

POLICY

5.12.1

LANDSCAPING ON NATURE STRIPS

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1. POLICY OVERVIEW

TITLE: Policy for Landscaping on Nature Strips

NUMBER: 5.12.1

ADOPTION: 20 August 2020

This Policy commences from the date of adoption by Council and replaces any other previous Policy.

PURPOSE This Policy is designed to preserve and enhance the amenity and environmental sustainability of the local area through: -

- The establishment and maintenance of landscape plantings that are sympathetic to the local environment and meet functional requirements;
- Landscaping practices that provide a unifying element which emphasise the landscape character of the Weddin Shire Local Government Area and prioritise indigenous and native plantings;
- The preservation of trees and other vegetation, particularly trees of significance; and
- Planting and preservation practices that enhance the environmental sustainability of the area including the protection of existing indigenous bushland areas and the provision of wildlife corridors and habitats.

SCOPE This Policy is applicable to the management of all trees and vegetation within the Weddin Shire Local Government Area (LGA).

LEGISLATION *Biosecurity Act 2015*
Environmental Planning and Assessment Act 1979

REVIEW AND AMENDMENT This Policy is required to be reviewed in accordance with the review schedule set out in Council's Governance Document Framework.
All changes approved through the review process are to be recorded.
This Policy may be amended or cancelled by Council at any time without prior notice or obligations.

HISTORY

Version	Details
5.12.1	Adopted 20 August 2020

2. DEFINITIONS

nature strip: The nature strip is the area of public land between the property boundary and the back of the kerb (including between the footpath and property boundary), but excluding any footpaths, crossings, paved areas, trees, furniture, structures or civil infrastructure. In most cases, a nature strip is grassed.

Figure1: Typical nature strip setting within road reserve.



road reserve: The road reserve is the area between property boundaries and usually contains the road surface and adjacent footpaths, traffic islands, crossings and nature strip. Refer to the *Road Management Act 2004 (NSW)* for clarification.

roadside: In simplistic terms, the roadside is described as the area bordering the side of a road. This includes any land that is within the boundaries of a road (other than the shoulders of the road) which is not a roadway or a pathway, as well as the land on which any vehicle crossing or pathway which connects a roadway or a pathway on a road to other land has been constructed.

footpath: A footpath, also referred to as a “pathway” is intended for use by pedestrians and usually connects public spaces. It is not intended for other forms of traffic, such as motorized vehicles.

crossing: A crossing can be a vehicle crossing, pedestrian crossing or even a pram crossing.
A vehicle crossing is the strip of the driveway that crosses the nature strip and footpath, allowing vehicles to enter and exit the property from the roadway.
A pedestrian crossing similarly allows access from the roadway to the footpath.
For convenience and safety purposes, a crossing is usually graded (same level as the road) and not obscured by the roadside kerb.

permeable surfaces: Permeable surfaces (also known as porous or pervious surfaces) allow water to percolate into the soil.
In the case of nature strips, it predominantly caters for rainfall runoff to infiltrate the underlying soil and has the added benefit of filtering out pollutants and recharging the water table.

indigenous tree(s): Indigenous trees refers to those trees, shrubs and plants occurring naturally in the Weddin Shire Catchment areas.

Significant tree/strand of trees: Significant trees are those that, in the opinion of Council make a major contribution to the landscape of Weddin Shire.
In order for a tree to be classified as Significant it must have a minimum height of 4 meters and a trunk diameter of 150mm or greater when measured 1 meter above the natural ground line, as is consistent with Council's controls for the preservation of trees and vegetation.

3. PREFACE

The retention and maintenance of the maximum possible number of existing trees, particularly native and endemic trees, in healthy condition and with natural form and shape improves the environmental sustainability and the general amenity of the local area.

4. ENFORCEMENT/COMPLIANCE

Council approval is required to carry out works within the road reserve, including implementing any alternative treatments other than grass.

Under Section 138 of the *NSW Roads Act 1993*, it is an offence to conduct works within road reserves without the consent of the coordinating road authority as well as failing to comply with the conditions of consent.

Council has the power to order the rectification of works that have not been conducted in accordance with the *Roads Act* or previous legislation. Any rectification that is required is to be undertaken at the other party's expense.

