

MANAGEMENT OF VEGETATION IN PUBLIC RESERVES

Previous policy number: 2.2.8

Policy Statement

The Town values its green assets, and aims to ensure that the greater community understands the value of its living environment for the betterment of future generations. This policy seeks to guide the management of vegetation near to residential properties and recognises that where applicable, Management Plans are the guiding documents for the maintenance of specific areas in the Town.

Policy Details

Objective

To establish principles and guidance where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves, as well as the corrective action the Town will take should unlawful removal occur.

Policy Principles

The policy encompasses the following principles:

- Safety – Vegetation will be maintained to ensure safety for the public, as determined by the Town’s risk management framework, practices and policies;
- Environmental Value – where possible, vegetation will be managed to complement with the ecological aspects of the area, i.e. retention of unique species of flora, habitats for desired fauna etc.;
- Community Amenity – Decisions to manage, i.e. prune, remove, replant or plant, vegetation in reserves shall be for the interest of the wider community, so long as it does not violate the first two principles;

Responsible Management – Acknowledgement of the significant sunk costs in maintaining vegetation throughout the Town as green assets, and as such protected as an asset of the Town and shall be guided by relevant Management Plans.

Policy Guidance

No person shall prune or remove vegetation or direct another person to do the same on public reserves, without first receiving approval by Council.

Approvals:

Council will not approve, an application for the clearing of vegetation in the following situations:

- Where removal of native vegetation which would contravene the Environment Protection Act and/or the Environmental Protection Regulations;
- Where desired removal is to obtain or maintain private views; or
- Resulting in any other benefit that is available to only to a select number of stakeholders [who have sole benefit], but would likely dissatisfy others.

- Applications to Council for approval must be by owners and will be subject to the following conditions as standard:
- The applicant indemnifies the Town of Mosman Park of all contingent and actual liability arising from any approval or subsequent activities;
- No more than 50% of vegetation on each boundary length of any private property adjacent to public reserves may be removed;
- Removal cannot extend beyond a 3m parallel alignment of the private property;
- Any plant to be removed will be replaced with at least double the number of alternative species approved by the Town in immediate proximity, or an alternative reserve as determined by the Executive Manager Technical Services; and,
- The cost of pruning, removal and/or replacement of vegetation, unless otherwise specified by Council, shall be borne by the applicant, and be undertaken as directed by the Town.

Corrective Action:

Where a person has been determined to have pruned and/ or removed vegetation beyond their approval conditions, or adversely impacted vegetation through their actions, Council will authorise the CEO to:

1. Seek restitution for the damage caused, or consider prosecution under the provisions of the Local Government (Uniform Local Provisions) Regulations 1996.
2. Notify the relevant authorities when incidents occur within their area of jurisdiction e.g. The Department of Biodiversity, Conservation and Attractions if in the Swan River area for potential prosecution in accordance the Swan and Canning Rivers Management Act 2006 and Swan and Canning Rivers Management Regulations 2007 (as amended).
3. Obtain approval of Council where the unauthorised action results in the demise of the vegetation, the Town will erect a rectangular and reflective aluminum sign in the place of the vegetation vandalized (of equivalent size) subject to the following:
 - a) there is proof that the vegetation has died as a result of unauthorised intervention, e.g. pruning, removal, poisoning, etc.;
 - b) the sign does not exceed the size of the original vegetation;
 - c) the sign includes information advising why it has been installed and how long it will remain;
 - d) the structural design of the sign will comply with the appropriate standards; and,
 - e) remains in place until:

The replacement vegetation has established itself,

OR

Point 1 of corrective action stated herein (a successful prosecution or sufficient restitution) is met, to the satisfaction of the Executive Manager Technical Services.

Preventative Measures:

The Town will ensure, where possible, that new vegetation planting:

- comprises suitable species approved for use in the reserve in accordance with relevant Environmental Management Plans;
- considers species mature growth shape and structure to determine their position in an attempt to minimise future long term impacts on public and private views; and

- Considers the location in order to balance the principles of this policy with retention of public and private views, i.e. positioning trees in line with lot boundaries, as opposed to mid-block locations, or, not planting vegetation in line with major focal points for example landmarks or activity centres.

It is noted that while the mature vegetation will eventually unencumber the views, there will be periods during growth when views will be compromised, and decisions will be made with a long-term, holistic focus.

