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## LPP017 – Local Planning Policy 17 – Vegetation

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### 1. Citation

This is a Local Planning Policy prepared under schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This Policy may be cited as Local Planning Policy No. 17 *Vegetation*.

### 2. Purpose

The purpose of this policy is to carefully consider the need for the clearing of native and non-native vegetation and to ensure avoidance and mitigation measures are implemented through the planning process. The policy also seeks to enhance canopy cover through replacement planting where unavoidable vegetation removal is granted approval through a Net Gain approach.

### 3. Objectives

The objectives of this policy are to encourage and facilitate the protection and enhancement of native and non-native vegetation by:

1. Encouraging development to respond to the protection of existing vegetation and enhancing its area, condition and value;
2. Balancing the protection of vegetation worthy of retention, the desired built form and land use outcomes at the earliest possible stage in the planning and development process;
3. Protecting and enhancing vegetation extent and coverage to assist with:
  - (a) Reducing the urban heat island effect;
  - (b) Reducing air pollution and facilitating carbon sequestration;
  - (c) Improving surface and groundwater quality;
  - (d) Contributing a food source, habitat, roosting and breeding areas for wildlife;
  - (e) Providing ecological corridors and native biodiversity; and
  - (f) Maintaining soil integrity and preventing soil erosion;
4. Maintaining and enhancing the amenity, character and sense of place through the protection and enhancement of vegetation;
5. Applying a “mitigation hierarchy” to decision making to:
  - (a) Avoid clearing of established vegetation;
  - (b) Protect vegetation by minimising harm and impact to vegetation;
  - (c) Rehabilitate vegetation on site; and
  - (d) Offset - where avoidance and rehabilitation cannot be achieved, fund Cash-In-Lieu contributions for planting within the locality; and
6. Ensuring that an appropriate vegetated buffer is established and maintained between any land use or development where it is in close proximity to a natural area, or when a natural area is within the development. Land use and development must be compatible with the long-term maintenance and conservation of that natural area and must not have detrimental impacts on biodiversity.

## 4. Definitions

**'Clearing of vegetation'** means:

- (a) the killing or destruction of;
- (b) the removal of;
- (c) the severing or ringbarking of trunks or stems of; or
- (d) the doing of any other substantial damage to,

some or all of the vegetation in an area, and includes the draining or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity, that causes;

- (e) the killing or destruction of;
- (f) the severing of trunks or stems of; or
- (g) any other substantial damage to,

some or all of the vegetation in an area.

**'Threatened Ecological Community (TEC)'** means:

- (a) a threatened ecological community as defined in the Biodiversity Conservation Act 2016 section 5(1);
- (b) any other ecological community listed, designated or declared as threatened, endangered or vulnerable under or for the purposes of a written law; or
- (c) a listed threatened ecological community as defined in the Commonwealth Environment Act section 528.

**'Diameter at Breast Height (DBH)'** means diameter at breast height (DBH). DBH is a standard method of expressing the diameter of the trunk of a tree at 1.4 metres above ground level.

**'Riparian plants'** means the plants growing on the water's edge, the banks of rivers and creeks and along the edges of wetlands are referred to as 'riparian vegetation'. Riparian vegetation can include trees, shrubs, grasses and vines in a complex structure of groundcovers, understorey and canopy.

**'Threatened flora'** means flora that belongs to a threatened species, as defined in the *Biodiversity Conservation Act 2016* section 5(1).

## 5. Policy application

This Policy applies to all matters where vegetation is present and where vegetation is proposed to be, likely to be, will be or has been cleared. Shire projects in roads and reserves will be exempt. Vegetation matters related to local government works in roads and reserves, are regulated by State Agencies. This Policy does not override approvals required by any other authority or legislation.

## 6. Information requirements

The table below shows information that will generally be required in certain circumstances. It is not exhaustive or exclusive.

Information Required	PLANNING CIRCUMSTANCES		
	Rezoning & structure planning	Subdivisions	Development applications
<b>Flora survey</b>  In accordance with the specification of the Environmental Protection Authority (EPA)'s <i>Technical Guidance - Flora and vegetation surveys for environmental impact assessment</i>	✓ Required:  In heavily vegetated areas consisting of multiple lots; or	✓ Required:  In heavily vegetated areas consisting of multiple lots; or Where clearing of TEC, Threatened Flora or	✓ Required:  Where clearing of TEC, threatened flora, or fauna habitats is proposed.

