



NATURE STRIP MAINTENANCE POLICY

Public Document

Version: 2

ECM: Fixed Reference No.: 3530035

Adopted by: Council on 2 June 2015

Ownership: CS.01

Amendments

Date	Amendment	Reference
2 June 2015	Adopted	EP/28
13 November 2018	Community Gardens	EP/60

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1.0 PURPOSE

Nature strips contribute significantly to the streetscape of Mosman. They provide biodiversity value and soften built structures in an otherwise highly urbanised area. Council owns and controls these however does not have the physical or financial resources to maintain the vast majority. Council therefore relies on residents to maintain those areas adjoining their property.

The purpose of this policy is to:

- a) Contribute to the overall visual amenity of Mosman and enhance the aesthetic of Mosman's streets.
- b) Confirm and recognise the community's role in maintaining nature strips in Mosman.
- c) Encourage resident participation in caring for garden areas and other structures adjacent their property.
- d) Define the responsibility of maintaining structures on nature strips that service a single property or a small number of properties.
- e) Define appropriate criteria and guidelines to be used in assessing requests by residents to change existing nature strips.
- f) Ensure that residents' maintenance practices on nature strips are consistent.
- g) Complement the Street Tree Masterplan as a means of enhancing the aesthetic environment and biodiversity of Mosman.

2.0 DEFINITIONS

For the purposes of this policy a Nature Strip is defined as "Any Council owned and/or controlled land and/or structure located between a constructed road and a parcel of private property but does not include land reserved for a public purpose or bushland."

Nature strips include but are not limited to:

- garden areas
- grassed areas
- driveways
- street verges
- steps and paths that service private property (gate leads)
- retaining walls
- private storm-water and service connections

3.0 SCOPE

This policy applies to all Council owned and/or controlled nature strips in the Mosman Local Government Area and the residents who wish to add new or propose changes to the appearance of their nature strip. It is not required for maintenance of nature strips if there is no change.

4.0 LEGISLATION AND PLANNING INSTRUMENTS

The following legislation and planning instruments contain provisions relating to the Nature Strip Maintenance Policy:

- *Roads Act 1993, Sections 138 and 139*
- *Crown Lands Act 1989*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*

5.0 GENERAL CONTROLS

Nature strips are expected to be maintained by owners/residents of adjoining properties in accordance with the guidelines below. Exemptions as shown in Section 11 list nature strips that are not expected to be maintained by residents.

5.1 Grass

Grass nature strips are expected to be mowed regularly by residents and kept neat and tidy. It is recognised that some residents may appoint a contractor to undertake this work for them. Synthetic turf is not permitted unless the following conditions are met:

- The area is characterised by poor growing conditions such as significant shade or shallow bedrock.
- The resident contacts Council in writing and seeks a formal inspection by a Council officer of the site.
- The resident will need to demonstrate to the Council Assessment Officer that the area cannot grow turf, cannot be improved to grow turf and there is no other suitable alternative.
- Any approval will be given in writing only and synthetic turf will only then be permitted to be installed.
- The resident will be responsible for all maintenance and repair of damage for the life of the synthetic turf.

5.2 Garden areas and planting (including vegetable gardens)

Garden areas and plantings (including vegetable gardens and street based community gardens*) are to be maintained so that they do not affect vehicle or pedestrian traffic or nearby properties and to the satisfaction of Council. They are to be consistent with the appearance of the streetscape and they must not make the nature strip look like private land.

An owner/resident may apply to plant garden areas (including vegetable gardens) on the nature strip outside their property. Only low maintenance plantings and garden beds will be permitted and residents are encouraged to promote biodiversity by planting indigenous plant species. Refer to section 6 for further details and conditions.

Council will not contribute financially to the cost of approved work or its ongoing maintenance. This applies regardless of change of ownership/occupancy of a property.

*Street based community gardens are also permissible when a broad agreement on positioning can be reached by adjacent properties. Council will provide notification and survey forms for this purpose.

5.3 Other structures

Maintenance of structures that principally benefit private property is the responsibility of property owners. Maintenance of existing structures is required to be undertaken by appropriately qualified tradesmen.

Residents can apply to seek approval to install new structures on nature strips by completing one of the following applications:

- Retaining walls, steps and paths - 'Works on Council Property' application
- Driveways - 'Vehicle Crossing' application
- Stormwater and service connections - 'Road Opening' or 'Connection to Stormwater' permits

Nature Strip Maintenance Policy

Roads and Maritime Services' consent is also required for classified roads.

