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|  | <b>Function:</b> ROADS AND FOOTPATHS            | <b>Version Number</b> 2                    |
|   | <b>Policy Number:</b> INF004                    | <b>Adopted:</b> 4 <sup>TH</sup> APRIL 2012 |
|   | <b>Frequency of Review:</b> After each election | <b>Last Review:</b><br><b>Next Review:</b> |
| <b>VERGE/FOOTPATH DEVELOPMENT BY RESIDENTS POLICY</b>                             |   |  |

## **Policy Statement**

To assist in the process of managing development and usage of verges and footpaths with the Council area.

### **1. Introduction**

Residents are encouraged to develop and maintain the verge area between their property and the kerbing, (existing or proposed), but in order to ensure public, Council and Service Authority rights over this portion of the road reserve, the form or type of development permitted by Council is restricted. This policy provides clear direction to staff and public in relation to types of development that are permitted and not permitted.

### **2. Legislation**

Local Government Act 1999

### **3. Integration with Corporate Objectives**

To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community.

To ensure road reserves are used and managed appropriately.

### **4. Definitions**

Nil

### **5. Application**

#### **5.1 GENERAL**

Residents are encouraged to develop and maintain the verge area between their property and the kerbing, (existing or proposed), but in order to ensure public, Council and Service Authority rights over this portion of the road reserve, the form or type of development permitted by Council is restricted.

## INFRASTRUCTURE SERVICES

The verge area between the property boundary and kerbing may be occupied , (above or below ground), by the following:

- ETSA Utilities underground cables.
- ETSA Utilities overhead wiring and poles.
- Telstra cables, pit poles, etc.
- Gas Mains.
- SA Water, mains and connections.
- Council effluent mains and connections.
- Council stormwater drainage systems.
- Council footpaths.
- Street trees.
- Various street furniture – sign posts, seats, bus shelters, indicator posts, etc.

In most instances in residential areas **one verge** in each road reservation will be designated as a footpath or set aside for a future footpath. This will generally be the side opposite the light/power poles. Advice and maps are available from the Council Office.

Any form of development that prevents or restricts pedestrian access across or along the verge designated **for a footpath** is not permitted.

There must be no permanent vehicle, plant or trailer parking created in the road verges.

### 5.2 DEVELOPMENT

Residents may develop their verge areas on the road side that Council has designated **as a footpath** (or future footpath) as follows;

- The type or form of development may not prevent any pedestrian walking along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed on the verge area or not.
- Must not prevent any Service Authority or Council from installing new services or maintaining existing services.
- Must allow a footpath corridor of at least 1.5m directly adjacent to the road surface or in the existing footpath corridor (if one exists). In the footpath corridor **no** grass, shrubs, trees, large loose rubble, etc, may be constructed.

Residents may develop their verge areas on the road side that Council has designated that there will be **no footpath** (or future footpath) as follows;

- The development is more flexible and no pedestrian access has to be maintained.
- Must not prevent any Service Authority or Council from installing new services or maintaining existing services.
- The type or form of development may not cause a traffic obstruction or limit the vision of vehicles entering the road.

### 5.3 SURFACE TREATMENT

The following forms of surface treatment are permitted in the **footpath side**;

Within the 1.5m footpath corridor whether existing or for a future footpath. This condition extends to 3m where a boundary fence or other clear delineation of property boundary has been constructed;

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

Outside of the footpath corridor;

- Un-irrigated grassed surface.
- Irrigated grassed surface, (other than Kikuyu).
- Mulched surface
- Rubble
- Ground cover – Shrubs, low trees (up to 500mm)
- Brick, paving (clay, concrete).
- Asphalt or bituminous surfaces.

