



Waroona Shire Council

Planning Policy No. 24

Vegetation Management

OBJECTIVE

To communicate clearly and concisely Council's requirements for both existing vegetation and revegetation to landowners, subdividers and developers.

PURPOSE

To provide advice on the preservation of existing vegetation in connection with Scheme Amendments, subdivision and developments.

To provide guidance to landowners, subdividers and developers as to Council's requirements for revegetation arising from subdivision or development of land within the Shire area.

To encourage replacement by deep-rooted local species of perennial vegetation, where this has been removed as a result of former land uses.

SCOPE

This policy applies to strategic and statutory proposals within all zones of the Shire of Waroona Town Planning Scheme No. 7.

Council strongly encourages the retention of existing vegetation where practicable and the re-vegetation of public and private spaces and places a high priority on the role of vegetation as part of overall nutrient management on subdivisions and developments.

GUIDING DOCUMENTS

The *Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992* had as its fundamental purpose a set of guiding principles for the planning and management of

land use, as well as development, within the Swan Coastal Plain catchment of the Peel Inlet and Harvey Estuary.

State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment reinforced the principles of the Environmental Protection Policy above, particularly with respect to protection of existing indigenous vegetation. Clause 2.3.3 of Town Planning Scheme No. 7 stated that Council shall be guided by the objectives and policies expressed in these two documents.

The *Lake Clifton-Herron Structure Plan* states that for lots covered with native vegetation, clearing should be restricted to the provision of services and building envelopes. Where lots are already parkland cleared, the loss of trees should wherever possible be avoided through careful subdivision design which involves thoughtful positioning of building envelopes, tracks and firebreaks and the like. Landowners of these lots are encouraged to undertake the planting of Tuart trees outside building envelopes to maintain the Tuart population.

In the *Coastal and Lakelands Planning Strategy* four major vegetation systems are identified in the strategy area. Significant clearing of vegetation has occurred to provide land primarily for agriculture, forestry and rural – residential development.

The Strategy Plan and associated Policy and Land Management Guidelines give effect to the identification and management of areas for urban development, rural-residential development and horticultural development. For example, within the Rural-Residential zones remnant vegetation should be fenced off where appropriate as well as retaining or establishing buffers from wetland areas.

Environmental Protection Authority Guidance Statement No. 33 establishes broad principles for the protection of native vegetation. Importantly, the first of these principles is that the Environmental Protection Authority (EPA) considers that all further clearing warrants a precautionary approach.

The EPA concludes that because of the numerous functions that it performs, vegetation in and around wetlands should be preserved and wherever possible augmented.

In measures to manage land degradation, the EPA has indicated that revegetation on cleared sites should be required, with native species of local provenance planted where possible. The EPA is generally supportive of any revegetation, but encourages a higher proportion of deep-rooted vegetation on cleared land holdings. In addition, remnant bushland must be protected as well as revegetation areas.

In considering any proposal Council will also take account of the provisions of the *Environmental Protection Act 1986, Schedule 6* that defines clearing for which a permit is not required.

There is a suite of other significant documents to which Council gives attention when considering proposals that may have impacts on remnant vegetation, or in the circumstances where revegetation may be required. Included among these are the Shire of Waroona Local Planning Strategy and the Peel-Yalgorup Ramsar Site Management Plan.

The primary controls available to Council for managing vegetation are to be found within Town Planning Scheme No. 7. The Town Planning Scheme sets different requirements according to the zoning of the land.

The relevant clauses of the Scheme which apply are-

Urban 1 - Town Centre Zone

Clause 4.5.1 states that one of Council's policies will be to prepare and implement a streetscape study as the basis for a program of design and amenity control. Streetscape studies and designs have been undertaken on the basis of individual subdivisions and work is presently being carried out to extend these studies to existing areas.

Urban 2 - Community and Civic Zone

Clause 4.6.3 allows that within the street setback area, Council may permit the provision of car parking spaces and may require the establishment and maintenance of approved landscaping as a condition of Planning Consent.

Urban 3 – Service Commercial Zone

Clause 4.7.4 requires that within the setback area abutting South Western Highway or the railway, Council will require adequate landscaping to be established and maintained.

Urban 5 – Special Residential Zone

Within this zone Clause 4.9.3(a) and (b) states that the clearing or destruction of indigenous trees or other substantial vegetation is not permitted unless with the approval of Council, and approval will only be granted in this respect to areas contained within the building envelope where such is defined for a lot on an approved plan or for the purposes of construction of a building where an building envelope is not defined.

