



SHIRE COUNCIL  
**Blayney**

## Verge Garden Guidelines

<b>Procedure</b>	25N
<b>Officer Responsible</b>	Director Infrastructure Services
<b>Last Review Date</b>	14/02/2023

## **POLICY OBJECTIVES**

To enhance and maintain the visual amenity and safety of street verges throughout the Blayney Shire Council.

## **POLICY SCOPE**

This policy sets out the process and conditions for all verges within the Blayney Shire Council.

The verge is the area of land between the kerb and the property boundary. The purpose of the verge is to provide an area where public utilities/services such as power, gas and telecommunications can be located.

The verge is also a public open space recognised and valued for its street trees and streetscape environment.

Verge gardens make productive use of land in town and the villages. It puts to practical use small patches of land that are otherwise neglected or planted to simplified plant communities, such as lawn verges, that are unproductive or that may consume excessive water and fossil fuels in their maintenance.

## **POLICY STATEMENT**

Blayney Shire Council is committed to creating a visually appealing, safe, and sustainable environment.

Blayney Shire Council appreciates the contribution that residents make regarding the landscaping and maintenance of verges adjacent to their properties. Council is of the view that property owners should take responsibility for the landscaping, irrigation, and maintenance of street verges adjacent to their property, whilst the street trees will be maintained by the Council staff.

## **DO I NEED COUNCIL APPROVAL?**

**Yes.**

These guidelines detailing opportunities for residents to establish and maintain a verge garden that will not impact on community safety, the environment and surrounding infrastructure.

## **APPROVAL PROCESS**

There is a self-declaration form that you must complete to provide to Council as a record that your garden complies with these guidelines.

Council to investigate verge gardens, it is our preference to work with the resident to take action to remedy the issue and ensure the verge garden is modified to ensure public safety.

Where a verge garden continues to create conflict with public access and safety, Council may direct 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 full cost to the owner. (*Roads Act (Section 98)*).

Residents can only plant a verge garden in the verge area immediately fronting their property. Verge gardens cannot be extended to your neighbour's property without written consent, or onto other public land, including traffic islands and median strips

**Remember, it will be your responsibility to maintain your garden!**

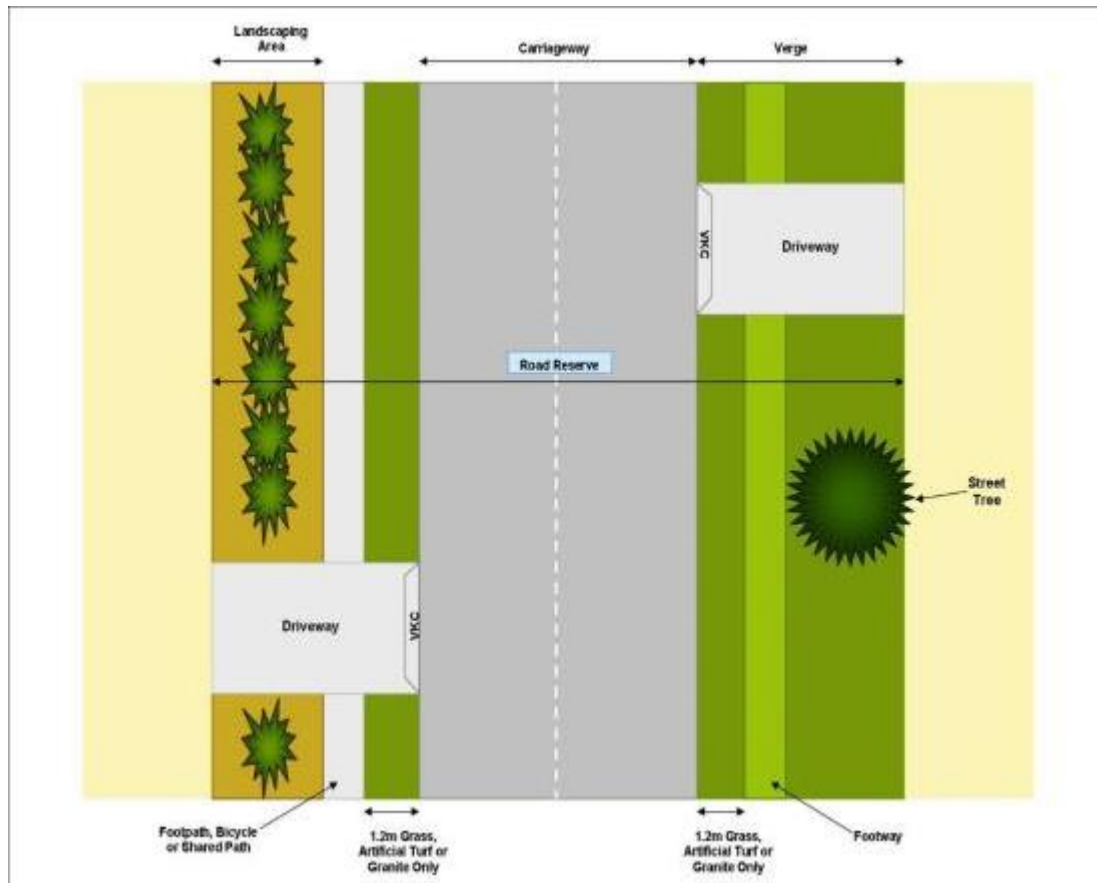
## Guidelines for creating your Verge Garden