Designated Public View Locations:

The Town seeks to balance the enjoyment of its natural areas with their protection and enhancement. To do this in a measured way the Town has adopted designated public view locations throughout the Town, according to their significance, which it will maintain. This determination has been made in accordance with the criterion outlined in the View Significance Assessment Matrix below:

		Quality and Value of View			
		High Value	Moderate Value	Lower Value	
Indicator		<ul style="list-style-type: none"> - High aesthetic value. - Unique or rare viewing experience. - Clear view to key landscape asset(s) with little obstruction. - Generally wider, panoramic views. - View could be state, regionally, locally or of site importance. 	<ul style="list-style-type: none"> - Moderate aesthetic value. - Relatively rare viewing experience. - View may be partially obstructed. - May be a narrower field of View and generally framed. - View could be regionally, locally or of site importance. 	<ul style="list-style-type: none"> - Generally of low aesthetic value. - Common place viewing experience. - View may be partially obstructed. - View may be a narrow field of view or glimpsed view and may contain a large portion of elements that are not of high scenic value. View could be locally or of site importance. 	
Accessibility of View	High Access	<ul style="list-style-type: none"> - Large numbers of viewers using public lands with amenities provided for public use, such as car parks and playground and accessible 24/7. - Large numbers of viewers using public pathways. - Includes views from important locations whose interest is specifically focussed on the landscape and obtaining a view e.g. the lookout from Bay View Park and My Lyell Lookout. 	<p>PREMIER VIEW Foreground: grass or drop, open view Midground: isolated trees Bordered: nil Provides almost 100% 180° View</p>	<p>MAJOR VIEW Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 80% unrestricted sight line</p>	<p>MODERATE VIEW Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 45%-80% unrestricted sight line</p>

	<p style="text-align: center;">Moderate Access</p> <ul style="list-style-type: none"> - Moderate numbers of viewers using public lands with no amenities provided. - Potential residents or visitors using council facilities with only a passing interest in their environment. - Viewer's interest may not specifically focus on the landscape e.g. cycle paths. 	<p style="text-align: center;">MAJOR VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 80% unrestricted sight line</p>	<p style="text-align: center;">MODERATE VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 45%-80% unrestricted sight line</p>	<p style="text-align: center;">MINOR VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides up to 45% unrestricted sight line</p>
	<p style="text-align: center;">Infrequent Access</p> <ul style="list-style-type: none"> - Generally indicated by relatively few viewers with a passing interest in their surroundings 	<p style="text-align: center;">MODERATE VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 45%-80% unrestricted sight line</p>	<p style="text-align: center;">MINOR VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides 45% unrestricted sight line</p>	<p style="text-align: center;">CHANCE VIEW</p> <p>Foreground: understorey vegetation Midground: some trees Bordered: framed views Provides views as and</p>

Many of these public views are:

- Already present at their location and shall be maintained;
- Present but require enhancement relative to their proposed significance; or
- Not present but identified as future opportunities for public views.

All designated current and future public view locations will be included in relevant management plans to work toward this end, or be achieved as opportunity presents either passively, such as through natural attrition, or actively, through obtaining approvals and budgeting for works where possible.

The map of designated public view locations is **Appendix 1** of this policy.

Alignment and Adherence to Management Plans:

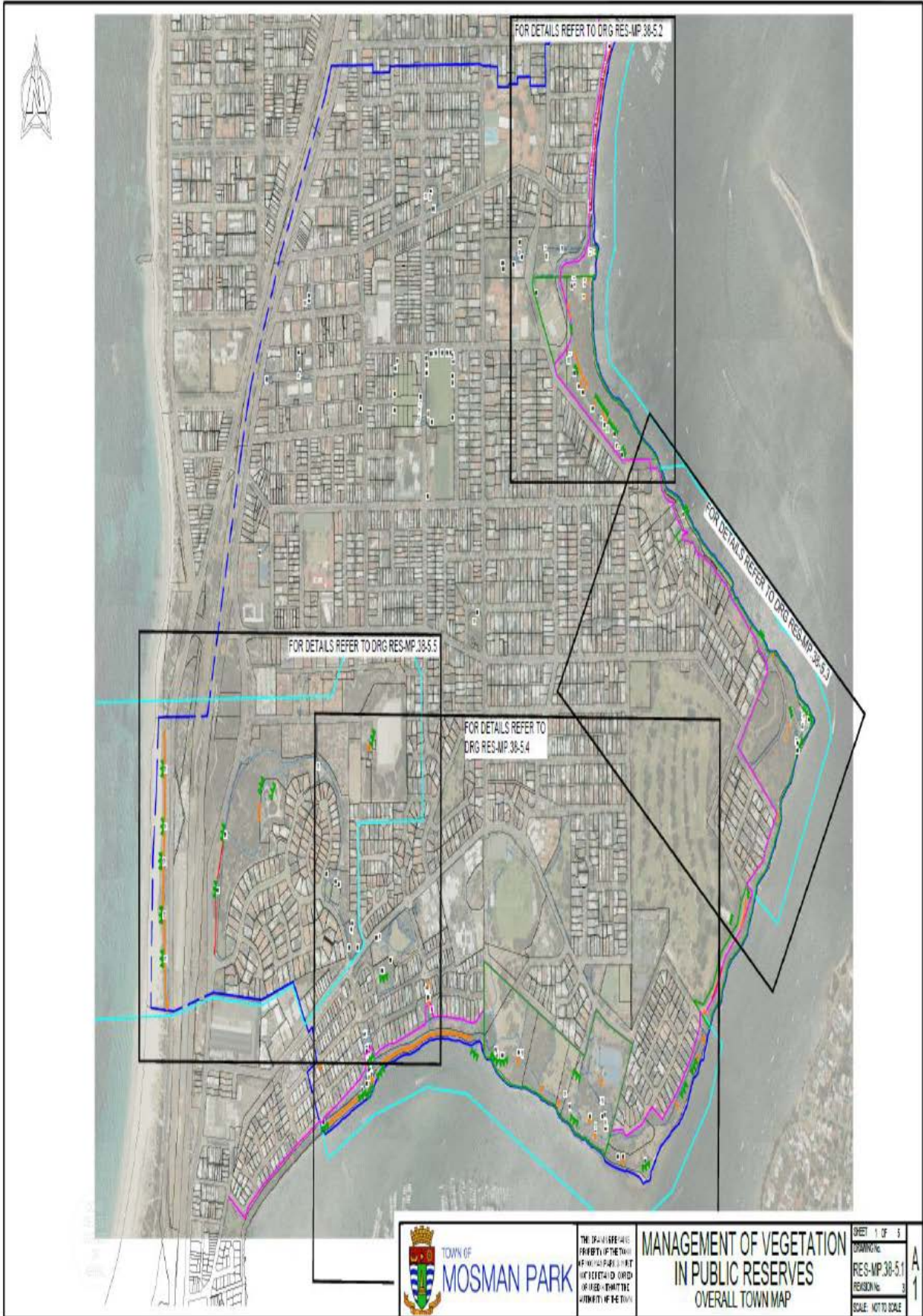
Where vegetation has been found to differ in an area from that prescribed in the relevant Management Plan, the Town will take the following actions:

- Species which are not identified in a Management Plan, and have self-propagated on site shall be classified as native or exotic species or specific weeds. Species, and in particular, natives, that do not adversely affect the residents or the environment, and are in line with the principles of Policy 2.2.8 and the aims of the Management Plan, may remain and be maintained by the Town in such a way as to prevent adverse impacts and contribute to the aims of the Management Plan. Where removal of unsuitable species is necessary, juvenile vegetation will be removed promptly, and mature or large vegetation, which provides amenity such as canopy, or wide spread ground cover will be removed over two seasons

