



City of Rockingham

# Planning Strategy – Environmental Protection

April 2023



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## Alternative Formats

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## Community Engagement

*Admin use only: Please select all special interest groups that may be interested in this strategy. Groups selected will be notified using Rock Port.*

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|--|--|
| <input type="checkbox"/> Aboriginal and Torres Strait Islanders    | <input checked="" type="checkbox"/> Planning and Development                       |
| <input type="checkbox"/> Arts and Events                           | <input type="checkbox"/> Roads and Footpaths                                       |
| <input checked="" type="checkbox"/> Coastal and Marine Environment | <input type="checkbox"/> Safety Bay/Shoalwater Foreshore Revitalisation Masterplan |
| <input type="checkbox"/> Community Development                     | <input type="checkbox"/> Seniors Facilities and Activities                         |
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## Disability Access and Inclusion

*Admin use only: Please consider identify the elements from the City's current Disability and Inclusion Plan (DAIP) and identify those that are relevant to, or will be impacted by this strategy as per the table below. If you would like to discuss the impacts and relevance of the DAIP to your strategy, please contact the Manager Community Capacity Building.*

The Seven Outcome Areas of the DAIP	Will the Key Element be impacted by this strategy? "Y" or "N"	If "Y", please explain how. the actions under this element will be impacted by this strategy
1. Access to City services and events	N	
2. Access to City buildings and facilities (including outdoor spaces)	N	
3. Access to information	N	
4. Access to quality service from City staff	N	
5. Access to equal complaints procedures	N	
6. Access to participation in public consultation	N	
7. Access to City employment opportunities	N	

## **Acknowledgement of Traditional Owners**

The City of Rockingham respectfully acknowledges the traditional owners and custodians of the land on which Rockingham stands today, the Nyoongar people. We pay our respects to their elders both past and present.

Nyoongar people have managed and nurtured the land for generations and have an enduring spiritual and physical connection to country. By respecting the significance of this, we can continue to work towards managing and enhancing the environment for future generations.

We are committed to working with the Nyoongar community on matters of land, water, culture, language and cultural heritage. The City's third Reconciliation Action Plan aims to build a community that demonstrates respect, builds positive relationships and creates opportunities for local Aboriginal and Torres Strait Islander people.

*The word 'Nyoongar' is identified as a single language but can be pronounced and spelt several ways. This document uses Nyoongar to represent the different spellings.*

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## Executive Summary

The Planning Strategy – Environmental Protection has been prepared to protect and enhance environmental values within the City of Rockingham ('the City') through land use planning processes. The City is committed to protection and enhancement of our environment and working together with the community to ensure natural areas in both the public and private realm are appropriately protected and managed into the future.

Note: This Strategy is specifically intended to guide land use planning processes, and does not apply to the management of crown reserves by the City, which are guided by the City's Community Plan Strategy - Natural Area Conservation.

An assessment undertaken in 2018 identified that a total of 3,260 hectares of Local Natural Areas (LNAs) exist on private land within the City. These LNA's were defined as all remnant vegetation, wetlands and watercourses and their buffers, irrespective of ownership or management responsibility.

In order to conserve our region's environmental assets and prevent further losses, it is critical that areas of high environmental value on private land are appropriately protected by the actions identified in this Strategy.

The key recommendations contained within this strategy seek to:

- Prepare *Planning Policy - Tree Protection and Planting for New Developments*;
- Advocate to the Western Australian Planning Commission ('WAPC') to include a standard condition for the provision of street trees in residential subdivision approvals;
- Incorporate provisions of the Tree Protection Policy in the Public Open Space Strategy;
- Identify potential future conservation areas, based on priority Local Natural Areas ('LNAs') and significant landforms;
- Investigate the feasibility of rezoning lots adjacent to Stakehill Swamp and Tamworth Hill Swamp to 'Special Rural';
- Prepare a Wetland Protection Policy;
- Investigate the feasibility of landowner environmental management grants;
- Amend the *Community Plan Strategy – Public Open Space* ('POS') to include an advocacy item for subdivisions in "Industrial" and "Commercial" zoned land to set aside 10% of the subdivisible area for the purpose of POS;
- Identify 'Rural' areas which are not suitable for supporting livestock;
- Consider opportunities for the protection of LNAs through the preparation of the Karnup District Structure Plan;
- Incorporate outcomes of the Planning Strategy – Environmental Protection into the Local Planning Strategy; and
- Amend Town Planning Scheme No.2 to incorporate new provisions as identified from the above recommendations.

