

Application for permit to Landscape a Road Verge within a Council Road (Section 221 of the Local Government Act 1999, Road Alteration or Encroachment Policy)

Notes for applicant

Pursuant to Section 221 of the Local Government Act 1999, a person (other than the Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the Council. The maximum penalty for breaches of this section of the Local Government Act is \$5,000.

The purpose of this application is to ensure the area is safe to the general public and satisfy Council's public liability responsibilities.

Each application will be replied to in writing or email and if approved may include conditions as Council sees appropriate for each location. Work cannot commence prior to approval being given.

Definition of Road

The road for the purpose of this application includes the road carriageway, the road shoulder, the kerb and watertable, footpath or other similar paths and verge areas.

The following principles are considered key factors that will be considered with each application:

- Any proposed planting/landscaping must not compromise the health of any existing street trees or other Council plantings.
- All costs for installation and maintenance of the approved works must be borne by the applicant.
- Any landscape work must not have any raised edges or tripping hazards.
- Trees and shrubs with potential large branches should not be planted close to fences or other infrastructure so as to cause future damage.
- Plants should not be located as to create restricted lines of sight, which could be hazardous to pedestrians or motorists.
- Corner properties may require special consideration.
- An area (minimum width 1.5m from the kerb) to serve as a pedestrian refuge area is to be left clear for passengers to enter and exit from parked vehicles and for general pedestrian access. This area should be a rubbled surface, levelled grass or lawn, or sealed by paving, concrete or bitumen depending on the adjacent environment. Mulch, scoria or bark is not considered an appropriate treatment of this area. Refer to diagram at the end of these conditions.
- Landscaping should be planned in accordance with the sketch and suggested species attached at the end of these conditions.
- It is recommended that prior to commencing any digging on the road verge area that underground service locations are identified. This can be achieved by contacting "Dial Before you Dig" on telephone number 1100 or their website at: www.dialbeforeyoudig.com.au

The following conditions apply to this application:

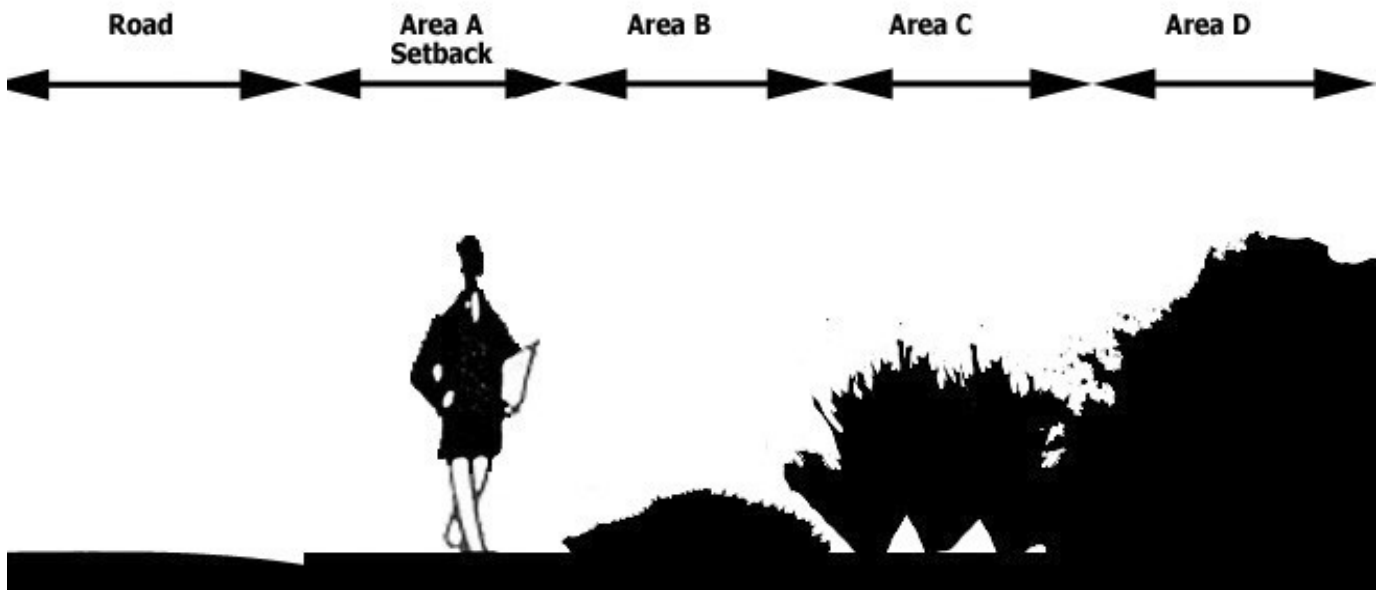
- The permit holder agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the permit.
- The work undertaken must comply with the sketch or plan submitted as a part of the application.
- If the applicant wishes to alter this encroachment at any time in the future, they will need to re-apply.
- A clear area of 1.5 metres from the kerb is required for foot traffic.
- Parking of vehicles is not permitted on any paved or rubble areas unless approval has been granted to allow this activity.
- Mulch is not permitted.
- Council retains all rights over the area to be landscaped and no reimbursement will be made for the removal of any plants or material if these have to be disturbed or removed in the future.
- This approval and relevant conditions (including sketch) will be recorded on the property file in Council's records system.
- Council reserves the right to withdraw any approval granted at any time. This could be required when the circumstances, relating to the land upon which the approval was related, changes.
- Regardless on any condition of approval it is noted that from time to time Council or other service authorities responsible for public infrastructure including, but not limited to, water supply, effluent disposal, telecommunications, gas supply and electricity supply may need to work on the public land developed by the adjoining owner under approval from Council. These authorities may interfere with the approved work and have no legal obligation to reinstate the area.
- Additional conditions may be added to the approval.