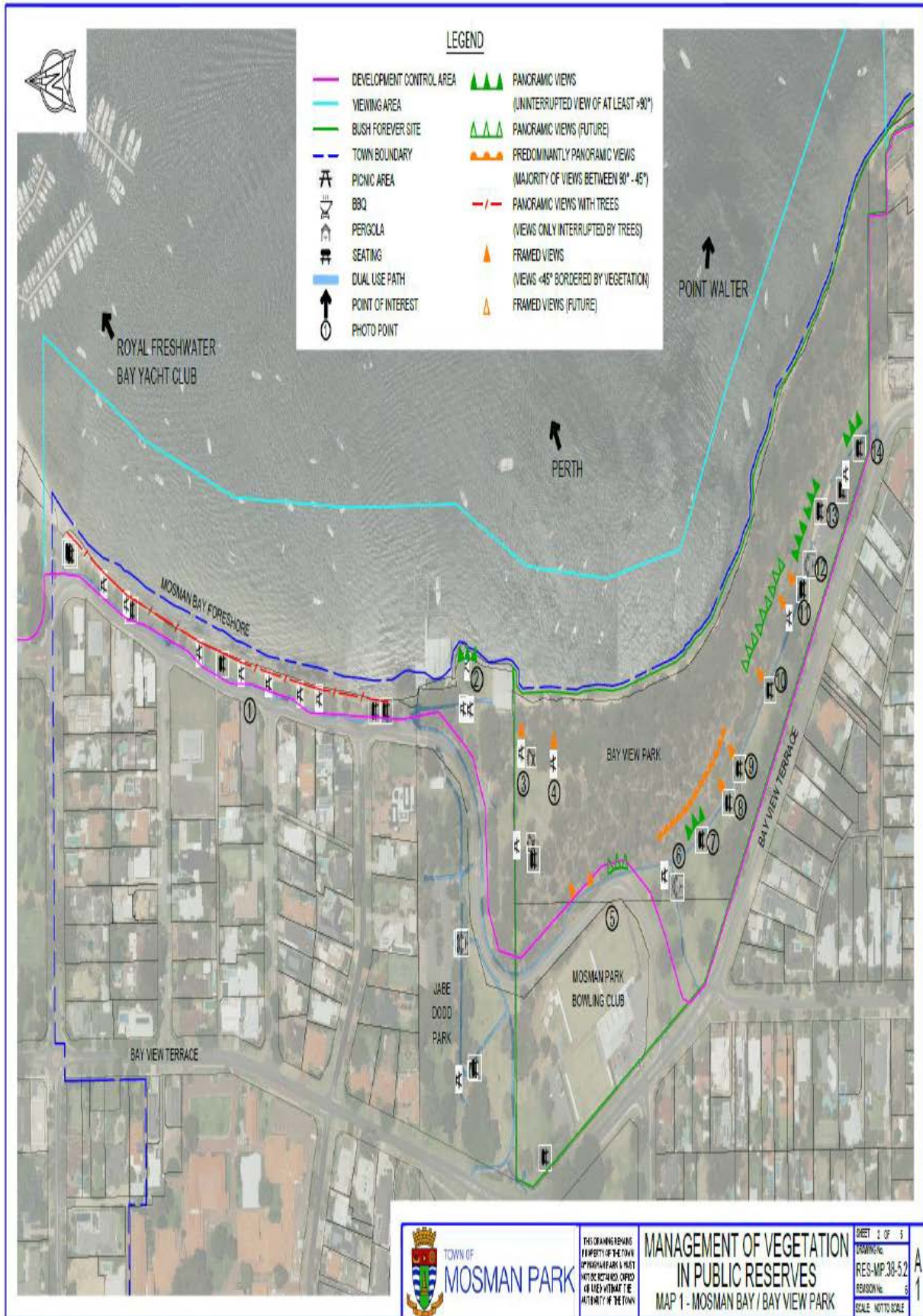
and replaced with prescribed species which provide at least the equivalent amenity. Upon review, Management Plans shall contain a list of species for proactive revegetation and a list of species which are suitable for the area should they appear naturally, but these species will not be actively propagated.

