Recommendations

|  |  |
| --- | --- |
| **Support for nature strip plantings and greening of the city** | |
| Clarify that CoPP supports nature strip gardening and is not intending to remove, destroy, or prohibit this | There is no intention to remove existing nature strip gardens with the introduction of new guidelines. If gardens are reported as unsafe, Council will investigate and work with residents to alter gardens to make them safe. For example, this might include pruning, altering a border, removing garden stakes or changing plants to something better suited to a nature strip. |
| Offer more information and tips through various channels (online, interactive sessions and workshops, having a council liaison person) to promote biodiversity and support people in planting their nature strips. This could include information regarding suitable flora for specific conditions, water harvesting and management, composting, planting ideas, and suggestions as to how to connect with neighbours and the wider community regarding nature strip planting. | We are working on ways to further support nature strip gardening to occur alongside the NSG.  We have included advice in the NSG, including removing turf and preparing for planting and plant species suggestions.  We are working on updating Council’s website to offer more support to gardeners. |
| Communicate CoPP’s broader plans to de-pave areas of the city and increase tree canopy to convey to the community that Council is committed to greening Port Phillip through other means beyond nature strips. | The NSG are one part of a greener Port Phillip. There are many streets in our City which do not have nature strip gardening opportunities and require different solutions for greening. We will soon be commencing work to update *Greening Port Phillip,* Council’s Urban Forest Strategy, which will provide opportunities for the community to have their say about how we grow and manage Port Phillip’s urban forest.  We are also working to map opportunities for de-paving to create more permeable surfaces and space for nature strip gardening. |
| **Concerns about rules being too restrictive** | |
| Use more positive language and framing to encourage nature strip gardening, emphasise the value Council places on the efforts of the residents to green the city, and promote the social, environmental and community benefits of street gardens. | Where appropriate, we have updated the NSG to be more encouraging of nature strip gardening and to promote Council’s commitment to greening and biodiversity. |
| Clearly communicate how issues of non-compliance will be addressed, particularly regarding existing gardens, to reassure the community that gardens will not be summarily removed. Clarify routes to resolve issues, complaints and disputes. | Existing gardens will not be removed unless there is an urgent safety issue that cannot be addressed in any other way. If gardens are reported as unsafe, Council will investigate and work with residents to alter gardens to make them safe. For example, this might include pruning, altering a border, removing garden stakes or changing plants to something better suited to a nature strip.  If residents are unable to make changes to the nature strip garden, Council does have the option to issue a notice to rectify within a set timeframe. If the notice is not complied with, Council contractors will carry out the works. However, this is a last resort option only. |
| **Calls for a more nuanced approach to guidelines** | |
| Consider how clearance requirements can be more granular to enable more widespread planting in different contexts, for example, smaller nature strips or laneways with no vehicle access, and how plant height restrictions can be used to circumvent issues with visibility. | We have revised clearance requirements for kerbs and have differentiated between streets with angle and parallel parking. Height restrictions of 0.5m around driveways and corners, with 1m height limits remain. A height limit of 1m, where safe, is a generous height limit when benchmarked against many other Councils. |
| Use the knowledge of the community and initiatives like the Heart Garden Project to understand how accessibility and safety have been managed around already established gardens and consider how other councils are addressing this. | We have undertaken benchmarking against the nature strip guidelines of 39 local governments across Australia. Each local government we benchmarked deal with safety issues by requiring footpaths to be accessible and requiring visibility. Our draft NSG are no different. |
| **Calls for a more evidence-based approach** | |
| Provide more evidence and justification to support final decisions, especially around topics of contention. | We have undertaken benchmarking against the nature strip guidelines of 39 local governments across Australia. We have also sought independent expert arborist advice and have referred to the relevant Australian Standards and urban design guidelines.  Additionally, we have undertaken mapping to further investigate differences in street parking, footpath width and opportunities for nature strip gardening. |
