

VERGE GARDENS POLICY

April 2024

PREPARED BY:
TRAFFIC AND PUBLIC DOMAIN SERVICES



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SUTHERLAND SHIRE

1. PURPOSE

The purpose of the Verge Garden Policy is to support Council's vision for a vibrant community by providing standards and a framework under which Council will issue approvals for verge gardens that are created, installed and maintained by the resident.

Sutherland Shire Council encourages planting in the nature strip to create vibrant local communities, enhance the amenity of public spaces and promote social activity. The introduction of verge planting needs to be balanced against the need for pedestrian access, safety, utility services, public infrastructure, garbage collection and kerb-side parking. This policy outlines considerations and requirements of planting within the nature strip to ensure a well-managed footway that is amenable and attractive to all visitors.

2. APPLICATION

This policy applies to public space within the Sutherland Shire Council Local Government Area that is the Roadway.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Safe Pedestrian Access

Verge gardens must be designed to facilitate an equitable and safe thoroughfare for all users of the street or public domain.

3.3 Design and Functionality

Verge garden design must facilitate improvement to the local character, street vitality and amenity.

3.4 Sustainable Design

Planting selection should integrate with the natural environment, be sustainable, enduring and resilient.

3.5 Neighbourhood Amenity

Verge gardens must be maintained to avoid endangerment or inconvenience so that residents can continue to enjoy the amenity of their neighbourhood.

3.6 Verge Garden Standards

Residents proposing to establish a verge garden in front of their property are required to comply with the Verge Garden Standards (Schedule B to this Policy). The standards set a criteria that must be met to ensure a well-managed footway that is amenable and attractive to all visitors.

The Verge Garden Standards define Council requirements for; exclusion zones, planning and design considerations, compliant verge gardens, underground utility services, safe gardening, maintenance, and complaints management.

This policy permits residents to plant verge gardens outside their properties on the condition that they;

- a. Meet the requirements of this policy and supporting standards
- b. Submit a completed application and check list to Council.
- c. Maintain the verge garden to ensure ongoing compliance with the Policy and Standards.

4. RESPONSIBILITIES

4.1 Responsible Officer

The Manager Traffic and Public Domain Services is responsible for this policy.

4.2 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this policy.

4.3 Directors

Directors are responsible for ensuring their directorate adheres to the requirements of this policy and provide guidance within their directorate and the organisation. Directors may amend the associated Schedules to this policy.

4.4 Employees

Employees must adhere to the requirements of this policy and operate within its authorities.

4.5 Residents

Residents must adhere to the requirements of this policy and operate within its authorities.

5. POLICY COMPLIANCE

The Manager of Traffic and Public Domain Services will monitor, review and report on the effectiveness of the Policy. Council's Public Safety and Lifeguards unit will enforce compliance with the policy by members of the public.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Planning and Growth, via the Manager of Traffic and Public Domain Services where appropriate.

8. RELATED DOCUMENTS

- Verge Garden Standards 2023 - Schedule B
- Public Domain Strategy and Implementation Plan 2023
- Public Domain Design Manual (PDDM)
- Public Domain Technical Manual (PDTM)
- Council's Compliance and Enforcement Policy
- Council's Asset Management Policy

9. RELEVANT LEGISLATION, REGULATIONS AND STANDARDS

- *Local Government Act 1993, Section 68 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Roads Act 1993 section 138*
- *Crown Land Management Act 2016 (Crown Land)*
- *State Environmental Planning Policy 2008*
- *Environmental Planning and Assessment Act 1979*
- *Australian Standards 2009*

10. DEFINITION OF TERMS

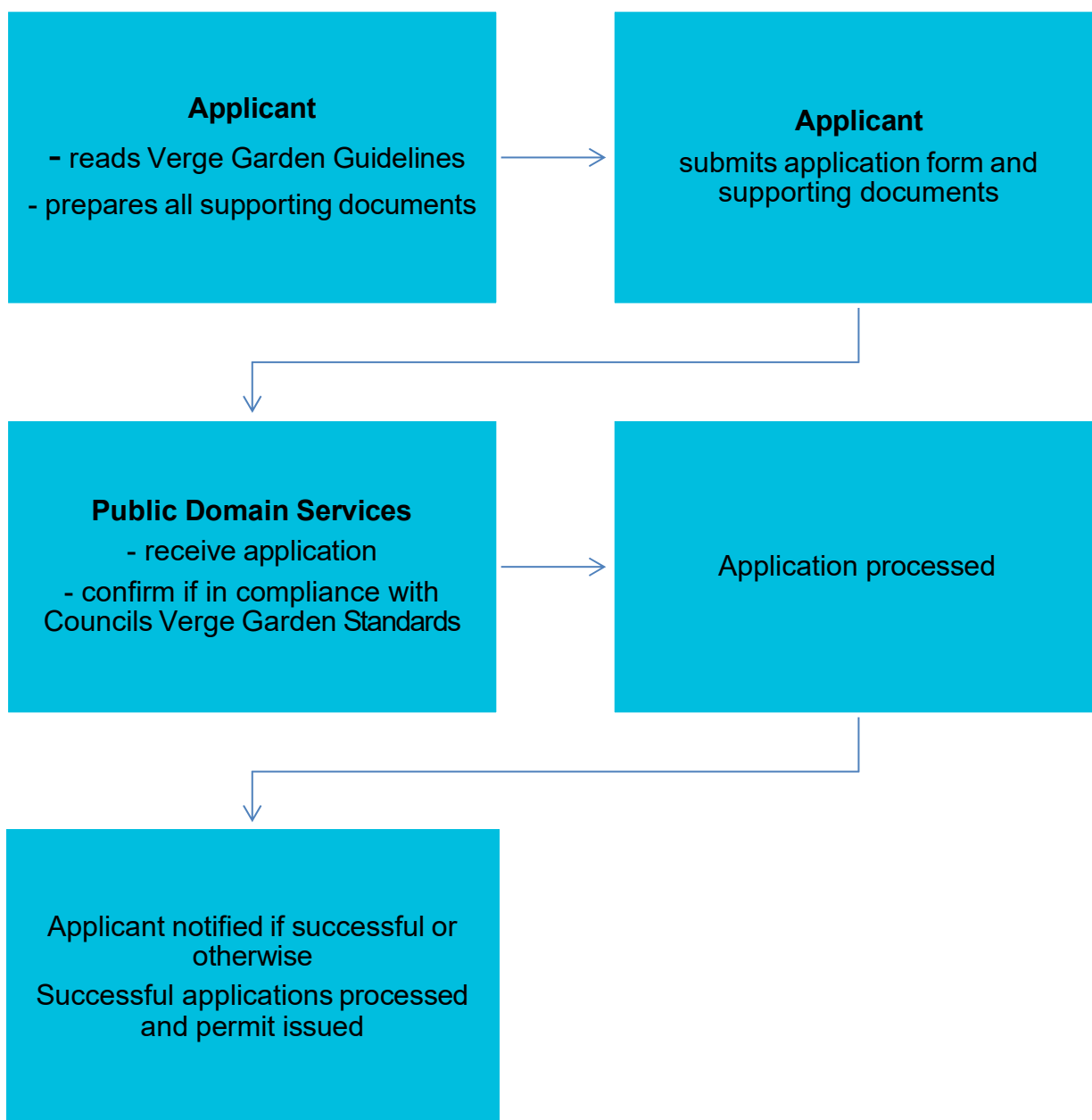
Term	Meaning
Applicant	The resident
Application	An application made under section 68 of the <i>Local Government Act 1993</i> or section 138 of the <i>Roads Act 1993</i> .
Approval	An approval issued under section 68 of the <i>Local Government Act 1993</i> or section 138 of the <i>Roads Act 1993</i> .
Bushland	Any bushland vegetation, including mangroves. Vegetation which is either remnant of the natural vegetation of the land or, if altered, is representative of the structure and the floristics of the natural vegetation and includes trees of any size, shrubs, and all herbaceous species.
Footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.
Nature Strip	Council owned land between the private property boundary and the Road.
Pedestrians	A person who goes or travels on foot; walker.
Permit	A document giving the holder approval for planting in the verge.
Public Road	Public road means: any road that is opened or dedicated as a public road, whether under the <i>Roads Act 1993</i> or any other Act or law, and any road that is declared to be a public road for the purposes of the <i>Roads Act 1993</i> .
Road	Road includes — a. the airspace above the surface of the road, and b. the soil beneath the surface of the road, and c. any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.
State Roads	State Roads are the major arterial links throughout NSW and within major urban areas.
Tree	A single or multi trunked tree with a diameter of 100mm or more measured at 500mm above ground level.
Utility Service	Includes any water, sewerage, drainage, gas, electricity, telephone, telecommunication or other like service
Verge Garden	Plantings on Council land between the private property boundary and the Road.