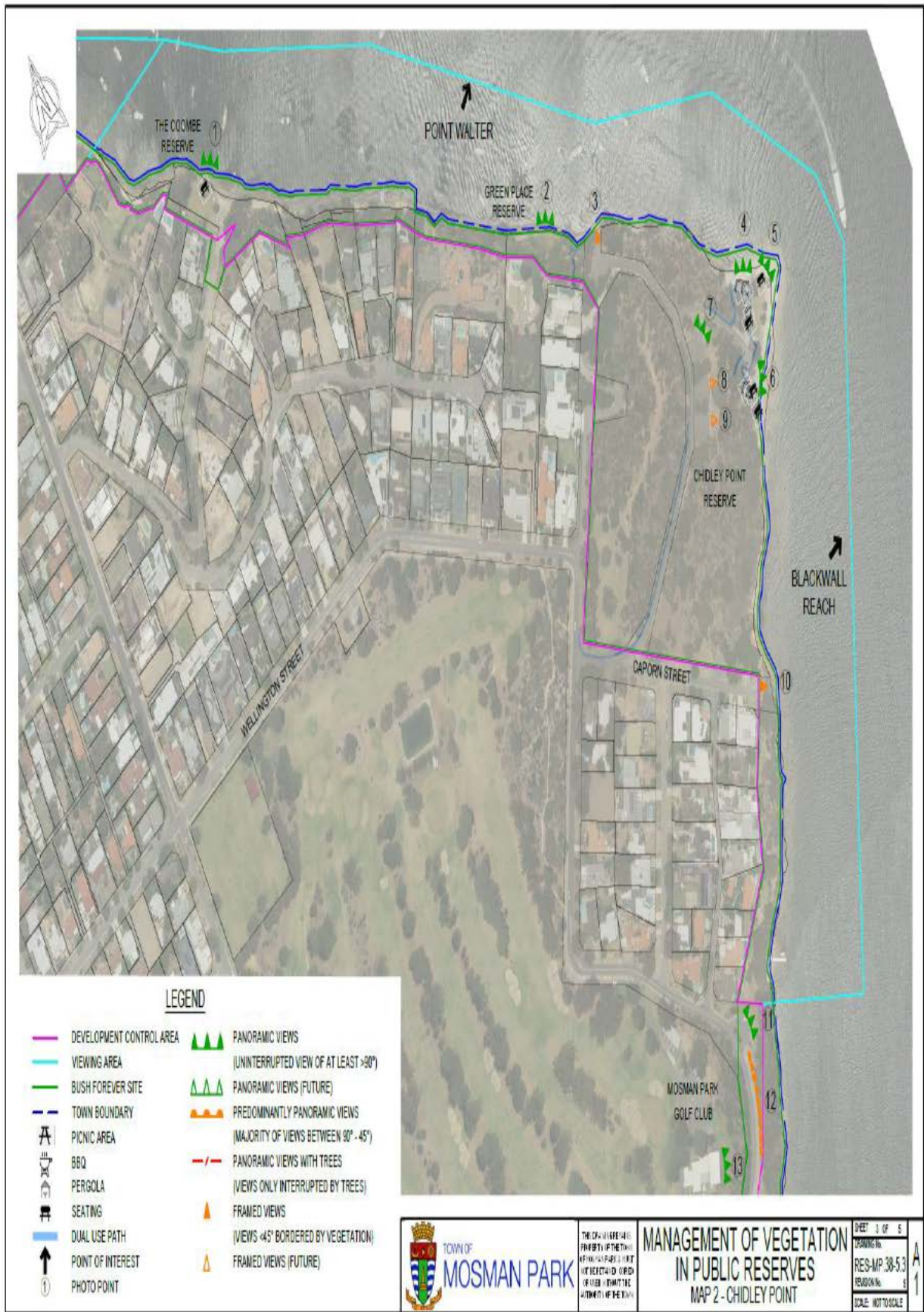
- Subject to approval by the Town, where larger vegetation is intended to be removed by the Town in accordance with Policy 2.2.8 and a relevant Management Plan, residents may apply to the Town to accelerate this removal and sufficient replacement at their own cost.