| **People want to have input and be heard** | |
| Reiterate that the Nature Strip Guidelines are in their draft form and reassure the community that their feedback is both sought and heard. | The NSG issued in the first stage of consultation were in draft format. We have listened to your feedback and have revised the draft accordingly. |
| Incorporate community feedback as much as possible and explain the justification behind decisions when outcomes do not align with community sentiment. | The NSG issued in the first stage of consultation were in draft format. We have listened to your feedback and have revised the draft accordingly. |
| Is there anything you’d like us to consider adding to the guidelines? | |
| Respondents frequently used this question to state their disagreement with the guidelines. Most expressed was disapproval of the prescriptive or “one size fits all” nature of the current guidelines, with people calling for more flexibility in clearance requirements to allow people with smaller areas to plant their nature strips. People wanted the guidelines to be simple, encouraging, outcome-focused, and less about “what you can’t do”. | We have revised the NSG to make them simpler and encouraging of nature strip gardening. We have also updated clearances from kerbs and around trees to be more nuanced. |
| A common theme amongst responses was that the guidelines as they currently stand disincentivise nature strip planting. People wanted to see the document reframed with more positive language to encourage street gardening, and wanted more emphasis on the environmental, social and aesthetics benefits of street gardens. | We recognise the benefits of nature strip gardening and have revised the NSG to reflect this. We know that not every street has space for nature strip gardening and are looking at options to increase gardening opportunities, including more widespread de-paving. |
| Respondents wanted reassurance that the guidelines would not result in the destruction of current gardens, suggesting exemptions for established gardens or Council discretion in handling these. More generally, people wanted compliance issues to be dealt with constructively and respectfully, and for community views to be considered. | Existing gardens will not be removed unless there is an urgent safety issue that cannot be addressed in any other way. If gardens are reported as unsafe, Council will investigate and work with residents to alter gardens to make them safe. For example, this might include pruning, altering a border, removing garden stakes or changing plants to something better suited to a nature strip. If residents are unable to make changes to the nature strip garden, Council does have (and currently has) the option of issuing a notice to rectify within a set timeframe. If the notice is not complied with, Council contractors will carry out the works. However, this is a last resort option only. |
| Comments around safety and accessibility most commonly called for the clearance areas to be reduced, with people suggesting accessibility could still be achieved with a more nuanced approach to risk. On the other hand, some respondents highlighted that accessibility and safety should be prioritised, with particular consideration given to groups who have more acute access needs such as people with disabilities. | Streets are public places and must be accessible to all. Council has an obligation under the Human Rights Charter to ensure all public places, including footpaths are accessible. Council’s *Access and Inclusion Plan 2019-2021* includes actions to ensure all public spaces are accessible and to make footpaths more accessible. This means we need to ensure that the NSG adhere to the Australian Standards for access and mobility and urban design guidelines regarding clear footpaths widths. |
| A few people posited that the guidelines as they stand present an equity issue, as more affluent areas tend to have larger nature strips and footpaths, making clearance requirements easier to abide by. Respondents felt the guidelines should consider how people could beautify smaller streets and take different contexts into account.  People wanted the guidelines to be simple, encouraging, outcome-focused, and less about “what you can’t do,” with a couple stating that the current two-page document was sufficient. Respondents suggested CoPP consider how safety and accessibility could be retained while still allowing smaller nature strips to be planted, or that they should exercise flexibility and discretion in deciding whether gardens were suitable. | We know that not every street has space for nature strip gardening and are looking at options to increase gardening opportunities, including more widespread de-paving. The NSG also outline options for planter boxes on streets with no nature strips.  The clearance areas in the NSG have been reassessed and reduced, and there is no scope to reduce these any further. |
| Calls for the guidelines to be substantially revised or started again, or other expressions of disapproval, were made by a sizeable number of respondents. Respondents urged the Council to start again and create guidelines which find a better balance between addressing health and safety risks and the benefits of street gardens. | The draft NSG have been revised and reframed in response to the community’s feedback from the first stage of consultation. |
