

Policy title	Vegetation Clearing – Roadsides and Infrastructure Lines
Responsible manager(s)	Divisional Manager, Works
Contact officer(s)	Maintenance Coordinator Environmental Officer
Directorate	Infrastructure Services
Approval date	22 November 2022
Outcome area	4. Our connected community through reliable and safe infrastructure networks
Strategy	4.1 Provide integrated and active transport networks to enable a connected and accessible Eurobodalla
Delivery Program	4.1.3 Provide safe and reliable local rural and urban roads, guided by the asset management plan
Operational Plan	4.1.3.1 Maintain the local rural and urban road network 4.1.3.2 Build and renew the local and urban road network

Purpose

Eurobodalla Shire Council’s policy was developed to clarify the responsibilities of Council when undertaking clearing in road reserves for other infrastructure (e.g. underground services), whether on public land or within private property, for maintenance or construction purposes. The management of risk from trees on private property is covered separately under Council’s Tree Risk Management on Council Controlled Land Policy.

Council, as the roads authority under the *Roads Act 1993*, provides and maintains roads to support the social and economic wellbeing of the community. Council has a duty of care to manage the risks within its road reserves that may have an impact on infrastructure, people and/or the property/buildings. Section 88 of the *Roads Act 1993* stipulates 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.”

Vegetation adjacent to public infrastructure, such as underground services within private lands, may also pose a risk to the infrastructure, requiring removal of the vegetation; for instance, tree roots causing damage to underground services.

Where Council is aware of trees on private property that pose a significant risk to the public (e.g. a tree near a public boundary at high risk of failure) Council may request the landowner to take appropriate action to ameliorate that risk. Council may also undertake tree/ vegetation work to remove unwanted species (e.g. non-endemic species), or to renew trees (e.g. tree replacement in commercial business districts as part of the ongoing management of streetscapes).

When building new infrastructure and/or undertaking major clearing works, Council will prepare a Review of Environmental Factors (REF) in accordance with Part 5 of the *Environmental Planning & Assessment Act 1979* and/or the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, to determine if the work may proceed, with or without measures to ameliorate any impacts of the clearing.

Customer requests seeking the removal or management of vegetation for safety reasons, to protect infrastructure from damage, to ensure infrastructure is performing its proper function, or in regard to removal of vegetation shall be tracked in Council's customer request management (CRM) system.

Policy aims

- Promote an integrated framework for dealing with vegetation clearing;
- Ensure consistency and fairness in the manner in which Council deals with vegetation clearing including trees on private property impacting Council's infrastructure;
- Ensure compliance with legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Roads Act 1993* and *State Environmental Planning Policy (Transport and Infrastructure) 2021* with respect to vegetation clearing;
- Take such steps as are appropriate to ensure a duty of care to manage the risk that vegetation may have on infrastructure, people and/or property/buildings; and
- Make Council's policies and requirements for vegetation clearing readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This Policy applies to the responsibilities of Council to undertake clearing in the road reserves and/or on private property to protect infrastructure <u>and/or public safety</u>, for maintenance or construction purposes.</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Roads Act 1993</i>, the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, the <i>Local Land Services Act 2013</i>, the <i>Biodiversity Conservation Act 2016</i> and the <i>Local Government Act 1993</i>.</p>

Implementation

Requirements		Responsibility
1	<p>Outcomes</p> <p>The desired outcomes are to:</p> <p>(a) protect public infrastructure;</p> <p>(b) manage the risks to public safety;</p> <p>(c) provide clarity in customer contacts;</p> <p>(d) reduce the potential for public liability claims against Council and the community it represents;</p> <p>(e) manage the impact of Council's works on the environment.</p>	Council officers
2	<p>Implementation requirement</p> <p>A vital component of maintenance activities on roads, bridges, drains and for stormwater, water and sewer lines includes the removal, thinning or lopping of trees and vegetation to:</p> <p>(a) maintain adequate sight distance;</p> <p>(b) protect infrastructure and buildings from damage;</p> <p>(c) ensure infrastructure, eg, stormwater culverts and sewer lines, performs the intended function and remains accessible for maintenance;</p>	Council officers