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SCHEDULE A – Application Workflow



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SCHEDULE B – Verge Garden Standards

1. INTRODUCTION

Sutherland Shire Council encourages planting in the nature strip to create vibrant local communities, enhance the amenity of public spaces and promote social activity. The introduction of verge planting needs to be balanced against the need for pedestrian access, safety, utility services, public infrastructure, garbage collection and kerb-side parking. These standards outline considerations and requirements of planting within the nature strip to ensure a well-managed footway that is amenable and attractive to all visitors.

2. WHAT IS A VERGE GARDEN?

A street verge is the area of public land located between the private property boundary and the road. This area is usually grassed and may contain street trees, footpaths, driveways, street furniture, and other above or below ground infrastructure. It is also commonly referred to as a 'nature strip'.

Verge gardens are plantings on public land situated on the street verge, which are maintained by residents or business operators.

3. WHAT APPROVALS ARE REQUIRED?

Before starting a verge garden, you must receive approval from Council via Roads Act consent. This approval is sought through the completion of a Road Opening Application.

In the Application to Council, a plan or sketch is to be attached showing the proposed verge garden location, dimensions, materials and plant species.

If the verge garden is located on a nature strip adjoining a State Road, the application will be referred to Transport for NSW as part of the assessment process.

4. EXCLUSIONS

4.1 State Roads

Verge gardens are not permitted on State Roads.

4.2 Public land not adjacent to your property

Verge gardens must be installed on an area of public land that has frontage to your property.

4.3 Footpaths

Vegetation is not permitted to overhang existing concrete footpaths.

4.4 Median strips

Verge gardens are not permitted within any median strips.

4.5 Shared zones and cycle ways

A shared zone refers to a street section where pedestrians, bike users and vehicles share the road space. If you would like to install a verge garden within a shared zone, contact Council to discuss your proposal.

4.6 Street corners

Street corners are to be kept clear of verge gardens, ensuring that clear sight lines and pedestrian access to crossings are maintained.

4.7 Bus stops

Verge gardens are not permitted within 15 metres on the approach side of a bus stop and within 5 metres of the departure side.

4.8 Around existing power poles and street trees

Verge gardens are not permitted within 0.5m of a power pole and 0.5m of any existing street tree trunk. Protection of the existing street trees is to be maintained, excavation or disturbance of existing roots is not permitted.

4.9 Proximity to Waterways

To prevent nutrient runoff from fertilisers (organic or otherwise) into waterways and seed drift, verge gardens may not be situated close to or above a creek or waterway.

4.10 Proximity to Bushland

Verge gardens may not be positioned next to adjoining reserves or bushland of high-ecological value, to prevent weed drift.

5. UTILITIES AND AUTHORITIES

The Shire's streets accommodate infrastructure service networks which are essential to urban living—water, drainage, gas, electricity, lighting and telecommunications. Planting design should allow for utilities, both sub-surface and over-head. You are not permitted to cover or bury any access pit used to serve existing infrastructure. Before you start planning your garden, find out where the underground services are located by contacting **Dial Before You Dig**, a free service for locating underground service utilities, by phone on 1100 or on www.1100.com.au

It is a legal requirement to obtain and consider Dial Before You Dig information prior to commencing any excavation in the nature strip. Individuals and companies are liable for any damage they cause to utilities, and legal action may be taken against them.

Utility service providers and/or Council may upgrade and maintain their infrastructure within the verge, which may result in the removal or disturbance of an established verge garden. It is the resident's responsibility to make good and repair their verge garden as a result of any impact caused during these works.

6. NEIGHBOURHOOD SUPPORT

It is important to remember that the verge is a public space. Although no formal neighbourhood notification is required, we encourage you to talk to your neighbours or owners corporation (if applicable) and inform them of your plans to create a verge garden prior to commencing.

7. PLANNING YOUR GARDEN

Sutherland Shire has a diverse landscape with street verges varying across the across the municipality. When planning your verge garden, it is important to consider the varying constraints that may apply, including but not limited to; the need for pedestrian access, safety, utility services, public infrastructure, garbage collection and kerb-side parking. The following requirements are set to help you establish a compliant verge garden and ensure that the Shire has a well-managed footway that is amenable and attractive to all visitors.

7.1 Design Requirements

Minimum distances and clearances are provided in the table below.

Item		Requirement	Checklist
1.	Maximum verge garden width	3.0m	<input type="checkbox"/>
2.	Minimum uninterrupted access between garden beds	1.0m	<input type="checkbox"/>
3.	Minimum offset from property boundary where there is no existing footpath	1.5m	<input type="checkbox"/>
4.	Minimum barrier kerb offset	1.0m	<input type="checkbox"/>
5.	Minimum rolled kerb offset	2.0m	<input type="checkbox"/>
6.	Minimum driveway offset	1.0m	<input type="checkbox"/>
7.	Maximum depth for digging into the nature strip	300mm	<input type="checkbox"/>
8.	Maximum height of plants	700mm	<input type="checkbox"/>
9.	Planting clearance zone from base of street tree	1.0m	<input type="checkbox"/>
10.	Maximum depth of mulch around street trees	75mm	<input type="checkbox"/>
11.	Minimum offset from street furniture	1.0m	<input type="checkbox"/>
12.	Minimum offset from power pole	500mm	<input type="checkbox"/>
13.	Minimum offset from utility covers	500mm	<input type="checkbox"/>

Item		Requirement	Checklist
14.	Minimum offset from letter box	1.0m	<input type="checkbox"/>
15.	Minimum offset from signpost	500mm	<input type="checkbox"/>
16.	Street corner exclusion zone	45° splay from property boundary	<input type="checkbox"/>

7.2 Garden Materials

- Council encourages the use of existing site soil and the use of organic products, rather than synthetic fertilisers, pesticides and other chemicals. Compaction of soil within the road verge is not permitted.
- Use bark mulch around plants to suppress the growth of weeds and reduce watering.
- Paving is not permitted.
- Raised edges such as fences, rocks, bricks, timber, plastic or steel edging are not permitted under any circumstances. When designing your verge garden, ensure that the edges of your garden are flush with the existing ground level.
- Consider using compostable material such as flush timber edging to clearly define your verge garden.
- Sharp objects such as stakes or star pickets are not permitted within your verge garden.
- Automated irrigation systems such as sprinklers are not permitted.

