

# LIGHTING IN COUNCIL TREES

Subordinate Local Law 1.15 (Carrying out works on a road or interfering with a road or its operation) 2011

Townsville City Council encourages business owners to consider installing bud (fairy) lighting in Council's street trees, adjacent to their business.

Safety and amenity issues require Council to regulate the placement of bud lighting through an approval process, but we have endeavoured to make that easy for business owners.

Note that it is an offence to install or operate bud lights in Council trees without first having an approval and then fully complying with the approval conditions.

## WHAT TO DO

The steps relating to the installation of bud lights in Council street trees are:

1. Planning
  - » Are there suitable Council trees adjacent to your business?
  - » Do your neighbours object to you installing the bud lights in those trees?
  - » Can you fully comply with the "Conditions of lighting permit" that are part of this document?
  - » Do you understand, and can you cover, the costs of installing, operating, maintaining and ultimately removing the bud lights?
2. Application
  - » Complete and submit the attached application form.
3. Receive notice of whether your application has been approved or declined.
  - » Approvals are given in respect of a business, and will transfer to each new owner of the business for so long as the lights are installed.
  - » This permit may not be assigned or transferred to another business (e.g. an adjacent business).
4. Install, inspect and maintain the lights.

## FEES

Council does not charge an application fee, or a fee for having your bud lights in Council trees.

Note: this excludes any fees that apply for other applicable permits, if required.

## OBLIGATIONS

The individual/company responsible for installing the lighting must ensure that the installation, operation and maintenance of lighting:

- » complies with all relevant legislation and standards, and does not cause damage to any council property, including trees
- » does not unreasonably interfere with residential amenity or the interests of commercial operators in the vicinity of the lighting
- » complies with the "Conditions of lighting permit"
- » does not impose any additional costs on Council for the installation, maintenance or removal of lighting.

## OTHER PERMITS

A road corridor permit from the Department of Transport and Main Roads will be required if the premises are located on a state-controlled road. If this is the case, attach a copy of the road corridor permit to the *Application for a lighting permit*.

A Council road work permit may be required if you will be using machinery (e.g. cherry picker) to install or maintain the lighting, or the installation or maintenance of the lighting will include blocking or impeding access to the footpath. Contact Council for further advice.

## PERMIT CHANGES

Once issued, a lighting permit continues until it is withdrawn by Council. The Council may cancel or amend this agreement at any time and at Council's entire discretion where Council considers that to be necessary for the public interest or to give effect to Council's obligation to provide good government of the public areas of the city. Council is not required to compensate an applicant for any loss or expense flowing from a permit cancellation or amendment.

## TERMINATION

Upon termination of a lighting permit, the permit holder must either request Council to accept ownership of the lighting or remove it from the public space. If the lighting is not removed within thirty days of termination of this permit, then Council may at the permit holder's cost remove the lighting or accept the infrastructure as Council's property.

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## ENVIRONMENTAL CONDITIONS

The permit holder must ensure that its installation, operation and maintenance of lighting complies in every respect with all laws, standards and any relevant Council policy, relating to the preservation or enhancement of the environment.

In particular, compliance with *Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting* is required.

In areas where residents may be living nearby, ensure that lighting is not obtrusive and does not create a nuisance to nearby residents. If the lighting may affect residents, turning off the lights between 11pm and 6am may be necessary.

## INDEMNITY

The permit holder must indemnify Council against all claims arising during or after the term from:

- (1) the use of the lighting or any electricity connection to or within the public space by the permit holder; or
- (2) the accidental death or injury to any person or damage to property in any way caused or contributed to by the permit holder; or
- (3) the neglect or default of the permit holder or any person claiming through or under the permit to discharge the permit holder's expressed or implied obligations under this permit.

