



11.1 NATURE STRIP GUIDELINES

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1. PURPOSE

- 1.1 To present the *Nature Strip Guidelines* to Councillors for endorsement and adoption, following community engagement.

2. EXECUTIVE SUMMARY

- 2.1 Council's existing Nature Strip Guidelines (NSG) were developed in 2013. Since that time, the COVID-19 pandemic has seen a significant increase in the interest in nature strip gardening activity across the City of Port Phillip.
- 2.2 The revised NSG provide clear direction on how the community can safely garden on grassed nature strips within the City of Port Phillip, while ensuring nature strips remain safe and functional.
- 2.3 The NSG have been developed in response to the Sustainable Strategic Direction of the Council Plan 2021 - 31, Places for People: Public Space Strategy 2022 – 2032 and Greening Port Phillip: An Urban Forest Approach 2010.
- 2.4 They address Disability Discrimination Act (DDA) requirements for accessibility in public spaces and associated standards/legislation for safety of pedestrians and cyclists.
- 2.5 The draft NSG was released for community engagement from December 2021 to 13 February 2022. As a result of COVID-19 restrictions all consultation was undertaken online and included a survey on Council's Have Your Say website, online live sessions and targeted meetings with external stakeholders.
- 2.6 In response to the high level of engagement and feedback received, a revised draft NSG was prepared and released for community engagement from 17 June 2022 to 8 July 2022. This included two in-person consultation sessions and an opportunity to make a submission or ask questions through Council's Have Your Say website.

3. RECOMMENDATION

That Council:

- 3.1 Thanks the *community* for providing feedback on the development of the Nature Strip Guidelines.
- 3.2 Endorses and *adopts* the updated *Nature Strip Guidelines 2022-24 (Attachment 1)*
- 3.3 Notes that nature strip gardening and street gardening are vital to a Sustainable and Liveable Port Phillip, and further opportunities for street gardening will be provided



through the update of the Greening Port Phillip Strategy.

- 3.4 Authorises the Chief Executive Officer to make minor editorial updates to the adopted guidelines, if required.

4. KEY POINTS/ISSUES

Background

- 4.1 Council's existing Nature Strip Guidelines (NSG) were developed in 2013. Since that time, the COVID-19 pandemic has seen a significant increase in the interest in nature strip gardening activity across the City of Port Phillip.
- 4.2 The current NSG do not provide clear guidance for the community. This has resulted in safety concerns and several petitions lodged before Council over the past two years.
- 4.3 Late in 2020, Council received several safety complaints regarding nature strip plantings around Cobden Street in South Melbourne. After assessment, some of these gardens needed to be removed and others modified to ensure they allowed for access and addressed safety concerns (e.g. plant heights at crossing points meant that young children could not see or be seen by traffic). This resulted in a petition, "Retain BEE Garden at Ludwig Stamer Reserve" tabled at the Ordinary Meeting of Council on 7 April 2021, where Council endorsed the removal of the garden as it was not in accordance with Council's existing NSG.
- 4.4 The People and Places Public Space Strategy 2022-32 includes a short-term action to 'update Council's Nature Strip Guidelines to be consistent with this strategy and support the use of nature strips for enhanced biodiversity and greening'.
- 4.5 Council's existing Greening Port Phillip: An Urban Forest Approach 2010 is scheduled to be updated this financial year. This will provide further opportunities and guidance for improving greening and biodiversity outcomes across the municipality.
- 4.6 The revised NSG responds to the significant increase in the interest in nature strip gardening by providing clear direction on how the community can safely garden on grassed nature strips and in street gardens, while ensuring our nature strips remain safe and functional.
- 4.7 Recognising the importance of nature strip gardening and other community gardening, the recently adopted Council Plan and Budget 2022/23 includes funding for a permanent, part-time Community Greening Officer. This new role will provide advice, information and organise workshops for the community on gardening in public open space.