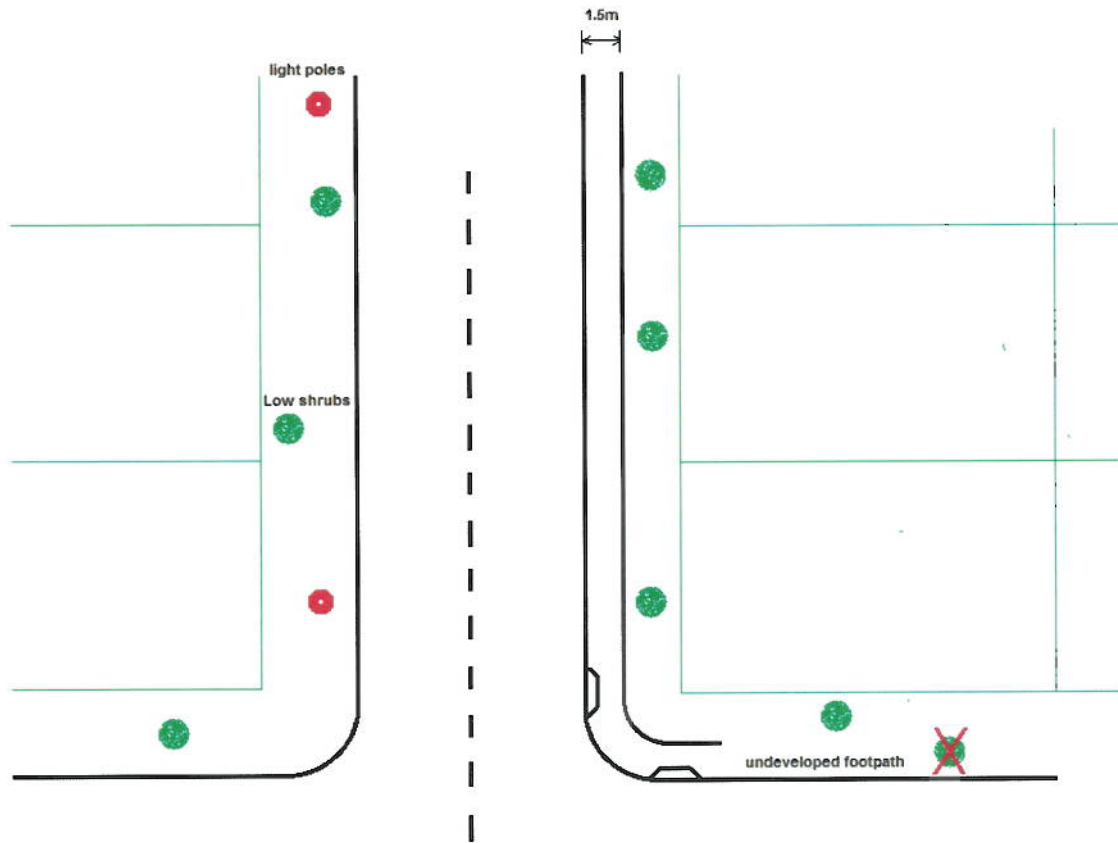
The following forms of surface treatment are permitted in the **non-footpath side**;

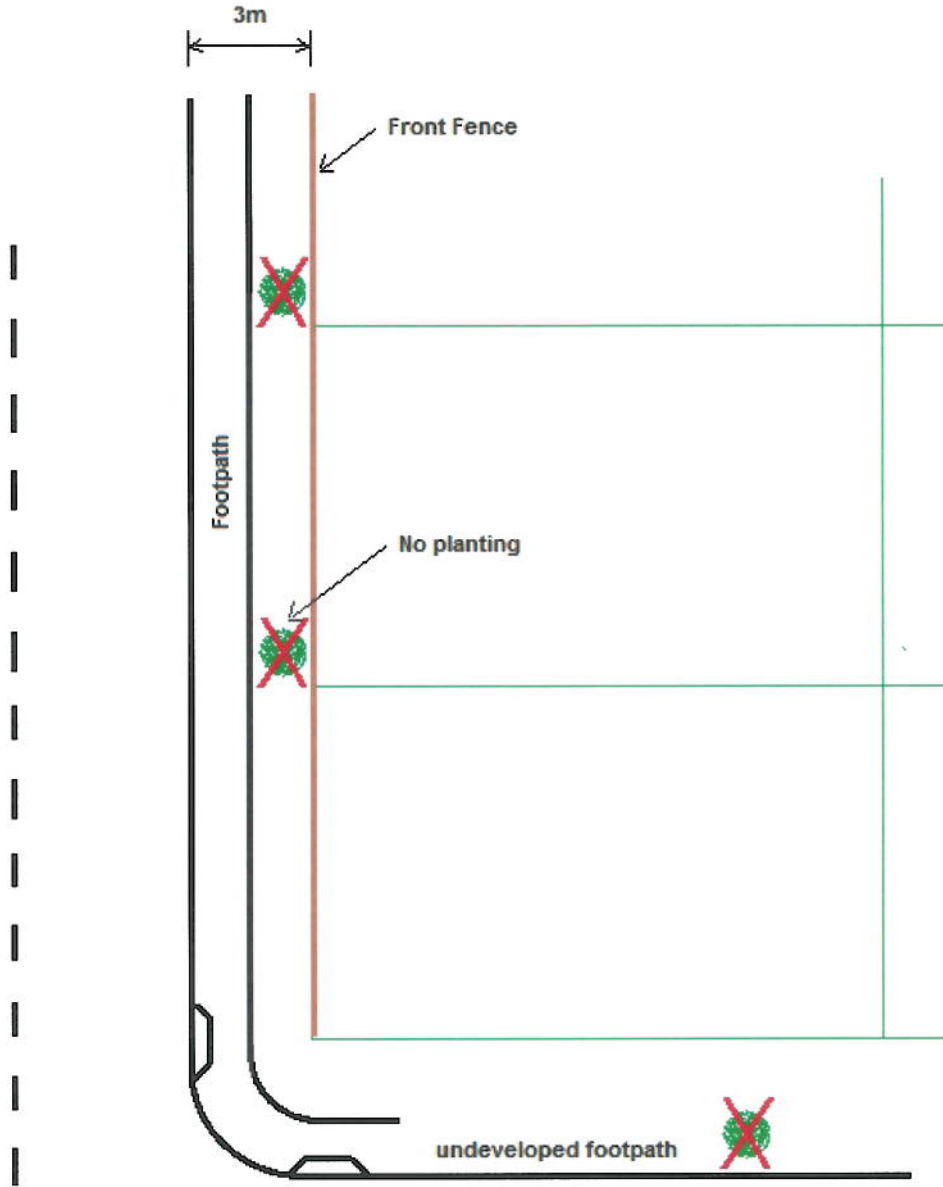
- Un-irrigated grassed surface.
- Irrigated grassed surface, (other than Kikuyu).
- Mulched surface
- Rubble
- Ground cover – Shrubs, low trees (up to 500mm)
- Brick, paving (clay, concrete).
- Asphalt or bituminous surfaces.