7.3 Plant Selection

Planting for your verge garden must be selected using Council's on-line Native Plant Selector (refer to Council's website at www.sutherlandshire.nsw.gov.au). The selector generates a site-specific list of ground cover, shrub and tree species which are suitable for planting within streets. Planting of exotic or invasive plant species is prohibited, only plants listed in the native plant selector on the Council website may be chosen.

Plants must not exceed 700mm in height at maturity when planted within the verge. Mature plants must be pruned to maintain the maximum allowable height. If you have a spot on your nature strip where you'd like a native street tree planted, please lodge a request on Council's website at www.sutherlandshire.nsw.gov.au.

Growing food producing plants is not permitted as the quality and fitness of food grown in this environment cannot be assured. If a resident has an interest in growing food producing plants, Council recommends that the resident finds a community garden within their local area.

7.4 Existing Street Trees

When planning your verge garden, a minimum 1.0m clearance from the base of an existing street tree must be maintained for the protection of our street trees. As a general rule, no more than 10cm of soil, compost or mulch is permitted within the tree protection zone as it may lead to shallow rooting and inhibit the movement of air and water to the roots. Soil, compost or mulch must be kept from contacting the bark or trunk of the street tree to prevent rot occurring which can threaten the health of the tree.

Sutherland Shire Council is responsible for the maintenance and removal of all trees on Council- managed land. You should never attempt to cut roots, prune, or remove a public tree yourself, including hiring a contractor to do this. Works not approved by Council will be treated as vandalism.

If you believe a public tree requires maintenance or is a safety concern, lodge a request on Council's website at www.sutherlandshire.nsw.gov.au.

8. MAINTENANCE

A well-maintained verge garden contributes towards enhancing the Shire's streets in terms of environmental performance and visual quality. It is the resident's responsibility to maintain their verge garden in a safe, clean and tidy way to ensure that it is free of weeds, disease, vandalism, foreign matter, dead plant materials and hazards. Existing concrete footpaths and footpath allocations are to be clear of vegetation overhang at all times.

9. WORKING SAFELY ON VERGE GARDENS

Residents are responsible for their own safety while working on a verge garden. This means taking basic safety precautions such as wearing appropriate clothing and protective equipment, sun safety and utilising and taking care when using tools and materials. Always consider the following when working on a verge garden:

- How the garden and related activities will affect others.
- Always work from the footpath or verge, never from a position on the road.
- Watch out for passing cars and keep clear of cyclists and pedestrians.
- Wearing high visibility clothing is recommended.
- Wear gloves and any other personal protective equipment.
- Use tools safely and do not store tools or materials on the footpath as they may cause a trip hazard.
- Gardening works must be undertaken by hand. Mechanised equipment is not permitted.

10. COMPLAINTS

Any complaints received by Council in relation to your verge garden will be assessed against the Verge Garden Policy, Public Domain Design and Technical Manuals and site-specific conditions. Council may issue instruction for the verge garden to be reinstated to a satisfactory standard or removed and replaced with turf at the homeowner's expense if it becomes neglected, abandoned, or hazardous.

11. COMPLIANCE

Non-compliance with a direction to restore or remove a verge garden may result in Council removing the verge garden and recovering costs.

SCHEDULE TO VERGE GARDENS POLICY



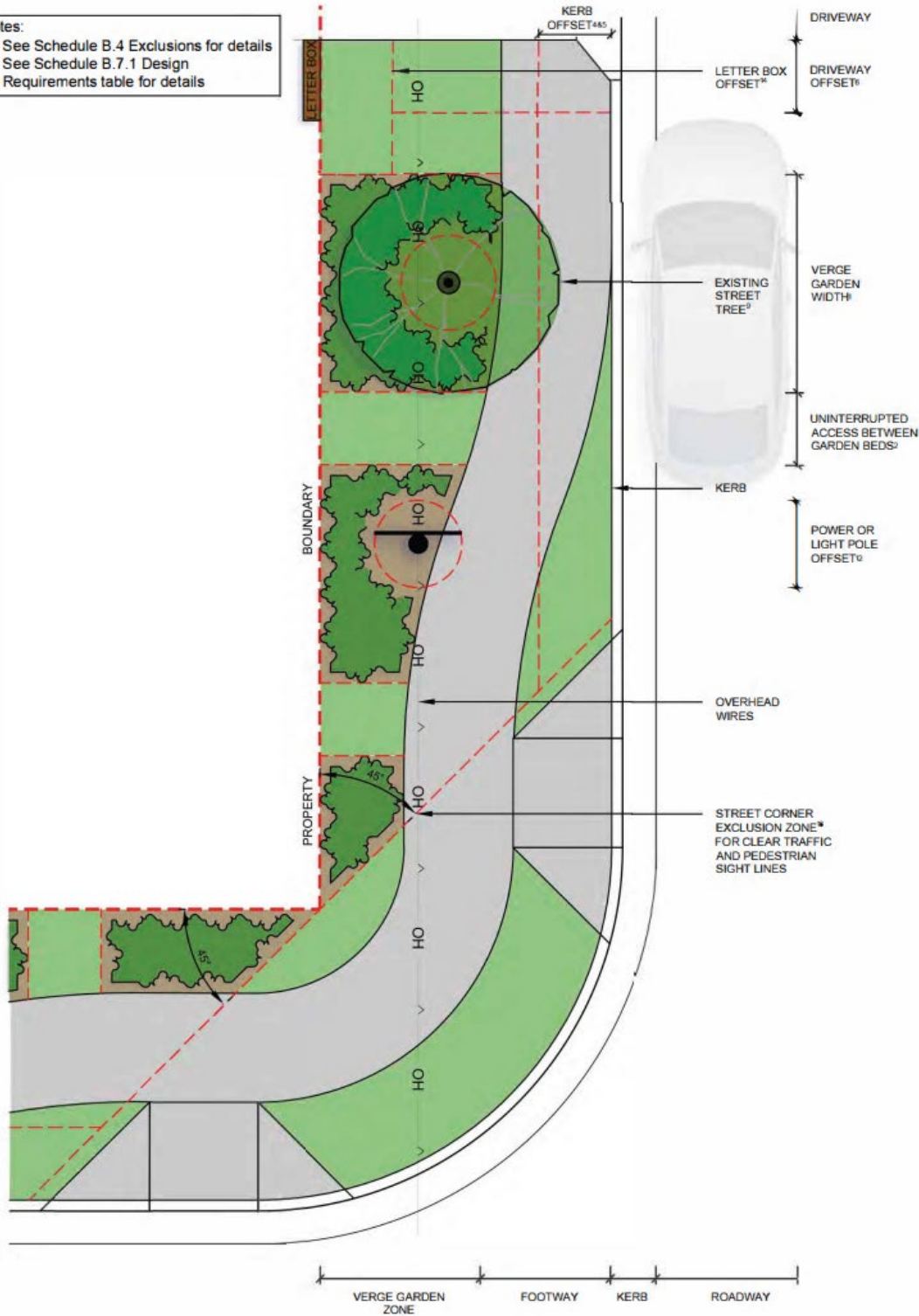
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SCHEDULE C – Verge Garden Layout Examples

