

Private Works on Nature Strips & Road Reserves Policy

TYPE	<p>COUNCIL</p> <p><i>A document that has been adopted by Council at a council meeting and relates to our external customers and/or community. This may be a public or private document.</i></p>
PURPOSE	<p>To retain, protect and enhance the use of road reserves within the township environment land within the Urban Growth Boundary for public purposes including the maintenance and enhancement of the values associated with the heritage, biodiversity and neighbourhood character values.</p>
OBJECTIVES	<p>1.1 To promote and regulate the orderly carrying out of works and use of road reserves as a shared community asset.</p> <p>1.2 To protect and maintain the natural and man-made values of the road reserve so that the road reserve:</p> <ul style="list-style-type: none"> (a) remains in a safe and healthy condition; (b) performs its role and function as defined in the Shires Road Management Plan; and (c) remains available for use as a utility easement and that access for this purpose is not unreasonably impaired. <p>1.3 To provide clear direction and advice to anyone seeking to carry out works or use the road reserve for any purpose noting in particular:</p> <ul style="list-style-type: none"> (a) The potential impact of any works on the existing or emerging streetscape character. (b) The need to protect and retain existing native vegetation. (c) The potential impact on existing or planned infrastructure associated with the management and facilitation of vehicles, pedestrians, drainage or utility services. (d) Many road reserves are subject to specific statutory controls directed at heritage conservation and native vegetation management. In the case of those road reserves that fall under a heritage planning control, a separate permit must be obtained prior to carrying out any works in the road reserve.

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	<p>1.4 To make clear the process for seeking approval to carry out works or use a road reserve for any purpose.</p> <p>1.5 To set standards for the consistent, practical and timely processing of applications for approval to carry out works or use the road reserve for any purpose.</p>
<p>POLICY</p>	<p>1.1 Road reserves are public land and may only be used in accordance with approvals granted by the Shire.</p> <p>1.2 The carrying out of works or the use of a road reserve by persons or businesses other than Council should not reduce or unreasonably compromise the safe and efficient use of the road reserve for public purposes and must ensure sufficient clearance (at least 1.5metres wide) is kept available to allow for safe pedestrian access.</p> <p>1.3 The carrying out of works or the use of a road reserve by persons or businesses other than Council should be done in a manner that maintains and enhances community harmony and wellbeing.</p> <p>1.4 The construction of designated car parking spaces on nature strips and road reserves will generally not be permitted.</p> <p>1.5 Decisions about applications for works or use of a road reserve should be:</p> <ul style="list-style-type: none"> (a) made in a timely and efficient manner; (b) seek to achieve outcomes which are practical, acceptable and cost effective; and (c) have regard to the particular circumstances prevailing at the proposed site of works or use. <p>1.6 As far as practical all decisions on applications to carry out works or to use road reserves must consider and have regard for potential future needs of the road reserve.</p> <p>1.7 All applications must conform to the guidelines attached to this Policy.</p>

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	<p>1.8 All applications for approval will be assessed using the assessment criteria attached to this Policy.</p> <p>1.9 Applicants may appeal against a refusal of an application or to any or all conditions set out in a permit by making a written request for review and their appeal will follow the process set out in the Shire Local Law.</p> <p>The review of an application will:</p> <ul style="list-style-type: none"> (a) Examine the relevant provisions of the legislation, local law or policy which is being appealed. (b) Compare the considerations of the legislation, local law or policy with the details of the application. (c) Discuss the application with the responsible Shire Officer and any other individuals who may be able to further inform the Review Panel. (d) Decide if the process has been followed correctly by the Shire Officer. (e) Review appropriateness of decision and if required, make a new decision. (f) Advise the authorised officer and applicant of the decision. <p>1.10 Non-compliant nature strip or road reserve works will result in the matter being referred to EPaCS for appropriate compliance and/or enforcement action.</p>
<p>DEFINITIONS</p>	<p>Alternative Tree Species A species that is not indigenous to the area that it grows in. Includes plants native to Australia (but not indigenous to the local area) and exotic species.</p> <p>Cultural Heritage Significance The significance of an individual tree, group or avenue of trees for past, present or future generations, based on an assessment of heritage values. A tree, group, avenue etc., may have cultural heritage significance even if not listed as a heritage tree. For example, it forms part of a listed place, or has not yet been formally assessed.</p>

