

Local Planning Policy

Biodiversity Protection

Prepared by Planning and Sustainability Services
May 2018

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Background

Biodiversity is the variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the ecosystems of which they form a part.

Biodiversity is vital for supporting all life on Earth. It provides all of our food and many industrial products and medicines. Biodiversity also ensures clean air, water and fertile soils and provides opportunities for recreation, tourism, scientific research and education, and it is a source of cultural identity for many Australians.

Biodiversity is the foundation of healthy, functioning ecosystems upon which all life depends. Biodiversity helps with soil formation; nutrient, nitrogen, oxygen and carbon cycling; energy production; flood and erosion control; clean air; clean water; breaking down pollutants; pest and disease control; and food and medicines.

The Shire of Murray is located within the Southwest Australia Ecoregion which is one of only 34 global biodiversity hotspots, determined due its rich diversity of plant life and the high level of threat it faces.

Prior to European settlement there were 170,111 hectares of native vegetation within the Shire. With extensive historical clearing, in 2010 only 54% or 92,087ha of this native vegetation remained. This clearing is most noticeable on the Swan Coastal Plain portion of the Shire where around 80% of the original vegetation extent has been cleared with the remaining remnants often small and isolated.

Many of the vegetation complexes found within the Shire now comprise less than 30% of their original extent, the threshold below which there is a significant fall in the diversity of plant species. A number of the vegetation complexes have also fallen below 10% of their original extent and are now regarded as endangered. There are many instances of declared rare flora, threatened ecological communities and vital habitat for endangered fauna.

The Shire has entered a period of unprecedented growth, with the population expected to increase nearly tenfold by 2050. This growth will result in enormous changes to our rural and urban areas and place further threat on our remaining natural areas if not carefully planned with sufficient mechanisms are in place to protect and manage biodiversity.

Of the remaining native vegetation within the Shire 76,519ha is located with State forest, the State managed conservation estate or other State managed lands. The balance, some 15,568ha, comprises vegetated local natural areas which is the focus of this policy.

In December 2013 the Shire of Murray endorsed its *Local Biodiversity Strategy*. This strategy was developed to provide a framework to protect the remaining natural areas and biodiversity values within the Shire.

This policy provides a means of recognising and applying the protection targets set out in the Local Biodiversity Strategy to planning proposals and sets out the ecological assessment information to be submitted to support a proposal which is likely to impact on biodiversity values. The policy should be read in conjunction with the *Local Biodiversity Strategy*.

Application

This policy applies to all planning proposals that are likely to impact on local natural areas within the Shire of Murray.

Natural areas are identified in the Shire of Murray Local Biodiversity Strategy 2013 and there is a strong presumption against their further degradation through development.

Planning Approval Requirements

All proposals for clearing of local natural areas require planning approval prior to the commencement of works.

Where approval is required applicants will need to clearly demonstrate that their proposal meets the objectives and requirements of this policy and any other requirement of the Shire's planning framework.

Where there is an inconsistency between this policy and a requirement under a more specific planning framework document for a particular site, the more specific requirement prevails to the extent of any inconsistency.

Definitions

The following are definitions that relate directly to the application of this Policy:

Biodiversity means the variety of all life forms; the different plants, animals and micro-organisms, the genes they contain, and the ecosystems of which they form a part.

Global biodiversity hotspot means a region which contains at least 1,500 species of vascular (higher order) plants (> 0.5% of the world's total) as endemics and has lost at least 70% of its original habitat.

Local natural area is a natural area that exists outside of State Forest, Department of Parks and Wildlife managed lands and Regional Parks.

Natural area means an area that contains native species or communities of flora and fauna in a relatively natural state and hence contains biodiversity. Natural areas can be areas of native vegetation, vegetated or open water bodies (lakes, swamps), or waterways (rivers, streams, creeks – often referred to as channel wetlands, estuaries), springs, rock outcrops, bare ground (generally sand or mud), caves, coastal dunes or cliffs (adapted from Environmental Protection Authority 2003a).

Note that natural areas exclude parkland cleared areas, isolated trees in cleared settings, ovals and turfed areas. Not all areas of native vegetation are natural areas because of the level of degradation.

Natural Area Initial Desktop Assessment template means the template developed by the Perth Biodiversity Project to assist in assessing and recording baseline information for a natural area that has been obtained using desktop tools.

Native vegetation means naturally occurring locally native plant species and excludes revegetated areas of native species. It includes natural areas and areas of native vegetation that is degraded to the point where it cannot be defined as a natural area.

Clearing means:

- the killing or destruction of; or
- the removal of; or
- the severing or ringbarking of trunks or stems of; or
- the doing of any other substantial damage to

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

- the killing or destruction of; or
- the severing of trunks or stems of; or
- any other substantial damage to –

some or all of the native vegetation in an area.

Clearing is considered substantial when it is not exempt under the exemption provisions of the Environment Protection Act 1986.

