

# Nature Strip Planting Policy

VERSION 1.0



CITY OF STONNINGTON NATURE STRIP PLANTING POLICY

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**Policy Owner**

Environment & Infrastructure

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**TRIM folder**

COS/24/911

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**Approval date**

20 May 2024

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**Approved by**

Stonnington City Council

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**Review date**

20 May 2025

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**Version history**

1.0

## Introduction

The City of Stonnington (Council) is committed to creating healthy and inclusive public green spaces throughout the city that support the health and wellbeing of its residents and promote positive environmental outcomes, while maintaining safety and accessibility.

Nature strips are areas of **public land** between the property boundary and the kerb, not including the footpath, kerb or driveways.

Under Council's *General Local Law 2018 (amendment)*, residents are expected to maintain a sightly premises (including nature strips) but must obtain a Permit from Council in order to plant vegetation on or otherwise modify the nature strip immediately outside land which they occupy.

This Nature Strip Planting Policy (Policy) gives effect to what Council will and will not allow in terms of planting and other modifications, outlines Permit conditions and process, and sets out maintenance obligations for Permit-holders.

This Policy is supported by a community-facing document (*Nature Strip Planting Handbook*) and the Permit application process.

## Purpose

The purpose of this Policy is to:

- Outline conditions that residents must adhere to when undertaking nature strip planting and other modifications to conform with public safety, accessibility, and all applicable legislation and regulation.
- Record Council's process relating to approving nature strip planting and other modifications through the introduction of a Permit application process.
- Confirm Council's approach to existing (legacy) nature strip modifications.

## Scope

This Policy applies to any eligible nature strips within Council's jurisdiction. To be considered 'eligible' under this Policy, the nature strip in question must meet the requirements established in Table 1 below:

*Table 1: Criteria for nature strip eligibility under the Policy*

<b>Permitted</b>	<b>Excluded</b>
<ul style="list-style-type: none"> <li>• Nature strips directly in front of, or adjacent to, a residential property, or certain commercial properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Nature strips on arterial roads, where applicable.</li> </ul>
<ul style="list-style-type: none"> <li>• Nature strips under the responsibility of a resident and/or owners' corporation, in accordance with the Road Management Act 2004 (s107), provided permission is granted by the relevant property owner or owners' corporation.</li> </ul>	<ul style="list-style-type: none"> <li>• Nature strips that are managed and/or maintained by Council, Council contractors, or other government agencies.</li> </ul>
<ul style="list-style-type: none"> <li>• Nature strips that are already planted with grass, groundcover, or any other existing vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>• Concreted 'nature strips' or footpaths containing street trees.</li> </ul>
<ul style="list-style-type: none"> <li>• Nature strips that have already been laid with synthetic turf.</li> </ul>	<ul style="list-style-type: none"> <li>• Nature strips located on streets that fall within the scope of Council's <i>Narrow Streets Policy</i>.</li> </ul>
<ul style="list-style-type: none"> <li>• Nature strips that already contain gravel, granitic sand, or alternative medium.</li> </ul>	<ul style="list-style-type: none"> <li>• Nature strips that for any reason, pose a high level of risk for planting or other modification.</li> </ul>

Table 1 refers to examples only and is not an exhaustive list of what Council may consider to be 'eligible'. Council will assess each application and reserves full discretion to determine eligibility.

## Objectives

The objectives of this Policy are to, in a manner that maintains all applicable public safety and accessibility requirements:

- Create elevated aesthetic value, neighbourhood pride of place, and character.
- Support lower maintenance requirements in terms of mowing and weeding.
- Improve drought tolerance and reduce watering needs.
- Enhance biodiversity outcomes, such as improved habitat quality and connectivity for beneficial insects, pollinators, birds, and other local fauna.
- Improve climate resilience, through reduced urban heat island effect and enhanced flood calming.

The implementation of this Policy aligns with the delivery of the below actions from the following strategic Council documents in Table 2 below.

