



Management of Cypress Hedges Policy

Local Laws Department

City of Boroondara

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For more information, call Civic Services on (03) 9278 4234

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1. Key Policy Statement- Management of Cypress Hedges Policy.

The City of Boroondara supports a number of established cypress hedges, which grow along the front or side boundaries of various residential properties within the City. Most of the City's cypress hedges have been growing for several decades, with some hedges dating from the early 1900's. These hedges are very strong contributors to the City's urban character and add to, and complement, the established and renowned leafy character of the whole City.

This Policy sets out actions to properly manage established hedges whilst maintaining unobstructed access along Council's footways. It applies to any cypress hedge that grows along the front or sides of a property irrespective of whether the hedge is growing over the property boundary.

Independent advice should be sought by hedge owners as to the pruning and other maintenance requirements of cypress hedges. It is the hedge owner's responsibility to ensure that hedges are maintained in accordance with the policy at all times.

Council may issue a notice to comply where non compliance is identified, and a penalty may be imposed for failure to comply with such notice. Council has the right to remedy any failure to comply with a notice at cost to the hedge owner. Such remedy may include, but not be limited to, removal of the hedge.

2. Management Regime

This policy sets out Council's management regime for cypress hedges. It explains what action must be taken and in what circumstances.

2.1 Action 1. Remove the hedge

- 2.1.1 Where a cypress hedge:
 - a) is noticeably diseased OR
 - b) Is noticeably damaged OR

c) no longer makes a significant contribution to the landscape character of the local area; the cypress hedge must be removed at the cost of the hedge owner.

2.1.2 If the removed cypress hedge is replaced with the same species of cypress hedge, the replacement hedge must be:

- a) planted a minimum of 1 metre from the property boundary (eg front fence line); AND
- b) pruned back to the property line, to a minimum height of 2.1 metres above the footpath or other Council-controlled land (**minimum height**).

A fence of at least 1.8 metres high must be constructed in front of the hedge to enable the hedge to be pruned to the minimum height. The hedge owner is responsible for the costs associated with the construction of the fence.

2.2 Action 2. Prune the hedge to a height of 2.1 metres and provide a fence in front of the pruned section.

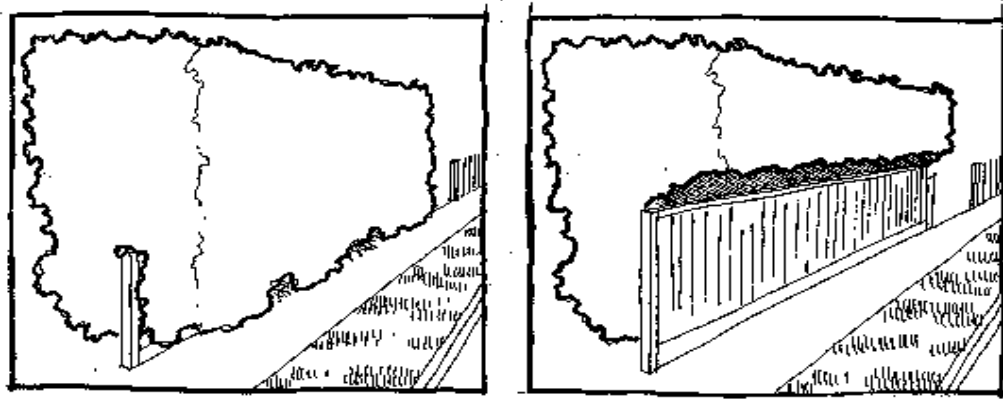
2.2.1 Where a cypress hedge:

- a) Makes a significant contribution to the landscape character of the local area AND
- b) is not an established hedge OR does not currently obstruct a footpath or other Council-controlled land AND
- c) The hedge's growth habit is such that it can be pruned back to the property line to the minimum height without substantial removal of canopy above the minimum height,

The hedge must be pruned back to the property line to the minimum height at the cost of the hedge owner.

The property owner will need to make a thorough investigation of the hedge's growth habit to determine if pruning back to the property line to the minimum height is possible.

2.2.2 A fence must be constructed in front of the pruned section of the hedge to hide the exposed dead wood. This will enhance the hedge's overall appearance and minimise potential vandalism of the cut-back section of the hedge (see picture below). The hedge owner is responsible for the costs associated with the construction of the fence.



Original hedge

Pruned hedge with new fence

2.3 Action 3. *Widen the footpath in front of the hedge*

2.3.1 Where a cypress hedge:

- a) Makes a strong contribution to the landscape character of the local area AND
- b) Is an established hedge AND
- c) Currently obstructs a footpath or other Council-controlled land AND
- d) Has "ends" that are soft to touch,

Council may allow the footpath or other Council-controlled land in front of the cypress hedge to be widened so that the hedge can be retained. Work required to widen the footpath must only be carried out by Council employees or by a contractor approved by Council.

2.3.2 Even where a cypress hedge meets the criteria noted at clause 2.3.1, widening of the footpath or other Council-controlled land will only be allowed on condition that:

- a) The widened footpath or other Council-controlled land is not closer than 2 metres from any street tree unless Council decides that the street tree is less significant than the hedge. If Council decides that a street tree is less significant than the

hedge, Council may approve a reduced clearance to the street tree, or possible removal of the street tree and replacement in an appropriate location. Where removal or replacement of a street tree is allowed, the hedge owner is responsible for the costs of the removal and/or replacement AND

- b) Subject to and except as provided by clause 2.3.3, the hedge owner pays for the cost of all works associated with the widening of the footpath or other Council-controlled land. These works may include the installation of tactile paving surfaces at appropriate locations (i.e. at the ends of the hedge) to assist the sight impaired in negotiating the modified alignment of the footpath or other Council-controlled land AND
- c) before the works commence, the hedge owner enters into an agreement with Council made pursuant to section 173 of the *Planning and Environment Act* 1987 (**Act**) to provide for matters relating to the widening and reinstatement of the footpath or other Council-controlled land. Application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

2.3.3 In circumstances where Action 3 is to be undertaken, Council will subsidise the costs associated with undertaking this action. The subsidy will be limited in each case to the following:

- a) Council will make a single financial contribution of \$500.00 towards the cost of the works described at clause 2.3.2b) AND
- b) Council will pay the reasonable costs of the preparation, execution and registration of the section 173 agreement as described at clause 2.3.2c), excluding the hedge owner's legal expenses of and incidental to the preparation, execution and registration of the section 173 agreement.