



City of Busselton
Geographe Bay

COUNCIL AGENDA

SUPPLEMENTARY ITEM

11 March 2020

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

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CITY OF BUSSELTON



LATE ITEMS FOR THE COUNCIL MEETING TO BE HELD ON 11 MARCH 2020

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12. REPORTS OF COMMITTEE

12.5 Policy and Legislation Committee - 26/02/2020 - RESCISSION OF COUNCIL POLICY: NATURE VERGES FOR URBAN AREAS

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Council Policy: Nature Verges for Urban Areas  

This item was considered by the Policy and Legislation Committee at its meeting on 26 February 2020, the recommendations from which have been included in this report.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council rescinds Council Policy: Nature Verges for Urban Areas (Attachment A) effective immediately.

EXECUTIVE SUMMARY

This report recommends the rescission of Council policy 'Nature Verges for Urban Areas' (the Policy) (Attachment A), with the Policy having been reviewed as part of the City's overall review of its Council policies and recommended for rescission for the reasons outlined in this report.

BACKGROUND

The *Activities in Thoroughfares and Public Places and Trading Local Law 2015* (the Local Law) sets out the statutory provisions for the planting of verge treatments (see 'Statutory Environment'). The Policy, which was last reviewed in 2017 (and subsequently transferred into the new template as part of an initial transfer of recently reviewed policies), provides guidance for the planting of trees and shrubs within nature verges by residents, with the aim of minimising the use of water, reducing nutrient runoff into waterways, increasing wildlife habitat and complementing the natural heritage of the City.

OFFICER COMMENT

The Policy sets out the opportunity for residents to practice, within public land, water efficiency principles and biodiversity values that align with the State Water Strategy by encouraging the installation of local plant species. The Policy also supports the promotion of Western Ringtail Possum habitat, supplementing the City's investment in its native street tree planting program, and generally improving street amenity.

These objectives can be achieved however through the application of the Local Law and associated permitting processes, with additional policy direction considered unnecessary. Additionally, following a review of the Policy, it has been determined by officers that its content provides supporting information more aligned to an Operational Practice, as opposed to strategic policy direction.

Statutory Environment

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

With respect to nature verges in urban areas, Division 3 of the Local Law allows for an owner or occupier of land zoned Residential or Industrial which abuts a verge to install a permissible verge treatment on the part of the verge directly in front of her or his land (subject to other provisions of the Local Law).

Clause 2.8 sets out that a person shall not install or maintain a verge treatment which is not a permissible verge treatment, except under the authority of a permit. Clause 2.7 sets out what is a permissible verge treatment is, namely the planting and maintenance of a lawn or the planting and maintenance of a garden, subject to certain conditions.

Relevant Plans and Policies

The City has developed and implemented a policy framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices. The Policy has been reviewed by officers in this context, with its content considered to more operational in nature, rather than a strategic statement of Council.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Retain Council Policy Nature Verges for Urban Areas; and
2. Request officers present a revised policy for Council's consideration at a later point in time.

CONCLUSION

Following a review of the Policy, it has been determined by officers that the Policy is not of a strategic nature and deals with matters able to be administered under the Local Law, with operational guidance provided as required through an Operational Practice. This report recommends that the Policy be rescinded.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be immediately rescinded upon Council's endorsement.

COUNCIL POLICY


City of Busselton
Geographic Bay

Council Policy Name: Nature Verges for Urban Areas

Responsible Directorate: Engineering and Works Services

Version: Current

1. PURPOSE

- 1.1. The purpose of this Policy is to provide a framework for residents to undertake and retain the planting of trees and shrubs within Nature Verges, with the aim of minimising the use of water, reducing nutrient runoff into waterways, increasing wildlife habitat and complimenting the natural heritage of the City, by other means than typical irrigated lawns.

2. SCOPE

- 2.1. This Policy applies to the planting and maintenance of vegetation in Nature Verges within the City of Busselton district.

3. DEFINITIONS

Term	Meaning
Nature Verge	The land set aside within the road reserve between the resident's property line and the road or traffic lane and which provides access for pedestrians, services and utilities.
Policy	This City of Busselton policy entitled "Nature Verges for Urban Areas"

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 3 – Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
- 3.1: Development is managed sustainably and our environment valued;
 - 3.4: Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education.

5. POLICY STATEMENT

- 5.1. The City supports the planting of Western Australian native trees and shrubs within Nature Verges as a response to climate change and reduced rainfall averages within the South West Region.
- 5.2. The City also supports the maintenance of Nature Verges by residents, with Nature Verges to complement the individual adjacent residence.
- 5.3. This Policy provides an opportunity for residents to practice, within public land, water efficiency principles and biodiversity values that align with the State Water Strategy by encouraging the installation of local plant species.

5.4. The City will promote the planting of low growing “waterwise” Western Australian native shrubs within Nature Verges.

5.5. A landscape plan must be submitted and approved by the City prior to planting within Nature Verges. Landscape plans are expected to meet the specifications outlined in Engineering and Works Services Standards and Specifications - Section 9(c) Landscape, Rural & Urban Road Reserves.

5.6. On approval of a landscape plan the City will provide each property with one or several Western Australian native street trees dependent on the size of a property’s Nature Verge.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. Engineering and Works Services Standards and Specifications - Section 9(c) Landscape, Rural & Urban Road Reserves

6.2. The brochure “Nature Verge – Verge Landscaping With a Difference”

6.3. State Water Strategy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	10 May, 2017	Resolution #	C1705/102
Previous Adoption	DATE	23 April, 2008	Resolution #	C0804/126