

<b>Responsible Directorate</b>	<b>Planning and Development</b>
<b>Responsible Business Unit/s</b>	<b>Development Services</b>
<b>Responsible Officer</b>	<b>Manager Development Services</b>
<b>Affected Business Unit/s</b>	<b>Facilities, Projects and Assets</b> <b>City Planning</b> <b>Engineering Design</b> <b>Parks and Sustainability</b>

## Objective

The objective of this policy is to ensure road verges are landscaped and maintained using the following principles:

- Establishes and promotes high quality streetscapes as a reflection of the City’s local character and to foster a sense of community pride.
- Highlights the obligations and responsibilities of the City and the community in relation to the maintenance of verges.
- Encourages water infiltration on site.
- Ensures that an area on the verge is available for pedestrian use and to accommodate utilities and City activities adjacent to the roadway.
- Ensures that verges provide an open space with open view lines for vehicle traffic and cyclists at intersections and curves.
- Encourages the use of local native plant species, drought-tolerant exotic species and water-wise garden design.
- Complements the City of Stirling Street and Reserve Tree Policy as a means to enhance the aesthetic and environmental qualities of the City and retain existing street trees.
- Minimises risk of harm to the community.

## Scope

This policy applies to a person considering a modification to the road verge which abuts their property and is vested under the management, care and control of the City of Stirling.

## Policy

### Introduction

A verge is the area of land located between a street kerb line and the boundary of an adjoining property.

Verges in the urban environment play a significant role in:

- Accommodating overhead and underground utilities (power, water, gas and communications).
- Providing delineation between the road and footpath to allow a refuge for pedestrian access and an interface for the exchange of goods and services to commercial and private properties.
- Establishing an area for street trees, lawns and gardens and to ‘soften’ hard landscape features.

- Reducing the effects of dust and pollution, storm water runoff and heat storage associated with hard pavements.
- Providing habitat linkages between streets and open spaces.
- Providing space for community expression and neighbourhood interaction.

It is accepted practice for property owners to maintain the verge adjoining their property with the exception of the street tree, which is maintained by the City.

## **Verge Treatments**

It is a requirement under the *Local Government Act 1995* that permission is sought from a local government before any private works are undertaken on a public thoroughfare or local government land. However, the City permits the planting or installation of lawn, plants and/or organic mulch on the verge without prior approval.

Materials which require prior approval include paving, synthetic turf and in-situ concrete. A City of Stirling Verge Treatment Application Form must be submitted and approved in writing before any modification using these materials commences.

Verge treatment approvals remain valid for a period of two years from the date of issue. If installation of the verge treatment has not been commenced by this time a new application must be submitted to the City for consideration.

A formal planning approval is required for those properties within Heritage Protection Control Areas. Hardstand materials are strictly prohibited in these areas.

When undertaking any modification on a verge area adjoining a property, the property owner must ensure these works comply with *City of Stirling Thoroughfares and Public Places Local Law 2009*, this policy and the City of Stirling Verge Treatment Guidelines and Specifications.

The City prescribes materials which are acceptable and unacceptable as verge treatments.

## **Acceptable Materials**

The following materials are considered acceptable materials within verge treatments. All materials must be installed according to the City of Stirling Verge Treatment Guidelines and Specifications.

## **Planting on verges**

A planted and mulched verge provides a soft, visually pleasing alternative to a grassed verge. This treatment involves the use of the verge as a garden bed with the area being planted with low growing native plants, and the use of organic mulch as ground cover.

The following conditions relate to planted verges:

- Hazardous, spiky or poisonous plants are not permitted to be planted on verges.
- Where there is no footpath, plants other than lawn or a native plant equivalent, must be planted at least 2 m away from the kerb to allow for safe access by pedestrians.
- The footpath, where one is present, must be kept clear of plants at all times.
- Plants must be maintained at a height below 750 mm.

The City of Stirling Verge Treatment Guidelines contains a list of plants which are suitable for planting on a verge.

## **Edible Gardens**

Herbs, small vegetables and fruits are permitted to be planted on the verge provided that:

- They are not grown in garden beds which are held by built structures.
- They are harvested regularly to ensure that they do not pose a tripping or line of sight hazard.
- Wooden stakes may be used to support plants provided that they are placed at least 2 m from the kerb and do not pose a safety hazard.

## **Organic Mulch**

Prior permission is not required to place organic mulch on the verge.

## **Grassed verges**

Where a verge is planted with grass, the City encourages the use of grass types which are drought-tolerant and have lower fertiliser requirements. These types of grass generally require less mowing, weeding and maintenance by property owners. Lawns which are regularly top-dressed should not be allowed to increase in height and must remain flush with the kerb.

