

Verge Development

Classification:	Council Policy
First Issued / Approved:	May 2003
Last Reviewed:	19 June 2007 24 February 2015, C10062 26 March 2019, C12014 C100522/13149
Next Review:	May 2026
ECM tracking number:	988254
Responsible Officer:	Director Environment and Place
Relevant Legislation:	Fire and Emergency Services Act 2005 Local Government Act 1999 Planning, Development and Infrastructure Act 2016
Related Policies:	Biodiversity Policy Bushfire Hazard Management Policy By-Law No.3 (Local Government Land) By-Law No.4 (Roads) By-Law No.6 (Waste Management) Footpath Policy Kerbside Waste Management Policy Streetscape Policy Urban Tree Management Policy Water Sensitive Urban Design Policy

1. Introduction

Landscaped verges are an important aspect of the amenity and biodiversity of the City of Burnside. Verges help to sustain tree health, provide habitat, store carbon and cool streets. Verges provide an opportunity to enhance Green Infrastructure. This policy sets out the requirements for residents' use of verges and should be read in conjunction with the Conditions Applicable to Verge Development.

2. Strategic Plan Desired Outcomes

THEME: COMMUNITY

- Priority 1.2: Resilience, wellbeing and recreation
- Priority 1.3: A sense of community
- Priority 1.4: Facilities, services and programs that meet our community's needs

THEME: ENVIRONMENT

- Priority 2.1: Adapt and mitigate for Climate Change
- Priority 2.2: Canopy cover, greening and open space
- Priority 2.4: Healthy habitats and biodiversity

THEME: PLACE

Priority 3.4: Character and heritage protected, cherished and celebrated

3. Our Approach

Council will seek to:

- 3.1 Support the protection of the City's local heritage, character, built heritage and natural heritage.
- 3.2 Support and encourage environmentally sustainable development which complements the City's character
- 3.3 Balance future development and existing historic character
- 3.4 Implement land management that promotes bushfire management, biodiversity and environmental sustainability
- 3.5 Harness the city's water resources to achieve reuse and flood protection

4. Legislative Requirements and Corporate Policy Context

The following legislation has relevance to this policy:

4.1 *Fire and Emergency Services Act 2005*, Section 105G

The council must take reasonable steps to prevent fire on council land.

4.2 *Local Government Act 1999*, Sections 221, 233 and 234

Council is the owner of all roads, including verges. Changes to verges require the permission of the Council as an alteration of the road.

4.3 *Planning, Development and Infrastructure Act 2016*, Section 21

Amends, in part, Section 221 of the Local Government Act, which refers to the approval of alteration to roads as part of a development authorisation.

5. Interpretation

The Council adopts the following definitions for this policy:

- 5.1 **Biodiversity** refers to the variety of living things on Earth. This term is used by Council to describe sites where indigenous plants are the focus (i.e. 'biodiversity sites'). While these sites are managed to create healthy habitat, biodiversity is not limited to these sites. Biodiversity exists in public parks and streetscapes, as well as in private gardens everywhere.
 - 5.2 **Council** means City of Burnside including any of its authorised representatives or staff under the delegated authority of Council.
 - 5.3 **Green Infrastructure** refers to the network of natural landscape assets that contribute to the character and liveability of an urban environment. Green Infrastructure includes vegetation along streets and in parks, gardens, public spaces, cemeteries, and around creeks and wetlands.
 - 5.4 **Habitat** refers to the place where a plant, animal or other organisms may naturally be found and which meets the environmental needs of the organism.
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- 5.5 **Verge (also known as a Nature Strip)** means the council-owned area between the footpath and kerb, footpath and property boundary (or edge of the carriageway) or, in the case where there is no paved or formed footpath, the whole area between the property boundary and the kerb. Note this excludes protruberances, these are generally maintained by Council.

6. Policy Objectives

Council aims to:

- 6.1 Encourage residents to maintain the verges directly adjacent to their property. These verges form part of the wider biodiversity, habitat and green infrastructure within our City.