Failure to obtain consent or to comply with the Policy will require the property owner to rectify the situation at their own cost as directed by Council in accordance with the process outlined herein.

4.1. Notice to Comply

Council has the authority to issue a 'Notice to Comply' as a consequence of the installation of a prohibited treatment.

As a first order of protocol Council Officers will write to the relevant property owner requesting that they attend to the identified problem within a defined timeframe (usually 14 days). Failure to meet the conditions of such a Notice within the given timeframe may result in further action by Council. This could include Court proceedings and/or rectification works authorised by Council at the cost of the property owner/occupier.

5. PERMISSIBLE TREATMENTS

Council supports alternative landscape treatments where the efficient and safe use of the road reserve and other services/infrastructure are not compromised, and where community and environmental benefits can be demonstrated. Such benefits include beautification of the streetscape, improved runoff infiltration, etc.

Any of the following treatments, other than growing grass, require Council notification and consent prior to the commencement of any works.

5.1. Lawn Grass

Grassed nature strips with drought-tolerant grasses that are low maintenance, only requiring periodic mowing and weeding remain the most common form of nature strip treatment within the Shire.

No Council notification or formal approval is required for a grassed nature strip.

5.2. Plantings

The planting of suitable vegetation such as ground cover plants and low growing shrubs that provide a soft and visually pleasing alternative are allowed under this Policy, as such plantings can enhance the streetscape, especially if well maintained.

However, a number of factors need to be considered when applying this type of treatment including safety, ease of passage for footpath users, maintenance and neighbourhood character.

The **primary guidelines for plantings** within the nature strip are as follows: -

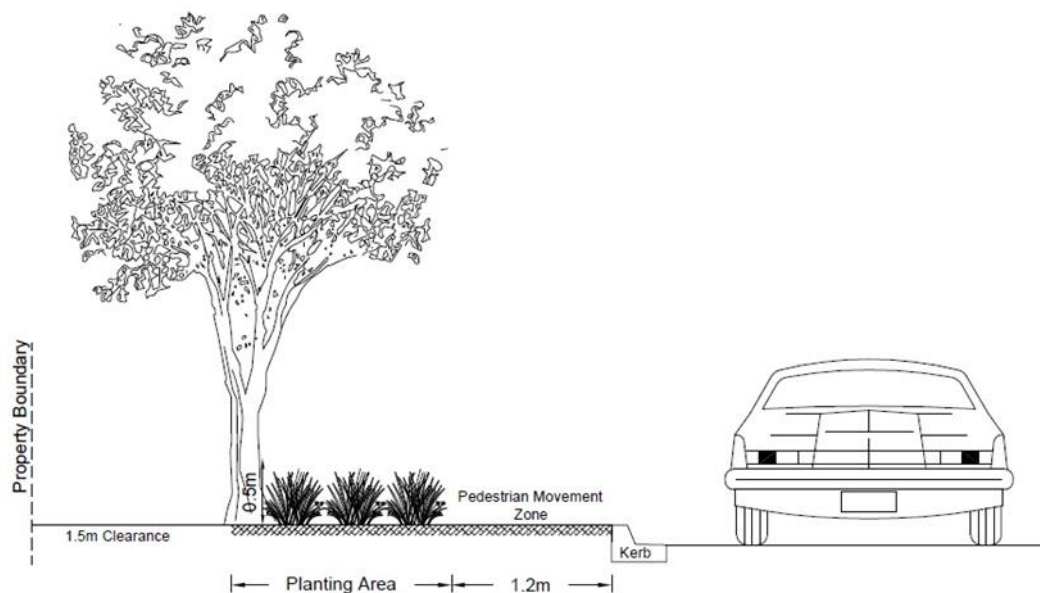
- (i) A minimum footpath width of 1.5 – 2.4 metres is to be retained.

Note: Where a formal footpath is absent a minimum clearance of 1.5 metres wide still must be retained for the length of the nature strip to act as an informal pathway.

- (ii) A minimum buffer zone of 0.5 metres (500 mm) lining the back of the kerb and footpath is to be retained. Any plantings located within this buffer zone must be maintained below a height of 0.15 metres (150 mm).
- (iii) Approved plantings located elsewhere in the nature strip must be maintained below a height of 0.5 metres (500 mm).
- (iv) A minimum clearance of 1.0 metre from utilities (hydrants, poles, pits and Council's underground drainage pipes etc.), as well as 9.0 metres from an intersection is to be retained.
- (v) Adequate space for the placement of rubbish and recycling bins for collection is to be retained.
- (vi) Hard landscaping elements such as rocks, timber, retaining walls and ornaments are NOT PERMITTED.