Here are some "simple rules" to help ensure success.

### What is the verge?

The following sketch and definitions will give you some guidance on the verge and where you plant.

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Carriageway – the portion of road reserve formed for vehicular traffic.

Driveway – the unobstructed strip across the verge set aside for vehicular access between the carriageway and the adjacent property.

Footpath – a formed (1.5m min. width) path along the verge set aside for pedestrian traffic. Some older paths may be narrower than 1.5m in width.

Footway - the unobstructed strip (1.5m min. width) along the verge set aside for pedestrian access which has not been formed. Its width is dependent on whether a footpath, bicycle path or shared path is proposed for the street, and it generally begins 1.2m from the back of the kerb or edge of carriageway.

Hard landscaping – refers to retaining structures or edging/borders including bricks, stones, rocks or railway sleepers, but does not include concrete paving, asphalt or pavers.

Road reserve – the strip of public land between abutting property boundaries and includes the carriageway, footpaths, bicycle paths, shared paths, footways and verges.

Shared path – A formed (2.5m min. width) path along the verge set aside for pedestrian and bicycle access.

Street tree - a tree planted in the verge, of a species and location approved by Council. Verge – the area between the property boundary and the kerb (or edge of the roadway).

## Have you spoken to your neighbours?

It is always a good idea to let your neighbour's know what you are planning.

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Having a simple conversation; allowing your neighbours to let you know of any concerns they may have, and adjusting your plans before you start work, helps support positive community engagement, and maintains a positive outlook for the greening of these spaces. It is important to remember that the verge is a public space, and if you plan on growing edible plants, passing pedestrians may seek to harvest from your garden, or neighbourhood animals may foul on your garden

## Enjoy yourself – but be safe.

Residents are encouraged to create attractive landscapes that complement their homes, the surrounding streetscape, and support the local environment, but enjoy yourself while doing it.

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Whenever you are undertaking work, always consider your safety and that of others.

- Wear sturdy enclosed shoes, gloves and sun protection. "Slip, Slop, Slap".
- Never work on the road when planting your verge garden.
- Always maintain safe access for pedestrians and other users of Footways, or Council Footpaths, even during construction.

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## Ensure you maintain safe access for pedestrians.

It is important that pedestrians can use the verge without verge gardens obstructing their path, and being forced onto the road. If the verge does not have a formal footpath, residents must leave a formed (1.5m min. width) path, free from trip hazards, along the verge for pedestrian traffic.