*Table 2: Relevant strategic Council documents*

<i>Stonnington Community Vision 2040</i>	<ul style="list-style-type: none"> <li>• Protect biodiversity, take climate action, and pursue eco-friendly ways of living, guided by the United Nations Sustainable Development Goals.</li> <li>• Stonnington’s public spaces will provide the ability for all members of the community to experience and enjoy the natural environment.</li> </ul>
<i>Council Plan 2021-25</i>	<ul style="list-style-type: none"> <li>• 1.3.3 Provide safe, inviting, accessible and well-maintained streetscapes, neighbourhoods, and public realm, as defined by our community, to promote pride of place and improved health and wellbeing outcomes.</li> <li>• 2.1.3 Support increased community involvement and connections to create a sense of belonging, improve mental health and emotional wellbeing.</li> <li>• 2.3.2 Create more public and private open and green spaces through strategic land acquisition and innovative solutions.</li> <li>• 2.3.3 Create an interconnected and walkable green space network to enable our 20-minute neighbourhoods.</li> <li>• 2.4.2 Support, facilitate and empower community climate action and resilience through education, collaboration, and promotion of Council action.</li> <li>• 2.4.3 Grow our urban forest through public and private tree planting, and protect and enhance biodiversity.</li> <li>• 3.1.1 Engage and listen to our community in an accessible, timely, representative, and innovative way to inform Council decision-making and forge common trust</li> </ul>
<i>Urban Forest Strategy 2017-2022</i>	<ul style="list-style-type: none"> <li>• 2 Sustain and support a healthy and safe urban forest.</li> <li>• 4 Grow the urban forest.</li> <li>• 6 Create habitat.</li> <li>• 8 Increase the cover of alternative green infrastructure.</li> </ul>
<i>Sustainable Environment Strategy 2018-2023</i>	<ul style="list-style-type: none"> <li>• 4.1.1.b Continue to investigate ways to enhance biodiversity in the public realm including the integration of indigenous plants, habitat hollows and nesting boxes in parks, gardens, and streetscapes.</li> <li>• 4.3.1 Identify and scope opportunities for trial green infrastructure projects throughout the municipality including on Council buildings, in city carparks and on local streets.</li> </ul>
<i>Climate Emergency Action Plan 2021-2024</i>	<ul style="list-style-type: none"> <li>• 2.3.4 Provide information and incentives to encourage Stonnington residents to create wildlife friendly gardens and support urban biodiversity, for example through workshops, local tours, and plant giveaways.</li> <li>• 2.3.6 Develop guidelines to support nature strip gardening, focusing on indigenous and native planting.</li> <li>• 2.8.3 Support the community to become environmental custodians by helping to develop and support local community groups that protect and care for the local environment.</li> </ul>

## Principles

This Policy is guided by the following principles:

- Environmental sustainability.
- Alignment with existing policies, procedures, and practices.
- Safety, accessibility, risk mitigation and inclusivity as per all applicable legislation and regulation.
- Community consultation.

## Policy

This Policy in no way mandates a specific course of action nor obliges residents to alter their nature strips from their current state, provided the nature strip is maintained to an adequate level that is compliant with Council's *General Local Law 2018 (amendment)* and all relevant safety and accessibility requirements.

This Policy provides a pathway for Stonnington residents to plant or otherwise modify nature strips in accordance with the purpose, scope, objectives and principles described above should they wish to do so.

### New nature strip plantings

#### (a) Allowable modifications

Modifications approved by Council under this Policy include plantings that:

- Maintain an overall maximum plant height that does not limit sightlines for pedestrians, cyclists, and vehicles.
- Maintain a Clearance Area around any services.
- Minimise tripping hazards.
- Maintain a pathway for safe passage from the road to the footpath via the nature strip.
- Maintain a distance suitable to avoid blocking street drains and road edges / gutters.
- Maintain an area suitable for waste and recycling receptacle placement.

