



# Verge Garden Installation Application Form

Under Section 68 – Part E(2), Local Government Act 1993

## About this form

This form outlines the conditions under which property owners are provided consent to garden on verges outside their properties. This form applies to the Woollahra Local Government Area. Approved activities are considered exempt development under provisions of:

- State Environmental Planning Policy (exempt and complying development codes) 2008 (codes SEPP)
- Part 3 Exempt and Complying Document, Woollahra Local Environmental Plan 2014 (WLEP 2014)

and so do not require consent in line with section 76 of the *Environmental Planning and Assessment Act 1979*.

Council supports the planting of verge gardens which make a positive contribution to the local streetscape. Property owners are provided consent to plant and maintain the verge outside their property in line with the consent conditions.

Landscaped road verges are on the public footway and may be used by pedestrians, people accessing vehicles, or for putting out waste bins for collection. Woollahra Council takes no responsibility for damage to verge gardens or their contents by any party and all costs associated with the garden including installation, maintenance and damage repair are the responsibility of the applicant.

## Lodgement

Please follow the instructions on page 4

## Questions

Phone the Open Space & Trees Administration Officer on (02) 9391 7008.

## ▼ Application

### Application process

#### To seek consent to establish a verge garden:

1. Complete this form and return it to Council.
2. Wait for a written Notice of Determination from Council detailing the application outcome.
3. If consent is granted, install and maintain the garden in line with the approval conditions.

#### Upon submission of this form, Council will:

1. Assess the application to ensure the proposed garden meets the criteria for consent.
2. Seek additional information or community consultation if required.
3. Provide a written Notice of Determination to the applicant advising if the proposed garden has been provided consent and any associated conditions.

### Non-Compliance

- If a verge garden is not being adequately maintained or has changed so that it no longer conforms to the criteria for consent, Council will notify the resident in writing and request compliance within 28 days of the notice.
- If after this notification period the garden still does not conform, Council may remove the garden.
- If Council is notified that a verge garden has been established without consent, Council will issue a letter to the resident fronting the garden requesting submission of a formal application within 28 days.
- Council may remove the garden if the resident does not make a formal application, or the garden is found to be non-compliant.

### Insurance

Council has public liability coverage that applies to a verge garden that has been formally approved by Council. However, Council's indemnity does not prevent a third party from making a claim against the owner for any injury, loss or damage caused by the verge garden.

## ▼ Site location

**Note:** Only property (unit or home) owners who live regularly at the site are eligible to apply.

Unit, shop or suite No: ..... Street No:..... Street:.....  
Suburb: .....  
Other identifying information: .....  
Do you own, and live regularly at, the above site? Yes  No

## ▼ Personal details

**Name, address and contact details of applicant**

Title: Mr  Mrs  Miss  Ms  Other: .....  
Family name: .....  
Given name: .....  
Postal address: .....  
..... Post Code: .....  
Phone (1) (....) ..... Phone (2) (....) .....  
E-mail: .....  
How many waste and recycling bins do you have? .....

## ▼ Site assesment

What is the verge site currently used for? .....  
Are any plants or structures in the verge, or any services above or in-ground?  
.....  
Would anything need to be removed from, or repaired on, the site before the garden could go ahead?  
.....

## ▼ Consultation

**Note:** if there are objections to the garden or you have been unable to obtain a signature of support from neighbours on both sides of the property, it is unlikely the garden will go ahead.

Where one or both of your neighbouring properties are multi-unit dwellings, you will need to obtain the signature of the Strata or Building Manager.

Have neighbours on both sides of the property been notified of the details of this application and signed below to show their support? Yes  No   
What concerns have been raised, if any? .....  
.....  
Full Name of Neighbour 1: .....  
Address of Neighbour 1: .....  
Signature acknowledging support of proposed garden: .....  
Date Signed by Neighbour 1: .....  
Full Name of Neighbour 2: .....  
Address of Neighbour 2: .....  
Signature acknowledging support of proposed garden: .....  
Date Signed by Neighbour 2: .....

Additionally, if the proposed garden is fronting an apartment block, has the body corporate or strata given their consent to this application? Yes  No

## ▼ Plan for proposed site use

What types of plants do you intend to install? .....  
.....

Draw a detailed bird's eye view of the current verge and clearly show your intended garden layout. Indicate all exclusion zones (see section 1 of check list below), length and width of land, driveways, existing footpaths, service pits, trees and other relevant features. Please attach additional sheets or photos if required.

