

Policy number	Policy 204
Policy title	<u>Improvement of verges or footpaths adjacent to commercial properties</u> Plant containers on commercial paved areas
Strategic outcomes supported	<u>EC2 - A clean, safe and accessible place to visit.</u> EN2 – A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around. EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed. EN7 – Increased vegetation and tree canopy.

POLICY OBJECTIVE:

To allow commercial ~~property owners~~applicants, subject to the Town's approval, to aesthetically improve commercial areas immediately adjacent to the property in question by paving or placing plant containers on the verge or footpath~~to place containerized plants on commercial paved areas immediately in front of the properties in question.~~

POLICY SCOPE:

This policy applies to the paving of verges and the placing of plant containers on verges and/or footpaths immediately adjacent to commercial properties~~in commercial areas.~~

DEFINITIONS:

Nil.

Applicant means the entity who is proposing the paving, plant container or other improvement to the verge or footpath immediately adjacent to the street frontage of a commercial property, who must be the property owner, business owner, tenant or other person responsible for the maintenance and/or management of the commercial property.

Commercial property means A property from which commercial activities are legally carried out, in accordance with any necessary approvals of permits from Council, including (but not limited to) the Town of Victoria Park Town Planning Scheme No. 1, any relevant Local Planning Policies and/or Local Laws.

Verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare.

Footpath means the paved or made portion of a thoroughfare used or intended for use by pedestrians and

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cyclists.

POLICY STATEMENT:

1. The intent of this policy is to allow for and encourage enhancements to public verge or footpath areas immediately adjacent to commercial property frontages by the installation of aesthetically suitable and well-maintained paving materials and/or the placement of appropriate plant containers
2. All paving of verges immediately adjacent to commercial properties should conform to the Town of Victoria Park's Street Verge Guidelines, except where otherwise approved in writing by the Town.
3. All placement of plant containers on verges or footpaths immediately adjacent to commercial properties should conform to the Town of Victoria Park's Street Verge Guidelines.

Maintenance:

4. All maintenance and cleaning is the responsibility of the applicant, unless otherwise agreed with the Town.
4.
5. Maintenance procedures should not interfere with pedestrians at any time.
6. No drainage or other discharges from the containers are to flow across the footpath or stain the pavement in any way.

Costs:

7. All costs associated with the construction, purchase, installation, greening, maintenance and removal remains with the applicant, unless otherwise agreed with the Town.

Damage

8. Any damage to the footpath, verge or other street furniture caused by the paving or plant container or its movement shall be the responsibility of the applicant.
9. Replacing stolen, or repairing damaged or vandalised paving or plant containers is the responsibility of the applicant.

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Indemnification:

Commented [L01]: Just make this one clause as there's no 5b :)

Commented [L02R2]: Also need to say "unless otherwise agreed with the Town"

Commented [EvR3R2]: Done – cheers

10. The Town reserves the right to remove the containers or paving at any time.

11. Applicants must ensure that the Town is indemnified against all claims resulting from the installation of plant containers or paving.

5.—Size

- a.—Containers shall be in the order of 600 millimetres high by 750 millimetres wide and between 750 to 1500 millimetres long to ensure they are of an appropriate scale in relation to other elements of the street, and to ensure visibility to the pedestrian.

6.—Design

- a.—Including materials, colour and finish should be in sympathy with surrounding streetscape and to the satisfaction of the Town.

7.—Plant Material

- a.—May be at the discretion of the property owner but must reach a height of 1.2 metres above ground to ensure visibility by motorists when reversing or alighting from vehicle. The plants should not exceed a height of 1.5 metres above ground, except in the case of a plant with a clean trunk higher than 1.5 metres, to prevent screening of pedestrians, cluttering of the street and reduced visibility generally and should not extend more than 300 millimetres beyond the container laterally. However, if a plant with a clean trunk is to be used, providing the trunk is clean to a height of 1.5 metres the canopy can extend to the underside of the building awning.
- b.—Plant material should be in healthy, tidy condition at all times, and all maintenance is the responsibility of the property owners. The watering should be in the form of a mini-tank system incorporated inside the container. No drainage or other discharges from the containers are to flow across the footpath or stain the pavement in any way. No poisonous prickly or other harmful plant material is to be used and maintenance procedures should not interfere with pedestrians at any time.

8.—Quantity

- a.—When used to complement alfresco dining, the number of plants will be determined by the following spacing requirements:

- a.—parallel to kerbline — a pedestrian gap of at least 2.0 metres every 7000 mm;
- b.—right angles to kerbline — one at each end of the alfresco area.

- b.—When not used as part of an alfresco application, a maximum of two planters shall be permitted unless otherwise approved by the Town.

- c.—The foregoing requirements will be cognisant of the furniture adjacent to neighbouring properties.

~~9. Location~~

- ~~a. Plant containers must not obstruct parking bays, public utilities or other public facilities in the street. The plants and containers shall not restrict the footpath to a width of less than 2.0 metres and shall be:~~

- ~~c. 0.8 metres from the face of the roadside kerb;
d. 6.0 metres from a street corner;
e. 3.0 metres from a crossover.~~

~~10. Approvals~~

- ~~a. The proposals for the placement of plant containers in the street indicating all relevant details are to be submitted to the Town for approval prior to implementation. The Town reserves the right to request owners to remove the containers at any time.~~

~~11. Cleaning~~

- ~~a. The applicant shall be responsible for the cleaning of the area adjacent to and under the container.~~

~~12. Costs~~

- ~~a. All costs associated with the application, purchase of containers and plants and installation are to be borne by the applicant.~~

~~13. Indemnification~~

- ~~a. Notwithstanding the granting of approval, the Town reserves the right to remove the containers at any time, and applicants must ensure that the Town is indemnified against all claims resulting from the installation of plant containers.~~

~~14. Damage~~

- ~~a. Any damage to footpath, verge or other street furniture caused by the planter or its movement shall be the responsibility of the applicant/property owner.~~
- ~~b. Plant containers will not be permitted in public areas where, in the opinion of the Chief Executive Officer, they have abrasive surfaces or sharp angles that may be a hazard to pedestrians.~~

RELATED DOCUMENTS:

[Street Verge Guidelines 2016](#)

[Policy 209 Paving of verges in commercial areas](#)[Policy 211 Parklets and alfresclets](#)

[Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 Consolidated](#)

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Policy manager	Manager – Place Planning Manager – Technical Services
Responsible officers	-
Approval authority	Council
Next Evaluation Date	

REVISION HISTORY

Version	Approved, Amended, Rescinded or Reviewed	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	12/08/1997	Council	-	Item 14.3
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1
<u>3</u>	<u>Reviewed and Amended</u>				