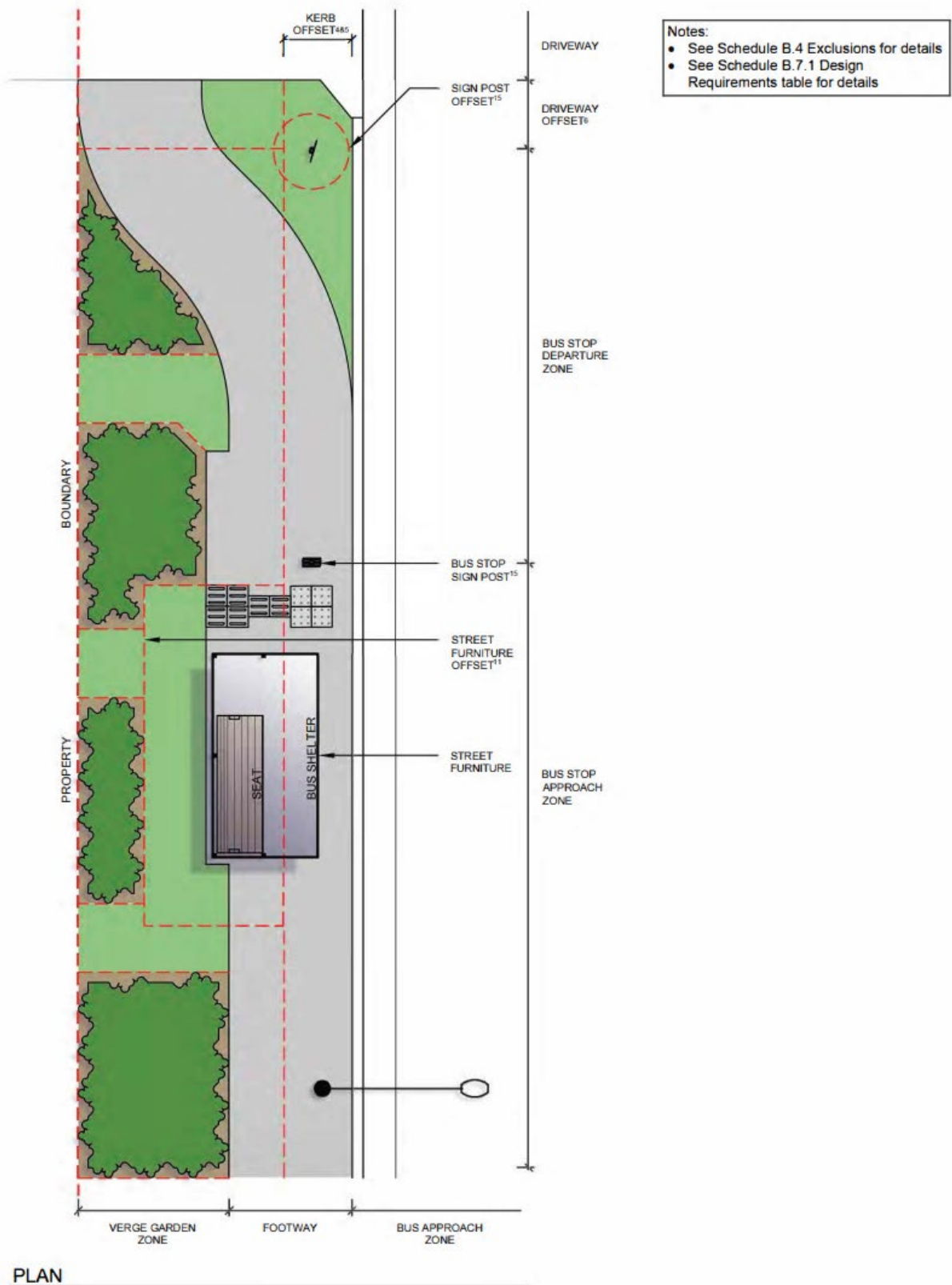
1. Verge – Exclusions - Street Corner (Scale 1:75@A4)

- Notes:
- See Schedule B.4 Exclusions for details
 - See Schedule B.7.1 Design Requirements table for details

