

POLICY:-	
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Date procedure/guideline was developed:	N/A
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RESPONSIBILITY:-	
Draft Policy developed by:	Director of Environment and Planning
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Environment and Planning
Responsibility for review of Policy:	Director of Environment and Planning

Sustainability, Integrity, Respect and Professionalism.

Nature Strip and Trees Policy

OBJECTIVE

To provide clear policy direction in regard to the development, use and maintenance of nature strips in urban and residential areas throughout the Upper Lachlan Shire Council.

INTRODUCTION

Nature strips serve an important purpose of providing a buffer between the vehicle carriage way and the private boundary. The space is typically occupied by footpaths, street trees, lawn and a range of public service utilities both above and below the ground.

Council is committed to ensuring that the streetscape in Upper Lachlan LGA is of a standard that improves local amenity, minimises public safety risks and maintains pedestrian access. However, Council does not have sufficient resources to maintain all nature strips across the LGA. This policy reinforces Council's position of not mowing nature strips of residential, commercial or industrial properties.

PURPOSE

The purpose of this Policy is to:

- confirm and recognise the community's role in maintaining nature strips;
- define the extent of Council involvement in the mowing of footpath/nature strips;
- recognise that the nature strip area is in most cases grassed however in some circumstances it can be modified;
- ensure the mowing, planting and landscaping of nature strips contributes to the overall streetscape and amenity;
- outline the planting, management and removal of trees on public land.

SCOPE

This policy applies to the management of all council owned and/or controlled nature strips within the Upper Lachlan Shire LGA urban environment. Council has had a long-standing practice of relying on residents and businesses to maintain those grassed nature strips adjoining their property. This policy restates this practice identifying the importance of community involvement and cooperation and to ensure consistency across all communities with the Upper Lachlan LGA.

This policy does not extend to the mowing of grass or landscaping on private property; which is the responsibility of the owner or occupier of the property.

PRINCIPLES

Upper Lachlan Shire Council is committed to ensuring that the streetscapes are maintained in partnership with the residents. Nature strips contribute significantly to the streetscape and visual amenity of local neighbourhoods. Council aims to maintain an overall consistency and appearance of nature strips.

Council maintains the street trees but relies on residents to assist with maintaining the grass. Council also relies on residents to keep garden plants within their property trimmed to ensure they do not obstruct pedestrian access on the footpath or nature strip and don't interfere with cyclist or motorist sightlines.

To ensure a safe and visually appealing amenity, the following general principles apply for footpaths or verges:

- The footpath area, either formed concrete, asphalt, bitumen pathway, is to allow pedestrians to walk along comfortably;
- Property owners or residents are responsible for determining the underground and aboveground services within the nature strip (ie. Dial before you Dig);
- No trees or shrubs must be planted in the footpath area without written consent from Council; and
- Council will identify the need for planting of trees within the urban space and ensure that the trees planted will be in accordance with this policy.

POLICY

MOWING OF NATURE STRIPS

Areas to be Maintained by Council

Council undertakes to maintain the nature strips or verge areas that meet any or all of the following criteria:

- Adjacent to Council owned or operated community, public and recreation facilities;
- Adjacent to parks and reserves; and
- Nature strips as detailed above, but only within the town 50km/hr traffic speed limits.

Property Owners' (and Tenants') Role Regarding Nature Strips

Council lacks adequate resources to effectively maintain these diverse areas which, taken together, constitute a large and sparsely spread area of land across the Shire.

The property owner or resident of abutting properties are responsible for maintaining the visual amenity by maintaining the vegetation (excluding street trees) and landscape features on the nature strip including watering, weeding, mowing, removal of loose material that poses as a slip or trip hazard and edging turf. Council does not carry out renovations or maintenance of nature strips.

All areas not maintained by Council are to be maintained by the property owner and/or residents of the private property. Grassed nature strips are to be mowed regularly by residents, occupiers or property owners and be kept neat and tidy. This ensures a safe pedestrian environment and a presentable streetscape is maintained.

GARDENS AND VEGETATION ON NATURE STRIPS

Bushland Vegetation on Nature Strips

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

Gardens on Nature Strips

Modifications of nature strips from traditional grass to low growing, soft foliage plants are supported by Council. Any resident wishing to carry out modifications to the nature strip must apply in writing to Council for approval prior to any works being carried out.

