

**10.3 LATE REPORT: REVISED ENGINEERING POLICIES RELATING TO VERGE TREATMENTS AND STREET TREES**

TRIM Ref: D18/106249

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Attachments: 1. Survey Report - Verge Policy Consultation  
2. Street Trees Policy No. 2.1.2  
3. Verge Treatments, Plantings and Beautification Policy No. 2.2.4

**RECOMMENDATION:**

That Council:

1. **NOTES** the results and comments received during the public comment period, regarding the revision of Policies 2.1.2 - Street Trees and 2.2.4 - Verge Treatments, Plantings and Beautification, as shown in Attachment 1;
2. **ADOPTS** the revised Policies 2.1.2 - Street Trees and 2.2.4 - Verge Treatments, Plantings and Beautification with the minor amendments, as shown in Attachments 2 and 3; and
3. **ADVISES** submitters of its decision.

**PURPOSE OF REPORT:**

To consider the feedback received on and proposed adoption of revised Council Policies 2.1.2 – Street Trees and 2.2.4 – Verge Treatments, Plantings and Beautification.

**BACKGROUND:**

Council at its meeting on 29 May 2018 (Item 10.1) considered a report on the review of Policies 2.1.2 and 2.2.4 and resolved as follows:

1. *AUTHORISES* the Chief Executive Officer to advertise the draft revised Policies 2.1.2 – Street Trees and 2.2.4 – Verge Treatments, Plantings and Beautification included as Attachments 1 and 2 respectively, for public comment for a period of 21 days in accordance with the City's Policy No. 4.1.5 – Community Consultation subject to the following additions:

1.1 *Policy 2.1.2 (Street Trees), Policy Statement Clause 9 (i) be amended as follows:*

*“(i) Permissible street tree attachments are as follows:*

- (a) Swings*
- (b) Rope ladders*
- (c) Platforms/Structures (e.g. tree houses)*
- (d) Decorations and lights*
- (e) Any other item (not listed above) as approved by the Director Engineering”; and*

1.2 *Policy 2.2.4 (Verge Treatments, Plantings and Beautification), Guidelines and Procedures Clause 1.4 be amended as follows:*

*“Permissible verge landscaping features include:*

- raised garden beds*
- rocks/stones and/or logs*
- compacted crushed gravel pathways*
- paved pathways and/or bin stand areas*
- seating or benches*
- decorations and lighting*
- any other item (not listed above) as approved by the Director Engineering”; and*

2. *NOTES that a subsequent report will be submitted to Council at the conclusion of the public comment period and completion of risk assessments.*

**DETAILS:**

Both policies were advertised for public comment in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A survey was carried out using the City's Engagement HQ website and this was promoted to the wider community through local print media, the City's social media channels and under the consultation section of the City's website.

The survey was open between 20 June 2018 and 19 July 2018 and during that period 20 responses were received. The survey results are summarised in the report included in **Attachment 1**.

One (1) further response was received after the close of the consultation period also supporting the proposed changes to the street tree and verge treatments policies. This was not included in the Engagement HQ survey results.

The survey asked the following questions:

- Do you support the change in policy to provide more freedom and flexibility to put items on your verge and street tree?
- Are you aware that we are proposing to change our verge and street tree policy?
- Which of the following (verge treatments) would you like to see on verges around Vincent?
- Would this policy change encourage you to put more of the above (verge treatments) on your verge?
- Which of the following (attachments) would you like to see on street trees around Vincent?
- Would this policy change encourage you to put more of the above (attachments) on your street tree?
- Do you support a self-assessment of what should go on your verge or street tree on the guidelines, rather than a formal application process?

In terms of the responses received from the Engagement HQ survey regarding supporting the change in policy to provide more freedom and flexibility to put items on your verge or street tree:

- 80% of respondents supported the changes to the policies (16 responses)
- 20% did not support the changes to the policies (4 responses)

In terms of what respondents would like to see on verges around Vincent, the majority of respondents favoured vegetable gardens, rocks, native gardens, fruit trees, chairs and seats. In regards to what respondents would like to see on street trees around Vincent, the majority of respondents favoured swings, tree decorations, ladders and ropes.

Respondents were asked if the policy changes would encourage them to put any of the above items on their verge or street tree with the following responses received:

**Verges**

- 75% of respondents would be encouraged to put more items on their verge (15 responses)
- 25% of respondents would not be encouraged to put more items on their verge (5 responses)

**Street Trees**

- 50% of respondents would be encouraged to put more items on their verge (10 responses)
- 50% of respondents would not be encouraged to put more items on their verge (10 responses)

The survey results indicate that there is significant support for the changes to both policies. There were some concerns raised around risk and potential for insurance premiums to rise, as well as damage to verge trees, however these are either addressed already within the guidelines (street trees) or will be addressed through operational risk management measures.

Meeting with Western Power

A meeting was held between City staff and Western Power on 13 July 2018 to discuss the revised policies, which identified the need for some minor changes to the policies.

Following the consultation period, Administration recommends the following changes be made to the policies and guidelines, as shown in **Attachment 2**.

<b>STREET TREE ATTACHMENTS</b>	
<b>Suggested Changes</b>	<b>Officer Comments</b>
9.1(i) Street tree attachments should <i>must be setback</i> and <i>provide</i> clear access to any infrastructure/service located on the verge.	Amendment – Addition of ‘must be setback’ as this was not previously included and deemed necessary.
9.1(iv) Street Tree attachments should be fitted to tree branches of safe and suitable dimensions.	Amendment – Originally only referred to swings or rope ladders but deemed a necessary guideline for all tree attachments to reduce the risk.
9.1(v) Platforms, structure <i>and rope ladders</i> are not permitted in street trees located under power lines.	Amendment – Original only referred to platforms/structures but as rope ladders are likely to result in climbing trees, it was deemed necessary to include this also to reduce the risk.
9.1(vi) Street tree attachments must be constructed of durable material, securely installed and so that annual pruning requirements are able to be undertaken when required.	Amendment – Originally only referred to decorations and a lighting but deemed a necessary guideline for all tree attachments to reduce the risk.
9.1(vii) Street tree attachments must provide a minimum 0.5 metre setback from the face of the kerb.	New – Not previously included in guidelines but deemed a necessary inclusion to reduce risk.
9.1(viii) Only solar lighting is permitted to be attached to street trees.	New – Risk assessment identified that this guideline should be included to reduce the risk as well as to simplify the guidelines.
9.1(ix) <i>Street tree attachments shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway or path for pedestrians or cyclists.</i>	Resulting from future consideration of risk.
9.3(vi) When installing street tree attachments to trees in proximity to Western Power infrastructure, it is recommended to contact Western Power on 13 10 87 or enquiry@westernpower.com.au to determine appropriate clearances.	New – Following discussions with Western Power, it was suggested that residents should be encouraged to contact them to check voltage of adjacent power lines and safe clearances.
9.3(vii) <i>The city may prepare further, more specific operational guidance on street tree attachments, to expand or elaborate on the requirements of clause 9 of this Policy or the standards outlined in clause 9.1 above.</i>	Resulting from future consideration of risk.
<b>VERGE TREATMENTS</b>	
<b>Suggested Changes</b>	<b>Officer Comments</b>
1.4.4(v) Raised Garden Beds <ul style="list-style-type: none"> <li>• <i>Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree.</i></li> <li>• <i>Provide a minimum 0.5 metre setback from the face of the kerb.</i></li> </ul>	New – these guidelines were included for other verge landscaping features but not previously included for raised garden beds.
1.4.4(xi) Seating or Benches <ul style="list-style-type: none"> <li>• <i>Provide a minimum 0.5 metre setback from the face of the kerb.</i></li> <li>• <i>Provide a minimum 0.5 metre setback from any</i></li> </ul>	New – these guidelines were included for other verge landscaping features but not previously included for seating or benches.

