

Street Verge Maintenance Policy

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Resolution number:	213/19	
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Reference number:		
Strategic Pillar	Character	
Responsible Branch	Urban Landscapes	26 June 2019

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1. OUTCOMES:

In setting out these guidelines Councils objectives are:

- 1.1 To provide a corridor for safe and convenient access by pedestrians as well as a service corridor for public utilities and Council;
- 1.2 To reduce silt load into the environment and;
- 1.3 To reduce silt build-up in Council's stormwater network.

2. POLICY:

- 2.1 The aim of this policy is to set out the roles and responsibilities of both Council and Queanbeyan-Palerang residents/business owners in relation to the maintenance of the street verge.

3. SCOPE OF THE POLICY:

- 3.1 This policy applies to all road and road related areas of the Queanbeyan-Palerang Local Government area except for Crown road reserves.

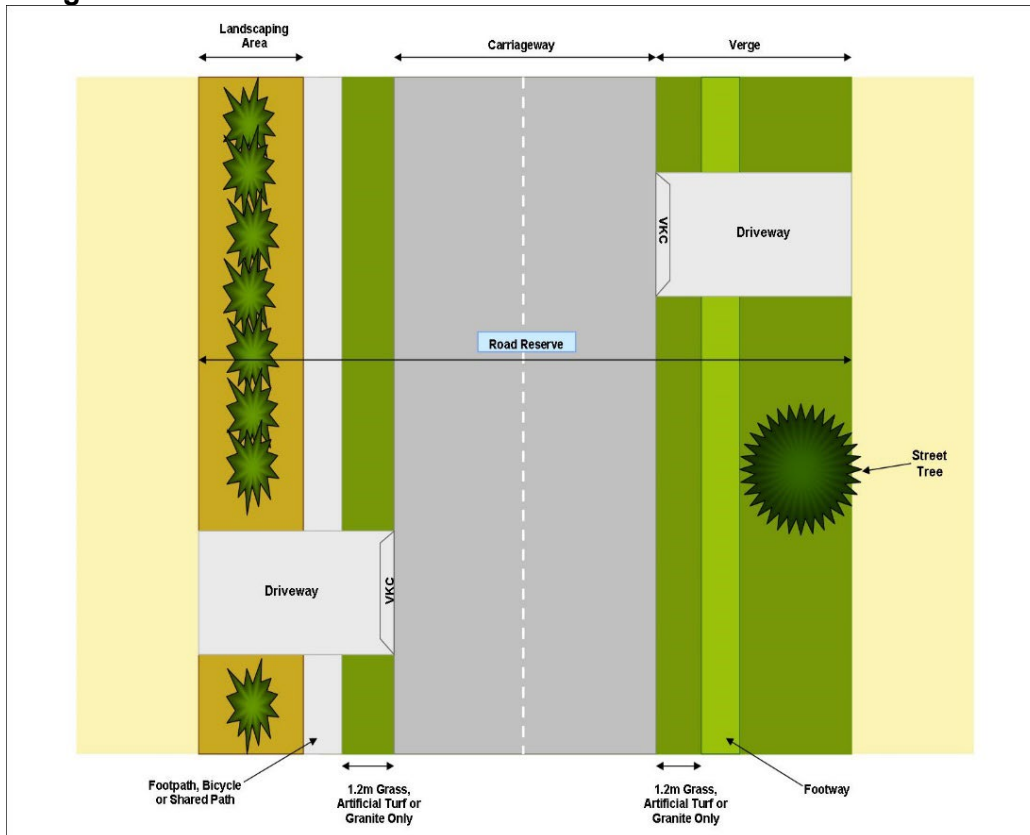
4. DEFINITIONS:

