

Related Policies, Strategies and Plans:	<p>Asset Protection Policy 2005</p> <p>Macedon Ranges Tree Management Policy 2019</p> <p>Macedon Ranges Planning Scheme</p> <p>Macedon Ranges Open Space Strategy 2013</p> <p>Macedon Ranges Walking and Cycling Strategy 2014</p> <p>Road Management Plan 2021</p> <p>Council Plan 2021-2031</p> <p>Statement of Planning Policy 2019</p> <p>Roadside Conservation Management Plan, 2021</p> <p>Biodiversity Strategy 2018</p> <p>Environment Strategy (revised October 2019)</p> <p>Climate Change Action Plan 2017</p>
Related Legislation:	<p>Road Management Act 2004</p> <p>Road Safety Act 1986</p> <p>Road Safety Road Rules 2017</p> <p>Road Safety (Traffic Management) Regulations 2009</p> <p>Road Management (Works and Infrastructure) Regulations 2015</p> <p>Code of Practice Operational Responsibilities for Public Roads 2017</p> <p>Macedon Ranges Shire Council, General Purposes and Amenity Local Law No.10 2013</p> <p>Local Government Act 1989</p> <p>Local Government Act 2020</p> <p>Catchment and Land Protection Act 1994</p> <p>Flora and Fauna Guarantee Act 1988</p>
Related Guidelines & Resources:	<p>Macedon Ranges Nature Strip Landscaping Guidelines</p> <p>AS 1742.302009 Manual of Uniform Traffic Control Devices, Part 3: Traffic Control for Works on Roads</p> <p>Guide to the Weeds of Central Victoria, 2015</p> <p>Guide to the Flora of the Macedon Ranges, 2019</p>

1. POLICY INTENT

The intent of the Macedon Ranges Shire Council Nature Strip Landscaping Policy (the Policy) is to provide clear direction to residents about what can be done to enhance their nature strips. Residents and landowners in the Macedon Ranges Shire may have an alternative to grassed nature strips and this policy offers guidance and information on their design and maintenance.

Council recognises nature strips play an important role in the aesthetics, environmental and social health of the towns and villages within our Shire. This Policy acknowledges the impacts of climate change and allows property owners alternative “low water use” and “low maintenance” approaches to the traditional grassed nature strip that are in keeping with Macedon Ranges' natural environment. The policy also acknowledges nature strips provide an important access way for utility services.

Council supports the landscaping of nature strips provided the Policy and accompanying Guidelines are followed when modifying the nature strip to ensure their underlying purpose and the ongoing safety of the general public is maintained. Council will not assume responsibility for the maintenance or restoration of enhanced or beautified nature strips.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- enable residents to consider the use of low maintenance, low growing, drought tolerant plants as alternatives to the “traditional grassed nature strip”.
- achieve a range of environmental and social benefits including water conservation, increased biodiversity, increased visual amenity, and reduced maintenance.
- provide guidance to residents to ensure that if nature strips are modified, they:
 - are landscaped and maintained appropriately to provide for safe and unobstructed transport movement including vehicle, pedestrian and cycling
 - allow access for postal deliveries and utility service providers
 - allow unimpeded access to fire hydrants
- ensure provision is made for kerbside parking of vehicles and safe and practical conditions for waste management.

3. DEFINITIONS

For the purposes of this policy, the following terms are defined as:

3.1 Nature strip

A nature strip, is defined in the *Dictionary of Road Safety Road Rules, 2017* as:

“an area between a road (except a road related area) and adjacent land, but does not include the shoulder of a road or a bicycle path, footpath or shared path”

Nature strips are set aside to provide one or more of the following uses:

- to accommodate utility services such as power and light poles, water supply, sewer or storm water pipe, gas supply mains, underground communication and electrical infrastructure and footpaths;
- to allow for door opening space and facilitate pedestrian movement between the road and the footpath;
- to allow pedestrian access along a street where there is no footpath;
- where possible to provide a space for the location of household garbage, recycling and green waste bins;
- to provide visibility of and for motorists, cyclists, and pedestrians at intersections, curves in the road, and near driveways;
- to provide space for the provision of street tree planting.

3.2 Town

A town is a centre of concentrated population settlement within the surrounding rural district and in planning terms, is area zoned for township land use. These zones include the residential, commercial and industrial zones. A town boundary can be generally defined as where the road speed zones changes to within or below 60km per hour.

The streetscape character varies between, and even within, towns such as the width of the streets, type of road edging or drainage infrastructure. Streets may or may not contain a footpath, but have a nature strip between the road and the property boundary.

