

## **Purpose**

The purpose of this policy is 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 Northampton (the Shire).

## **Background**

Road reserves managed by Local Government often contain significant remnant native vegetation, particularly in areas where surrounding land has been extensively cleared. These reserves provide important environmental, landscape, and biodiversity values, including habitat for native fauna, protection of threatened flora and ecological communities, and connectivity between vegetation remnants.

At the same time, road reserves are required to accommodate safe and efficient transport, essential infrastructure, drainage, and access for public services and utilities. In the absence of a clear management framework, roadside vegetation may be subject to unnecessary or inconsistent clearing, resulting in environmental degradation, safety risks, and enforcement action and penalties under the *Environmental Protection Act 1986*.

The Department of Water and Environmental Regulation (DWER) is the primary agency responsible for administering the clearing provisions in the *Environmental Protection Act 1986* and its subsidiary legislation, including the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

## **Objectives**

The objectives of this policy are to:

- Provide a clear and consistent framework for the management of vegetation within road reserves;
- Balance road safety, access and infrastructure requirements with the protection and sustainable management of native vegetation and environmental values; and
- Ensure compliance with relevant State legislation, codes of practice and best-practice roadside vegetation management principles.

## **Area of Application**

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 are the principal and highest priority consideration.

## **Policy Measures**

### **1. Road Construction Operations**

- 1.1 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 Environmental 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.

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

### **2. Road Maintenance Operations**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 Some maintenance grading requires occasional clearing of vegetation to accommodate the machine and ensure road safety, however, where possible this will be minimised.
- 2.5 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 cases where these practices will not provide an acceptable level of drainage the use of excavation equipment may be used.

- 2.6 Shire will take all care not to damage any portion of the rural road reserve from the backslope to the fence line, however, the Shire 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.

### **3. Removal of Dangerous Vegetation**

- 3.1 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 fence line 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. Services and Utilities**

- 4.1 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 Northampton regarding the positioning of services and the reinstatement and rehabilitation of disturbed areas. Alignment of services is to be encouraged to minimize 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.
- 4.2 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.

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

- 5.1 Clearing of a rural road verge or unmade road reserve without the relevant permits is prohibited and is an offence in accordance with the *Local Government Act 1995* and the adopted Local Laws. Penalties may also apply in accordance with Environmental Protection legislation.

**Road Reserve Vegetation Management**

Clearing of native vegetation within a rural road verge or unmade road reserve is an offence unless authorised under a valid clearing permit or an applicable exemption in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. Unauthorised clearing may result in enforcement action and penalties under the *Environmental Protection Act 1986*.

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

**6. Landowner Maintenance of Rural Road Verges**

6.1 Application Process and Approvals

- a) Landowners may apply, in writing, to the Shire of Northampton to maintain the rural road verge immediately adjacent to their property boundary. An application fee may be applicable.
- b) 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.
- c) 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.
- d) Landowners must also obtain a permit or exemption from the Department of Water and Environmental Regulation (*Environmental Protection Clearing of Native Vegetation Regulations 2004*) if planning to undertake any work in a rural road verge.

6.2 Fence Line Clearing or Removal of Trees over Fencelines/Boundaries

Where trees and/or branches fall onto fences and/or into properties from rural road reserves, unconstructed road reserves or reserves vested in the Shire under a management order, fence reinstatement is the responsibility of the affected property owner.

- a) The property owner is responsible for removing and disposing of the fallen tree over their fence line and within their property.
- b) The tree debris remaining on the rural road reserve will be retained as roadside vegetation to provide habitat for

- wildlife, unless otherwise determined by the Executive Manager Works and Technical Services.
- c) Repair of damage to crossovers or private assets, caused by trees falling from a road reserve, is the responsibility of the property owner.
  - d) Clearing may be approved along, but no more than 1.5 metres from a fence line to provide access to construct or maintain a boundary fence under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
  - e) 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 Northampton for approval.

### 6.3 Seed Collection from Road Verges

- a) Landowners wishing to collect seed from native vegetation in road verges should refer to Department of Biodiversity Conservation and Attractions (DBCA) as they may be required to obtain a permit. It is the responsibility of the landowner to check they have the relevant approvals in place.

## 7. **Annual Spraying Program**

- 7.1 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, in writing, for the verge to be placed on the 'Do Not Spray' Register.
- 7.2 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.

## 8. **Fire Hazard**

- 8.1 The Shire conducts an annual spraying program both within town sites and rural road verges to reduce the amount of flammable material whilst targeting weeds.
- 8.2 The *Environmental Protection Amendment Act 2020* provides an exemption from the need for a clearing permit on land owned

**Road Reserve Vegetation Management**

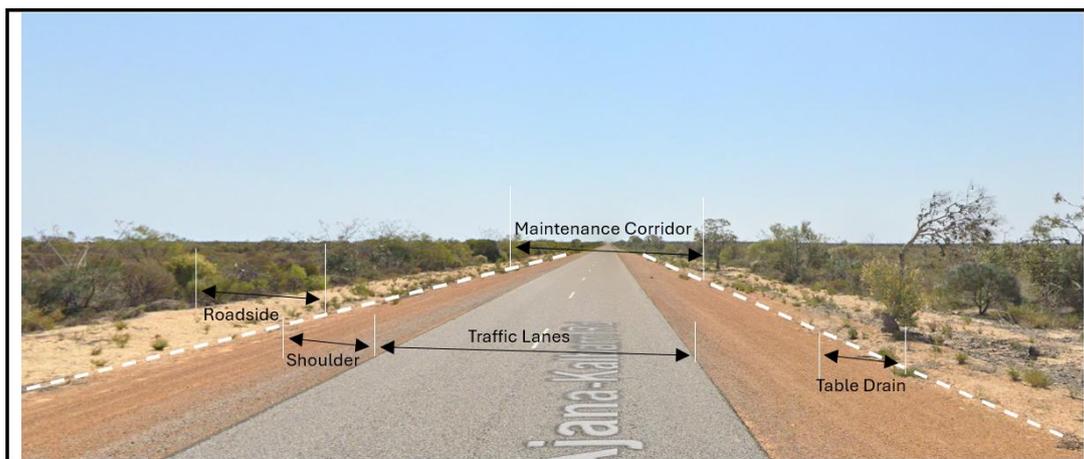
and vested with local government provided clearing is occurring for the purpose of fire prevention or fire control.

- 8.3 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.

**9. Definitions**

*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'.

**Designated 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**

**Administration**

Responsibility for implementing this policy is delegated to the Executive Manager Works and Technical Services.

**Adoption and Date Due for Revision**

**ADOPTED 19 February 2026**

**NEXT DUE FOR REVIEW February 2031**

**The Administration of this Policy is by Office of Works and Technical Services.**