	Where there is TEC, threatened flora, or fauna habitats.	Fauna habitats is proposed.	
<b>Fauna survey</b>  In accordance with the EPA's <i>Technical Guidance - Terrestrial vertebrate fauna surveys for environmental impact assessment</i> .	✓ Required:  Where fauna is likely to occur.	✓ Required:  Where threatened fauna is likely to occur or be disturbed.	✓ Required:  Where threatened fauna is likely to occur and be disturbed.
<b>Indicative development or structure plan</b>  Demonstrate the manner in which vegetation will be protected and enhanced as part of subsequent planning and development processes.  Demonstrate natural features and define those which are proposed to be protected and enhanced within public open space and road reserves as part of future landscape features.  Demonstrate future conservation reserves, urban bushland belts, remnant vegetation, wetlands/ waterways, and their surrounding vegetation.	✓ Required:  In moderate to heavily vegetated areas; or  Where fauna is likely to occur.		
<b>Plan of subdivision</b>  Demonstrate which vegetation is proposed to be retained within areas of public open space, road reserves or other areas.		✓ Required:  In moderate or heavily vegetated areas consisting of multiple lots;  Where clearing of TEC, threatened flora or fauna habitats is proposed; or  Where threatened fauna is likely to occur.	
<b>Disturbance plan</b>  Plan showing development and land use, building envelopes, Asset Protection Zones, firebreaks, driveways, and vegetation proposed to be cleared.  Located in areas that will have the least environmental impact.  Demonstrating containment of an Asset Protection Zone within the building envelope.		✓ Required:  In rural subdivisions – under 4 Hectare lot size;  In medium or heavily vegetated areas;  In bushfire prone areas; or  Where there is TEC, threatened flora or fauna habitats.	✓ Required:  Where a building envelope is proposed to be amended;  Where a Bushfire Management Plan is required; or  Where vegetation is proposed to be cleared.
<b>Engineering drawings</b>  Demonstrate the retention of existing vegetation and landscape plan for street tree planting and landscape enhancement.  Identify the location of proposed rain gardens and tree pits to support water sensitive urban design and improve water quality.		✓ Required:  In urban areas – multi-lot subdivision; or  In small to medium sized rural subdivisions – under 10 Hectare lot size	

### *Conflict of opinion*

Where there is a conflict of opinion in the condition, value, or importance of the vegetation between the Shire and the applicant, the Shire may engage an independent specialist to provide advice on flora or its importance on fauna. This shall be paid for by the applicant as per Part 7, Division 2, r.49 of the *Planning and Development Regulations 2009*.

## **7. Policy provisions**

Development approval is required to clear public land, reserves, road reserves and private properties in the following instances below. Additionally, a clearing permit may also be required under legislation by other authorities.