To support this, the below specific requirements apply:

- Only groundcovers or grasses of a maximum height of 0.5m are to be used within the Clearance Area, being 0.3m from the footpath, kerb, parking signage, and/or power poles or other assets within the nature strip.
- Only groundcovers or grasses of a maximum height of 0.5m are to be used within the Sight Distance Splay of a driveway or other vehicle access point, or within 10m of an intersection, street corner, or roundabout.
- Only groundcovers or grasses of a maximum height of 0.5m are to be used within 0.3m of street trees, and no planting is to be undertaken within the mulched area of newly planted street trees.
- In all other areas of the nature strip, plant species selection must be undertaken with consideration of traffic and pedestrian sightlines and visibility to a maximum height of 0.9m.
- The resident must regularly maintain all vegetation on the nature strip to ensure the above requirements are upheld at all times.

Diagrams illustrating the above Clearance Area, distance, and height requirements are included in the *Nature Strip Planting Handbook*.

Residents wishing to modify their nature strips in accordance with the above will be required to apply for a Permit via an online self-assessment tool on the Council website. Any Permit issued as a result will contain binding conditions that, if unmet or violated, will render the Permit invalid.

#### (b) Non-allowable modifications

Modifications not approved by Council under this Policy include, but are not limited to:

- Installation of private lighting, irrigation, water tanks.
- Installation of retaining walls.
- Installation of synthetic turf.
- Planter boxes.
- Use of hard landscaping surfaces (e.g., pavers, bricks, fences, etc.)
- Use of fine gravel, granitic sand, etc.

Council may consider Permit applications for nature strip modifications that include the above elements in exceptional circumstances, where there is a significant justification. Such applications will be assessed by Council Officers on a case-by-case basis and not via the self-assessment tool and will take into account environmental and community impacts. Any Permit issued from this process will contain bespoke binding conditions that, if unmet or violated, will render the Permit invalid.

Council continues to reserve each and every one of its rights in relation to the Permit conditions and approvals process and maintains full discretion over what it will and will not Permit in accordance with all applicable legislation and regulation requirements.

### **Additional mandatory requirements**

Residents who apply for a Permit to modify their nature strips must:

- Complete an assessment of underground assets to ensure that there is no possibility of interference, damage, disturbance to said assets, or risk of injury or harm. This will include providing evidence to Council as part of the Permit application process that:
  - A Before You Dig Australia assessment has been completed and all safety and risk considerations have been thoroughly reviewed and taken into consideration
  - All relevant authorities listed in the Before You Dig Australia assessment have been contacted.
- Employ an abundance of care when digging on nature strips, including:
  - Only utilising hand-held digging tools.
  - Not using any machinery (e.g., augers, power tools etc.) when digging.
- Maintain their nature strip to ensure continued compliance with the above allowable modifications and these additional mandatory requirements, including through weeding, pruning and removal of debris.
- Consult with neighbours, meaning that:
  - Upon submission of a Permit application, Council shall issue the resident with a notice of intended works, to be placed in a visible location outside the property for a minimum period of no less than two calendar weeks.
  - Council Officers shall receive and review any complaints made within this period, evaluating these on a case-by-case basis and responding to the applicant with a decision within four calendar weeks from the Permit application date.
- Not interfere with all private and public connections, pipes, or other embedded infrastructure while undertaking nature strip modifications, including but not limited to:
  - Telecommunications assets.
  - Water and/or gas authority assets.
- Not use plant species that are:
  - Sharp, thorny, or prickly.
  - Poisonous, noxious, toxic, or irritating.
  - Weedy, as defined in the *Catchment and Land Protection Act 1994*.
  - Prohibited, as defined by Agriculture Victoria.
- Not interfere with Council's *Street Trees Policy*, which means:
  - Not planting any new trees in the nature strip.
  - Not pruning, or otherwise modifying or damaging existing trees in the nature strip.
- Not use fruit, vegetables, herbs, or other plant species that are intended for human consumption.