Council cannot prevent any interference with plants, including the harvesting of produce by members of the public.

Figure 2: Example of compliant plantings treatment installed on a nature strip with a footpath.



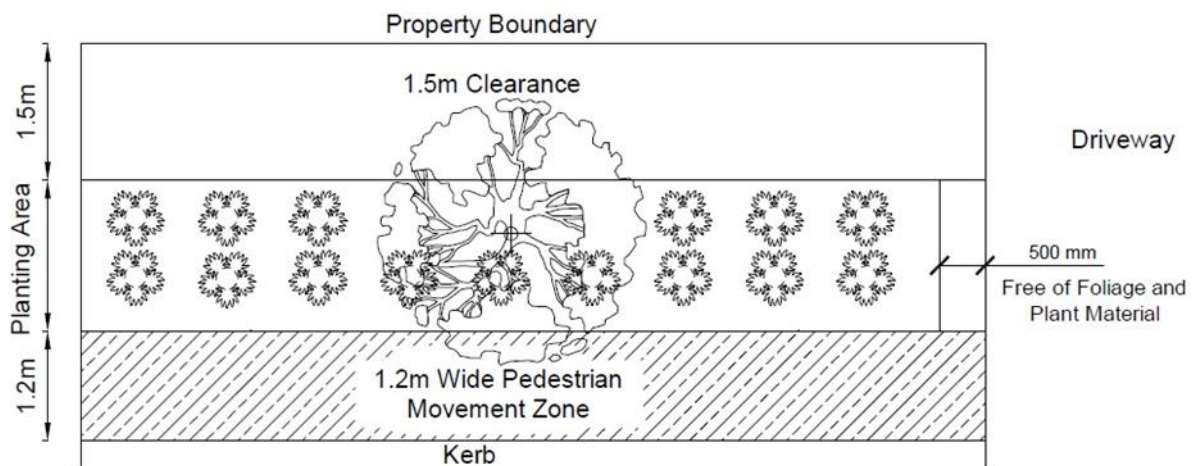
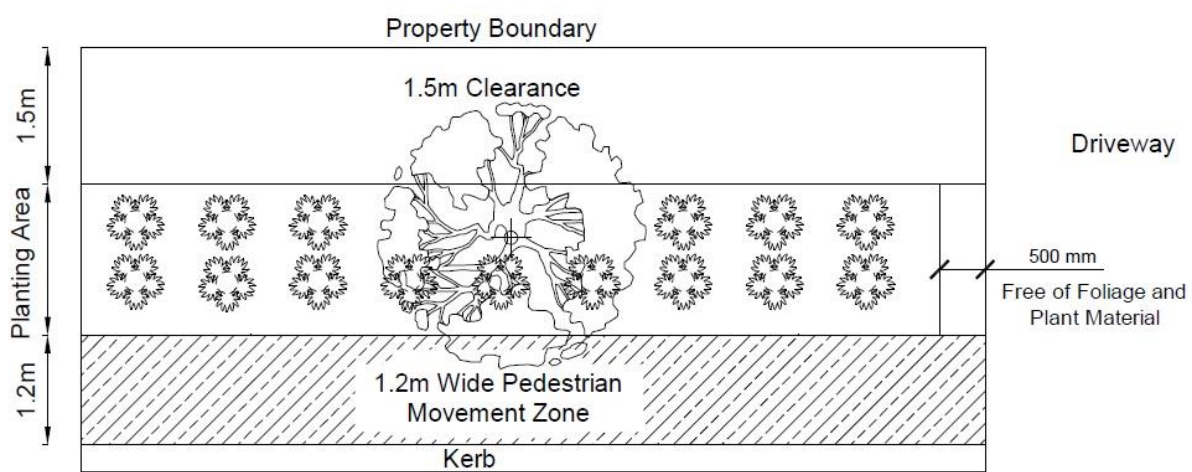
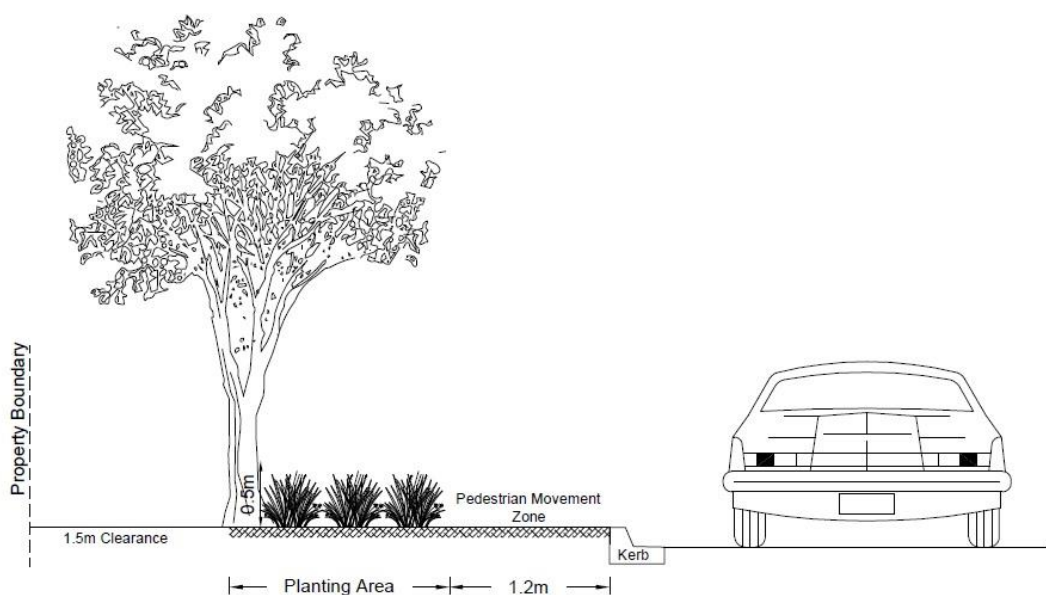