<i>street tree to maintain the health of the tree.</i>	
1.4.4(x) Decorations and lighting <ul style="list-style-type: none"> <li>• <i>Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree.</i></li> <li>• <i>Provide a minimum 0.5 metre setback from the face of the kerb.</i></li> <li>• <i>Only solar lighting is permitted on the verge area.</i></li> </ul>	New – First two guidelines were included for other verge landscaping features but not previously included for decorations and lights. The last guideline was included to simplify the process as well as to reduce the risk.
1.4.5 <i>The City may prepare further, more specific operational guidance on verge treatments and landscaping features, to expand or elaborate on the requirements and standards outlined in clause 1.4 of these guidelines.</i>	Resulting from future consideration of risk.
1.9 Damage Although due care will be taken, they City will not be held responsible for any damage that occurs to verge gardens and landscaping features as a result of the City's regular maintenance programs or <i>capital works projects</i> .	Amendment – Originally only referred to the City's tree maintenance program but deemed necessary to include all of the City's works (e.g. kerbing renewal).

### CONSULTATION/ADVERTISING:

A Local Public Notice and a survey was undertaken inviting comments from the community regarding the revised policies with the survey closing on 19 July 2018.

### LEGAL/POLICY:

Policies provide essential guidance to the City's Administration and Council Members when considering various matters. The City's Code of Conduct requires that employees adhere to policies.

### RISK MANAGEMENT IMPLICATIONS:

Risk assessments for the proposed verge treatments have been prepared by Administration in line with the request from LGIS. New policy provisions have also been proposed that will enable further, more specific guidance and information to be provided to residents, to expand or elaborate on any general standards or requirements of the policy.

### STRATEGIC IMPLICATIONS:

This matter is in keeping with Strategic Plan 2013 – 2017 – Key Result Area "4: Leadership, Governance and management: 4.1.2 – *Manage the Organisation in a responsible, efficient and accountable manner*".

### SUSTAINABILITY IMPLICATIONS:

Section 1.3 (3) of the *Local Government Act 1995* (Act) provides that:

*"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity."*

The revised policies take a more liberal approach in allowing residents to better utilise the space on their verges for growing plants or for play, therefore going some way to meeting the needs of the present and future communities living in Vincent.

### FINANCIAL/BUDGET IMPLICATIONS:

Nil.

**COMMENTS:**

The results of the public consultation support the proposed change to the current City policies on Verge Treatments and Street Tree Attachments.

To further address risk and practicalities of implementation, additional minor amendments are proposed to both Policy 2.1.2 – Street Trees and Policy 2.2.4 – Verge Treatments, Plantings and Beautification.

# Survey Report

20 June 2018 - 19 July 2018

# Have your say

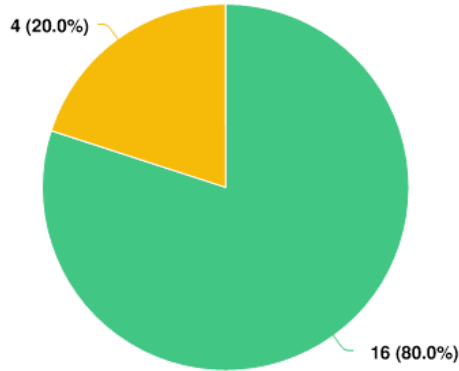
PROJECT: Verge Policy Consultation

**The City of Vincent**



Have your say : Survey Report for 20 June 2018 to 19 July 2018

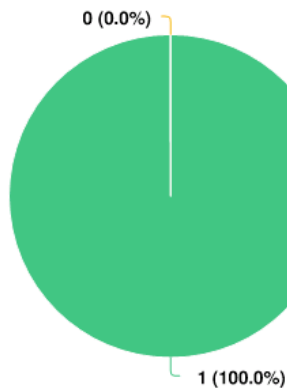
**Q1** Do you support the change in policy to provide more freedom and flexibility to put items on your verge and street tree?



**Question options**

● Yes ● No  
*(20 responses, 0 skipped)*

**Q2** Are you aware that we are proposing to change our verge and street tree policy?

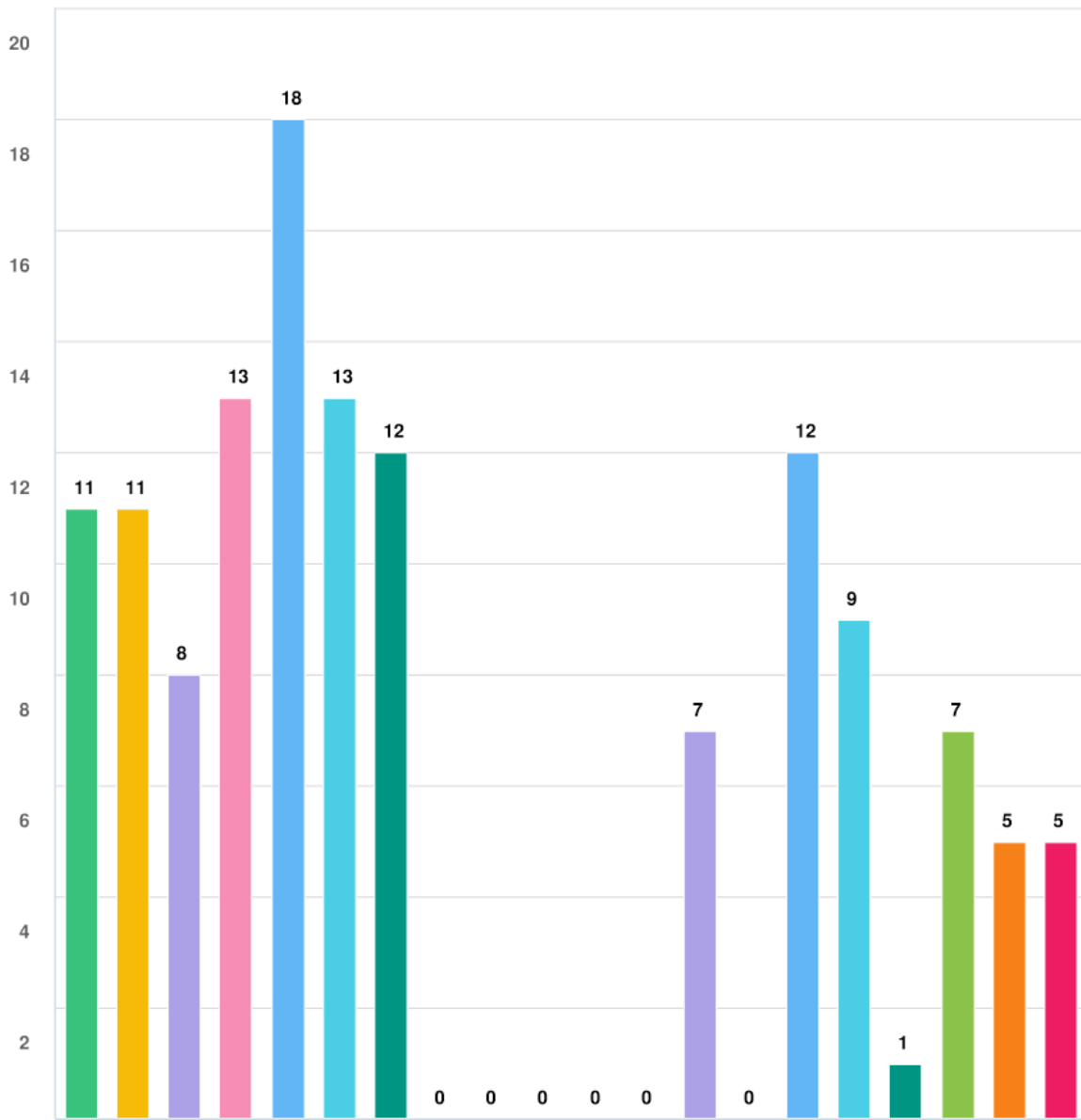


**Question options**

● Yes ● No  
*This question was deleted, so it would have lesser number of responses (1 responses, 19 skipped)*

