

Road Verge Development and Maintenance Policy

Policy Reference Number	5979785
Responsible Department	Infrastructure, Planning & Sustainability Services
Related Policies	Footpath Development and Maintenance; Risk Management
Related Procedures	Road Verge Development Application
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Last Reviewed by Council	5 December 2023

1. Purpose

The purpose of this Policy is to outline the Campbelltown City Council's obligations and residents' responsibilities in developing and maintaining road verges in the City.

Many residents prefer to manage the Council owned area in front of their homes to a different standard than the level provided by the Council. Primarily this is done to enhance the visual appeal of the property by managing the front garden in continuity from the front door to the roadway.

Residents are encouraged to develop and maintain the verge area between the property boundary and the kerb. In order to ensure public safety, Council and Service Authority access and rights over this portion of the road reserve, the form and development permitted by the Council is guided by this Policy.

2. Introduction

Nil

3. Power to Make the Policy

This Policy incorporates the strategies required to fulfil the Council's obligations in all areas of road verge management with regard to Sections 218 and 221 of the Local Government Act 1999.

4. Strategic Plan Link

This Policy has the following link to Council's Strategic Plan:

- Greening our City (Goal 2)

5. Principles

Council recognises that:

- A principal purpose of that part of the road reserve between the kerb and the property boundary is for use by pedestrians, and persons using mobility aids such as wheelchairs and mobility scooters, and to accommodate Service Utilities.

- Along with wheelchairs and mobility scooters, bicycles may be ridden on the footpath. Council acknowledges that footpath smoothness, slope and camber need to facilitate safe travel by users of these items.
- The verge area is increasingly becoming an important part of the local amenity and green space for the community. It also provides important functions for facilitating our street trees, opportunities for improving water runoff and quality via Water Sensitive Urban Design which help cool our city.
- The maintenance of road verges has traditionally been a shared responsibility between Council and its residents.

6. Definitions

Definitions for the purpose of this Policy are:

Verge: The area between the property boundary and the kerb (or edge of the roadway) on one or both sides of the street and includes the footpath

NOTE Excludes kerbing protuberances which are maintained generally by Council

Resident: Resident and/or Ratepayer (property owner)

Property Developer: Property owner or Builder

Crossing place: Could be a form of driveway or pedestrian path from property boundary to kerb across the verge area.

7. Policy

7.1 Verge Development

A resident may gain authorisation under Section 221 of the Local Government Act 1999 to privately develop a verge area at resident cost provided the type or form of development does not:

- prevent any pedestrian from walking along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed or not;
- prevent any Service Authority or the Council from installing new services or maintaining existing services; and
- include installation of artificial turf on the verge due to its environmental impact and the heat it generates. Where residents have previously been authorised to install artificial turf on the verge area, they are responsible for all ongoing repairs, maintenance or removal of the installed product.

7.1.1 Application for Authorisation

If a resident wishes to develop the verge area, application for authorisation must be made on the Road and Verge Authorisation Form - Section 221 available from the Council Office and Council's website.

Numerous options are available to be authorised for the verge development; these options along with guidelines are available on the Road and Verge Authorisation Form - Section 221.

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 Council will only provide the same level of ongoing maintenance as elsewhere in the City.

7.1.2 Application Assessment

A Road and Verge Authorisation Form - Section 221 will be assessed in accordance with the provisions of Council's Footpath Development and Maintenance Policy, Australian Standards, Disability Discrimination Act 1992, Disability Standards for Accessible Public Transport, Australian Standards 3000, relevant service authorities' Standards and 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.

Where the proposed verge development is not directly adjacent to the resident's property, the applicant should gain written approval from the relevant property owner adjacent to the proposed verge development area prior to submitting the Road and Verge Authorisation Form.

In its assessment of any Verge Application, Council consideration will include (but not be limited to) the effect of the proposal on existing trees and other vegetation, the need for the provision to enable future construction to improve accessibility for pedestrians, road safety and the streetscape amenity of the locality.

7.1.3 Planting

Council encourages planting of the verge where it meets the requirements of the Policy and the Verge Development Guidelines including ongoing maintenance.

The streetscape is an important part of community open space and the coordination of plantings is an important aspect of Council works. Council supports plantings with flora that are drought tolerant and suited to hot, dry summers with a maximum height of 500mm. Tree planting will only be undertaken by Council (or a group under the auspice of Council) and Council will be responsible for the location of new trees and their maintenance.

Council prioritises retention of its existing street trees due to the benefits they provide to the community. Council will consider any Verge Application in context of the Tree Management Policy, however reserves the right to plant Street Tree(s) at any time at their discretion. Any removal of existing street trees will require Council approval and an assessment will be carried out by Council once a Road and Verge Authorisation Form – Section 221 is submitted for Council's consideration. A cost for the street trees removal will incur costs to the applicant as per the Tree Management Policy.

Any alterations (other than general maintenance) to approved plantings will require approval.

Plantings must not include:

- Weed species that are either declared plants, pest plants or are known to be invasive. See information on the Primary Industries and Regions SA and Natural Resources SA websites.
- Plants whose growth do not allow reasonable pedestrian access or egress from a vehicle to the footpath.

