

Local Law Guideline: Verge Gardens

Local Law (section and title):	Section 16(1) of <i>Community Standards for Public Land and Roads Local Laws 2023</i>
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Purpose

Council's *Community Standards for Public Land and Roads Local Laws 2023* (the Local Law) allows residents to undertake plantings within the road verge, on Council-controlled roads without obtaining formal Council approval. Residents are required by the Local Law to fully comply with these guidelines (including completion of the online or paper based self-assessment) when creating a new verge garden.

These guidelines have been developed to inform residents of their obligations and the conditions associated with undertaking plantings within the road verge, on Council controlled roads. Residents are required to fully comply with these guidelines when creating a new verge garden. Residents living in strata, community title schemes or rental properties must obtain approval from the property owner or body corporate prior to installing a verge garden.

Council acknowledges that verge gardens exist which pre-date the guidelines. It is not intended to require those verge gardens to comply with the guidelines unless public safety and pedestrian access issues are raised with Council.

This document is designed to:

- Ensure that all plantings by the community within the road verge are managed in a safe, efficient manner and maintained to an acceptable standard.
- Standardise procedures for the development of community plantings within the road verge.
- Clarify the rights and responsibilities of all stakeholders involved in community plantings within the road verge.

Guidance

Road verge

The road verge forms part of the road reserve between the kerb and the front property boundary, or where no kerb exists, between the table-drain and the front property boundary and is controlled and managed by Council.

The road verge provides a suitable space for:

- Pedestrians
- Footpaths
- Public utilities such as power, water, gas and telecommunications services, and
- Essential services such as bus stops



What can I do?

The owner/occupier of a property may landscape parts of the road verge immediately fronting their property, provided that the works are carried out in accordance with these guidelines. Works that do not meet these guidelines cannot be undertaken.

It is the owner/occupier's responsibility to maintain garden areas constructed within the verge and to preserve a safe verge environment for pedestrians and road users. Any installation of a verge garden will be at the owner/occupier's expense, and the owner/occupier may be liable for incidents that arise from the verge garden. It is for this reason that Council strongly encourages residents to consider holding public liability cover for their verge garden.

Council has a duty of care to ensure the verges are compliant with the relevant legislation, policies and guidelines for the safety of the community.

What am I not able to do?

Verge gardens must not:

- inhibit access to, from or through the road verge;
- pose a risk to human health and safety;
- pose a risk to environmental health or safety

The placement of the following materials, objects and/or barriers are not permitted within the road verge:

- fencing
- concrete slabs
- rocks
- loose inorganic material (stone and gravel) greater than 5mm in size
- logs
- bollards
- reticulation control boxes
- garden ornaments
- plants with sharp spikes or thorns (e.g. roses, yuccas, cacti and agaves)
- garden stakes
- bricks and
- the use of artificial turf

Plants that are declared invasive species or weed species are not permitted within the road verge. For information on plants considered weeds in the Moreton Bay City, refer to the following website: <http://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/land-management/health-pests-weeds-diseases/weeds-diseases/invasive-plants>.



Artificial turf can only be installed on the road verge if person has obtained Council approval (and paid the relevant fee) under the *Alteration of Public Land Local Law 2023*. Failure to obtain this approval may result in Council taking enforcement action including the removal of the artificial turf and/or restoration of the land at the owner or occupier/s cost.

What is appropriate treatment?

Council supports the installation and maintenance of soft, water wise landscaping on the verge to create a safe and aesthetically pleasing environment. Soft landscaping includes grass (drought tolerant varieties are preferred), ground cover, low shrubs and vegetable gardens. Water wise plants are those that are drought tolerant and have a reduced need for fertilizer. In addition, local native plants can provide a usable habitat for birds, small reptiles and insects, and increase biodiversity within the city.

The installation of hard surfaces/paved areas within the street verge is actively discouraged due to increased stormwater runoff and limited visual amenity.

Design Considerations

The landscape design must not create any undue hazards to road users or pedestrians. Plants should not interfere with driver or pedestrian sightlines, must be maintained to less than 0.75 metres in height and should not encroach onto footpaths or roadways. The planting of local native plants is encouraged due to their tolerance to harsh, dry conditions and their minimal requirement for fertilizer.