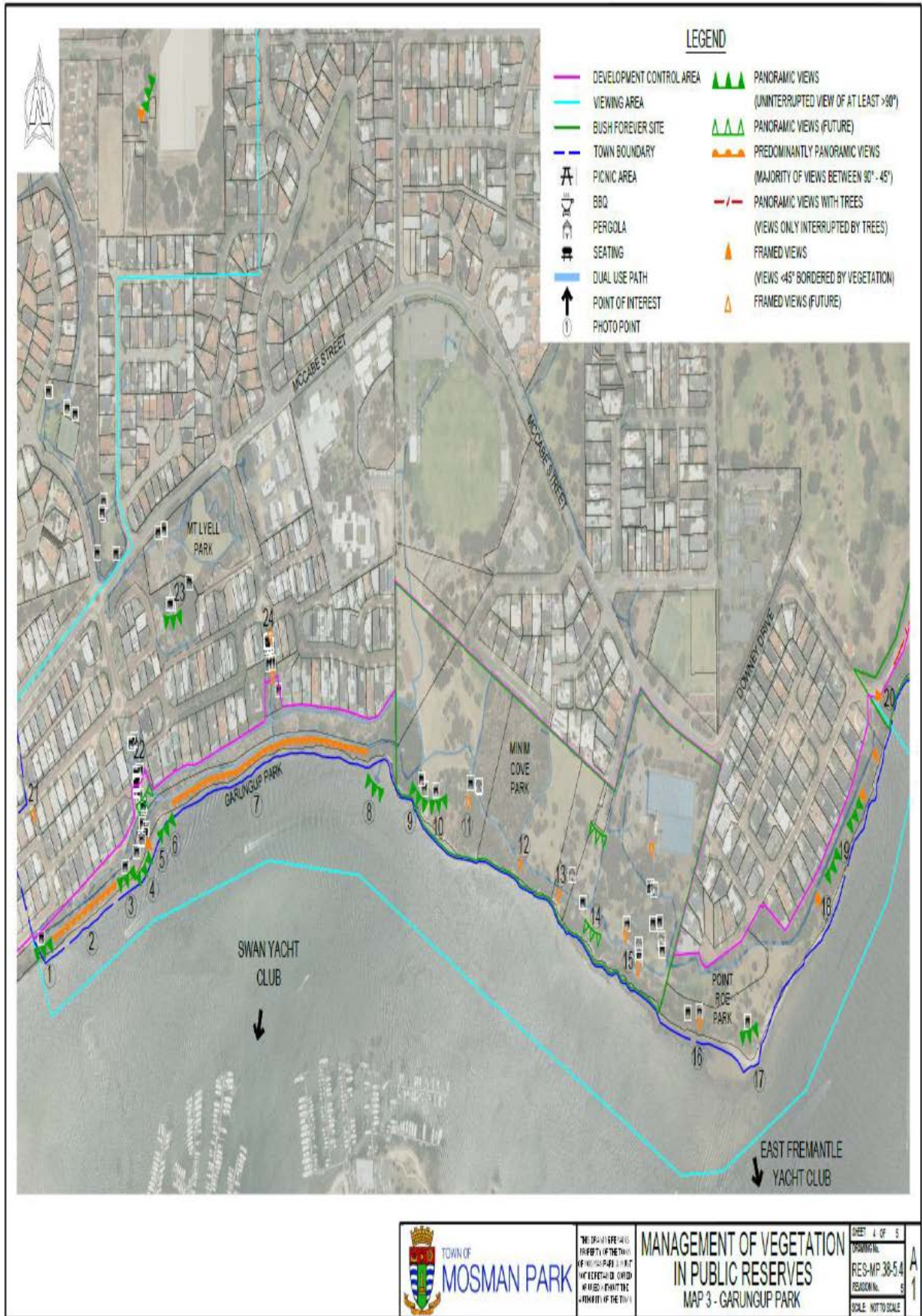
The Town aims to maintain canopy volume, ground cover and public views where possible. The Town shall have a Policy Procedure, which details the process for vegetation removal in order to adhere to approved Management Plans.

