

6.2 LAND CLEARING – MANNER FOR DEALING WITH APPLICATIONS TO CLEAR

1.0 Policy Area

This Policy relates to all “Rural” zoned land within the Shire of Gingin.

2.0 Purpose

The purpose of this policy is to provide definitive parameters to assist Shire staff in responding to the Department of Environment and Conservation in relation to Applications to Clear Native Vegetation, without the requirement for all such applications to be referred to Council.

3.0 Policy Provisions

1. In order to satisfy the purposes of this policy, the following general protocols shall prevail:
 - a. Where a referral is received from the Department of Environment and Conservation in respect to a land clearing proposal and such land clearing is to facilitate a land use which is “as of right” under the provisions of Town Planning Scheme No. 8, the Chief Executive Officer be authorised to respond to such application raising no objection.
 - b. Where a referral is received from the Department of Environment and Conservation in respect to a land clearing proposal which is intended to accommodate a land use which can be approved under delegated authority, the Chief Executive Officer be authorised to respond to the clearing application, but only to the extent that the clearing application is necessary to accommodate a development the subject of an application for Planning Consent.
 - c. Where a referral is received from the Department of Environment and Conservation in respect to a land clearing proposal which is to accommodate a land use for which the Shire has retained the right to approve or refuse, such application for clearing shall be considered simultaneously with the application for Planning Consent with Council’s position in respect to such clearing being determined by virtue of its support or otherwise for the proposed discretionary land use.
2. Where a referral is received from the Department of Environment and Conservation in respect to land clearing which relates to an unapproved land use, the Chief Executive Officer be authorised to advise that the application for land clearing is premature in the absence of such a land use approval.
3. In the event that an application for Planning Consent necessitates the clearing of land and the land in question has, in the opinion of staff, significant live standing vegetation which may be worthy of preservation, the Chief Executive Officer will, prior to exercising his authority, liaise with the Shire President and relevant Ward Councillor (s) to secure a political perspective in respect to the proposal.

4. In the event that the political perspective suggests that the vegetation in question is worthy of preservation, regardless of whether the proposed land use is otherwise permitted, the application for Planning Consent and/or the application for clearing shall be referred to Council for a formal decision.

ADOPTED: COUNCIL 7 DECEMBER 2004
REVIEWED: 19 APRIL 2011