



## ENG01 Street Lawns and Gardens

Aim	This policy has been developed to outline guidelines for the installation and maintenance of street road reserve lawns and gardens.
Application	All Staff
Statutory Environment	<i>Local Government Act 1995</i>
Principles	Strategic Community Plan 2017 - 2027 (2019 Desktop Review) Goal 04 Quality Services and Infrastructure Objective 1 Quality public Infrastructure
Approval Date	OMC 17 December 2019 (MINUTE: 722/2019)

### Objective

1. In this policy unless the context otherwise requires:

"**Carriageway**" means a part of a road used for vehicular traffic and includes the shoulders and areas including embankments at the side or centre of the road used for the standing or parking of vehicles but does not include a lane, right of way or driveway.

"**Footpath**" includes the part of a road reserve as an established footway, pavement, lane or thoroughfare set apart or constructed for the use of pedestrians and where any part of a road is not set apart or constructed is the portion on both sides of a road reserve three metres in width measured from the property line and extends along the reservation.

"**Garden**" means an area within a road reserve, which is developed or treated with plants and materials other than lawn grass.

"**Intersection**" includes the area comprised within the extension of straight lines from the adjoining property title lines abutting two or more roads that meet each other; except where the property lines are curved at any corner it is the extension of the curved property lines to the point where they meet.

"**Lawn**" means an open space area within a road reserve planted with grass and/or trees or shrubs planted by the Shire or by the landowner immediately adjacent with the approval of the Shire.

"**Property line**" means the boundary between the occupied land and the road reserve.

2. Existing lawns and gardens established by adjoining owners/occupiers prior to the adoption of this Policy shall be exempt from the requirements of a Shire permit for these works.



3.
  - (1) A person shall not plant a garden in a street road reserve without a permit issued by the Shire in accordance with this Policy.
  - (2) The Shire shall only issue a permit for the planting of a garden in any portion of a street road reserve to the owner or occupier of the land abutting that portion of the street road reserve.
  - (3) An applicant for a permit to plant a garden in a street road reserve shall submit to the Shire a sketch plan setting out details of the proposed garden, including the plants, trees and shrubs in relationship to the road assets and the trafficable carriageway.
  - (4) The Council may issue a permit with conditions as it sees fit to be complied with by the applicant.
  - (5) The general compliance conditions for the establishment of a lawn or garden in a street road reserve are as follows:
    - It is limited to the frontage of the land that abuts the area owned or occupied.
    - It does not encroach on the pavement of a carriageway or on a made footpath.
    - It complies with any levels and grades established by the Shire and is a condition on the permit.
    - It does not contain shrubs which are hazardous nature or grow to a height or other dimension causing an obstruction or impairs the vision of motorists travelling along the carriageway or persons along the footpath within the street road reserve.
    - The location of all services are to be determined prior to works commencing and any subsequent damage will be repaired at the cost of the permit holder recovered by the respective utility authority or corporation..
4. A person shall not water a street lawn or garden in such manner to cause inconvenience or obstruction to persons using the adjoining carriageway or footpath.
5.
  - (1) On the establishment of the lawn or garden in a street road reserve by a permit holder all reasonable maintenance of the lawn or garden shall be undertaken including the repair of any subsequent damage. The lawn specifically shall be kept to a reasonable height.
  - (2) Fences, enclosure or other obstruction on or about a lawn or garden in a street road reserve are prohibited.
  - (3) Plants, trees or shrubs are not to exceed 0.75 metres in height and are not to be within 12 metres of an intersection.



6. (1) Where the Shire, any other authority or corporation authorised to undertake works within a street road reserve may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the installation and any piping until the completion of their works. Where the owner or occupier does not comply with the notice, these will be removed at the expense of the owner or occupier and this may be recovered by due remedy.

(2) The Shire, any other authority or corporation is not liable for damage to any lawn, garden or piping installed by the adjoining owner/occupier in a street road reserve as a result of carrying out authorised works.

7. Any garden treatment of material other than lawn or garden plants shall be subject to a Shire permit and a sketch plan is to be submitted setting out the location of the treatment and details of the materials to be used.

8. The permit application shall be considered by the Shire in accordance with this Policy and it will be approved with conditions or not approved,

9. Each application for a permit will be considered on its merits including the intent to minimise water consumption by plant ground cover treatments and other material treatments.

10. In the special treatment of street road reserve verges under this policy the following applies:

- Any materials for paving other than paving blocks, paving bricks, pre-cast concrete slabs must be approved by the Shire;
- Excessive verge treatments will not be approved.
- Paved areas on the street road reserve in a residential area for purposes other than landscaping or a pedestrian thoroughfare is prohibited.
- An even grading of the lawn, garden or materials is to be achieved with limited vertical contouring.

11. The Shire shall not be liable for any damage sustained by a person by reason of or arising out of the planting, placement, or existence of a lawn, garden, landscaping, pavement or other materials in a street road reserve.

□ In the application for a permit:

a) The applicant must demonstrate they the owner of the land which abuts the road reserve verge and indemnify the Council against liability in respect of any injury or damage caused to any person or property by the treatments described above.

b) If the Applicant is the occupier of the land which abuts the road



reserve verge they must, include the written consent of the owner of that land together with a statement from the owner indemnifying the Council against liability as prescribed in the preceding clause