Protection means that the natural area is covered by a secure mechanism providing the highest level of long-term protection. Secure protection mechanisms in the Shire of Murray are considered to be:

- Public reserves vested for the purposes of conservation (e.g. Department of Parks and Wildlife (DPAW) managed conservation estate or Local Conservation and Bushland Reserve), or
- Land under a conservation covenant registered with a recognised conservation organisation (e.g. National Trust or DPAW), or
- Regional Open Space with a management plan which explicitly states that the area's vegetation is protected from clearing in perpetuity.

Retention means that the natural area is retained on the site, but there is no mechanism which is proven to secure a long-term protection to the natural area. Natural areas that are retained may or may not have laws which specifically prevent clearing within the natural area. Whilst most clearing in the Shire requires a permit from the Department of Environment Regulation, there are numerous exemptions under the Environment Protection (Clearing of Native Vegetation) Regulations which mean that the natural area may not be protected in the long-term.

Objectives

The objectives of this policy are:

1. To protect, maintain and enhance the viability of habitats, ecological communities, flora and fauna, and biodiversity;
2. To ensure that any land use or development in close proximity to or containing a natural area is compatible with the long-term maintenance and conservation of that natural area, and will not have detrimental impacts on biodiversity; and
3. To assist in achieving the Specific Biodiversity Feature Targets and Precinct Protection Targets established in the Shire of Murray *Local Biodiversity Strategy 2013*.

Requirements

1. There is a strong presumption against further clearing of natural areas within the Shire of Murray.
2. Natural areas are identified in the Shire of Murray Local Biodiversity Strategy 2013.
3. Planning proposals including applications for development approval, applications for subdivision approval, structure plans and proposals to rezone land are to reflect the objectives and requirements of this policy.
4. Planning proposals are to clearly demonstrate how they are to protect and retain natural areas and meet the Specific Biodiversity Feature Targets and Precinct Protection Targets established in the Shire of Murray Local Biodiversity Strategy 2013.
5. In applying the targets to consideration of any planning proposal, site specific information is to be gathered to confirm and assess the ecological values present on site. Detailed ecological site investigations are to be consistent with Environmental Protection Authority Guidance Statements 10, 51 and 56. Ecological assessments are to conform to the requirements as contained in Section 13.1 of the Local Biodiversity Strategy, (p82).

6. Where the planning proposal does not involve clearing of natural areas then the need for and extent of information will be based on individual circumstances having regard for the likely impacts the proposal may have on the natural area.
7. Where a planning proposal relates to land containing a natural area or land within 100 metres of a natural area the following information will be required to be submitted to assess the impact of the proposal on the natural area:-
 - a. A completed Natural Area Initial Assessment for any natural area on or within 100m of the site, including vegetation condition mapping and weed mapping where relevant. This requirement may be satisfied by a flora survey by a qualified consultant.
 - b. Plans drawn to scale appropriate to the site and proposed development showing (where relevant):
 - Topography of the site;
 - Wetlands and their buffers, waterways and their foreshores, and drainage lines;
 - Existing natural areas and native vegetation;
 - The type and significance of natural areas and other biodiversity features on the site;
 - Identification of any rare or threatened species, or other significant features;
 - Any native vegetation to be cleared;
 - Boundaries of natural areas to be retained, protected and/or managed;
 - Existing and proposed development;
 - Soil type and potential for Acid Sulfate Soils (ASS) per DER Identification and investigation of acid sulfate soils and acidic landscapes (June, 2015)
 - Distance relative to other native vegetation 'patches' as per So M's Local Biodiversity Strategy 11.1- Proposed targets to protect ecological connectivity.
 - Existing and proposed fencing; and
 - Any other landscape or natural features.
 - c. A report including (where relevant):
 - Demonstration of how the Specific Biodiversity Feature Targets and Precinct Protection Targets are to be met;
 - The identification and explanation for any native vegetation or nature areas to be removed or otherwise modified;
 - The identification and explanation of areas to be retained, protected and/or managed;
 - A fauna management plan where significant populations of wildlife such as marsupials or cockatoos occur;
 - Details of how the proposal contributes to the Shire's Local Biodiversity Targets as established in the Local Biodiversity Strategy;
 - Measures to be taken to minimize the impact of the proposed development on biodiversity, including measures to restore and protect natural areas, ongoing management of natural areas and revegetation of new areas.
 - d. Any additional information as requested by Council to assess the impact of the development proposal on biodiversity.
8. Proponents should demonstrate that they meet the following Ecological Connectivity criteria:
 - a. Areas of bushland to be retained and protected within ecologically viable areas to ensure that no new gaps of more than 100m are created between wetlands/rivers and protected bushland.



- b. Areas of bushland to be retained and protected within ecologically viable areas to ensure that no new gaps of more than 100m are created between wetlands/ivers and protected bushland.

Administration

| Directorate | | Officer Title | |
|-----------------------------|-----------------------|--------------------------------------|----------------|
| Planning and Sustainability | | Director Planning and Sustainability | |
| Version | Decision to Advertise | Decision to Adopt/Amend | Current Status |
| 1 | OCM16/126 – 9/6/2016 | OCM16/207 – 8/9/2016 | Adopted |

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