Where a concrete footpath is constructed across the frontage of the property a minimum distance of 0.75 metres immediately adjacent to the kerb, must be kept clear to allow for:

- Passengers to safely alight from any vehicle parked on the road
- To prevent damage to vehicle doors opening out over the kerb and verge
- To allow space for bin collection



Where a concrete footpath is not constructed across the frontage of the property a minimum distance of 2.0 metres immediately adjacent to the kerb, must be kept clear to also allow for pedestrian access.

Ideally the clear area adjacent to the kerb, as outlined above, should remain grassed. Where street trees occur in this space, organic, seasoned, large particle mulch, such as wood chips is considered an acceptable option. Mulch is to be replenished as required and grass is to be regularly cut to ensure that the area is maintained to a suitably safe standard.

Vegetable gardens

Vegetable gardens may be permitted if the vegetation does not exceed 0.75 metres in height, the ground is not raised and remains reasonably level, and stakes or fences are not used. Root vegetables and herbs are particularly suitable for verge vegetable gardens. Plants such as chillies

which could be hazardous to children if ingested, are not permitted.

Your verge boundary

The resident must notify their neighbours about any proposed verge treatment works and agree on the location of the boundary between their adjacent verges.

Safety on your verge

Temporary barricades for the purpose of establishing verge landscaping are acceptable provided that the materials used do not create a hazard and are identified with sufficient numbers of reflective markers to ensure the safety of pedestrians. Barriers must not be erected across pedestrian access ways and must be removed once the garden is established (Maximum 2 months).

The level and grade of the verge, and between adjoining verges, is to remain consistent and free of barriers, trip hazards, excessive undulations, mounds, holes, depressions, ridges and terraces. Edgings and dividers are permitted only to the extent required to provide sufficient division, and provided that they are flush with the verge surface.

Access to your verge

Adequate access to the property letterbox for delivery by Australia Post must be provided, and a suitable location is to be provided on the verge in front of the property and immediately behind the kerb line for weekly collection of rubbish bins.

Roads and traffic

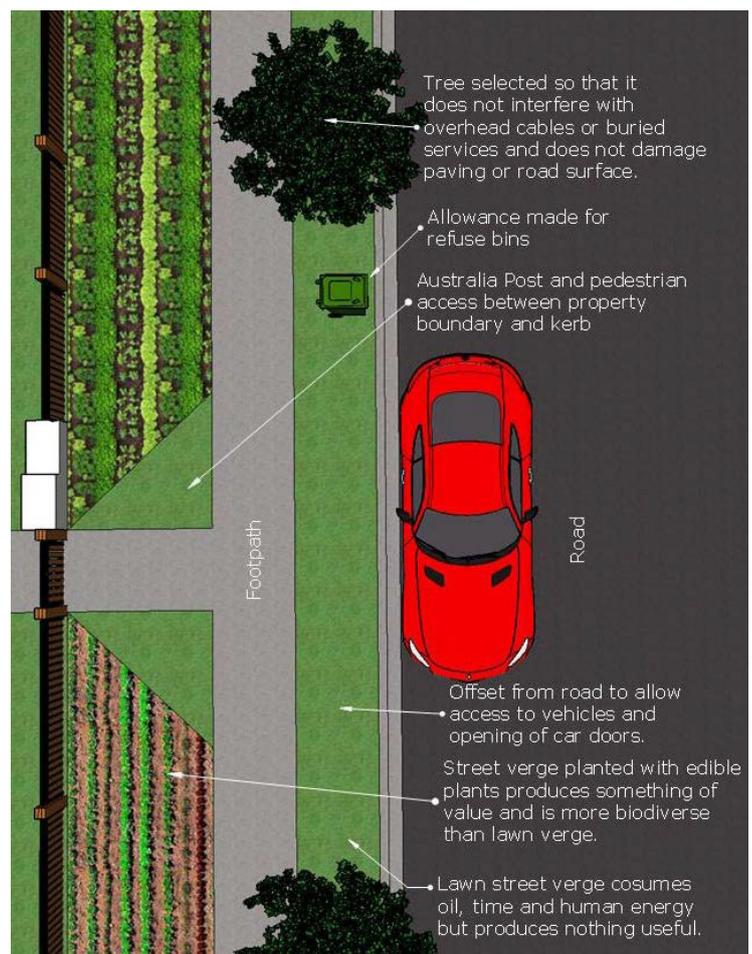
For safety, verge gardens can only be constructed on Council managed roads that are either low traffic roads or roads where kerbside parking is permitted. Low traffic roads include, for example, roads located in a local residential area. Roads that are not considered "low traffic" include, for example, roads that connect to highways, major shopping or other precincts, or that connect two residential catchments.