Figure 3: Example of compliant plantings treatment on a nature strip without a footpath.



5.3. Mulch

Mulch must only be used in conjunction with other plantings/landscaping treatments; not as the sole surface treatment. If applied correctly, mulch can assist with moisture retention and dust suppression.

Mulch is primarily to be limited to areas around/between plantings. It is not allowed on footpaths, driveways, in the kerb and gutter or table drain areas.

The level of the mulch must not extend above the level of the footpath or kerb.

5.4. Irrigation

Irrigation systems that to supply water to lawn grass and/or plantings in the nature strip are permitted given the following conditions are satisfied: -

- (i) they do not pose a trip hazard;
- (ii) any components above ground do not detract from neighbourhood character;
- (iii) the water supply can be turned off from the road reserve; and
- (iv) access to Council assets and utilities is not impeded in any way.

6. PROHIBITED TREATMENTS

Landscaping elements and treatments that do not allow for the efficient and safe use of roads and/or footpaths are prohibited under this Policy. The same applies to plantings and treatments that could impede the maintenance of services, including planting in open table drains or changes to the gradient of the land (which may also cause flooding).

6.1. Street trees (other than those planted by Council)

The planting of trees in the nature strip or road reserve by anyone other than Council is not permitted without Council consent.

If not carefully selected street trees can pose a danger to road and footpath users as well as damage paved surfaces and drains. As such, selection and management of street trees is undertaken by Council's arborist in accordance with Council's Tree Management Strategy.

6.2. Tall plants

Plants with a mature height that exceeds 0.5 meters (500 mm) are not permitted in the nature strip or road reserve.

Tall plants can reduce the visibility and viewing distance for both road and footpath users.

6.3. Unsafe, weedy and/or invasive plants

Unsafe, invasive and/or declared noxious weeds are not permitted in the nature strip or road reserve. Plants that pose a safety risk include those that are woody, prickly, spiky, noxious and/or invasive.

For further information, refer to the links below:

- ❖ <http://www.weddin.nsw.gov.au/engineering/noxious-weeds>
- ❖ <https://weeds.dpi.nsw.gov.au/WeedBiosecurities?AreaId=136>
- ❖ <http://www.weddin.nsw.gov.au/Media/WeddinShireCouncil/Council/Policies/11.5.2%20Policy%20for%20Management%20of%20Trees%20and%20Tree%20roots-1.pdf>

6.4. Loose surfaces

Loose surfaces within the nature strip and road reserve are not permitted.

