

VERGE DEVELOPMENT GUIDELINES



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01

GENERAL

In the management of the road verge both Council and the adjoining property owner/resident have obligations that must be complied with under the Local Government Act 1999. Many property owners prefer to manage the Council owned verge in front of their residence to a different standard than that provided by the City of Marion. Primarily this is undertaken to enhance the visual appeal of the property. Verge developments in the City of Marion are authorised according to these guidelines and written authorisation. The Verge Guidelines outline Council's obligations and assist residents in meeting their responsibilities.

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VISION

The vision for streetscapes in the City of Marion is set out in the Streetscapes Policy and Streetscape Guidelines. The Verge Procedure details the process used by Council to manage verge development. The Verge Development Guidelines detail the technical information used by Council to assess verge developments and provide authorisations for verges that fall outside of major streetscape upgrades.



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DEVELOPMENT

Section 221 of the Local Government Act 1999 requires that all private development on the verge has prior Council authorisation. Property owners may develop their verges, provided the type or form of development maintains the following;

- › Pedestrian access along the verge is always maintained, regardless of whether a footpath has been constructed or not. A clear area from the kerb must be provided for the safe and convenient access and egress to legally parked vehicles and positioning of Council approved bins. This should be extended to 1.5 metres where no footpath exists. The surface should be smooth with no tripping hazards and should take heed of environmental issues such as minimising surface run off.
- › Adequate sight distance is made available to and from vehicles and pedestrians. It must not obstruct street lighting, driveways or signs.
- › To utilise and install only agreed landscaping supplies avoiding the use of rocks (large or loose of any size), constructed walls or any material or construction method that may pose a threat to other users of the area.
- › Provision is made for Council Street Tree(s) as per the City of Marion Tree Management Framework.
- › To confine property access and development to the area fronting their property.
- › To avoid interruption to safe pedestrian movement by the construction of any driveway or other crossover not in accordance with Council's driveway crossover standards
- › Connect and maintain their storm water outfall pipes to the kerb to approved Council standards.
- › Accept that where a property owner develops the verge, the responsibility for ongoing maintenance rests with the property owner. The development may be removed and associated removal costs recovered by Council where adequate maintenance is not carried out.
- › Any mechanical excavation work must be carried out by a suitably experienced and insured contractor.
- › Excavation: the verge should not be excavated more than 100mm below the top of the kerb and footpath level. Excavation within the tree canopy area (tree protection zone) should be done in a manner not to damage or cut any tree roots. All care must be taken to maintain the vial root system of Council street trees in the verge.
- › Does not modify or damage Council infrastructure and assets including trees and tree roots, footpath and kerbing.

NOTE: Council authorisation must be granted prior to commencement of works.

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WHO MAINTAINS THE VERGE

Traditionally the management of verges has been seen as a shared responsibility between Council and residents. Under the Local Government Act 1999, the City of Marion is responsible for maintaining roads including the verge. Section 221 of the Act allows Council to authorise the installation of structures on roads which includes plantings. This allows the City of Marion to determine the conditions under which the authorisation is granted including maintenance responsibility and an ability to charge for removal of structures and plantings if not maintained.

For undeveloped verges, Council supplies a basic service of weed control and will ensure the verge surface is even and free of potholes and depressions or mounds that may present a trip hazard to pedestrians.

A no-spray register is maintained for those residents who choose not to have the verge sprayed and are willing to keep the area weed free themselves.

Street trees planted by Council will be pruned to ensure they do not impede street lights and signs and as required by maintenance standards.



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VERGE TREATMENTS

The following verge treatments are **PERMITTED**

LAWN	Property owners may establish lawn on their verge provided it is level with the kerb and footpath and is maintained.
LOW PLANTS (MAX HEIGHT 900mm)	Council supports plantings (shrubs) of species that are drought tolerant. They must be able to be maintained under a height of 900mm.
MULCH	Organic mulches that do not contain sharp or otherwise dangerous materials and are permeable to water.
RAISED GARDEN BEDS/PLANTER BOXES/WICKING BEDS	Raised garden beds are permitted where: <ul style="list-style-type: none"> the distance from the kerb to the side of the raised bed is at least 1m, and 1.5m is maintained for footpath/pedestrian clearance.
SURFACE TREATMENTS	Surface treatment are permitted provided it is either granulitic sand or gravel of a sandstone colour.