Have your say : Survey Report for 20 June 2018 to 19 July 2018

**Q3 Which of the following would you like to see on verges around Vincent?**



**Question options**

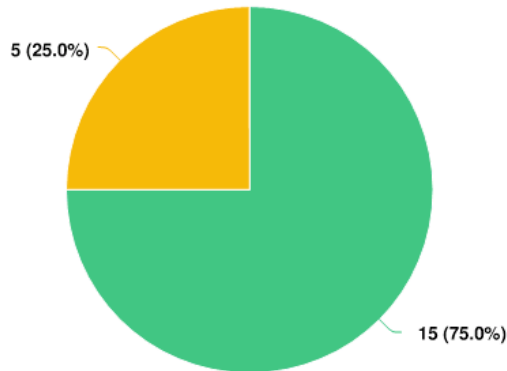
- Chair   ● Seat   ● Rocks   ● Veggie garden   ● Native garden   ● Raised planter   ● Fruit tree
- Little library   ● Children's play equipment   ● Brick paving/concrete   ● Gravel   ● Artificial turf
- Other decorative elements   ● None of the above   ● Little library   ● Children's play equipment   ● None of the above
- Brick paving/concrete   ● Gravel   ● Artificial turf

(20 responses, 0 skipped)



Have your say : Survey Report for 20 June 2018 to 19 July 2018

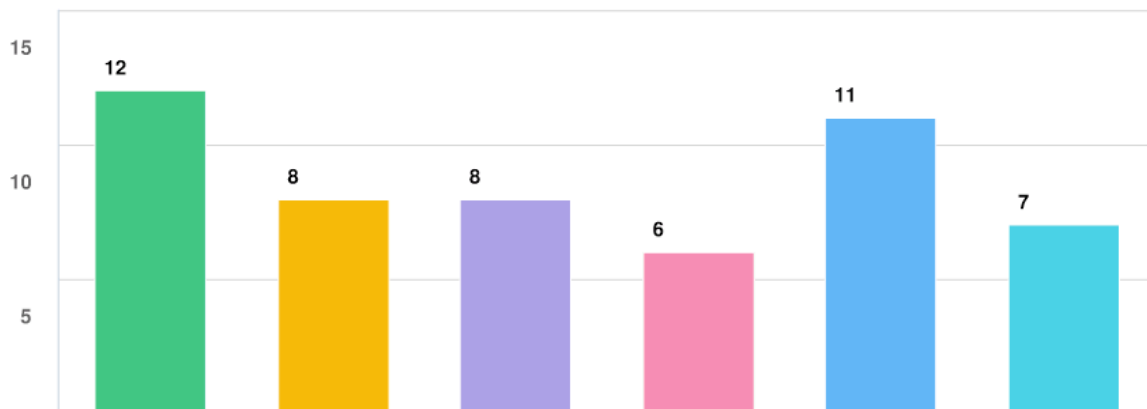
**Q4** Would this policy change encourage you to put more of the above on your verge?



**Question options**

● Yes ● No  
(20 responses, 0 skipped)

**Q5** Which of the following would you like to see on street trees around Vincent?



**Question options**

● Swing ● Ladder ● Rope ● Cubby house ● Tree decorations ● None of the above  
(20 responses, 0 skipped)

Have your say : Survey Report for 20 June 2018 to 19 July 2018

**Q6** Would this policy change encourage you to put any of the above on your street tree?

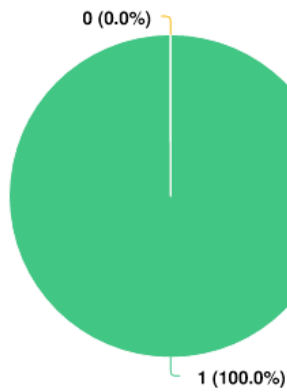


**Question options**

- Yes
- No

(20 responses, 0 skipped)

**Q7** Do you support a self-assessment of what should go on your verge or street tree based on guidelines, rather than a formal a...



**Question options**

- Yes
- No

This question was deleted, so it would have lesser number of responses (1 responses, 19 skipped)

Have your say : Survey Report for 20 June 2018 to 19 July 2018

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**Q8** Please use the space below to provide any further comments.

6/25/2018 12:25 PM

I believe that guidelines need to be enforced to ensure appropriate vision around objects for cars entering or exiting driveways. There also need to be sufficient space from the kerb to allow for passengers to exit cars and prevent overgrowth into streets. My biggest concern is the number of unmaintained verges that pose a hazard.

Have your say : Survey Report for 20 June 2018 to 19 July 2018

**Q9 Please use the space below to provide any further comments.**

- 6/26/2018 10:54 AM A lot of verges are quite ugly. They are not maintained even when they are vast. Any policy changes that encourage people to look after their verges should be encouraged
- 6/26/2018 01:38 PM I support the installation of swings, rope ladders, etc provided that the resident adjacent to that vegre takes full liability for the use and maintenance of that equipment. It shouls not be a burden on the rest of the city's ratepayers.
- 6/26/2018 02:20 PM We should be encouraging people to get rid of grass! Since the owners are the ones who are responsible for the verge then we should be able to dictate what it looks like.
- 6/26/2018 02:41 PM We have a rope swing on our tree and children enjoy using it on a daily basis. It encourages people to play outside. With greater density in our inner city suburbs, we now need to maximise the use of verges for green space and activities for kids.
- 6/27/2018 10:24 AM I would also like to see the ability to plant a new mature tree on the front verge
- 6/27/2018 02:12 PM It it IMPOSSIBLE to provide a proper response in only 250 characters
- 6/28/2018 09:29 PM It would be great if existing Queensland Box Trees, like those on Flinders St, Mt Hawthorn could be replaced with fruit or nut trees, preferably deciduous. The Queensland Box produces hard gum nuts that are painful when stepped on.
- 7/02/2018 07:30 PM I believe the verges around Vincent should encourage residents use and act as a meeting place for residents - young and old, as well as enabling gardeners extra productive space.
- 7/04/2018 11:29 AM Concern if whole verge is planted/has obstacles - need 700mm flat walk surface at verge, ensure pedestrian/vehicle &emergency access, bins&greenwaste placement. Already see fruittrees(olives)uncared for, providing food for vermin, stained paths
- 7/05/2018 12:33 PM I walk to and from the city from North Perth for work almost every day and see many creatively developed verges. This policy is very positive and community minded - great idea. I live in a unit so can't develop my verge as its used for parking
- 7/11/2018 09:35 AM Its a great idea to give residents the freedom to work on the public space of their property in a way that nourishes community, without needing to go through council!
- 7/13/2018 01:43 PM I think the updates to the verge policy are a fantatstic way to increase the use of green spaces within the City as it densifies. Well done City of Vincent for being proactive and putting together such a good policy!
- 7/15/2018 03:49 PM Thank you Vincent for considering this change. With backyards shrinking it is great to be able to utilise the verge as an additional play space and vegetable or native garden. Also encourage people to meet their neighbours

**Have your say** : Survey Report for 20 June 2018 to 19 July 2018

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7/17/2018 09:48 AM and spend more time outside  
Given limited street parking we should allow paving up to 75 per cent of verges

7/17/2018 02:24 PM In opposition. Unmonitored/unregulated placement of such items will serve to increase the risk of injury to resident/public. Who is liable ratepayer/council. Potential damage to trees.

7/17/2018 04:07 PM 1.It is dangerous allowing children to play so close to passing traffic.2.If the current standard of many verges is taken as a guide the streets will eventually resemble a junk yard full of broken swings etc

7/18/2018 01:36 PM Western Power will provide comment via email to xxx, as discussed on 13th July.

**Optional question** (17 responses, 3 skipped)



**CITY OF VINCENT**

**STREET TREES**  
**POLICY NO. 2.1.2**

**(Adopted at the Ordinary Meeting of Council held on 22 May 2007)**

**POLICY NO: 2.1.2**

**STREET TREES**

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**POLICY NO: 2.1.2****STREET TREES**

Trees in urban environments provide many social, environmental and economic benefits. Key among these is their contribution to the amenity and walkability of local neighbourhoods through the provision of shade and the mitigation of urban heat island effect. This contributes to enhanced community well-being and property values. Trees filter out air-borne pollutants and absorb atmospheric carbon. Trees support urban biodiversity, reduce damaging wind speeds and slow the rate of storm water run-off. They increase local infiltration and ground water recharge, while improving environmental water quality. The social, environmental and economic benefits of trees overlap in innumerable and complex ways, making them invaluable to our urban area.

**OBJECTIVES**

To provide guidance for the care, control and management of trees in road reserves and public places.