## Can people open their car doors?

Verge gardens should provide a 600mm clearance from the edge of the kerb, so people can open their car door. Should you wish to plant this space choose a hardy groundcover that will tolerate some trampling.

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## Remember the postie!

Leave enough space for Australia Post or other delivery service to access your letterbox  
– usually, 1m around the letterbox is enough.

✓

## What about services and utilities?

Underground service provision such as electricity, water, gas and telecommunications are generally assigned standard alignments, although historically this may not be the case. As these are located in the verge, service utility providers need to access them from time to time for maintenance and repairs.

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Always obtain a **Dial Before You Dig** report, by visiting [www.1100.com.au](http://www.1100.com.au) or calling 1100 to obtain your free dial before you dig report, and check with Council or other authorities who may not have services registered on the Dial Before you Dig service, before you start digging or excavation works.



**Dial Before You Dig** is a FREE national referral service designed to assist in preventing damage and disruption to Australia's vast infrastructure networks, which provide essential services we use every day.

Remember to leave 0.2m access around power poles and service pits that are located within the verge. If damage is caused to public utility service due to verge gardening activities, you must report this immediately to the relevant authority for repairs, the costs of which will likely be charged back to you.

Infrastructure upgrades within the verge.

It is the service authorities and/or Councils obligation to upgrade and maintain their infrastructure within the verge, and this may result in the excavation of all or part of your garden. There is no obligation from the service authorities or Council to reinstate a verge garden whilst undertaking upgrade or maintenance of their infrastructure.

Where a verge improvement (that is provided by the property owner) is damaged by a Service Authority, the property owner may 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, excluding that area provided for pedestrian access, defined as the footway zone, that shall only be reseeded with grass. Reinstatement of any verge improvement will ensure it complies with these guidelines.

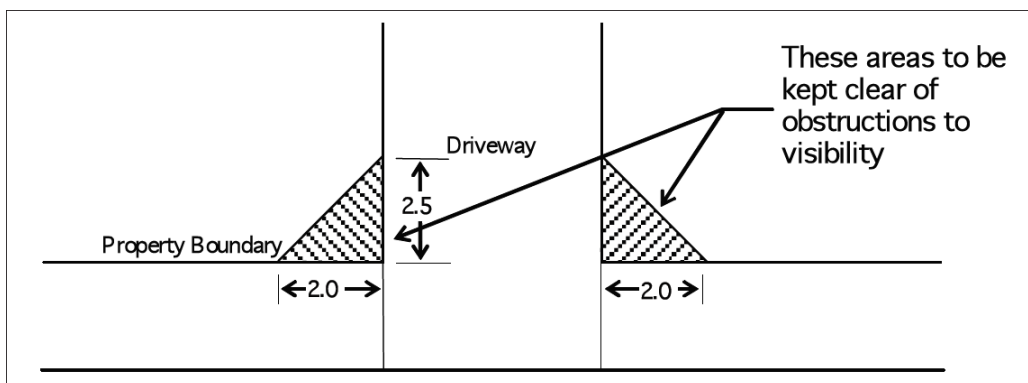
**Remember pedestrian and traffic safety!**



Verge gardens must not impact on the driver's line of sight, including entering and exiting driveways, delineation of the road edge and / or pedestrian movements.

The streetscape is an important part of community open space, and the coordination of plantings is an important aspect of Council works. Council supports plantings (shrubs only) with flora that are drought tolerant and suited to hot, dry summers. Plantings should be maintained to a maximum height of 500mm. A preferred species list for verge gardens is provided at Appendix 2.

Plantings should ensure that no part of the treatment obstructs the required safe sight distance requirements at access driveways according to Figures 3.2 and 3.3 of AS/NZS 2890.1-2004 or Figures 3.3 and 3.4 of AS2890.2-2002 as applicable.



**Properties situated at intersections shall ensure that no plantings obstruct safe sight distance at the intersection.**

### **No structures or hard surfaces in your verge garden!**

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Remember the verge is public land. The area needs to remain free of obstructions and nuisances to others.

