



ROADSIDE VEGETATION

Objective

To ensure the provision of an efficient, safe and environmentally aware road reserve that aims to protect the road users, the environment and the staff that work within it.

Policy

This policy aims to ensure clarity when Council is undertaking activities within road and other infrastructure reserves, public land and private lands. In addition to Councils activities, this policy aims to clarify the requirements of the public when their work borders Council or public land.

Road Reserves:

Council, under the Roads Act 1993 is the “Roads Authority”. The Roads Authority has a duty of care to ensure that risks are managed appropriately within the road reserve, this includes vegetation. Section 88 of the Roads Act, a powerful excerpt states that:

“A Roads Authority may, despite any other Act or Law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard”.

While this is a powerful piece of legislation, it is important that the decision point regarding the opinion of the Road Authority is recorded. All Council staff should ensure that the appropriate approval is gained prior to removing any mature vegetation (greater than ten years of age). An approval called “Walcha Council Environmental Sign Off” should always be produced and filed appropriately when removing mature vegetation.

Private Land Owners Clearing Adjacent to Council Land:

The *Local Land Services Act 2013 No.51 Division 4 Allowable Activities clearing of native vegetation Part 3 Clearing for Rural Infrastructure Section 29-32*. A landholder to conduct a specified amount of clearing for Rural Infrastructure, as follows for Boundary Fences:

<i>Northern Tableland Local Land Services Guidelines, Properties over 10 Hectares</i>	
Permanent Boundary Fence	15 metres either side (With approval from neighbours)

<i>Northern Tableland Local Land Services Guidelines, Properties Under 10 Hectares</i>	
Permanent Boundary Fence	6 metres either side (With approval from neighbours)

It is important to note that approval must be sought from the neighbouring landowner. When a property boundaries the road reserve, permission from Council must be sought by the landowner prior to commencing work. With a growing emphasis on preserving native vegetation within the road reserve, 10 metres is considered an excessive amount of clearing. For the purpose of general enquiries, the following clearing limits are enforced.

<i>Walcha Council Permitted Clearing, Properties over 10 Hectares</i>	
Permanent Boundary Fence	Maximum of 7.5 Metres into Council Land

TRANSPORT & COMMUNICATIONS POLICIES



ROADSIDE VEGETATION

Northern Tableland Local Land Services Guidelines, Properties Under 10 Hectares

Permanent Boundary Fence

Maximum of 3 Metres into Council Land

It is important to note that, on occasions additional clearing than the above stated distances will be required. In order to gain permission to clear further than 7.5 metres into a Council road reserve, (three metres in lots under 10 Ha), the landowner must make an application in writing to Council and it will be referred to the next Council Meeting for determination.

Other Council Existing Infrastructure:

The State Environmental Planning Policy (Infrastructure) 2007, has provisions for other Council infrastructure such as underground utilities. Other existing Council Infrastructure including but not limited to water, sewer and stormwater mains, footpaths and sporting complexes are managed in the same manner as stated in Road Reserves, an internal approval is required prior to removing mature vegetation.

New Construction Works:

New construction works, particularly when constructing on greenfield sites will always require a Review of Environmental Factors (REF). Works cannot proceed until an REF has been completed and reviewed by the Director – Engineering Services. This work is not covered within this Policy.

Policy Review

The Policy may be amended at any time and must reviewed at least twelve months since its adoption (or latest amendment).

Approved Council Meeting 15 February 2017 – Minute No.: 113/20162017

Amended Council Meeting 27 March 2019 – Minute No.: 133/20182019