# APPLICATION FOR LIGHTING PERMIT

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<b>Purpose</b>	Use this application form to apply to install bud (fairy) lighting in Council trees in the public space adjacent to commercial premises. A proposed layout plan must also be submitted.
<b>Applicant details</b>	Legal name of business _____ Trading name _____ Contact person name _____ Contact phone number _____ Email address _____ Business address _____ Suburb _____ State _____ Post code _____ Postal address _____ Suburb _____ State _____ Post code _____
<b>Power source</b> Refer to the conditions of the lighting permit attached	<input type="checkbox"/> Solar/electricity (private supply) <input type="checkbox"/> Other (describe) _____ Location of power source _____ _____
<b>Specifications</b>	<b>Lights</b> Brand _____ Model _____ Volts _____ Number of lights _____ Load/draw: _____ (amps) <b>Transformer</b> Brand _____ Model _____ Volts _____
<b>Applicant declaration</b>	1. I understand that the information provided in and accordance with this application may be disclosed publicly under the <i>Right to Information Act 2009</i> and the <i>Evidence Act 1977</i> . 2. I am aware that it is an offence to knowingly provide false or misleading information. 3. I confirm that I have read the conditions of lighting permit (below), and that my installation, operation, maintenance and removal of lighting in the public space will comply with the conditions. 4. I acknowledge that any licence issued upon this application requires that I, the permit holder must indemnify and keep indemnified Council, its members, employees and agents from any claim or loss whatsoever which arises directly or indirectly out of the permit holder's installation, operation, maintenance and removal of lights. 5. I am aware that a lighting permit contains no 'right of use' or entitlement to the public space, and approval may not be granted for a lighting permit. 6. If a lighting permit is granted, I agree to abide by the permit conditions of the licence as set by Council. Signature _____ Date _____

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<b>Privacy collection statement</b>	<p>Townsville City Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the <i>Information Privacy Act 2009</i>. We are collecting your personal information in accordance with <i>Subordinate Local Law 1.15 (Carrying out works on a road or interfering with a road or its operation) 2011</i>. The information will be used to process this application for a lighting permit and undertake any compliance action as necessary. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.</p>
<b>Submit the form</b>	<p><b>Email:</b> <a href="mailto:enquiries@townsville.qld.gov.au">enquiries@townsville.qld.gov.au</a></p> <p><b>Mail:</b> Townsville City Council, PO Box 1268, TOWNSVILLE CITY QLD 4810.</p> <p><b>In person:</b> Customer Service Centres are located at:</p> <ul style="list-style-type: none"> <li>» 103 Walker Street, Townsville City</li> <li>» CityLibraries Thuringowa, 86 Thuringowa Drive, Thuringowa Central.</li> </ul>



# LIGHTING IN COUNCIL TREES—CONDITIONS OF PERMIT

Subordinate Local Law 1.15 (Carrying out works on a road or interfering with a road or its operation) 2011

## LIGHT ATTACHMENT

Bud lights must be attached to the tree (preferably the trunk and major branches) in a manner that causes no physical damage to the tree and allows it to grow. Using a combination of limited winding of light strings and flexible attachment materials, such as Velcro or UV durable insulation tape, is acceptable.

Lights must only be attached to branches with a diameter of at least 5cm. This helps ensure the branch is able to hold the weight of cabling and lights.

Some minor pruning of branches with diameter of less than 2cm that are within 2.5m of the ground (using non-motorised hand tools) is permitted in conjunction with the bud lighting permit.

These are prohibited:

- » installation methods involving cable ties, staples, screws, nails or inflexible bands
- » pruning of branches larger than 2cm in diameter, branches higher than 2.5m from the ground, or pruning of aerial roots.



## SOURCE AND CONNECTION OF POWER

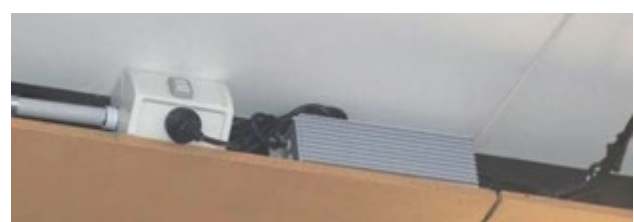
There are two options for powering lights:

**Solar powered lighting.** Any solar panel must be installed according to manufacturers' directions and to safe standards given specific conditions including exposure to high winds, and in such a way as not to damage Council property, including trees.

**Electric lighting.** A mains power transformer must be used so that only Extra Low Voltage (ELV) power connections/cables and lighting are used in the public space (i.e. beyond your property boundary). A power point may be installed in a safe location on the exterior of your property by a registered electrician. Any such power point must be accessible by Council at any time that it is necessary to disconnect the power.

*Power source must be accessible by Council at all times.*

Regardless of the source of the power, any wiring traversing the public space must be more than 3.2 metres above the footpath so that it does not impede pedestrian access. Wiring must be well-secured and is not permitted across vehicle access routes.