To achieve this objective:

- 6.2 An application must be made through the Council website: "[Verge/Road Reserve Landscaping or Planting Application](#)". This application is hereafter referred to as the Verge Application. A flow diagram of this application process is provided in attachment A.
- 6.3 In its assessment of any Verge Application, Council considerations will include (but not be limited to) the effect of the proposal on existing trees and other vegetation, the need for provision for future construction, accessibility for pedestrians, road safety, and the streetscape amenity of the locality. Please refer to the [Conditions Applicable to Verge/Road Reserve Landscaping or Planting](#) for conditions that must be adhered to in any verge development.
- 6.4 If approved, Council will issue a permit under Section 221 (Alteration of road) of the Local Government Act for a period not exceeding 42 years. Upon application (no later than 3 months before the end of the permit period) a single renewal of this permit may be approved for a period not exceeding 42 years. If no request for renewal is received then the permit is deemed to have lapsed and the requirements for the verge to be reinstated as per the Conditions may apply.
- 6.5 The development of verges without approval may be subject to prosecution under Section 221 (Alteration of road) of the Local Government Act and be subject to the provisions under Sections 233 (Damage) and 234 (Power to remove objects) of the Local Government Act.
- 6.6 Note that subject to the provisions of Section 21 of the Planning, Development and Infrastructure Act 2016, for vehicle crossovers that are approved as part of a development authorisation no separate Section 221 permit is required.

7. Review and Authority

- 7.1 This Policy will be reviewed every four years per Council's Policy and Procedure Framework.

8. Availability

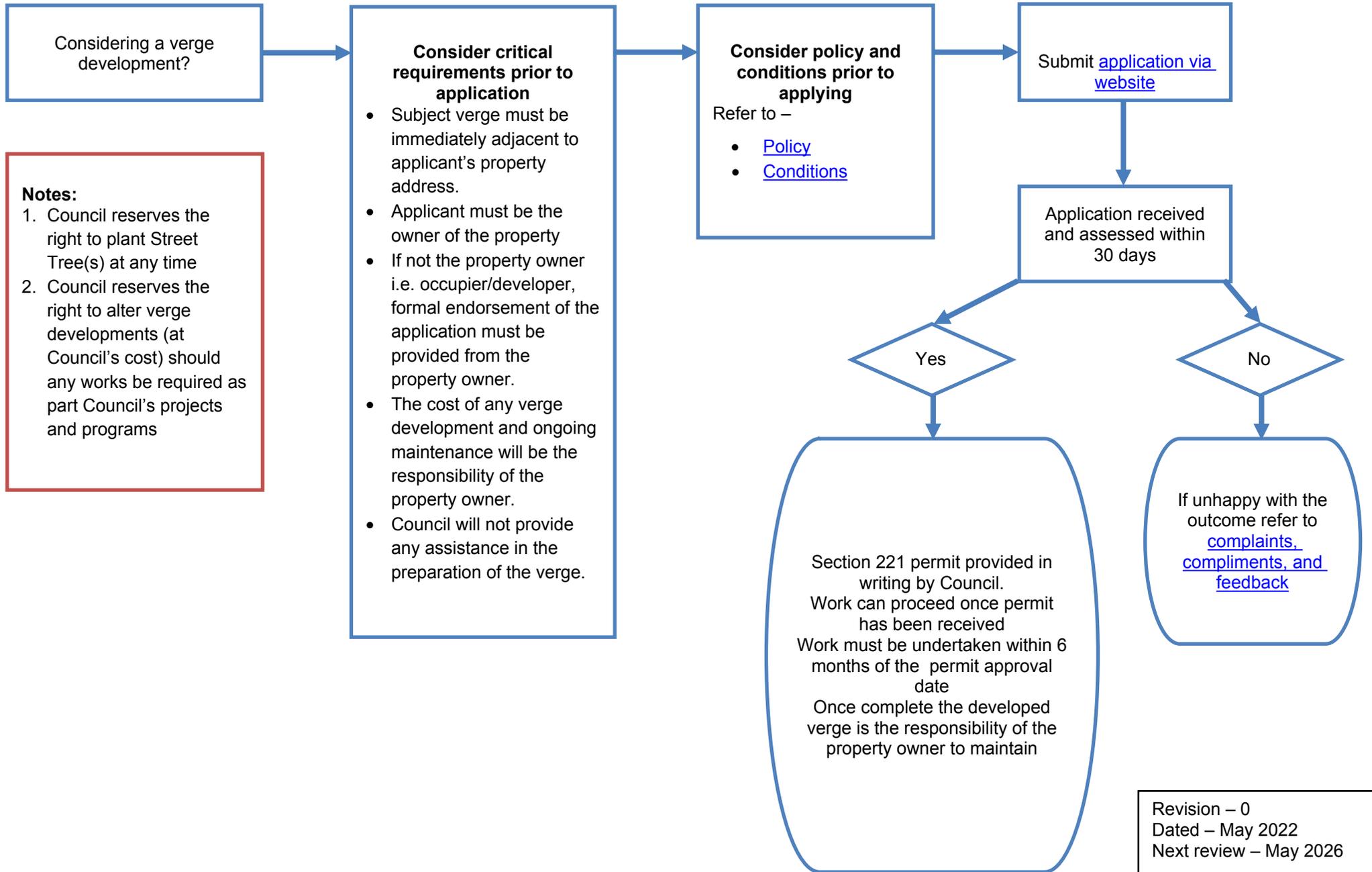
- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