| Several respondents expressed their view that the guidelines – which they perceived as restricting gardening – were at odds with the Council’s general “green” position of promoting sustainability and liveability, and with other documents and strategies.  Specific mentions of policies which the guidelines were felt to contradict included: City of Port Phillip Climate Emergency Declaration 2019, City of Port Phillip Council Plan 2021-2031, City of Port Phillip Biodiversity Report 2020, Act & Adapt Sustainable Environment 2018-2028, and Greening Port Phillip: An Urban Forest Approach 2010. | Greening and biodiversity are a priority for the City of Port Phillip. The NSG have been informed by the following Council guidelines, strategies and policies, including:   * *Council Plan 2021 – 2031*: Council has committed to ​   + Sustainable Port Phillip: urban forests to increase tree canopy, vegetation, greening and biodiversity and reduce urban heat, in line with Council’s Greening Port Phillip and Act and Adapt Strategies prioritised within available budgets each year​   + Liveable Port Phillip: delivery of a high standard of amenity, ensuring compliance with planning and building requirements, legislation and local laws to support public health and community safety. * *Places for People: Public Space Strategy 2022 – 2032:* This strategy includes an action to update the NSG to be consistent with this strategy and support the use of nature strips for enhanced biodiversity and greening. It also commits Council to working with the community to encourage nature strip planting and community stewardship of spaces. * *Act and Adapt Strategy* * *Greening Port Phillip* * *Access and Inclusion Plan 2019 – 2021:* Includes actions to ensure the design of our parks and open spaces considers accessibility for all; accessibility is included in our place-making activities; and to increase the accessibility of footpaths across the municipality*.*   Additionally, the following documents have been key inputs into the NSG:   * City of Port Phillip Local Law 1 (Community Amenity) * ​ AS4970 2009 Australian Standards Tree Protection on Development Sites * DDA. AS1428.1 2009 Access and Mobility * Urban Design Guidelines for Victoria * AusRoads Guide to Traffic Management Part 10: Traffic Control and Communication Devices. |
| The general theme of these comments was that Council should put more effort into maintaining areas they are responsible for, or make it easier for people to maintain (i.e., mow) the unplanted nature strips. Comments were often critical of the state of various areas, with a range of suggestions including that more care should be taken with tree planting decisions to minimise falling debris, that Council should only plant natives, or that Council should avoid removing trees. Several of these comments noted that the cared-for nature strips were more appealing than some Council-managed areas, and suggested Council should focus on maintenance rather than on regulating nature strips. | Comment acknowledged. Council will continue to encourage use of the Snap,Send, Solve App and Assist to help identify areas with maintenance needs. |
| Resolving disputes and managing non-compliance | |
| A considerable number of respondents wanted more clarity around how matters of non-compliance and disputes would be resolved. The majority of these were in the context of fearing that Council compliance action would result in the “heavy-handed” removal of beloved gardens. | Existing gardens will not be removed unless there is an urgent safety issue that cannot be addressed in any other way. If gardens are reported as unsafe, Council will investigate and work with residents to alter gardens to make them safe. For example, this might include pruning, altering a border, removing garden stakes or changing plants to something better suited to a nature strip. If residents are unable to make changes to the nature strip garden, Council does have (and currently has) the option of issuing a notice to rectify within a set timeframe. If the notice is not complied with, Council contractors will carry out the works. However, this is a last resort option only. |
| Comments suggested there should be space for discretion and negotiation, consulting and working with residents “respectfully and constructively” to remedy unsafe elements, having an appeals process, and deleting the clause that allows CoPP to remove gardens or to fine people. | Existing gardens will not be removed unless there is an urgent safety issue that cannot be addressed in any other way. If gardens are reported as unsafe, Council will investigate and work with residents to alter gardens to make them safe. For example, this might include pruning, altering a border, removing garden stakes or changing plants to something better suited to a nature strip. If residents are unable to make changes to the nature strip garden, Council does have (and currently has) the option of issuing a notice to rectify within a set timeframe. If the notice is not complied with, Council contractors will carry out the works. However, this is a last resort option only.  NSG are currently an incorporated document in the Local Law and we are not proposing any changes to this. This ensures Council has a recourse for action if issues cannot be worked out respectfully or constructively, and is a last resort option only. |
