

# TEMORA SHIRE COUNCIL



TEMORA

*The Friendly Shire*

## ROAD VERGE AND NATURE STRIP POLICY

**ACTIVE**

## Review Details

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## PART A Introduction

### Objectives

This policy is aimed at fulfilling the following objectives:

- (a) Set out Temora Shire Council's expectations in relation to the use and maintenance of road verges and nature strips by individuals, landowners, utility service providers and Council officers;
- (b) Specify which activities require notification to Council prior to undertaking, under what circumstances no notification is required, and which activities are prohibited;
- (c) Provide details about Council's role in maintaining areas of publicly owned land that are under Council's care and control;
- (d) Provide details about the provision of legal access to properties.

## PART B Nature Strips

### Definitions

A **nature strip** is an area of grass, beside a roadway, possibly with trees and shrubs, including the footpath, if there is one, lying between the trafficked roadway (carriageway) and the property boundary.

For the purposes of this policy, a **nature strip is located in an urban zone area** alongside residential, commercial or industrial properties, including villages, whilst a road verge is located alongside rural properties.

An **urban zone** is land that is zoned R1 General Residential, R5 Large Lot Residential, RU5 Village, B2 Local Centre, B4 Mixed Use, B6 Enterprise Corridor, IN1 General Industrial, RE1 Public Recreation, or RE2 Private Recreation.

Refer to Part D for further controls that relate to land zoned R5 Large Lot Residential.

**Council** means Temora Shire Council.

### Role of Nature Strips

Nature Strips are public property, but adjoining owners are often required to maintain this land.

The benefits of nature strips are visual amenity, public safety for pedestrians, space for street lights and amenities such as sewerage, water pipes, telecommunications, electricity and gas, and have an important role in managing urban runoff.

The nature strip also acts as a buffer between road vehicles and pedestrians and private property.

Resident's Role

- A nature strip is publicly owned land. However, services located within the nature strip may benefit the property owner/s and/or tenant.
- Council relies on residents to maintain the nature strips adjacent to their house, which are a logical extension of their own private property. This is a common, accepted practice throughout Australia.
- **Generally, this residential maintenance involves weeding, mowing and edging turf.**
- Residents should report any concerns they have with street trees to Council Maintenance of street trees by residents is not permitted.
- Residents are not permitted to close off any part of Council's road, nature strip or footpath, for instance due to building or construction works, or in an attempt to manage through traffic, without the approval of Council. Residents must comply with any conditions of consent to ensure that worksites are safe.

Council's Role

- **Council does not generally carry out maintenance** (including mowing and watering) of nature strips that adjoin private property.
- If grass on the nature strip is over 20 cm or there is rubbish dumped on the nature strip by the landowner, Council may issue a letter of request to the relevant landowner, requesting that they comply with maintaining and clearing the nature strip.
- Council will take appropriate action to rectify problems in relation to tripping hazards or safety issues. Where the hazard is identified as being the result of landowner action, Council officers will write to the relevant property owner requesting that they attend to the identified problem.
- Any feature within the nature strip that is deemed by Council to be an immediate risk to the public may be removed from the nature strip without consultation or warning, at the owner's cost.

Development on the nature strip

Table 1 below details development types that are permitted in the nature strip and the controls that apply.

**Table 1: Development permitted in the nature strip**

<b>Development</b>	<b>Permitted</b>	<b>Controls</b>
Vegetation	Lawn (seeding) Turf	Must not inhibit rubbish bin collection, sight distance for vehicles, or vehicle door opening from the street. Must maintain access to the footpath. Existing low garden beds shall be reviewed and may be required to be made safe to the satisfaction of Council. This may include total

		removal.
Maintenance	Routine garden maintenance (eg. mowing, edging, weeding)	Works such as driveway modification or storage of materials such as skip bins require Council permission
Trees	Prune trees located on the landowner's property	Landscaping must not be permitted to obstruct the footpath
Street Trees located on the nature strip	No private maintenance permitted	Council is responsible for pruning, planting or replacing trees. Contact Council with any concerns
Gutter bridges/ramps	Requires Council permission. Gutter bridges/ramps are discouraged and will only be considered as a last resort	Installations to provide access from a road to a residential property must be constructed by approved Council contractors
Building works	Requires Council permission	Protect street tree/s and grassed nature strip during construction. Any barriers to be installed during construction require approval from Council prior to works commencing.