8.3 City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065
Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au
Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

9. Further information

9.1 For further information about this policy please contact: City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065 Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au

Attachment A - Application Flowchart



Conditions Applicable to Verge Development

General Conditions

1. These conditions are to be read in conjunction with the Council's Verge Development Policy.
2. The "Applicant" means the person or entity who is named on the permit.
3. The "verge" means the council-owned area between the footpath and kerb, footpath and property boundary (or edge of the carriageway) or, in the case where there is no paved or formed footpath, the whole area between the property boundary and the kerb. Note this excludes protuberances, these are generally maintained by Council.
4. "Verge development" means the extent of works authorised under the permit.
5. Authorisation of a verge development is at the complete discretion of the Council and is provided to the Applicant as a permit under Section 221 of the Local Government Act for up to a maximum period of 42 years.
6. Upon application (no later than 3 months before the end of the permit period) a single renewal of this permit may be approved for a period not exceeding 42 years. If no request for renewal is received then the permit is deemed to have lapsed and will be terminated. The requirements for the verge to be reinstated as per clause 20 of these the Conditions may be applied.
7. For the period of the permit the Applicant will ensure:
 - The verge development complies with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Code of Practice.
 - Any verge development does not unduly interfere with or cause damage to or in any way affect the property of any other person.
 - Compliance with any direction given by any applicable Authority to remove, maintain or otherwise modify the verge development.
 - Not to place any fixture or equipment on, across under or over the road without the Authorisation of Council.
 - Council, its servants and/or agents are indemnified against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant concerning the verge development, the granting of the permit and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.
8. The permit does not confer on the Applicant any exclusive right, entitlement or interest in the verge/and or road reserve and does not derogate from the Council's power arising under the Local Government Act, 1999
9. The Policy, its attachments and these conditions are binding and form part of the permit.

10. Council reserves the right to terminate any permit at any time, without notice and cause.
11. The Applicant may terminate the permit at any time by providing details of that termination in writing to the Council.
12. If a permanent structure such as a service, footpath or vehicle crossover is required, a separate application for a Section 221 permit must be undertaken and will be subject to its own authorisation process:
 - Service – [Application to Lay Underground Service](#)
 - Footpath – [Application for General Work on Council Land](#)
 - Vehicle crossover (new or modification to existing) – [Driveway and Gutter Crossing Application](#)

Subject to the provisions of the Planning, Development and Infrastructure Act 2016, for vehicle crossovers that are *approved as part of a development authorisation*, no separate Section 221 permit is required.