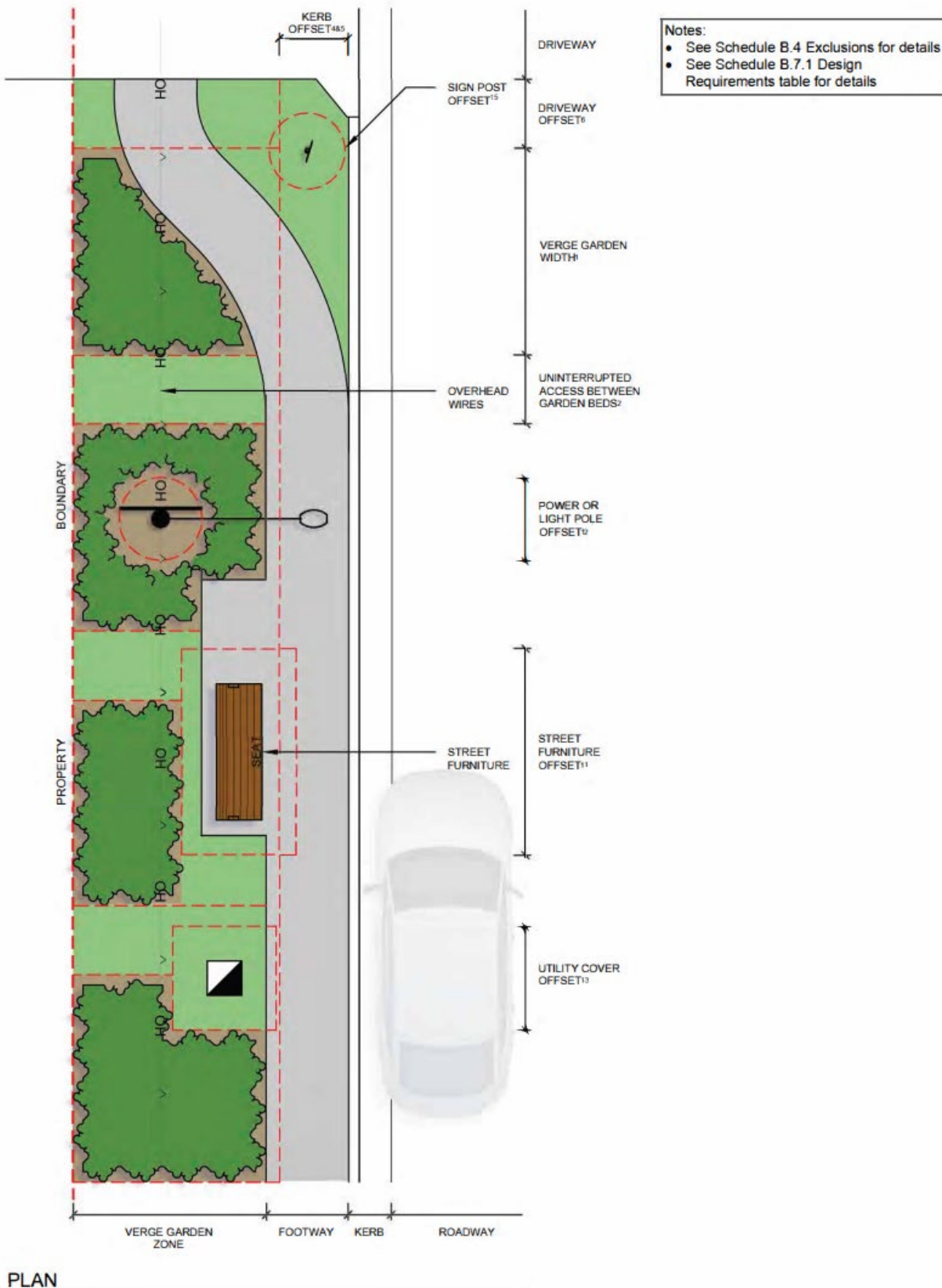


PLAN

2. Verge – Exclusions - Bus Stop (Scale 1:75@A4)



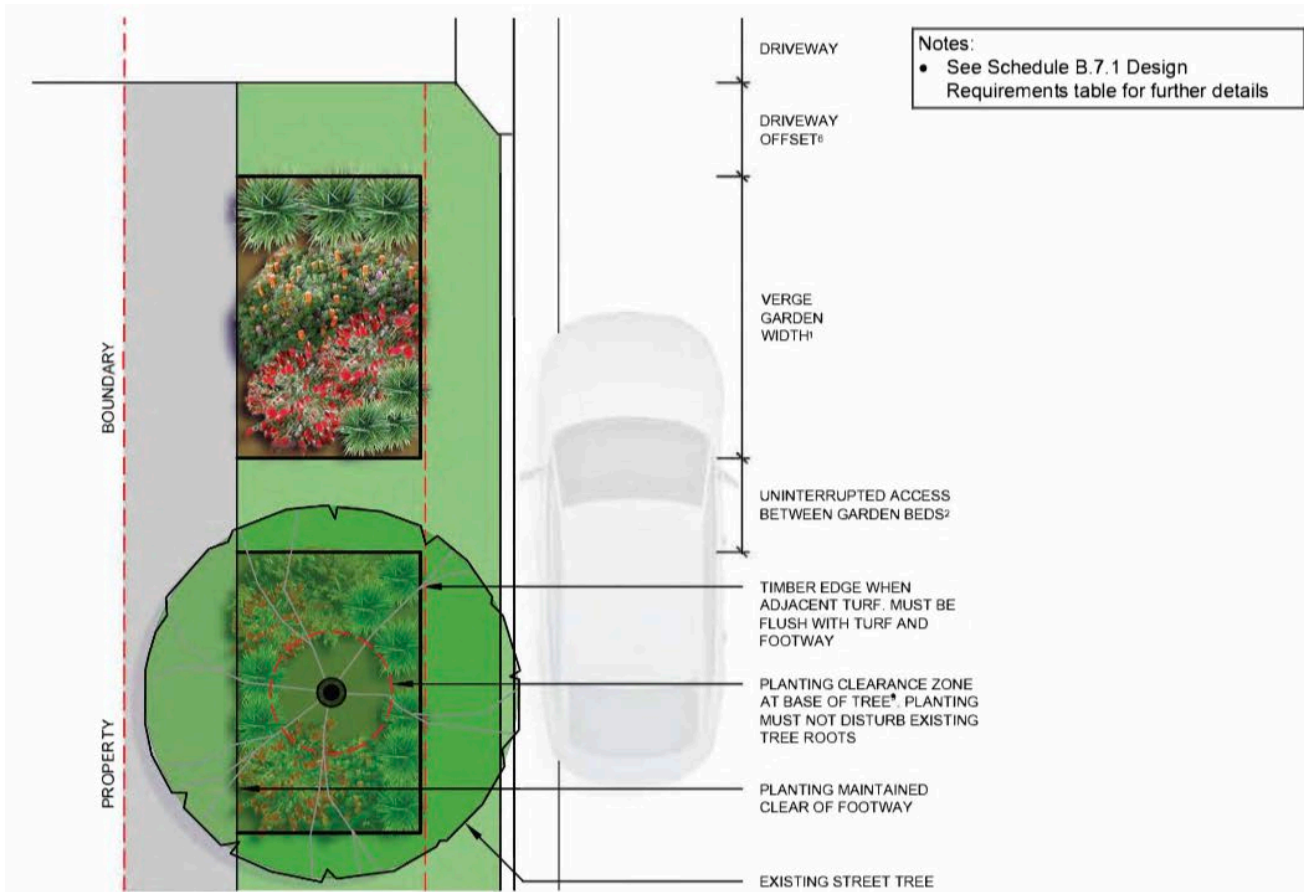
3. Verge - Exclusions - Street Furniture (Scale 1:75@A4)