7.2 Adopt a Verge

Where a resident is unable or chooses not to maintain the verge area adjacent to their property, Council will consider an approach by a neighbour who wishes to 'adopt' the verge in order to develop and maintain the verge area in accordance with the provisions of this Policy.

7.2.1 Trafficable Area and Footpath Construction by a Resident

An area for use for pedestrian movement must be left clear on the verge for general pedestrian access. This area should be levelled grass or lawn, a compacted rubble surface or sealed by paving and generally should be at least 1.5m wide.

Application from a resident for authorisation to construct a footpath must be made on the Road and Verge Authorisation Form - Section 221 available from the Council Office and Council's website.

Authorised construction will be at the resident cost to the satisfaction of Council and the completed footpath must be maintained by the resident in a safe and trafficable condition at all times. Paver type and colour must be approved by the General Manager Infrastructure Services (or nominee).

Pavers must be laid flat and trafficable and levels must match connecting infrastructure and pits, eg Telstra service pits as well as meeting the relevant Standards. Service pits must be brought up to height if required at resident cost. Residents must provide a quote from an approved contractor to perform this task. Council will inspect service pit integration and will on charge residents if required. Construction of the pavers must comply with Council's Footpath Development and Maintenance Policy.

7.2.2 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 distances.

Public liability in these situations is a serious risk and particular attention will be paid, during the application assessment process, to any verge development proposal that incorporates any structure.

7.2.3 Irrigation Systems

Residents may install below-ground irrigation systems. Residents are responsible for all ongoing repairs and maintenance, and must reinstate any footpath disturbed in the installation or maintenance of any irrigation systems.

Any installed irrigation systems does not negate a resident's responsibilities to abide by State legislation with respect to water restrictions.

7.2.4 Compacted Surface

Residents may be authorised, subject to Council's satisfaction and conditions, to have part of their verge area in front of their property treated with compacted blue dolomite or other compacted material at their cost. The resident will be responsible for all ongoing repairs and maintenance.

7.2.5 Removal of Development

If a resident develops the verge without completing a Road and Verge Authorisation Form - Section 221 from the Council, the development may be removed by Council at the cost of the resident concerned if the development does not conform with the provisions of this Policy.

Non-compliant works

If a resident develops the verge in a manner that is different to what is approved or it is deemed to be non-compliant with the provisions of the policy, the development will be required to be altered to be compliant or in accordance with the approval provided by Council. Should the alterations not occur in a timely manner or is considered a safety concern, the work may be undertaken by Council at the cost of the resident concerned.

7.3 Verge Maintenance

7.3.1 Council Responsibility

Where residents choose not to, or are unable to, maintain the verge area adjacent to their property, Council will provide the same level of ongoing maintenance as elsewhere in the City to ensure the verge surface is safe for pedestrians to use.

7.3.2 Resident Responsibility

Where a resident develops the verge, the responsibility for ongoing maintenance will rest with the resident. The development may be removed by Council at the cost of the resident concerned where adequate maintenance is not carried out.

Where the verge is developed by a property developer, any future owner of the property is responsible for ongoing maintenance of the verge, otherwise the development may be removed by Council or maintained to the same level as elsewhere in the City.

7.3.3 Reinstatement

When any development of a verge is disturbed or destroyed by activity undertaken by the resident, reinstatement will be subject to negotiation and consultation between the Service Authority and/or the resident. Any damage which occurs will need to be repaired at the cost of the Service Authority or resident. This applies to work undertaken by the resident or contractors on their behalf.

Council will advise the property owner of the repair works required to rectify the damage and the owner will be required to undertake those works within the timeframe specified in that notice. Should the damages not be repaired within the required timeframe, Council will undertake the repair works at the owner's cost without any further warning (in accordance with section 213(2)(a) of the Local Government Act 1999).

Where a Council activity or operation disturbs or destroys the verge development, Council will endeavour to restore the verge to a reasonable standard, provided the verge development conforms with and was approved under this Policy.

7.3.4 Footpath Construction

Regardless of any development of the verge area, Council reserves the right to construct a footpath on this part of the road reserve at its discretion. In doing so Council may remove any existing plants, groundcover or decorative features if necessary and no compensation to the resident for such removal or alteration will be considered. Permeable paving may be considered if suitable benefits are demonstrated in the location.

When designing new footpaths, consideration will be given to the needs of local pedestrians, cyclists and users of mobility aids such as wheelchairs and mobility scooters, including that footpaths need to have a smooth surface, with limited slope and camber to support safe travel.

7.3.5 Crossing Place

In accordance with the provisions of Section 218 of the Local Government Act 1999, Council 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 crossing place over the verge area from the kerb (or edge of the roadway) to the property boundary.

7.4 Disability Discrimination Act Objections

If the development of a verge area is considered to be contrary to the provisions of the Disability Discrimination Act 1992 concerning access and or the approved Road and Verge Authorisation Form Section 221 application, it will be removed at the cost of the property owner.

8. Review & Evaluation

Within twelve months of each new Council term, Council will review this policy. Following this initial review, this policy will be reviewed at least biennially by Staff with minor administrative adjustments being approved by the Chief Executive Officer.

9. Availability of the Policy

Copies of this Policy will be available at Council's principal office during ordinary business hours and at Council's website www.campbelltown.sa.gov.au.