- 4.1 **Bicycle Path** – A formed path along the verge set aside for bicycle access.
- 4.2 **Carriageway** – The portion of road reserve formed for vehicular traffic.
- 4.3 **Council** – Queanbeyan-Palerang Regional Council.
- 4.4 **Development Consent** - a consent issued pursuant to the provisions of the NSW *Environmental Planning and Assessment Act 1979*
- 4.5 **Driveway** – The unobstructed strip along the verge set aside for vehicular access between the carriageway and the adjacent property.
- 4.6 **Footpath** – A formed path along the verge set aside for pedestrian access.
- 4.7 **Footway** – The unobstructed strip along the verge set aside for pedestrian access which has not been formed. Its width is dependent on whether a footpath, bicycle path or shared path is proposed for the street and it begins 1.2m from the back of the kerb or edge of carriageway.
- 4.8 **Googong township** – the area of land at Googong to which Queanbeyan Local Environmental Plan (Googong) 2009 applies.
- 4.9 **Hard Landscaping** – Refers to retaining structures or edging/borders including bricks, stones, rocks or railway sleepers, but does not include concrete paving, asphalt or pavers.
- 4.10 **Heritage Conservation Area** - an area of land that is shown as a heritage conservation area on the Queanbeyan Local Environmental Plan 1998 Heritage Map (including any heritage items situated on or within that conservation area), or a place of Aboriginal heritage significance shown on the Heritage Map.
- 4.11 **Heritage Item** – a building, work, archaeological site, tree, place or aboriginal object specified in an inventory of heritage items that is available at the office of the Council and the site and nature of which is described in Schedule 4 (and shown on the Heritage Map) of the Queanbeyan Local Environmental Plan 1998.
- 4.12 **Local Environmental Plan** – an environmental planning instrument made in accordance with Part 3 of the Environmental Planning and Assessment Act 1979
- 4.13 **Queanbeyan CBD** – the area of land within the Queanbeyan Central Business District as identified in Map 1 of Part 7 of the Queanbeyan Development Control Plan 2012
- 4.14 **Roads Authority** - means a person or body that is, by or under the Roads Act 1993, declared to be a roads authority. Queanbeyan City Council is the roads authority for all public roads within the Queanbeyan local government area.

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- 4.15 **Road Reserve** – The strip of public land between abutting property boundaries and includes the carriageway, footpaths, bicycle paths, shared paths, footways and verges. See Figure 1 below.

Figure 1 – Urban Road Reserve



- 4.16 **Services** – Can be above or underground and includes gas, electricity, telecommunication, water, sewer and stormwater.
- 4.17 **Shared Path** – A formed path along the verge set aside for pedestrian and bicycle access.
- 4.18 **Soft Landscaping** – Refers to grass, ground covers and shrubs.
- 4.19 **Street Tree** – A tree planted in the verge, of a species and location approved by Council.
- 4.20 **Trailer** – Refers to a vehicle that is built to be towed, or is towed, by a motor vehicle including caravans, camper trailers, tent trailers, horse floats, boats, boat trailers or box trailers.
- 4.21 **Vehicle** – Refers to or a combination of, a motor vehicle, trailer, tram, bicycle, motorbike, animal-drawn vehicle, an animal that is being ridden or drawing a vehicle or a motorised wheelchair that can travel at or over 10km/h.
- 4.22 **Vehicle Kerb Crossing (VKC)** - A vehicle kerb crossing is a modified section of kerb adjacent to a driveway designed to allow vehicles to cross from the road to the driveway.
- 4.23 **Verge** – The portion of road reserve between the property boundary and the edge of carriageway.