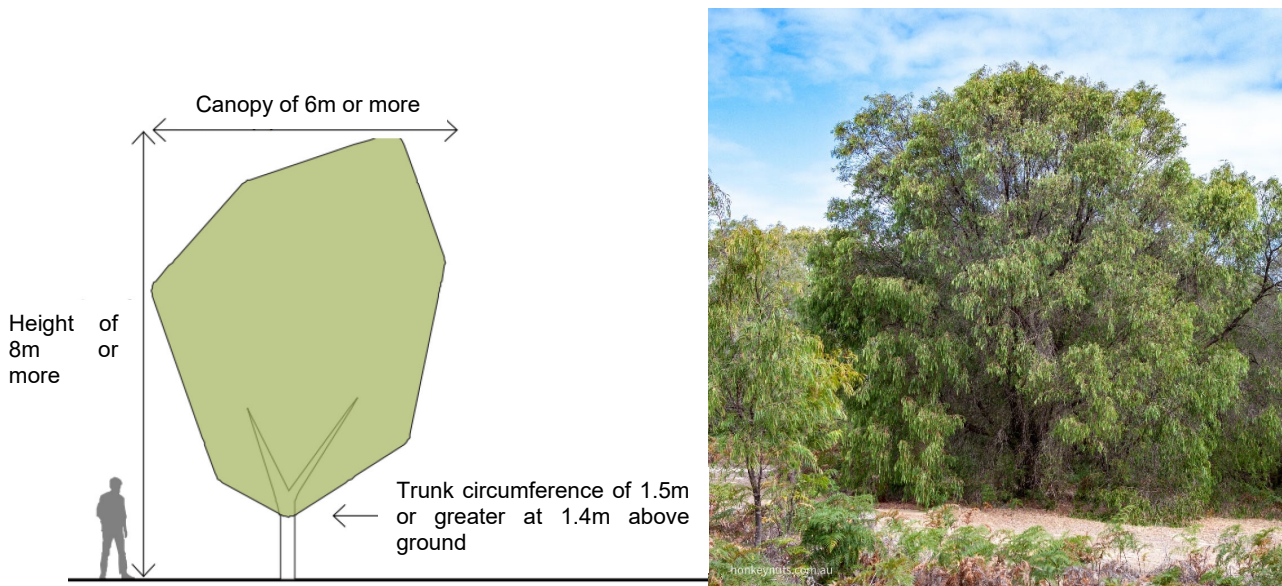
### **Townsite areas**

#### *Preston Beach requirements*

1. Development approval is required to clear in the following instances:
  - (a) WA Peppermint (*Agonis flexuosa*) and Tuart (*Eucalyptus gomphocephala*); or
  - (b) Where any one of the following is applicable:
    - (i) Canopy diameter of 6m or greater;
    - (ii) Height of 8m or greater; or
    - (iii) In the case of vegetation with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4 metres above the ground. In the case of vegetation with multiple trunks, a total trunk circumference of 1.5 metres or greater.
2. Development shall protect the WA Peppermint and Tuart, which provides habitat for the critically endangered Western Ringtail Possum. Development shall prioritise the protection of larger, mature examples and design shall include the following:
  - (a) Crossovers and driveways shall take the least destructive path; and
  - (b) Dwellings and other development shall incorporate site responsive design.

#### *Waroona and Hamel requirements*

1. Development approval is required to clear in the following instances:
  - (a) Canopy diameter of 6m or greater;
  - (b) Height of 8m or greater; or
  - (c) In the case of vegetation with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4 metres above the ground. In the case of vegetation with multiple trunks, a total trunk circumference of 1.5 metres or greater.



*Above (left and right): Examples of vegetation requiring approval for clearing*

1. Street trees shall be retained to provide shading to footpaths and the pavement to reduce the urban heat island effect and retain the streetscape amenity. The removal may be considered in accordance with this Policy, Council Policy IP010 Street and Reserve Trees and any Street Tree Management Plan.
2. Where the verge is devoid of street tree(s), the developer of a:
  - (a) Dwelling(s) shall provide one native, endemic street tree per dwelling; and
  - (b) Commercial or industrial development shall provide native, endemic street trees along all street frontages.
3. Development of a dwelling (single, grouped or multiple) shall ensure adequate space for the provision of at least one tree per dwelling on-site. Specifications shall be as follows:
  - (a) Tree planting area (per tree): 4m x 4m;
  - (b) Free from any impervious surfaces and roof cover;
  - (c) Use of endemic native species; and
  - (d) Reticulated and organic mulch to a minimum depth of 200mm.
4. For industrial developments, a minimum of 10 percent of the site shall be set aside for landscaping. Landscaping shall be located along all street frontages and shall be protected with barriers to prevent damage (e.g. wheel stops, feature rocks on the perimeter). Landscaped areas shall include a mixture of waterwise shrubs and trees within mulched garden beds and irrigated when required.
5. Vehicle parking areas shall have one shade tree per two bays. The tree planting area shall meet the following requirements:
  - (a) Minimum permeable area of 1.5 metres in diameter;
  - (b) Durable and permanent protection measures such as concrete posts to all directions where vehicles are located;
  - (c) Flush kerbing to allow stormwater ingress; and
  - (d) Provided with mulch and irrigated when required.