| **Safety and Accessibility** | |
| Comments focused on clearance areas overwhelmingly called for these requirements to be significantly reduced or removed. Respondents pointed out that the current distances meant many strips were unable to be planted at all or only allowed a tiny area of planting, that the blanket ban on planting under trees was unnecessary, or that the clearance restrictions prioritised car transport over gardening – felt to be a step in the wrong direction in light of the current climate. People generally wanted more flexible distances, and a few suggested that the use of low plants like creepers could circumvent the conflict between planting and visibility while still enabling some gardening. | We have updated the NSG with reduced clearance areas around trees and alongside kerbs, and included grass replacement ground covers suitable to plant within the clearance areas alongside kerbs, footpaths and driveways.  Clearance areas are important to balance safety, accessibility and maintaining tree health with promoting and encouraging greening and biodiversity.  Greening and biodiversity are a priority for the City of Port Phillip, and Council is committed to protecting and improving our urban forest, particularly as trees are one of the best options for mitigating the urban heat island effect. Council’s *Greening Port Phillip* strategy states that ‘the City of Port Phillip values all trees within its boundaries and will seek to protect all trees in the public realm and significant trees in the private realm’.  By including conditions in the NSG about planting under street trees, we are ensuring street trees are protected and maintained long term.  We also need to ensure all our streets are accessible. Council’s *Access and Inclusion Plan 2019-2021* includes actions to ensure the design of our parks and open spaces considers accessibility for all; accessibility is included in our place-making activities; and to increase the accessibility of footpaths across the municipality  These requirements mean that space for nature strip gardening is restricted in some areas.  We know that not every street has space for nature strip gardening and are looking at options to increase gardening opportunities, including more widespread de-paving. |
| Accessibility and safety were highlighted as concerns which required more consideration in the guidelines by a moderate number of respondents. Comments emphasised the importance of ensuring access along footpaths was not hindered by planter boxes or unruly planting, that visibility was unrestricted, that people could get in and out of cars without hitting planter boxes, and that space for bins remains. It was also suggested that paths should be required at intervals to allow people to travel across the nature strip. A small number of respondents felt strongly that garden beds, particularly planter boxes or raised edges, presented a significant risk to the safety of passers-by.  A few comments emphasised that gardens could be hindrances to people with heightened access needs, such as people with disabilities or people walking with prams. One person described how their acute health needs meant it was crucial for paramedics to be able to easily access their house without blockages or trip hazards.  Specific suggestions around clearance distances or requirements included: total removal of all freestanding boxes which encroach on the footpath; a requirement that a path across the nature strip is maintained, for example every 5m for a min width of 1m; having 1m clearance kerbside to allow car doors to open, and having the gardens tailored to fit the size of the nature strip. One person requested specific consideration be given to 1.5m footpaths – an absence which they felt was a significant oversight in the document. | The NSG have been guided by three principles, including ensuring streets are safe and accessible for everyone. The included footpath and kerb clearances support this principle.  The NSG do not allow raised edges because they can reduce accessibility and cause trip hazards, as well as being an issue for tree health.  Raised planter boxes are permitted, in accordance with Council’s Footpath Trading Guidelines, ensuring placement and heights do not impede accessibility.  Unfortunately, not all footpaths in Port Phillip are at least 1.5m wide, a few are below 1.2m. Council’s *Access and Inclusion Plan 2019-2021* includes an action to increase the accessibility of footpaths across the city. The NSG have been written to ensure accessibility is not further impeded by nature strip planting. |