### **Compliance**

If Council is made aware that any nature strip plantings or modification pose a safety hazard, accessibility concern, or liability risk, Council will undertake reasonable endeavours to work with the relevant Permit-holder to make adjustments to address the issue.

In situations where the above approach does not result in a satisfactory solution for both Council and the resident, Council may issue orders to comply and penalties under its *General Local Law 2018 (amendment)*.

### **Sale of property or moving house**

Permit-holders selling their property must notify Council. Upon execution of the contract of sale, the

Permit will be cancelled. Council will contact the new owners of the property to issue a new Permit, if applicable.

Cancellation, granting of Permits, application status or any other matter referred to under this Policy does not waive, null or void any obligations under Council's *General Local Law 2018 (amendment)*.

### **Renters**

Renters of a property may apply to hold a Nature Strip Planting Permit during their tenancy only.

In their application for a Permit, Renters must provide evidence of support from their landlord / property owner. This evidence of support must note that the landlord / property owner agrees to maintain or reinstate the nature strip in accordance with this Policy in the event it is not carried out by the renter during the renter's tenancy.

### **Existing (legacy) nature strip plantings**

Existing nature strip modifications will be grandfathered under this Policy. However, all grandfathered nature strip modifications must still comply with Council's *General Local Law 2018 (amendment)*.

If a grandfathered nature strip modification poses a safety hazard, accessibility concern, or liability risk, Council will undertake reasonable endeavours to work with the relevant resident to make adjustments to address the issue. In situations where the above approach does not result in a satisfactory solution for both Council and the resident, Council may issue orders to comply and penalties under its *General Local Law 2018 (amendment)*.

### **Council, contractor, and third party services and works**

Acts of planting on nature strips allowed by this Policy shall not contravene existing Victorian legislation, Council policies, procedures, and/or provision of services. These include, but are not limited to:

- Waste collection and management services.
- Street cleaning services.
- Street tree management, maintenance, removal, and/or new Council plantings.
- Traffic and parking management.
- Emergency services.
- *Disability Discrimination Act 1992* and related mobility and accessibility requirements.
- Risk and public safety requirements.

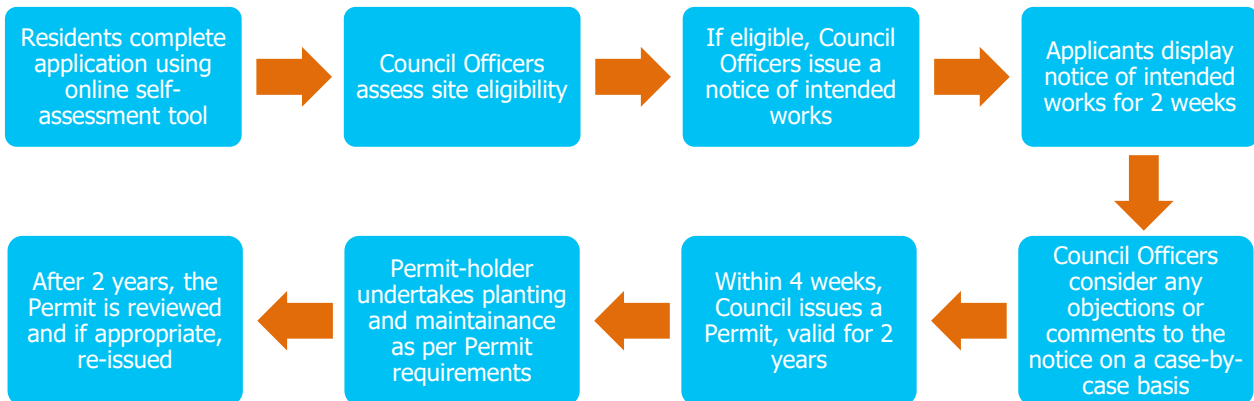
Council, contractors, and other third-party services (e.g., water authorities, gas authorities, telecommunications authorities, electricity authorities, or other service authorities,) may, from time to time, require access to underground assets or nature strips for maintenance and repair works.

