

STRATEGIC OUTCOME SUPPORTED: 3 - The natural environment is well managed for the benefit of current and future generations.

1. OBJECTIVE

- 1.1. To provide guidelines for the effective management of rural road verges within the Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. The purpose of this discretionary Council policy is to ensure the management of rural verges owned or managed by the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Shire** means Shire of Donnybrook Balingup.

4. POLICY STATEMENT

Fallen Trees on Roads

- 4.1. Where storms or other natural events cause trees to fall onto roads, the Shire will remove the tree from the carriageway to reopen the roadway to traffic as soon as practicable. Where fallen trees do not present a roadside hazard, they may be left on the verge to encourage native habitat.

Fallen Trees on Fenced and/or Private Property

- 4.2. Where storms or other natural events cause trees to fall from Shire owned or managed reserves onto fences or into properties, it is the responsibility of the landowner to carry out repairs to any damaged infrastructure within their land. The Council expects landowners to have suitable insurance cover for the risk of this type of event occurring on their property.
- 4.3. Landowners/occupiers may request the assistance from the Shire in the form of plant, machinery and labour to remove a portion of the tree from the fence line, if the tree is too large for the landowner/occupier to manage. These requests will only be actioned if Shire resources allow, and the landowners/occupiers have consented to these works. These works may be charged to the landowner/occupier.
- 4.4. The Shire accepts no responsibility for any damage during the removal of the tree.
- 4.5. The disposal of the fallen tree in private property is the responsibility of the landowner.

Cleaning Within Rural Road Reserves

- 4.6. Unless otherwise authorised, landowners are not allowed to prune/remove a tree on land owned or managed by the Shire. Any unauthorised pruning or removal of trees is an offence and prosecution can occur under the *Local Government Act 1995*, Schedule 9.1 clause 2, and the *Local Government (Uniform Local Provisions) Regulations 1996*, Regulation 5, Clause 1. Native vegetation is also protected by the

Environmental Protection Act 1986, which also contains powers of prosecution, administered by the Department of Water and Environmental Regulation.

Crossover Clearing

- 4.7. Appropriate clearing will be permitted to provide access for construction of crossovers through the crossover application process.

Roadside Fence Line Clearing

- 4.8. Clearing of vegetation along fence lines within the road reserve can only occur once the Shire has issued a Roadside Fence line Clearing Permit. It is the applicant's responsibility to comply with the permit conditions.
- 4.9. Roadside Fence line Clearing Permit Application and Crossover Application forms can be obtained from the Shire's website.
- 4.10. It is also the applicant's responsibility to ensure protection of any existing services located within the verge, during these approved works.

Removal/Pruning of Dangerous Trees

- 4.11. The Shire will prune/remove dangerous trees that:
- a. Impede sight distances for road users,
 - b. have been subject to storm damage, and
 - c. have an imminent threat to public safety, in accordance with the *Environmental Protection Act 1986*.
- 4.12. If the Shire receives a request to remove dangerous limb(s) or tree(s), the Shire will have the tree inspected and a risk assessment completed by a qualified staff member. The risk assessment will specify:
- a. No Action – Tree considered not dangerous or not the Shire's responsibility.
 - b. Pruning – The Shire will arrange for pruning of the tree to reduce the hazard.
 - c. Removal – The Shire will arrange for the removal of the tree to reduce the hazard.
 - d. Further Investigation Required – The Shire will carry out further investigation to determine the condition of tree prior to recommending an action.
- 4.13. Anyone who considers their reasons for the pruning/removal of a tree have not been appropriately considered, may make a written application for reconsideration subject to including a report from a qualified arborist which details the justification for the pruning/removal. The justification for the pruning/removal of the tree must still meet one of the above circumstances in which a tree may be pruned/removed. The applicant will be responsible for engaging and paying for the qualified arborist, however, if the tree pruning/removal is approved based on the recommendations by the arborist, then up to \$300 (subject to providing a copy of the arborists tax invoice) of the cost of the arborist report will be refunded to the applicant, and the Shire will arrange to have the tree pruned/removed.

Timber Disposal on Road Verges

4.14. Pursuant to Section 139 of the *Conservation and Land Management Act 1984* the Shire can remove and sell timber from road reserves as a result of construction and maintenance of roads, bridges, culverts and fences.

Burning on Road Verges

4.15. Refer to Councils Policy on Permits for Road Verge Burning.

Enhancement of Rural Road Verges

4.16. Landowners adjacent to road verges may carry out a higher level of maintenance than already provided to reduce weed growth and fire hazards. All rural enhancement works must have Shire approval.

Shire Maintenance of Rural Road Verges

4.17. The *Environmental Protection Act 1986* in association with *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* allows the Shire to carry out activities to maintain the integrity of road infrastructure within the designated maintenance corridor, shown in *Diagram 1*, if the road was originally cleared within 10 years.



Diagram 1 Designated Maintenance Corridor

Control of Weeds and Vegetation

4.18. The Shire undertakes a scheduled annual weed spraying program, which targets selected roads, to control vegetation within the maintenance corridor, shown in *Diagram 1*.

COUNCIL POLICY WRKS/CP-2 RURAL VERGE MANAGEMENT



- 4.19. The Shire also sprays declared noxious weeds, within Shire controlled land, on an as required basis.
- 4.20. Landowners who do not want spraying to occur on their verge are required to advise the Shire, in writing, assuming responsibility for control of vegetation. If landowners do not manage vegetation to the Shire's satisfaction, the Shire reserves the right to continue to manage this area in accordance with typical work practices. The Shire does not spray vegetation on private property.

Pruning

- 4.21. It may be necessary to prune vegetation that impedes sight distances for motorists or impacts on the performance of drainage. The Shire refers to Austroads Engineering Guidelines to determine road visibility and safety requirements. The Shire engages a contractor to remove vegetation for selective pruning and are completed using work methods that suit the type of vegetation.

5. DELEGATION AND AUTHORISATION

- 5.1. Nil

6. LEGISLATION

- 6.1. *Conservation and Land Management Act 1984*
- 6.2. *Environmental Protection Act 1986*
- 6.3. *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- 6.4. *Local Government Act 1995*
- 6.5. *Local Government (Uniform Local Provisions) Regulations 1996*

7. POLICY VERSION

Related Policies:	NIL		
Related Procedure:	NIL		
Responsible Department:	Operations		
Reviewer:	Manager Works & Services		
Review Frequency:	Biennial	Next Due:	June 2023
Version Date:	October 2021	Synergy #:	NPP8077
Policy Version Details			
Initial Adoption Date:	28/11/2018	Decision Reference:	N/A
Version Decision Date:	21/12/21	Decision Reference:	213/21
Version Synopsis:	<ul style="list-style-type: none"> Removed policy number 4.24 and added new policy ID; and Added objective, scope, and definitions; and Corrected the legislation 		