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5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

- AS/NZ 2890 *Parking Facilities*
- Australian Road Rules 197, 198 and 238
- Austroads *Urban Road Design* and *Rural Road Design*
- NSW *Environmental Planning and Assessment Act 1979*
- NSW *Roads Act 1993* No 33 Part 7 Division 3 Section 107, Part 9 Division 3 Sections: 138, 139, 140, 142 and Part 14 Division 5 Section 243
- Local Government Act 1993 – Sections 124, 191A, 192, 196 197, 198, and 199.
- Civil Liabilities Act 2002

6. CONTENT:

6.1 Driveways & Vehicle Kerb Crossings (VKC's)

- 6.1.1 All driveways within the verge area must be constructed by a Council approved driveway contractor. A list of approved contractors and details of how to apply to become an approved contractor are available on Councils website at the following link: <http://www.qcc.nsw.gov.au/Council-Services/Roads-and-Traffic/Driveway-works/Driveway-works>.
- 6.1.2 Driveways and Vehicle Kerb Crossings (VKC's) are the property of the owner and therefore the property owner's responsibility to maintain and repair. This includes driveway access from the property boundary to the kerb and gutter or the edge of the road.
- 6.1.3 Council requires all property owners to maintain their driveways to an acceptable standard. If a potential hazard or safety issue is identified on an existing driveway, Council will request the property owner to carry out remedial works to resolve the issue. Where the owner of the property is unable or unwilling to complete remedial works, Council will complete the work at the owner's cost.
- 6.1.4 Identified hazards and/or safety issues (e.g. trip hazards, damaged sections of driveway, excessive cracking, edge drop etc.) are to be rectified within 14 days of notification (or as otherwise agreed).
- 6.1.5 Any modification or adjustment made by the property owner to the shape or alignment of an existing driveway including the vehicle kerb crossing, must have Council consent prior to any works of this type being carried out. Failure to do so may result in the works being removed if deemed to be a safety or public liability risk and will be done so at the property owners cost.
- 6.1.6 Where the vehicle kerb crossing is close to any utility service or close to any pipe, pit or pole the property owner must make contact with the respective service to request permission to either alter or relocate the existing service prior to works commencing. Any approved relocation alteration or removal will be done at the property owners cost.

6.2 Street Verge/Nature Strips

- 6.2.1 The verge is part of the road reserve and as such Council owns and controls these areas. Council does not have the physical or financial resources to maintain the vast majority of them and therefore relies on residents to maintain those areas adjoining their property. In saying that, Council still has the responsibility for safety, maintenance and approval for the verge and therefore determines what treatments are suitable for the verge in the context of the verge's many functions as set out below.

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6.2.2 Grass Verges

Grass has traditionally been utilised within Queanbeyan-Palerang urban streets as the verge treatment. Council recommends the use of drought tolerant seed mixes when establishing new grass verges.

- 6.2.2.1 Grass verges shall be level with the top of the kerb or where no kerb is present, level with the carriageway and shall be free draining with a 4% crossfall.
- 6.2.2.2 Grass verges are expected to be mowed regularly by residents and kept neat and tidy such that they contribute to the general appearance of the street. It is recognised that some residents may appoint a contractor to undertake this work for them.
- 6.2.2.3 At Googong Township and in Heritage Conservation Areas and adjacent to Heritage Items the verge shall be grass. Alternative verge treatments are not permitted.

6.2.3 Alternative Verge Treatments.

- 6.2.3.1 In areas where this policy applies, a land owner may replace the grass verge outside their property with alternative treatments such as bound gravel, artificial grass and soft landscaping provided their placement meet the requirements of this policy.
- 6.2.3.2 Where development consent requires the verge to be landscaped and maintained in accordance with an approved landscaping plan or condition of consent, any alternative verge treatment must meet the requirement of the development consent.
- 6.2.3.3 Any person proposing to place a treatment on the verge which does not meet the requirements of this policy or will be located on a verge within the Queanbeyan CBD, is required to make a written application to Council under Section 138 of the Roads Act 1993. Application fees and bond money may apply.
- 6.2.3.4 The written application is to include a diagram illustrating proposed location, alignment and materials. The following issues (but not limited to) will be assessed in determining the application and thus the application must address:
 - Overall appearance and consistency with the streetscape;
 - Any effect on public safety;
 - Any effect on access along the verge and street for the general public;
 - Any effect on access to adjoining properties;
 - Any effect on kerbside parking;
 - Any effect on services or access to services;
 - Any effect on existing street trees, and
 - Any other relevant matters.
- 6.2.3.5 A written response will be provided to the applicant. If Council approves the application the property owner is to adhere to any condition set out in the Section 138 approval and shall bear the entire cost of the work required and/or its maintenance. This applies regardless of the change of ownership of a property.
- 6.2.3.6 The property owner is responsible for the detection, alteration or damage to any services for any work they conduct within the verge.