**POLICY STATEMENT****1. Planning for Street Trees**

The City:

- (i) Recognises the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility for the planning, establishment, care, control and maintenance of all street trees in the City; and
- (ii) Will plan for the retention of suitable trees within proposed road reservations and for urban enhancement by the planting of selected suitable street trees.

**2. Street Tree Planting**

The City is responsible for the planting of all street trees.

**3. Street Tree Pruning under Powerlines**

The City is responsible for the pruning of all street trees.

**4. Street Tree Pruning where Unaffected by Powerlines**

The City:

- (i) Will investigate requests for pruning street trees not under power lines and respond in accordance with this policy; and
- (ii) Is committed to a pruning strategy to include crown thinning, under pruning, property line pruning (upon request) and remedial pruning.



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## 5. Unauthorised Street Tree Planting

Street trees planted without the City's approval may be retained at the discretion approval of the Director Engineering and subject to any conditions being complied with.

## 6. Street Tree Removal

- (i) The City recognises the significant contribution made by street trees to both the aesthetic and environment aspects of existing streetscapes within the City. It also recognises that in some cases, tree retention may not be feasible, owing to the condition, and possible location or species of the tree.
- (ii) All requests for street tree removal will be assessed by City staff and determined by the Director Engineering in accordance with this policy.
- (iii) The City wishes to avoid the unnecessary removal of street trees. Circumstances where retention may be considered undesirable or unreasonable, include the following:
  - (a) the tree is diseased and beyond remedial treatment, or dead;
  - (b) the tree has been assessed by the City as structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
  - (c) the tree has been irreparably damaged (e.g. by a storm, vehicle accident);
  - (d) the tree is hazardous to motorists/pedestrians owing to interference with sightlines presented by the trees alignment or spacing;
  - (e) the tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the City to be inappropriate;
  - (f) the tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;
  - (g) approved development on an adjoining property results in a crossover that in the City's opinion would unavoidably, materially, permanently and adversely impact on the street tree such that there is no realistic alternative to removal; or
  - (h) the tree is not an approved variety and is unacceptable to the City.

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- (iv) Owing to the hazardous nature of the task, residents will not be permitted to remove street trees themselves. Where removal is approved by the City, a replacement of an approved species and size will be planted by the City (in a location determined by the City) at the applicant's full expense.

#### 7. Unauthorised Interference, Removal, Pruning or Damage to Street Trees

The City will pursue legal action (issue of an Infringement Notice/Modified Penalty or prosecution), against any person who wilfully interferes with, removes, prunes or damages a street tree, without the prior approval of the City, unless otherwise permitted in accordance with clause 9 of this policy.

#### 8. Street Tree Watering

The City is responsible for the post-planting care and maintenance of all street trees, however, wherever possible residents/occupants will be encouraged to assist with street tree watering.

#### 9. Street Tree Attachments

An owner or occupier of land which abuts a verge may on a street tree located on the verge directly in front of their property, install a permissible street tree attachment in accordance with this clause 9 and the guidelines attached to this policy.

- (i) Permissible street tree attachments are as follows:
- (a) Swings
  - (b) Rope ladders
  - (c) Platforms/Structures (e.g. tree houses)
  - (d) Decorations and lighting
  - (e) Any other item (not listed above) as approved by the Director Engineering.
- (ii) Street tree attachments cannot be permanently fixed to street trees and must not incorporate sharp objects, protrusions or other elements which, in the City's opinion would present could-unacceptably project a hazard to people or property.
- (iii) Street tree attachments must not, in the City's opinion, unacceptably obstruct or interfere with a clear line of sight for pedestrians, cyclists or motorists.
- (iv) Street tree attachments must not, in the City's opinion, adversely affect the health or structural integrity of the street tree to which they are attached.
- (v) If in the opinion of the Director Engineering, a street tree attachment is considered to not meet the requirements of this clause 9 or the attached applicable guidelines, then the adjacent owner/occupier will be required to remove and/or modify all or part of the street tree

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attachment to become acceptable to the City and compliant with the policy.

<b>Date Adopted:</b>	<b>22 May 2007 (replaces previous Trees Policy adopted on 26 May and 9 June 1997 and Policy 2.1.3 – Existing Street Verge Trees adjacent to Property Developments adopted on 26 May 1999)</b>
<b>Date Amended:</b>	<b>18 January, 6 December 1999</b>
<b>Date Reviewed:</b>	<b>22 May 2007, 29 May 2018</b>
<b>Date of Next Review:</b>	<b>May 2012, 2023</b>

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**GUIDELINES AND POLICY PROCEDURES  
RELATING TO STREET TREES  
POLICY NO. 2.1.2**

**1. Planning for Street Trees**

- (i) The City shall give consideration to the use or retention of street trees as part of any streetscape in its planning process.
- (ii) Naturally occurring trees, where appropriate, shall be retained within the streetscape.
- (iii) Selection of new tree species will be undertaken using the City's street tree selection tool and to suit the character of the particular locality.

**2. Street Tree Planting**

- (i) The City shall undertake tree planting on streets, as part of its annual street tree replacement program and in accordance with the objectives and actions outlined in the Greening Plan. Requests from residents/occupants will also be considered.
- (ii) The following serve only as guidelines for all street tree plantings. Variations under exceptional circumstances shall be at the discretion of the Director Engineering:

Street trees shall be planted:

- (a) at least three (3) metres away from any public utility junction box, manhole, pole or aerial feeder line;
- (b) at a distance of 2.8 to 3 metres from the private property line or at such alignment as approved under the Utility Provider's Code of Practice;
- (c) at no less than 6 metre centres (spacings to be dependent upon species type and specific locations);
- (d) so as not to interfere with or obscure sight lines for the safe passage of pedestrians, cyclists and motorists; and
- (e) to ensure consistency of street tree species in the applicable street, subject to community consultation where an entire street is to be replanted.

**3. Street Tree Pruning under Powerlines**

- (i) The City (or its contractor) shall undertake the pruning of all street trees affected by powerlines on a programmed basis.
- (ii) Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street.

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- (iii) Programmed pruning shall not normally include trees on the opposite side of the street to powerlines.
  - (iv) Programmed pruning is to be planned each year, on a needs basis in consultation with the Director of Energy Safety (referred to in section 5 of the Energy Co-ordination Act 1994), and in accordance with pre-determined arboreal/geographical sectors of the City.
  - (v) Programmed street tree pruning shall address at least one of the following requirements to:
    - (a) clear the canopy from interference with overhead powerlines and other essential services;
    - (b) remove overhanging branches considered hazardous to traffic, buildings or structures;
    - (c) underprune low growing branches considered hazardous to traffic or pedestrians;
    - (d) form the shape of developing trees;
    - (e) re-define the frame work of mature trees;
    - (f) rejuvenate vigour into unthrifty growth;
    - (g) reduce crown density or to redistribute growth to lateral branches; or
    - (h) remove dead, dying, diseased or pest infested limbs and branches.
  - (vi) Residents/occupants may seek to have a street tree under powerlines pruned in advance or out of the programmed schedule and requests for the City's approval must be submitted in writing to the Director Engineering or nominee.

#### **4. Street Tree Pruning where Unaffected by Powerlines**

- (i) Under its programmed pruning schedule, the City shall crown thin, under prune, property line prune (upon request) and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of:
  - (a) public safety;
  - (b) reducing structural risk to the tree; or
  - (c) removing growth abnormality or disease, from the tree.
- (ii) Requests from residents for the pruning of street trees not located under powerlines (for example, for the purpose of reducing leaf/fruit drop or improving light penetration), shall be made in writing. Such

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requests will be considered on their merits by the City's Parks and Urban Green. Where, in the opinion of the Director Engineering or their nominee, the pruning is considered significant or beyond what is "*normal tree maintenance*" a recommendation will be made to the Council, based on the following criteria:

- (a) species of tree;
  - (b) location;
  - (c) reasons highlighted by Resident;
  - (d) health and condition of tree;
  - (e) value of tree in overall streetscape; and
  - (f) potential for significant nuisance or damage to property.
- (iii) Where residents/occupants contact the City with a request to prune a tree unaffected by power lines, the following procedures is implemented:
- (a) the tree is physically inspected by a Parks and Urban Green Technical Officer / Arborist;
  - (b) the resident/occupier will be advised of the City's decision concerning their request; and
  - (c) in the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is referred to Council for consideration and determination.
- (iv) Street trees shall not be pruned to reduce shading of private property, improve visibility for advertising signs or in order to provide or restore views from private property.
- (v) Chipping and recycling of tree prunings is the preferred method of disposal.

