

## Cultivation of gardens, tree, shrubs or landscaping within a public road verge

The Whangarei District Council Public Places Bylaw 2014 states that “No person shall plant or remove any tree, shrub or flower on any public place except with the prior written consent of the Chief Executive Officer.”

Consent may be given by us for the installation of a garden, planting trees or landscaping on the road verge subject to the following criteria:

1. Applicants must make a written application to Council. The application should include a layout plan detailing intended plant types, their proposed location in relation to boundary lines and or the formed roadway and showing landscaping features and any intended changes.
2. No large trees or plants shall be considered that have the potential when fully grown to encroach on, under or over footpaths, road, overhead lines or other utility services both now and into the future.
3. No large trees, plants or landscaping shall be considered where visibility around exiting driveways or intersections of public roads may become restricted or effect access for motorists and or pedestrians.
4. The applicant shall be responsible for contacting Utility Service providers in order to determine if services exist within the intended work site, and if necessary, have those services located before any work commences, e.g. Telecommunications, power, gas, and Council services such as water, waste and storm water lines.
5. The applicant will be held responsible for any damage to Utility services or Council assets during the construction of the approved works.
6. Should any approved landscaped or planted area be required by a Utility provider or Council in order to undertake maintenance works, alter, upgrade or install new assets then access shall be granted.
7. The required level of reinstatement in this instance will typically be limited to backfilling with suitable material, top soiling and re-grassing if appropriate. The replacement of plants and or landscaping materials will generally rest with the property owner.
8. In rural areas adjacent property owners will need to mark a *NO Spray* zone with signs and register this zone with Council.
9. Full responsibility for maintenance of the garden, planted trees or landscaping lies with the property owner.

Council's staff will assess applications on a case-by-case basis. Thought is given to things like impact or restriction it may pose on access by Utility companies, public access rights, public amenity value, traffic and pedestrian safety and the possible future use of the area.

If in principle Council has no objection to the application, the Parks and Reserves Department will be asked for their input on the suitability of the intended plants and gardening material. Some thought needs to be given with regards to landscaping material washing into the road in heavy rain. Should items not be considered suitable then the Parks and Reserves Department may make recommendations allowing the request to move ahead.

We reserve the right without prejudice to withdraw the approval should safety concerns arise, or the road corridor space be required by the Utility industry to service its changing needs or that of the community.

The application including these process notes, with before and after photos, will be filed against the property for future reference.