## **Hardstand Verge Treatments**

Only one-third of a verge area, excluding the crossover and footpath, may be treated with a hardstand verge treatment. Hardstand verge treatments include synthetic turf, paving and in-situ concrete. The one-third area may be a combination of one or more these materials:

- Hardstand verge treatments are explicitly not permitted in City of Stirling Heritage Protection Areas.
- In general, hardstand verge treatments may only be applied to a maximum one-third of the verge area excluding the crossover and footpath. See the extenuating circumstances criteria.
- Hardstand treatments must be installed a minimum distance of 2 m away from a street tree.
- Crossovers must be delineated from hardstand treatments.

## **Synthetic turf**

Any application for the use of synthetic turf must adhere to the following criteria:

- Synthetic turf must be maintained in a neat, level and weed free condition.
- Synthetic turf is not to be used as a parking treatment.

## **Paving**

Paving must be finished in a manner that provides a visible contrast to existing paths, crossovers and the road surface for public safety and parking control purposes.

## **In-situ Concrete**

- In-situ concrete may be installed on the verge as a hardstand treatment provided that it is consistent with the crossover construction and has a non-slip finish.
- In-situ concrete may be used for garden bed edging which is flush with the natural level of the verge.
- The City's footpath will cross through privately installed crossovers or paths.
- The City will not reinstate in-situ concrete hardstand verge treatments where they sustain damage by either street trees or public works.

## **Non-Permissible Verge Treatments**

The following materials are not permitted to be placed on the verge area:

- Hard landscaping elements such as rocks, pebbles, gravel, crushed bricks, raised kerbing, timber, raised garden beds and retaining walls.
- Soft landscaping elements such as saw dust and crumbed rubber.
- Private infrastructure such as letter boxes, water meters, and electrical wiring.

## **Installing a Verge Treatment**

Acceptable and approved materials must be installed and maintained so that they are flush with any existing crossover, kerb, or other services or infrastructure such as, but not limited to, manholes or service covers.

Removal or replacement of City assets such as kerbing and footpaths to accommodate proposed verge treatments is explicitly prohibited.

Verge treatments must be designed to prevent stormwater entering adjoining properties and minimise stormwater impact on the road by providing a 2% cross-fall off the verge towards the roadway or towards an existing street tree and/or garden bed. Installations that increase the absorption of rainwater runoff and assist infiltration of water into the soil are encouraged.

The existing level of the verge must be continuous to the same level of the neighbouring verge. No retaining is permitted.

Where a verge area consists of more than one street frontage, only up to one-third of each frontage may be treated with a hardstand verge treatment.

Where verge areas are less than 10 m<sup>2</sup> and/or verge widths less than 1.5 m, they may be fully treated with hardstand materials provided that prior written permission is granted.

## **Reticulation**

Drip lines, sprinklers and reticulation may be installed in a verge, providing any sprinklers or pipes installed to irrigate the verge treatment comply with the following:

- Are installed between 150 and 300 mm below the surface.
- Sprinklers should be installed and directed away from a footpath or road.
- Do not protrude above the level of the verge when not in use.
- Control boxes must be installed within the property boundary.
- Are not to be used at times that cause unreasonable inconvenience to pedestrians or the public.
- Do not otherwise present a hazard to pedestrians or the public.

## **Excavation for the purposes of installing verge treatment**

Property owners and contractors are responsible to contact 'Dial-Before-You-Dig' on 1100 to confirm the location of any underground services prior to all works being carried out.

Work should be staged to ensure that hazards, such as unattended open trenches, are not created during the installation of the treatment.

Should any damage occur to existing underground services and infrastructure as a result of any landscaping works, the property owner is responsible for repairing all damage and notifying the utility provider of any damage occurred.

## **Verge Maintenance**

The City relies to a large degree on its residents to maintain the streetscape through the mowing and minor maintenance of road verges adjacent to their properties.

Following the installation of any approved verge modification, the property owner will be responsible for all maintenance works such as weeding, mulching, edging, mowing and repairing the verge treatment.

Verges must be kept in a well maintained and safe condition by the resident at all times by:

- Ensuring that plants are pruned so that they do not protrude onto pathways, driveways or over the kerb;
- Keeping the verge free of weeds and rubbish, any tripping hazards and any protruding objects.

## **Mowing**

The City will undertake the mowing of vegetated road verges in areas including:

- Community facilities (e.g. leisure centres, public swimming pools, neighbourhood centres, libraries and works depots).
- Open space recreational areas, parks and reserves.
- Areas located along key transport corridors and entry vistas.

The City will not mow vegetated road verges and verges fronting private properties, commercial properties or properties owned by government authorities, except in cases where the property owner/s has made an application under the City's extenuating circumstances criteria.

