

**POLICY NO: I/RR/2**

**FORMER POLICY NO:**

**RURAL ROAD VERGE VEGETATION MANAGEMENT**

<b>DIVISION</b>	<b>BUSINESS UNIT</b>	<b>RESPONSIBILITY AREA</b>
Works and Services	Infrastructure	Roads and Reserves

**OBJECTIVE**

To provide guidelines for the construction and maintenance of rural roads while acknowledging the importance of the protection and conservation of native vegetation contained within rural road verges under the care, control and management of the Shire of Plantagenet.

**POLICY**

1. Scope

This policy applies to road verges located in a dedicated road reserve within the Shire.

Although conservation of roadside vegetation is an objective of this policy, road safety and road asset protection is the principal and highest priority consideration.

2. Legislation

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

This legislation is relevant to the Shire, setting limitations for road infrastructure works, and landowners who wish to undertake work in road reserves.

Local Government Act 1995

Shire of Plantagenet Local Government Property Local Law 2008

3. Definitions

Designated Transport Corridor

Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Schedule 2, Section 2 (1) provides that local government can carry out activities to maintain and protect the integrity of road infrastructure within the designated 'transport corridor'. The transport corridor is defined as a stretch of road that includes barriers, signs, guideposts, drains, levies, embankments, gutters, bridges, overpasses and other similar structures. An example of the transport corridor on a rural road is shown in Diagram 1 (referred to as a 'maintenance corridor').



Diagram 1 Designated Transport/Maintenance Corridor

#### 4. Application of Policy

##### 4.1 Road Construction Operations

All works shall be planned to ensure that there is no damage to any vegetation outside the limits of the designated maintenance corridor. Where necessary, the Shire will make application for the appropriate clearing permits from the Department of Water and Environment Regulation (DWER) prior to undertaking any road construction. If required as conditions of the permit, special considerations for declared or threatened flora and/or fauna will be made during works.

Rural road widening is to be carried out according to the requirements of the Council and will take into consideration the preservation of roadside vegetation wherever possible by clearing only one side of the road.

##### 4.2. Road Maintenance Operations

The Shire's road maintenance program includes grading, slashing, herbicide application, pruning, drain cleaning, drainage improvements, bitumen resealing, bitumen shoulder grading and gravel re-sheeting. Road maintenance activities will be contained within the 'maintenance corridor', which comprises the running surface, shoulder, table drain and batter to the top of the backslope.

When major weed control works are to be undertaken, including areas outside the 'maintenance corridor', consultation may occur with the Department of Biodiversity, Conservation and Attractions (DBCA), DWER and local catchment management groups.

As part of the Shire's annual road program, unsealed shoulders subject to significant traffic will require periodic grading and gravel re-sheeting. During this process all grasses and vegetation will be removed and disposed of off-site prior to operation.

Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible, this will be minimised.

Drains are usually mechanically cleared and maintained using a grader, and/or slashed if covered with grass. Drains inaccessible to mechanical equipment may require maintenance with hand tools or approved herbicides. In the cases where these practices will not provide for an acceptable level of drainage the use of excavation equipment may be used.

The Council will take all care not to damage any portion of the rural road reserve from the backslope to the fenceline, however, the Council does not accept any responsibility for any loss or damage to vegetation or areas of the road reserve that may occur due to road maintenance or construction activities.

#### 4.3 Removal of Dangerous Vegetation

Occasionally it is necessary to remove a dangerous tree/vegetation that pose/s an imminent threat to public safety, such as impeding sight along the roadway or a tree that has been subject to storm damage and is threatening to fall over a fenceline or a roadway. Following inspection by a Shire Officer, tree removal will be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

#### 4.4. Services and Utilities

Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. Under the Utility Providers Code of Practice for Western Australia, utility providers are to liaise with the Shire of Plantagenet regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimise impact on roadside vegetation where possible. However, if removal of vegetation is required, it is the responsibility of the service providers to obtain a valid clearing permit from DWER.

