

6.1.19 MANAGING THE NATURAL ENVIRONMENT

1. Purpose

- 1.1 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 policy aims to raise awareness of the natural environment and the threats to the natural resource assets.
- 1.2 This planning policy reviews relevant legislation and planning policies to ensure the following principles of ecologically sustainable development are considered in planning decisions within the local government area:
 - (i) Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
 - (ii) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
 - (iii) The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; and
 - (iv) the conservation of biodiversity and ecological integrity should be a fundamental consideration in decision-making.
- 1.3 This policy incorporates sustainable natural resource management (NRM) principles enshrined within relevant legislation and other planning policies to ensure they are considered in planning decisions with in the Shire of Manjimup. Government agencies and other stakeholders are also involved in the regulation and management of issues associated with natural assets.

2. Objectives

- 2.1 The objectives of this Policy is to ensure that planning decisions:
 - (i) promote conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;
 - (ii) assist in the conservation and management of natural resources, including, but not limited to air, water, soil and, biodiversity to support both environmental quality and sustainable development over a long term;
 - (iii) adopt a risk management approach that aims to avoid or minimise environmental degradation and hazards;
 - (iv) prevent or minimise environmental problems that might arise as a result of siting incompatible land uses together;
 - (v) outline what matters Council will address through the planning system and outline which matters are addressed through our legislation and other agencies;
 - (vi) encourage other stakeholders to adopt a sustainable approach to NRM; and

(vii) adopt adaptation measures that may be required to respond to climate change.

3. Interpretation

3.1 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 (LPS4 or the Scheme) and associated regulations.

4. Application of Policy

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

4.2 This Policy applies throughout the local government area is also intended to assist Council's consideration of development applications, scheme amendments, structure plans and subdivision/strata applications. It can also guide Council's advice to the WAPC as requested.

4.3 The local government expects a 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.

5. Policy Measures

The following protective policy measures recognise the significance of natural resource assets in the Shire of Manjimup:

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

5.1 General

5.1.1 This Policy should be read in conjunction with The Shire of Manjimup Natural Environment Strategy, LPS4 and the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No.2 – Environment and Natural Resources Policy. It is intended to complement, and be used, in conjunction with relevant legislation, Local Planning Policies and Strategies, WAPC Policies and Strategies, and other guidelines.

5.1.2 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.

- 5.1.3 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.
- 5.1.4 Council may require proponents and or the landowners to submit, where appropriate, additional information in the form of an ecological footprint analysis, biodiversity assessment or impact statement outlining whether the application has the potential to cause environmental impacts from the following, but not limited to;
- (i) any clearing of native vegetation,
 - (ii) water use,
 - (iii) waste,
 - (iv) energy use
 - (v) pollutants
 - (vi) contamination,
 - (vii) acid sulphate soils, and
 - (viii) any other information considered necessary by Council.
- 5.1.5 Where, in the opinion of Shire Officer's, a proposal may have a high likelihood for environmental 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.
- 5.1.6 The local government may request changes to an application in order to protect significant natural, indigenous and cultural features, including sites and features significant as habitats and for their floral, cultural, built, archaeological, ethnographic, geological, geomorphological, visual or wilderness values.

5.2 Water Resources

- 5.2.1 In considering proposals which may have an impact on any waterway or waterbody the local government will have regard to:
- (i) Maintaining water balance;
 - (ii) Maintaining and where possible enhancing water quality;
 - (iii) Encouraging water conservation; and
 - (iv) Maintaining and where possible enhancing water related environmental values.
- 5.2.2 A proponent may be required 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 and 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 local government.
- 5.2.3 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.

- 5.2.4 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 the local government this is unavoidable, Council may determine and require relevant mitigation measures.
- 5.2.5 The local government 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.
- 5.2.6 “Streamlining” to enhance the biodiversity by improving the water quality and vegetation within the stormwater management system may be requiring as appropriate through:
- (i) Planting sedges and rushes as filter beds;
 - (ii) Installing pools and riffle sequences to improve aeration and oxygenation and reduce erosion events;
 - (iii) Create ponds, pools or stormwater gullies designed as sediment traps; and
 - (iv) Create watercourse profiles that provide a range of fauna habitats.
- 5.2.7 With the exception of infrastructure required under clause 5.2.6, the 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.
- 5.2.8 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 the local government unless appropriately justified by the proponent and agreed to by the local government.