Examples of loose surfaces include gravel, pebbles, stones, sand, mulch and granitic sand.

Note: Mulch may be permitted where it assists with the establishment of plantings as discussed in this Policy.

Loose surfaces are prone to escape from the contained area, thereby posing a slip hazard as well as an obstacle to prams and other mobility devices. Loose surfaces are also prone to weeds and the establishment of invasive species, and can suggest the ability for cars to park which is prohibited. In the case of granitic sand and other similarly graded material, increased rutting, puddling and reduced permeability are common problems. If compacted, these loose materials create a hard surface that is not permeable. Loose surfaces can also scour and enter the stormwater system, contributing to blocked pits.

6.5. Paving and pavers

Paved areas within the nature strip and road reserve are not permitted.

Paved areas are generally considered aesthetically unappealing and not in keeping with neighbourhood character. Paving and pavers encourage the parking of cars on the nature strip which is prohibited, and individual pavers pose a trip hazard.

6.6. Artificial turf

Artificial, or synthetic turf is not permitted within the nature strip or road reserve.

Synthetic turf requires regular cleaning and is not self-repairing (unlike natural grass). If damaged or partially removed it is often difficult and impractical to match the replacement/additional section(s) to the existing turf. Other disadvantages attributed to artificial turf include discoloration, dislodgment, compaction and/or release of toxic chemicals from foundation materials, and reduced permeability/increased runoff.

6.7. Raised surfaces and barriers

Retaining walls, steps and other raised surfaces are not permitted in any part of the road reserve.

In addition to posing a fall, trip and obstacle hazard, raised surfaces prevent access for maintenance vehicles as well as to underground services and some utilities.

Where a retaining wall is located adjacent to a road reserve but within a private property the owner must ensure the wall does not: -

- (i) lean or extend over the property boundary adjacent to the road reserve;
- (ii) cause the level of the road reserve to change;
- (iii) pose a danger to footpath users; or
- (iv) hinder access to Council assets and/or utilities.

Note: It is recommended that property owners consult with Council prior to installing a retaining wall and/or other raised surface in order to minimise the risk of non-compliance.

6.8. Garden features

Garden features are not permitted within the nature strip and road reserve.

Garden features pose an obstacle and trip hazard to footpath users.

Examples of garden features include, but are not limited to rocks, sleepers, statues, and solar lights.

6.9. Water features

Water features are not permitted in the nature strip and road reserve.

Water features include, but are not limited to ponds, bird baths, and decorative water features.

Water features can prevent access to Council assets and utilities as well as raising general safety concerns as: -

- ❖ they pose a trip hazard;
- ❖ they can pose a number of water hazards including drowning; and
- ❖ they are prone to damage from loads and vehicles.

Furthermore, components above ground tend to be visually unappealing and/or detract from neighbourhood character.

6.10. Electrical systems

Electrical systems, including those that supply electricity are not permitted in the nature strip and road reserve.

These systems pose significant safety risks to the general public as well as Council staff in the case of accidents or interference, particularly electrical supplies located below the surface.

6.11. Miscellaneous treatments

Any items or treatments considered to be unsafe or inappropriate by Council are not permitted in any part of the road reserve.

Examples include, but are not limited to permanent signs, railings, basketball hoops, seating, etc. other than those installed or permitted by Council.

7. LANDSCAPING WORKS

There are a number of considerations that must be satisfied prior to any landscaping works on the nature strip commencing.

7.1. Excavation and cultivation

Before undertaking any excavation or cultivation of the nature strip, it is important to confirm the location of any underground services or private drains.

An approximate location of underground services can be obtained by accessing the free online service 'Dial Before You Dig' on 1100 or visiting their website at <https://www.1100.com.au/>.

If excavation works are to be undertaken, it is important that Council's Asset Management Department are consulted. The location and depth of Council's drainage assets can vary; some drainage pipes are situated only 0.1 metres (100 mm) below the surface. Furthermore, excavation must only be performed using hand tools and only to a depth of 0.15 metres (150 mm) below the original surface level of the nature strip. The use of mechanical excavation/cultivation plant, such as a bobcat, dingo, or rotary hoe are strictly prohibited as they may damage underground infrastructure/services and/or cause damage to tree root systems.

