) at any time at their discretion.
 - vi) Permeable surfaces are strongly preferred and encouraged.
 - vii) Compacted quarry sand, or similar, is not preferred and can only be used when permeable options are not considered appropriate
 - viii) Street trees are protected and permeable material is placed in the vicinity of trees.
 - ix) The property owner understands that the ongoing maintenance rests with them and that any alterations may be removed by Council.
 - x) If the verge plan changes to what was originally proposed in the application, then an amended approval is required.
- 2.2.4 The applicant is responsible for all costs and works associated with the alterations, including the replacement of existing verge material with the appropriate specified items and the disposal of any excess material. Financial grants through Council may be available from time to time.
- 2.2.5 The applicant is responsible for locating any underground services prior to the commencement of any works. Any costs incurred in repairing damage to utility services are to be charged to the person responsible for the damage and will not be payable by the Council.

2.3 Service Authorities and Council Assets

- 2.3.1 Service Authorities have access rights over services contained within a verge. The verge area may be occupied (above or below ground) by the following:
- i) Electricity – wiring, pits and poles
 - ii) Telecommunications wiring, pits and poles
 - iii) Gas mains
 - iv) Water mains and connections
 - v) Sewer mains and connections
 - vi) Survey marks.
- 2.3.2 When any verge is altered or removed by a Service Authority, reinstatement will be a direct negotiation between the property owner and the Service Authority.
- 2.3.3 The Council have access rights to the verge for items such as:
- i) Stormwater drainage systems
 - ii) Footpath
 - iii) Street furniture
 - iv) Signage
 - v) Bus shelters
 - vi) Street trees
 - vii) Vegetation
- 2.3.4 When any verge is altered or removed by Council for Council works, it will be restored to a reasonable standard and vegetation / lawn replaced with loam. Damaged artificial turf will not be replaced.

2.4 Verge Treatments

Verge treatments should be installed and maintained to provide safe areas for the community and to prevent runoff of sediment and pollutants into the kerb and ultimately into Councils drainage network.

All verge treatments must consider the need for passengers, especially those with limited mobility, to enter and exit vehicles safely, if legal on-street parking is permitted.

- 2.4.1 The following verge treatments are permitted,:
- i) Mulch (constructed so that it does not blow or wash off the verge)
 - ii) Low plants - refer to section 2.5 'Planting/ Landscaping'
 - iii) Permeable paving
 - iv) Lawn – refer to section 2.6 'Lawn'
 - v) Below-ground irrigation to support landscaping
- 2.4.2 The following items are not permitted:
- i) Items and vegetation that may obstruct footpaths, pedestrian movement or vehicles
 - ii) Raised edges or sharp edges that may form a trip hazard or injury
 - iii) Plants that cannot be maintained to a suitable height or width. Hedging should be maintained so that it does not encroach over paths or the road or create sight line obstructions. Refer to section 2.5 'Planting/ Landscaping'

- iv) Plants with spines or thorns
- v) Plants that are declared as pest plants under the *Landscape SA Act 2019*
- vi) Concrete, except for driveways and paths and bin pads
- vii) Loose stones / scoria
- viii) Non-permeable paving, except for driveways and paths
- ix) Fences
- x) Letter boxes
- xi) Synthetic lawn / artificial turf
- xii) Weed matting

2.5 Planting/ Landscaping

- 2.5.1 If no street trees are present, refer to Council's Tree Management Policy. New trees requested by the property owner within the verge shall comply with Council's Tree Management Policy and owners are encouraged to participate in Council's Adopt-a-Tree program.
- 2.5.2 Planting (except for street trees) is to be maintained to a manageable height that does not affect or block line of sight for vehicles and pedestrians, or look untidy. Council recommends a height not more than 500 mm.
- 2.5.3 The Council encourages plantings that are drought tolerant and suited to hot, dry summers and with an emphasis on suitable indigenous species. A list of suitable local plants can be found on the Council's website.
- 2.5.4 No planting of anything that may cause an obvious hazard to road users or pedestrians, such as thorny roses, prickly cacti or plants.
- 2.5.5 Any planted areas are to be kept neat and tidy and generally free of weeds. No vegetation is to encroach onto the footpaths or road.
- 2.5.6 When planting or landscaping the verge area, it is advised that residents should leave a space for waste bins.
- 2.5.7 Planting shall allow adequate room for access to / from a parked car if legal on-street parking is permitted.

