



6.1.19 MANAGING THE NATURAL ENVIRONMENT

Purpose

With the international debate on climate change and the resulting implications for the environment there is an evolving change in the legislative landscape which local government operates. This Planning Policy is a result of the changing landscape. The Shire needs to bring into its operations an awareness of the natural environment and the threats to the natural resource assets upon which we rely for our existence. This Planning Policy reviews relevant legislation and other planning policies to ensure the inclusion of sustainable natural resource management (NRM) principles into the planning framework and the Shire of Manjimup Local Planning Scheme No. 4 (LPS4).

There is a variety of legislation, strategies and policies concerned with NRM and a large number of government agencies and other stakeholders that are involved in the regulation and management of issues associated with NRM.

This Policy compliments the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No.2 – Environment and Natural Resources Policy, LPS4 and the Shire's Natural Environment Strategy.

Objectives

The objectives of this Policy is within planning decisions to:

- promote conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;
- assist in the conservation and management of natural resources, including air quality, energy, waterways and water quality, landscape, agriculture and minerals to support both environmental quality and sustainable development over a long term;
- adopt a risk management approach that aims to avoid or minimise environmental degradation and hazards;
- prevent or minimise environmental problems that might arise as a result of siting incompatible land uses together;
- outline what matters Council will address through the planning system and outline which matters are addressed through our legislation and other agencies; and
- encourage other stakeholders to fulfil their responsibilities to NRM through an environmentally sustainable approach.

Interpretation

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Local Planning Scheme No 4 (the Scheme) and associated regulations.

Application

This Policy does not bind Council in respect of any application for planning approval but Council will have due regard to the objectives and policy measures of the Policy before making its determination.

This Policy is also intended to assist Council's consideration of structure plans and guide Council's advice to the WAPC regarding subdivision applications.

This Policy applies throughout the Shire of Manjimup in relation to scheme amendments, structure plans, guide plans, subdivision/strata applications and development applications which are all referred to as "proposals" in this Policy.

Policy Measures

The above objectives provide the context for the Policy measures which are set out under the following headings:

- General;
- Water Resources;
- Soil and Land;
- Biodiversity;
- Land Management;
- Land Clearing;
- Carbon Sequestration; and
- Fire Management.

General

- (i) This Policy should be read in conjunction with The Shire of Manjimup Natural Environment Strategy.
- (ii) This Policy is intended to complement and be used in conjunction with relevant legislation, the Shire's Local Planning Scheme, the Shire's Local Planning Strategy, other Local Planning Policies, WAPC Policies and Strategies, and other guidelines that apply to planning and the management of natural resources.
- (iii) Council may impose conditions for development applications or request conditions to be imposed on subdivision applications approved by the WAPC that require the preparation and/or implementation of environment management plans that may be contained within a separate legal agreement with the proponent and or landowner.
- (iv) Council may require proponents and or the landowner to prepare, where appropriate, additional information that shows the "ecological footprint analysis" of the proposal to the satisfaction of Council. This may include: water management; acid sulphate soils management; fire management; waste management; and/or energy conservation.
- (v) Where, in the opinion of Council, a proposal may have a high likelihood for environment impact, such as hydrological, biodiversity or geotechnical implications, a robust monitoring programme should be required to properly inform the decision-making prior to Council determining the proposal and/or assist in ensuring implementation and compliance post-construction.

- (vi) Assessment of any possible environmental impacts/constraints should occur at an early stage in the development process so that the proposal can be developed with required design modifications made to alleviate any possible adverse impacts to the environment.