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6.2.4 Gravel.

6.2.4.1 Gravel must be reasonably bound so that the surface or adjacent surfaces does not become a slip hazard to pedestrians or traffic. Loose gravel can also adversely impact the stormwater system and is regarded as a pollutant. These materials can only be used in verges with 6% (1:16) longitudinal and 4% (1:20) crossfall grades or less.

6.2.4.2 Gravel shall have natural earthy tones of greens, browns, creams or terracotta. Granite gravels commonly known as yellow and red granite are acceptable.

6.2.5 Artificial Turf.

6.2.5.1 Artificial turf shall be non-toxic, non-slip in all weather conditions, free draining and shall be installed and maintained by the property owner as per manufacturer's specifications.

6.2.5.2 Verges which are laid with artificial turf shall be level with the top of the kerb or where no kerb is present, level with the carriageway.

6.2.5.3 Artificial turf shall have natural tones of green and are expected to be maintained regularly by the resident.

6.2.6 Soft Landscaped Verges.

6.2.6.1 The garden beds of soft landscaped areas shall be flush with the ground and may consist of plants such as groundcovers, native grasses or shrubs to a maximum height of 500mm. These landscaped areas shall be free draining.

6.2.6.2 Hedges, other than low (500mm high) box hedges, are not permissible as Council encourages an open streetscape environment.

6.2.6.3 Plants which shall not be planted on the verge include root invasive plants, prickly or thorny plants, plants with spiked leaves or fronds, plants carrying large, heavy fruit (e.g. bunya nuts) and declared weed species.

6.2.6.4 Soft landscaped areas should be kept in reasonable health and weed controlled.

6.2.6.5 If the area becomes untidy and an eyesore, Council will approach the owner to request that maintenance is improved, failing this Council will remove the landscaping and revert the area to grass at the owner's cost.

6.2.6.6 Loose organic or inorganic materials in soft landscaped areas such as bark, chips, stones or gravel are permissible so long as they are not above ground level.

6.2.6.7 Appropriate measures are to be undertaken and maintained to minimise erosion and dust.

6.2.6.8 Where the verge with a footpath, bicycle path or shared path location which is inconsistent with the alignment's stated in this policy, a soft landscaping area is permissible provided that the clearances outlined in clause 6.3 are met.

6.2.7 Hard Landscaping.

6.2.7.1 Hard landscaping features are permissible so long as they are flush with the ground.

6.2.7.2 In very steep areas Council may consider upon application granting Section 138 approval for the construction of hard landscaping features above the ground provided no services are affected.

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6.2.8 Street Trees.

- 6.2.8.1 Street trees shall be of a species approved by Council and be planted in accordance with our guidelines.
- 6.2.8.2 Council's Street Tree Management Directive (C1491980) should be consulted for information on suitable species and maintenance requirements.

6.2.9 Irrigation Systems.

- 6.2.9.1 Irrigation systems are permitted to be installed in the verge, subject to Council approval and/or as approved as part of development consent.
- 6.2.9.2 Council's approval process must be followed, before works on the verge can commence.

6.2.10 Temporary Barricades.

- 6.2.10.1 Temporary barricades for the purpose of establishing verge areas are acceptable for a period of three months provided that the materials used do not create a hazard and are identified with an abundance of markers to ensure pedestrian safety.
- 6.2.10.2 Barriers must not be erected across footways, or in a manner which creates a sight problem.