3.3 Rural Roadsides

Rural roadsides/reserves are outside town boundaries – the planning zones include rural living, rural conservation, and farming zones. These have different functions and values to town nature strips and often contain remnant native vegetation that supports biodiversity and habitat. Native vegetation occurring within rural roadsides is protected and removal/re-planting is not permitted without a Planning or Local Laws permit. Refer to the Roadside Conservation Management Plan, 2021 for further information.

3.4 Town native nature strips

Native nature strips are road reserves located within the town boundary that contain existing native vegetation. This vegetation provides a buffer between natural and introduced vegetation and also serves an important environmental function by providing habitat links.

Native vegetation within town native nature strips is protected and removal/re-planting is considered prohibited unless approved under special conditions and with a Planning or Local Laws permit.

3.5 Heritage nature strips

Heritage nature strips contain garden beds that have been historically planted and maintained. They generally reflect the patterns of settlement, connect us with our past, and contribute significantly to the local character of the town.

Heritage nature strips are protected and removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.6 Water Sensitive Urban Design (WSUD)

Water sensitive urban design (WSUD) is an alternative to traditional urban drainage systems. WSUD is an engineered environmental design approach to provide water quality treatment, flood management, and reduce pollution from entering our waterways.

Nature strips which incorporate the principles of WSUD include swales and rain gardens and must be maintained in accordance with the design intent. Removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.7 Coordinating Road Authority (CRA)

The Coordinating Road Authority (CRA) means the road authority with the responsibility for the management and coordination of works within a particular road or road reserve.

Council is the CRA for most local roads, including service roads.

The CRA for arterial roads (other than service roads) is VicRoads. Aside from regular maintenance activities on an arterial road nature strip, including mowing, weeding and picking up litter, all other activities carried out on an arterial road may be considered “works” under the *Road Management Act 2004* and will require a “Works within the Road Reserve Permit” from VicRoads.

3.8 Arterial Road

An arterial road is a high-capacity road, or main road, that connects traffic between town centres or one existing arterial road to another. To determine if a road is an arterial road visit ‘Maps of declared roads’ at the VicRoads website or MAP OF DECLARED ROADS.

4. SCOPE

4.1 Areas within the scope of this Policy

This Policy only applies to the landscaping of a nature strip on a Council managed road or street.

4.2 Areas not covered by this Policy

This Policy does not apply to the following areas:

- Nature strips on arterial roads (other than service roads)
- Rural roadside /reserves
- Town native nature strips
- Heritage nature strips
- WSUD nature strips

Residents who are unsure whether their nature strip is covered by this Policy can contact Council to confirm.

5. LEGISLATION AND POLICIES

5.1 General Purpose and Amenity Local Law No.10 (2013) or as amended

This Policy must be read in conjunction with the requirements of Macedon Ranges Council *General Purpose and Amenity Local Law No.10* of 2013 (‘the Local Law’).

The Local Law sets out requirements for the use of Council land and roads including the requirement to obtain a permit for certain uses and activities. Under Clause 12(3) of the Local Law a person must obtain a permit to;

- (a) plant or remove any vegetation from a nature strip or undertake any landscaping on a nature strip or a road reserve in a residential, commercial or industrial zone; or
- (b) remove any soil from a nature strip.

A person is only exempt from the requirement to obtain a permit if the use or activity will comply with requirements prescribed in any Council approved policy applicable to that use or activity.

This policy complements the Local Law by setting out requirements and conditions for making modifications or carrying out landscaping on nature strips. Provided landscaping treatments are in accordance with the prescribed requirements in this Policy, a person is exempt from the requirement to obtain a permit under the Local Law.

5.2 Other applicable policies and guidelines

The following Macedon Ranges Shire Council Policies and Guidelines are also to be referred to in conjunction with this Policy:

- Tree Management Policy 2019
- Nature Strip Landscaping Guidelines
- Asset Protection Policy
- Roadside Conservation Management Plan, 2021 Statement of Planning Policy 2019
- Road Management Plan 2021
- Biodiversity Strategy 2018
- Environment Strategy (revised October 2019)
- Climate Change Action Plan 2017

6. NATURE STRIP RESPONSIBILITY

The CRA is responsible for management of nature strips however it does not undertake any renovation or maintenance (including mowing, weeding, removing rubbish, fallen leaves, sticks and bark and trimming edges). Council is responsible for the planting and maintenance of street trees within nature strips.

Ongoing maintenance of a modified and landscaped nature strip is the responsibility of the owner (or tenant), or any subsequent owners of the property for the life of the landscape. Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may reinstate the nature strip with natural turf grass.