Legacy gardens

- 4.8 A significant amount of feedback received during stage one and two of community engagement on the NSG was from community members concerned that they would have to remove their existing nature strip gardens.
- 4.9 There is no expectation for current nature strip gardens to be removed, even if they do not fully comply with the new NSG. In recognition of this, the following is included in the final NSG:



- Many valued, biodiverse and beautiful nature strip gardens are planted in Port Phillip. There is no expectation that these gardens be removed, even if they do not fully comply with the new guidelines.
- Council is sometimes requested to investigate nature strip gardens where a safety concern has been raised. In these instances, Council works with affected residents to modify and maintain the gardens, and ensure public safety. In rare situations where there is a continued conflict between the garden and safety, Council has the option to utilise the Local Law to issue orders and penalties.

Developing the new NSG

4.10 The updated NSG took into consideration the following:

- Community feedback:
 - There have been two rounds of community engagement undertaken for the development of the guidelines, the details of the engagement and feedback is outlined later in the report.
- Benchmarking:
 - Benchmarking was undertaken against other NSG of 39 LGAs across Australia, including 'like' inner city councils (**Attachment 2**)
 - The benchmarking showed that most have some restrictions around trees, plant heights and setbacks. These varied and tended to be more restrictive in the more urbanised inner suburban council areas.
- Standards:
 - Council is required to follow a number of standards and Acts to ensure that public space is safe and accessible. The following standards were used in the development of the NSG:
- *Disability Discrimination Act (DDA)*
 - DDA makes it against the law for public places to be inaccessible to people with a disability. This includes footpaths, access to parked cars.
 - In some community feedback residents report feeling unsafe due to nature strip gardening changing street legibility, narrowing access with overgrown plants, and adding potential trip hazards. People requiring mobility assistance and people with visual impairments reported these issues.
 - In order to meet DDA compliance the NSG need to include direction on maintaining footpath widths and accessibility.

AusRoads Guide to Traffic Management, Vic Urban Design Guidelines

- The Road Act requires setbacks from roadways to ensure safe pedestrian movement from vehicles between 300 and 600mm.
- This includes requirements to keep clear sightlines between 600mm and 2.5m.

AS4970 2009 Australian Standards Tree Protection on Development Sites

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- AS4970 2009 prevents planting in tree protection zone. This is 12x trunk diameter at DBH– essentially area below tree canopy.
- Expert advice (within Council and external consultants):
 - Internally, Council has Access and Inclusion Planners, Urban Forest Planners, Open Space Planners, City Designers, Local Laws, Soil Contamination experts, Arborists and Traffic Engineers who have provided feedback into this process.
 - To better understand the industry standard regarding planting around trees, we employed a consultant (Stephen Frank, Director Tree Logic) who has relevant qualifications and 18 years practical industry experience working across many municipalities. **(Attachment 3)**
 - The feedback provided by Stephen Frank included this advice:
 - The great majority of tree roots will be within 0.5-0.6 m of the soil surface so care must be used when digging underneath tree canopies.
 - There is a risk potential that major roots close to the base of an established tree could be damaged when establishing or maintaining an understorey planting.
 - The greatest risk to urban trees from climate change is the likely long-term change in soil moisture availability. Competition for moisture from additional understorey plants needs to be considered.
 - In urban environments, the availability of water is negatively impacted upon by impermeable built urban infrastructure.
 - As a general guideline, no understorey planting should occur within three times the trunk diameter (measured at 1.4 m above ground level) away from the edge of a trunk of a street tree.
 - No understorey planting is to occur within tree pits that have grates, crushed granite as a mulched surface, or are covered by porous paving. Understorey planting can occur in planter pits that are open, i.e. not covered by a grate, granitic gravel mulch or paving.
 - It is recommended that the root area of an establishing tree (considered three times the size of the root ball at planting) be left free of understorey plants and grasses for the duration of a 5-year establishment period or as otherwise approved by Council.
 - Consideration needs to be given to the use of appropriate plants and planting techniques when planting under the canopy of trees.
 - Do not build up verge gardens by raising soil levels around the trunks of street trees. This can introduce disease to the trees and predispose the tree to stress.
- Spatial analysis.
 - A spatial mapping exercise was undertaken to gain greater understanding about street typologies in the City of Port Phillip, including where no nature



strips exist, opportunities for de-paving, where parking arrangements may allow for variations to planting setback requirements.