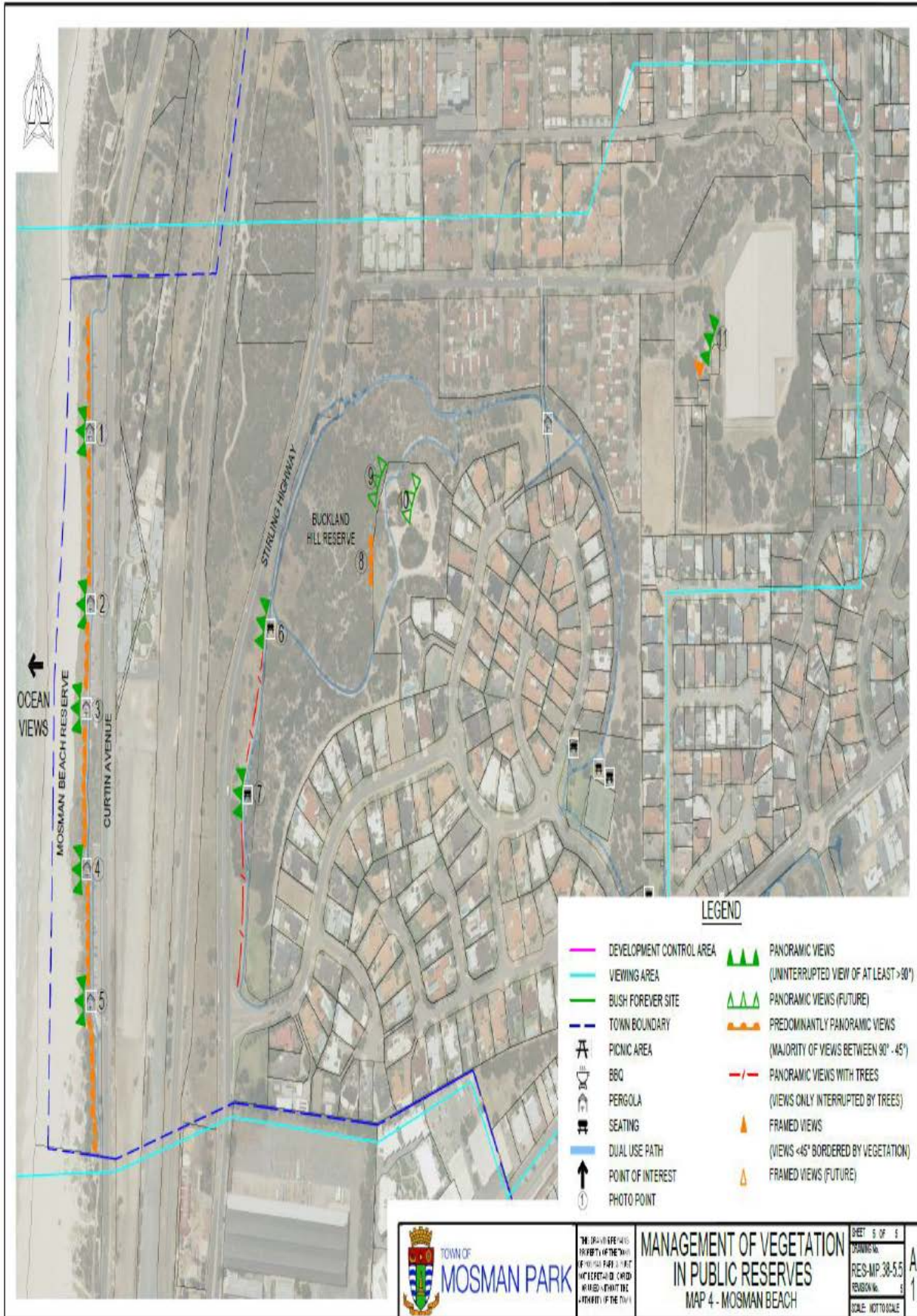


MAP 2









Definitions

MANAGEMENT PLAN: in the application of this policy, refers typically to Environmental, Bushfire and Reserve or Park Management Plans, as intended for implementation in the Town.

PRIVATE VIEW: Is a view of a significant amenity visible only from private property.

PUBLIC VIEW: Is a view of a significant amenity visible from a public place such as a street, footpath, lookout or public facility. Such views may be panoramic or may be framed by trees. For practicality, not every view from a public place can be one of significance, and so the Town adopts 'designated public view locations' to provide these opportunities.

PUBLIC RESERVE: refers to any place that the Town has control or management over from an operational or legal perspective. This includes but is not limited to; parklands, road/ bushland/foreshore reserves [including verges/nature strips], privately owned land for public purpose vested in the Town.

VEGETATION: any deliberate or desired landscaping treatment, including but not limited to; street trees, bushland areas, park trees/shrubs or any other flora, native or exotic.

Governance References

Statutory Compliance	<p>Activities on Thoroughfares and Trading in Public Places Local Law 2000</p> <p><i>Bush Fires Act 1954</i></p> <p><i>Land Administration Act 1997</i></p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p><i>Public Works Act 1902</i></p> <p><i>Swan and Canning Rivers Management Act 2006 and Swan and Canning Rivers Management Regulations 2007 (as amended)</i></p> <p>.</p>
Organisational Compliance	<p>Street Tree Policy (as amended)</p> <p>Relevant Environmental, Bushfire and Reserve/Park Management Plans for Reserves</p>

Policy Administration

Directorate:		Officer title:
Technical Services		Executive Manager Technical Services
Next Review		Review Cycle
Version	Date	Ref
1	23 March 2010	OCM-72-2010
2	25 July 2017	OCM-120-2017
3	22 May 2018	OCM-085-2018
4	24 September 2019	OCM-132-2019