The following issues (but not limited to) will be assessed in determining the application and must be specifically addressed in the application:

- i. Overall appearance and consistency of the streetscape;
- ii. Alienation of public land i.e. whether public land is being made to look like private land and/or used for private purpose;
- iii. Any effect on access to kerbside parking;
- iv. Any effect on access to adjacent properties;
- v. Any effect on access along the street for the general public, a minimum access width of 1.8metres must be maintained along the nature strip;
- vi. Any effect on visibility of motorists - vegetation must not protrude onto splays at corners;
- vii. Public liability issues, including falling limbs, trip and fall issues relating to roots, thorns, potentially toxic species of plants; and
- viii. The public interest.

Any construction works within the road reserve will require an S138 application in terms of the Roads Act, 1993.

Existing Gardens on Nature Strips

Existing modified nature strips should not be landscaped to look like private land and/or used for a private purpose. Garden plants on nature strips must be kept in a safe, clean, healthy and attractive condition. Understorey plants must be kept and maintained so as not to obstruct pedestrian, cyclist or vehicular traffic.

Sight distances for vehicles entering and exiting driveways, cross overs and intersections must be maintained and vegetation must not interfere with the driving task itself.

Any works considered hazardous will require removal or to be made safe at the cost of the relevant property owner/s.

Letterboxes must be established on private property with suitable access for Australia Post.

Electrical wiring must not be installed on the nature strip

Council will not be responsible for replacing plants or landscaping as a result of works. Council will endeavour to restore the disturbed area however, Council reserves the right to remove any existing nature strip landscaping or treatment for the purpose of carrying out works, without being liable to compensate owners for any loss in reinstating the nature strip.

TREES IN PUBLIC SPACES

Tree Planting and Species Selection

Council will identify opportunities to increase its tree canopy over the local government area, especially within built up areas.

Council will plant the most appropriate tree species based on site suitability, aesthetic, functional and biological attributes, performance and the potential to contribute to the landscape character.

Tree Removal (Whole or Limb) and Replacement

Selective tree removal and replacement programs are vital in managing canopy cover to ensure that the numerous benefits trees provide are sustained for future generations.

Council will assess all trees proposed for removal or lopping in Council owned or managed land and implement removal and replacement programs as required.

The risk to public safety (including road users) and property will take priority in tree removal in decisions in emergency situations.

Requests for Street Tree Planting By Residents

Council will consider requests from residents to plant street trees. Requests will be assessed according to policy and standard requirements.

TREE MAINTENANCE

Council recognises that trees are a major asset and play an important role in ensuring our Shire is liveable, attractive and healthy. Our trees grow in a harsh environment and require specialised care and management.

Risk management strategies include, but are not limited to, replacement, repair or redirecting of footpaths, tree pruning, diverting services or minor infrastructure, enlarging root zones or tree removal.

Tree maintenance where the tree/s are located on the nature strip, public reserve, open space or similar is the responsibility of Council's Environment and Planning Department.

Tree maintenance where the tree is located within the road reserve is the responsibility of Council's Infrastructure Department.

TREES AND SHRUBS ON PRIVATE PROPERTY

Property owners are required to maintain trees and shrubs within their property.

DEFINITIONS

Key strategic locations and areas: Means main roads and locations such as town centres, community facilities and high-profile public domain areas where a grassed nature strip or general maintenance requirement exist.

Nature strip: means any Council owned and/or controlled land located between a constructed road and a parcel of private property (that is, the street verge) but does not include land reserves for a public purpose or bushland. It is generally that portion of the street verge that is grassed and may contain street trees.

Owner: every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession

Occupier: includes a tenant or other lawful occupant of premises, not being the owner.

Road reserve: Means the area contained within the statutory width of a road and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the **road reserve** boundary.

Urban Environment: residential lot located within the town boundaries (50km/hr signage).

ENFORCEMENT /COMPLAINE

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.

RELEVANT LEGISLATION AND COUNCIL POLICY AND PROCEDURES

The following Legislation and Council Policies and documents that are relevant to this Policy include:

- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*
- *Civil Liability Act 2002*

VARIATION

Council reserves the right to vary or revoke this policy.