#### Prohibited development on the nature strip

Table 2 below details the types of development that are prohibited in the nature strip.

**Table 2: Prohibited development in the nature strip**

<b>Development</b>	<b>Prohibited</b>	<b>Controls</b>
Hard surface materials	Concrete Pavers Asphalt Stepping stones, or similar	Where a hard surface is required for vehicular access purposes, an application for a gutter crossover and/or driveway must be submitted to Council for approval, prior to commencement of work
Hard landscaping works	Rocks Raised edges Railway sleepers Retaining wall, or similar	These works are potential trip hazards and are therefore prohibited in nature strips
Irrigation systems	Hoses Drip irrigation systems or similar	These works are potential trip hazards and are therefore prohibited in nature strips
Lighting	Temporary or permanent electrical wiring	Must not be installed in the nature strip area (eg lighting of street trees is prohibited)
Vehicle Parking	Parking on nature strips or footpaths	Partially or fully parking a vehicle on a nature strip or footpath may attract a fine from Council to the owner of

		that vehicle
Vegetation	Low garden beds	Planting of low garden beds within the nature strip is prohibited, as such plantings are potential trip hazards
Letterboxes	On private property only	Must provide suitable access to Australia Post delivery

- Under the Roads Regulation 2008 and the Local Government Act 1993 the adjoining property owner may be fined and or ordered by Council to remove any nature strip treatments which are installed contrary to these guidelines, and may be requested to replace them with an approved nature strip treatment. Such work is to be carried out by the adjoining property owner at their own cost.

## PART C Road Verges

### Definitions

A **road verge** is an area of grass, beside a roadway, possibly with trees and shrubs, (including the footpath, if there is one) lying between the trafficked roadway (carriageway), and the property boundary.

**Road verges are generally located in a rural area**, that is, land that is zoned RU1 Primary Production, RU3 Forestry, E1 National Parks and Nature Reserves, SP1 Special Activities and SP2 Infrastructure.

### Role of Road Verges

The role of road verges in rural areas are to provide a buffer between the road and private property, as a location of services such as electricity, gas and water supply, and to assist with managing stormwater runoff.

Rural road verges often contain remnant vegetation that has remained after adjoining land has been cleared. This vegetation is managed through roadside vegetation management plans.

### Resident's Role

- Any fire breaks must be located on the landowner's property and not located on the road verge.
- A resident wishing to graze stock on the road reserve must do so in accordance with Council's policy C9 Grazing of Stock on Council Roads. Livestock must be personally supervised at all times and the landowner must have \$20 million public liability insurance in place, with Temora Shire Council as an interested party. The landowner must use temporary warning signs and must also obtain a permit to graze from Local Land Services.
- Residents are not permitted to close off any part of Council's road, or road verge, without the approval of Council. Residents must comply with any conditions of consent to ensure that worksites are safe.

Council's Role

- Council has a program of roadside vegetation mowing for rural road verges. Roadside mowing is carried out for road user safety and fire risk management reasons.
- Council may slash rural road verges as required, in the following locations:
  - the road shoulder of bitumen sealed roads is to be serviced by a tractor/slasher combination where the terrain permits.
  - slashing is to be restricted to the immediate shoulder adjacent to the bitumen edge. The typical width of slashing will be 1.0 – 2.0 metres in width. Council does not require slashing of the road reserve to the fenced boundary at level areas or over the top of cuttings.
  - the following exceptions will apply (increased interventions):
    - intersections - mow area to ensure adequate sight distance for motorists and pedestrians for safety
    - rural school bus stop pick up and drop off areas – mow area to ensure adequate sight distance for motorists and passengers for safety
    - on state roads which form the major entrances to Temora, Aria Park and Springdale, for aesthetic reasons
    - rail crossings and private land entrances
- Council has a weed management program to manage noxious and environmental weeds

Development in the Road Verge

Table 3 below details development types that are permitted in the road verge and the controls that apply.