All materials are to be removed from the road verge by the utility providers on the completion of works. All trenches, if relevant, are to be backfilled, adequately compacted and trimmed to ensure they are safe. All works are to be in accordance with Council Policy I/R/12 – Notice of Entry for Public Services and Utilities.

#### 4.5. Flora Roads

Gazetted Flora Roads within the Shire of Plantagenet currently include Millinup Road, Woogenellup North Road, Mira Flores Avenue and Reynolds Road. These roads shall be managed to minimise any disturbance to the roadside flora, consistent with the provision of a safe and efficient roadway.

#### 4.6. Unauthorised Clearing and/or Activities within Rural Road Reserves

Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited. Penalties may also apply in accordance with the Environmental Protection legislation.

No works shall be undertaken in rural road reserves without written approval from the Shire of Plantagenet. This includes planting (including native species), drainage work, fencing, spraying, burning off, clearing vegetation or seed collection.

#### 4.7. Landowner Maintenance of Rural Road Verges

##### 4.7.1 Application Process and Approvals

Landowners may apply, in writing, to the Shire of Plantagenet to maintain the rural road verge immediately adjacent to their property boundary. An application fee may be applicable.

Maintenance activities may include vegetation protection or weed removal but do not include any additions or developments such as drainage works or construction of any type. Planting within road verges may be considered, however, approval will only be given to native / local species that enhance the biodiversity of the road verge area.

Landowners need to be aware when applying for approval that their application may be refused if the Shire is required to carry out maintenance activities to maintain the integrity of the road infrastructure.

Landowners must also comply with the Environmental Protection legislation (refer to point 2 - Legislation) if planning to undertake any work in a rural road verge.

#### 4.7.2 Fenceline Clearing or Removal of Trees Over Fencelines/Boundaries

Clearing may be approved along, but no more than 1.5 metres from a fenceline to provide access to construct or maintain a boundary fence under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Landowners wishing to remove vegetation from road verges to allow them to construct or maintain an existing boundary fence should apply in writing to the Shire of Plantagenet for approval.

Policy I/RR/5 – Rural Road and Reserve Vegetation Management – Trees Across Fences and Boundaries provides guidelines for property owners that have been affected by a tree or branch from rural road reserves, falling into their property.

#### 4.7.3 Seed Collection from Road Verges

Landowners wishing to collect seed from native vegetation in road verges should refer to Council Policy NRM/C/2 – Native Flora and Vegetation Collection. A permit for seed collection may also be required from the DBCA. It is the responsibility of the landowner to check they have the relevant approvals in place.

### 4.8. Annual Spraying Program

The Shire's annual spraying program is conducted within town sites and select rural road verges to reduce the amount of flammable material whilst targeting weeds. Residents requesting that the rural road verge adjacent to their property not be sprayed as part of this program must apply to the Shire of Plantagenet, in writing, for the verge to be placed on the 'Do Not Spray' register.

If approved, the area of verge not to be sprayed will be placed on the Shire's 'Do Not Spray' register which is provided to staff and/or contractors carrying out the spraying work. Landowners should note that the drains to the top of the backslope will be sprayed if considered necessary to maintain the integrity of the drainage system.

#### 4.9. Fire Hazard

The Shire of Plantagenet conducts an annual spraying program both within town sites and rural road verges to reduce the amount of flammable material whilst targeting weeds

As the budget for spraying is limited, landowners are encouraged to apply to the Shire under Policy I/R/15 – Road Verge Burning. This policy provides guidelines for landowners wishing to further reduce the fire risk on rural road verges adjacent to their property.

The Environmental Protection Amendment Act 2020 provides an exemption from the need for a clearing permit on land owned and vested with local government, provided clearing is occurring for the purpose of fire prevention or fire control.

Local Government authorities must be able to demonstrate that the clearing is directly related to fire prevention and/or control, which may be achieved by clear references to clearing activities in a Bush Fire Risk Management Plan which has been endorsed by the Department of Fire and Emergency Services.

**ADOPTED: 19 AUGUST 2014**

**LAST REVIEWED: 27 APRIL 2021**