Council Policy – Verge Lawns and Gardens

Responsible Directorate	Infrastructure Services
Responsible Business Unit/s	Town Maintenance
Responsible Officer	Senior Coordinator Town Maintenance
Affected Business Unit/s	Town Maintenance

Objective

To describe the Shire of Ashburton's (the Shire) approach to street lawns and gardens within townsites of the Shire.

Scope

Applies to all relevant street lawns and gardens within townsites of the Shire.

Policy Statement

Permit to plant a street lawn or garden

A person shall not plant a garden in a street road reserve without a permit issued by the Shire in accordance with this policy.

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.

The applicant must:

- demonstrate they are 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 to be installed.
- where the applicant is the occupier of the land, include the written consent of the owner of that land together with a statement from the owner indemnifying the Shire against liability in respect of any injury or damage caused to any person or property by the treatments to be installed.
- 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, and
    - any garden treatment of material other than lawn or garden plants, including the location of the treatment and details of the materials to be used.

Consideration of application

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.

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.

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

Conditions

The Shire may issue a permit with conditions as it sees fit to be complied with by the applicant.

The general compliance conditions for the establishment of a lawn or garden in a street road reserve are as follows:

- Works are to be carried out under an approved Shire "Permit to Work within a Shire Reserve".
- 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.
- It does not contain shrubs which are hazardous in nature (e.g. oleander) or grow to a height or other dimension causing an obstruction that impairs the vision of motorists travelling along the carriageway or persons along the footpath within the street road reserve.
- The location of all services is 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.
- Any material used to landscape the verge in front of a property shall be approved by the Shire prior to installation.
- Any materials for paving other than paving blocks, paving bricks, precast concrete slabs must be approved by the Shire.
- An even grading of the lawn, garden or materials is to be achieved with limited vertical contouring.

Other considerations

- 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, or excessively water causing damage to the road pavement.
- 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.
- Lawn clippings, leaves etc shall not be blown/swept onto the road by the owner/occupier or their contractor at any time.
- Maintenance of the lawn or garden shall remain the perpetual responsibility of the property owner.
- Fences, enclosure, or other obstruction on or about a lawn or garden in a street road reserve are prohibited.
- Plants, trees, or shrubs are not to exceed 0.75 metres in height and are not to be within 12 metres of an intersection.

Authorised works

The Shire or 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 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.

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 because of carrying out authorised works.

Liability

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 and in the application for a permit.

Exemption

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.

Definitions

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.

Relevant policies/documents

Permit to Work within a Shire Reserve

Relevant legislation/local laws

Shire of Ashburton Public Places and Local Government Property local Law 2023

Office use only				
Relevant delegations	Nil			
Council adoption	**Date**	13 December 2022	**Resolution #**	171/2022
Reviewed/modified	**Date**	21 July 2026	**Resolution #**	114/2026
	Date		**Resolution #**	
	Date		**Resolution #**	
	Date		**Resolution #**	
Next review due	**Date**	2030		