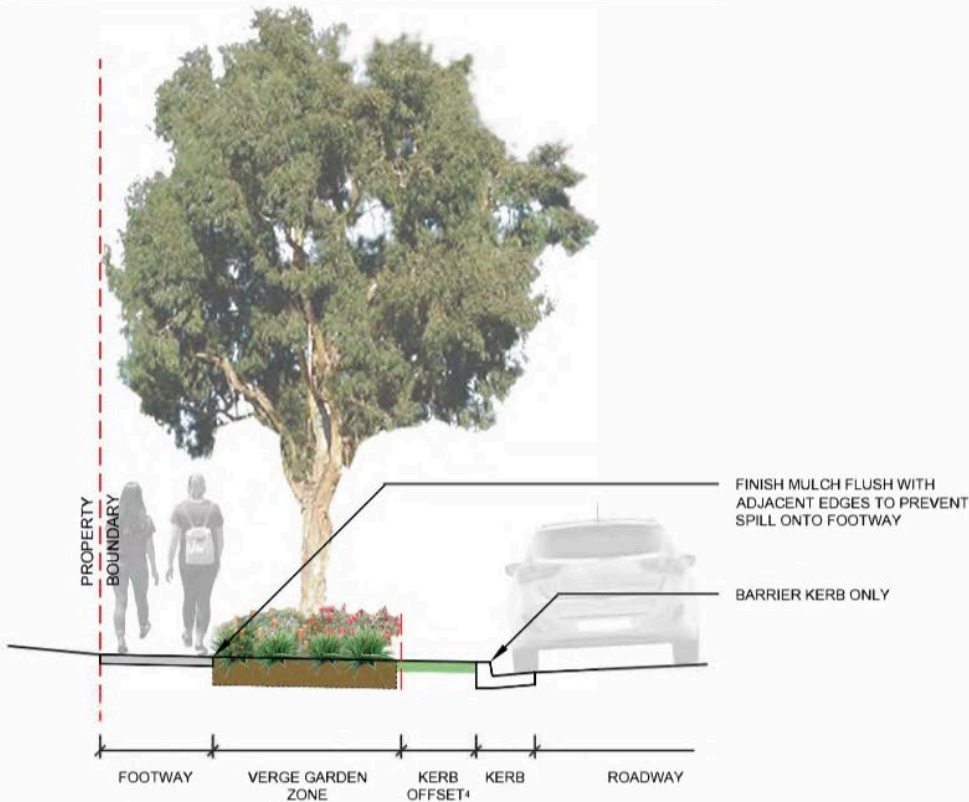
SCHEDULE TO VERGE GARDENS POLICY



4. Verge – between footpath and kerb (Scale 1:75@A4)

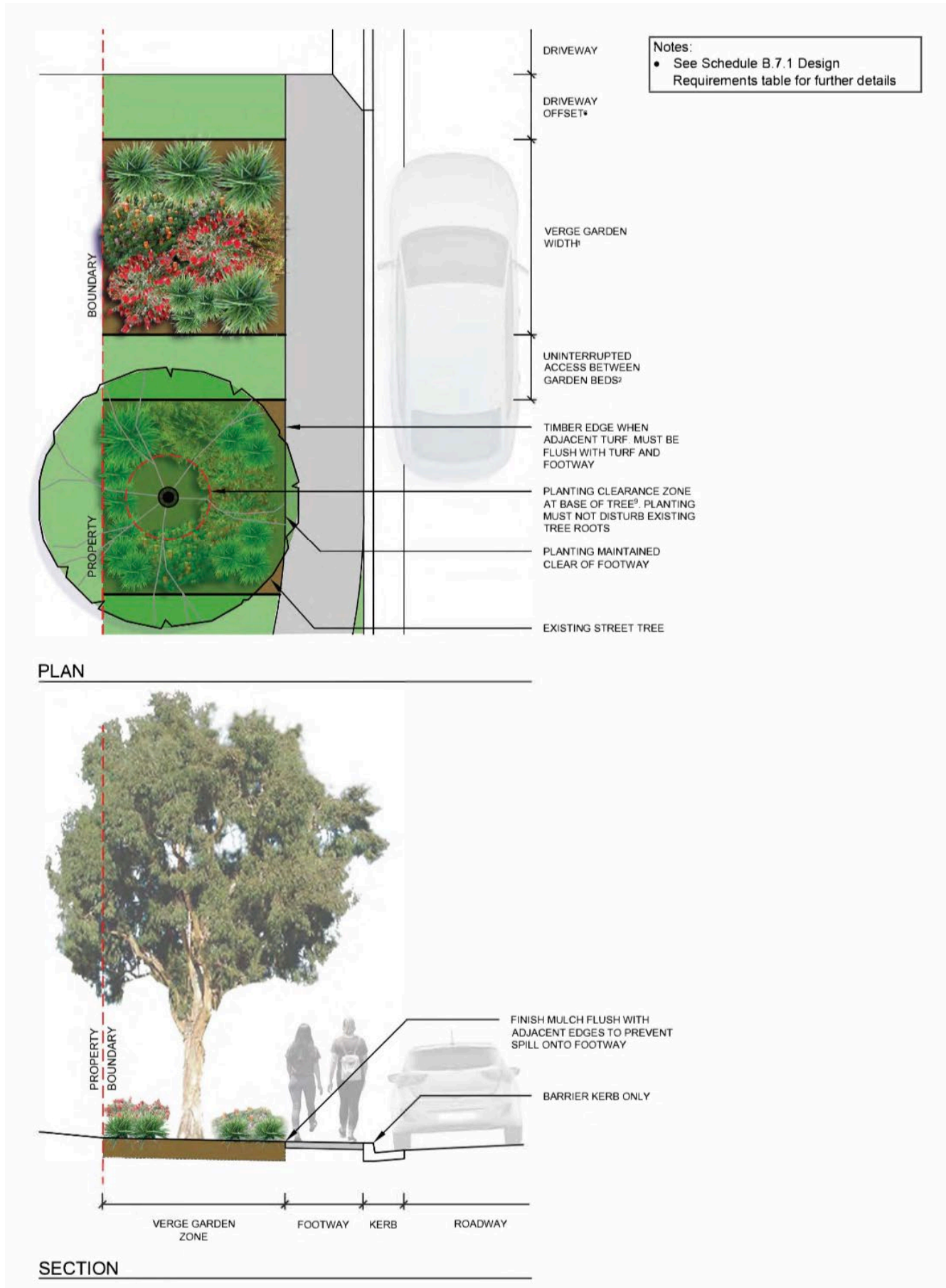


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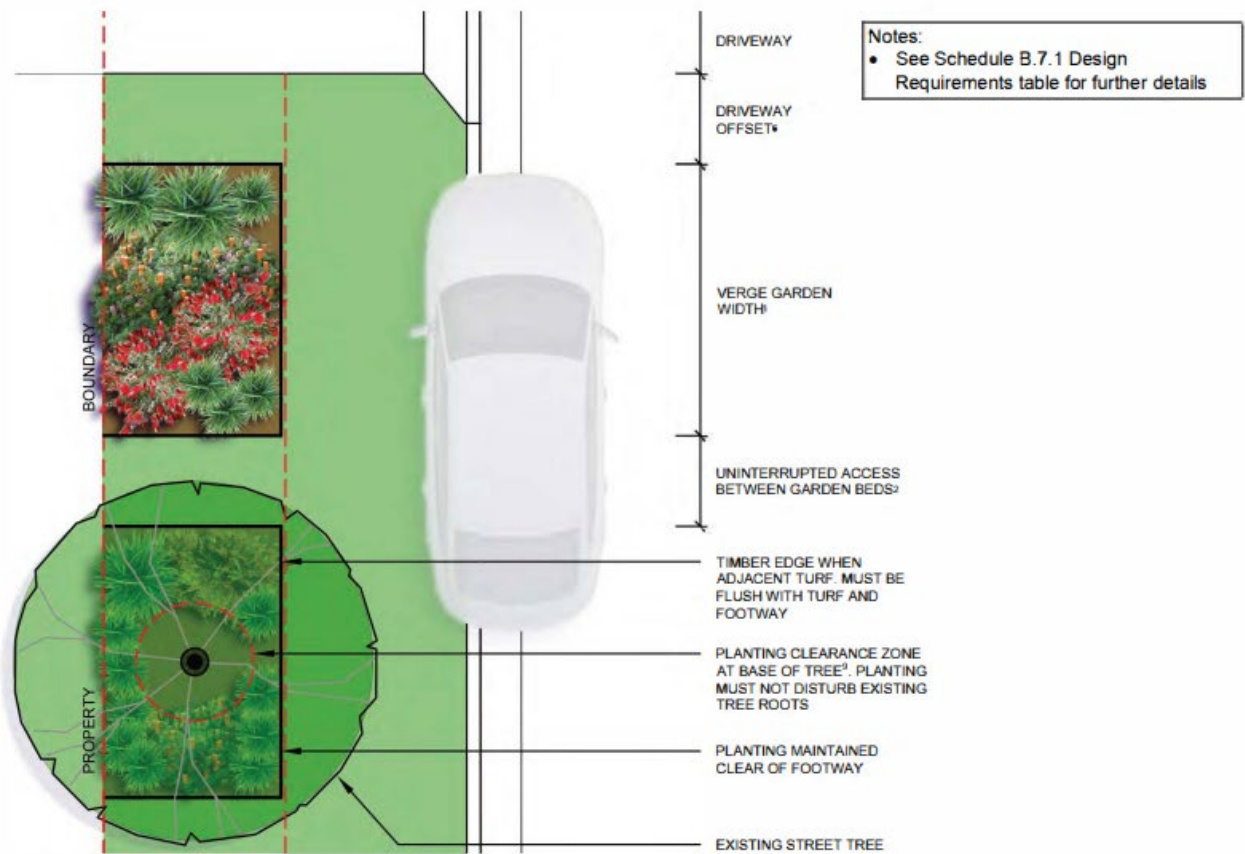