5.3 Soil and Land Quality

- 5.3.1 Where there may be a risk of creating or disturbing acid sulphate soils in the opinion of Shire Officer’s 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 Water and Environment Regulation (DWER), Department of Primary Industries and Regional Development (DPIRD), the Department of Biodiversity Conservation and Attractions (DBCA), and the WAPC.

- 5.3.2 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 the Shire and where applicable, the Environmental Protection Authority;
- 5.3.3 Where there maybe the possibility of creating any erosion in the opinion of the local government, a management plan will be required to prevent or minimise the impact to the satisfaction of the Shire.
- 5.3.4 Where there is a risk of salinity the Shire may require a management plan will be required to prevent or minimise the impact.

5.4 Land Clearing

Clause 5.7.3 of the Scheme identifies where a development approval is required to be obtained for land clearing. Notwithstanding this, approval for the clearing native vegetation may be required under the Environmental Protection Act 1986 and the Country Area Waters Supply Act 1947.

5.4.1 Application Requirements

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:

- (i) Justification for the proposed clearing;
- (ii) List of species proposed to be removed;
- (iii) A revegetation/rehabilitation plan of the area proposed to be cleared where necessary; and
- (iv) Management Plan for control of erosion/landscaping of cleared area.

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

- i) Proposals are not detract from the conservation and landscape values of the area;
- ii) 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 Shire, the clearing will cause adverse environmental impacts;
- v) Shall not be approved if in the opinion of the Shire, the clearing will cause significant damage to the amenity of the surrounding area; and
- vi) Gives due regard to any advice received from DBCA, DWER and DPIRD.

5.5 Biodiversity

5.5.1 Applications for Development Approval are to state whether the proposal includes any clearing of native vegetation on the application site generally and/or within the adjoining road reserve(s) to achieve vehicular access. Applications for development approval are required to submit an appropriate level of information for assessment to ensure biodiversity values (as defined *Western Australian Governments Biodiversity Conservation Act 2016*) are identified and maintained. If native vegetation is proposed to be cleared, a

proponent may be required to prepare a flora and fauna assessment to the satisfaction of the Shire.

- 5.5.2 Subject to the nature and scale of the proposal, its location, proposed level of servicing and anticipated impacts on the natural environment a plan of mitigation, to the satisfaction of Council, can be requested from proponents.
- 5.5.3 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.
- 5.5.4 Linkages between high value conservation areas should be maintained and where possible enhanced to the satisfaction of the Shire.
- 5.5.5 applicants/operators are encouraged 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.
- 5.5.6 Conditions of Approval may restrict the clearing of native vegetation and/or may require any clearing requests to be separately considered by DWER as part of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- 5.5.7 Proponents may be required to remove exotic/non-local native vegetation and replaced it 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).

5.6 Land Management

- 5.6.1 For “rural life-style” subdivisions (including rural residential, rural small holdings and conservation lots), the proponent may be required 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.
- 5.6.2 Subject to the nature and scale of a subdivision proposal, its location, proposed level of servicing and anticipated impacts on the natural environment, the Shire may request a restrictive covenant for the purpose of limiting the environmental impact.
- 5.6.3 Restrictions may imposed on the keeping of animals or other biodiversity key threatening processes to reduce the potential for on-site and off-site impacts of land use on the environment, natural resources and natural systems.

5.7 Carbon Sequestration

It is acknowledged that there will be increasing efforts to offset the production of carbon including seeking carbon sequestration. While council supports carbon sequestration overall, it does not support the clearing of native vegetation to plant non-local species plantations. Carbon sequestration proposals on land zoned general agriculture are

encouraged, proposals on land zoned priority agriculture will be considered on their merits. Ideally these types of proposals will contain local native vegetation in a mixed stand that will be in situ for at least 100 years (Kyoto Protocol).

5.8 Fire Management

Proposals will be assessed, where relevant, against the SPP 3.7 Planning in Bushfire Prone Areas 2015. The safety of people and property as well as appropriate management of the natural environment shall be maximised. If proponents cannot demonstrate compliance with safety and the protection of the natural environment, then Council may refuse or not support the proposal.

5.9 Application for Development Approval

Applications for development approval 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.

5.10 Administration

5.10.1 Shire Officers will:

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

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

- (i) objections from State Government authorities will require the matter to be considered by Council;
- (ii) where the objection is for matters not deemed relevant to the local government, then the application will be determined under delegated authority based on any relevant information and advice.

Applications that are recommended for refusal are to be determined by Council. Applications that are compliant with the Policy can be determined under delegated authority.

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EFFECTIVE – 26 October 2022

NEXT DUE FOR REVIEW – 26 October 2026

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