

## CITY OF WEST TORRENS



## Council Policy: Urban Verge Management

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<b>Applicable Legislation:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1999</i></li> <li>• <i>Development Act 1993</i></li> <li>• <i>Development (Regulated Trees) Amendment Act 2009</i></li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> <li>• <i>Environment Protection Act 1993</i></li> <li>• <i>Animal and Plant Control (Agricultural and Other Purposes) Act 1986</i></li> <li>• <i>South Australian Water Corporation Act 1994</i></li> <li>• <i>Electricity Act 1996</i></li> <li>• <i>Water Resources Act 1997</i></li> <li>• <i>Road Traffic Act 1961</i></li> <li>• <i>Native Vegetation Act 1991</i></li> <li>• <i>Disability Discrimination Act 1992</i></li> </ul>
<b>Related Policies or Corporate Documents:</b>	<ul style="list-style-type: none"> <li>• Infrastructure and Asset Management Plan - Footpaths</li> <li>• Kerbside House Numbering Policy - E.2</li> <li>• Entranceways and Footpaths Policy – E.1-1</li> <li>• Urban Tree Management Policy – P.1</li> <li>• City of West Torrens Development Plan</li> </ul>
<b>Associated Forms:</b>	
<b>Note:</b>	
<b>Responsible Manager:</b>	Manager City Works and Manager City Assets
<b>Confirmed by General Manager:</b>	Date
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## COUNCIL POLICY - Urban Verge Management

### 1. Preamble

- 1.1 The City of West Torrens is responsible for the maintenance of verge areas and provides a level of service in accordance with the requirements of this policy and within Council annual budget allocations.
- 1.2 This policy incorporates the strategies required to fulfil Council's obligations in all areas of verge management with regard to Sections 218 and 221 of the *Local Government Act 1999* and to achieve the community aspiration of enhancing the natural environment as detailed in Council's *Towards 2025 Community Plan*.
- 1.3 Any development of the verge area permitted by the City of West Torrens will be guided by this policy.

### 2. Purpose

- 2.1 The purpose of this document is to:
  - 2.1.1 Acknowledge the obligations of the City of West Torrens in relation to the development and maintenance of the verge area on the road reserve, while providing the opportunity for residents to assume responsibility for verges under certain circumstances and in accordance with conditions.
  - 2.1.2 Recognise that the principle purpose of that part of the road reserve between the kerb and the property boundary, (verge) is for use as a footpath, whether paved, formed or unmade, for pedestrians and to accommodate public utilities.
  - 2.1.3 Ensure that the form and development of verge areas promote public safety.
  - 2.1.4 Provide a rationale for decision making to ensure consistency in the management of open space in the City of West Torrens.
  - 2.1.5 Maximise the greening of Council land using local indigenous drought resistant plant species.

### 3. Scope

This policy provides a framework for the development and maintenance of verges in the City of West Torrens and:

- details how an application for verge development is to be made
- details how a verge area is to be maintained
- provides information to residents regarding eligibility for verge mowing assistance
- confirms what is acceptable and appropriate on a verge area.

## **4. Definitions**

### **4.1 Verge**

The land owned or the land under the care and control of Council that is between a resident's property boundary and the kerb (or edge of roadway), excluding any paved or formed footpath; also sometimes known as a 'nature strip'.

Verges are described as the area between the constructed roadway and private property boundaries. The predominant function of the verge area is to provide a footpath for safe and convenient access by pedestrians as well as a service corridor for public utilities and the City of West Torrens. Verges vary in nature and width from level nature strips with constructed embankments to sloping embankments.

### **4.2 Resident**

Resident as a property owner or rate payer.

### **4.3 Vehicle Crossing Place**

A vehicle crossing place is a paved or formed area between a road and adjacent land for vehicles to enter or exit a road to or from that adjacent land.

### **4.4 Indigenous Species**

Indigenous species are those which occupied the area prior to European settlement (sometimes referred to as Remnant Vegetation), or which are descended from such vegetation (e.g. grown from a locally collected seed or cutting).

### **4.5 Footpath**

A footpath is an area, whether paved, formed or unmade, that is accessible to the public and is designated or has as its main use, use by pedestrians and not vehicles.

### **4.6 Significant Trees**

For the purposes of this policy, the definition of a significant tree is as prescribed by the *Development Act 1993*.

## **5. Policy Statement**

### **5.1 Verge Development**

A resident may obtain authorisation under Section 221 of the *Local Government Act 1999* to privately develop their verge area provided the type or form of development does not:

- a) Prevent any pedestrian from walking along or onto the verge area in preference to walking on the roadway; regardless of whether a footpath has been constructed or not; and

- b) Prevent any service authority or the City of West Torrens (CWT) from installing new services or maintaining existing services.

#### 5.1.1 Application for Authorisation

If a resident wishes to develop the verge area, application for authorisation must be made on the Verge Development Application form which is included as Attachment 1.