It is recommended that only plants and organic mulches are used. The construction of any structure, including retaining walls or fences, of any material or form, between the property boundary and edge of road is not permitted. Council may ask for its removal.

Any edging material, mowing strip, footpath, driveway cross over etc. shall be flush with the surface. Council intends working with owners of existing verge gardens to remove trip hazards, as these present an unacceptable risk to pedestrians.

The following forms of surface treatment are permitted within the 1.5m footpath corridor (whether existing or for a future footpath). This extends to 3m where a boundary fence or other clear delineation of property boundary has been constructed. Council may remove these, without recompense when constructing a footpath or shared path at some time in the future.

- Compacted rubble capped with crusher fines
- Brick, clay paving
- Asphalt or bituminous surfaces.

Outside of the footpath corridor;

- Un-irrigated grassed surface.
- Mulched surface
- Ground cover - Shrubs, low trees (up to 500mm)

The following surface treatments are not permitted on any side:

- Chemically sterilised treatments.
- Structures.
- Retaining walls.

x

### **Don't plant trees in your verge – that's Council's role.**

Tree planting will only be undertaken by Council (or a group under the auspice of Council) and Council will be responsible for the location of new trees and their maintenance. The planting of trees and shrubs upon verges must comply with the Council "Street and Open Space Tree Policy".

If you would like a tree as part of your verge garden please contact us, and we will make arrangements

for someone from our Parks and Recreation team to meet with you, select a tree suited to your verge, and schedule it for planting.

## **What shall I plant?**

Residents are encouraged to be creative and plant verges to suit their own taste. But remember plantings must not interfere with overhead or underground services including water and sewerage infrastructure, water meter servicing and reading, and sewer manholes.

Plants must also not be known or likely environmental weeds.

Growing edible plants along the nature strips of streets within our town and villages is an effective means of inspiring and enabling urban agriculture and contributes to:-

- Neighbourhood beautification
- Visual amenity
- Urban re-greening
- Increased biodiversity
- Environmental and sustainability education
- Improved garden soil profiles through carbon sequestration
- Reduced air temperatures in developed areas
- Developing social capital and community engagement.



### **Who can help me?**

Advice needs to be sought by contacting Councils Infrastructure Services Department, prior to the commencement of any works on the verge.

When you are planning your verge garden, call Councils Parks and Recreation team.

Local nurseries can assist with appropriate plant selection and recommend the use of local native plant species where possible.

## **Watering**

Council supports the responsible use of water to maintain plantings using handheld trigger nozzle hoses. It is recommended that residents check the Central Tablelands Water (CTW) website [www.ctw.nsw.gov.au](http://www.ctw.nsw.gov.au) for information related to current water restrictions that may apply.

## **Related Policies and Strategies:**

- NSW Roads Act (1993)
- Local Government Act 2020.
- Statewide Mutual Best Practice Manual- footpaths Nature strips and Medians
- Blayney Shire Council - Street & Open Space Tree Management Procedure
- Blayney Shire Council - Pathway Hierarchy, Standard and Maintenance Policy (Draft)



## **STATEMENT**

Council encourages the appropriate planting of verge gardens. Residents are encouraged to use local native plant species to ensure greater plant survival and to maximise benefits for local native fauna.

The Verge Gardening policy seeks to ensure the following environmental and social objectives are achieved:

- Recognition of the role of streets in increasing biodiversity and providing ecosystem services such as food and shelter for wildlife,
- Reducing carbon emissions and other costs associated with mowing
- Providing mental health benefits associated with gardening and spending time outdoors
- Providing a positive focal point for the community in the street scape
- Engaging the community in the design and maintenance of public spaces
- Improving skills and knowledge across Council and the community in creating more liveable spaces
- Ensuring that public land is managed in a manner that does not jeopardise public safety, access, infrastructure and essential services, and other community needs
- Creating a sense of place.