7.2. Construction

Care must be taken not to damage Council services, assets or street trees during construction and landscaping works.

If traffic and/or pedestrian movement around the site of construction or landscaping is affected by the works appropriate traffic/pedestrian management must be implemented. This includes any plant and/or vehicles impeding paths or traffic lanes.

Note: It is recommended that Council be consulted in regards to the provision of traffic/pedestrian management if there is a possibility of impedance by works.

It is important to note that nearly all areas in the Weddin Shire are served via overhead power lines and as such the operation of mechanical plant and equipment such as mobile cranes, tipping trucks, etc. can also pose a risk. This also applies to tree pruning. Please refer to the *Electricity Safety (Electric Line Clearance) Regulations 2015, S.R. No. 67/2015* for more detail.

The property owner is responsible for repairing any damage to infrastructure caused by any landscaping works or modification of the nature strip to the satisfaction of Council.

8. MAINTENANCE

All general maintenance of the nature strip is the responsibility of the adjoining landowner, with the exception of street trees and any walkways which will be maintained by Council.

General maintenance includes, but is not limited to: -

- ❖ Keeping nature free of litter and in a generally tidy state;
- ❖ Not allowing nature strip soil levels, including mulch to drop below or protrude above the level of the footpath or kerb; and
- ❖ Not allowing foliage to overhang or obstruct pedestrian access to footpaths.

Where an alternative treatment has been previously installed on the nature strip the maintenance requirements remain the responsibility of the adjoining landowner. Council will not contribute to the ongoing maintenance of the nature strip regardless of any changes of ownership/occupancy of the adjoining property. Alternatively, the nature strip can be returned to lawn grass.

8.1. Bushland vegetation on nature strips

Existing remnant bushland vegetation in specific locations adjacent to Council's bushland reserves must be maintained with minimum weed infestation so as not to obstruct pedestrian, cyclist or vehicular traffic.

9. UTILITIES AND MAINTENANCE WORKS

Utility companies that supply water, electricity, telecommunication services etc. may require access to the nature strip at times to perform maintenance/emergency works. In addition, as Council's drainage network is mostly located within the nature strip Council may require access to repair damaged/aging assets.

It is standard practice for utility companies to reinstate the nature strip following maintenance/emergency works however, it is unlikely any treatment other than grass will be installed even if alternative landscaping treatments were in place prior to the works. Should Council need access to its services for maintenance or other purposes, the nature strip will be reinstated with top soil and lawn seed regardless of any pre-existing treatment. **Council is not responsible for replacing plants or landscaping as a result of utility or maintenance works.**

Once modified, the property owner/occupier will be responsible for ensuring the nature strip is kept tidy and safe for footpath and road users.

10. RISK MANAGEMENT AND SAFETY

As the nature strip is public land, Council is obliged to ensure a safe environment.

In this sense it is advisable for property owners/occupiers to confirm their insurance policy covers public liability before undertaking any modification works. Furthermore, occupiers must also ensure they have written consent to modify the nature strip from the registered property owner before commencing works.



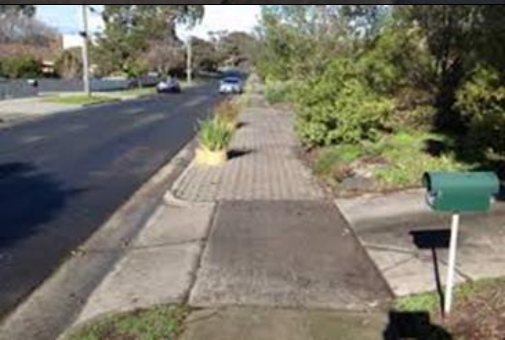


Where an alternative treatment has been installed and the property owner/occupier intends to vacate the property, it is advisable to fully inform the new owner/occupier of Council's nature strip and roadside Policy requirements and public liability responsibilities. Alternatively, the nature strip can be returned to lawn grass.

11. APPENDIX A: RECOMMENDED SPECIES FOR PLANTINGS

The following table lists plant species that comply with the guidelines set out in this Policy i.e. native, height restrictions, water requirements etc. This list is not exhaustive; other species may be approved given they meet the above-mentioned guidelines.