Subject to a separate agreement, property developers may be authorised to install suitable verge landscaping at their cost to an approved plan, but they and potential purchasers of the properties are advised that the CWT will only provide the same level of ongoing maintenance as elsewhere in the city.

Approval to develop a verge area will be dependent on adherence to the following conditions:

##### a) Planting

The streetscape is an important part of community open space and the coordination of plantings is an important aspect of the CWT works. The CWT will give preference to plantings with flora that is drought tolerant and suited to hot, dry summers, with an emphasis on suitable indigenous species.

In those areas identified as having high biodiversity value, river frontage and/or sensitivity, the CWT will give preference to plantings with local provenance, i.e. indigenous species.

- Any proposed plantings must not compromise the health of existing street trees.
- Residents must ensure that any verge development does not encroach on an ETSA power or stobie pole for public health and safety purposes.
- Space is to be left clear for passengers to enter and exit from parked vehicles and for general pedestrian access. The space should be compacted rubble surface, levelled grass lawn or sealed by paving depending on the surrounding environment.
- Before any excavation works it is recommended that underground services are located to prevent damage to other service providers' infrastructure, (i.e. contact Dial Before You Dig, Ph 1100 or web site: [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au))
- Turf may be planted and maintained, however consideration must be given to permanent water restrictions, permissible watering practices and permits and the ongoing maintenance requirements.
- Species that are considered unsuitable and must not be planted include, but are not limited to:
  - Plants which have a mature size of greater than 500mm.
  - Could be toxic.
  - Possess thorns, spines or spiky leaves.
  - Considered a weed species.
  - Plants with fruit or berries.

b) Solid Construction

No structure is to be placed within the verge area that may be unsafe or inconvenient to the passage of pedestrians, or that may affect sight lines for pedestrian or vehicular traffic.

c) Irrigation Systems

Residents may be authorised to install below ground irrigation systems, (including below ground dripper and 'leaky pipe' systems) provided the irrigation conduit goes underneath the footpath and the resident accepts responsibility for damage by the activities of any service authority, the CWT or its agents, or contractors or the public.

The CWT's approval to install irrigation systems does not negate residents' responsibilities to abide by State legislation in regard to water restrictions.

d) Removal of Development

In accordance with section 221 of the *Local Government Act 1999* a resident must submit a complying application. If a resident develops the verge without authorisation from the CWT, the development may be removed by the CWT at cost to the property owner concerned.

The following procedure will apply to unauthorised development:

- A letter will be written to the property owner stating that they have 21 days to remove the development.
- The CWT may remove the development at cost to the resident.
- If the verge is deemed dangerous the CWT may waive the 21 days notification and may remove the development at cost to the resident.

e) Trees

In accordance with the *Urban Tree Management Policy* any vegetation that is considered to be a significant tree under the *Development Act 1993* will require development approval prior to undertaking any works including pruning or removal.

If the verge space will not support the root zone of a tree from sapling to maturity due to the footpath width or the area available, a tree must not be planted at the site.

Any new or existing tree in the verge area must not be pruned or removed without approval.

5.1.2 Application Assessment

A Verge Development Application will be assessed in accordance with the provisions of the *Disability Discrimination Act 1992* and Council's Risk Management Policy, taking into account the suitability of the development and the safety of the members of the community who will use the verge area.

A resident may seek the CWT's assistance with their verge development by way of advice of treatments and in-kind support.

## 5.2 Verge Maintenance

### 5.2.1 Council Responsibility for Verge Areas

The CWT is responsible for the maintenance of verge areas and provides a level of service in accordance with the requirements of this policy and within Council annual budget allocations.

However, the CWT encourages and supports residents to assume responsibility for maintaining the verge area adjacent to their property in keeping with this policy.

### 5.2.2 Weed Control

The CWT, as part of a yearly program, will remove/eradicate any self seeded or intentionally planted date or fan palms in the verges without prior notice. Regulated weeds and other weed control in general verges will be incorporated in seasonal programs and within Council annual budget allocations.

### 5.2.3 Resident Responsibility for Verge Areas

If a resident develops the verge, the responsibility for ongoing maintenance will remain with the resident such as watering, weed control and pruning (excluding street trees).

### 5.2.4 Reinstatement

If any development of a verge is disturbed or damaged by the activity of a service authority, reinstatement will be subject to negotiation between the CWT and the service authority in consultation with the resident.

If CWT activity or operation disturbs or damages the verge development, the CWT will endeavour to restore the verge to a reasonable standard, provided the verge development conforms to this Policy.

### 5.2.5 Verge Treatment

Rubble verge treatment should not be installed to verges in any streets if verges are predominately of grass.

Sandy loam treatment may be installed on request.

Residents may be authorised to use rubble verge treatment in a street which has verges predominately of rubble verge treatment, in accordance with the conditions outlined in the Verge Treatment Application form.