13. Structures located on the verge such as trees and signs, must not be moved, altered or interfered with in any way or unless written approval from the relevant authority or owner of the asset or infrastructure has been obtained before any activity.
14. The Applicant is responsible for locating any underground services before the commencement of landscaping. Any costs resulting from the damage to underground services are borne by the Applicant. To identify underground services contact *Dial Before You Dig* on 1100.
15. Construction of the approved verge development must be completed within 6 months of the start date of the Section 221 permit. If this does not occur the permit will be deemed to have lapsed and will be terminated.
16. During construction of any approved verge development or utility work, all trenches, tripping hazards and other hazards must be barricaded or flagged off and managed appropriately by the Applicant or their nominated contractor.
17. It is expected that The Applicant and any contractor or invitee of the Applicant undertaking the works must ensure they hold valid public liability insurance with cover to a minimum of \$20,000,000. A copy of the certificate of currency must be provided to Council before works commence.
18. Completion of any approved verge development must be notified to Council in writing as soon as practicable to ensure Council records are complete.
19. Any development of a verge must allow for the safe collection of waste bins as outlined in the [Council's Kerbside Waste Management Policy](#). This includes ensuring that all current arrangements and practices on waste bin collection days are not impacted by the development. If this is found not to be the case after implementation of the development Council reserves the right to have the development modified or removed at the cost of the Applicant.
20. Upon expiry of the Section 221 permit, the onus is on the Applicant to reapply for the permit. If no such application is made within 6 months of the permit expiry, the Council may remove the landscaping and replace it with suitable material (material will be at Council's discretion, considering the local streetscape).

21. At the expiration or earlier termination of the permit, the Applicant will remove, if so directed by Council, any verge development and will reinstate the verge with suitable material (material will be at Council's discretion, considering the local streetscape).
22. Under Section 221 of the Local Government Act, only one renewal of up to a maximum of 42 years can be provided. This renewal is at the complete discretion of the Council.

Special Conditions

Treatment

23. Verge development must not impede the maintenance or condition of trees or any underground infrastructure or other existing infrastructure, including (but not limited to) underground pipes and wires.
24. The Applicant is responsible for the detection, alteration, or damage to any underground or other services because of excavation for the verge development. A "Dial Before You Dig" and checks for existing stormwater or irrigation systems must be undertaken before any excavation.
25. All works must comply with AS4970-2009 Protection of Trees on Development. Guidelines on the protection of trees are available through the Council website, "Guidelines for Protecting Trees During Development."
26. Landscaping material may consist of ground-level features such as stepping stones and borders that are accessible and negotiable by pedestrians. Boulders and rockeries (no moss rocks) may be approved in some circumstances in steeper terrain where pedestrian movement is unlikely.

Materials

27. Unless stated below materials used must be consistent with the [Council Streetscape Guide](#).
28. The installation of the following material will not be approved -
 - Hard landscaping material - this generally means an increase of impermeable area within the verge, which restricts the transfer of moisture and oxygen and may impact surrounding vegetation. Hard landscaping includes concrete, paving, stones (of all sizes), boulders and rocks.
 - Synthetic turf/lawn – this is due to the associated heat absorbing and retention properties that can have a detrimental effect on surrounding vegetation, soil condition, temperature and water penetration. The cost of removal of synthetic turf/lawn will be borne by the adjacent property owner.'
 - Plastic sheeting or matting – this generally means an increase of impermeable area within the verge, which restricts the transfer of moisture and oxygen and may impact surrounding vegetation. If matting material is utilised it must be made of natural fibres and be permeable.
29. In exceptional circumstances, boulders and rockeries (no moss rocks) may be approved in steeper terrain, where pedestrian movement is unlikely. Information must be provided that demonstrates that all other options for the development of the verge have been considered and that the verge does not contain a street tree. This is limited to applications from the suburbs of Auldana, Beaumont, Burnside, Leawood Gardens,