Water Resources

- (i) A proponent may be required by Council to develop a Hydrological Management Plan and/or a Drainage Management Plan to show how the proposal will suitably address possible environmental effects on surface and ground water flow and quality. This plan may need to be extended to include any off-site impacts that may result from the development. Council expects that water flows should be maintained at pre-development levels, with no significant increase or decrease (including such recurrent events as a 10 year storm flow) unless appropriately justified by the proponent and agreed to by the Council.
- (ii) Nutrient levels in water resources are not to be increased as a result of the proposal, and ideally should decrease after development. If in the opinion of Council this is unavoidable Council may determine and require relevant mitigation measures.
- (iii) Stormwater retention, use and quality treatment should be at source or as high as possible in the catchment and adopt best practice water sensitive design wherever possible and practical to the satisfaction of Council. This applies to all catchment scales from a residential lot to a river catchment.
- (iv) Installation of wet stormwater basins as artificial ponds or lakes will not be supported unless the proponent can demonstrate long term cost effectiveness and sustainability of these structures. Areas that provide the dual function of water management and public open space (POS) may be supported where other functional POS sites exist. The POS will need to ensure the community need and the amount, function and amenity of the POS are not compromised and the water management facility does not impose an unreasonable maintenance burden on the Shire.
- (v) Where there is any proposed or expected change to the hydrology such as; altering groundwater flow and/or lowering of the groundwater levels or disturbance of waterlogged soils, a detailed or extensive assessment for the presence of active acid sulphate soils or passive/potential acid sulphate soils will be required to the satisfaction of Council unless appropriately justified by the proponent and agreed to by Council.
- (vi) In considering proposals which may have an impact on any waterway or waterbody Council will have regard to:
- Maintaining water balance;
 - Maintaining and where possible enhancing water quality;
 - Encouraging water conservation; and
 - Maintaining and where possible enhancing water related environmental values.
- (vii) Council may require the establishment of a native vegetation buffer/riparian

zone that reflects the original vegetation community type(s) along any perennial watercourse/drainage line for the protection of water quality. Unless suitably justified by the proponent and agreed to by Council, Council will apply a 50m buffer and may require other protection measures to ensure there is a lesser risk to water resource quality and the sustainability of the downstream ecosystems.

- (viii) Council may require “streamlining” to enhance the biodiversity by improving the water quality and vegetation within the stormwater management system by requiring as appropriate:
- Planting sedges and rushes as filter beds;
 - Installing pools and riffle sequences to improve aeration and oxygenation and reduce erosion events;
 - Create ponds, pools or stormwater gullies designed as sediment traps; and
 - Create watercourse profiles that provide a range of fauna habitats.

Soil and Land

- (i) Where there may be a risk of creating or disturbing acid sulphate soils (whether these be active acid sulphate soils or passive/potential acid sulphate soils) in the opinion of Council and/or other government/NRM agency, a management plan or other measures will be required in accordance with the latest guidelines from the Department of Parks and Wildlife (DPaW) and the WAPC.
- (ii) Where there is the possibility of the existence of a contaminated site proponents should minimise the risk of human health and the environment by ensuring that the proposal is such as to minimise the potential for any adverse impacts from the contaminated site to the satisfaction of Council.
- (iii) Where there maybe the possibility of creating any erosion in the opinion of Council a management plan will be required to prevent or minimise the impact to the satisfaction of Council.

Biodiversity

- (i) Subject to the nature and scale of the proposal, its location, proposed level of servicing and anticipated impacts on the natural environment, proponents are required to submit an appropriate level of information and/or assessment to ensure biodiversity values are identified and maintained, and where adverse impact is unavoidable there is a plan of mitigation to the satisfaction of Council.
- (ii) Clearing of high conservation value vegetation, wetlands or riparian vegetation is not supported unless in exceptional circumstances and where justified by the proponent subject to State and Federal legislation. Council encourages the retention and regeneration of native vegetation and where appropriate, replanting areas adjacent to watercourses and in other areas with local native vegetation. This is in order to promote better overall NRM practices including maintaining and improving riverine ecosystem function and water quality.
- (iii) Linkages between high value conservation areas should be maintained and where possible enhanced to the satisfaction of Council.

- (iv) As determined by Council, applicants will be required to provide a statement confirming whether the application proposes any clearing of native vegetation on the application site generally and/or within the adjoining road reserve(s) to achieve vehicular access. If native vegetation is proposed to be cleared, the site plan/plantation management plan will need to clearly identify these areas. Further, Council may require the proponent to prepare a flora and fauna assessment to the satisfaction of Council.
- (v) Council may impose planning conditions restricting the clearing of native vegetation and/or may require any clearing requests to be separately considered by DPaW as part of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- (vi) Council encourages applicants/operators to work in partnership with relevant government agencies, catchment management groups and the local community to develop relevant “best management practice” in the protection of native vegetation.
- (vii) Council may require exotic/non-local native vegetation to be removed and replaced with local native vegetation, except where the exotic/non-local native vegetation has identified landscape or heritage value (and is not classified as a moderate or high risk environmental weed species).

Land Management

For “rural life-style” subdivisions (including rural residential, rural small holdings and conservation lots), Council may require the proponent to prepare or financially contribute to an education programme for the new owners, prior to the issue of titles, concerning their obligations to the environment and community including stock rates, fencing, weeds, fire-risk abatement and fire break maintenance.