# LIGHTING IN COUNCIL TREES—CONDITIONS OF PERMIT

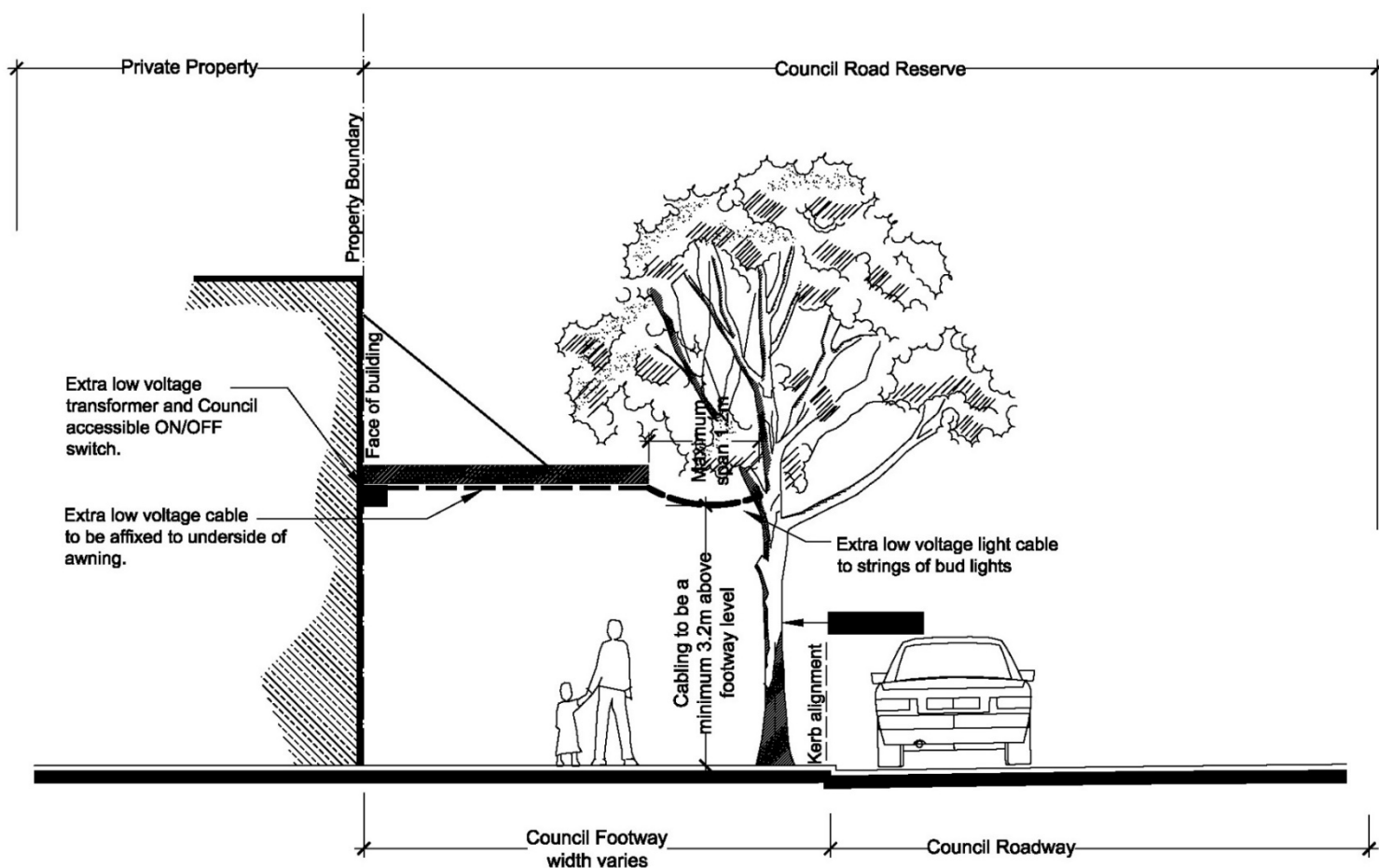
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## INSTALLATION PROCESS

Installation must be in accordance with safe work standards and other footpath occupancy or traffic management requirements.

## LAYOUT PLAN

The layout plan attached to the permit application must include the elements shown in the diagram below, as relevant.



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## MAINTENANCE REQUIREMENTS

The overall purpose of lighting Council trees is to enhance the public space, so it is important that any lighting installed is maintained to a high standard, and that it remains safe at all times. The permit holder is required to carry out a regular maintenance program to maintain the lights to the satisfaction of Council.

Frequency	Required maintenance
<b>Weekly</b>	Permit holders are to check any lighting, make necessary repairs and remove faulty equipment.
<b>Yearly</b>	Keep trees healthy and attractive by removing loose bark that may have collected under lighting strings and attachments. Adjust any lighting to ensure growth of trees is not impeded.
<b>Every 2-3 years</b>	The removal and replacement of lights can be expected every 2-3 years. Take the opportunity at renewal time to consider any upgrades of lighting types to maintain a good lighting display and maximum durability.
<b>Weather dependent</b>	When severe weather threatens, disengage the lights at the on/off switch and make the situation safe for the public. Permit holders are responsible for reinstating and fixing any damage to lighting during weather events.