## **APPLICATION**

Individual residents who want to establish or maintain a verge garden adjoining their residential property must submit an application and be given written approval by Council. Approvals for verge gardens are issued under section 138 of the Roads Act 1993.

Not every location is suitable for a verge garden due to safety, access, and public infrastructure (including street trees) requirements, and other community needs. In these instances, applications will not be approved.

Applicants must comply with all of the requirements of the Verge Gardening Guidelines. Each verge is unique Council retains the right to determine additional site-specific requirements.

Council undertakes street upgrade and street tree planting programs in consultation with residents. Although verge gardening projects are resident-driven, if Council is undertaking footpath works that offer the opportunity to create new unpaved areas that are suitable for verge gardens, residents can apply for a verge garden as per this policy.

## **GARDENS IN LANES**

Council will consider applications from residents wanting to garden on public land adjoining their property in lanes (e.g., narrow kerbs along back and side fences in lanes). Gardening in lanes is not always permitted due to limited space and multiple conflicting uses.

Requests will be assessed taking into account:

- The volume and composition of traffic using the laneway
- Vehicle turning paths for access to off-street parking spaces
- Vehicle turning paths at laneway intersections
- Any slope in the laneway impacting the lean of high vehicles
- Safety issues associated with intersections and any other site-specific issues

## **ONGOING COUNCIL SUPPORT**

Council can provide information to residents on garden layout, site preparation, plant species selection and weed management. Council will also provide a limited number of local native plants to new applicants.

## **INSURANCE**

Council does not provide personal accident insurance for residents who injure themselves while gardening on the verge.

Council is not liable for any damage or loss that the resident may suffer by the act, default, omission or neglect of any other person or by reason of the Council, its members agents and contractors for failing to do something on or to the public space used.

## **ACCESS AND SAFETY**

This policy aims to ensure verge gardens do not negatively impact on footpath and verge access and safety.

Council aims to ensure public places provide safe and equitable access for people of all abilities. A person with mobility difficulties may be unable to safely navigate the path if it is blocked or otherwise impacted by a poorly designed or maintained verge garden. Pedestrians crossing intersections may not be seen by motorists if there is tall dense vegetation on the verge. Similarly, verge gardens must not “trap” pedestrians in a road carriageway by forming a barrier in an unsafe location

## **INFRASTRUCTURE MAINTENANCE AND OTHER PUBLIC WORKS**

Verge gardens that are well maintained ensure the ongoing health of Council’s Street trees. Street trees must not to be removed or damaged to create or maintain a verge garden. Early consultation with Council staff is encouraged if a verge garden is located in close proximity to a street tree to ensure the plant species selected are appropriate. Pipes and cables that provide essential services including gas, electricity, water, stormwater, sewerage, and communications are located underneath the footpath and verge. Utility companies, Council and their contractors need to carry out works on and underneath the footpath and verge from time to time to maintain these assets. This can include areas that have been approved for a verge garden.

Approval of a verge garden does not negate the right of access for utility companies, Council, and contractors to access and undertake works on this land and any assets beneath at any time. This could include complete removal of the verge garden for infrastructure projects (for example, footpath upgrades or underground cabling). Residents are not entitled to financial compensation for the loss of plants, or other items moved/removed to enable these works. Residents can opt out of maintaining the verge garden following works that impact part or all of the verge garden. In these circumstances Council will resume maintenance of the verge at the resident’s request, which may include the replanting of grass on the verge.

## **VANDALISM, THEFT AND OTHER DAMAGE**

Verge gardens on public land may be susceptible to vandalism, theft, and other damage. Although Council is committed to supporting the verge gardening program, residents are responsible for any costs and works associated with restoring verge gardens following any such damage. Residents are not entitled to financial compensation for any such damage. Residents may choose to opt out of maintaining the verge garden following damage and need to notify Council of their decision. In these circumstances Council will resume maintenance of the verge, which may include the replanting of grass in the verge.