Plant Name (Common, Scientific)	Plant Name (Common, Scientific)
Blue Bell <i>Wahlenbergia communis</i>	Mat Rush <i>Lomandra longifolia</i>
Blue Flax Lily <i>Dianella sp.</i>	Nasturtium <i>Tropaeolum majus</i>
Blue Margeurite <i>Felicia amelloides</i>	Native Violet <i>Viola betonicifolia</i>
Blue Tussock-grass <i>Poa poiformis</i>	Ruby Saltbush <i>Enchylaena tomentosa</i>
Catmint <i>Nepeta faassenii</i>	Running Postman <i>Kennedia prostrata</i>
Chocolate Lily <i>Dichopogon strictus</i>	Sage <i>Salvia sp.</i>
Climbing Guinea Flower <i>Hibbertia scandens</i>	Seaside Daisy <i>Erigeron karvinskianus</i>
Common Dampiera <i>Dampiera linearis</i>	Shore Juniper <i>Juniperus conferta prostrate</i>
Common Thyme <i>Thymus vulgaris</i>	Short Wallaby Grass <i>Danthonia carphoides</i>
Convulvulus <i>Convulvulus sp.</i>	Snow Grass <i>Poa clivicola</i>
Creamy Candles <i>Stackhousia monogyna</i>	Spider Lillies <i>Nerine sp.</i>
Creeping Boobialla <i>Myoporum parvifolium</i>	Spider Plant, Ribbon Plant <i>Chlorophytum comosum</i>
Creeping Saltbush <i>Einada nutans</i>	Spiny Saltbush <i>Rhagodia spinescens</i>
Dusky Coral Pea <i>Kennedia rubicunda</i>	Statice, Sea Lavender <i>Limonium sinuatum</i>
Dwarf Kangaroo Paw <i>Anigozanthos sp.</i>	Sticky Everlasting <i>Xerochrysum viscosum</i>
Emu Bush <i>Eremophila sp.</i>	Strawflower, Paper Daisy <i>Helichrysum bracteatum</i>
Flannel Flower <i>Actinotus helianthi</i>	Sun Plant <i>Portulaca grandiflora</i>
Garden Pink <i>Dianthus</i>	Swan River Daisy <i>Brachycome multifida</i>
Globe Amaranth <i>Gomphrena globosa</i>	Toadflax <i>Linaria maroccana</i>
Grevillea prostrate <i>Grevillea sp.</i>	Ullaulla Beacon <i>Melaleuca hypericifolia</i>
Guinea Flower <i>Hibbertia sp.</i>	Vanilla Lily <i>Arthropodium milleflorum</i>
Happy Wanderer <i>Hardenbergia violacea</i>	Veldt Daisy <i>Osteospermum ecklonis</i>
Karkalla or Pigface <i>Carpobrotus sp.</i>	Verbena <i>Verbena gaudichaudii</i>
Lamb's Ear <i>Stachys byzantina</i>	Vinca <i>Vinca sp.</i>
Lippia <i>Phyla nodiflora</i>	Westringia, Rosemary <i>Westringia lucida, rigida, kydrensis</i>
Livingstone Daisy <i>Dorotheanthus bellidiformis</i>	Yellow Buttons, Common Everlasting <i>Chrysocephalum apiculatum</i>

12. APPENDIX B: SAMPLE PROHIBITED TREATMENTS

Prohibited Treatment	Example of prohibited materials and treatments
<p>Trees and tall plants:</p> <ul style="list-style-type: none"> Any plantings must be less than 500mm in mature height Only trees planted by Council are allowed within the nature strip 	
<p>Loose surfaces:</p> <ul style="list-style-type: none"> Gravel, granitic sand, scoria, pebbles and mulch 	
<p>Paving and pavers:</p> <ul style="list-style-type: none"> concrete, asphalt, pavers 	
<p>Raised edging and surfaces:</p> <ul style="list-style-type: none"> sleepers, garden edging, retaining wall, raised beds 	
<p>Irrigation:</p> <ul style="list-style-type: none"> must not pose a trip hazard 	

Prohibited Treatment	Example of prohibited materials and treatments
Miscellaneous items and treatments: <ul style="list-style-type: none">signs, railing, basketball hoops, seating, stakes, bollards	