Land Clearing

Clause 5.7.3 of the Scheme identifies where a development approval is required to be obtained for land clearing. The Scheme identifies that Development Approval is exempt under the Scheme where;

- The proposed land clearing is within a Priority Agriculture and General Agriculture zone;
- Land clearing for the purpose of fire protection as required by the Notice. However the Department of Environment Regulation (DER) approval may be required to be obtained prior to land clearing works being undertaken
- The removal of vegetation from;
 - a domestic garden;
 - horticultural operation; or
 - timber plantation;
- Where land clearing has been approved as part of the development of a site.

Applications for land clearing will be assessed against the following provisions:

- i) Is to be undertaken in accordance with an approved clearing plan;

- ii) Not detract from the conservation and landscape values of the area;
- iii) Where significant erosion risks exist shall only be permitted where adequate mitigation measures are implemented;
- iv) Shall not be approved if in the opinion of the local government, the clearing will cause adverse environmental impacts;
- v) Shall not be approved if in the opinion of the local government, the clearing will cause significant damage to the amenity of the surrounding area; and
- vi) Gives due regard to any advice received from Department of Parks and Wildlife (DPaW) and Department of Water (DoW).

Carbon Sequestration

Council acknowledges that there will be increasing efforts to minimise the production of carbon including seeking carbon sequestration. While council supports carbon sequestration overall, it does not support the use of non-local species plantations on rural land (freehold) throughout the Shire of Manjimup for carbon sequestration. Council is concerned for the loss of rural land for extensive periods of time which are greater than the typically one or two rotations applied to plantations. In comparison Council does support proposals for carbon sequestration that are of local native vegetation. The ultimate vegetation sink is a mixed vegetation stand that will be in situ for at least 100 years (Kyoto Protocol).

Fire Management

Council will assess proposals, where relevant, against the ‘Planning for Bush Fire Protection’ document produced by the Department of Fire and Emergency Services (DFES) and the WAPC (December 2001) along with any associated updates. Council seeks to ensure that the safety of people and property as well as appropriate management of the natural environment is maximised in making its decisions. If proponents cannot demonstrate compliance with safety and the protection of the natural environment, then Council may refuse or not support the proposal.

Administration

Need for Applications

Development applications and other proposals will be assessed in accordance with the principles and objectives of this Policy, the Shire’s Local Planning Scheme(s), the Shire’s Local Planning Strategy and other relevant strategies/documents.

Application Requirements

Depending on the nature and scale of the proposal, its location, proposed level of servicing and anticipated impacts on the natural environment, Council may require the submission of an appropriate “ecological footprint analysis”, biodiversity assessment, statement confirming whether the application proposes any clearing of native vegetation, water impact statement relating to water quantity and quality and any other information considered necessary by Council.

Applications seeking development approval for land clearing should, in addition to the

generally required supporting information (completed application form, site plan and design drawings), provide the following information:

- a. Justification for the proposed clearing;
- b. List of species proposed to be removed;
- c. A revegetation/rehabilitation plan of the area proposed to be cleared where necessary; and
- d. Management Plan for control of erosion/landscaping of cleared area.

Procedural Requirements

The Shire administration will:

- publicly advertise proposals as deemed appropriate by the Shire administration where there are likely to be significant environmental impacts; and
- seek comments, as determined by the Shire administration, from relevant government agencies, stakeholders, adjoining/nearby landowners and the community.

In the event that substantive objections are received against the application, the following will apply;

- objections from State Government authorities will require the matter to be considered by Council;
- where the objection is for matters not deemed relevant to the Council, for the purposes of this Policy, outlined in Section 5 or which can be addressed through planning conditions), then the Shire's Statutory Planning will assess the application based on all relevant information and advice in accordance with the Policy, operative LPS, the Local Planning Strategy, and other relevant planning and NRM documents.

Applications that are recommended for refusal are to be determined by Council.

Applications that are compliant with the Policy can be determined by delegated authority.

Implementation

The Shire expects proposal, when approved, to be implemented under the principle of sustainable land management based on endorsed Best Management Practice/Code of Practice documents for key land, water and biodiversity areas. Additionally, any approved proposal shall be carried out in full compliance with any conditions imposed with that approval.

ADOPTED – 8 December 2016

EFFECTIVE – 21 December 2016

NEXT DUE FOR REVIEW – December 2020

The Administration of this Policy is by the Development and Regulation Directorate.
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