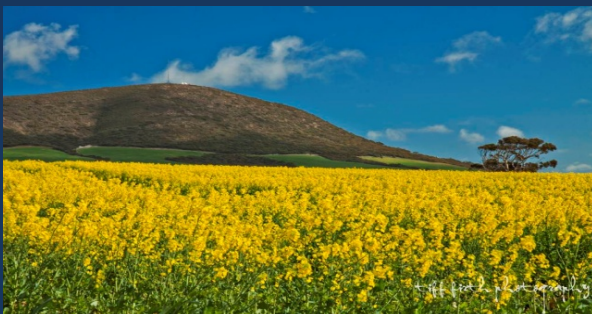


DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Verge Development



“Working with our Rural & Coastal Communities”

	INF-POL-03 – VERGE DEVELOPMENT	Version No:	1.2
		Issued:	May 2019
		Next Review:	May 2022

Responsibility:	Infrastructure
Minutes reference:	C144 (1)
Applicable Legislation:	Local Government Act 1999, S222
Related Policies/Procedures/Codes:	Application – Alteration of Road
Review Frequency:	Following Council Elections

1. General

Many residents prefer to manage the Council owned area in front of their residences to a different standard to the service level provided by the District Council of Lower Eyre Peninsula. Primarily this is done to enhance the visual appeal of the property by managing their front garden in continuity from their front door to the road or street. This strip of Council owned land between the road carriageway and the property boundary is known as the 'Verge'.

Improvements or alterations to the road verge require written approval from Council in accordance with Section 221 of the Local Government Act.

This policy sets out the Council position against which applications to develop a road verge will be assessed.

2. Minimum Verge Maintenance Standards

Where residents choose not to or are unable to maintain the verge adjacent to their property, Council will service this area to the following standards:

Urban Areas

- Council will ensure the verge surface is even and free of potholes and depressions or mounds that may present a trip hazard to pedestrians.
- Residential verges will be cut to an appropriate height or sprayed at least once per year. (This is a grass reduction service not a lawn mowing service.)
- Grass cuttings are not collected and removed from the verge.

Rural Living Areas

Gary to Change

Rural Area

- Rural roadside verges are not actively managed by Council
- Roadside tree trimming is undertaken as required and in line with Council budget

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3. Verge Development

Residents are encouraged to develop and maintain the verge area between their property boundaries and the road carriageway. In order to ensure public safety and Council and Service Authority access to the road reserve, the form of development permitted by the District Council of Lower Eyre Peninsula is guided by this policy. The verge area may be occupied (above or below the ground) by the following:

- SAPN underground cables
- SAPN overhead wiring and poles
- Telstra/NBN cables, pits, poles etc
- SA Water mains and connections
- District Council of Lower Eyre Peninsula CWMS drainage system
- District Council of Lower Eyre Peninsula storm water drainage systems (including the concrete kerbing)
- District Council of Lower Eyre Peninsula footpath (existing or proposed)
- District Council of Lower Eyre Peninsula street furniture, signage, indicator posts,
- Australia Post, mail delivery corridor

The type or form of development must be designed so that it does not:

- Prevent any pedestrian from walking along the verge area in preference to walking on the roadway, regardless of whether or not a footpath has been constructed
- Prevent any Service Authority or Council from installing new services or maintaining services
- Pose a hazard to traffic using the road carriageway

4. Procedure for Written Approval

In accordance with Section 221 of the Local Government Act, applications to develop a verge must be made in writing on the form approved by the Chief Executive Officer for this purpose.

The application must be accompanied by a sketch detailing the proposed development.

The application will be assessed by Council staff in accordance with the guidelines contained within this policy.

If approved, the development is to be undertaken by the applicant in accordance with any conditions placed on the approval by the Council.