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	Ecological Vegetation Class	Categories of distinct vegetation types based on differences in broad landscape features and environmental regimes. EVC's can consist of one or a number of floristic communities that exist under a common regime of ecological processes within a particular environment at a bioregional or broader scale.
	Environmental Weed	Environmental weeds are weeds that threaten natural ecosystems (e.g. reduce biodiversity). They are capable of invading native plant communities and out-competing native species, resulting in a reduction of plant diversity and loss of habitat for native fauna.
	Exotic Tree Species	A species occurring in an area outside its historically known natural range as a result of intentional or accidental dispersal by human activities.
	Grass	Includes grasses, sedges, rushes. Have a large number of leaves arising from a common base or clump.
	Ground Cover	These plants generally have stems which lie flat on the ground. Also includes herbaceous plants (a plant with very little or no wood).
	Heritage Tree	<p>A tree whose cultural heritage significance has been recognised by inclusion on one of the following lists:</p> <ul style="list-style-type: none"> – National Heritage List – Victorian Heritage Register – National Trust of Victoria Significant Tree Register – Heritage Overlay, Mornington Peninsula Shire Planning Scheme (individually listed tree) – Heritage Overlay, Mornington Peninsula Shire Planning Scheme (tree control) – Mornington Peninsula Shire Significant Tree Register

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	Heritage Values	One or more of the values that make up cultural heritage significant - aesthetic, archaeological, architectural, cultural, historical, scientific or social.
	Indigenous (Species)	A species which is part of the original fauna or flora of the specific site being considered and which resides within the ecological vegetation classes of the Mornington Peninsula.
	MAPS	Mornington Peninsula Shire Attributed Maps System
	Remnant Vegetation	Any patch of native vegetation around which most or all of the native vegetation has been removed. It may include corridors or islands of vegetation located on land with a variety of tenure.
	Nature Strip	A nature strip is an area of public land between the property boundary, the back of kerb and roadside, excluding any public pavement. In most cases a nature strip is grassed, but in the circumstances provided for in this Policy, it can be modified by an alternative landscape treatment.
	Shrub	Includes woody plants that are less than 5 metres in height. Often multi stemmed.
	Streetscape Amenity	Aesthetical values of the street environment which, when combined, distinguish the overall amenity of a road or group of roads. These values include streetscape character, structure, existing and potential view lines, provision of shade and shelter and colour characteristics of the vegetation within the road reserve.
	Township Environment	That area of the Mornington Peninsula Shire contained within the Mornington Peninsula Shire Planning Scheme Urban Growth Boundary. This includes land within the Residential 1 Zone, Low Density Residential Zone, Business 1, 4 and 5 Zones and Industrial 1 and 3 Zones and to all other land within the township areas of the Mornington Peninsula.

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	<p>Tree A plant that has a height of greater than 5 metres and generally a single trunk.</p> <p>Rain Garden A rain garden is the term commonly used to describe a vegetated area that removes pollutants from stormwater runoff (also known as bio-retention systems). Rain water flows into the garden bed and filters through a layer of engineered soil. The clean water is collected by slotted pipes and directed back into the traditional drainage system.</p>
RESPONSIBILITY	Director-Sustainable Infrastructure
RELATED GUIDELINES & OTHER PERMITS	<p>Community Garden Policy</p> <p>Appendix 1: Landscaping Guidelines</p> <p>Appendix 2: Guidelines for Works</p> <p>Appendix 3: General Matters Regarding Works in Road Reserves</p> <p>Appendix 4: Heritage Precincts and Significant Vegetation Areas</p> <p>Appendix 5: Shire Managed Tree Reserves</p> <p>Appendix 6: Standard Drawings for Clearance Distance</p> <p>Other related permits:</p> <ul style="list-style-type: none"> • Temp works for hoarding and overhead protection during works: http://www.mornpen.vic.gov.au/Building_Planning/Engineering/Hoardings_and_Overhead_Protection_Awnings • Temp works to occupy a footpath or road:: http://www.mornpen.vic.gov.au/Building_Planning/Engineering/Occupation_of_a_Road_or_Footpath • Permit to undertake a vehicle crossing: http://www.mornpen.vic.gov.au/Building_Planning/Engineering/Vehicle_Crossings • Permit to undertake landscaping: http://www.mornpen.vic.gov.au/Services_For_You/Shire_Maintenance/Street_Trees_Vegetation