| A moderate number of respondents held the position that gardens beds either did not present a serious risk to safety or that the guidelines need to be more enabling and based on a more nuanced approach to risk. Several comments noted there are ways to mitigate any risk, such as public awareness signage, talking to people who live in streets with established gardens as to how they have managed safety, stripping safety requirements back to essentials such as sight lines for drivers at junctions, or looking at what other councils (e.g., Vincent Council) have done to manage risk while still encouraging street gardens. One person suggested raised edge gardens are a safer option as they provide definition and prevent wheels of scooters or wheelchairs sinking into soft soil. | Raised edges can impede access to the street if the footpath is narrow and can also pose a trip hazard. We need to ensure that the NSG adhere to the Australian Standards for access and mobility and urban design guidelines regarding clear footpaths widths. |
| Suggestions about height restrictions were made by several respondents. A slight majority of these argued for broadly increasing height restrictions or stated that current height restrictions were too limited. | We have undertaken benchmarking against the nature strip guidelines of 39 local governments across Australia. The proposed height restrictions in the NSG are in the upper range of the benchmarked councils and are in line with our existing guidelines. |
| **Trees** | |
| Almost all of these comments wanted planting to be allowed around trees. These varied from calls for more flexible restrictions depending on tree type/age and garden size, to assertions that thoughtful planting around trees could actually enrich the soil and enhance water retention. Several comments mentioned existing gardens around trees where the tree appeared to be thriving or asked to see the evidence underpinning these restrictions. One respondent discussed raised edge gardens, suggesting these were much more beneficial to tree health than the asphalt which would otherwise surround them. | We have sought independent expert arborist advice about planting around street trees, which concluded that planting should not occur in tree pits, pits or grates. Planting around trees can occur if a radius of 3 times the trunk diameter is kept free of planting surrounding the tree trunk. Trees younger than 5 years old need space around them to ensure their roots can establish properly.  Street trees grow in harsh conditions and need space around them with minimal disruption to soil levels. Leaving space prevents competition for water and nutrients, limits damage to roots through digging and limits the potential for disease and rot to occur in the structural roots that hold the tree up. Removing or mounding soil can damage tree roots or disrupt how roots function. Often damage to trees takes some years to manifest, so trees may appear to be healthy even as their long-term health is being compromised.    The NSG need to be easy to interpret and applied across the city. The independent expert arborist advice has been incorporated into the NSG by specifying a minimum no planting zone of a 1.5m radius around trees, and then a radius of 3 times the trunk diameter if the diameter of the tree trunk is greater than 50cm. The minimum distance of 1.5m ensures any guesswork around tree age is not required and allows younger trees space to establish.  We have undertaken benchmarking against the nature strip guidelines of 39 local governments across Australia. Some Councils in Melbourne, Sydney and Perth disallow planting in tree plots, pits and grates. Updating the NSG to include revised guidelines for planting around trees are amongst the more lenient of all benchmarked Councils and provide protection for our street trees and provision for nature strip planting. |
| **Planting Tips** | |
| The majority of these comments called for the guidelines to have a stronger emphasis on promoting biodiversity. This was envisioned as various ways, such as general support and encouragement for planting natives and drought-tolerant plants, a stronger policy biased towards canopy/shade trees, encouraging plants which attract birds and insects, creating an overall neighbourhood plan for indigenous and edible plants, promoting indigenous ground cover that could offer an alternative to grass lawns or artificial turf, and considering how people could create biodiversity corridors for greater benefits.  Just under a third of these comments requested the guidelines offer more information around suitable flora to plant, especially natives, and which plants should be avoided. A few other comments were made around gardening education, asking for more planting ideas, composting tips, and suggestions about starting a social group around gardening. | We have updated the NSG to emphasise Council’s focus on biodiversity and to include species suggestions for grass replacement species and other indigenous plants suitable for nature strip planting. We are working on updating Council’s website to offer more support to gardeners.  We will soon be commencing work to update *Greening Port Phillip,* Council’s Urban Forest Strategy, which will provide opportunities for the community to have their say about how we grow and manage Port Phillip’s urban forest. |