The following surface treatments are **not permitted** on any side:

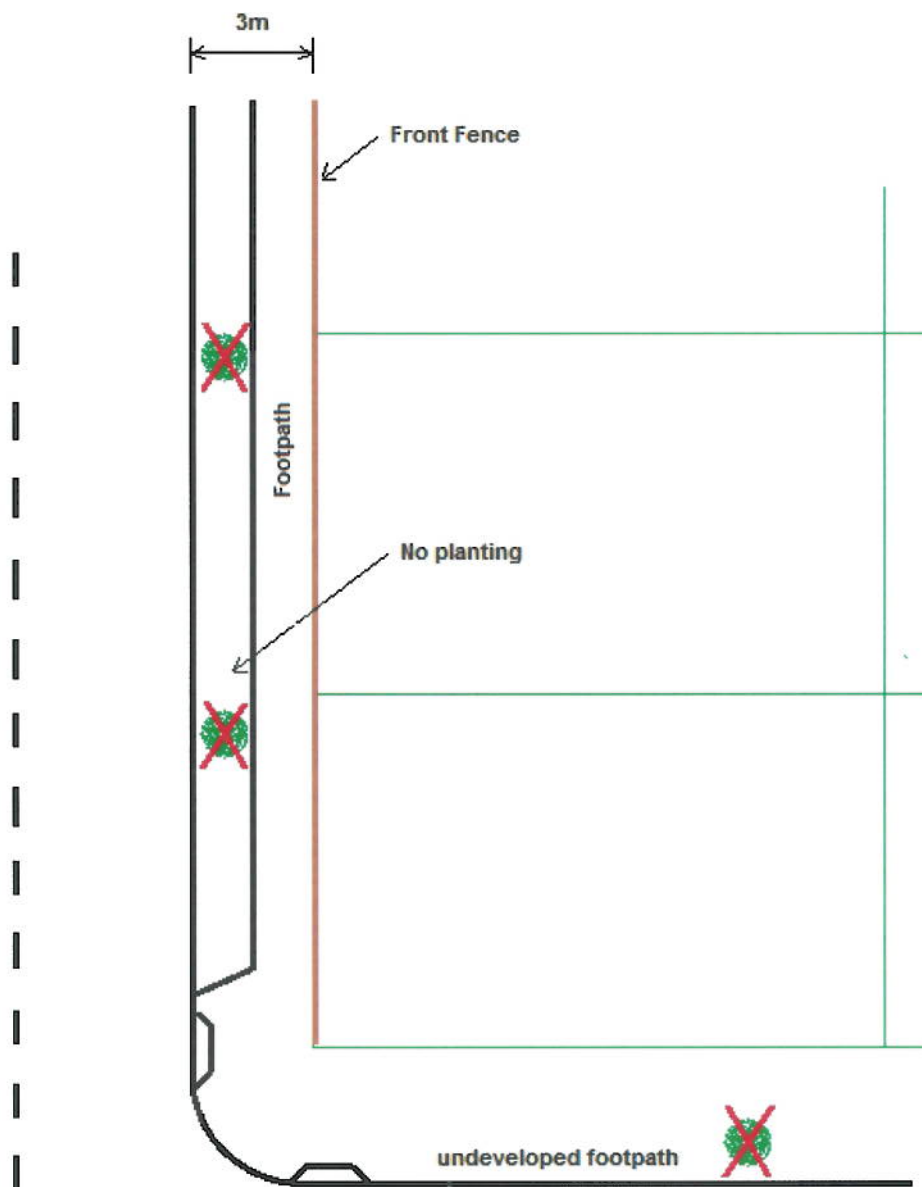
- Chemically sterilised treatments.
- Structures
- Retaining walls

INFRASTRUCTURE SERVICES





No planting where road verge is less than 3m and where there is a boundary fence or other clear delineation of property boundary.



