

# nhulunbuy corporation

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## **VERGE POLICY** **POLICY – WT07**

<b>Title</b>	<b>Verge Policy</b>
<b>Policy number</b>	WT07
<b>Type</b>	Community
<b>Owner</b>	Chief Executive Officer
<b>Responsible Officer</b>	Manager, Strategic Infrastructure
<b>Approval date</b>	June 2022
<b>Review date</b>	June 2025

## 1. Purpose

This policy provides a threefold approach to the development, utilisation and maintenance of verges.

- It provides clear guidelines that address a range of queries, complaints or requests from residents regarding verges.
- It facilitates procedures to follow when adjudicating on verge matters.
- It identifies the risk management and safety processes that the Nhulunbuy Corporation is dedicated to providing for residents.

## 2. Scope

This policy is intended to provide guidance for Nhulunbuy Corporation employees and the public regarding the development, maintenance and utilisation of verges. This policy extends to properties with the Nhulunbuy and Industrial Estate leased areas.

## 3. Definitions

**Verge** means the area of land usually three metres from the back of the kerb or the edge of the road. There may be circumstances where the distance between the surveyed property boundary and the edge of the road is less than this distance. Also known as the 'nature strip'.

**Owner** means the responsible entity who holds the sub-lease over the property.

**Nhulunbuy Corporation** means the Nhulunbuy Corporation Limited.

## 4. Policy

The Nhulunbuy Corporation is committed to providing quality parks, gardens and open spaces for the benefit of the community. In the specific matter of verges, the Nhulunbuy Corporation encourages ownership and ongoing maintenance of verges by the abutting owner.

The Nhulunbuy Corporation is obliged to minimise the risk to the community arising from the use and/or misuse of the verge. The Nhulunbuy Corporation is also obliged to provide for the unobstructed and safe flow of pedestrian traffic, full and appropriate access for the disabled, and for waste collection.

In most cases, the verge is grassed. The verge is likely to contain various types of Nhulunbuy Corporation and service infrastructure such as, but not be limited to footpaths and/or cycle ways, driveways, pedestrian (pram) ramps, signage, street trees, irrigation and landscaping, drainage pits, street lighting poles, utility underground services such as sewer, water, electricity (also overhead), communications, and other associated infrastructure.

All utility service authorities have access rights to defined areas of the road reserve including the verge and from time to time they may be required to excavate the verge for maintenance and other purposes.

The Nhulunbuy Corporation does not carry out renovation or maintenance (including mowing and watering) of the verge. Exceptions to this may be roads at the rear of properties where there is generally no access permitted and any other abutting areas defined by the Corporation. It is accepted practice throughout Australia that the abutting property owners maintain the verge. Generally maintenance amounts to weeding, mowing and edging turf.

### **Compliance**

Traditionally, most verges have been turfed or grassed, however, some alternative landscape treatments may be accepted subject to approval of the Nhulunbuy Corporation.

The Nhulunbuy Corporation acknowledges that not all proposed or existing verge treatments are consistent with the requirements of this policy. On notice of a non-compliant verge, the Nhulunbuy Corporation will investigate the verge to determine the risk to the public and undertake corrective action in consultation with the abutting owner to reach an amicable solution.

### **Submission approval and construction process**

If an owner proposes anything other than grassing on the verge, then permission from the Nhulunbuy Corporation is required in the form of a submission.

The following information is to be contained in the submission:

- A sketch of the landscape proposal on for the verge. This need not be to scale however all relevant dimensions are to be included.
- A list of all intended planting on to the verge area. The Nhulunbuy Corporation will conduct checks with respect to public safety.
- Confirmation that the applicant is the owner of the property and/or has written approval from the owner to conduct the works.

The submission should also contain a signed letter from the owner indicating willingness to:

- Irrigate the landscaped area from a supply within the property.
- Acceptance of all physical and fiscal responsibility for any required maintenance of the landscaped area.
- Accept that should the need arise the Nhulunbuy Corporation may request the removal of the landscaped area.

### **Approval**

Each verge proposal will be assessed on a case by case basis and referred to Rio Tinto Gove Operations (as the head lessee of Nhulunbuy and the Industrial Estate) for final approval.

Owners who modify their verge will not be compensated for any loss of vegetation or landscaping items.

### **Construction**

Work may not commence on any alternative development of the verge without written approval from Rio Tinto Gove Operations.

If excavation is required, an Excavation Permit must be sought from the Nhulunbuy Corporation before proceeding to ensure that no critical infrastructure will be impacted.

