

## Shire of Mundaring

# POLICY

### RATEPAYER USE OF NATURAL BUSH ROAD RESERVES

**Policy Ref:** EV-01

<b>Committee Rec:</b>	SPC29	<b>Date:</b>	17 July 2000
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<b>Procedure Ref:</b>		<b>Delegation Ref:</b>	
<b>Statute Ref:</b>			
<b>Local Law Ref:</b>			

#### PURPOSE

To maintain or improve the function and visual appeal of native vegetation on road reserves in the Shire of Mundaring. The policy is also intended to assist landowners in undertaking beautification projects on road reserves adjacent to their premises to improve their streetscapes and property values

#### BACKGROUND

The Shire of Mundaring recognises that road reserves form a significant proportion of public open space available to landowners for improving their streetscape and property value. However, road reserves are Crown land, not private, and are not for private use. Council has therefore, formulated a policy covering natural bush on road reserves to assist landowners in undertaking beautification projects on road reserves adjacent to their premises.

The aim of this policy is to maintain or improve the function and visual appeal of native vegetation on road reserves in the Shire of Mundaring.

#### POLICY

The following are not generally acceptable on road verges –

##### Burning

Where burning of the natural bush road reserve is necessary for the purposes of enhancing the safety of, or assets on the adjoining property, then Council will assess whether burning is the best method of reducing the hazard and if it is, a

formal permit to burn will be required and issued by Council, subject to appropriate conditions.

Installation of fire breaks by any method.

Clearing of native vegetation.

In terms of the above, ratepayers need to recognise that the verges are in fact the property of the Government but are managed by Council on behalf of the community.

## Other Works

The Shire of Mundaring encourages landowners to improve the condition of natural bush road reserves adjacent to their property by the additional planting of local native species.

Where any person for any reason not related to burning firebreaks or the clearing of natural vegetation is required to undertake work on natural bush road reserves, then the following general conditions will apply.

1. The "works" are not to create any undue hazard to any user of the road reserve;
2. Services above and below ground are not to be altered, moved, removed, relocated or tampered with.

## Parking of Vehicles

The parking of vehicles on a natural road reserve is discouraged because the weight of the vehicle and the movement of the vehicle over the native bushland will permanently destroy it.

## Legislative Requirements

Council is unable to restrict parking on natural bush and road reserves under current legislation unless the area is protected by appropriate signage erected under a parking local law. Council does not have any such local law at this time.

Council does have a local law relating to the parking of vehicles on the street verge but this local law deals specifically with the parking of commercial vehicles on a verge and has been designed to complement the town planning scheme, which does not allow the parking of the same vehicle on the adjoining private property. The local law would not cover a situation where a vehicle is parked on a reserve for the reason of effecting repairs or for delivering goods to the particular property, where the parking is for a short period of time.

## Indemnification

The Council is unable to require a landowner to indemnify the Shire against all claims that may arise as a result of work within the road reserve because ultimately a court of law will determine whether the Council was or was not effective in the way it gave approval or supervised the work.