2.6 Lawn

- 2.6.1 The height of lawn shall not be allowed to exceed 100mm and must not be allowed to grow over the kerb or footpath.
- 2.6.2 The Council encourages the use of drought tolerant lawns.
- 2.6.3 Mowing of lawn is the resident's responsibility and not a service that is provided by Council.
- 2.6.4 When residents are maintaining lawn on their verge it is important not to damage Council street trees by the impact of whipper snippers, etc. It is encouraged to construct a definitive edging and buffer distance between trees and lawn. This buffer will allow for ease of maintenance when caring for lawn on verges and eliminate risk of damaging trees. Alternatively, removing the grass adjacent to trees by hand is an option.
- 2.6.5 Property owners with existing lawn and who do not wish to maintain the area can request Council to slash and weed spray and to be placed on Council's weed spraying program (undertaken as per clause 2.11).

2.7 Irrigation

- 2.7.1 Applicants may install below-ground irrigation systems (pop-up sprinklers, below-ground drippers, etc.) provided the ongoing maintenance and repairs are carried out by the property owner.
- 2.7.2 Irrigation systems should not spray onto footpaths or roads and watering should occur off peak to minimise inconvenience to the public road and footpath users.

2.8 Footpaths

- 2.8.1 Any alteration to a Council verge that does not have an existing concrete or paved footpath must allow for the possible future construction of a footpath by Council.
- 2.8.2 Any proposal to alter an existing footpath in conjunction with developing the verge requires specific Council approval and will be required to meet Council standards.
- 2.8.3 Any damage to footpath caused by verge alterations will need to be repaired in accordance with Council standards at the property owner's expense.

2.9 Removal or Modification to an Existing Verge

- 2.9.1 Council recognises that verges within the City have been altered before the adoption of this policy. Existing verge alterations do not require the application form to be completed; however, the verge must comply with the guidelines listed within this policy.
- 2.9.2 If Council finds that the existing verge alteration could cause or is causing a hazard, obstruction or does not comply with the specifications listed in this policy, then the verge will be required to be modified to meet the guidelines contained within this policy. This is required to be undertaken by the property owner at their expense, except where Council Administration determines otherwise.
- 2.9.3 If the condition of the verge is to be substantially altered, a new section 221 application form must be completed and approved and works undertaken by the property owner.
- 2.9.4 Existing artificial turf installed on the verge prior to August 2019 can be retained whilst in good condition but is not permitted to be replaced at the end of its life or as part of any verge alteration and it is encouraged that it be removed.

2.10 Existing Quarry Sand (Dolomite) Surfaces

Council will only top up an existing dolomite surface to remediate any trip hazards or to match into existing dolomite surfaces following maintenance or construction works.

2.11 Council Weed Spraying Program

- 2.11.1 Council operates a weed spraying program and spraying is undertaken up to three times a year.
- 2.11.2 Where there are established lawns, gardens or areas that appear to be maintained by residents, Council will not spray.
- 2.11.3 A *No Spray Register* is also maintained for residents who choose not to have the verge sprayed and are willing to maintain the area themselves.
- 2.11.4 If the area is not maintained by the resident, Council reserves the right to remove all vegetation and maintain the area as part of the weed spraying program.

2.12 Infrastructure

Applications or requests for semi-permanent infrastructure (e.g. electric vehicle charging stations, outdoor dining, etc.) to be installed on Council verges will be assessed on a case-by-case basis against any other relevant Council policies and the *Planning, Development and Infrastructure Act 2016*.

2.13 Reinstatement

Any cost incurred by the Council in reinstating the verge as a result of the property owner not complying with this policy, will be charged to the property owner pursuant to Section 213 of the *Local Government Act 1999*.

3. REFERENCES

3.1 Legislation

Disability Discrimination Act 1992
Local Government Act 1999
Landscape SA Act 2019
Planning, Development and Infrastructure Act 2016

3.2 Other References

Tree Management Policy
Section 221 Application Form