PLANNING APPLICATIONS IMPACTING ON VERGE INFRASTRUCTURE AND VERGE TREES

ADOPTION DATE: 23 JUNE 2010
AUTHORITY: LOCAL PLANNING SCHEME NO 4

STATUTORY BACKGROUND

Clause 10.2.1 of the City of Fremantle Local Planning Scheme 4 empowers the Council to have due regard and may attach conditions relating to, a number of matters including "whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved including adjacent verge trees".

The Local Government (Uniform Local Provisions) Regulations 1996 provide that no damage or alteration may occur to any infrastructure on Council property unless the approval of the Council is first granted.

Clause 6.5.4 of the Residential Design Codes includes Acceptable Development provisions relating to the distances of driveways to side boundaries, street poles, intersections, angle of driveways to the street and avoiding street trees.

PURPOSE

The purpose of this policy is to provide guidance in assessing planning applications that include new crossovers, or require removal or modification to existing verge infrastructure and/or verge trees.

For the purposes of this local planning policy verge infrastructure includes verge trees, street lighting, speed bumps, bus stops, directional and traffic signs.

POLICY

1. Street infrastructure - Appropriate clearances

1.1 This policy relates to all infrastructure and vegetation constructed above ground within road reserves and includes street trees, power poles, road, name and directional signs, benches, bus shelters, drain side-entries, service pit covers and traffic management devices.

1.2 All applications for Planning Approval which incorporate a new or amended vehicular crossover are required to show:

   a) The application must include correct levels proportions of any verge trees (diameter of trunk at ground level and width of canopy)
   b) All existing verge infrastructure and verge trees abutting the subject site including existing and proposed finished levels within 5 metres of the property frontage
Where verge infrastructure is omitted from an application, or is not accurately portrayed as part of an application, the applicant is responsible for any resulting modifications and costs associated.

In cases where new crossovers have been approved and verge infrastructure retained under this policy, the following footnote shall be included on all Planning Approvals;

"The approval of the new / revised vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either

(a) submit amended plans to the City of Fremantle for consideration, or
(b) submit a request to the City for removal or modification of the infrastructure. This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

1.3 All new vehicle driveways are required to be separated from any verge infrastructure by:

(a) a minimum of 2.0 metres in the case of verge trees
(b) a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayments or street furniture), and
(c) a minimum of 1.0 metre in the case of power poles, road name and directional signs.

1.4 Council may grant approval to a lesser dimension in cases where written justification is provided by the applicant, and Council is satisfied that:

(a) no practical alternative location is available for the crossover, and
(b) the infrastructure/tree is not damaged by the proposal, and
(c) safe and adequate traffic sight distances are maintained.

1.5 Council will support the truncation or modification of crossovers within the verge area to achieve the necessary setback distances where it is satisfied that:

(a) it can be demonstrated that a vehicle can manoeuvre between the property and the street in such a manner that is safe in use, or
(b) the public street to which the property connects is classified as a local road, and
(c) safe and adequate traffic sight distances are maintained, and
(d) the modification of the crossover will not have any adverse impact on any existing footpath or otherwise impair the movement of pedestrians.
2. **Street infrastructure - removal or modification required as result of a planning application.**

2.1 The Council will grant planning approval for development which requires the removal or modification of verge infrastructure and/or verge trees where it is satisfied that:

(a) prior approval from the relevant service agency has been obtained, and
(b) no reasonable or practical alternative exists, and
(c) the infrastructure can be replaced in such a manner that is safe and fully functional, and
(d) in the case of street trees, can be replaced in such a manner that is consistent with the streetscape, character and amenity of the locality or otherwise in accordance with the City’s policies.

2.2 Planning applications requiring the removal or modification of verge infrastructure and/or verge trees where approval has not been obtained from the relevant service agency will be requested to amend the plans to prevent the removal or modification of verge infrastructure and/or verge trees.

Where the applicant does not amend plans to prevent the removal or modification of verge infrastructure and/or verge trees and the proposed development is otherwise deemed acceptable on planning grounds approval will be granted and the following advisory note placed on the approval:

“This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences.”

In addition to the advisory note above, the following advisory note will also be placed on the planning approval to address incidents where approval is not forthcoming from the relevant City of Fremantle department or relevant service authority:

"In the event that such an approval is not forthcoming from the relevant City of Fremantle department or relevant service authority prior to the commencement of this development, this planning approval will be incapable of implementation".