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	<ul style="list-style-type: none"> • Permit for Commercial Activities on Footpaths - displaying goods, bulky goods, A-Frame signs, tables and chairs (with and without alcohol), screens, planter boxes: https://www.mornpen.vic.gov.au/files/assets/public/new-website-documents/about-us/business-amp-economy/docs/commercial-activities-application-form-2018-to-2019-updated-20180717.pdf • Permits for signage on road reserves: http://www.mornpen.vic.gov.au/files/09f3321-2195-43da-b945-a12a00fa9ae0/Signage_Policy-2012.pdf • Temp Community Event & Info Signage Application • Local Law Permit Application • Directional Signage Application
AUTHOR	Director - Sustainable Infrastructure
APPROVED	24 November, 2014
REVIEW	This Policy shall be subject to review within 12 months of the next general Council election to be held in October 2016.

APPENDIX 1 - LANDSCAPING GUIDELINES

Purpose

To assist in the interpretation and application of Private Works on Nature Strips and Road Reserves Policy on road reserves under the control and management of the Shire.

Introduction

The area of road reserve between the private property boundary and the edge of the trafficable road pavement is commonly referred to as the nature strip.

Typically there are three types of nature strip:

1. Formed (shaped and grassed) as part of a constructed road with a barrier kerb to discourage vehicles using the grassed area for parking. This type of nature strip may or may not include a constructed footpath (See Photo 1).



Photo 1

2. Formed (shaped and grassed) as part of a constructed road with a mountable, sometimes called a rollover, kerb that permits occasional vehicle use of the grassed area. This type of nature strip also may or may not include a constructed footpath (See Photo 2).



Photo 2

3. Unformed and generally without constructed footpaths. This type of nature strip commonly has remnant vegetation cover with irregular and unmaintained walking paths. This nature strip type is usually associated with unmade or unconstructed roadways.

Well maintained nature strips add value to adjoining private properties and contribute neighbourhood character.

Landscaping in nature strips must not adversely impact on the utility or appearance of the nature strip and should also enhance and reinforce neighbourhood character.

The following guidelines should be followed when considering applications for landscaping within road reserves.

Planting on Nature Strips

Traditionally and typically, formed nature strips have been planted and maintained with European grasses to provide a lawn like surface. However, consistent with this Policy, residents may be permitted to plant their abutting nature strip with other than lawn type grasses. As noted in the Policy, alternative treatments must not impact on the utility of the nature strip or be inconsistent with neighbourhood character.

Advice on suitable ground cover and low growing shrubs can be obtained from the Shire's Website or from the Shire's Customer Service outlets.

Plants which should not be used in landscaping of nature strips are:

- Woody, prickly or spiky;
- Shrubs which grow to more than 500mm in height and are likely to obscure a driver's line of sight; or
- Plants considered to be environmental weeds within the Shire.

Materials which are not permitted to be used when landscaping in road reserves include, but are limited to:

- Rocks or pebbles greater than 7mm diameter.
- Bluestone pitchers, railway sleepers or retaining walls (only where structural stabilisation is required);
- Scoria;
- Artificial turf;
- Irrigation systems;
- Letterboxes (must be located on private property only);
- Temporary or permanent electrical wiring, including tree lights; and
- Metal stakes or star pickets.

Any planting undertaken on a nature strip must:

- Retain adequate cleared space from the back of kerb to allow for people to enter and exit their vehicles and properties safely;
- Ensure a good line of sight for motorists and pedestrians is maintained at all times, particularly on corner blocks at intersections;

- Ensure adequate space is left for placing rubbish and recycling bins for collection and for mail, newspaper and other deliveries; and
- Must ensure sufficient clearance (at least 1.5metres wide) is kept available to allow for safe pedestrian access.

Planting of Trees on Nature Strips

Council has an established program to maintain and plant street trees. However, this Policy recognises and facilitates the planting of appropriate trees in road reserves by residents.

In all cases, trees on nature strips must meet the following conditions:

- The form and growth habit of the selected tree species must be appropriate and compatible with the surrounding streetscape.
- The siting of the tree must be appropriate and meet the requirements of this Policy in relation to safety and amenity.
- Planted in a manner that will allow successful establishment and growth without potential to damage established or proposed utility installations.

