



LOCAL PLANNING POLICY 6.1.9 – LANDSCAPING

1. Objectives

The objectives of this Policy are to:

- a) promote and achieve a high standard of visual amenity especially within urban and semi-urban streetscapes;
- b) encourage awareness of the benefits to be gained in environmental terms from the planting of vegetation in both urban and rural contexts;
- c) set out the circumstances wherein Council will require the provision of landscaping associated with new developments, extensions to existing developments and/or changes in land use;
- d) encourage the provision of, and on-going maintenance of high quality landscaping in areas where provided to produce attractive urban areas and streetscapes;
- e) set out the expectations of Council with respect to the timing of planting to maximise growth opportunities for new vegetation;
- f) set out the type of planting that should be considered having regard to hardiness of the planted material and minimising the need for the use of water; and
- g) set out the requirements for applications for planning approval where landscaping will be required under this Policy.

2. Definitions

“Draft Scheme” means Council’s Draft Shire of Manjimup Town Planning Scheme No 4 (DTPS 4) which at the time of preparation of this Policy has received Ministerial consent to advertise subject to modifications.

“Exotic Vegetation” means plants, trees and shrubs that do not grow naturally in Australia and comprise species introduced from other Countries of the world.

“Frontage Land” means the area of any lot immediately adjacent to the boundary (normally front) of any lot and the adjoining street.

“Indigenous Vegetation” means those plants, trees and shrubs that grow naturally within the Shire District and which if used in landscaped areas in new developments have the greatest prospect of growth and reflect the natural character of the District.

“Landscaping” means an area or areas of land set aside for the planting of trees, shrubs, grass and flowers with limited areas of complementary paving or other treatments as appropriate with the objective of producing an attractive appearance to the premises within which the landscaping is to occur.

“Local Planning Strategy” means the Council’s Local Planning Strategy 2003 – 2013 adopted by Council in November 2003 and published with the endorsement of the Western Australian Planning Commission in December 2003.

“**Maintenance**” means actions taken to ensure that landscaping provided within a development site in conformity with a condition of planning approval is nurtured, watered as necessary and otherwise tended so as to allow growth to achieve the intended objectives and thereafter maintained in that condition including, as necessary, the replacement of all dead, dying, damaged or diseased plants or those that require replacement for other reasons.

“**Native Vegetation**” means plants that are endemic to Australia but not necessarily indigenous to the Manjimup Region. The term would include indigenous vegetation.

“**Paving**” for the purpose of this Policy means the provision of paved areas that are intended to perform a complementary function to the landscaping to enhance its appearance or use and does not refer to areas paved for use for parking or other purposes.

“**R Codes**” means the Residential Design Codes October 2002 edition or such other replacement edition as may be published by the Western Australian Planning Commission from time to time.

“**Reticulation**” means the provision of pipes, hoses, drips, sprinklers or other similar equipment designed and installed to water landscaped areas to ensure their proper maintenance and growth.

“**Scheme**” or “**TPS 2**” means Council’s currently operative Town Planning Scheme, which at the time of preparation of this Policy is Town Planning Scheme No 2 (TPS2), as may be amended or replaced from time to time.

“**Single House**” means a dwelling standing on its own green-title or survey-strata lot together with any easement over adjoining land for support of a wall or access or services and excludes dwellings on titles with areas held in common property. (from R Codes).

3. Legislative Context

Council’s operative TPS 2 was made under the provisions of the *Town Planning & Development Act 1928 (as amended)* (now superseded by the *Planning & Development Act 2005*).

This Policy is made pursuant to Part 2 of TPS 2 which empowers Council to make, amend and revoke Local Planning Policies.

4. Area of Application

The provisions of this Policy will be applied to Applications for Planning Approval as relevant across the entire Shire District.

5. Superseded Policy

Council’s Local Planning Policy 6.1.9 – Landscaping - dated 23rd October 2003 is replaced by this Policy.

6. Links to Town Planning Schemes and Local Planning Strategy

TPS 2 provides that all development requires the approval of Council and that, in making a determination on any such applications for planning approval, Council may impose such conditions as it deems fit. Council has used and continues to use those powers to require the provision of landscaping where it is seen to be necessary.

In order to provide some consistency in the circumstances where landscaping will be required Council has, since October 2003, been guided by Policy No 6.1.9 – Landscaping. A review of that Policy revealed a number of shortcomings that resulted in the preparation of this Policy.

This Policy has regard to the more specific provisions of Draft Town Planning Scheme No 4 (TPS 4) relating to landscaping in anticipation of its adoption by Council, its approval by the Hon Minister for Planning & Infrastructure and its publication in the Government Gazette.

The Local Planning Strategy, as its name suggests, is targeted at a higher level and the issue of landscaping is not dealt with in this document.

7. Policy Principles

7.1 Landscaping Required

In most areas where development is carried out, the provision of landscaping is seen to be desirable to reduce the impact of the built form and paved areas used for parking or for other vehicle movements through the moderating influence of trees, shrubs and other vegetation.

7.2 Landscaping Expectations

In the cases of development for single dwellings, there is generally a high level of commitment by the property owners to the development and beautification of garden areas and so the Policy will not be applied to those forms of development.

For grouped housing development especially where there are parking areas for 6 parking bays or more, landscaping will be required in accordance with the provisions of the R Codes. In addition, if the parking areas need to be screened or partially screened from view from a street or other public place additional landscaping may also be required.

To be effective, landscaping needs to occupy an area that provides enough space for the plants to grow to maturity to contrast with the built form of development and/or provide the screening as may be required in each case.