## **LEGACY VERGE GARDENS**

Verge gardens established prior to publication of this policy that are found to be non-compliant with this policy are required to achieve compliance within 12 months of notice from Council. Potential issues are:

- All new plantings must be compliant
- No hard landscape materials, structures, or other items (see Guidelines for more information) to be used in the garden

- Non-compliant plants must be removed as soon as practical or when they die, whichever comes first within 12 months of notice from Council
- Non-compliant items must be removed as soon as practical or when they wear out, whichever comes first within 12 months of notice from Council; or where practical
- Where public safety and access is an issue, it must be immediately rectified

## **USE OF CONTRACTORS**

Residents can engage contractors to undertake planting and maintenance of plants on a registered verge garden. The resident must ensure that contractors meet the requirements of this policy and have appropriate (public liability) insurances.

## **RESPONSIBILITIES**

Council staff are responsible for the following:

- Reviewing and approving applications in accordance with the Policy;
- Providing initial and ongoing advice and support as requested, to resident verge gardeners;
- Monitoring verge gardens and responding to reports of breaches of the Policy and Guidelines.
- Reviewing and revising Policy and Guidelines.
- Reviewing and approving applications
- Reviewing and revising Policy and Guidelines

Residents are responsible for the following:

- Designing, establishing, and maintaining the verge garden in accordance with this Policy and Guidelines.
- Following Council direction in relation to any Compliance issues
- Advising Council if they are moving or are no longer willing or able to maintain the verge garden.

## **COMPLIANCE**

If a resident does not comply with the Verge Gardening Policy or Guidelines, they will be issued with a letter outlining the non-compliant issues and be asked to address these within a given timeframe (usually 14 days).

Should the verge garden continue to remain non-compliant Council staff may take action necessary for the garden to comply including, but not limited to, trimming, and removing vegetation or other items that do not meet requirements or otherwise pose a risk to public access and safety.

Permission for the resident to garden on the verge may also be withdrawn, and in unresolved circumstances Council may resume maintenance of the verge, which may include restoration of grass in the verge.

In cases where there is a high risk to public safety Council may remove items without any notice. Council will not be liable for reimbursing residents for items removed.

Where compliance is not achieved through the above means, more formal enforcement action may be taken under the Roads Act 1993 or Local Government Act 2020.

## APPENDIX 1. Sample Verge Gardens

### Good Outcomes



Landscaping area and street trees suitably located and footway clear. Suitability of trees under power lines should be considered.



Clear footway. Driveway flush, no trip hazard.



Clear footway. Driveway flush, no trip hazard. Landscaping should not be on roadside of footway. Modifications to the verge plantings may be required to accommodate any future footpath.



**Poor Outcomes**



Hard landscaping (timber sleeper retaining wall) and landscaping impedes footway. Modifications to the retaining wall and gardens may be required to accommodate any future footpath.



Poorly maintained and impedes footway. Significant trip hazards for pedestrians.



Poorly located trees, over CTW underground water infrastructure. Well maintained landscaping against boundary fence. Removal of part of the trees will be required to accommodate any future footpath.



Trip hazard at driveway and landscaping impedes footway and needs to be removed. Well maintained landscaping. Removal of part of the gardens and trip hazard will be required to accommodate any future footpath.

## APPENDIX 2. Preferred Species List for Verge Gardens

Type	Name		Mature Height
	Botanical	Common	
<b>Grasses (Dry)</b>			
	dianella revoluta	Blue Flax Lily	1m
	lomandra longifolia	Lomandra	1m
<b>Herbaceous / Shrub</b>			
	Dietes vegeta	Dietes	90cm
	Ophiopogon japonicas	Mondo Grass	40cm
	Gazania	African Daisies	30cm
	Erigeron karvinskianus	Seaside daisy	25cm
	Agapanthus	Dwarf Agapanthus	80cm
	Abelia grandiflora	Dwarf Abelia	1m
<b>Bulbs</b>	Narcissus sp	Daffodil	45cm
	Tulipa sp	Tulip	45cm
	Narcissus sp	Jonquil	45cm
	<u>Cerastium tomentosum</u>	<u>Snow in summer</u>	30cm
	Salvia	Sage smaller sp	To 1m
<b>Succulent</b>	Carpobrotus glaucescens	Pig face	25cm
<b>Annuals</b>			
	Petunias		20cm
	Violets		20cm
	Pansies		20cm

Plants should be maintained to a maximum height of 500mm.