#### 5. Unauthorised or Inappropriate Street Tree Planting

- (i) Unauthorised street tree planting means any one of the following:
  - (a) a tree planted that is not in accordance with the City's Street Tree Selection Tool;
  - (b) a tree planted under powerlines; or
  - (c) a tree planted out of alignment in relation to the City's street tree planting guidelines.

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- (ii) Where an unauthorised street tree planting is identified, the City shall determine whether the planting can be retained and whether it conforms to the City's planting guidelines and species choice.
  - (iii) Where the planting is of a recent origin and the tree is of a conforming variety but on the wrong alignment or spacing, the City shall appropriately relocate the tree after the resident has been notified as long as the species lends itself to transplanting.
  - (iv) Where the planting is of a recent origin and the tree is non-conforming in species and planting guidelines, the resident shall be given the option of relocating the tree on private property prior to the City considering its removal and replacement.
  - (v) Where the planting is more established, and the variety considered not appropriate to transplanting, the provisions of this policy relating to Street Tree Pruning and/or Street Tree Removal shall apply.

## 6. Street Tree Removal

### (i) Offence

A person shall not remove/prune any street verge tree. Any person who removes/prunes/damages a street verge tree commits an offence.

### (ii) Requests

Requests for street tree removal are subject to the following provisions:

- (a) unless extraordinary and unavoidable circumstances apply in the City's opinion, street tree removals shall be on a "*remove and replace*" basis;
- (b) adjoining residents will be advised prior to removal, outlining reasons for such removal(s);
- (c) requests from residents for the removal of street trees shall be in writing and will be considered on their merits by Parks and Urban Green based on the following criteria:
  - safety, health and condition of the trees;
  - value of tree in streetscape/landscape;
  - potential for significant nuisance or injury/damage to persons or property; and
  - history of requests and associated actions in the street;
- (d) the Director Engineering or their nominee shall determine requests for street tree removal based on the above criteria and other relevant provisions of this policy;

- 
- (e) where an entire street tree replacement program is implemented, staged removal of existing trees shall be the preferred option.
  - (f) street tree removal requests will be publicly listed in a monthly register presented to Council for information.
- (iv) Circumstances where trees may be removed
- Removal of street trees will be assessed and undertaken in accordance with clause 6 of this policy:
- (iii) Circumstances where street trees will not normally be removed
- The following are not acceptable reasons for the removal of street trees:
- (a) the tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
  - (b) the tree variety is disliked;
  - (c) the tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
  - (d) the tree causes allergy and/or health problems;
  - (e) the tree is in the way of a non-essential crossover or verge paving option;
  - (f) the tree shades private gardens.
- (iv) Existing street trees adjacent to a development
- (a) The retention of street trees will take precedent over any landowner intent or desire to remove a street tree to accommodate a new or revised crossover. To this end, the City will require all options and efforts to be exhausted to ensure new or revised crossovers protect and preserve street trees, rather than street trees being removed to accommodate such crossovers;
  - (b) the City will only permit removal of a street tree to accommodate a new or revised crossover where the owner/developer of the adjacent subject lot pays (prior to removal) for the replacement of a new tree to the City's satisfaction of equal or similar size, maturity and canopy cover to the tree that was removed;
  - (c) crossovers shall be located a minimum of 1.0 metre from a street tree. Reduction to 0.5 metre may be considered, depending on availability of alternatives, tree species and location, sight lines and traffic safety;



- (d) an existing street tree is damaged as a result of development works, the applicant/builder shall reimburse the City for all **any** arboricultural, restorative and maintenance costs required to ensure its health and survival. The extent/cost of this work shall be determined by the Director Engineering or nominee; or
- (e) where an existing street verge tree is pruned/removed without authorisation, legal action will be pursued at the discretion of the Chief Executive Officer.

## 7. Street Tree Watering

- (i) The City shall undertake the watering of all new street trees, as and when required, until the trees are established.
- (ii) Street tree watering shall include all of the City's programmed plantings as well as those planted on request from residents/occupants.
- (iii) Residents/occupants shall be encouraged to water the adjacent street tree during the establishment period. A written request to this effect shall be lodged with the resident soon after the tree is planted.
- (iv) The City shall adopt appropriate practices of post planting care to ensure the survival of all trees planted.

## 8. Unauthorised Interference, Removal, Pruning or Damage to Street Trees

In cases where there is reasonable proof of unauthorised interference, removal, pruning or damage to a street tree, legal action (court action and/or issue of a modified penalty) may be taken at the discretion of the Chief Executive Officer.

## 9. Street Tree Attachments

The City has developed the following guidelines to support its residents in maximising the use of the verge by permitting safe, useful, recreational attachments to street trees.

### 9.1 Standards:

- (i) Street tree attachments ~~are not to obstruct access~~ must be should provide suitable setback from and provide clear access to any infrastructure/services located on the verge.
- (ii) All materials to be used as part of the installation are to be in good condition.
- (iii) All ropes or attachments around tree branches should be fitted as to prevent strangulation and eventual decline in the tree's health and vigour.
- (iv) ~~Swings or rope ladders~~ Street tree attachments are to be fitted to tree branches of safe and suitable dimensions.

- (v) Platforms/Structures and rope ladders are not permitted in street trees located under power lines.
- (vi) ~~Decorations are permitted, however~~ Street tree attachments must be constructed of durable material, securely installed and so that annual pruning requirements ~~are able to can~~ be undertaken where required.
- (vii) Street Tree Attachments must provide a minimum 0.5 metre setback from the face of the kerb.
- (viii) Only solar lighting is permitted to be attached to street trees.
- (ix) Street Tree Attachments shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway or path for pedestrians or cyclists.

## **9.2 Responsibilities of Owner/Occupiers:**

- (i) Ensure that the tree remains healthy and attachments are well maintained.
- (ii) Ensure any tools and materials are removed from the verge after the works are completed.

## **9.3 Considerations:**

- (i) It is recommended that residents discuss the proposal with neighbours to identify any potential issues that may arise as a result of installing the street tree attachments.
- (ii) The City will not accept responsibility for any loss, injury, damage or impact caused to persons or property as a result of a resident's private installation of a street tree attachment on any street.
- (iii) The City will not accept responsibility for any loss, damage or removal that occurs to street tree attachments as part of the City's ongoing street tree maintenance program.
- (iv) The City reserves the right to remove a street tree attachment at any time.
- (v) The owner/occupier may contact the City's Parks and Urban Green team on 9273 6000 or mail@vincent.com.au for advice.
- (vi) When installing Street Tree Attachments to trees in proximity to Western Power infrastructure, it is recommended to contact Western Power on 13 10 87 or enquiry@westernpower.com.au to determine appropriate clearances.
- (vii) The City may prepare further, more specific operational guidance on street tree attachments, to expand or elaborate on the requirements of clause 9 of this Policy or the standards outlined in clause 9.1 above.



**CITY OF VINCENT**

**VERGE TREATMENTS, PLANTINGS AND  
BEAUTIFICATION**

**POLICY NO. 2.2.4**

**(Adopted at the Ordinary Meeting of Council held on 14 August 2007)**

**POLICY NO: 2.2.4**

**VERGE TREATMENTS, PLANTINGS AND BEAUTIFICATION**

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**POLICY NO: 2.2.4****VERGE TREATMENTS, PLANTINGS AND BEAUTIFICATION****OBJECTIVES**

To:

- Provide guidelines and as to what is a *“Permissible Verge Treatment”* within the verge for the purposes of the City of Vincent Local Government Property Local Law and provide guidelines of plantings and/or beautification and to outline the City’s and residents responsibilities.
- ensure that verges within the City are maintained at a safe level relative to that of the abutting road and/or footpath.
- establish the extent of the City’s responsibility for the mowing and the removal of rubbish from road verges.
- define the City’s requirements and conditions with regards to the installation of vehicles crossovers within the road reserve.
- provide guidelines for persons wishing to pave the street verges in front of their property.