Applications for compacted rubble or sandy loam verge treatment can be made on the Application for Verge Treatment Form in Attachment 2.

## 5.3 Mowing of Verges

5.3.1 All mowing of residential grassed verge areas by CWT employees or a contracted agent will be in accordance with this Policy and within Council annual budget allocations.

- 5.3.2 Assistance maintaining grassed verge areas is available only to an owner/occupier who cannot perform maintenance duties due to incapacity through injury, disability or age.
- 5.3.3 Application for assistance can be made on the Application for Assistance for Mowing (Verge Area) Form in Attachment 3.
- 5.3.4 Residential verges that are approved for assistance will be cut a maximum of eight (8) times per year, with any additional maintenance being the resident's responsibility.
- 5.3.5 The CWT may at their discretion, remove the lawn from an area for which assistance is sought and replace it with another verge treatment.
- 5.3.6 Exceptions to the above may be made at the CWT's discretion in areas with a high public profile, such as main roads or places of interest.

#### 5.4 Footpaths

To ensure that Council manages footpath assets in a manner most appropriate for the community it has committed to a management strategy for footpaths which is detailed in the *Infrastructure and Asset Management Plan – Footpaths*. A copy of the plan is available from the Council office or the Council website at [www.westtorrens.sa.gov.au](http://www.westtorrens.sa.gov.au).

- 5.4.1 If a concrete path will cover almost the whole width of a path, the verge area between the edge of the path and the kerb will be concreted.
- 5.4.2 Space for passengers entering/exiting parked vehicles and for general pedestrian access must remain clear of plantings and structures. The space should be a rubble surface, levelled grass lawn or sealed by paving depending on the surrounding environment.
- 5.4.3 Council will adopt annual footpath construction programs to construct a footpath on part of the road reserve, and at its discretion, regardless of any development of the verge area, and in doing so the CWT will:
  - Provide residents 21 days advance notice of footpath construction works.
  - Remove, if necessary, any existing plants, shrubs, ground cover, decorative features or other structures. There will be no compensation to residents for such removal or alteration.

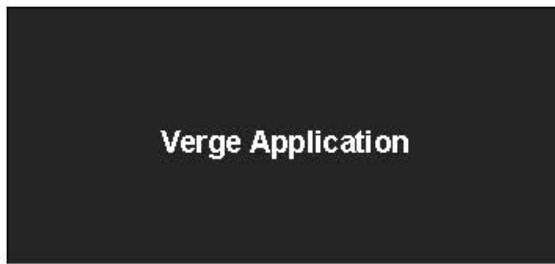
#### 5.5 Vehicle Crossing Place

- 5.5.1 In accordance with Section 221 of the *Local Government Act 1999* when a new crossing place is to be constructed or an existing crossing place replaced the '*Construct a vehicular crossing place across Council land*' form must be submitted.
- 5.5.2 In accordance with the provisions of Section 218 of the *Local Government Act 1999*, the CWT may, by order in writing to the owner of the adjoining property, require the owner to carry out specified work to construct, remove or repair a vehicle crossing place over the verge area from the kerb (or edge of the roadway) to the property boundary.



# Attachment 1 - Verge Improvement Application

City of West Torrens Policy - Urban Verge Management



1. Applicant details			
Title:	First name:	Surname:	
Company name:			
Property address:			
			Postcode:
Postal address (if different from above):			
			Postcode:
Telephone	Mobile	Email Address	
2. Application information			
<p><b>Please select appropriate assistance you require:</b></p> <p> <input type="checkbox"/> Mowing                          <input type="checkbox"/> Treatment (rubble)                          <input type="checkbox"/> Treatment (loam)                          <input type="checkbox"/> Development*                 </p> <p><i>*Attach the following with the application.</i></p> <ol style="list-style-type: none"> <li>Information identifying works that are being proposed.</li> <li>A sketch showing the property boundary, the footpath (if any), kerb and any existing landscaping/plantings, proposed works including how various surfaces are to be treated and the names of any plants being proposed to be planted.</li> <li>Details of the site, current surface treatments, utility services box(es), street lights, existing trees/plantings, etc.</li> <li>Identify any plantings proposed to be removed.</li> </ol> <p><b>Please select the box that applies to you:</b></p> <p> <input type="checkbox"/> Property owner and rented                          <input type="checkbox"/> Property owner and occupier                          <input type="checkbox"/> Tenant*                 </p> <p><i>*Council requires written permission from the property owner before your application will be considered.</i></p>			

Form: Verge Application ID: A2299072

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Date last modified 8.07.2020

**3. Agreement**

I/ We, understand that Council will take due care for any improvements made to the verge area however, it is not the responsibility of Council to reinstate any damage that may be caused when gaining access to Council infrastructure.

I/We, understand that making this application will not automatically ensure approval and Council has the right to refuse any application.

Having read the conditions as set out in the Council Policy, Urban Verge Management, I/We agree to the application conditions.

Signature of property owner: ..... Date:    /    /