Notwithstanding the above, Council may grant approval for the removal of trees which are dead, diseased or dangerous, or which are required to be removed to meet the requirements of creating a firebreak under the Bushfires Act. Planning Policy 8.0 – Moyanup Heights and Lake Moyanup Estate at Clause 8.0.6 has modified this particular sub-clause to indicate that the removal of trees which are dead, diseased or pose a danger risk to life and/or property does not require Council approval.

Clause 4.9.4 extends the above further in that Council may request that subdivision and/or development guide plans be prepared for adoption which may include conservation and/or tree planting areas.

Urban 7 – Industrial Zone

Clause 4.11.4 (a) and (b) is very similar to Clause 4.7.4 in the Urban 3 Zone where it mandates that within the front setback area of lots abutting the South Western Highway or a service road, and within the rear setback of lots abutting the Railway Reserve, landscaping to a standard approved by Council shall be established and maintained.

Furthermore, front setback areas on roads other than the highway may be used for landscaping.

Rural 4 – Hills Face Zone

Clause 4.14.9 ensures the continuation of the zone's landscape and environmental values by encouraging retention of the indigenous tree cover.

Rural 6 – Rural-Residential Zone

Clause 4.15.4 contains clearing restrictions for this zone where it requires that subject to any provision of Schedule 2, the approval of Council shall be obtained for the clearing of indigenous trees or other substantial vegetation except for the clearing of vegetation which is dead, diseased or dangerous; necessary for any firebreak required by law; for the purpose of access to an approved dwelling or outbuildings; within a defined building envelope and limited to that, or necessary for the construction of a dwelling, outbuildings and an area of 20 metres width surrounding the dwelling for the purpose of bush fire protection.

Schedule 2, in respect to a specific lot or lots may have requirements for the retention of, or control of removal of vegetation.

Clause 4.15.5, in dealing with conservation areas, states that development control and subdivision guide plans may show thereon a Vegetation Protection, Landscape Protection, Wetland Protection or Highway Protection Area. Sub-clauses such as (c), (d) and (e) amplify the requirements.

Sub-clause (c) in dealing with a Highway Protection Area mandates that notwithstanding Clause 4.15.5, trees or other indigenous vegetation shall not be cleared or felled except those which are dead, diseased or dangerous, or for the purpose of a firebreak required by law.

Sub-clause (d) permits that as a condition of development, Council may require the planting and maintenance of native trees and the fencing-off of vulnerable areas.

In providing direction on revegetation programs, Sub-clause (e) states that when a subdivider is required to undertake a revegetation program, Council will recommend to the Western Australian Planning Commission that satisfactory arrangements are required to be made with Council for rehabilitation areas to be maintained by the subdivider for three years, or until the land is sold and responsibility transferred to the purchaser.

Within Rural zones generally, Clause 4.14.6 permits Council, following consultation with Agriculture WA, to order a reduction in stock or protection of trees by fencing and failure to comply with such orders shall constitute an offence under the Act (Planning and Development Act 2005).

In terms of Guideline Plans, Clause 4.14.7 states that Council may recommend as a condition of subdivision or require as a condition of development in any Rural zone that a guideline plan be prepared which may include conservation and/or tree planting areas and any such plan adopted by Council shall be subject to Clauses 4.15.2 to 4.15.12 of the Scheme.

Other

There are a number of other operative clauses within the Scheme that need to be taken into account. Vegetation matters in Structure Plans are covered in a number of sub-clauses.

Sub-clause 7.4.2.6.1(b) refers to a site analysis map which among other things is to show conservation and environmental values, while Sub-clause 7.4.2.6.1(d) for district structure plans is to show the protection of natural features such as water courses and vegetation.

Vegetation issues in Detailed Area Plans are to be found in Sub-clause 7.4.2.15.2 where the plans may include details on landscaping.

Applications for Council's Planning Consent under Part VIII of the Scheme must contain a plan which in accordance with Sub-clause 8.1.2(vii) shall show the nature and extent of any open space and landscaping proposed for the site. In giving consent Council can impose conditions for the protection of existing vegetation and for landscaping. Conditions are enforceable and any contravention constitutes a breach of the Scheme.

POLICY

Under the provisions of the Scheme, Council will wherever possible, in all zones, require the preservation of existing vegetation and to impose conditions for revegetation where the circumstances dictate.