

Living Streets Verge Garden and Adopt - A - Spot Policy

Version 1



| | |
|--|--|
| Title | Living Streets Verge Garden and Adopt-a-Spot Policy |
| Summary | <p>The Policy will provide a framework for resident participation in planting and caring for verge gardens and Adopt-a-Spot areas of the Inner West, to enable improved biodiversity and liveability outcomes.</p> |
| Document Type | <p>Council Policy</p> <p>This policy should be read in conjunction with the Living Streets Verge Garden and Adopt-a-Spot guidelines.</p> |
| Relevant Strategic Plan Objective | <ul style="list-style-type: none"> • Strategic Direction 1: An ecologically sustainable Inner West • Strategic Direction 2: Liveable, connected neighbourhoods and transport. • Strategic Direction 4: Healthy, resilient, and caring communities |
| Legislative Reference | <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>NSW Roads Act 1993</i> • <i>NSW Biosecurity Act 2015</i> |
| Related Council Documents | <ul style="list-style-type: none"> • Model Code of Conduct • Living Streets Verge Garden and Adopt-a-Spot Guidelines 2023 • Grants and Fee Scale Policy 2020 • Healthy Ageing Strategy 2022 • Pathways to Inclusion 2017 • Community Gardens Policy 2020 • Weed Management Policy 2019 • Pesticide Use Notification Plan 2019–2022 • Asset Management Strategy 2018 |
| Version Control | <p>See last page</p> |



Contents

| | | |
|----|--|----|
| 1 | Purpose | 4 |
| 2 | Scope..... | 4 |
| 3 | Definitions..... | 5 |
| 4 | Statement | 6 |
| 5 | Adopt-a-Spot Program | 7 |
| 6 | Ongoing Council Support..... | 9 |
| 7 | Infrastructure maintenance and other public works..... | 10 |
| 8. | Responsibilities..... | 10 |
| 9 | Management of safety issues | 12 |
| 10 | Breaches of this Policy | 12 |
| 11 | Administrative changes | 12 |
| 12 | Version Control – Policy History..... | 13 |



1 Purpose

The purpose of this Policy is to provide a framework for residents wanting to plant and care for gardens on verges of the Inner West or Adopt-a-Spot in a park or in a space which Council manages which is not a residential street verge or community garden.

Many Inner West residents wish to make use of the verge to plant and care for gardens. Appropriate planting of verge gardens contributes to the ecological health, biodiversity, and liveability of the Inner West.

The Policy ensures a balance between our residents' desire to beautify the Inner West and improve liveability and biodiversity with the need to manage public land in a way that does not jeopardise public safety, reduce access, or interfere with infrastructure and essential services.

This Policy recognises the needs of the community and sets out the requirements for verge gardens to be a high standard of safety, access, and finish to reduce potential conflict between neighbours.

2 Scope

This policy applies to all Inner West residents currently, or proposing to, maintain a Verge Garden or an Adopt-a-Spot area. It applies to verges located on Council land immediately in front of, or immediately adjoining single dwellings or multi-unit dwellings in residential areas and pockets of land which Council manages including within parks. It outlines the approval and ongoing requirements for community participation in the Verge Garden and Adopt-a-Spot program.

Council is responsible for the management of all activities taking place within the road reserve including footpaths, verges, lanes, and public open space.

This policy does not apply to:

- Community gardens – Council's community food growing program
- Bushcare volunteer sites or other Council managed Natural Areas
- Non-residential premises, residences above commercial properties
- Creek lines, rain gardens or W.S.U.D
- In-road tree pits
- Remnant vegetation
- Local Area Traffic Management devices (LATMs) Laneways

This policy does not authorise or apply to the installation of:

- verges on roads with speed limit above 60km per hour
- verges adjacent to mobility parking spaces
- verges adjacent to bus zones
- garden beds or other managed areas in parks or on private property
- raised beds and planter boxes and other built garden features
- artificial turf and other artificial plants

3 Definitions

In the Verge Garden and Adopt-a-Spot Policy, the following terms have the following meanings:

| Definitions | Within the scope of this policy |
|--------------------------------------|--|
| Verge | A verge is the area of land located between a street kerb and the boundary of an adjoining property but not including the pedestrian walkway. |
| Verge garden | gardens (including plants, soil, leaf litter and associated animal life such as insects) established at ground level by residents on the Council-owned verge (road reserve) adjoining the resident's home. |
| Adopt-a-Spot | An area of Council land where a community group, school or individuals agree to a Site Action Plan developed with Council support to enhance and take care of an area of Council land. |
| Definitions | Outside the scope of this policy |
| Bushcare sites | Land / Natural Areas that are maintained, regenerated, revegetated, or restored with native plantings to improve biodiversity and habitat in the Inner West, often with the help of resident volunteers. |
| Council managed Natural Areas | Land (including foreshores and waterways) that is being actively managed to promote native plant growth and improve biodiversity habitats in the Inner West. This is done with the help of paid contractors and supported by the Council Native Plant Nurseries. |
| Creek lines | Existing natural drainage lines and sections of smaller waterways which may not be always "running with water" but are an important part of our river network. |
| Community garden | Community-managed spaces for non-commercial food growing and other gardening activities that are accessible to and for the benefit of the local community. |
| In-road tree pits | Cut-out sections in road carriageways specifically for street trees to grow (different to those found in the footpath). |
| Non-residential premises | Any buildings other than those which have a formal approval for people to live in them. |

INNER WEST

Local Area Traffic Management devices (LATMs) Physical measures to control and calm traffic movements in our local streets such as speed humps and pedestrian refuge islands.

Rain gardens Water Sensitive Urban Design (W.S.U.D) are vegetated drainage systems designed and built by Council to recreate natural water flows across the landscape.

Remnant vegetation Patches and pockets of native trees, shrubs and grasses still left intact after land clearing and other environmental damage. In areas where there has been a lot of urban development, like the Inner West, these areas are highly valuable for conservation and habitat values.

4 Statement

Council encourages appropriate planting of verge gardens which contribute to the ecological health and liveability of the Inner West. Residents are encouraged to use local native plant species to ensure greater plant survival, maximise benefit for local native fauna, including the threatened species found in the Inner West.

The Verge Garden and Adopt-a-Spot 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 filtration of air, provision of habitat, for insects, birds and small reptiles, reduction of urban heat island effect, carbon sequestration in garden soils and slowing down of stormwater run-off that causes flooding and carries pollution to rivers.
- Contributing to the establishment of the Blue Green Grid – a multi-functional network of connections across the Inner West and into neighbouring local government areas – consistent with priorities 1, 3, 4 and 7 of the Local Strategic Planning Statements.
- Reducing carbon emissions and other costs associated with mowing lawns that consume excessive water and fossil fuels in their maintenance.
- Developing social capital and civic engagement, 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 ecologically friendly 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.
- Restoration of eco-systems and native vegetation, creating a sense of place.



Application

Individual residents who want to establish a new verge garden adjoining their 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.

In heritage conservation areas and close to buildings or gardens of high heritage significance, additional consideration will be given to the design and overall acceptability of a verge garden proposal.

Applicants must comply with all requirements of the Verge Garden and Adopt-a-Spot Guidelines, available on Council's internet. As 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. 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.

Council will consider requests from residents to remove pavement for the purpose of establishing a verge garden. Council will meet the costs of concrete removal.

Footpaths have variable site conditions which need careful assessment to determine suitability for a verge garden. Requests will be assessed taking into account:

- The footpath's gradient, soil, and drainage
- Existing trees and future street tree planting
- Access requirements
- Location of underground services, utilities, and other site-specific issues

Gardening in Lanes

Gardening in lanes is not permitted due to limited space and increased risk factors to the community associated with gardens in confined road reserves. Potential risk factors include:

- 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.
- Garbage truck access and turning paths.

5 Adopt-a-Spot Program

Council's Adopt-a-Spot program permits community groups, schools, businesses, and individuals to enhance and take care of a nominated area of Council managed land which is not classified as a verge garden or a community garden. Adopt-a-Spot activities can include:



- Planting
- Weeding
- Gardening
- Habitat creation
- Wildlife watching
- Citizen Science

Adopt-a-Spot-Key Principals

Inner West Council will support Adopt-a-Spot projects with community volunteers which demonstrate the following key principals:

- Working in partnerships for the benefit of the community and environment.
- Projects that strengthen the quality and resilience of our green spaces.
- Local stewardship of our Parks and open space areas.
- Projects which comply with statutory and legal requirements, such as Park Plans of Management.
- Projects that are equitable and inclusive.
- Encourage volunteers to work under the umbrella of an existing or newly formed group.
- Support and enable eco-action in public conservation.
- Contribute to Citizen Science projects, data collection and monitoring aligned with the work of Council.

Registering an Adopt-a-Spot with Council

Before commencing an Adopt-a-Spot, residents must register their proposed Adopt-a-Spot idea and meet with Council's Urban Ecology Team to discuss the proposal.

Adopt-a-Spot - Role of Council

Inner West Council values community volunteers and the work that they undertake. To help volunteers in this work, Council will:

- Provide assistance in producing a site action plan.
- Provide signage acknowledging that the site is maintained by community volunteers and is a registered Adopt-a-Spot area.
- Keep a register of Adopt-a-Spot location on its web site.
- Provide a maximum of 20 tube plants to assist with the establishment of an Adopt-a-Spot site. Additional plants can be purchased from Council's nursery subject to availability.

