

## Road Verge Improvements & Maintenance Policy

**Policy Number:** POL16/157 • **Adopted:** 15/03/2016 • **Reaffirmed:** 21/03/2017 • **Minute Number:** MIN16.204, MIN17.204 • **File:** 16716E • **Produced By:** Assets & Works Group • **Review Date:** 1/12/2020

### 1. PURPOSE

This policy outlines Shoalhaven City Council's (Council) scope of activities in the road verge and clarifies the property owner's requirements regarding improvements and maintenance of this public land.

Residents are encouraged to maintain the verge area, directly in front of their property, to contribute to their community's amenity. In most instances, this will include mowing of lawn grass and their driveway crossing.

Council will only undertake works on the verge to ensure public safety, make capital improvements (e.g. install pathway) or undertake maintenance of the Council drainage system (excluding roof water lines) and road shoulder.

### 2. STATEMENT

The verge or nature strip is the area of public land between the property boundary and the back of kerb or edge of road.

Council recognises that the primary purpose of the verge is for use by pedestrians and accommodate utility services (e.g. water, sewer & telecommunications). Traditionally, the maintenance of the verge is a shared responsibility between Council and it's residents. This allows Council to maximise the use of its resources on public lands that are enjoyed by all members of the community.

This policy incorporates Council's powers under Sections 98, 138 & 218 of the Roads Act and applies to all road reserves of which Council is the Road Authority, as defined by the Act, or has care and control.

### 3. PROVISIONS

#### 3.1. Verge Improvements

- For driveways, landscaping or any works in the road reserve in front of their property and side (for corner allotments), property owners must seek Council approval by submitting an *Application for Consent for Works & Structures in/on a public road*. Further details and the application form are available on Council's website.

- These works are known as *Verge Improvements* and are provided at the full cost of the property owner.
- Council approval is not required for placement / growing of lawn grasses or minor maintenance activities, such as mowing.
- Verge Improvements in the verge must:
  - not obstruct the use of the verge by pedestrians. An area for pedestrians, min 1.5m wide of flat grass or compacted material must be provided;
  - not include vegetation or structures that limit the safe sight distances for drivers using the road or drivers entering / exiting properties. Generally, up to 2 appropriate street trees will be supported for planting in the road verge ;
  - be constructed in accordance with approved plans and specifications;
  - not impede the flow of stormwater drainage;
  - use vegetation (grass, shrubs & trees) that are appropriate for the location. Vegetation selection considerations include the impact on (short term and long term) infrastructure and pedestrian safety. A list of appropriate street trees is available on Council's website.
  - consider the presence of underground services and any development that may be damaged by works associated by those services.
- Property owners are responsible for the construction and maintenance of a driveway crossing from the kerb and gutter, including the construction of the layback or road shoulder to their property boundary.
- The construction of the crossing must be in accordance with Council standard drawings (available on Council's website) or otherwise approved by Council.

### **3.2. Scope of Councils Maintenance Activities**

- Council maintains the road formation, being the road pavement to the kerb and gutter, the kerb and gutter, drainage structures, pathways and ancillary structures (e.g regulatory signage);
- On roads where there is no kerb and gutter, Council maintenance includes the road shoulder and road side open drains (swale drains). The shoulder is the nominal 0.5m to 1.0m wide section of road adjoining the travel lanes. It may be bitumen sealed or unsealed (exposed gravel) or grassed.
- Maintenance of the swales will be undertaken as needed to maintain the flow of stormwater. Culverts installed in the swales by property owners as part of their driveway crossing are not maintained by Council. Council may clear debris from the culverts to improve the flow of drainage.
- Council may undertake mowing of verges in rural areas to limit the encroachment of vegetation.

- Council does not construct or maintain driveway crossings.
- Trees that are located on the verge are maintained by Council - refer to Council's Tree Management Policy.

### **3.3. Property Owners Responsibilities**

- Property owners must seek approval from Council for any works on the verge, except as stated in Section 3.1 of this policy.
- Each property owner shall maintain the verge at the front and the side (for corner allotments) which in most instances will include mowing and edging of grass, but also include other improvements installed by the property owner and the lawful disposal of any rubbish.
- Property owners must maintain the verge, including the driveway crossing in a safe condition so not to impact the safe use of the verge by other road users and not impede the flow of stormwater.
- Repair and maintenance of their fences that are damaged by road side tree falls.

### **3.4. Verge Reinstatement**

Where a verge improvement (that is provided by the property owner) is damaged by a Service Authority, the property owner must negotiate with the Service Authority about rectification works.

Where Council's activities impact the verge, Council will reinstate the verge to the same standard that existed prior to the commencement of work. Reinstatement of any verge improvement only applies to improvements that were approved by Council.

### **3.5. Un-satisfactory works in the Verge**

- Where Council assesses vegetation, works or structures in the verge are impacting the safe and proper use of the verge, Council will request the property owner to take action to remedy the issue. Issues may include, but not limited to:
  - Overgrown vegetation or landscape (approved or not) that is impacting the driver sight lines, delineation of the road edge and / or pedestrian movements.
  - Driveways, including pipe culverts that block or impede the flow of stormwater.
- Council will, in accordance with Road Act (Section 98) instruct the property owner to alter any works in the road reserve within 28 days. Council may alter the works if there is no action by the owner, at no cost to the owner.
- Council may, under the Roads Act (Section 218), instruct a property owner to construct, improve or repair a driveway crossing in the verge. Council may undertake this works and seek to recover the cost from the property owner.
- Where material (e.g. gravel, sand) is washed or blown onto the road or pathway from a property access, Council may, in accordance with Section 95 of the Roads Act, issue a direction to the owner to remove the material and prevent it recurrence.

#### **4. REVIEW**

This policy shall be reviewed:

- Within 12 months of the date of the election of a new Council; or
- Every 4 years; or
- As directed by Council; or
- A change occurs to legislation that affects the policy.

#### **5. APPLICATION OF ESD PRINCIPLES**

To ensure consistency with Council's economic, social and environmental objectives due consideration shall be given to the communities best interest.