	<p>(d) mitigate the risk to the public, eg, from risk of falling trees, by provision of adequate clear zones from roads, for bushfire purposes;</p> <p>(e) mitigate the risk to private infrastructure, eg, damage to driveways or dwellings from tree roots;</p> <p>(f) mitigate the risk to the environment, eg, scour to batters from ineffective catch drains or stormwater culvert capacity.</p> <p>Priority will be given to the safety of people and property, including community infrastructure, when planning and undertaking vegetation removal and/or tree lopping.</p> <p>Council may clear Endangered Ecological Community or vegetation housing threatened species to protect underground services and within road reserves if it is impacting, or likely to impact, the functionality of the structure or road.</p> <p>Council will endeavour to limit clearing of vegetation to that required for the purposes outlined above.</p>	
3	<p>Implementation requirement</p> <p>For construction activities, consideration shall be given to the consequences of any vegetation clearing via a formal documented Review of Environmental Factors (REF).</p> <p>Council prefers native vegetation species within its road reserves, especially in rural and semi-rural areas. In some instances it may be appropriate to remove unwanted species of trees and/or vegetation to restore or enhance the natural biodiversity of the landscape, e.g. removal of lantana.</p> <p>Council also provides trees and other plantings in commercial business districts and similar urban areas. It is accepted that these trees and plants may be removed and/or replaced from time to time as part of the management of the built urban environment.</p>	Council officers
4	<p>Implementation requirement</p> <p>Prior engagement with the community may be required for certain works including major works, eg, rural road realignment, new underground service lines, tree removal and/or replacement works in commercial business districts or for significant trees in public reserves.</p>	Council officers Community
5	<p>Implementation requirement</p> <p>Except in emergency situations, Council will consult with private landholders and seek their concurrence prior to undertaking any works within private property. In emergency situations, Council will make appropriate endeavours to contact the landholder prior to undertaking any works within private property. Council will comply with the legislative requirements for power of entry under the <i>Roads Act 1993</i> and the <i>Local Government Act 1993</i>.</p>	Council officers
6	<p>Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Council officers
7	<p>Concerns</p>	Council officers

	Public concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service policy or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Public officer
8	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Substantive changes to this policy will be placed on public exhibition for 28 days with public submissions invited for consideration during the exhibition period.</p>	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council’s related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages vegetation clearing of roadsides and infrastructure lines.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Related Council Policy or Code of Practice	ESC Policies Register
Eurobodalla Shire Council <i>Tree Risk Management on Council Controlled Land Policy</i>	Tree Risk Management on Council Controlled Land Policy
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>Roads Act 1993</i>	Roads Act 1993
<i>Local Land Services Act 2013</i>	Local Land Services Act 2013
<i>Biodiversity Conservation Act 2016</i>	Biodiversity Conservations Act 2016
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	SEPP (Transport and Infrastructure) 2021

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Definitions

Word/Term	Definition
Emergency situation	A situation where the threat to the public, property or the environment is obvious and imminent, and the probability of failure is considered high by the staff member in charge of the site if no action is taken.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Oct 2008	Council	08/386	E91.2033 E06.0375	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095 E06.0375	Reviewed and updated (start of new Council term)
3	13 Jun 2017	Council	17/181	E16.0297 E06.0375	Reviewed and updated at start of new Council term
4	22 November 2022	Council	22/313	S004-T00060	Reviewed and updated (start of new Council term) Report

Internal use

Responsible officer	Director Infrastructure Services		Approved by	Council	
Minute	22/313	Report	GMR22/111	Effective date	22 November 2022
File	S004-T00060	Review date	22 November 2022	Pages	5