

1 PURPOSE

This policy sets out the obligations and responsibilities of the community and Council in relation to the development and maintenance of verges (nature strips) on Council owned road reserve.

Appropriately developed and maintained verges can enhance the environment and streetscape by providing shade, cooling, 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.

In order to obtain permission to conduct landscaping works it is also a requirement of property owners / residents or developers to contact service providers and utilities to ensure that services and infrastructure (i.e. underground cables, pipes, and drains) are not damaged or interfered with.

2 SCOPE

To establish the respective obligations of the Council and the community in relation to the development and maintenance of verges.

3 POLICY STATEMENT

Council encourages the development and maintenance of verges in accordance with the following procedures:

The verge is defined to be the area between the back of the kerb (or edge of the road if no kerb exists) and the property boundary and excludes any paved or formed footpaths and driveways. Maintenance of Verge The attention of owners and residents is drawn to City of Darwin By Law 95.

3.1 MAINTENANCE OF VERGE

The attention of owners and residents is drawn to *City of Darwin By Law 1994 s95*.

'95. Overhanging trees and shrubs.

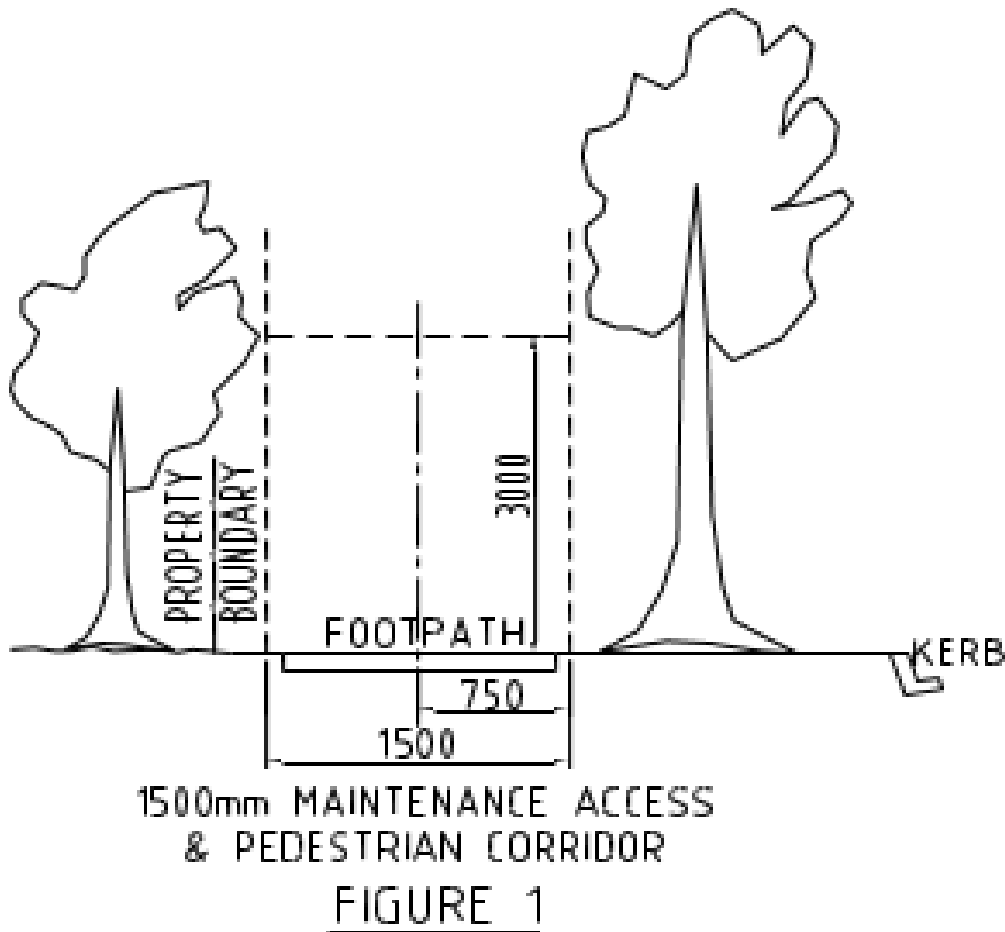
The Council may, where it considers that a tree, shrub or plant growing on land is causing inconvenience or an obstruction to persons using a public street or footpath or is causing or likely to cause damage to an adjacent public place, serve a notice under by-law 10 on the owner or occupier of the land to trim or remove the tree, shrub, or plant.'