Applications forms can be found at <http://www.mosman.nsw.gov.au/council/policies-forms/forms/>

5.4 Planting of Trees

Planting of trees are subject to Council's Street Tree Master Plan. An underground services check must be completed prior to submission of a written application for all proposed tree planting when trees proposed reach three metres or more at maturity. If planting of tree/s are approved, Council will manage the tree/s as per Council's Street Tree Management Contract. Tree planting will not be permissible if they impede designated public viewing areas.

6.0 APPLICATION PROCESS

To apply to make changes to nature strips residents must fill out the Application to Change Nature Strip form.

6.1 Application process for change to nature strip

Applications must be submitted for all new and proposed changes to existing nature strips. Applications are not required for maintenance activities.

Applicants must complete and lodge the appropriate application form, acknowledge the conditions of the application, pay the appropriate fee and provide a plan of the proposed works. If works include "other structures a further application for works must be completed and as detailed in section 5.3.

Applications forms can be found at <http://www.mosman.nsw.gov.au/council/policies-forms/forms/>

7.0 ASSESSMENT

Assessment of applications shall be conducted by the Director Environment and Planning or delegate.

Assessment of applications is merit based having regard to whether:

- public land will be made to look like private land and/or used for a private purpose
- the works limit community use of the space
- the works affect vehicle or pedestrian traffic
- the works are consistent with the existing streetscape
- the works will contribute to the streetscape aesthetic
- the works will not decrease the biodiversity value of the land
- the works will not adversely impact on designated public viewing areas
- all works are able to be maintained to the satisfaction of Council
- all public liability matters are addressed

Upon completion of the assessment, a written determination will be provided to the applicant.

8.0 FEES AND CHARGES

There is an application fee which is set in Council's Schedule of Fees in accordance with the Pricing Policy per application to change nature strips. Other fees and charges for "other structures" as per section 5.3 are listed on each application.

Residents are able to contact relevant Council staff on 9978 4000 to discuss potential applications prior to submission of written application form as per Section 6 at no charge.

9.0 APPROVAL AND CONDITIONS

Any works undertaken by a third party must be undertaken by a qualified tradesperson with appropriate insurance.

Any approval for works will be given in writing by Mosman Council. Conditions of approval will be based on the application.

Applications will lapse after a one year period if works have not been completed.

10.0 COMPLIANCE

Council will conduct ongoing audits to ensure compliance with the conditions of approval. Council reserves the right to terminate or amend an approval when on ground works are different from those approved by Council staff through the application process or the site is not being maintained.

In these instances applicants will be required to rectify on ground works at their cost and to the satisfaction of Council. This instruction will be issued in writing by Council to the applicant.

11.0 EXEMPTIONS

This policy does not apply to general maintenance of existing nature strips.

11.1 Non Standard Nature Strips

Council recognises that there are areas in Mosman that may be very difficult to maintain for a range of reasons including:

- nature strip area is unusually large
- access to the area is difficult
- area has value as bushland
- area is of public significance

Should residents choose not to maintain these areas a request can be made to Council to undertake maintenance. This will be assessed by the Director Environment and Planning or delegate.

Should a resident wish to maintain one of these areas, Council staff, with the resident, will assess the site and determine a suitable workplan for the site including Work Health and Safety compliance.

In providing assistance with the formulation of workplans Council will insist that appropriate native plant species be planted in areas concerned. Further, residents can join Council's Bushcare Volunteer Program as an individual. This program entitles residents to receive support from Council's Bushcare Officer with regular reviews of workplans, removal of waste, and purchase of tubestock for planting.

11.2 Financial Hardship

Council will maintain nature strips where a resident is unable to do this due to financial hardship and physical inability. In relation to financial hardship, evidence will need to be provided.

Given the above, there are several nature strips in Mosman that are currently maintained by Mosman Council. For further information in this regard, please contact Council's Environment and Planning Department.

12.0 RELATED INFORMATION

- Mosman Council Pedestrian Access and Mobility Plan
- Mosman Local Environmental Plan 2012

13.0 REVIEW

This policy will be reviewed every four years.

14.0 CONTACT

Enquiries should be directed to the Manager Environment and Open Space.