**POLICY STATEMENT****1. Definitions**

For the purpose of this Policy the following definitions will apply:

**“carriageway”** has the meaning given to in the *Road Traffic Code 2000*;

Regulation 3 of the *Road Traffic Code 2000* provides –

*“carriageway” means a portion of road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;”*

**“footpath”** has the meaning given to in the *Road Traffic Code 2000*;

Regulation 3 of the *Road Traffic Code 2000* provides –

*“footpath” means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;”*

**“vehicle crossing specification”** means the design details, measurements and materials, approved by the local government as the standard vehicle

crossing, which when first constructed on any land in the district, will be eligible for a subsidy from the local government;

**“thoroughfare”** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits and nothing is prevented from being a thoroughfare only because it is not open at each end;

**“verge”** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include a footpath;

**“verge treatment”** means any treatments approved by the local government as the standard verge treatments permitted by these local laws and includes any reticulation pipes and sprinklers.

2. Any person who wishes to carry out any works on the verge shall do so in accordance with this policy, guidelines, specifications and the City of Vincent Local Government Property Local Law.
3. The City will encourage and assist where practicable owners/occupiers to maintain street verges in a way that retains and enhances the streetscape, whilst minimising water usage.
4. The City will provide assistance with mowing, cleaning and maintenance of verges in accordance with the policy guidelines.

<b>Date Adopted:</b>	<b>14 August 2007 (replaces previous Policy 2.2.3 – Road Verges – Mowing &amp; Cleaning, Policy 2.2.4 – Levelling of Verges)</b>
<b>Date Amended:</b>	<b>17 December 2013</b>
<b>Date Reviewed:</b>	<b>14 August 2007, 13 May 2008, 20 July 2009</b>
<b>Date of Next Review:</b>	<b>December 2018</b>

**GUIDELINES AND POLICY PROCEDURES  
RELATING TO VERGE TREATMENTS, PLANTINGS AND BEAUTIFICATION  
POLICY NO. 2.2.4**

**1. BEAUTIFICATION OF STREET VERGES**

Owners/occupiers of land abutting a street verge may undertake works to beautify the verge. The below guidelines apply to the design and installation of verge gardens and landscaping features.

**1.1 Approvals**

Beautification of street verges carried out in line with the below guidelines does not require approval from the City.

The City recommends you discuss your verge design with neighbours prior to commencing any works, to identify any potential issues that may arise.

**1.2 Underground Services**

Prior to commencing any work on the verge, it is advised to contact 'Dial Before You Dig' to ascertain what, if any services, including Telstra, Water Corporation, Western Power and Alinta Gas, are located within the verge and to ensure that the depth of the services is sufficient to carry out the proposed works safely.

Any works carried out on the verge by the resident, that results in damage or disruption to the services will need to be reinstated at the resident's full cost.

**1.3 Verge Gardens**

The City strongly encourages the use of waterwise plants, in particular natives, for planting on verges due to their ability to survive hot dry summers with little to no supplementary water.

Native plants are made available to residents of the City at subsidised prices. Native Plant Sales are conducted in April and August of each year and further information can be obtained by contacting the City's Parks and Urban Green.

Plant species selected for the verge should not be prickly, have spines or be known to be poisonous or cause allergic reactions. Plants that bear fruit should be maintained and the fruit harvested to ensure excess or rotting fruit does not pose a hazard or nuisance to pedestrians, cyclists or motorists.

All plants should be maintained to ensure clear lines of sight for pedestrians, cyclists and motorists are [provided](#) at all times.

Turfing of verges is permitted however in the interests of saving our precious water resources and reducing fertiliser run-off, alternative options are encouraged. Should turfing be required, it is recommended that a hardy low maintenance turf developed for Australian conditions be laid.

The installation of synthetic turf on verges is not an approved treatment.



## 1.4 Landscaping Features

**1.4.1** In addition to verge gardens and lawn, there are a number of permissible landscaping features that may be [installed within the verge](#). The installation of these features [must be setback from and provide](#) clear access to any infrastructure such as power poles and underground services.

**1.4.2** The installation [must](#) also [maintain safe access for pedestrians and cyclists and must be](#) setback from footpaths, kerbs and vehicular crossings in accordance with these guidelines so as to not obscure [or intrude into](#) sightlines and maintain safe access for pedestrians and cyclists.

**1.4.3** Permissible verge landscaping features include:

- raised garden beds
- rocks/stones and/or logs
- compacted crushed gravel pathways
- paved pathways and/or bin stand areas
- seating or benches
- decorations and lighting
- any other item (not listed above) as approved by the Director Engineering.

**1.4.4** When installing and/or incorporating landscaping features on the verge, the below guidelines must be met:

- (i) Any landscaping feature installed on the verge must not obstruct clear lines of sight for any pedestrians, cyclists or motorists;
- (ii) Residents may incorporate a number of permissible verge landscaping features provided the specific guidelines for each feature are adhered to;
- (iii) Residents must ensure landscaping features are checked regularly and well maintained so that they meet and continue to meet the verge landscaping feature guidelines;
- (iv) If a verge landscaping feature is considered [by the City](#) to pose a safety hazard or does not meet the guidelines, the City may require the resident [to](#) remove or revise part or all of the feature to comply with this policy and guidelines;
- (v) Raised Garden Beds
  - Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
  - The raised garden bed (built structure) height shall not exceed 0.5 metres unless approved by the City;
  - [Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree;](#)
  - [Provide a minimum 0.5 metre setback from the face of the kerb.](#)

- (vi) Rocks, Stones and Logs
  - Maintain clear access for parked vehicles [at all times](#);
  - Be of a size and installed securely so as to not be easily moved.
- (vii) Compacted Gravel Pathways
  - Provide a minimum 0.5 metre setback from any street trees to maintain the health of the street tree.
- (viii) Paved Pathways and Bin Stands
  - finished level to be flush with the adjacent footpath, driveway, kerb and verge soil level so as to not create a trip hazard;
  - Provide a minimum 0.5 metre setback from street trees to maintain the health of the street tree.

*NOTE: The above guidelines apply to verge paving for non-parking purposes only. For specifications on paving of verges for parking, please refer to clause 4 below.*

- (ix) Seating or Benches
  - Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
  - [Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree](#);
  - [Maintain clear access for parked cars at all times.](#)
- (x) Decorations and Lighting
  - Constructed of durable material, securely installed with no sharp edges, corners or fixtures;
  - [Maintain clear access for parked cars at all times](#);
  - [Provide a minimum 0.5 metre setback from any street tree to maintain the health of the tree](#);
  - [Only solar lighting is permitted in the verge area.](#)

[1.4.5 The City may prepare further, more specific operational guidance on verge treatments and landscaping features, to expand or elaborate on the requirements and standards outlined in clause 1.4 of these guidelines.](#)

## 1.5 Reticulation and Watering

The City encourages the installation of waterwise verge gardens that conserve water eliminating the need for permanent reticulation. If reticulation is to be installed, sub-surface drip irrigation is recommended as the most water efficient reticulation type suited to the exposed conditions typical on the verge area.

## 1.6 Fertilising

If required, slow release fertilisers are recommended for use on all verge beautification treatments, however their use should be carefully monitored and particular care should be undertaken when applying fertiliser to ensure that granules or residues do not enter the local drainage system.

## 1.7 Mulching

Mulching of the verge area is encouraged to reduce plant stress, suppress weed growth and reduce moisture evaporation from the soil.

Mulch should be installed approximately 5-10cm thick and the finished level must sit just below the adjoining kerbs, footpaths and crossovers. This will prevent the mulch from spreading beyond the verge area, flowing into drainage systems and/or creating a hazard.

## 1.8 Indemnification

The City reserves the right to remove any verge beautification treatment or landscaping feature at any time if the [City considers the installation is](#) treatment is contrary to this policy or poses a hazard to or interference with persons or property.

## 1.9 Damage

Any damage to the footpath, kerb and road reserve whilst undertaking works will need to be made good by the resident, to the City's satisfaction.

Although due care will be taken, the City will not be held responsible for any damage that occurs to verge gardens and landscaping features as a result of the City's regular maintenance programs [or capital works projects](#).