Adopt A Spot - Conditions of Use

The conditions of use as they also relate to verge gardens in this policy are applicable to Adopt-a-Spot locations agreed to by Council. This includes conditions of use and public liability insurance coverage.

6 Ongoing Council Support

Council is committed to helping residents establish and manage verge gardens and approved Adopt-a-Spot. Council can provide information to residents on garden layout, site preparation, plant species selection and weed management. In addition to the plants provided at establishment phase, Council will also run plant giveaways for registered verge gardeners at other times.

A competition is held annually in the Inner West to recognise verge gardeners and to encourage participation in the program. The winning garden is used to promote the verge garden program among Council's Environmental networks.

Insurance

Council extends its public liability insurance to gardeners who have received approval to garden on their verge and whose gardens are compliant with this Policy.

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.

Hard landscaping is not supported in the policy. Verge gardening in the Inner West operates in limited and confined space with competing stakeholder requirements. There are significant risk factors to the community associated with hard landscaping. The Verge Garden and Adopt-a-Spot program is focussed on greening the streetscape and small areas of Council land, it is not focussed on public art or landscape structures which could pose a trip hazard or inherent health and safety issues to the community. Hard landscaping structures such as raised garden beds, moss rocks, sleepers, edging, letterboxes, and metal stakes are not permitted, nor is public art.

7 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 be removed or damaged to create or maintain a verge garden. Early consultation with Council staff is encouraged if a verge garden is near a street tree to ensure the appropriate plant species are selected.

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 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.

8. Responsibilities

Multi-unit dwellings

An individual tenant or owner occupier can apply for a verge garden adjoining their multi-unit dwelling/ building. They must provide proof of strata permission in the form of a letter with the strata's common seal stamp affixed.

This permission may be withdrawn by the strata but Council's approval to garden in the verge will not be revoked earlier than two years of permission first being granted. This is to allow certainty in the scheme and provide adequate time for verge gardens to establish. Council will withdraw its approval for the verge garden if provided with a letter



from the strata with its common seal stamp demonstrating strata permission has been withdrawn.

Single dwellings

If applying for a verge garden adjoining a single dwelling as a rental tenant you must get approval from the owner of the property. A letter from the owner must be submitted with your application.

This permission may be withdrawn by the property owner but Council's approval to garden in the verge will not be revoked earlier than two years of permission first being granted. This is to allow certainty in the scheme and provide adequate time for verge gardens to establish. Council will withdraw its approval for the verge garden if provided with a letter from the property owner demonstrating permission has been withdrawn.

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.

Legacy verge gardens

Legacy verge gardens will often have features which may not satisfy this new policy adopted after the garden was planted. Support will be provided, as requested, to resident verge gardeners including help with initial design, ongoing advice, and monitoring, including expert advice on plant selection and plant identification. All new and existing gardens will be supported by council to best practise standard.

Urban Ecology staff will be available to work with residents to resolve any issues and will consider the following:

- All new plantings need to be appropriate for location, including species selection for low maintenance and low water requirements
- Landscape materials, structures or other items which do not satisfy the Verge Garden Guidelines must not be installed in the verge garden

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.
- Administering the annual verge garden competition.
- 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 issues about verge garden standards.
- Advising Council if they are moving or are no longer willing or able to maintain the verge garden.

9 Management of safety issues

If Council is notified of a garden which may not comply with this Policy or the Guidelines, an officer from the Urban Ecology team will inspect the garden. If there are any safety issues, the resident who is the registered gardener will be issued with a letter outlining the issues and asked to address these within a reasonable timeframe (usually 14 days).

Should the issues remain unresolved, because the verge is on public land, Council staff might need to take further action 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 notice. Council will not be liable for reimbursing residents for items removed.

Where a resolution is not achieved through the above means, more formal enforcement action may be taken although it is Council's preference to resolve all matters as constructively as possible.

10 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

11 Administrative changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes are considered minor in nature and not required to be formally endorsed.

12 Version Control – Policy History

This policy will be formally reviewed after 12 months from the date of adoption.

Governance use only:

| | | | |
|--------------------------------|---|---------------------------------------|-----------|
| Document | Living Streets Verge Garden and Adopt-a-Spot Policy 2023 | <i>Uncontrolled Copy When Printed</i> | |
| Custodian | Coordinator Urban Ecology | Version # | Version 1 |
| Adopted By | Council | ECM Document # | 33443197 |
| Next Review Date | October 2024 | | |
| Amended by | Changes made | Date Adopted | |
| Environment and Sustainability | New Policy | 10 October 2023 | |