Where the street tree and/or vegetation do not meet the above conditions, the Council shall request its removal or modification.

Non-vegetative Surfaces

Traditionally, nature strips have been shaped and grassed to provide a lawn like appearance. In response to extended drought conditions and the emergence of more modern landscape preferences, the use of alternative surface treatments are becoming more common. Accordingly, this Policy acknowledges the potential use of non-traditional grass nature strip treatments and recognises that the appropriate use of alternative treatments can also contribute positively to neighbourhood character and amenity.

Importantly, the use of non-traditional surface treatments must not be used to facilitate or encourage the parking of vehicles on nature strips.

Mulch as a Surface Treatment

Where a fine gravel (less than 7mm in diameter) or wood chip mulch (6-15mm pine bark or 12-25mm pine wood or hardwood chips) is proposed to be used on the nature strip:

- It must not spill onto any adjoining footpath, driveway or into adjoining kerb and channel or other drainage infrastructure;
- The level of the mulch shall not extend above the level of any adjoining footpath or kerb; and

- The mulch on the nature strip shall be maintained in a reasonably level and weed free condition.

Note: The use of shredded plant products such as wood chips and bark, other than that specified above, or pea straw or similar are not permitted for use in road reserves.

Paving as a Surface Treatment

The use of impermeable paving such as concrete or asphalt as a landscaping treatment of a nature strip is not acceptable as it may significantly compromise access to underground services.

Impermeable surfaces also increase stormwater runoff and reduce the recharge of ground moisture as occurs with permeable surfaces such as grass or fine gravel mulches.

APPENDIX 2 - GUIDELINES FOR WORKS

Fire Hydrant Visibility

No landscaping works or treatments must cover, obscure or hide any fire hydrant or their marker posts.

Excavation and Cultivation

Excavation and cultivation within road reserves must be undertaken with appropriate care and only after due diligence has identified the location of any underground infrastructure or utility services that may be impacted.

Anyone proposing to carry out any excavation or cultivation within a road reserve is advised to contact "Dial Before You Dig" on 1100, to check the location of services prior to carrying out works.

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

Vehicle Crossover

Vehicle crossovers and driveways must be installed in accordance with the specifications set by the Shire and placed in locations that minimise the need for removal of existing roadside vegetation, particularly of larger trees. Where vegetation removal is unavoidable, replacement planting may be required to offset the vegetation loss.

Details of vehicle crossovers and driveway specifications can be obtained from the Shire's website or from customer service outlets.

APPENDIX 3 - GENERAL MATTERS REGARDING WORKS IN ROAD RESERVES

Safety Measures

During landscaping works, the resident or their contractor is responsible for erecting high visibility safety fencing, signage and other public protection to ensure site safety. Any works being undertaken must be covered by appropriate public liability insurance to the satisfaction of the Shire.

This fencing signage or public protection shall not interfere with the footpath or be a hazard in itself. Wooden stakes shall be used for safety fencing. Metal star pickets shall not be used on nature strips because of the potential risk of damage to below ground infrastructure as well as the risk of serious personal injury from electrocution if any power cable is inadvertently damaged.

Completed landscaping works within the road reserve must be maintained in a safe condition at all times.

Nature Strip Infrastructure Access and Reinstatement

Mornington Peninsula Shire and service supply companies responsible for various service infrastructure, for example, water, gas, electricity, telecommunications, sewerage or any service within a nature strip, may from time to time require access to the nature strip to do maintenance work. The service provider companies are required to reinstate the nature strip following maintenance work, but are not required to reinstate residential nature strips that have been modified and landscaped other than in grass.

The Mornington Peninsula Shire cannot guarantee that utility companies or maintenance contractors will reinstate or replace plants, mulch or any other modifications made to the nature strip, to the condition existing prior to maintenance work.

Residents shall be aware that the Mornington Peninsula Shire will not be responsible for replacing plants or landscaping as a result of any disturbed landscaped nature strip.

Maintenance of Nature Strips

Generally, the Mornington Peninsula Shire does not carry out maintenance on nature strips except where it plants street trees which are cared for and maintained by the Shire.

The usual practice is for residents of abutting properties to maintain nature strips by regular mowing, edging turf, weeding and picking up litter.