Planting

- Any existing street tree must not be removed or pruned without approval.
- All plantings and landscaping must be maintained in good condition.
- Any plants, which become diseased or die, must be replaced by suitable species (excluding any vegetation that is considered to be a significant tree under the Development Act 1993, which will require formal planning approval before work can commence).
- All plants are to be kept trimmed to ensure the pedestrian access is kept clear at all times. These trees must not exceed 1.2 metres in width at maturity.
- Any planted areas are to be kept free of weeds.
- Overhanging vegetation is to be maintained and is not to encroach into any walkways or road carriageway areas.

Rubbled and paved areas

- Any rubbled surface must be excavated to a depth of 100mm and replaced with compacted 7mm - 20mm dolomite or quartzite quarry rubble. All dust must be suppressed after compaction.
- The pavers are to be rectangular in shape, 60mm thick and interlocking, made from concrete or clay and have a non slip surface.
- The pavers must be laid on a base of 100mm quarry rubble by a tradesperson who has adequate Public Liability insurance.



Botanical Name	Suggested Species	Common Name
	AREA A	
		Lawn
Atriplex semibaccata		Berry Saltbush
Chrysocephalum Apiculatum		Common Everlasting
Grevillea species (prostrate forms)		Grevillea
Kennedia Prostrata		Running Postman
Scaevola species & cultivars		Fan Flower
	AREA B	
Brachyscome species and cultivars		Brachyschome (daisy)
Convolvulus cneorum		Bush Morning Glory
Danthonia species		Wallaby Grass
Dianella revoluta		Black-anther Flax-lily
Hibbertia species		Guinea-flower
Thomasia petalocalyx		Paper Flower
	AREA C	
Callistemon 'Little John'		Bottlebrush
Correa reflexa		Common Correa
Hardenbergia violacea		Native Lilac
Leptospermum species (dwarf forms)		Tea-Tree
Melaleuca species (dwarf forms)		Melaleuca
Poa labillardieri		Tussock-grass
	AREA D	
Acacia species (shrub forms)		Wattle
Callistemon species (shrub forms)		Bottlebrush
Dodonaea viscosa subsp. Spatulata		Sticky Hop-bush
Leptospermum species		Tea-tree
Olearia ramulosa		Twiggy Daisy-bush