The plants listed are tough and perform well in the local environment.

The list is a guide only, and not comprehensive.

Local nurseries can assist with appropriate plant selection, including different species that may also be suitable, and recommend the use of local native plant species where possible.

### Council Details

Address:

Blayney Shire Council  
91 Adelaide Street, BLAYNEY  
NSW 2799  
PO Box 62 BLAYNEY NSW 2799

Website: [www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au)  
Email: [council@blayney.nsw.gov.au](mailto:council@blayney.nsw.gov.au)  
Phone: (02) 6368 2104

ABN: 47 619 651 511

**Verge Garden Guideline**  
**Self-Assessment and Declaration**

Blayney Shire Council residents are to use this checklist when preparing and planting your verge garden.

There is a declaration you can complete and send to Council, which we will keep as a record of your verge garden complying with these guidelines, should Council be asked to investigate at a later point in time.

Please email this declaration to [council@blayney.nsw.gov.au](mailto:council@blayney.nsw.gov.au)

For further information, please contact Council on (02) 6368 2104.

<b>DECLARANT DETAILS (optional)</b>	
NAME:	
ADDRESS:	

<b>CHECKLIST</b>		
	Ye s	N o
I have talked to my neighbours and considered their feedback on my verge garden proposal.	<input type="checkbox"/>	<input type="checkbox"/>
I have planned my verge garden project to ensure safe pedestrian access while I construct my verge garden.	<input type="checkbox"/>	<input type="checkbox"/>
My verge garden is in line with my property boundary and does not encroach upon my neighbour's verge.	<input type="checkbox"/>	<input type="checkbox"/>
I have ensured my verge garden will retain a pedestrian access 1500mm wide, which is level and free from trip hazards.	<input type="checkbox"/>	<input type="checkbox"/>
My verge garden has been designed to ensure car doors can open with no plants, or with only low groundcovers within 600mm of the edge of kerb.	<input type="checkbox"/>	<input type="checkbox"/>
I have left clear access for the mailman.	<input type="checkbox"/>	<input type="checkbox"/>
I have left clear access around service pits and power poles.	<input type="checkbox"/>	<input type="checkbox"/>
I have a safe and accessible place for the collection of waste/recycling bins.	<input type="checkbox"/>	<input type="checkbox"/>
I contacted Dial before you Dig on 1100 or <a href="http://www.1100.com.au">www.1100.com.au</a> and obtained a free services report to confirm that there are no underground utility services that will be impacted by garden.	<input type="checkbox"/>	<input type="checkbox"/>
I contacted Council to obtain information on any Council or service authority utilities that may be in my verge.	<input type="checkbox"/>	<input type="checkbox"/>
I understand that my verge garden could be impacted by future infrastructure works, and Council or service authorities may not replace any plants lost.	<input type="checkbox"/>	<input type="checkbox"/>
My garden will be maintained to a maximum height of 500mm to ensure line of sight for traffic and pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>
If I want to install a tree, I will contact Council to request a site visit, and assess the specific site constraints.	<input type="checkbox"/>	<input type="checkbox"/>

SIGNATURE:	Date
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## End of Policy

<b>Adopted:</b>	<b>17/05/2021</b>	<b>2105/009</b>
<b>Last Reviewed:</b>	<b>17/05/2021</b>	
	<b>14/02/2023</b>	<b>2302/012</b>
<b>Next Review:</b>	<b>19/04/2025</b>	