## **Reinstatement of Verge Treatments**

It is important to note that the City and utility service authorities such as water, gas, electricity, fire services and telecommunications have access rights to the road reserve and may be required to excavate the verge periodically.

In general, property owners who have modified the verge area will not be compensated for any loss of vegetation or landscaping items as a result of these works.

## **Extenuating Circumstances Criteria**

The following criteria are considered in assessing the eligibility of a property owner/resident for exemptions under this policy:

- Access to the property is restricted or inhibited.
- The applicant must be the sole resident of the property and have a disability or medical condition making it impractical for that person to maintain their verge area. The City must be provided with evidence, such as a doctor's letter, of the disability or medical condition.

## **Street Trees**

The Verge Treatment Policy complements the objectives of the City's Street and Reserve Tree Policy and Million Trees Initiative and seeks to ensure the health and retention of existing street trees and promote the planting of new trees.

The City is responsible for the planting, maintenance and removal of all street trees in accordance with the City of Stirling Street and Reserve Tree Policy.

All verge treatments containing hardstand materials are required to include at least one street tree unless there are serious mitigating circumstances as determined by the City.

A tree protection zone should be established around existing street trees during the installation of the verge treatment.

Hardstand materials may not be installed closer than 2 m from a street tree or interfere with a street tree in any way.

## Parking

Formal parking bays on the verge must be constructed according to the City's specifications and to the satisfaction of the Manager Engineering Design.

The City may, from time to time, determine that the demand for parking in an area requires the verge to be converted to a formal parking facility to meet public parking demand. Where the verge has been converted for public parking, the property owner of the adjacent premises has no special right to park or give permission for anyone else to park their vehicle on the verge.

All vehicles parked within a controlled verge must comply with any parking conditions that apply.

## Variation to the Policy

A variation to this policy will be assessed against the objectives of this policy where adequate justification is provided and the intent of the policy is deemed to have been met.

## Non-compliance

Non-compliance with this policy will result in enforcement action in accordance with the provisions of the *Local Government Act 1995*.

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## Definitions

**Acceptable Materials** is defined under Clause 2.7(2)(c) of the *City of Stirling Thoroughfares and Public Places Local Law Local Law 2009*

**Boundary** means the dimensions of the property shown on the Survey Plan.

**Concrete** means a poured binding material e.g. in-situ concrete, liquid limestone washed aggregate and the like.

**Crossover** means the connecting driveway between the kerb line and the boundary of the property.

**Heritage Protection Area Special Control Area** means land delineated and defined by the *City of Stirling Local Planning Scheme No 3 Scheme*.

**Variation** means a modification or addition to the proposed verge treatment that meets the objectives of this policy.

**Modification** means any improvement, addition or alteration to the verge from its natural state.

**Non-residential Zone** means as defined in accordance with the City's *Local Planning Scheme 3* – to include zones which have a Business District Centre, Hotel, Industry, Local Centre, Regional Centre and Service Stations.

**Path** means a bicycle path, footpath, separated footpath and shared path as defined in the *Road Traffic Code 2000*.

**Paver** means clay or concrete standard size brick paving as specified in the City of Stirling Verge Treatment Specifications.

**Person** excludes an employee, contractor or agent of the City.

**Property Owner** means the owner or authorised occupier of a property that the verge treatment abuts and includes a builder, an agent or a contractor authorised by the owner of the property to install a verge treatment.

**Road Reserve** means the portion of land between abutting property boundaries, specifically gazetted for the provision of public right of way. It includes the road carriageway, as well as footpaths, crossovers, verges and public utilities infrastructure and the like.

**Street Tree** means a tree planted in the road reserve that has been identified by the City as an asset.

**Verge** means the portion of land between the road kerb line and the property boundary line and includes the side boundary of a lot to the adjoining lot.

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## Relevant management practices/documents

Crossover Policy

Street and Reserve Tree Policy

Sustainability Policy

City of Stirling Verge Areas and Protection of City Property during Building Works - Permits to Use Form

City of Stirling Verge Treatment Guidelines

City of Stirling Verge Treatment Specifications

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## Legislation/local law requirements

*Local Government Act 1995 (s3.37 – 3.39)*

*Local Government (Uniform Local Provisions) Regulations 1996 (r5, 6, 7 and 17)*

*City of Stirling Thoroughfares and Public Places Local Law 2009*

### Office use only

<b>Relevant delegations</b>	Not applicable			
<b>Initial Council adoption</b>	<b>Date</b>	1 September 2015	<b>Resolution #</b>	0915/009
<b>Last reviewed</b>	<b>Date</b>	26 May 2020	<b>Resolution #</b>	0520/027
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