SECTION

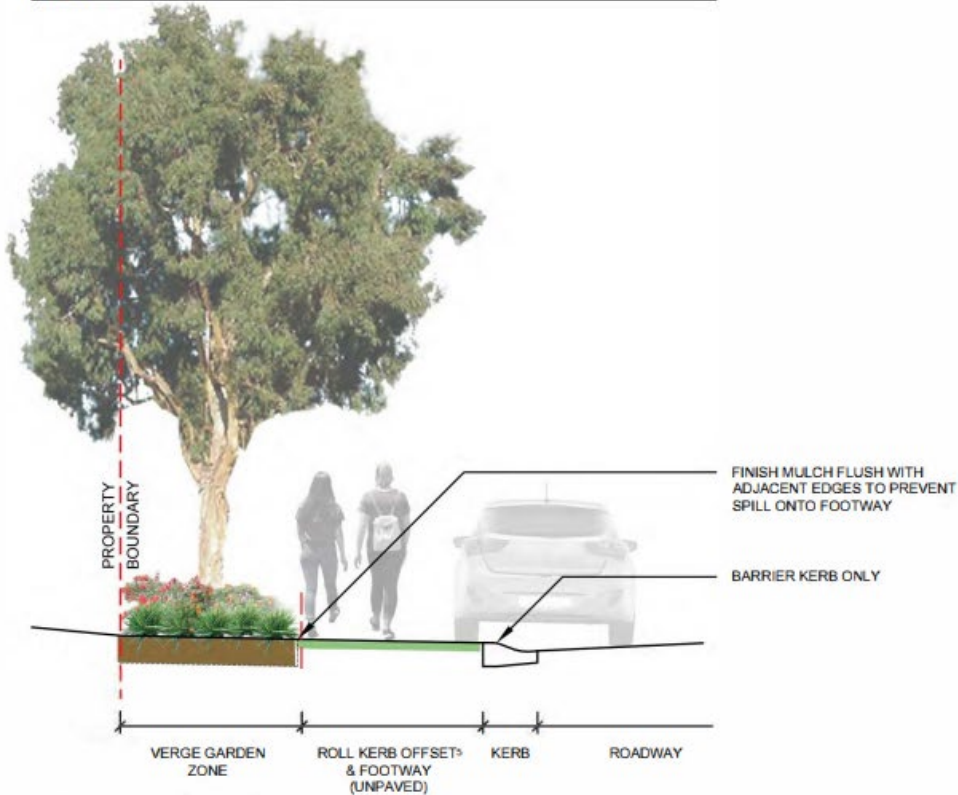
5. Verge – between boundary and footpath (Scale 1:75@A4)