**Table 3: Development permitted in the road verge**

<b>Development</b>	<b>Permitted</b>	<b>Controls</b>
Roadside vegetation	Mowing/slashing/weed spraying is permitted along the property frontage, 5 metres from the formed road edge	Alert Council to any urgent concerns about roadside vegetation, such as fallen trees across roads
Native vegetation	Planting of native vegetation is permitted with the approval of Council	Application must advise of the species, location and quantity of proposed planting

Prohibited Development in the Road Verge

Table 4 below details development that is prohibited in the road verge

**Table 4: Prohibited development in the road verge**

<b>Development</b>	<b>Prohibited</b>	<b>Controls</b>
Roadside vegetation	It is prohibited to clear, fell, poison, ringbark or burn native vegetation located in the road verge	Advise Council of any concerns relating to pruning, or imminent risks that vegetation poses to personal

		injury or property.
Grazing of stock	Unsupervised grazing of the road reserve by stock is prohibited.	Refer to Council Policy C9 Grazing of stock on Council roads for details of circumstances where supervised grazing by stock of Council road verges is permitted.

## PART D Large Lot Residential Areas

### Definitions

**Large lot residential areas** are zoned R5 under the Temora Local Environmental Plan 2010 and are considered to be urban areas. As these areas are located on the fringe of the urban area, this part covers the management of these particular urban areas.

### Resident's Role

- As large lot residential areas are considered to be urban areas, it is generally the responsibility of the adjoining resident to maintain the nature strip that adjoins their property.
- As large lot residential properties, by their nature, have large frontages, it is likely that maintenance carried out by or on behalf of the landowner would involve the use of a ride on lawn mower or tractor.
- Residents are not permitted to close off any part of Council's road, nature strip or footpath, for instance due to building or construction works, without the approval of Council. Residents must comply with any conditions of consent to ensure that worksites are safe.

### Council's Role

- As is the case for General residential areas, **Council does not generally carry out renovation or maintenance** (including mowing and watering) of nature strips that adjoin large lot residential areas. Council may at its discretion carry out maintenance from time to time.
- Council may mow nature strips located in large lot residential areas alongside roads that are speed limited above 70km/hour. This is due to resident and motorist safety concerns.
- Council may provide additional maintenance at intersections and school bus stop drop off and pick up areas for safety reasons, and on state roads which form the major entrances to Temora, Aria Park and Springdale, for aesthetic reasons.

### Development in Large Lot Residential Areas

- The controls set out in Table 1 also apply in Large Lot Residential areas.

### Prohibited development in Large Lot Residential Areas

- The controls set out in Table 2 also apply in Large Lot Residential Areas.

## PART E Utilities and Maintenance Work

### Definitions

**Utility companies** are infrastructure providers, including electricity, gas, telecommunications and water supply providers.

For purposes of this policy, “**routine maintenance**” is defined as inspections and minor works that do not require excavation or part or full road or nature strip/road verge closures.

**Major works** is defined as works that will involve part or full closure of a road, footpath, nature strip or road verge. This includes closing of access for pedestrians or vehicles to use part of a road, footpath, nature strip or road verge due to excavation, the installation of a temporary structure or similar works.

### Utilities' Role

- Utility companies may require access to the nature strip/road verge to perform maintenance work from time to time.
- Utility companies must notify Council in writing of their intention to carry out development on Council infrastructure and must take into consideration any comments received from Council within 21 days of notice being given.
- State Environmental Planning Policy (SEPP) (Infrastructure) 2007 sets out the notification requirements for public authorities in relation to impacts upon Council infrastructure or services. This includes impacts that relate to:
  - o Stormwater management
  - o Traffic generation
  - o Sewerage systems
  - o Water supply
  - o Installation of a temporary structure
  - o Enclosure of public place
  - o Excavation of a road or footpath
- Refer to Regulation 13 of this SEPP for further information
- Under the Roads Act 1993, a person must have the consent of the appropriate roads authority when carrying out any work on a public road, including:
  - o Erect a structure or carry out work in, on or over a public road
  - o Dig up or disturb the surface of a public road
  - o Remove or interfere with a structure, work or tree on a public road
  - o Pump water into a public road from any land adjoining the road
  - o Connect a road (whether public or private) to a classified road
- Refer to Section 138 of the Roads Act 1993 for further information
- Where emergency works are required, the utility service provider must notify Council of these works, as soon as practically possible.