## 2. LEVELLING OF STREET VERGES

2.1 Where the level of a kerb or footpath has been changed or the level of the verge is considered to pose a safety problem the City will:

- (i) establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and street kerb;
- (ii) take all reasonable actions to replace any lawns and/or plants where the level has been changed by the City.

2.2 Where the level of a kerb has not been changed the City will establish a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and the street kerb. Where it is necessary to remove or cover lawn to effect the levelling, the lawn will not be replanted by the City. Such work will only be undertaken after written request from the adjoining property owner.

2.3 The service is not provided as a top dressing for street lawns, nor will the City assist with excavating verges below the kerb level to facilitate paving of verges.

- 2.4 For residents who wish to beautify their verge the City will offer a service in March/April and July/August each year, subject to appropriate funding being allocated in the annual budget, to excavate the verge below the kerb level, provide a layer of mulch and provide to the resident a credit for the supply of twenty (20) local native plant species to be redeemed at the City's subsequent Native Plant Sale, which is usually held in April and August every year. A suitable plant species list will be provided to residents for consultation when applying for the program. (Adopted at Council Meeting 17 December 2013)

### 3. MOWING & CLEANING OF STREET VERGES

#### 3.1 Mowing

- (i) Verges along main roads and district distributor roads, as determined by the Director Engineering will be mowed by the City a maximum of two times in any one financial year where a visibility problem or significant safety/hazard exists.
- (ii) Verges along all other roads shall be maintained/mowed by the adjacent owner/occupier and will only be mowed a maximum of three times in any one financial year by the City where the owner/occupier is either a pension (age or disability) card holder or in the case of proven hardship or where, in the opinion of the Chief Executive Officer or Director Engineering or nominated representative, the verge represents either a:
- (a) Fire hazard;
  - (b) Visibility problem;
  - (c) Safety issue; or
  - (d) In a neglected state.
- (iii) Verges on any road which are reticulated with in-ground reticulation will NOT be mowed by the City.
- (iv) A register is to be kept by the Engineering Division of the street address of verges mowed and the number of times the verge has been mowed in any one financial year.
- (v) Should budgetary constraints not permit a verge or a number of verges to be mowed in a current financial year, the verge/s in question will be listed for action in the following financial year.

#### 3.2 Cleaning

- (i) Cleaning of litter and removal of the build-up of leaves and grass clippings from the verge is the responsibility of the adjacent owner/occupier.
- (ii) The City will assist with the removal of litter and general rubbish from verges only in the following circumstances:
- Bi-annual verge collections;
  - Accidents;
  - Storm damage;

- Where responsibility for placing the litter on the verge cannot be determined; or
  - As approved by the Director Engineering, in liaison with the Chief Executive Officer.
- (iii) Where responsibility for placing litter on the verge can be determined the City will direct the person responsible to remove the litter and will enforce the *Litter Act 1979* and regulations.

#### 4. PAVING OF STREET VERGES FOR PARKING

(Refer also to the City's Specifications for the Installation of Brick Paved Crossovers)

The City discourages parking on street verges. However it is acknowledged that in some Precincts within the City there is limited kerbside and off-street parking available to residents.

In locations where there is sufficient room to park a light vehicle on the verge without obstructing the footpath or creating a traffic hazard, the City will approve the paving of a portion of the verge for parking.

##### 4.1 Application

An owner of a property wishing to apply to pave a portion of the verge is to apply in writing to the City stating specific requirements relating to the proposal.

##### 4.2 Assessment

Following receipt of an application, the site shall be inspected to determine the conditions which should apply to any approval.

##### 4.3 Clearance

The area of verge to be paved shall conform to the following conditions:

- (i) There shall be a minimum clearance of 0.5 metres from a side boundary.
- (ii) The minimum clearance from any existing verge tree or pole is to be 0.5 metres.

**Note:** Where a tree is within 1.5 metres from the edge of the proposed paving, advice should be obtained from the Parks and Urban Green team on the potential for further growth of the tree.

##### 4.4 Design

- (i) The maximum allowable width of paving (parallel to the kerb) is to be 7.5 metres.
- (ii) Where a crossover exists, the area of verge to be paved may abut the crossover providing the full width of the "hard stand" including the crossover does not exceed 7.5 metres.

- (iii) Where the proposed "hard stand" exceeds 7.5 metres in width a landscaped gap of 1.0 metre must be provided between the edge of the crossover and the edge of the proposed paving.
- (iv) Where the proposed paving abuts an existing footpath, the proposed paving material must be clearly different in material, colour and texture from the existing footpath.

#### 4.5 Construction

- (i) All works shall be constructed in accordance with the City's Specifications for the Installation of Brick Paved Crossovers.
- (ii) Where the existing kerb abutting the verge area to be paved is either semi mountable or barrier, this section of kerb shall be replaced with a mountable kerb by the City at the applicant/owner's expense.
- (iii) Where required, finished levels will be established by the City.
- (iv) The applicant shall bear the cost of any public utility service adjustments or any other alteration works required as a result of verge paving works.
- (v) The applicant must advise the City's Engineering Directorate at least 24 hours prior to commencing the paving works.

Note: Approval, if granted, is on the understanding that the City accepts no liability for any damage to other Services Authorities infrastructure.

#### 4.6 Bonds

- (i) Prior to approval being granted, the applicant must submit a minimum bond, as determined by the Council and listed in the annual Fees and Charges to ensure that all works are carried out to the required standard.
- (ii) Request for the refund of the bond must be made in writing at which time an inspection will be carried out by the Engineering Directorate.

#### 4.7 Location

- (i) Where the property is located at the intersection of two (2) local streets, there shall be a minimum of six (6) metres between the edge of the proposed brick paving and the kerb tangent point in accordance with City's Specifications for the Installation of Brick Paved Crossovers.
- (ii) Where the property is located at the intersection of all other roads the extent of the paving is to be determined by the Director Engineering.

#### 4.8 Parking

The parking of vehicles on verges shall be in accordance with the City's Local Law Relating to Parking and Parking Facilities 2007.

#### **4.9 Drainage**

Approval for the paving of verges in streets where the existing road drainage system is inadequate or where there is a history of flooding is at the discretion of the Director Engineering.

#### **4.10 Maintenance**

The property owner will be responsible for all future repairs and maintenance of the paving unless the paving is damaged by specific City works.

### **5. PLANT CONTAINERS ON THE FOOTPATH IN COMMERCIAL AND RETAIL PRECINCTS**

Placement of plant containers on or obstructing the footpath in commercial and retail precincts within the City need to take into account public safety, practical and aesthetic considerations, with a view to preserving and enhancing the streetscape.

#### **5.1 Size**

Containers shall be of an appropriate scale in relation to other elements of the streetscape, and easily seen by pedestrians.

#### **5.2 Design**

The design of the planters including materials, colour and finish - should be in keeping with the surrounding streetscape and to the satisfaction of the Director Engineering.

#### **5.3 Plant Material**

Plant species are to be approved by the Parks and Urban Green team and must not exceed a height of 1.2 metres above ground level.

Alternatively trees in pots may be approved where the bottom of the canopy has a minimum 1.5m clearance to the footpath and is not more than 300mm wider than the container and should not obstruct parking signs.

The plants must be maintained in a healthy, tidy condition at all times, and all maintenance is the responsibility of the property owners/occupants. No drainage or other discharges from the containers are to flow across the footpath or strain the pavement in any way. No poisonous, prickly or other harmful plants are to be used and maintenance procedures should not interfere with pedestrians at any time.

#### **5.5.4 Location**

Plant containers must:

- (a) not obstruct pedestrian crossing points, public utilities or other public facilities;
- (b) be located to provide, at all times, free and unobstructed access of not less than 1.5 metres for pedestrians and other users of the footpath or paved area.

### **5.65 Approvals**

The City's approval is not required for plant containers that comply with the requirements of this Part 5.

The City reserves the right to request owners to remove the containers at any time.

### **5.76 Cleaning**

The applicant shall be responsible for the cleaning of the area immediately adjacent to and under the container.

### **5.87 Cost**

All costs associated with the application, purchase of containers and plants and installation are to be borne by the applicant.