How Nature Strips are Maintained

Nature strips modified in accordance with this Policy shall be kept in a well maintained and safe condition by the resident at all times by:

- Ensuring that plants are pruned so that they do not protrude onto pathways, driveways or over the kerb;
- Keeping plants other than street trees pruned to a height of no more than 500mm at all times; and
- Keeping the nature strip free of weeds and rubbish, any tripping hazards and any protruding objects.

Maintenance and Reinstatement

If for any reason the landscaping or other works permitted under this policy are not adequately maintained or the permit holder fails to comply with the conditions of approval, the Shire may, at its discretion, arrange for maintenance or reinstatement of the nature strip. The cost of maintenance or reinstatement will be charged to the permit holder.

APPENDIX 4 - HERITAGE PRECINCTS AND SIGNIFICANT VEGETATION AREAS

Heritage Precincts

The Mornington Peninsula Shire has recognised and listed several heritage precincts throughout the Shire. The recognition or designation of a heritage precinct includes not only the private properties in the area, but also the road reserves and other public lands. Heritage precincts are noted in local heritage studies and in some cases they are also identified by Heritage Overlays in the Mornington Peninsula Planning Scheme. Heritage places may be of local, State or national significance. Examples of heritage precincts covering residential nature strips include:

- Ranelagh Estate, Mount Eliza (State significance)
- Sorrento Historic Precinct (local significance)
- Palm Beach Estate, Somers (local significance)
- Flinders Heritage Precinct (local significance)
- Shoreham Village Precinct (local significance)
- Tyabb Commercial and Civic Precinct (local significance)
- Station Street Precinct, Somerville (local significance)

There are a number of reasons why road reserves are included in heritage precincts. In some cases, it is just convenient to include them as part of the identification of a large area of significance, even if road reserves themselves are not significant. In other cases, they may contain vegetation, either introduced or indigenous, that is relevant to the history of the area. In a few cases, the planning of the roads and nature strips themselves is the reason why an area is identified as having heritage significance. For example, the Ranelagh Estate, Mount Eliza, is a special case where the nature strips are included in a State listed heritage area because the design and planting of the nature strips is integral to the identified heritage values of the area.

Significant Roadside Vegetation

Similarly to the identification of heritage precincts, areas of vegetation significance are also identified across the shire.

Critically, road reserves contain significant areas of remnant native vegetation and in some locations, some rare and endangered plant species. The protection and maintenance of remnant native vegetation is a key objective of the Shire's commitment to a Sustainable Peninsula and also to the role of the Shire as part of the Western Port and Mornington Peninsula Biosphere Reserve.

Vegetated road reserves also provide key habitats for native fauna and provide important biolinks for foraging and migrating fauna species.

Areas of significant vegetation on the Peninsula are identified in a number of ways that impact on decisions regarding the use of road reserves:

- The Mornington Peninsula Planning Scheme recognises a small number of individual historic trees, some of which occur on road reserves.
- In rural areas, a combination of planning controls are used to protect significant tree lines and other stands of vegetation.
- The Shire also maintains a register of significant plantings which are recognised because of one or all of the following reasons:
 - Age;
 - Size;
 - Rarity; or
 - Aesthetic Qualities.

Assessment criteria developed by the National Trust are generally used to determine the significance of these plantings.

Implications for Applications for Works in Road Reserves

Where a road reserve is covered by a Heritage or Vegetation Protection Overlay, it generally means a Planning Permit is required to remove, destroy or lop vegetation.

Permits may also be required to plant new vegetation, construct driveways, other structures (e.g. retaining walls) or carry out other works (e.g. earthworks).

Where the heritage place or precinct is a place of State significance, a Heritage Permit must also be obtained from Heritage Victoria.

Even when a Planning Permit or a Heritage Permit is not required, it is important to understand why a nature strip is heritage listed prior to undertaking works. This is to ensure that appropriate management decisions are made (if the nature strip or vegetation is significant) and avoid unnecessary concern (if the nature strip is simply part of a large heritage area).

Local Neighbourhood Character

Council recognises the importance of protecting local neighbourhood character. The landscaping of nature strips forms part of the visual character of an area and impacts on the shared amenity enjoyed by residents and visitors more generally.

Respecting and protecting local neighbourhood character is a key to maintaining community harmony.