The following verge treatments are **NOT PERMITTED**

ARTIFICIAL TURF	Artificial turf is not permitted.
CONCRETE/PAVERS	No concrete or pavers are acceptable except for driveway crossovers (for which approval is required) and footpaths installed by Council.
PLANTS WITH SPINES OR THORNS	Plants with spines, thorns, sharp cutting edges or that pose a danger to residents and pedestrians are not permitted in the verge area. Plants declared under regulation by the Minister of Environment under the Landscape South Australia Act 2019 are not permitted.
SOLID CONSTRUCTION	Materials such as scoria, moss rocks, structured walls or edging or the use of retaining sleepers are not permitted. Any item considered unsafe or inconvenient to the passage of pedestrians such as brick letterboxes or driveways with a different level to the footpath are not permitted.
WATER IMPERMEABLE MEMBRANES	Water impermeable membranes such as black plastic and weed mat are not permitted (wicking beds excluded).

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VERGE GARDEN GUIDELINES

Verge gardening can provide the following benefits:

- › Enhance the aesthetic value of the streetscape as a whole and individual properties.
- › Improve soil moisture, absorb rainwater, reflect heat and add to the cooling of the City.
- › Benefit the health of street trees and support local wildlife such as birds, bees, butterflies and other insects.
- › Contribute to food security.
- › Encourage residents to walk in their neighbourhood, and increase social connection between residents of the area.

VERGE GARDEN CONSIDERATIONS

When deciding on landscaping your verge, please consider:

- › Soil on public land may be contaminated with heavy metals due to decades of leaded petrol vehicles being used nearby. For this reason, you must get the soil tested if you plan to include edible plants in your verge garden. The VegeSafe project at Macquarie University can test five soil samples for a small donation. Please see: www.360dustanalysis.com
- › To reduce the risks of heavy metal contamination, avoid planting leafy or root vegetables directly in the ground. Wash your produce thoroughly before you eat it. Add plenty of organic matter and mulch to the soil. If tests show high levels of lead or other heavy metals, edibles must be grown in raised beds.
- › You are responsible for maintaining your garden and keeping it safe, clean, healthy and attractive. Consider who will look after the garden and how watering, pruning and harvesting will be managed. This may effect your plant choices.
- › Although unlikely, gardens may attract complaints from neighbours. The wellbeing and social connection benefits however are considered to outweigh any unfavourable comments, particularly if verge landscaping complies with the City of Marion guidelines.

When deciding on landscaping your verge, please consider:

- › The City of Marion cannot take responsibility for any damage to gardens or their contents.
- › Groups that are interested in starting a community garden on Council land must undertake a separate application process. Interested groups are encouraged to contact Council's Community Gardens Coordinator in the first instance.

DESIGN AND PLANT SELECTIONS

Take the time to research and plan your verge design and plant choices, please consider:

- › Site analysis including sun, shade, wind, site orientation, existing soil type.
- › The location of existing street trees, ensuring no negative impact on the growth or root system of the tree.
- › Aesthetics, including colours, textures and heights. Consider grouping small numbers of the same species together to add impact.
- › Use native or water-wise plants where possible, and consider hardy and long lived species.
- › Mulch is encouraged to retain soil moisture.
- › Perennial herbs are particularly suitable for edible verge gardens. Indigenous edible plants such as muntries, dwarf lilly pilly and saltbush are also good choices.
- › Plants with the capacity to withstand occasional pedestrian traffic.
- › The mature size of plants in relation to kerbs, footpaths and other infrastructure.
- › Plants must be maintained under a height of 900mm.
- › Green Adelaide has excellent planting guides. Search online for [Adelaide Gardens - A Planting Guide](#) or [Coastal Gardens – A Planting Guide](#) to find them.

NOT PERMITTED FOR VERGE GARDENS

The following is not permitted:

- › Run-off of materials such as water, soil, mulch or debris that spill onto the footpath, road or into drains.
- › Stakes, guide wires, lattice or other supporting structures.
- › Plant species that are prickly, poisonous, spiky, sharp, have invasive root systems, or cause common allergic reactions.
- › Weeds of national significance, declared plants or alert weed species are not permitted (refer to Green Adelaide).
- › Materials must not be stockpiled on the verge.

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WHAT SERVICE COUNCIL PROVIDES FOR VERGES

The City of Marion operates a city wide weed control service for verges. Spraying is undertaken three to four times per year. A no-spray register is maintained for those residents who choose not to have the verge sprayed and are willing to maintain the areas themselves.

Council will treat any verges where declared plants have been identified regardless of a listing on the no-spray register.