No trees or shrubs from the verge or private property should encroach onto the footpath. Pedestrian access / maintenance corridor must be maintained with a minimum clearance of 1.5m

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(750 mm either side of the centre line). See Figure 1 below.



- 3.1.1 All plants and shrubs overhanging footpath areas from private land must be trimmed to a height of 3m above the footpath / maintenance corridor.
- 3.1.2 Vegetation shall be kept clear of power lines and light poles to a minimum distance of 3 metres. In instances where vegetation is intertwining with or touching power lines, Power and Water must be notified immediately.
- 3.1.3 New tree and shrub plantings shall be made with consideration to the location of power lines, light poles, water hydrants and underground infrastructure (i.e. water pipes, valves, etc.) and the expected growth and habit of the trees or shrubs (also see clauses 3.2.3, 3.2.4 and 3.2.5 of this policy).
- 3.1.4 All trees and shrubs must be trimmed to the back of the kerb line and to a minimum height of 4.5m above the kerb to allow clearance over the road for vehicular access. See Figure 2 below.

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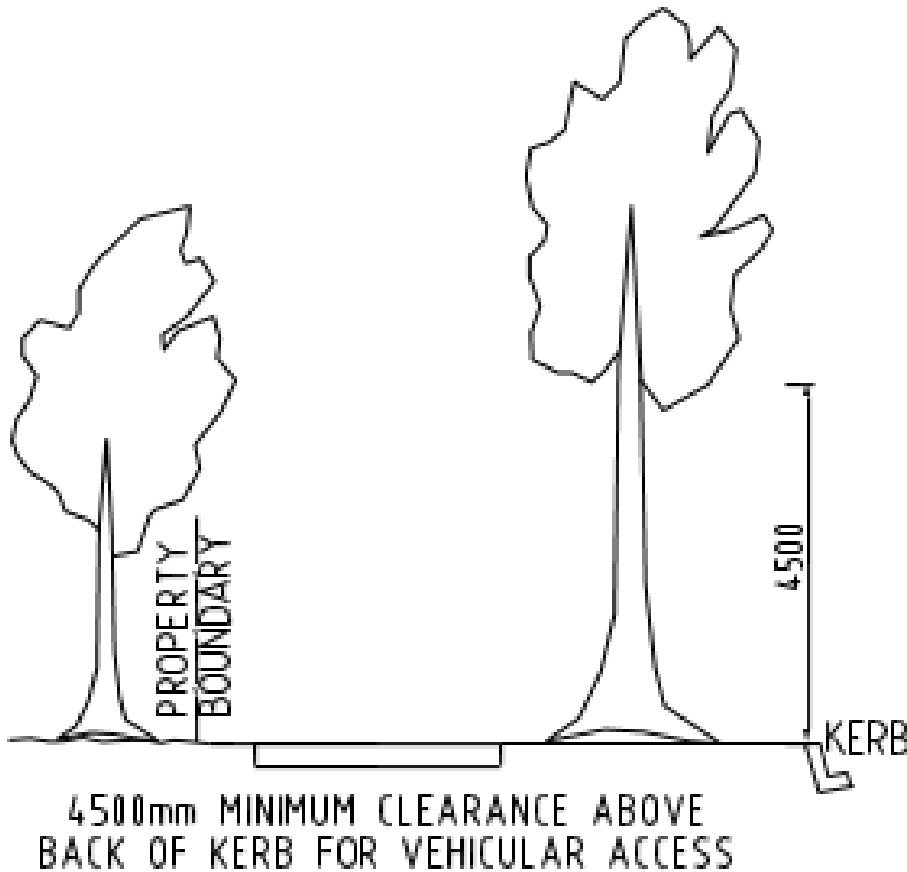


FIGURE 2

Pruning / trimming of a tree shall be done such that it does not compromise the natural structure or health of the tree.