### All other areas (E.g., rural, rural residential)

1. There is the presumption against the clearing of native vegetation.
2. Development approval is required to clear vegetation, prior to works commencing. Exemptions apply under the Shire of Waroona annual Firebreak Notice and Clause 61(1) of the Scheme. Firebreaks are not to exceed three (3) metres in width without approval from the Shire.
3. Clearing of dead, diseased or dangerous vegetation shall not occur without the written consent of the Shire, prior to works commencing. Vegetation that may provide nesting opportunities (e.g. hollows) should not be removed.
4. Remnant vegetation shall not be cleared if:
  - (a) it comprises a high level of biodiversity;
  - (b) it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna;
  - (c) it includes, or is necessary for the continued existence of, threatened flora;
  - (d) it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community;
  - (e) it is significant as a remnant of native vegetation in an area that has been extensively cleared;
  - (f) it is growing in, or in association with, an environment associated with a watercourse or wetland;
  - (g) the clearing of the vegetation is likely to cause appreciable land degradation;
  - (h) the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area;
  - (i) the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water;
  - (j) the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding; or
  - (k) Vegetation that forms part of, or is in proximity to, a Regional Ecological Linkage.
5. Development and land uses should coexist with a site's environmental attributes. Proposals shall demonstrate and respond to natural features and incorporate design, layout, and management measures to exist in harmony.
6. In considering an application involving the clearing of vegetation, the local government shall consider:
  - (a) the extent of clearing to be undertaken;
  - (b) the quality and type of vegetation to be cleared;
  - (c) any re-vegetation carried out on the same land;
  - (d) the potential for the clearing to detrimentally impact:
    - (i) quality of the soil, land or water;
    - (ii) biodiversity of the native vegetation in the surrounding local area;
    - (iii) landscape or amenity values of the surrounding local area; and
    - (iv) ecosystem function of the native vegetation in the surrounding local area.
  - (e) the potential for the vegetation to provide a habitat, breeding, roosting or foraging function for protected fauna species;
  - (f) the significance of the vegetation and whether it is protected under State and Federal legislation; and
  - (g) any measures to conserve, protect and manage other comparable vegetation on the same land.



7. Priority protection shall be given to the following vegetation:

- (a) Tuart (*Eucalyptus gomphocephala*);
- (b) Banksias;
- (c) Marri (*Corymbia calophylla*);
- (d) Jarrah (*Eucalyptus marginata*);
- (e) WA Peppermint (*Agonis flexuosa*);
- (f) Vegetation with a trunk DBH of +500mm; or
- (g) Riparian (wetland or river) plants.

This vegetation is of high priority given:

- Its restricted range, compared to pre-European settlement;
- Its ability to provide foraging and/or nesting habitat to threatened or endangered species;
- Its age; or
- Its ability to improve water quality.

### Unavoidable clearing

It is acknowledged that in some instances, clearing will be unavoidable. Examples may include, but are not limited to:

- (a) Construction of a house on a rural residential bush block;
- (b) Establishment of an Asset Protection Zone for bushfire protection of a house;
- (c) Construction of a road for a subdivision;
- (d) Installation of utilities or services; and
- (e) Access track for a house.

The Shire will seek to ensure that clearing is balanced between environmental attributes and the needs/desires of the applicant.

### Net gain

Decision makers may exercise discretion and permit the clearing of vegetation, only where it is satisfied that the environmental impact is appropriate, and a proposal demonstrates and commits to:

- (a) a net gain in vegetation coverage; and
- (b) an improvement in the quality of vegetation; and
- (c) an improvement in biodiversity values.

These principles must be able to be achieved within the local government area by the end of the following winter to ensure minimal disruption to the environment.

### Where vegetation will be cleared

1. Where the loss of vegetation will occur, or has occurred, development shall achieve a Net Gain in vegetation to satisfy the objectives of this policy. This Net Gain will either be through:
  - (a) Restoration/rehabilitation occurring on-site; or
  - (b) A cash-in-lieu contribution being made to the Shire of Waroona for investment into the rehabilitation and/or restoration of vegetation within the Shire.
2. The appropriateness of restoration will be determined on a case-by-case basis by the Shire and will be determined by:
  - (a) There being sufficient space and an appropriate location;

- (b) The likelihood of restoration activities being successful;
- (c) The property's location and existing/proposed land use/ development;
- (d) Bushfire threat and fuel loads; and
- (e) Whether restoration activities on-site will achieve greater environmental outcomes compared to in a reserve or Shire managed land.

Restoration activities to achieve a Net Gain shall be fully completed by the following winter.

3. A net gain must consist of the same species and/or community that is proposed to be, or has been, cleared. These shall be replaced at the following ratios outlined in Table 1.
4. The net gain requirement is not satisfied by placing a conservation covenant or other legal protection measure over vegetation, even if this includes an increased area.