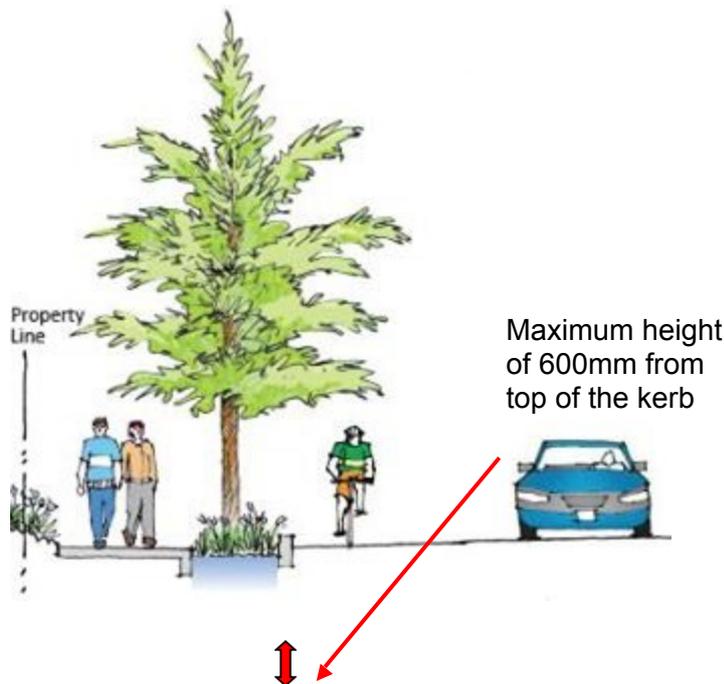
Mount Osmond, Skye, Stonyfell, Waterfall Gully and Wattle Park.

30. Raised beds or planter boxes are not permitted.

Plantings

31. Plantings may consist of:

- Indigenous plants that add to the local natural character of the Council area.
- Native grasses or drought-tolerant lawn. Note that any new lawn area must include irrigation (see details below)
- Vegetation that can be maintained to a maximum height of 600 mm from the top of the kerb.



32. Plantings must not include:

- Trees - A separate application can be made to the Council for the planting of a street tree/s. This can be done via [Council's Tree Request form](#).
- Vegetable or fruit plants.
- 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 that have thorns, sharp edges, sharp ends, and spines or are known to be poisonous to humans or animals.
- Plants that do not allow reasonable pedestrian access or egress from a vehicle to the footpath.

Irrigation

33. Either overground or subsurface irrigation will be permitted. For overground systems, the sprinkler heads must be installed below ground level to prevent damage from mowers.

34. No part of the irrigation system is to protrude above the adjoining surface level creating a tripping hazard, except when operating, or where the irrigation system forms part of a landscaped area other than the verge not accessible to pedestrians.
35. If an irrigation system is being installed, a detailed plan for the system must be included in the verge development application.
36. All irrigation must be installed by a suitably qualified tradesperson and compliant with relevant Australian Standards, which includes a backflow prevention device.
37. If the installation of the irrigation system requires the crossing of a footpath, verge or vehicle crossover, the associated pipework must be at least 150 mm below the surface level and no tree roots are to be cut. Reinstatement of the footpath, verge or vehicle crossover should be with the same material (including colour and format) and to a standard that is equal to or better than the original condition.
38. The operation, maintenance, repair, or damage caused by the installation is the Applicant's responsibility. No liability will be accepted by Council.

Maintenance

39. Verges that have been developed are to be maintained in reasonable health and weed management undertaken.
40. Verges that have been developed must be maintained so that:
 - plants are kept below 600 mm high from the top of the kerb
 - the grass is kept short
 - all vegetation is kept clear of other infrastructure, including but not limited to kerbing, footpaths, driveways, signs, pits, trees, stobie poles and lighting columns
41. If the area becomes untidy and an eyesore, Council will approach the adjacent property owner requesting that maintenance is improved, failing which, Council may terminate the Section 221 permit, remove the landscaping and replace it with suitable material (material will be at Council's complete discretion, considering the local streetscape).

Version control

Version	Date published	Summary changes
0	May 2022	Published

Review Period

Every 4 years unless other significant changes occur.

Next review May 2026 (in associated with the Verge Development Policy).