Utility companies are obligated to reinstate the nature strip following maintenance work, but are not required to reinstate nature strips that have been modified and landscaped with anything other than grass (soil and seed).

7. REQUIREMENTS FOR LANDSCAPING NATURE STRIPS

Residents within Macedon Ranges Shire can be exempt from applying for a permit to landscape the nature strip adjoining their property provided it adheres to this Policy. If any proposed landscaping treatment does not follow this Policy, and the accompanying guidelines, a Permit will be required under Council's *General Purpose and Amenity Local Law No.10.* (2013).

Nature strips may be landscaped under the following conditions:

- The location must be covered within the Scope of this Policy - refer to Scope
- A minimum of one (1) metre from the back of kerb, or one (1) metre offset from the back of table drains for those roads without kerb and channel, is kept clear of plantings to allow for people to enter and exit their vehicles safely and for placement of waste and recycling bins
- Where no existing footpath exists, 1.8 metres from the property line is to be kept clear to allow for pedestrian access, mail, paper and other deliveries
- Plants must not exceed 600mm other than on corner blocks which are limited to ground cover plants to a maximum height of 250 mm within ten (10) metres either side of an intersection to ensure a good line of sight for motorists and pedestrians
- Plants are set back so mature foliage and mulch materials do not spill over on to footpaths to ensure pedestrian and all-abilities access at all times
- The following permitted and non-permitted items are observed:

8. PERMITTED ITEMS ON NATURE STRIPS

8.1 Appropriate plants

Appropriate plants for landscaping a nature strip include a wide range of shrubs, ground covers, grasses and bulbs that are drought tolerant, low-maintenance, and low growing (under 600mm high). Plants that are well-suited to the Macedon Ranges natural environment, including some exotics, are recommended however local native plants are the preferred type. Native plants provide a usable habitat for birds, small reptiles and insects, and increase biodiversity within the Shire. More information about local native plants can be found on Council's website.

Residents who wish to grow vegetables on their nature strips as an alternative to landscaping are encouraged to in a sustainable way that protects the surrounding environment. This can be achieved by limiting high inputs such as irrigation, fertilisers or pesticides and ensuring materials used are suitable near gutters and storm water drains (and not in the 8.4 Non-permitted items on nature strips list below).

Information about Native plants of the Macedon Ranges is available on Council's website and at Customer Service Centres. Council officers can also provide plant advice as required.

8.2 Grass /Turf

Traditionally nature strips have been turfed or grassed. Guidelines on how to establish a grassed nature strip and information on suitable grass varieties are available in the Macedon Ranges Nature Strip Landscaping Guidelines.

8.3 Permeable Surfaces

The following mulches and gravels are permitted:

- Wood chips or gravel between 7mm to 25mm in size, to a depth of 75mm, natural in colour, and in conjunction with plantings only – to discourage illegal parking
- Fine gravel mulches, such as granitic sand or toppings to a maximum depth of 100mm may be used for areas that are required to be kept clear, see 7 requirements above, and must be well compacted.

Where a gravel or wood chip mulch is used on the nature strip:

- It is not permitted to encroach onto the footpath, driveways, roadways or into the kerb and channel
- The level of the mulch must not extend above the level of the footpath or kerb
- The mulch on the nature strip must be maintained at a reasonable level and in a weed free condition.

8.4 Non-permitted items on nature strips

In addition to any item which an Authorised Officer of Macedon Ranges Shire Council considers may constitute a risk, items that must not be installed or which are not permitted as part of landscaping the nature strip include:

- bluestone pitchers, railway sleepers or retaining walls
- objects and/or barriers such as fencing, large rocks, logs, or bollards
- garden edging that protrudes above the nature strip or footpath level

- shredded plant products such as compost, pea straw or fine wood chips (other than that specified in Section 8.3 of this policy) or similar
- scoria
- any other loose materials that can enter and obstruct storm water drains
- fertilisers or garden sprays that may wash into storm water drains
- spiny, thorny, or artificial plants
- plants with an aggressive root system
- noxious or environmental weed species. Information regarding common weeds in the Macedon Ranges can be found on the Shire's website
- artificial turf ¹
- irrigation systems
- hard paving such as concrete, brick or asphalt
- temporary or permanent electrical wiring, including tree lights
- timber or metal stakes, or star pickets **Car parks on nature strips**

Parking is not permitted on nature strips under State law, irrespective of the surface used. This is to protect Utility services, Council assets, and is law under the *Victorian Road Safety Road Rules, 2017*.