## ▼ Check list

1. EXCLUSION ZONES	Yes	No	N/A
<i>We advise that you spend time measuring your verge space and clearly map out all exclusion zones that apply to help you picture how much space you would have left to work within, and whether you would still like to go ahead with your application.</i>			
1.1. Will a minimum clearance of 1m be left from all edges of existing street tree trunks to ensure the continued health of trees and their root systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2. Will people be able to access the road from the footpath? There needs to be a 1.5m gap in the verge every 6m or at both ends of the verge garden to allow access to the road from the footpath. This should be level so that people with wheelchairs or walking aids can negotiate it safely.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3. Will a minimum clearance of 0.2m be left from all edges of streetlight poles, service pits, fire hydrants, telegraph poles, post boxes & other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4. Will sufficient space be left on the verge for you (and your neighbours if applicable) to put out all waste/recycling bins for safe collection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5. Can people easily open their car door and get into and out of their car? A minimum 0.6m clearance along the full length of the kerb is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6. Will the garden keep a clear distance of at least 1m from the back of any Council stormwater installations (e.g. from the back of stormwater pits lintel/wall)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7. Is your proposed garden within 10m of an intersection? If so, additional checks & conditions may be required to ensure sight distance for motorists is not impacted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. GARDEN DESIGN	Yes	No	N/A
2.1. Is the verge an existing grass verge that has not been designed as a rain garden?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2. Will the verge garden be free from raised edges such as bricks and fences?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3. Will the garden avoid the pruning or removal of existing trees or plants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4. Will the planting of trees or plants that will grow to more than 1m high at maturity be avoided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5. Will the garden be free of stakes, guide wires, protruding stems, irrigation systems and the like which may cause a hazard to other users of the footpath and road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6. Will the verge garden be constructed to prevent the runoff of materials such as soil, debris, or mulch onto the pavement or road or into storm water drains?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>3. GARDEN INSTALLATION</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
3.1. Will all planting be carried out by hand with no excavation deeper than 0.3m?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2. Will you contact Dial Before You Dig (at <a href="http://1100.com.au">http://1100.com.au</a> ) before starting work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3. Will roots (of any existing tree) with a diameter greater than 20mm remain undamaged during the installation and maintenance of the garden?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. MAINTENANCE &amp; INSURANCE</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
4.1. Will the verge garden be maintained to ensure it remains safe, tidy, and attractive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2. Do you understand the repercussions for non-compliance (see page 1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3. Do you understand the insurance implications of the garden (see page 1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4. Will the garden be managed without pesticides, synthetic fertilisers and chemicals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5. Will the garden be watered by hand only, with collected rainwater where possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6. Will all costs associated with the garden, including installation, maintenance and repair of damage caused by any party, be borne by yourself?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. CONSENT</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
5.1. If the proposed garden fronts a multi-unit dwelling, have you received approval from the body corporate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2. Have your neighbours on both sides signed this form indicating their support?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ▼ Applicant's declaration

### Your declaration

I, \_\_\_\_\_, apply for consent to carry out the development described in this application. I have completed the above checklist accurately and, if approved, will assume responsibility for the planting and maintenance of the verge garden outside my property at the address listed. I declare that all the information given is true and correct. I also understand that:

- if incomplete or false, the application may be delayed or rejected, and that
- more information may be requested within 21 days of lodgement.

✉ Signature: .....Date:.....

## ▼ How to lodge this application

**Address the application to:** Administration Officer,  
Open Space & Trees

**You can send it to us by any of the following methods:**

**Post:** PO Box 61  
Double Bay 1360

**DX:** DX 3607 Double Bay

**Courier or personal delivery:** Council Chambers  
536 New South Head Rd  
Double Bay NSW 2028

**Contact us by phone, fax or electronically**

**Phone:** (02) 9391 7000

**Fax:** (02) 9391 7044

**E-mail:** [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)

**Web:** [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

**Who to contact:** Administration Officer on 9391 7008

**Making a personal visit?**  
Woollahra Council is located at 536 New South Head Road, Double Bay. We look forward to seeing you.

**Bus or Rail:** Take the train to Edgecliff, then take the bus or walk from the interchange at the Edgecliff Centre.

**Parking:** Short-term customer parking spaces are available on site. On-street parking in nearby streets is also available.

## ▼ Privacy notification

The personal details requested on this form are being collected, and will only be used for, the purpose of processing your application. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council may not be able to process your application. Access to the information is restricted to Council officers and other authorised people. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register