- Across Port Phillip, some suburbs have fewer opportunities for nature strip gardening as the current configuration of the street does not provide space.
- The spatial mapping exercise indicates:
 - Streets with grassed nature strips and adjacent parking configurations which can support nature strip gardening
 - Streets that are currently unable to support nature strip gardens, because of narrow footpaths and no nature strips
 - Streets where de-paving could provide nature strip gardening opportunities.
- Further spatial mapping analysis will be undertaken through the update of the *Greening Port Phillip: An Urban Forest Approach 2010*.

Planting under trees

- 4.11 In most areas of our municipality there are limited spaces for nature strip gardening, as footpaths are narrow and many are paved. In these areas sometimes the only spaces with direct access to soil are tree plots.
- 4.12 There is very strong support from the community to continue planting under trees, and concerns on the potential restrictions on this type of planting has received the most feedback during consultation.
- 4.13 Many of the legacy gardens across council are planted under trees.
- 4.14 The ongoing impact on planting under trees is difficult to gauge as:
- Council does not have data on impacts of planting under trees as reasons for tree decline has not been collected in the past.
 - Often the damage to the trees is slow and may not present for 5-10 years.
- 4.15 Planting in tree plots and under trees can impact the health of our street trees. The risks are short and long-term tree damage or death, resulting in:
- Potential structural failures with increased risk to life and property in built up urban areas
 - Increased tree removal as a result of death/damage/structural failures in short and long term, damaging canopy coverage and UHI mitigation
 - Increase in susceptibility to climate change tree stressors
 - Increased resources for more frequent tree assessment and monitoring of trees for some risk mitigation
 - Reduction in tree canopy cover and increased urban heat island effect across the municipality.

Changes to the final Nature Strip Guidelines (NSG)

- 4.16 In response to the community feedback, the following changes have been made to the final NSG:



- Inclusion of an introductory section explaining the value of existing nature strip and street gardens
- Clear stance on legacy gardens (they will not be removed unless unsafe)
- Reduced set-backs from curbs and footpaths, and the ability to plant ground cover in the setbacks
- Introduction of varied rules for different parking situations (parallel vs angled)
- Introduction of varied requirements for trees in nature strips and ones in tree plots
- Reduction in distance required to plant from tree trunks
- Introduction of a ban on planting around newly planted trees for two years (new trees are clearly marked so the community will easily be able to identify them).

4.17 While not recommended, Council may consider other options for planting under trees which include:

Option 1 – no restrictions around tree base

- This option would allow planting in tree-plots and provide more opportunities for gardening in nature strips as requested by the community. It would be accompanied with suggestions on how to maintain accessibility and minimise damage to trees (eg allow raised edges to 150mm around tree plots and nature strips, allow planting under trees using hand tools for cultivation)
- This option would be difficult to enforce for accessibility and against AS1428.1 2009. This option is against standard practice for tree protection used to assess impact to trees AS4970 2009. Disregarding these standards could open Council to risk and litigation, if a serious incident was to occur due to tree failure, safety incident or lack of accessibility in a public place.

Option 2 – No planting within three times diameter of trunk and no planting in surfaced tree plots (recommended by consultant arborist)

- No understorey planting could occur within three times the trunk diameter (measured at 1.4 m above ground level) away from the edge of a trunk of a street tree. No planting in surfaced tree plots
- This option is not recommended as this could be confusing for the community and is still not in line with Australian Standards.
- This option could open council to risk and litigation, if a serious incident was to occur due to tree failure. Mitigation strategies could be implemented to reduce the risk, including increased frequency or scope of tree monitoring and assessment, and increased liability insurance.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The first stage of community engagement on the draft NSG occurred from December 2021 to 13 February 2022. As a result of COVID-19 restrictions, all consultation was undertaken virtually. This included a survey and open question forum on Council's Have Your Say website, two virtual 'live' sessions with typed question and answers, two virtual 'live' sessions with presentations from Council officers, typed questions and live answers (these replaced planned in-person sessions due to COVID-19 restrictions) and targeted meetings with external stakeholders.