Inadvertent damage to nature strip planting or modifications may be caused during the course of these works. In the event this takes place, Council, contractors, and third parties are only required to reinstate the nature strip with grass and are not liable for any reinstatement costs incurred by the resident.

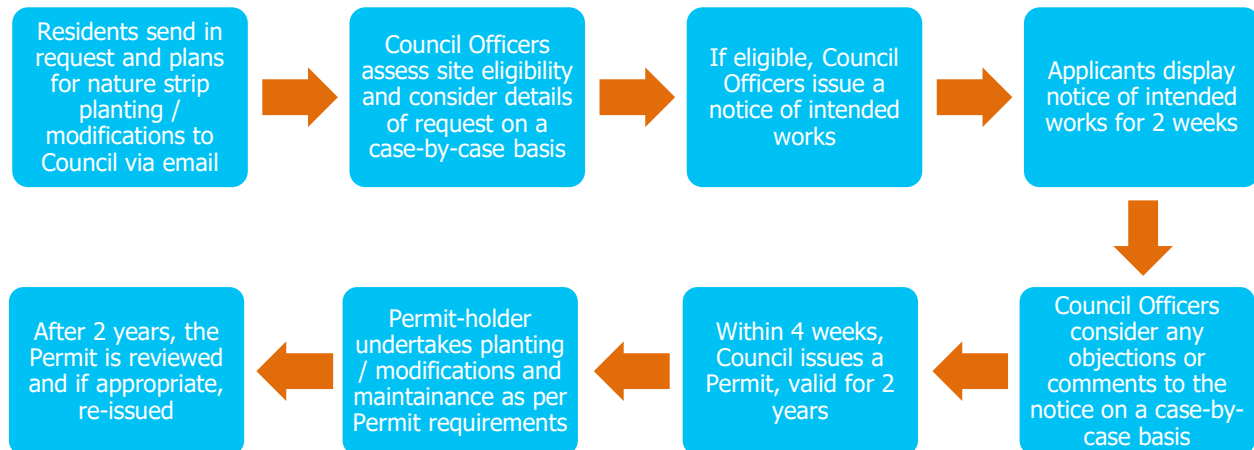
Core functions of Council, and any other activities applicable by law must continue as usual irrespective of the allowances provided by this Policy or associated Permits.

## Permit process

### Allowable modifications



### Non-allowable modifications



## Appeals, complaints and grievances

If a member of the City of Stonnington community is aggrieved by the application of this Policy and is unsatisfied with a decision made by Council, they may raise their concern in writing. The Manager Climate, Sustainability & City Greening will consider appeals, complaints and grievances on a case-by-case basis. Escalated matters will then be referred to a Senior Review Panel comprised of three senior executive officers from other Council departments.

## Definitions

Term	Definition
<i>Before You Dig Australia</i>	National organisation providing free pre-excitation services across Australia to prevent injury and reducing damage to the underground assets. Works in partnership with utilities, local councils, government agencies, and private enterprises.
<i>Clearance Area</i>	The area (0.3m) around assets and infrastructure located within or adjacent to nature strips which must be kept clear of obstructions and may only be planted with groundcovers.
<i>Council</i>	Refers to the City of Stonnington.