8.6 Fire Hydrant Visibility

Any modifications to the nature strip must not cover, obscure or hide any fire hydrant or their marker posts. Fire Hydrants must remain accessible at all times.

8.7 New Street Trees

Residents are not permitted to supply or plant new trees on the nature strip. Council is responsible for the planting and maintenance of street trees within nature strips.

If a resident requires a street tree in the nature strip, a request can be made to Council's Operations Department. The planting of street trees is subject to the requirements of Macedon Ranges Shire Council's Street Tree Management Policy.

¹ The use of synthetic turf is not encouraged throughout Macedon Ranges Shire Council due to the adverse effect it has on the environment. It may only be installed on nature strips in exceptional circumstances and an application for a permit must be approved prior.

8.8 Existing Street Trees

Residents are not permitted to prune or modify existing trees on the nature strip in any way (other than watering or mulching). Requests may be made to Council if pruning is required.

Any digging or cultivation within the nature strip for landscaping must be by hand only i.e. no mechanical excavation. Vegetation should not be planted within a metre (1.0m) from the base of any existing tree as they will compete for moisture and nutrients. Any mulch installed on the nature strip must be kept back from the trunk of existing trees to prevent collar rot.

8.9 Utilities and maintenance work

Council and utility companies that supply water, gas, electricity, sewerage, drainage and telecommunications may occasionally require access to the nature strip to carry out repairs and/or maintenance work. The utility companies are required to reinstate the nature strip following maintenance work, but are not required to reinstate residential nature strips that have been modified and landscaped other than in grass (soil and seed).

Council and utility companies or maintenance contractors will not be responsible to replace plants, landscaping, or any other modifications made to the nature strip, to the condition existing prior to maintenance work.

9. MAINTENANCE OF LANDSCAPED NATURE STRIPS

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

- regularly mowing all grassed areas
- ensuring that plants are pruned and mulches are contained so that they do not extend onto pathways, driveways, roadways or over the kerb
- keeping plants (other than street trees) trimmed to a height of no more than 600mm at all times
- maintaining the nature strip in a neat and safe condition - free of weeds and rubbish, any tripping hazards, and any protruding objects.

10. FAILURE TO MAINTAIN A NATURE STRIP

Council retains the right to request the rectification of a modified or landscaped nature strip where a resident fails to maintain it in accordance with this policy and the following:

- the condition of the nature strip is a traffic or pedestrian hazard
- it does not provide appropriate pedestrian access
- it is a safety or fire hazard
- it interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways
- it impacts unfavourably and significantly on the local amenity as described in Point 9.
- it contains noxious or environmental weed species

The resident will be given a fair and reasonable time to rectify the works unless the level of risk warrants a more timely response.

In instances where the property owner does not comply with Council's requests, an Authorised Officer may enforce the requirements of this Policy as a Notice to Comply under the *General Purpose and Amenity Local Law No. 10, (2013)*.

If the resident fails to observe the requirements of a Local Law Notice to Comply, the Macedon Ranges Shire Council will take action to remove the landscaping and reinstate the nature strip to a safe and tidy condition. All costs in these instances, will be charged to the property owner.

11. SAFETY AND LIABILITY

During landscaping or maintenance works on the nature strip, the person conducting the works has a duty of care under common law to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

The resident should confirm with their insurer they have adequate Public Liability insurance to allow for any claims that may arise as a result of any modification or landscaping of the nature strip.

Residents must contact "Dial Before You Dig" or visit the website www.1100.com.au, (a free national service) to determine the presence of any underground services before commencing any excavation to the nature strip. Any excavation for landscaping the nature strip must be carried out by hand, not machinery, to minimise any potential damage to existing street trees or infrastructure.

Council will not be liable for any financial penalties that the resident incurs from damaging any underground services.

Council accepts no occupational health, safety or public liability related to works carried out on the nature strip by residents.

12. LANDSCAPING NATURE STRIPS - STEPS FOR RESIDENTS

Residents are required to take the following steps when planning new landscaping within a nature strip:

1. Residents must confirm their nature strip is permitted to be landscaped under this Policy - Refer to section 4 Scope
2. If renting, tenants must gain the prior approval of the property owner or management body
3. Refer to section 7 Requirements for Landscaping Nature Strips and the accompanying Nature strip Landscaping Guidelines
4. Consider at the planning phase:
 - the suitability of the design
 - if it complements the neighbourhood character
 - whether it suits the streetscape.
5. Conduct a Dial Before You Dig prior to any excavation
6. Confirm the works can be carried out in a safe manner
7. Consider the ability to maintain the landscaping in a safe and tidy condition in the long term