

Shire of Mundaring

POLICY

ROADSIDE CONSERVATION

Policy Ref: EV-01

Adopted by:	R23824	Date:	25 July 2000
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Procedure Ref:	N/A	Delegation Ref:	N/A
Statute Ref:	<i>Bush Fires Act 1954</i> <i>Planning and Development Act 2005</i> <i>Wildlife Conservation Act 1950</i> <i>Biodiversity Conservation Act 2016</i> <i>Environmental Protection Act 1986</i> <i>Environmental Protection (Clearing of Native Vegetation Regulations) 2004</i>		
Local Law Ref:	<i>Shire of Mundaring Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004</i> <i>Shire of Mundaring Parking Local Law 2009</i>		

OBJECTIVE

To maintain native vegetation within road reserves where safe and practical in recognition of its biodiversity conservation values and contribution to local landscape character and amenity.

1. PRINCIPLES

Where works within bush verges are planned or proposed, the following general principles will apply:

- a) the location and design should seek to minimise impacts on biodiversity conservation and visual values of native vegetation;
- b) earthworks and disturbance of the soil should be avoided where possible or undertaken with appropriate precautions to minimise the spread of weeds and plant diseases such as dieback;
- c) storage of sand, fill, skip bins, sea containers, building and construction materials on bush verges should be avoided wherever possible; and
- d) removal of native vegetation to improve visibility of intersections, infrastructure or directional signage may be undertaken or approved for safety reasons.

2. POLICY

2.1 Clearing

Native vegetation should be retained wherever it is safe and practical. In designing or assessing proposals and issuing approval for works affecting native vegetation within road reserves, the Shire will consider:

- a) the safety of residents, drivers, pedestrian and cyclists;
- b) the condition and conservation value of the native vegetation and the location of any habitat trees, declared rare flora or significant environmental features;
- c) whether the bush verge is, or should be nominated as, a Western Australian Flora Road for its tourism and biodiversity conservation values;
- d) whether alternative locations are available and viable that would result in less disturbance, or less visible disturbance, to native vegetation;
- e) appropriate design features and construction methods to minimise impacts on native vegetation generally and habitat trees in particular; and
- f) whether the development and degree of disturbance requires follow-up weed control or revegetation.

2.2 Firebreaks

Firebreak requirements apply to individual lots and the firebreak must be constructed wholly within the property boundaries. Clearing of firebreaks within the adjoining road reserve is not permitted and will not be recognised as meeting firebreak requirements under the *Bush Fires Act 1954*.

2.3 Burning

Burning of bush verges should not be undertaken frequently or without follow-up weed control. Where permission for burning of a bush verge is requested, the Shire will assess whether burning is warranted and take into account the condition and conservation value of the native vegetation.

Depending on the time of year, a permit to burn may also be required from the local Volunteer Bush Fire Brigade.

2.4 Planting

The Shire encourages landowners to firstly improve the condition of bush verges adjacent to their property by undertaking weed control. Where there are gaps created by authorised works or removing weeds, replacement planting should only use local native species. Australian plants from other states must not be used in bush verges as they can displace the native plants or become weed species in Western Australia.

Planting on bush verges must also be in accordance with the *Shire of Mundaring Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004*. This includes restrictions on planting of poisonous, prickly or otherwise hazardous plants, planting within 2m of the road surface, or plant height in areas that may affect vehicle sightlines (such as within 6m of an intersection).

2.5 Vehicle Crossovers and Parking

Parking or driving vehicles on bush verges should be avoided wherever possible because the weight and movement of the vehicle will damage or destroy the native vegetation, compact the soil and can transport weeds or disease. In considering applications for crossovers and other proposals that include clearing of the verge, the Shire shall have regard to the matters for consideration listed in section 2.1.

Damage or destruction of native vegetation with a vehicle will be treated as unauthorised clearing (refer to section 2.7).

2.6 Services, Utilities and Telecommunications

The location and alignment of telecommunications and utilities infrastructure must be designed to minimise disturbance to habitat trees and bush verges where possible. If infrastructure could be installed on either side of the road, protecting the conservation value of native vegetation must be a key consideration in selecting the location.

Non-standard alignments within the verge will generally be supported where deviations can avoid habitat trees or undisturbed areas of native vegetation.

2.7 Illegal Clearing or Burning

The Shire will investigate reports of unauthorised clearing or burning of native vegetation within road reserves. Where a breach of Shire Local Laws, the *Planning and Development Act 2005* or *Bush Fires Act 1954* is confirmed, the Shire may issue a warning or infringement or initiate legal proceedings. In addition the Shire may provide information to state or federal environmental agencies where clearing is considered to have breached the *Environmental Protection Act 1986*, *Biodiversity Conservation Act 2016* or *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

3. CONTEXT NOTES

The *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004* contains prohibitions on felling trees, damaging plants, disturbing soil or lighting fires on the verge without a Shire permit. Native vegetation on verges is also protected under WA legislation including the *Biodiversity Conservation Act 2016*, *Environmental Protection Act 1986* and *Clearing of Native Vegetation Regulations 2004*. Verges may contain 'habitat trees' which are mature native trees (dead or alive) with an existing hollow or substantial trunk diameter, usually 80cm or more. These individual trees may be protected under the federal *Environment Protection and Biodiversity Conservation Act 1999* for hollow-dependent native animals such as black-cockatoos.

The Shire manages local road verges within the limits of its staff and resources, and with a focus on verges adjacent to parks and reserves. Day to day management of road reserves abutting private land is generally undertaken by the adjacent landowner. Landowners or contractors who are undertaking work or conducting burning on verges are responsible for adequate preparation (including obtaining all relevant permits or approvals, locating underground services, and managing the activity). Individuals or companies may be liable for repair costs or damages if their activities cause damage to fencing, road, drainage, utility or telecommunications infrastructure, or create hazardous road conditions causing an accident.

Native vegetation can recover from occasional fires and some plant species actually require occasional fire or smoke to germinate seeds. However too-frequent burning of bush verges will kill many native plants, exhaust the native seed bank and promote the spread and density of grass weeds. Weeds grow, seed and spread faster than native vegetation following fire. Burning without follow-up weed control can actually increase the weed fuel load and bushfire risk the following year.