<i>Nature strip</i>	The area of public land between the boundary of private property and the road kerb, not including the paved footpath area or driveways. Nature strips are usually grassed, but may also include contain gravel, granitic sand, synthetic turf, or other alternative landscape treatment.
<i>Permit</i>	In this instance, an official document issued by Council under its <i>General Local Law 2018 (amendment)</i> that authorises planting of vegetation or other modifications to nature strips, valid on each occasion for 2 years or the term of a tenancy, where applicable.
<i>Policy</i>	Refers to this Nature Strip Planting Policy.
<i>Sight Distance Splay</i>	The triangular area bordered by the footpath, driveway/crossover and kerb, that must be kept clear of obstructions to visibility by ensuring only groundcovers or grasses of a maximum height of 0.5m are used.  A diagram illustrating the above is provided in the <i>Nature Strip Planting Handbook</i> .
<i>Urban Forest</i>	Comprises all trees, shrubs and other vegetation growing across public and private land.

## Responsibilities

<b>Party/parties</b>	<b>Roles and responsibilities</b>
All Council Officers, volunteers, and contractors	<ul style="list-style-type: none"> <li>• Work collaboratively to give effect to this Policy.</li> </ul>
Sustainable Environment Unit	<ul style="list-style-type: none"> <li>• Work with relevant Council Officers across departments to assess applications.</li> <li>• Assess and issue Permits in accordance with this Policy (in partnership with the Liveability &amp; Compliance Department).</li> <li>• Work with residents (in partnership with the Liveability &amp; Compliance Department) to make adjustments to non-compliant nature strip modifications.</li> <li>• Monitor and report on the effectiveness of this Policy.</li> <li>• Review and update this Policy.</li> </ul>
Manager Climate, Sustainability & City Greening	<ul style="list-style-type: none"> <li>• Consider appeals, complaints and/or grievances regarding the application of this Policy on a case-by-case basis.</li> <li>• Monitor and report on the effectiveness of this Policy.</li> <li>• Review and update this Policy.</li> </ul>
Liveability & Compliance Department	<ul style="list-style-type: none"> <li>• Assess and issue Permits in accordance with this Policy (in partnership with the Sustainable Environment Unit).</li> <li>• Work with residents (in partnership with the Sustainable Environment Unit) to make adjustments to non-compliant nature strip plantings or other modifications.</li> <li>• Monitor and enforce compliance with this Policy, including where necessary, issue orders to comply and penalties under Council's <i>General Local Law 2018 (amendment)</i>.</li> </ul>
Senior Review Panel	<ul style="list-style-type: none"> <li>• Consider escalated appeals, complaints and/or grievances regarding the application of this Policy on a case-by-case basis.</li> </ul>

## Monitoring, Evaluation and Review

In order to understand its overall level of success, Council commits to monitoring all processes,

information sharing and decision-making regarding the application of this Policy.

An annual review of this Policy will be undertaken to ensure any changes required to strengthen or update the Policy are made.

Council Officers are authorised to make minor editorial amendments as needed for administrative or updated information purposes (for example, but not limited to changes to position and roles, references to legislation, Council strategies and policies, definitions, etc.).

Council Officers may also make amendments to the list of related documents when reference material needs updating.

## Related Legislation and Policies

A range of Victorian legislation and Council strategic and policy documents inform and support this Policy. These include, but are not limited to:

<b>Legislation</b>	<b>Council documents</b>
<i>Road Management Act 2004 (Vic)</i>	<i>Stonnington Community Vision 2040</i>
<i>Catchment and Land Protection Act 1994 (Vic)</i>	<i>Council Plan 2021-25</i>
<i>Occupation Health and Safety Act 2004 (Vic)</i>	<i>General Local Law 2018 (amendment)</i>
<i>Environmental Protection Act 2017 (Vic)</i>	<i>Urban Forest Strategy 2017-2022</i>
<i>Disability Discrimination Act 1992 (Vic)</i>	<i>Sustainable Environment Strategy 2018-23</i>
	<i>Climate Emergency Action Plan 2021-2024</i>
	<i>City of Stonnington Narrow Streets Policy</i>
	<i>City of Stonnington Street Tree Policy</i>
	<i>City of Stonnington Tree Risk Management Framework</i>
	<i>City of Stonnington Footpath Trading Policy</i>