Verge gardens are not permitted on roads under the jurisdiction of the Department of Transport and Main Roads (TMR). Council can provide advice on whether a road is suitable for development of a verge garden, if required.

When working on your verge planting, be aware that you are working in a public place so keep an eye out for other verge users including passing cars, bicycles and pedestrians.

Make sure the height and width of your planting and associated infrastructure is not going to obstruct sight lines for pedestrians, cyclists and cars.

If planting placements are considered inappropriate, Council will notify the resident and require the area to be appropriately rectified or removed. If this notice is not complied with, Council will remove any offending plants or garden structure. In the event of such removal, Council will not be responsible for the reinstatement or cost of items removed, and Council will recover the cost of removing and disposing of materials.



Tips before you start

Here are some important tips to consider before you plant a road verge:

- Try to use native or water-wise plants and organic products where possible.
- Consider watering by hand with collected rainwater or recycled water (irrigation systems are not permitted) and mulch to retain soil moisture.
- As verge gardens are located on public footways, the Council cannot take responsibility for any damage to gardens or their contents.
- You are responsible for maintaining your garden and keeping it safe, clean, healthy and attractive. Council officers may issue clean-up notices to residents or businesses who fail to maintain verge gardens in a safe and satisfactory condition.
- Stay sun safe while you garden.
- Contact Dial Before You Dig to help locate any underground services on 1100.com.au or call 1100.



Note: The above garden is a good example of how a verge planting should be maintained. It is compliant because it maintains a minimum 2.0 metre clear area adjacent to the kerb for vehicle access, bin collection, and still allows pedestrian access to the mailbox and across the verge.

Conflict resolution and complaints procedure

Verge plantings should be visually pleasing and aim to promote local harmony and acceptance by neighbours. However, it is possible that conflicts may sometimes arise. In the event of a conflict arising, measures should be taken immediately to seek its resolution.

Where specific concerns are raised about a verge garden or plantings that pre-date Council's guidelines, Council's Local Laws Manager, in consultation with the relevant Divisional Councillor, will inspect the site and determine on a case-by-case basis if works are necessary to modify the existing plantings.

Compliance and enforcement

If a Council officer becomes aware of a verge garden where it is not permitted, or that does not comply with these guidelines, the officer may issue a compliance notice requiring removal of the verge garden at the owner/occupier's expense. If this notice is not complied with, Council may remove the verge garden (or part thereof) and recover the cost of removal from the owner/occupier.

Constructing a verge garden

The important question to be asked is; “Will my verge garden comply with all of the requirements of this guideline?”

If you answer ‘yes’ then complete the online or paper based self-assessment and submit to Council. Please note that all responses to the online or paper based self-assessment questions should be ‘yes’ for your proposal to comply.

Once you have submitted the online or paper based self-assessment, you may commence construction.

Related Documents

Relevant legislation

- *Community Standards for Public Land and Roads Local Laws 2023*
- *Alteration of Public Land Local Law 2023*

Council documents

- *Community Standards for Public Land and Roads Local Laws 2023 Explanatory Notes*

Other resources

- Online or paper based self-assessment for Verge Gardens

Definitions

Term	Definition
City of Moreton Bay or Council	Moreton Bay City Council
CEO	Chief Executive Officer of Moreton Bay City Council
Local Law	<i>Community Standards for Public Land and Road Local Laws 2023</i>
Road Verge	Road verge as defined under the Local Law

Document Control

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