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5. Surface Treatments

The following surface treatments are PERMITTED:

- 5.1 Un-irrigated grassed surface
- 5.2 Lawn
- 5.3 Mulched surface provided the nature of the material is suitable for pedestrian access
- 5.4 Compacted rubble, provided the surface is not impervious to water
- 5.5 Groundcover (lawn substitute), which is suitable for safe pedestrian access

Where a resident develops the verge, the responsibility for ongoing maintenance rests with the resident. When ownership of a property transfers, the responsibility for maintenance transfers to the new owners of the property. The development may be removed by Council where adequate maintenance is not carried out.

The following forms of surface treatments are generally NOT PERMITTED:

- Concrete and pavers (except for crossover driveway, footpath or adjacent to commercial properties where written approval is required.)
- Rough, coarse or irregular mulch materials which are uncomfortable or difficult to walk on
- Fully impervious membrane under mulch, or other material such as black plastic. (Weed matting that allows exchange of air and water is permitted treatment)
- Chemically sterilized treatments
- Raised edgings of any description

6. Planting

All planting must consider the needs and rights of the various Service Authorities and Council, and the requirement to ensure clear passage along the verge from the roadway by pedestrians and prams. The streetscape is an important part of community open space and the co-ordination of plantings is an important aspect of Council works.

The planting of any shrub or tree, other than ground covers mentioned in Section 5 Surface Treatments must have written Council approval.

In some areas, Service Authorities may place particular restrictions on the type or species of vegetation which can be planted.

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7. Solid Construction

Any structure such as a wall, fence, and letterbox is not permitted. Rocks and moss rocks in some situations may be permissible but written approval from Council is required. Public Liability in these situations is a serious risk, and any approval will assess risk to the public and consider liability issues.

8. Irrigation Systems

Residents may install below-ground irrigation systems (including pop-up sprinklers, below ground drippers and 'leaky-pipe' systems) provided the resident accepts all responsibility for damage caused by the activities of any Service Authority, Council and its agents or contractors or the public.

The location of sprinklers should be near the back of the concrete kerb with at least 100mm of clearance to allow for mechanical edging of the concrete kerb without damage to the irrigation system.

9. Reinstatement

When any development of a verge is disturbed or destroyed by the activity of a Service Authority, reinstatement will be subject to negotiation between the resident and that Service Authority. 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 to this policy.

10. Provision for Future Council Footpath Construction

Any development of a verge without an existing concrete or block paver footpath must allow for the possible future construction of a footpath by Council.

Removal or alteration of any part of a verge development to facilitate construction of a footpath will be at the discretion of Council and no compensation to the resident for such removal or alteration will be considered.

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11. Footpath Construction by a Resident

Where a resident desires as part of a verge development to construct a paved footpath (notwithstanding that no paved footpath exists on adjoining verges) that footpath both in regard to its location within the verge and the materials used for its construction shall be to Council specification with written approval required. Such construction shall be at the resident's cost.

Footpaths constructed by a resident shall be maintained by the resident, in a safe and trafficable condition at all times.

12. Removal or Modification of Existing Development

Where any verge has been developed (either before the adoption of this policy or following its adoption) in a manner contrary to this policy and Council considers that the verge development could cause or is causing a hazard or obstruction to the Public or a Service Authority, then Council shall require the development to be removed or modified to Council's satisfaction. Any such removal or modification shall be at cost to the resident except where Council deems otherwise.

Council will not subsidise or assist with the development of verges in any other form or manner, except in relation to its current verge grass cutting policy.

13. Further Information

Further information in regard to this policy is available by contacting the Council office on 86760400.

1. AVAILABILITY

Copies of this policy may be purchased for the fees outlined within Council's current Schedule of Fees & Charges. This policy is available for inspection at the Council offices during ordinary business hours or on Council's website (www.lowereyrepeninsula.sa.gov.au) at no cost.

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SIGNED:
 CEO

Date: 17 / 05 / 2019

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 Mayor, DCLEP

Date: 17 / 05 / 2019

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.1	17/7/15	Adopted with amendments
1.2	17/5/19	Adopted with minor amendments