Pruning of trees on the verge must be done in accordance with the Australian Standard, Pruning of amenity trees AS 4373—2007.

When any development of a verge is disturbed or destroyed by the activity of a Service Authority, reinstatement will be subject to negotiation between the Council and the Service Authority in consultation with the owner /resident.

- 3.1.5 Where a Council activity or operation disturbs or destroys the verge development, Council will endeavour to restore the verge to its original state, provided the original verge development conforms to this Policy.

Regardless of any development of the verge area, Council reserves the right to construct or maintain infrastructure on this part of the road reserve at its discretion, and in doing so may remove if necessary, any existing plants, shrubs, groundcover or decorative features, irrigation systems and without compensation to the owner or resident for such removal or alteration.

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3.2 DEVELOPMENT OF VERGE AREAS

- 3.2.1 An owner may gain a permit under *City of Darwin By Law 1994* s94 to privately develop the verge area provided the type or form of development does not:
- Prevent any pedestrian from walking safely along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed or not.
 - Prevent any Service Authority or the Council from installing new services or maintaining existing services.
 - Prevent the area from properly draining.
 - Inhibit, or potentially inhibit or interfere with adequate street lighting.

The development should also be in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

Information about CPTED and related issues is available at the Northern Territory Government’s webpage:

https://nt.gov.au/_data/assets/pdf_file/0005/915017/community-safety-design-guide.pdf%20

- 3.2.2 If an owner wishes to develop the verge area other than grassing, application for a permit must be made on the Verge Development Application form available from the Council Office or at the Council web site: <https://www.darwin.nt.gov.au/council/development-permits/planning-development/guidelines-for-planning>

Property Developers may be authorised to install suitable verge landscaping at their cost to an approved plan, but they and potential purchasers of the properties are advised that Council will not maintain the verge once transferred to Council.

A Verge Development application will be assessed in accordance with the level of risk suitability of the development and the safety of the members of the community who will use the verge.

- 3.2.3 Tree / shrub plantings and landscaping should comply with the technical specifications of Council’s Subdivision and Development Guidelines. Variation from this may be approved by the General Manager Engineering and City Services through the application process.

Trees are preferable to shrubs and palms. If there is an existing theme of trees in your street, consider choosing the same species of tree to continue that theme. Consideration should also be given to selecting native / indigenous species of tree and shrubs.

A list of suitable trees and shrubs for planting on verge areas available from Council’s website: www.darwin.nt.gov.au

- 3.2.4 Where grassing takes place, the area should be excavated to 100mm and reinstated with topsoil to be no higher than the top of the kerb (and the top of the footpath if one is present) and be free draining.

The excavation for grassing and planting line for trees and shrubs on the verge is determined by the location of services. It is the owner/resident’s responsibility to contact the relevant authorities for cable and service locations (i.e. contact

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Dial Before You Dig on 1100).

The owner/ resident must contact Council and verify that they have contacted the relevant authorities.

It is preferred that planting takes place within 800mm to 1m in from the kerb.

3.2.5 In accordance with Council’s *Subdivision and Development Guidelines* no trees will be planted within 9m of any intersection. The distance is measured from the point where an extension line of the boundary and the kerb line meet.

In some instances (such as intersections involving major carriage ways) Council may assess that in order to satisfy visibility and public safety requirements that tree plantings or garden beds on street corners beyond 9 metres of an intersection are not permissible.

No trees (or dense, bushy shrubs) shall be planted within:

- 4m either side of driveway
- 5m of either light pole or power pole
- 3m of water hydrant.

3.2.6 Trees and other plants to be planted under power lines or under house connection wires must be species which do not grow to a height to obstruct the power lines (4m or less). Palms must never be planted under power lines or within 5m of power lines.