Temora Shire Council

- The companies are required to make good the road and nature strip/road verge following maintenance work. This is enforced by relevant legislation.
- Utility companies must warrant the quality of their works for 12 months following completion of their works projects.
- Council will not be responsible for replacing plants or landscaping as a result of such works by others.
- Statutory Authorities undertaking routine maintenance works on their own assets are not required to notify Council prior to works commencing. Council will seek to secure a Memorandum of Understanding with utility companies operating within Temora Shire, to ensure their agreement to abide by standard workplace health and safety practices.

### Council's Role

- Council will require notification by the utility service provider of planned major works involving Council roads, footpaths, nature strips and road verges, prior to commencement.
- This is to enable Council officers to inspect traffic management procedures, as well as sites of proposed and commenced works, and completed rectification works.
- Council will seek to secure an agreement with utility providers about the notification and inspection procedures.

### Notification of Major Works

- Notification to Council of Major Works planned by utility service providers shall involve completion and submission of the notification form to Council. The form shall be submitted to Council at least three weeks prior to the works commencing.
- The completed form shall detail the location of the proposed works, their expected duration and the nature of the planned interruption to Council's infrastructure (part or full road, footpath, nature strip or road verge closure, works as detailed in the Infrastructure SEPP above), impact upon Council infrastructure (such as excavation), traffic management plans, inspections of work stages and completion of the project with final inspection.
- Relevant Council officers shall be informed by phone or email that works have commenced to allow Council officers the opportunity to inspect the worksite during the program of work, to ensure satisfactory traffic management and full repair of the site after works are complete.

## **PART F Gutter Crossovers and Driveways**

### Definitions

A **gutter crossover** or layback is the section of the kerb in front of the property front boundary that is used to cross a vehicle from the road to the nature strip or road verge.

### Resident's Role

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- Residents wishing to modify or install a gutter crossover must make an application to Council. Gutter crossover and driveway modification maintenance and/or upgrade shall be at the full cost of the landowner.
- Construction of driveways are by application to Council. Driveway construction costs are the responsibility of the property owner.
- Residential properties must be accessed by full concrete driveways, as part of the Construction Certificate.

Council's Role

- Council will provide one legal access to an existing residential property, being a gutter crossover.
- Legal access may be provided by the main property access or by rear lane access.
- Newly created residential allotments must have legal access provided by the developer, at their cost, to Council's standard.
- Gutter crossovers, footpaths and driveways can be constructed by either Council directly or by a Council approved Contractor, to ensure that construction is to a reasonable standard and uniformity.
- A Council is not responsible to accommodate all vehicles that may need to access a private property via a 'special' crossing, (Section 218, Roads Act 1993). This would include when a land owner buys a new vehicle and accessing their property is difficult or causes damage to the vehicle.
- The Council may wish to approve of the construction of a 'fillet' on the road side of the layback, which would assist by affectively flattening the horizontal profile. This would be at the property owner's cost. The reference profile is shown in Australian Standard AS/NZS 2009.1: 2004. Landowners must make application to Council for these works.
- Council is responsible for ensuring vehicular access when it initially establishes road levels, not on a continuing basis.
- Where Council makes a decision to change levels of a road due by establishing a 'new' longitudinal profile, Council is obliged to accommodate all vehicles owned by a property owner at that time.

## **PART G Rural Property Access**

Definitions

A **rural property access** is the physical legal access to a rural property.

Resident's Role

- It is the responsibility of the owner of the rural property to arrange the provision of access to a rural property, by making application to Council.

- Any modifications or maintenance required to provide, maintain or upgrade physical access to a rural property shall be at the landowner's cost.
- For maintenance within the public road verge, Council or a Council Contractor must carry out the work.

#### Council's Role

- Council may specify the location of the rural property access, such as, in order to limit the number of accesses to major roads, or to reduce costs due to the need to install culverts across existing table drains. This matter shall be discussed with Council officers at the pre-lodgement meeting for a new development or subdivision, to ensure suitable building design and siting.
- Council will specify access details when a rural property is subdivided, and the access infrastructure, such as, culverts, gravel, or headwalls, to be provided at the developers cost.
- Council is not responsible for providing legal access to rural allotments. This includes where an existing rural allotment is sold without requiring subdivision consent. A rural property access can be constructed by either Council directly, as private works or by a Council approved Contractor, to ensure that construction is to a reasonable standard and uniformity.
- A list of Council approved contractors can be obtained by contacting Council's Engineering department.