6.3 Required Clearances.

- 6.3.1 Soft landscaping shall not occupy the footway area or the 1.2m wide area from the back of the kerb line or edge of carriageway. Verge treatments should ensure that no part of the treatment obstructs the required safe sight distance requirements at access driveways according to Figures 3.2 and 3.3 of AS/NZS 2890.1-2004 or Figures 3.3 and 3.4 of AS2890.2-2002 as applicable.
- 6.3.2 Properties situated at intersections shall ensure that no part of their treatment obstructs safe sight distance at the intersection. Council will advise what the required sight distance is at the intersection following a site inspection and assessment.
- 6.3.3 Verge treatments shall ensure that the footpath or footway does not become impracticable to travel on by pedestrians and force them onto the road. Verges shall be free of obstructions and allow pedestrians access to a footpath or footway at all times. Verge treatment should also allow for 0.2 to 0.5 metres of horizontal clearances for footpaths, bicycle paths or shared paths.
- 6.3.4 New tree and shrub plantings shall be made with consideration to the location of powerlines, light poles, water hydrants and other services and the expected growth and habit of the trees or shrubs.

6.4 Vehicles or Trailers on the Verge.

- 6.4.1 Road Rule 197 states that a driver must not stop or park on a bicycle path, footpath, shared path, dividing strip or verge area adjacent to the road unless a parking control sign has been applied to the area allowing this to occur.
- 6.4.2 Vehicles or trailers must not park on or be stored on the verge due to safety concerns. The tethering of trailers and the like to street trees, street lights or street signs is not permitted.

6.5 Structures, Equipment & Furniture.

- 6.5.1 The construction/installation of structures, equipment or furniture within the verge is not permissible due to safety concerns with the exception of hard landscaping features in steep areas which have obtained Council approval.

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6.6 Work on the Verge.

- 6.6.1 Where possible, Council will notify residents of any works to be performed on the verge, outside their residential property. However, Council reserves the right to carry out work on the verge at its discretion, and in doing so may remove if necessary, any existing verge treatment including irrigation systems without compensation to the owner or resident for such removal or alteration unless the treatment is grass or bound granite.
- 6.6.2 Council shall restore verges treated with grass or bound granite at the completion of the required works.
- 6.6.3 When a treatment of a verge is disturbed or destroyed by the activity of another service authority, e.g. Electricity, Gas, - reinstatement will be subject to negotiation between the Council and the service authority in consultation with the adjoining property owner.

6.7 Existing Verge Treatments.

- 6.7.1 Any work that has been performed on the verge must fall in line with this policy. It is Council's intention to ensure that existing verge treatments do not pose either a safety or environmental hazard.
- 6.7.2 Where existing verge treatments are identified as safety hazards the Council will request the property owner to carry out remedial works. Where the owner of the property is unable or unwilling to complete remedial works, the Council will complete the work at the owner's cost.
- 6.7.3 Identified hazards or safety issues are to be rectified within 14 days of notification (or as otherwise agreed). This includes tree houses, play equipment or any structure not approved by Council, landscaping that impedes sightlines/pedestrians access, landscaping that has thorns, spear like leaves or plants that are known to be toxic.
- 6.7.4 Where Council identifies that a verge treatment is an environmental hazard e.g. toxic fertilizer, eroding/ washing into the stormwater system, the owner will be given 28 days to rectify the issue.
- 6.7.5 Where Council identifies that a verge treatment requires **immediate attention** whether it relates to a safety or environmental hazard, contact will be made with the property owner to advise them of a timeframe (depending on the seriousness of the hazard) for remedial works to be completed by.

