

Infrastructure Policy 16

Management of Vegetation on Shire Reserves

AMR Shire Infrastructure Policy



This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with community values and aspirations.

Introduction

Council and the Shire highly value conservation areas and areas of environmental significance. Wherever possible, the Shire will endeavour to minimise or aim to avoid any clearing in these areas and instead prioritise their enhancement and protection. In particular, the Shire will have a presumption against clearing of riparian vegetation except in exceptional circumstances.

Objective

The purpose of this policy is to ensure vegetation within Shire reserves is managed to provide for biodiversity protection, erosion control, fauna habitat, amenity and sense of place.

Policy

1. Removal of vegetation from reserves is prohibited without consent from the Shire.
2. This Policy applies to all Shire reserves, including road reserves.
3. Consent for removal or trimming of vegetation from reserves **will** be considered where:
 - (a) Vegetation is causing damage to private property;
 - (b) Vegetation is a weed species;
 - (c) Vegetation is causing an unacceptable risk to public safety
 - (d) Vegetation is required to be removed to erect or maintain a fence;
 - (e) Where views previously existed and evidence can be provided of such views for houses located on Cygnet Crescent or between 4 and 18 Turner Street Augusta only; or
 - (f) Where removal of vegetation is stipulated in Reserve management Plans.
4. Consent for removal of vegetation **will not** be considered:
 - (a) Where it is contrary to the reserve purpose
 - (b) For aesthetic or view enhancement reasons except where previous views can be demonstrated as per 3(e) above;
 - (c) Due to leaf litter or the like causing annoyance; or
 - (d) Clearing of vegetation on Shire managed reserves to facilitate private development on adjoining or nearby land.
5. All work on Shire land shall be undertaken by the Shire or Shire approved contractor.
6. Any waste such as trimmings produced as a result of works should be removed and disposed.

7. Applications under Clause 3(d) and 3(e) will require the benefiting landowner to fund these works.

Dangerous Trees

1. If a tree is perceived to be a safety hazard, Shire officers will assess the tree in accordance with Infrastructure Services Policy 13 – Dangerous Trees.
2. If vegetation is perceived to cause a hazard because it restricts vehicle or pedestrian sightlines, Shire officers will inspect the site and arrange for the clearing to be undertaken if required.

Fire Risk

The Shire has a cohesive and comprehensive Bushfire Risk Management Plan to assess and mitigate risk according to risk and available resources. As such, allowing private owners to undertake fuel modification on Shire reserves is not supported.

Process for Application

Application for a permit to modify vegetation under the *Property Local Law* must be made in writing to the CEO using the appropriate form. If approved, the Shire will seek a quote for the works and the Permit Holder must pay the cost of the works in advance. The Shire will then appoint the contractor to undertake the works.

Definitions

1. Clearing is defined as per the Environmental Protection Act (1986) as:
 - (a) *the killing or destruction of; or*
 - (b) *the removal of; or*
 - (c) *the severing or ringbarking of trunks or stems of; or*
 - (d) *the doing of any other substantial damage to,**some or all of the native vegetation in an area, and includes the draining or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity, that causes —*
 - (a) *the killing or destruction of; or*
 - (b) *the severing of trunks or stems of; or*
 - (c) *any other substantial damage to,*

some or all of the native vegetation in an area.

It should be noted that the proposed clearing will require a clearing permit to be issued by the Department of Water and Environmental Regulation (DWER) unless the proposal is considered an exempt activity. Further information on exemptions is available on the DWER website www.dwer.wa.gov.au

2. Clause 4.4 (1) of the Local Government Property Local Law 2013 states:
Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not –
 - (a) *remove, damage or interfere with any flora that is on or above local government property;*
 - (b) *cut any tree or clear any vegetation; or*

(c) *plant or deposit any flora on local government property.*

3. Clause 3.4 of the Shire of Augusta Margaret River Local Planning Scheme No. 1 states
- (a) *3.4.1 A person must not:*
 - (b) *Commence or carry out development on a Local Reserve, without having first obtained Planning Approval under part 10 of the Scheme.*

Application

Responsibility for the implementation of this policy rests with the Chief Executive Officer. The Policy is to be reviewed every three years.

Adopted for Advertising	Date: 14/02/2018
Adopted by Council	Date: 08/08/2018 OM2018/192
Policy Reviewed	