CLEARING OF VEGETATION
Frequently Asked Questions (FAQ)

This FAQ is intended to provide general information and guidance to common questions regarding the clearing of vegetation.

Planning Framework and Legislation
For detailed information, please refer links to the key planning framework and legislation.

- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Busselton Local Planning Scheme No. 21

Will I require development (planning) approval to clear vegetation?
Development (planning) approval may be required prior to the removal of vegetation depending on where your property is located and the type of clearing proposed.

Clause 6.1.1(b) of the City of Busselton Local Planning Scheme No. 21 outlines when clearing of vegetation is exempt from development approval.

Which areas/zones automatically require approval for any clearing?
Clearing always requires approval if your land is within any of these zones:

- Conservation Zone
- Bushland Protection Zone
- Rural Landscape Zone
- Rural Residential Zone
- Residential Zone coded R2, R2.5 or R5

In addition, a development application is required for any clearing in the following Special Control Areas:

- Coastal Management Area
- Wetland Area
- Floodway Area
- Landscape Value Area
- Special Character Area

Clearing also requires approval if it is:

- Below the mean high-water mark or on reclaimed land
- Within the bed of a river, creek, lagoon or natural watercourse (areas shown uncoloured on the Scheme map)
- On a public road or on unzoned land (also shown uncoloured).

Note: Always check whether a Structure Plan or Local Development Plan includes additional vegetation protection requirements.

Do I need approval to remove trees on the road verge?
Yes, approval from the City is needed to remove a tree in the road verge.

Road reserves are owned by the State Government and managed by the City of Busselton.

Property owners are responsible for landscaping, irrigation, and maintaining road verges adjacent to their property; however, this needs to fit within the City's guidelines so that it is safe and appropriate within a public space.

Further information can be found in City's Engineering and Works Services Standards and Specifications (Section 9c) or by contacting the City's engineering team.

What about clearing for bushfire risk reduction?
No, development approval is not required for the removal of vegetation where clearing is undertaken in accordance with the City's Bushfire Risk Reduction Notice or an approved Bushfire Management Plan (BMP).

This is enabled under the *Bush Fires Act 1954.* Please contact the City's Rangers team for more information to confirm the requirements under the City's Bushfire Risk Reduction Notice.

Development approval is required when:

- Clearing is associated with new development, including:
  - Clearing within the area of the new building footprint
  - Clearing proposed to achieve a lower BAL rating
  - Clearing recommended in a new BMP

Can I remove a dead, dying or dangerous tree without approval?
There are only exemptions for the removal of "dead, dying or dangerous trees" within the Landscape Value Area (LVA), however, should a tree pose an immediate risk to safety or life please contact the City to discuss how we can assist as quickly as possible.

If you wish to remove a tree in an LVA because it is "dead, dying or dangerous trees", you must have evidence prepared by a suitably qualified professional showing the tree presents an immediate threat to life or property.

Does the type of vegetation matter?
No. The Scheme does not distinguish between native, non-native, scrub, or undergrowth. All types count as "clearing" and may still require approval.

Vegetation type and quality may influence whether a proposal is supported, but not whether approval is required.

What does clearing "associated with approved development" mean?
This refers to clearing that has been approved by the City as part of a development approval for other works (for example, clearing that is part of an approval to build a house).

To undertake additional clearing – beyond what is specified in the development approval – a new development application is required.

Do I also need a clearing permit from DWER?
Under State law, all clearing of native vegetation requires a permit from the Department of Water and Environmental Regulation (DWER) unless an exemption applies. Common DWER exemptions include:

- Immediate threat to life or property
- Establishing a boundary fence or crossover
- Works required under an annual Bushfire Mitigation Notice
- Clearing to construct a building or roofed structure (subject to local government requirements)
- Clearing for subdivision works approved by the WAPC

Important: No exemptions apply within an Environmentally Sensitive Area - a permit is always required.

How do development approval requirements and DWER regulations interact?
If clearing has been approved by the City as part of a development approval, a clearing permit is not required from DWER.

If a proposal is to clear vegetation is not related to constructing a building, it may require both development approval from the City AND a clearing permit from DWER.

What about clearing of habitat for the Western Ringtail Possum?
WA Peppermint trees (*Agonis flexuosa*) provide key habitat for the critically endangered Western Ringtail Possum, which is protected under State legislation.

Whenever there is a risk of Western Ringtail Possum being disturbed – including when WA Peppermint trees are being removed – an accredited fauna handler should be on site.

Please contact the Busselton office of the Department of Biodiversity, Conservation & Attractions (DBCA) for further advice.

Further Assistance
If you need further help, contact Planning at (08) 9781 1731 or lodge an enquiry request online:

https://www.busselton.wa.gov.au/council/report-an-issue-or-request-assistance

*** Disclaimer ***
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