6. Verge – between boundary and roll kerb (Scale 1:75@A4)

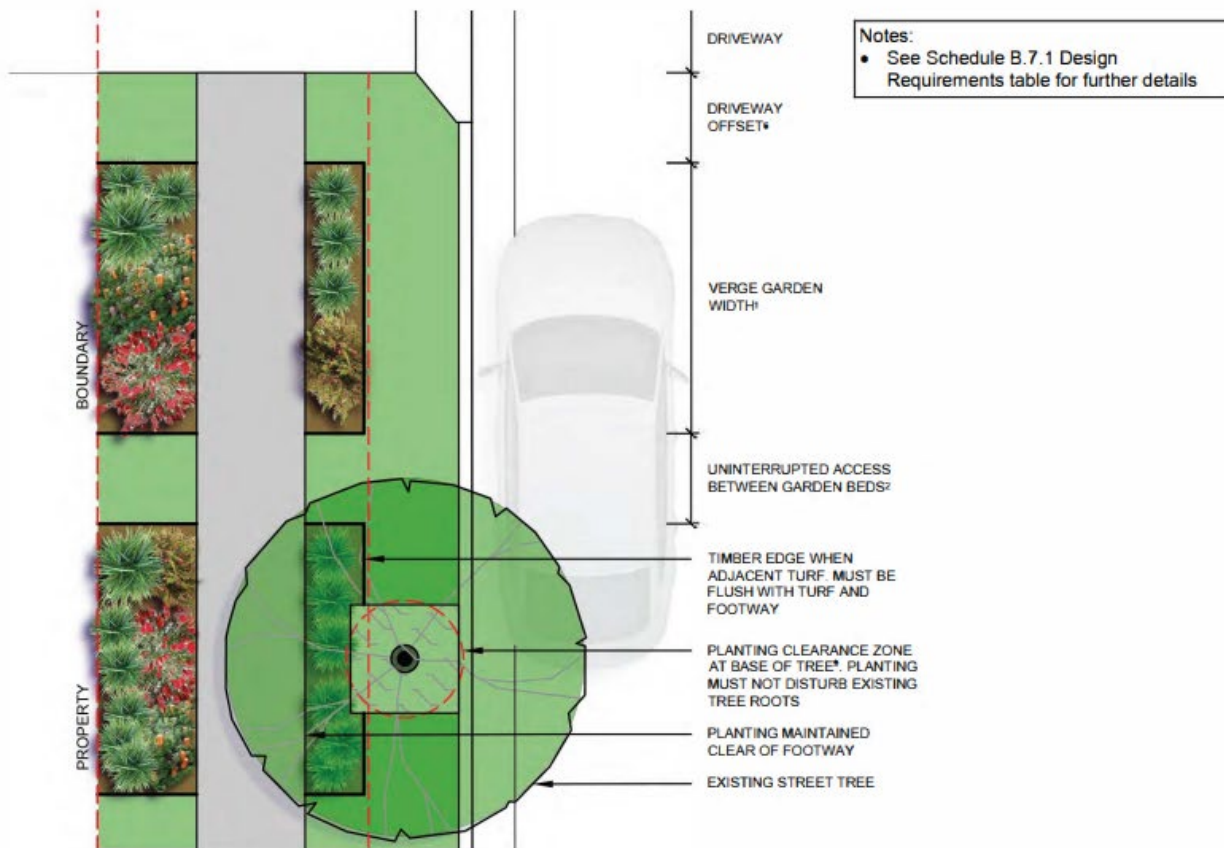


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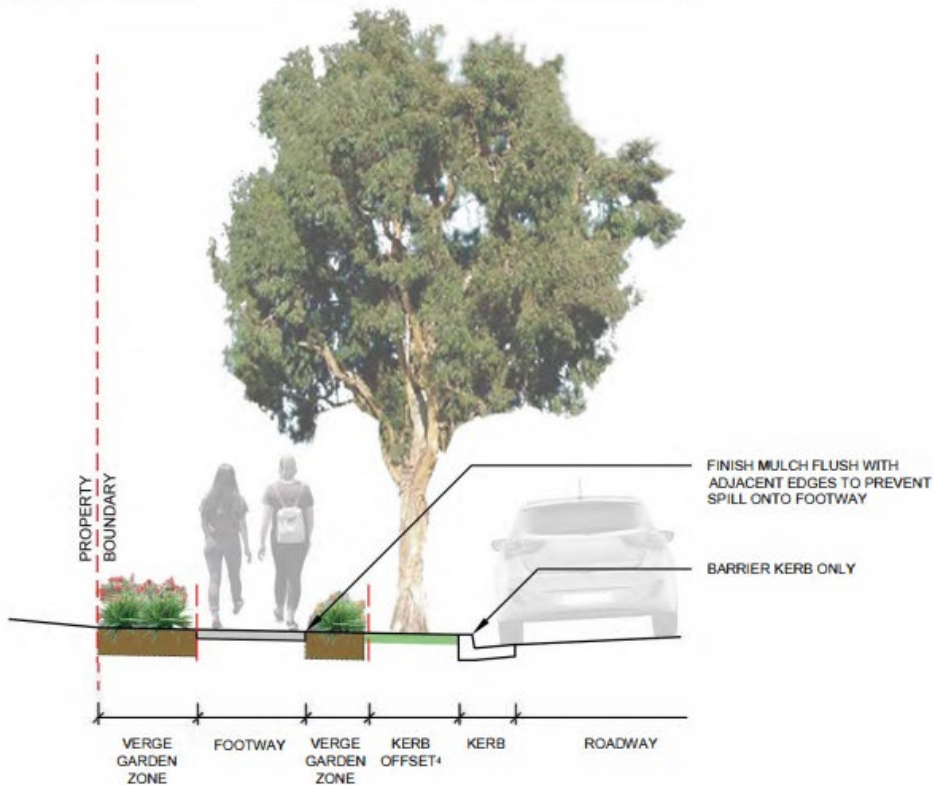


SECTION

7. Verge – split (Scale 1:75@A4)

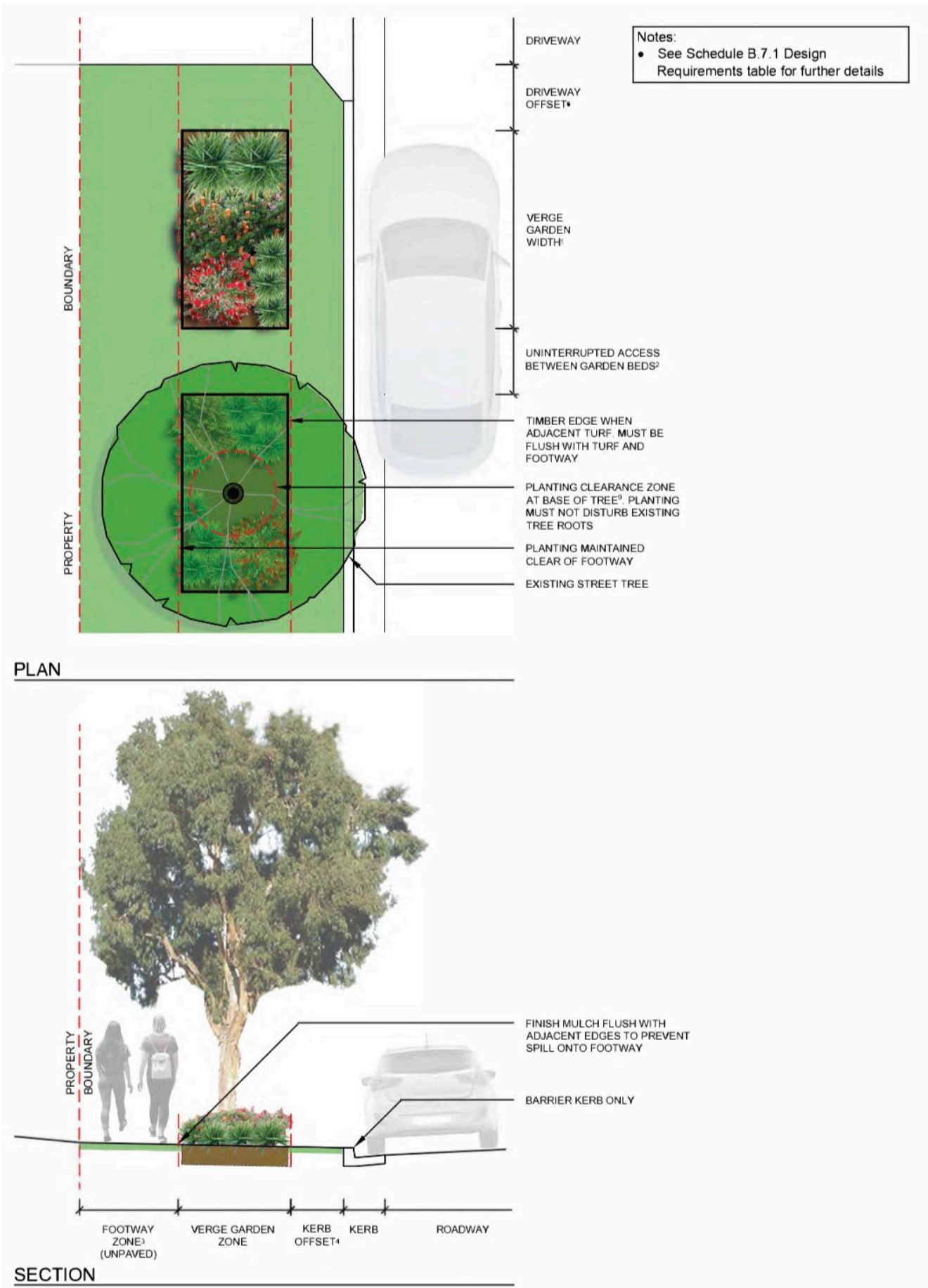


PLAN



SECTION

8. Verge – no formal path (Scale 1:75@A4)



SCHEDULE TO VERGE GARDENS POLICY



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