All maintenance activities for a modified verge are to be undertaken by owner at no cost to the Nhulunbuy Corporation.

In the event that the modified treatment does cause risk to the public, the treatment may be removed by the Nhulunbuy Corporation and the Corporation may seek to recover costs for the removal from the property owner.

### **Verge planting options include:**

#### ***Grassed verge***

Grassed verges remain the most common and preferred form of nature strip treatment within Nhulunbuy and the Industrial Estate.

- The use of tropical grasses provides a low maintenance treatment which requires requiring periodic mowing and weeding.
- Grassed verges must allow for pedestrian traffic and ensure clear site lines for pedestrians and motorists.
- No permit is required to maintain a grassed verge.

#### ***Alternative plantings***

An alternative to grass is a planted and mulched verge which when well maintained provides a soft and visually pleasing alternative.

- This treatment involves the use of a portion of the verge area as a garden bed with the area being mulched with organic mulch and planted with low growing plants.

#### **Guidelines for development and maintenance of a verge**

Obstructions within three metres of the face of the kerb are prohibited except where surveyed property boundaries are less than this distance.

#### ***Clearways***

Certain clearways are to be established and maintained on the verge:

- A minimum clear pedestrian width of 1.5 metres is to be retained on the verge.
- The buffer zone **MUST** be grassed to ensure sight lines are maintained.
- No trees or shrubs from the verge or private property should encroach onto the footpath or impede pedestrian thoroughfare.
- Vegetation should not encroach onto road ways or impede the vision of motorists.
- A clear height of 4.5m for vegetation at the kerb line is required.
- Approved plantings are to be maintained preferably below a height of 300 millimetres with a maximum unpruned height of 600mm.

#### ***Other***

Hard landscaping elements such as rocks, timber, retaining walls, and ornaments must not be used.

Mulch material must be kept stable and properly contained:

- Recommended treatments are ground organic mulch.
- Larger materials such as stones or rock are not to be used.

Irrigation systems must be supplied from within the owner's property.

Temporary or permanent electrical wiring must not be installed on to the verge (eg. lighting of trees is not permitted).

**Non-approved plants**

Plants that must not be planted on the verge or on the property boundary include but are not restricted to:

- 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, eg. Coconuts; and/or
- declared weed species (please refer to the Nhulunbuy Corporation's Weeds Matter information sheet for more information).

**Excavation and cultivation of the verge**

Excavation and cultivation must be by hand. Hand (spade or fork) excavation and cultivation only will be permitted.

Mechanical excavation (bobcat/dingo) or cultivation (rotary hoe) may damage infrastructure and services that may be underground. This may also cause damage to street trees and their root systems.

The owner is responsible for repairing any damage to infrastructure caused by any landscaping works.

**Nhulunbuy Corporation works**

Regardless of any development of the verge area, the Nhulunbuy Corporation reserves the right to construct or maintain infrastructure on any part of the road reserve at its discretion.

If necessary, in doing so, the Nhulunbuy Corporation may remove any existing plants, shrubs, groundcover, irrigation systems or decorative features without compensation to the owner for such removal or alteration.

**Utilities and maintenance work**

Utility companies (including Rio Tinto Gove Operations) may require access to the verge to perform maintenance work from time to time.

- The companies are required to make good the verge following maintenance work, but are not required to re-instate residential verges that have been landscaped other than with grass.
- The Nhulunbuy Corporation will not be responsible for replacing plants or landscaping as a result of such works by others.

**Risk management and safety**

Any feature installed by an owner that is deemed by the Nhulunbuy Corporation to be a risk to the public as a tripping hazard, obstruction or other hazard, or for which a permit has not been issued or does not comply with of the requirements of the permit, may be removed from the verge without consultation or warning.

Where it deems appropriate, the Nhulunbuy Corporation will act to rectify problems in relation to tripping hazards or safety issues.

The Nhulunbuy Corporation will write to the relevant property owner requiring that they attend to the identified problem.

Failure to take action following a notice may result in escalation of the matter to Rio Tinto.

The Nhulunbuy Corporation may also undertake the required works at the expense of the property owner.

Parking any part of a motor vehicle or boat on a verge is impermissible and constitutes a trespass. Proceedings may be instituted to require the removal of motor vehicles and/or boat.

#### 5. Review process

This policy will be reviewed three years from the date of adoption.

<b>Date</b> 22 August 2022	<b>Director (Name)</b> Andres Hoffman	<b>Signature</b> <i>Andres Hoffman</i>
<b>Chief Executive Officer (Name)</b> Max Duncan		<b>Signature</b> <i>Maxwell Duncan</i>