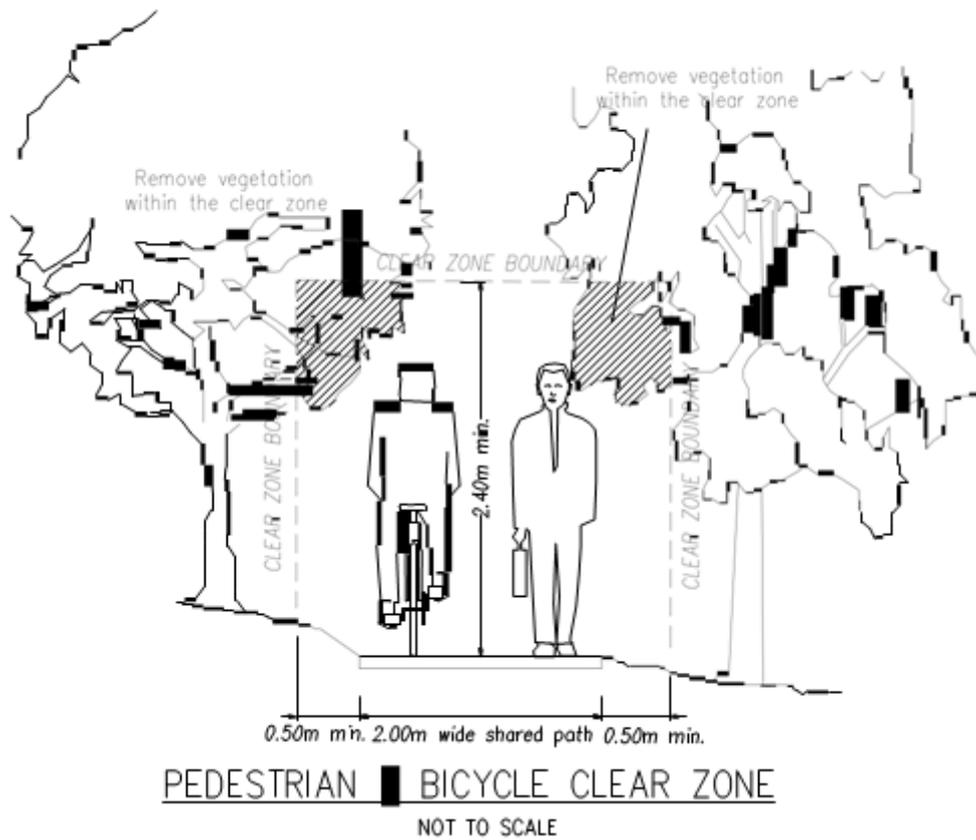
APPENDIX 5 - SHIRE MANAGED TREE RESERVES

Tree reserves provide a separation distance and landscape buffer between road reserves and other land uses such as residential areas and major public parks. Maintaining the integrity of the tree reserve is important to achieving the long term landscape and other benefits of vegetation plantings.

Construction or creation of permanent vehicle access across or along a Shire managed tree reserve will not be permitted. This includes the construction vehicle gates in property boundary fences. However, a pedestrian access gate may be allowed if it does not facilitate vehicle access and does not compromise the integrity or continuity of the tree reserve.

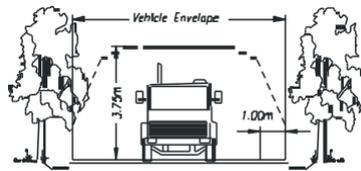
APPENDIX 6 - STANDARD DRAWINGS FOR CLEARANCES DISTANCE

Standard Drawing 1: Clearances Required for Footpaths / Shared Pathways

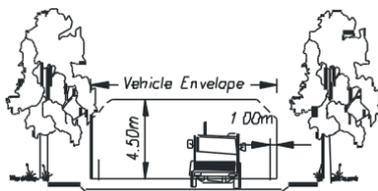


Note: width of pathway may vary depending on use and location

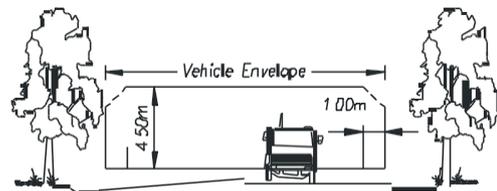
Standard Drawing 2: Clearances Required for Roadways



Local Access Road



Local Collector Road



Local Arterial Road

Mornington Peninsula Shire Urban Growth Boundary