TABLE 1 – Net Gain ratios		
	Net Gain ratios for proposals	Net Gain ratios for unauthorised works (x3 penalty)
Bushland/Species		
Bushland containing a Threatened Ecological Community (TEC)	10:1	30:1
Bushland not containing a TEC	2:1	6:1
Tuart		
DBH +500mm	20:1	60:1
DBH -500mm	10:1	30:1
Banksia		
DBH +300mm	16:1	48:1
DBH -300mm	8:1	24:1
Jarrah		
DBH +300mm	16:1	48:1
DBH -300mm	8:1	24:1
Marri		
DBH +500mm	12:1	36:1
DBH -500mm	6:1	18:1
WA Peppermint		
DBH +300mm	20:1	60:1
DBH -300mm	10:1	30:1
Other		
+500mm	8:1	24:1
-500mm	4:1	12:1

#### *Compliance matters - where vegetation has been cleared without approval*

Where clearing has occurred without approval, and is not of an exempt purpose, revegetation, restoration and/or rehabilitation activities will be required. The Net Gain principles shall be applied with an additional penalty and undertaken in accordance with ratios identified in Table 1. A restoration/rehabilitation plan shall be prepared and approved by the Shire and undertaken in accordance with Table 2.

#### *Planting specifications*

1. Plantings shall satisfy the following specifications listed in Table 2. A landscaping plan, revegetation plan or costing for a Cash-In-Lieu contribution shall demonstrate that these specifications have been incorporated.
2. Planting in road reserves shall give due regard for Council Policy IP010 and any adopted Street Tree Management Plan.



TABLE 2 – Planting specifications	
Component	Specification (minimum)
Trees	Advanced trees of either 25, 45 or 100 litre grow bags.
Shrubs and ground covers	Generally tubestock – larger for TEC
Tree/plant protection	Urban areas: Measures to prevent vehicle intrusion/overhang (e.g. wheel stops, concrete posts)  Non-urban areas: 1 biodegradable guard per plant. Sufficient stakes to secure each guard. Perimeter fencing for the planting areas (3 strand wire).
Mulch	Urban areas: Organic material to the entire landscaping area. To a depth of 200mm.  Non-urban areas: Organic material to each plant. To a width of 1 metre. To a depth of 150mm.
Soil conditioner	Universal soil conditioner for each plant.
Watering	Urban areas: Ongoing for landscaping.  Non-urban areas: Once per week across summer for 2 summers.
Labour	For installation, maintenance, weeding monitoring and replacement (factor 20% loss) for 2 summers.
Bonds, Shire work & CIL	Add 25% to the total project cost.

### *Cash-In-Lieu (CIL) contribution*

1. The local government may agree to a cash payment in lieu of:
  - (a) A developer/landowner providing all, or part, of the required Net Gain planting; or
  - (b) Restoration/Rehabilitation.
2. All CIL funds collected shall be used for projects within the local government area only.
3. CIL shall not be used as a buy-out method to gain approval for the clearing of vegetation that should otherwise be retained and protected.
4. CIL payments shall be made to the Shire prior to the commencement of works or use of the land. Where unauthorised clearing has occurred, it shall be paid at a time specified by the Shire.
5. If the development approved has substantially commenced, but not yet been completed, the CIL payment will not be refunded.
6. A CIL proposal shall be itemised in accordance with Table 1 and Table 2.
7. The Shire shall hold all funds within a trust account. These funds shall only be spent for the provision of rehabilitation/restoration activities. This includes the purchase, installation, maintenance, or replacement of components listed in Table 2 as well as:
  - (a) Signage that informs of the restoration activities;
  - (b) Purchasing land for planting to occur, including any associated costs; and
  - (c) Technical advice.

8. The maximum contribution shall not be capped. The CIL funds can be accrued for a more comprehensive, detailed, or strategic restoration project, as determined by the Shire.
9. Plantings must occur in the most suitable area which will ensure the greatest chance of success and longevity. The plants must be maintained and protected in perpetuity and shall not be cleared.

<b>Division</b>		<b>Planning</b>			
<b>Policy Number</b>		LPP017			
<b>Contact Officer</b>		Coordinator Regulatory & Development Services			
<b>Related Legislation</b>		Planning and Development (Local Planning Schemes) Regulations 2015			
<b>Related Shire Documents</b>		Local Planning Scheme No. 7			
<b>Risk Rating</b>	Low	<b>Review Frequency</b>	Triennially	<b>Next Review</b>	May 2026
<b>Date Adopted</b>		26/09/2023			
<b>Amendments</b>					
<b>Date</b>	<b>Details of Amendment</b>				<b>Reference</b>
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