7.3 Landscaping Type and Position

While Council will permit flexibility in the choice of plants to comprise landscaping in various settings, the use of hardy trees, shrubs and ground covers that are indigenous to the area are preferred, given their capacity to grow under normal rainfall conditions once established thus reducing the need for continuous irrigation. Plants that are indigenous to the area continue the theme of local vegetation into the developed and developing areas of settlements.

Grassed areas are high in maintenance and, while not excluded from consideration, will need to be reticulated and arrangements made for regular attention such as mowing, edge trimming etc.

The type of landscaping to be incorporated into various parts of sites will be determined by the function it is intended to perform. Landscaped strips along frontage land will normally be employed to provide a complement or partial screen to buildings or parking areas. Properties used for open storage or outdoor industrial activity may require total screening to conceal either unattractive activities or areas used for outside storage or for car parking.

In larger car parking areas, shade trees are required as individual specimens with dense foliage, single trunks and a broad canopy to maximise their effect to provide shade but to limit interruption to the function of parking beneath. Deciduous exotic trees can sometimes provide denser shade when required in these locations.

Trees that shed berries or other fruit can be hazardous and are not among the preferred planting species. Deciduous trees, if planted, can also be beneficial where there is a desire to allow sunshine to penetrate the area concerned during winter and to screen/shade areas during summer.

Developers are encouraged to discuss their proposals for landscaping with the Council's Manager: Parks and Gardens.

7.4 Reticulation

With deference to the more stringent use of water for reticulation purposes, Council will generally only expect to see reticulation measures set in place for the first two summers of plant growth and establishment after which it may be removed. The installation of timing mechanisms will be encouraged to ensure regular watering over predetermined periods. Mulching of landscaped areas will be encouraged to reduce the incidence of weed growth, limit evaporation, provide cooler root zones and maximise the use of water.

8. Policy Measures

8.1 Landscaping Requirements

For new development proposals involving:

- a single house, the Policy will not apply (unless TPS2, Draft TPS 4 or a separate adopted Local Planning Policy require landscaping);
- residential development comprising more than one single house on the land, the provisions of the R Codes will be applied;
- development to provide shops and offices in main streets up to the site boundary with the street usually defined by the edge of the footpath, landscaping will not be required although if extensive parking areas are to be provided at the side or rear of the development then landscaping to achieve screening and shade, dependent upon the size, will be required at a ratio of 10% of the site area;
- commercial, industrial and similar development forms, landscaping will be required at a ratio of 10% of the site area unless otherwise determined by Council;
- other forms of development, there will be a presumption in favour of the provision of landscaping but the proportion, position and type will be assessed by Council in each case;
- development in rural areas, there will generally only be a landscaping requirement where there is a need to screen new buildings and structures from view, particularly from public roads or other public vantage points; and
- concessions to any of the standards set out above, the Council may require a cash-in-lieu contribution towards the implementation of an

approved Townscape Plan where appropriate or to street beautification.

8.2 Form of Landscaping

In general, landscaped areas will be required to be kerbed or otherwise defined with raised beds and reticulation to provide the optimum conditions for the plants comprising the landscaping to establish and grow to achieve the desired objective.

Shade trees in car parking areas will be required to be in raised kerbed beds or similar with stakes supplied to the trees in the initial stages and, where necessary, protective railings installed to deter vandalism or damage from other causes.

8.3 Maintenance

Conditions requiring the provision of landscaping in the context of any planning approval will be so expressed as to require the necessary landscaping not only to be laid out and established prior to the occupation of the development but also permanently maintained for the purpose to the satisfaction of Council. Failure to comply with such a condition will constitute a breach of the planning approval with the Council able to take remedial legal action to ensure that the objective is maintained.

8.4 Deferred Landscaping Development

While it will normally be the case that a condition of planning approval will require the appropriate landscaping to be carried out before occupation of the approved development, Council recognises that there will be circumstances when planting will not be appropriate at the time when a development is ready for occupation, e.g. at height of summer. Conditions of Planning Approval will normally be so expressed as to allow the proponent to enter into an arrangement whereby the landscaping will be provided at a later date. All such applications will need to be:

- in writing with undertakings provided to Council to the effect that the landscaping will be laid out and planted by the agreed date; and
- supported by a bond to the full value of the landscaping works and materials supplied and installed.

As landscaping is subsequently provided the bond monies will be returned to the applicant proportional to the value of the works completed to the satisfaction of Council.

9. Application Requirements

Applications for Planning Approval for any proposed new development should provide, in addition to the details of the proposed development, a plan at a scale of no less than 1:100 showing the entire lot the subject of the application, the area to be or already covered by buildings or other structures and the land to be allocated to landscaping. These plans should be complemented by other larger scale plans and other details setting out the species of plants to be used and their location, details of the reticulation to be set in place, the treatment of the edges of the landscaped areas and the material to be used as mulch etc.

10. Implementation

The Policy will be implemented in conjunction with the assessment of Applications for Planning Approval under the provisions of the Scheme.

Except where otherwise stated in this Policy, the implementation of this Policy is delegated to the Chief Executive Officer.

11. Right of Review

Decisions made by the Council with respect to applications for Planning Approval under the discretionary provisions of Town Planning Scheme No 2 will normally afford a right to apply to the State Administrative Tribunal for a review of the decision (a process previously known as a planning appeal). Such applications must be made within 28 days of the date of the relevant decision.

REVIEWED AND ADOPTED 8 MAY 2008

NEXT DUE FOR REVIEW MAY 2012

**The Administration of this Policy is by the Statutory Services
directorate.**