6.8 Stormwater Connections.

- 6.8.1 Stormwater pipes connecting a property to Councils stormwater networks are owned and maintained by the property owner.
- 6.8.2 Council is responsible from the legal point of entry at the point where the water from the property owner's property enters the stormwater main or kerb and gutter). The stormwater mains under and alongside roads, drainage, service pits, lids and grates are the responsibility of Council and are included in scheduled works for ongoing clearance and maintenance throughout the year.
- 6.8.3 Inter-allotment drainage lines are installed within dedicated easements by the developer at the time of construction of the subdivision to facilitate the draining of surface water from lots that are unable to drain to the street.
- 6.8.4 Inter-allotment drainage easements and their maintenance are the responsibility of the respective beneficiaries. Council is not responsible for the maintenance and control of these inter-allotment drainage systems unless listed as a benefiting authority on the Section 88B Instrument.
- 6.8.5 Council's Infrastructure Section can provide residents and property owners with copies of Councils drainage systems through the Council area, so that maintenance responsibilities can be identified.
- 6.8.6 If a blockage occurs in a private stormwater pipe due to inappropriate material put down the drains, sections of pipes collapsing, tree root invasion, ground subsidence, debris or siltation the property owner is responsible for engaging a qualified plumber to undertake work associated with the cleaning of the blockage.

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6.8.7 If the plumber identifies any problem in the drain which is the responsibility of the Council (which may include an inability to clear a blockage using normal jetting/rodding equipment and without excavating the section of drain), he/she is to immediately notify Council that their section of drain may require either maintenance or replacement.

6.9 Footpath Interfaces (Boundary).

6.9.1 Council owns and is responsible for maintenance of the footpath network. However, where the footpath connects to or passes through a private driveway crossing, the property owner is responsible to maintain their driveway, the transverse joints (i.e. crosswise) and/or the longitudinal (i.e. lengthwise) interfaces between the footpath and the driveway to ensure it is free from trip hazards.

6.9.2 If the trip hazard has been created due to a fault in Council's footpath, Council will undertake the repairs at Council's cost.

6.9.3 All private repair works are to be completed by Council or one of Council's approved contractors (see council's website for approved contractors list as per link below).
<https://www.qprc.nsw.gov.au/Building-Development/Building-and-Development-forms-and-checklists#section-8>

6.10 Damage to Council Property.

6.10.1 In line with the Roads Act 1993 Section 102, any damage caused to Council property will be repaired by Council and costs recovered from the person/company responsible for causing the damage. Council property includes footpaths, stormwater mains and their pits and lids, kerb and guttering, bollards, signs, road wearing surfaces, sewer mains, water mains, street furniture and bus shelters.

6.11 Tree & Tree Root Damage.

6.11.1 Where it is believed that public trees or tree roots are damaging or have the potential to cause damage to private property, the onus is on the property owner to make contact with Council. Council will then decide on the appropriate action concerning the public tree/roots.

6.11.2 As outlined in the Civil Liabilities Act 2002, Council will only consider claims where it can be shown that the property owner has previously notified the Council that a public tree was impacting on their private property and Council can be shown to have failed to take the appropriate action.

6.12 Street Lighting.

6.12.1 Where overhead powerlines exist it is the responsibility of the electricity provider to check and maintain clearance zones around street lighting.

6.12.2 Where underground powerlines exist it is the responsibility of Council to check and maintain clearance zones around street lighting.

6.13 Reinstatement works.

6.13.1 Council will only replace the segments of pavement that have been removed for the purpose of repairing, replacing or maintaining Council property. Council will not replace whole areas of pavement to maintain uniformity of appearance, colour, patterning or other visible ornamental features.

6.13.2 Property owners who choose to landscape outside the property boundary run the risk of these features being removed when Council undertakes utility maintenance or operational functions.

6.13.3 Council will not replace landscape features, rocks, retaining walls, heavy garden edging or any Council approved irrigation systems installed outside the property boundary. The property owner must bear the cost and responsibility for all permissible reinstatement of landscape features outside the property boundary.

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6.13.4 Council will, to the best of its ability work with the property owner to minimise the disturbance made to the area.

7. REVIEW

7.1 This policy is a local policy and accordingly will be **reviewed or confirmed within the first 12 months** after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. **[Note:** automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

7.2 This policy may be reviewed and updated as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.