There are plants that must not be planted on the verge or on the property boundary:

- prickly or thorny plants, e.g. Bougainvillea
- plants with spiked leaves or fronds, e.g. Agave, yucca, cycads
- poisonous plants
- plants carrying large, heavy fruit, e.g. coconuts
- declared weed species

3.2.7 Hedges or similar borders of plants must not form a continuous barrier or pose line of sight issues.

3.2.8 Where an owner/resident wishes to install permanent sprinklers on the verge, the owner/resident must use the water meter from that property, and the water source must be from within the property boundary.

All supply pipes should be placed in a conduit under the footpath. Where a footpath is not present the pipes must be buried under the verge with a minimum cover of 300mm. The sprinkler heads must be the pop-up variety or other approved types. High density pipes (i.e. high density polypipe) are to be used and drippers may be used as an alternative to sprinkler heads. The design should be in accordance with the technical specifications for irrigation outlined in the Council’s *Subdivision and Development Guidelines*. Council does not bear any costs associated with irrigation design and installation.

If Council is notified of leaking water onto the road reserve, Council will attempt to contact the owner to have it repaired. Council will terminate supply at the property line if no remedial action is taken within 24 hours.

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3.2.9 Barriers for the purposes of establishing verge areas are acceptable with the issue of a permit for a maximum time of three months. The barrier must be erected with the use of sturdy poles/stakes which are not easily knocked over or removed.

The poles/stakes, rope or string must be identified with an abundance of markers to ensure the safety of pedestrians. The poles/ stakes must be capped and have no sharp edges. Star pickets are not acceptable.

Maintenance access, minimum 1.5m wide, must be maintained.

3.3 EXISTING CONDITIONS

3.3.1 Where a breach of the above guidelines is in existence, as a general rule Council will approach the adjacent property owner and ask for remedial works to be carried out. Where the owner is unable to carry out remedial works, Council will carry out works in a professional manner, and recover costs of the works from the owner (also see *City of Darwin By Law 1994* s94 and s95).

3.3.2 Where existing trees and shrubs planted on private property near street corners are obstructing visibility, Council will require the adjacent property owner to prune the offending plant so all lower branches to a height of 3m are removed.

3.3.3 Where non-acceptable plant species are planted on the verge, the Council in consultation with the owner/resident will have them removed. The same applies where a plant is interfering (or has the potential to interfere) with maintenance access. If the plants are not removed within a specified period, then Council will remove them.

3.3.4 The same applies for trees / shrubs planted in inappropriate locations (i.e. within 3m of a water hydrant).

3.3.5 Where mature coconut palms from private property are involved, Council will approach the owner/resident and ask that unripened fruit be removed on a regular basis, or that the palms be removed and replaced with a suitable species.

3.3.6 Where a verge has long grass and is causing a hazard to pedestrians or traffic, Council will approach the owner/resident and ask that the verge be mowed.

3.4 STANDARDS

Council's minimum standards for landscaping or beautification of new and existing verges are to be in accordance with the specifications set out in Council's *Subdivision and Development Guidelines*.

3.4.1 The guidelines are for minimum standards which produce an aesthetically pleasing effect with the least effort required for ongoing maintenance, care and associated costs.

3.4.2 Verge areas to be either seeded with suitable fresh lawn seed or planted with runners or rolled turf.

Verge areas, if not grassed, are to be kept in a clean and tidy condition, free of weed growth and planted with trees and/or shrubs and/or ground covers in accordance with the Subdivision and Development Guidelines.

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3.5 VERGES ADJACENT COUNCIL OWNED OR CONTROLLED PROPERTIES

3.5.1 Council will maintain in accordance with this policy.

4 DEFINITIONS

The verge means to be the area between the back of the kerb (or edge of the road if no kerb exists) and the property boundary and excludes any paved or formed footpaths and driveways.

5 LEGISLATIVE REFERENCES

Activities relating to developing and maintaining vegetation on a verge are governed by the *Darwin City Council By-Laws 1994*, s94 and s95.

For new sub-divisions refer City of Darwin Subdivision and Development Guidelines.

6 PROCEDURES / RELATED DOCUMENTS

There are a range of policies associated with the Verge Policy.

7 RESPONSIBLE / APPLICATION

The General Manager Engineering and City Services is responsible for this policy

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