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- 5.2 During the first stage of community engagement on the draft NSG, Council received:
- 5,936 signatures to a community petition to 'Keep street gardening growing in City of Port Phillip', tabled at the Ordinary Meeting of Council on 2 March 2022
 - 6,628 views and 3,691 visitors to Council's Have Your Say website
 - 578 responses to the survey on Council's Have Your Say website
 - 64 questions asked in the open question forum on Council's Have Your Say website
 - 36 email submissions.
- 5.3 During the first stage of community engagement, we heard that:
- Our community is very supportive and passionate about nature strip gardening, and want this to be encouraged particularly the benefits of creating a cooler, greener City with a thriving biodiversity and enhanced social connections
 - The draft NSG was discouraging and restrictive, which would both deter new gardens from being established and result in the removal of existing gardens
 - The draft NSG did not account for the varied characteristics of different gardens and locations, and more discretion is required in relation to footpath widths, street parking and the health of existing street trees
 - The draft NSG needs to be evidence-based, supported by independent external advice
 - Our community engagement process was inadequate, and the community felt excluded from the decision-making process.
- 5.4 A report analysing the results of the first stage of community engagement was prepared by an external consultant and made publicly available during the second stage of community engagement (Attachment 4).
- 5.5 The second stage of community engagement on the revised draft NSG commenced on 17 June 2022 and concluded on 8 July 2022. This included two in-person consultation sessions and an opportunity to make a submission or ask questions through Have Your Say. There have also been separate meetings with community members.
- 5.6 During the second stage of community engagement on the revised draft NSG, Council received:
- 751 views and 460 visitors to Council's Have Your Say website
 - 18 questions asked in the open question forum on Council's Have Your Say website
 - 33 submissions via Council's Have Your Say website
 - 12 email submissions.
- 5.7 During the second stage of community engagement, we heard that:
- Council needs to do more to encourage and support nature strip and street gardening and learn from and support community action and interest
 - The new guidelines need to make it very clear that existing gardens will not be removed. One suggestion includes developing a framework for any disputes



- Nature strip and street gardens are important for community connectedness, biodiversity and beautification, and as a response to climate change impacts
- The revised draft NSG (June version) do not adequately address the scope of feedback from the first stage of community engagement and more changes should have been made
- A blanket, one size fits all approach does not work
- The revised draft NSG (June version) do not adequately address planting in tree plots, and should accommodate the community's desire for planting in tree plots
- Changes to planting under trees and reduced setbacks do not go far enough and are too restrictive
- The allowance of planting under trees goes against the Australian Standards and should follow these standards
- The community engagement process was not adequate
- The focus on safety and accessibility was praised in one submission.
- More education and workshops on community gardening.

5.8 A summary report of the feedback received during the second stage of community engagement can be found at Attachment 5.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Nature strip gardens that are planted without regulation may lead to risks such as injuries or legal implications, including DDA non-compliance.
- 6.2 Council's Local Laws officers and Arborists may be required to assess non-compliance issues, which can impact Council officer resourcing.
- 6.3 There is some risk that gardening in tree plots and close to tree trunks could adversely affect trees, leading to premature removal or tree failure. The risk of tree failure occurring is low, but potentially catastrophic as trees in urban areas can fall on people, cars, dwellings, other buildings, and cause infrastructure damage especially to powerlines. The NSG restrict ongoing planting close to tree trunks to lesson this danger.