## **PART H Firewood Collection**

#### Definitions

**Firewood Collection** means the gathering of fallen timber for the purposes of private home heating.

#### Owner's Role

- An owner of private land may collect firewood on their own property for personal or commercial use, and may give permission to others to collect firewood for personal or commercial use.

#### Council's Role

- Temora Shire Council does not issue permits for the collection of firewood from road verges, nor for collection of firewood from Crown Land or Public Land under the care and control of Council.
- For road safety reasons, Council encourages residents to collect wood from private property, with the landowner's permission.
- The felling of trees on Council road verges is an offence.

## Annexure 1

### Sample Memorandum of Understanding



#### Temora Shire Council

#### Road Verge and Nature Strip Policy

#### Memorandum of Understanding

#### **between Temora Shire Council and <insert utility service provider name>**

This Memorandum of Understanding (MOU) highlights the objectives and management arrangements of notification to Council under the Temora Shire Council Road Verge and Nature Strip Policy. It details communication, information sharing and consultation processes. It is not a legal document, however it is an agreement to co-operate and collaborate.

##### 1. Rationale

The purpose of this MOU is to formalise arrangements for notification of Council by <insert utility service provider name> under the Temora Shire Council Road Verge and Nature Strip Policy.

##### 2. Definitions

*Utility companies* are infrastructure providers, including electricity, gas, telecommunications and water supply providers.

*Routine maintenance* is defined as inspections and minor works that do not require excavation or part or full road or nature strip/road verge closures.

*Major works* is defined as works that will involve part or full closure of a road, footpath, nature strip or road verge. This includes closing of access for pedestrians or vehicles to use part of a road, footpath, nature strip or road verge due to excavation, the installation of a temporary structure or similar works.

*Council* is Temora Shire Council

*Council infrastructure* is Council owned assets including local roads, nature strips, road verges, and footpaths.

### 3. Goals and objectives

The goals and objectives of the MOU are to:

- ensure the timely notification of Temora Shire Council by utility companies of proposed major works that may impact upon Council infrastructure or services.
- allow Temora Shire Council to comment on proposed major works prior to their commencement, and for those comments to be considered by utility companies.
- enable Temora Shire Council the opportunity to inspect worksites relating to this MOU and ensure safe work practices and traffic management are occurring.
- provide quality workmanship by requiring utility service providers to warrant the quality of their works for 12 months following completion of their works projects.

### 4. Partner organisations

The Memorandum of Understanding is between:

- Temora Shire Council, and
- <insert utility service provider name>

### 5. Roles and Responsibilities

The role of both parties in this MOU is:

- timely communication of proposed works and responding comments
- notification of works commencement and completion
- notification of inspections
- sharing communication of this MOU across all relevant staff and contractors

### 6. Governance structure and reporting

Reporting of proposed major works shall be via the Road Verge and Nature Strips online form, to be completed and submitted on Council's website.

Notification of works commencement and completion shall be to Council's Engineering Secretary phone 6980 1101 or email [secretary@temora.nsw.gov.au](mailto:secretary@temora.nsw.gov.au)

Questions about proposed works shall be directed to Council's Engineering Works Manager Mr Bimal Shah, phone 6980 1106 or email [bshah@temora.nsw.gov.au](mailto:bshah@temora.nsw.gov.au)

### 7. Annexure

Details of the MOU that are specific to <insert utility service provider name> are included in the Annexure

### 8. Authorisation

The signing of this MOU is not a formal undertaking. However, the signatories will strive to reach the objectives stated in the MOU, to the best of their ability.

Temora Shire Council:

Name

Title

Date

<insert utility service provider name>:

Name

Title

Date

Annexure

Details of the MOU that are specific to <insert utility service provider name> are included below:

- <insert details where relevant of agreements specific to this utility service provider>
- Example – emergency works notification

Signature of Authorised Temora Shire Council Representative

Signature of Authorised <insert utility service provider name> Representative