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FOOTPATH CONSTRUCTION

Council's intent is to provide a footpath on at least one side of every residential street. Paths will be constructed progressively year by year in order of priority and funding availability.

The entire footpath network is being developed in stages, which is in line with Council's annual budget allocation. Footpaths to be installed are then prioritised by taking into consideration such issues as proximity to pedestrian generators (e.g. schools, shopping centres, bus routes and retirement villages), identified pedestrian traffic and the status of the road within the network. Installed footpaths will generally be constructed 0.6 metres from the kerb.



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IRRIGATION

Property owners may be authorised to install irrigation systems which could include pop-up sprinklers or below ground drippers and soaker hoses. Installation of irrigation systems must not damage or remove council infrastructure including footpaths or kerb. The system must be designed so as not to drift outside the verge and onto the footpath to ensure safe access for pedestrians. Pipes must be laid and kept beneath the surface of the verge, not deeper than 300mm and not less than 150mm. All solenoid valves must be located within the resident's property and not on the verge and there must be provision of a master valve to isolate the water supply from the system.

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CROSSING PLACE

In accordance with the provisions of Section 218 of the Local Government Act 1999, Council may, by order in writing to the owner of the adjoining property, require the owner to carry out specified work to construct, remove or repair a crossing place over the verge from the kerb (or edge of roadway) to the property boundary.

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DISABILITY DISCRIMINATION ACT OBJECTION

If the development of a verge is considered to be contrary to the provisions of the Disability Inclusion Act 2018 concerning access, it will be removed at the cost of the property owner.

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ADOPT A VERGE

Where a property owner chooses not to, or is unable, to maintain the verge adjoining their property, Council will support an approach by a neighbour who wishes to 'adopt' the verge. Any authorisation will be subject to written approval from the adjoining property owner.

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EXTENT OF LIABILITY

As per the Local Government Act Section 221, the City of Marion is not liable for injury, damage or loss resulting from anything done under an authorised verge development.
Any cost incurred by the Council in reinstating the road, footpath works as a result of work done under this authorisation that must be made good by Council will be charged to the owner, pursuant to Section 213 of the Local Government Act 1999.

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OTHER CITY OF MARION POLICIES OR PROCEDURES

- › Streetscape Policy
- › Permit for Crossovers
- › Tree Management Framework
- › Verge Procedure

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APPLICATION PROCESS & IMPORTANT INFORMATION

- › Read through the Verge Development Guidelines.
- › Complete the Verge Development Application Form, including a sketch plan of the proposed development.
- › Applications may only be submitted by property owners or tenants. Tenants wishing to develop the verge are to consult and gain approval from the property owner.
- › The application will be assessed taking into account the suitability and safety of the community.
- › Applications are considered on a case by case basis, with regards to the overall streetscape.
- › Council will authorise successful applicants in writing, detailing any alterations that may be required. The documentation will be recorded for future reference.
- › Once the works are undertaken, the maintenance of the verge will be the sole responsibility of the property owner.
- › If the condition of the verge is altered in any way, other than the authorised development, Council must be notified immediately.
- › If excavating, accurate services location should be utilised prior to making an application and commencing works. Service information can be obtained from Dial before you Dig on 1100 or www.1100.com.au.
- › Damage to public utilities and infrastructure shall be reported to the relevant service authority as soon as possible, and will be the responsibility of the property owner.
- › Please note Council has full discretion on all approvals.



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DEFINITIONS

Definitions for the purpose of this guideline are:

AUTHORISATION	An authorisation granted by Council to undertake a development on a verge under section 221 of the Local Government Act.
COMMUNITY GARDEN	A community garden is a dedicated area of public land used for horticultural activities including growing edible plants and other plants for the benefit of the wider community. Community gardens located on Council land and are managed by an incorporated community group or organisation.
DECLARED PLANTS	Species of plants declared by regulation of the Minister under the Landscape South Australia Act 2019.
DRIVEWAY CROSSOVER	The section of the driveway located between the driveway invert/kerb and the front property boundary.
FOOTPATH	The made area of pathway that exists in the verge that enables the safe and efficient movement of pedestrians.
VERGE	A verge is the area between the kerb or the made road and the property boundary.
VERGE DEVELOPMENT	Where a resident seeks to place a structure as defined in section 221 of the Local Government Act into a verge for the purposes of increased visual amenity or function.
VERGE GARDEN	A garden located on the verge that is managed by one or more adjacent households. Verge gardens may include edible or non-edible plants.