7. FINANCIAL IMPACT

- 7.1 Council does not currently fund nature strip gardening and previously there has not been a dedicated resource allocated to this program. Funding for a Community Greening Officer was endorsed by Council during the 22/23 budget process, and this role will provide expert advice and guidance to the community in relation to nature strip gardens.
- 7.2 The NSG have been developed to be a 'light-touch' reference document so that the community have all the information and do not need to contact Council for a permit.
- 7.3 As the final NSG enables planting around trees in tree plots, there may be additional resourcing required for more in-depth annual tree assessments where planting around trees has occurred.



8. ENVIRONMENTAL IMPACT

- 8.1 Encouraging nature strip gardening improves biodiversity and habitat, as planted streetscapes provide shade and shelter and are sources of habitat for urban wildlife and insects. Using native and indigenous plants increases habitat and ecology values of nature strips.
- 8.2 Vegetated nature strips have a cooling effect during hot weather which contributes to reducing the urban heat island effect and benefits public health.
- 8.3 Nature strip gardening improves ground permeability by contributing to water run-off capture.
- 8.4 Nature strip gardens contribute to streets being pleasant and comfortable places to walk and spend time. Trees and vegetation provide shade and shelter in hot and windy weather and provide a buffer from the road.
- 8.5 Trees are the most valuable asset for urban heat island mitigation and the inclusion of measures in the NSG to inform residents how to care for trees while gardening will improve tree health and structural safety. However, due to considerable community feedback, and the existence of many street gardens in tree plots, planting in tree plots is not excluded in the final NSG; instead, advice is given to minimise the impact on trees. There is some risk that gardening in tree plots will adversely affect trees and lead to premature removal or tree failure.

9. COMMUNITY IMPACT

- 9.1 The NSG encourages and supports the community to undertake nature strip gardening, which can foster a sense of community by encouraging socialisation between residents.
- 9.2 The use of nature strips for planting contributes to the overall aesthetic and character of our neighbourhoods, delivering economic benefits for residents and businesses.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The NSG delivers on the Sustainable Strategic Direction of the Council Plan 2021 – 31, which has the strategic objective 'A city that has a sustainable future, where our environmentally aware and active community benefits from living in a bayside city that is greener, cooler, cleaner and climate resilient. The importance of action in this area is emphasised by Council declaring a Climate Emergency in 2019'. The NSG will contribute to the following four-year strategies:
 - Port Phillip has cleaner streets, parks, foreshore areas and waterways where biodiversity flourishes.
 - The City is actively mitigating and adapting to climate change and invests in designing, constructing and managing our public spaces to optimise water sustainably and reduce flooding (blue/green infrastructure).
- 10.2 The NSG also has a key link to Liveable Port Phillip, contributing to the following four-year strategies:
 - Port Phillip has diverse and distinctive neighbourhoods and places and is proud of and protects its heritage and character.
 - Port Phillip is safer with liveable streets and public spaces for people of all ages and abilities to enjoy.



10.3 Updating Council's NSG is a short-term priority action in *Places for People: Public Space Strategy 2022 – 2032* and is one of a wide range of guidelines that will help deliver *Greening Port Phillip: An Urban Forest Approach 2010*, which is scheduled for review.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Recruitment is currently underway for a Community Greening Officer, who will provide expert advice and guidance in relation to nature strip gardens. The Community Greening Officer will look at opportunities to engage the community through information sessions about nature strip gardening.

11.1.2 The NSG will be reviewed in the coming years following the Update of *Greening Port Phillip: An Urban Forest Approach 2010*.

11.2 COMMUNICATION

11.2.1 The NSG will be published on Council's website, Have Your Say website and promoted through Council's social media channels.

11.2.2 Those community members who made a submission during the two stages of community engagement will be notified of the endorsed NSG and thanked for their contribution to the process.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS

- 1. Nature Strip Guidelines**
- 2. Benchmarking**
- 3. Independent external arborist report**
- 4. Analysis of stage one community engagement results**
- 5. Summary of stage two community feedback**