

	POLICY NUMBER:	P46
	COUNCIL VERGE MANAGEMENT POLICY	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	OPERATIONS
	LG ACT 2019 REF:	Chapter 12, Part 12.3, Section 271
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

Appropriately developed and maintained verges can enhance the environment and streetscape by providing shade, visual appeal and a habitat for birds and other wildlife.

However, the predominant functions of verges are to provide a corridor for safe and convenient access by pedestrians as well as a service corridor for public utilities and Council.

The purpose of this policy is to provide direction and process for any works on a Council verge, including the following:

- maintenance of the estate road reserve and drainage network.
- provision of vehicular crossovers to private property;
- preferred treatments for Council verges; and
- the approvals, responsibilities, and financial liabilities for each.

2. SCOPE

This policy applies to all properties and property owners within the Wagait Shire estate.

3. DEFINITIONS

Road verge or reserve	Means that area of public land between the property boundary and the edge of the road.
Property owner	Means a property owner in the Wagait Shire.
Drainage network	The network of structures supporting the road network including unlined open drains, open V drains and culverts.
Road network	Refers to the road reserve that is the area of land from a property boundary and includes all road verges, road-ways, bike-paths, crossovers and pedestrian pathways.
Vehicular crossover	The vehicle accessway from the road carriageway to the property boundary.

4. POLICY

4.1 Council Rights and Responsibilities

- 4.1.1. Council is responsible for the maintenance of the road network, which includes road reserves (road verges) by mowing, snipping, herbicide application, tree and bush pruning and/or removal.
- 4.1.2. Council is responsible for the maintenance of the drainage network adjacent to roads in the estate and identified easements on private property.
- 4.1.3. Council will establish and maintain a clearway on the verge to ensure that a line of sight is maintained for both vehicular and pedestrian traffic, to reduce risk and allow public use of the verge within the of this policy.
- 4.1.4. Regardless of any development of the verge area, Council reserves the right to construct or maintain infrastructure on any part of the verge at its discretion.
- 4.1.5. Council may remove any existing plants, shrubs, groundcover, irrigation systems or decorative features without compensation to the owner or resident for such removal or alteration.

4.2 Vehicular Crossovers

- 4.2.1. Each property is entitled to a single crossover access. Council will consider applications for multiple property accesses on a case-by-case basis.
- 4.2.2. Property owners are responsible for the maintenance of the vehicular crossover(s) to their property.
- 4.2.3. Access may be constructed of bare earth, concrete or bitumen spoon drain, a culvert or a combination thereof.
- 4.2.4. Prior written approval from Council is required for any development or maintenance to crossovers to ensure that drainage and verge integrity is maintained (*see 4.5 Council Permits for Works Within a Road Reserve*).
- 4.2.5. If the vehicular crossover intersects with a culvert or the drainage network is significantly impacted by the crossover, Council will consider a contribution to the maintenance cost which will be negotiated with the property owner on a case-by-case basis.

4.3 Landscaping

- 4.3.1 Landscaped verges and plantings on a road-verge are permitted, provided they adhere to the following:
 - a) a maximum height of the fully grown plant is less than 1.2 metres; and
 - b) are not planted within 2 metres of the road edge or vehicular access points.
- 4.3.2. Native plant varieties that conform to the above are the preferred form of treatment.

- 4.3.3. Landscaped verges are undertaken at the property owner's expense and property owners are responsible for all maintenance. If a landscaped verge fails to be maintained by the owner, Council will undertake maintenance and seek to recover costs from the owner.
- 4.3.4. Prior written approval from Council is required to establish plants or other treatments on a road verge to ensure verge integrity is maintained and owner responsibility is understood (*see 4.5 Council Permits for Works Within a Road Reserve*).
- 4.3.5. Prohibited landscaping on a road-verge includes any of the following items when placed in such a manner that the items form a barrier or impede a sight-line to either vehicular or pedestrian traffic, or causes risk to public use of the verge, including:
- Trees and shrubs that are planted in a position such that it is probable they will interfere with overhead power lines at maturity
 - Rocks
 - Timber posts/poles/sleepers
 - Retaining walls
 - Hard surfaces such as concrete, pavers, asphalt or stepping-stones
- 4.3.6. If a *landscaped verge* is not consistent with the approved permit the treatment may be removed by Council and Council may seek to recover removal costs.
- 4.3.7. The property owner is responsible for repairing any damage to Council infrastructure caused by works they have undertaken on a Council verge.

4.4. Signage Within a Road Reserve

- 4.4.1. Council will consider applications for signage on a road reserve for safety, directional and business purposes only; with reference to the Northern Territory Government Guidelines for Advertising and Activities in the Road Reserves (2020).
- 4.4.2. Prior written approval from Council is required for any signage within a Council verge to ensure that community safety, road drainage and verge integrity is maintained (*see 4.5 Works Within a Road Reserve Permit*).

4.5. Council Permits for Works Within a Road Reserve

- 4.5.1. Any person wanting to undertake work within the road reserve needs to obtain the prior written approval of council, to ensure that community safety, road drainage and verge integrity is maintained.
- 4.5.2. Any works that are undertaken on a road verge or within the road reserve at the request of a property owner shall be at the property owner's expense.

- 4.5.3. Completed applications can be sent to Wagait Shire Council, PMB 10, Darwin NT 0800 or emailed to council@wagait.nt.gov.au for council's consideration. The submission will then be reviewed, and the owner will be notified in writing of the outcome. Should the application be approved by council, the owner will then receive a *Works Within a Road Reserve Permit*.
- 4.5.4. Once a permit is issued, it will transfer to any future owner.
- 4.5.5. Additional vehicular crossovers, bespoke landscaping, and signage within a road reserve, existing prior to 1 November 2021 will be noted in the Verge Audit and considered for a permit, provided they are maintained in line with Wagait Shire Council policies and NT Planning Guidelines.

4.6. Works on Council Verges by Other Agencies

Utility companies may require access to the verge to perform maintenance work from time to time and the following regulations will apply:

- The companies are required to make good the verge following maintenance work, however are not required to re-instate residential verges that have been landscaped.
- Council will not be responsible for replacing plants or landscaping as a result of such works by others.

4.7. Risk Management and Safety

- 4.7.1. Wagait Shire Council is dedicated to providing a safe environment within the municipality.
- 4.7.2. Any feature placed by an owner that is deemed by council to be a risk to the public as a tripping hazard, obstruction or other hazard, or for which a permit has not been issued or does not comply with the requirements of the permit, may be removed from the verge without consultation or warning.
- 4.7.3. Council will act to rectify problems in relation to tripping hazards or road-safety issues.
- 4.7.4. Council will write to the relevant owner requiring that they attend to the identified problem.
- 4.7.5. Failure to act following a request by Council may result the works being undertaken by Council at the expense of the property owner, or in legal action.

9. ASSOCIATED DOCUMENTS

Permit Application for Works Within a Council Road Verge.

10. REFERENCES AND LEGISLATION

Local Government Act 2019

NTG Guidelines for Advertising and Activities in the Road Reserves (2020)

NT Planning Scheme 2020

11. REVIEW HISTORY

Date Approved: 19/10/2021	Approved By Council: Moved: President Neil White Seconded: Cr Peter Clee Vote: AIF	Resolution No: 2021/187	Date for review: Next Term of Council
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