#### 5.4 PLANTING

The planting of trees and shrubs upon verged must comply with the Council "Street Tree Policy"

All vegetation within 1.5 metres of the road pavement or kerb on either side must be lower than 500mm (at its maintained or fully grown height)

#### 5.5 SOLID CONSTRUCTION

Any structure, such as a wall or fence, of any material or form, is **not permitted**.

Any edging material, mowing strip, footpath, driveway cross over etc. shall be flush with the surface.

## **5.6 IRRIGATION SYSTEMS**

Residents may install below ground irrigation systems (including pop-up sprinklers and below ground emitters), provided the resident accepts all responsibility for damage caused to the system by the activities of any State Authority, Council or the public.

Residents must maintain the irrigation system so as to ensure that it is operating in an efficient manner.

## **5.7 REINSTATEMENT**

Service Authority reinstatement will be subject to negotiation between the resident and the Service Authority. Where a Council activity or operation disturbs a verge development, Council will endeavour to restore the verge to a reasonable standard, provided the verge development conforms to this policy.

## **5.8 FOOTPATH CONSTRUCTION**

Any development of a verge without existing concrete or other footpath, must allow for possible future construction of a footpath by Council.

## **5.9 FOOTPATH CONSTRUCTION BY RESIDENTS**

Where the resident desires, as part of a verge development, to construct a paved footpath, (not withstanding that no paved footpath exists on adjoining verges) that footpath, both in regard to its location within the verge and the materials used for its construction, shall be to the satisfaction of the Director Infrastructure Services. Such construction shall be a cost to the resident.

At all time, any footpath, constructed by a resident, shall be maintained in a safe and trafficable condition.

## **5.10 REMOVAL OR MODIFICATION OF EXISTING DEVELOPMENT**

Where any verge has been developed, either before the adoption of this policy, or following its adoption, in a manner contrary to this policy, and Council considers that the verge development could cause, or is causing a hazard to the public, or an Authority, Council shall require the development to be removed, to Council's satisfaction. Any such removal or modification shall be at the cost to the resident, except where Council deems otherwise.

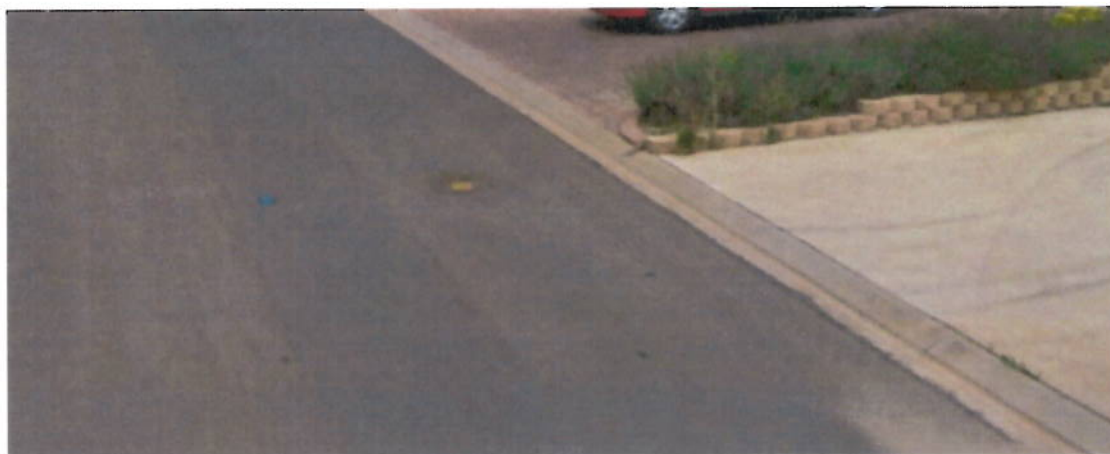
**5.11 EXAMPLES**



**Approved** development in **non-footpath** side



The two trees closest to the road are **not allowed** in the development of the **non-footpath** side



Retaining walls are **not allowed** on either side of the road





Grass up to edge of road pavement or kerb is **not allowed** on designated footpath side



No planting where road verge is less than 3m and where there is a boundary fence or other clear delineation of property boundary.

**6. Delegation**

Enquiries in relation to this policy should be directed to the Director of Infrastructure.

**7. Adoption and Review**

This policy was adopted at the Council meeting held 4<sup>th</sup> April 2012, being resolution C69:12 of the Council meeting.


**8. Availability of Policy**

This policy will be available for inspection without charge at the Council's Principle Office during business hours and on Council's website.

Signed   
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Mayor

Date 25<sup>th</sup> May 2012

Signed   
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Chief Executive Officer