### **5.98 Indemnification**

Notwithstanding the granting of approval, the City reserves the right to remove the containers at any time, and applicants should ensure that the City is indemnified against all claims resulting from the installation of plant containers.

### **5.109 Damage**

Any damage to footpath, verge or other street furniture caused by the planter or its movement shall be the responsibility of the applicant.

(Refer also to the City's Specifications for Paving of Verges to Permit Vehicle Parking)

## **6. MEMORIAL FOOTPATH PLAQUES**

That the City will consider on its merits any application for a memorial plaque or slab to be included in the footpath in the City and the criteria to be taken into account shall include:

- (i) the person or event, subject of the memorial, shall have made a significant contribution to the development of the City or the State, or some major contribution to a social welfare or community or public organisation.
- (ii) comments received from the Heritage Council, West Australian Historical Society or other relevant organisation.

The sponsor may be identified either by words or a logo, provided that this identification does not exceed an area of 75mm by 25mm.

The location of the plaque or slab shall be at the discretion of the City which may take into account in considering the application, the nature of work undertaken by the person, subject of the memorial.

The memorial plaque shall be cast in bronze or other approved material and of such design and of such dimensions as determined by the City from time to



time, having regard to the location and the footpath surface in the area where the plaque is to be located.

The applicant will be required to meet all the costs associated with the purchasing, installation and maintenance of the plaque.

The City reserves the right to remove a memorial plaque or slab without notice and is not required to relocate/reinstate the plaque to a similar or to another location.

## **7. REINSTATEMENTS OF ROADS AND FOOTPATHS**

Pursuant to the provisions of the *Local Government Act 1995*, the City is responsible for the maintenance of streets in a safe condition at all times.

Accordingly, when from time to time a road or footpath is excavated or damaged by other agencies, either Government or private, the City requires the necessary road or footpath reinstatement works to be undertaken to the City's specification.

All costs of the works shall be met by the organisation which was responsible for the initial excavation/damage.

### **7.1 Public Utility Authority (PUA)**

The PUA is to provide an order number for the works, prior to the works being carried out.

### **7.2 Developers**

If the City holds a bond, the developer may request in writing that the works be carried out and bond monies be used to complete the reinstatement.

Should the cost of the reinstatement be more than the bond being held or if no bond is held, the developer is required to provide payment, prior to the works being carried out.

Reinstatement work is to be at least to the same standard as the existing road or footpath.

Reinstatement is to take place with the minimum of delay.

## **8. CROSSOVERS**

### **8.1 Council and Private Construction**

8.1.1 Having regard to the provisions of Schedule 9.1 of the *Local Government Act 1995*, all proposals relating to the construction of crossovers, shall be approved by the City.

8.1.2 Construction of crossovers within the road reserve shall comply with the City's requirements relating to location and the standards of construction, which are available from the City's Engineering Directorate.

## 8.2 Specification

- 8.2.1 Crossovers shall be constructed in accordance with the City's Standard Specification for the 'Installation of Brick Paved Crossovers and the Installation of Cast Insitu Concrete Crossovers'.
- 8.2.2 Crossovers shall be constructed perpendicular to the kerb line with an absolute minimum clearance of 0.5 metres from a side boundary.
- 8.2.3 The clearance of any existing tree or pole in the road reserve shall be 0.5 metres. Where an existing tree is within 1.5 metres of a proposed crossover, advice shall be obtained from the City's Parks and Urban Green team on the future size of the tree and the advisability of it being retained.
- 8.2.4 The maximum width of any crossover and/or adjoining crossover shall not exceed 7.5 metres, except for service stations, where it shall not exceed 10.5 metres.
- 8.2.5 Where required, crossover levels may be established by the City.
- 8.2.6 The owner of the property to which the crossover is being constructed shall bear the full cost of any public utility service adjustments/relocations or any other alteration works required as a result of constructing the crossover.
- All completed crossovers, shall be inspected by the City to ensure they meet the City's requirements prior to the City's contribution being made.
- 8.2.7 Vehicle Crossovers which are no longer required, or no longer connect with an internal driveway or parking area (obsolete or 'Blind' crossovers) must be removed at the cost of the property owner.
- 8.2.8 The location of a crossover is to be approved by the Director Engineering or nominated representative and the location shall be in accordance with AS2890.
- 8.2.9 Proposed crossovers to be constructed within close proximity of a signalised intersection or main road shall be individually assessed in accordance with the requirements of Main Roads Western Australia (MRWA).
- 8.2.10 All new crossovers must indicate a visual continuity of the footpath as outlined in the City's Standard Specification for the 'Installation of Crossovers'.
- 8.2.11 (i) Upon approval being granted, the applicant must submit a minimum bond, as determined by the City as itemised in the Schedule of Fees and Charges to ensure that all works are carried out to the required standard, should a bond not be held already pertaining to a development application which covers the City's infrastructure.

- (ii) Request for the refund of the bond must be made in writing at which time an inspection will be carried out by an Engineering Officer.

### 8.4.3 Subsidy

In accordance with Schedule 9.1 of the *Local Government Act 1995*, the City will contribute one half of the cost of a standard concrete crossover up to 3.05 metres wide at a rate to be determined by the Director Engineering, to a maximum value of \$750.00, if that crossover is either:

- the first crossover to an allotment, or
- at the discretion of the Director Engineering, if the crossover is constructed from bitumen and is in poor condition.

Upon application by the property owner the City will inspect the crossover to ensure it meets the City's requirements. The property owner will be required to submit two (2) quotations from reputable contractors to the City for assessment.

## 9. UPGRADING OF FOOTPATHS

### 9.1 Residential Areas

9.1.1 The minimum standard for the construction of footpaths within the City's residential areas is insitu concrete with a minimum thickness of 100mm and a minimum width of 1.5 metres.

9.1.2 Existing slab paths in the City are to be progressively upgraded in accordance with the City's adopted annual Footpath Replacement Program and/or any other approved Capital Improvement works.

9.1.3 At the discretion of the Chief Executive Officer or Director Engineering, the continuity of surface and appearance of a path in a residential street may be altered when a submission requesting the change has been received subject to:

- (i) the cost of the change is borne by the applicant.

### 9.2 Commercial Areas

9.2.1 The minimum standard for the construction of footpaths within the City's commercial areas is heavy duty clay pavers with an absolute minimum width of 1.5 metres.

9.2.2 Slab footpaths in Commercial areas are to be upgraded in accordance with the City's adopted annual Footpath Replacement Program, the City's adopted Commercial Precincts Streetscape upgrade program and any other approved Capital Improvement works and/or by private developers.

9.2.3 Where a commercial property owner applies to have a verge, fronting that property, paved to the full width, the applicant is required to contribute 50% of the cost to have the area paved with heavy duty clay pavers. The City may meet the other cost subject to the availability of funding.

### **9.3 Developer Contributions**

In accordance with the adopted footpath condition criteria, as reported to the Council at its Ordinary meeting held on 12 August 1996, the following procedures are to be applied as a condition of development and building licence approval for footpaths fronting developments.

### **9.4 Condition 1 and 2 paths Fronting Developments**

For a condition 1 and 2 path fronting a development, a refundable 'footpath bond' is to be charged on the approved building licence (over and above the usual security deposit) to cover the full replacement cost of the footpath.

### **9.5 Condition 3, 4 and 5 paths Fronting Developments**

For a condition 3, 4 and 5 path fronting a development, a non-refundable 'footpath upgrading fee' calculated on the amount to cover half the cost of total footpath replacement to an appropriate standard as determined by the Chief Executive Officer or Director Engineering, is to be charged on the approved building licence.

Note: Footpath condition is rated between 1 and 5, with 1 being relatively new i.e. cast insitu concrete and 5 being in a state of disrepair, i.e. broken, uneven concrete or slabs.

## **10. OPEN CAR SALES YARDS**

In regard to applications to the Motor Vehicle Dealers' Licence Board for licences to use land as open car sales yards, the required prior written approval of the City for such proposals shall be subject, inter alia, to the provision of a permanent barrier at least 200mm high around the street frontage of all lots to be used as open car sales yards. Furthermore, this requirement shall be fulfilled prior to the issue of the Certificate to the Motor Dealers' Licence Board.