

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 urban 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 urban verges within the Shire of Donnybrook Balingup.

3. DEFINITIONS

- 3.1. **Shire** means Shire of Donnybrook Balingup.
- 3.2. **Urban Verge Area** are defined as Residential, Rural Residential, Commercial or Industrial zonings under the current Local Planning Scheme of the Shire on the Shire's website.

4. POLICY STATEMENT

Trees/Vegetation

- 4.1. The Shire recognises the importance of preserving trees for the current community and for future generations. Maintenance of verge trees is typically only undertaken to assist the health and vitality of a tree. Pruning is also programmed to maintain mandatory clearances around public utilities/infrastructure and comply with line-of-sight clearance regulations.
- 4.2. The Shire may prune/remove trees from land it owns or manages under the following circumstances:
 - a. The tree is unsafe because it is dead or in decline.
 - b. The tree has been deemed, by a suitably qualified person, as a hazard to persons or infrastructure and no reasonable pruning techniques can alleviate the hazard.
 - c. The tree is diseased or damaged past the point of recovery and no remedial treatment will be effective.
 - d. The tree has been planted by a resident without the Shire's approval and may be removed at the resident's expense.
 - e. The tree is deemed by a qualified staff member to be an inappropriate species for that location.
- 4.3. The Shire will not remove trees for the following reasons:
 - a. Falling leaves, fruit, nuts, seed, bark or flowers causing a nuisance.
 - b. The variety is disliked, or a resident's preference is for a different species.

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- c. A perceived danger that the tree or a limb may fail.
 - d. Perceived damage to infrastructure.
 - e. The tree shades lawns, gardens, houses, pools, solar panels or the like.
 - f. To enhance or clear views, inclusive of advertising signage.
 - g. For the installation of any crossovers or verge treatments (If a landowner is prepared to fund the trees removal, this may be considered as part of the crossover application process).
- 4.4. If the Shire receives a request to remove dangerous limb(s) or tree(s) on an urban verge, 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.
- 4.5. 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.
- 4.6. Unless otherwise authorised by the Shire, any persons 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 may 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 of Donnybrook-Balingup 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.

Fallen Trees on Roads

- 4.11. 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. Occasionally, trees may be moved to the verge and will be removed as time permits.

Fallen Trees on Fences and/or Private Property

- 4.12. 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.
- 4.13. 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.
- 4.14. The Shire accepts no responsibility for any damage during the removal of the tree.

Burning on Road Verges

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

Enhancement of Urban Verges

- 4.16. It is accepted that road verges form a significant proportion of public open space available to residents for improving their streetscape and lifestyle. For all verge enhancements other than planting lawn, the landowner must apply in writing to the Shire for approval prior to undertaking the works at their own cost. Verge enhancements requests will be assessed on an individual basis against the following criteria:
- a. safety,
 - b. drainage,
 - c. water conservation,
 - d. ongoing maintenance,
 - e. appearance, and
 - f. impact on others including public services.
- 4.17. All verge enhancements must be maintained by the adjoining landowner. Where there is a change in ownership, the new owner will become responsible for any ongoing maintenance.

- 4.18. Landowners must complete a Dial Before You Dig (1100) to locate and avoid any services that may be affected by their verge enhancements, and the Shire will not be responsible for any damage or cost caused by landowners or their contractors.
- 4.19. The Shire reserves the right to modify any approved or non-approved treatments if required.

Other Shire Maintenance Activities

- 4.20. The Shire undertakes maintenance of various areas within the Shire including road verges. Maintenance tasks and frequency for individual areas vary and is largely dependent on Shire resources. For maintenance of verges adjacent residential properties, the Shire undertakes the following maintenance tasks:

Mowing/Slashing

- 4.20.1. These verges are programmed for mowing approximately twice a year (rural residential once a year only). Many factors can affect the growth rate of vegetation, and there may be periods of excessive grass growth between Shire mows.

Spraying

- 4.20.2. Spraying typically occurs once a year controlling weeds around the following assets:
- a. Kerbs
 - b. Edge of roadway
 - c. Pathways
 - d. Street trees
 - e. Drains
 - f. Other Shire infrastructure
 - g. Public Service infrastructure
- 4.20.3. 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 outside of areas listed above, or on private property.
- 4.20.4. The Shire encourages landowners to maintain verges adjoining their property, especially as many landowners like to maintain the verge area to a higher standard than Shire resources allow.

5. DELEGATION AND AUTHORISATION

- 5.1. Nil

6. LEGISLATION

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

7. POLICY VERSION

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| Related Policies: | Nil | | |
| Related Procedure: | Nil | | |
| Responsible Department: | Operations | | |
| Reviewer: | Manager Works & Services | | |
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| Version Synopsis: | <ul style="list-style-type: none"> • Removed policy number 4.25 and added new policy ID; and • Added strategic outcome the policy supports; and • Added Objective, scope, and definitions; and • Corrected the legislation | | |