The Strategy details the basis for each recommendation, and provides timeframes for implementation of the proposed actions.

# 1. Strategic Objective

The purpose of this strategy is to provide a framework to protect and enhance ecological values and attributes on private land throughout the City. This is to be considered as an input to the development of the Local Planning Strategy (LPS).



This strategy addresses the Community's vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2019-2029:

<b>Aspiration 2 :</b>	<i>Grow and Nurture Community Connectedness and Wellbeing</i>
<b>Strategic Objectives:</b>	<i>Community Engagement - Facilitate comprehensive community engagement on issues facing the City, ensuring that residents can provide input into shaping our future</i>
<b>Aspiration 3:</b>	<i>Plan for Future Generations</i>
<b>Strategic Objectives:</b>	<i>Responsive Planning and Control of Land Use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.</i>
	<i>Climate Change Adaptation - Acknowledge and understand the impacts of climate change, and identify actions to mitigate and adapt to those impacts.</i>
	<i>Liveable Suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.</i>

The strategic objectives of this strategy are to:

- Protect and enhance priority local natural areas, and environmental values on private land.
- Improve development outcomes that will result in increased canopy cover and tree protection.
- Protect wetlands (Resource Enhancement Wetlands 'REWs' and Conservation Category Wetlands 'CCWs') on private land and ensuring adequate buffers are in place; and

Ensure that environmental planning protection measures are included into the local policy framework.

## 2. Background

The City of Rockingham (the City) is situated in the unique biogeographic region of south-western Australia, which is classed as one of the 36 terrestrial biodiversity hotspots in the world. These hotspots are identified on the basis of containing large numbers of endemic species, yet is also vulnerable to, significant threats. Habitat loss, invasive flora and fauna, pathogens, climate change and other factors are putting the unique diversity of plant and animal life in south-western Australia under increasing threat.

In order to conserve our region's biodiversity and prevent further losses, it is critical that areas of high environmental value are adequately protected by the actions identified in this Community Plan Strategy (CPS).

The majority of the ecologically significant areas in the City occur on public land, which is predominantly under the management responsibility of the City or the Department of Biodiversity, Conservation and Attractions (DBCA). Environmental values within City conservation reserves are managed and protected in accordance with the Natural Area Conservation Strategy. However, areas with significant environmental attributes and green canopy on private land can be better protected and managed by strengthening the existing environmental policy framework.

To determine the extent of environmental assets on private land, a Natural Areas Technical Assessment of the entire municipality was prepared by the City, with input provided by environmental consultancy Eco Logical Australia Pty Ltd. The Report found that roughly 28% of natural areas exist on private land, this equates to a total area of 3,260ha. By comparison, 1230ha (11%) of natural areas are on public land in direct management by the City.

Local Natural Areas (LNAs) have broad environmental, ecological and amenity values to the local community. The LNAs have broad environmental, ecological and amenity values to the local community. The LNA's were then prioritised into low, medium and high categories based on the presence of multiple overlapping ecological values known to exist in the area. Such ecological values include:

- Threatened and priority flora;
- Fauna and ecological communities (Threatened Ecological Communities and Priority Ecological Communities);
- Vegetation complexes that are poorly represented;
- The size of vegetated area;
- Existing connections to ecological linkages;
- Bush Forever sites;
- Wetlands (CCWs or REWs);
- Mapped watercourses; and
- Existing connections to ecological linkages.

The majority of Medium and High Priority LNAs (78% and 95% respectively) were identified within 'Rural', 'Special Rural' and 'Special Residential' zoned land.

LNAs are an essential component of the City's environmental capital, enhancing the City's character and identity. With forecasted population increase, the City is challenged with balancing competing interests to achieve positive outcomes for both the built and natural environments. The protection of natural areas is important to ensuring that the ecological attributes within the City are effectively protected and enhanced. These LNA's include a variety of landforms and ecosystems throughout the City's coastal, wetland and bushland environments and support a diverse collection of native flora and fauna.



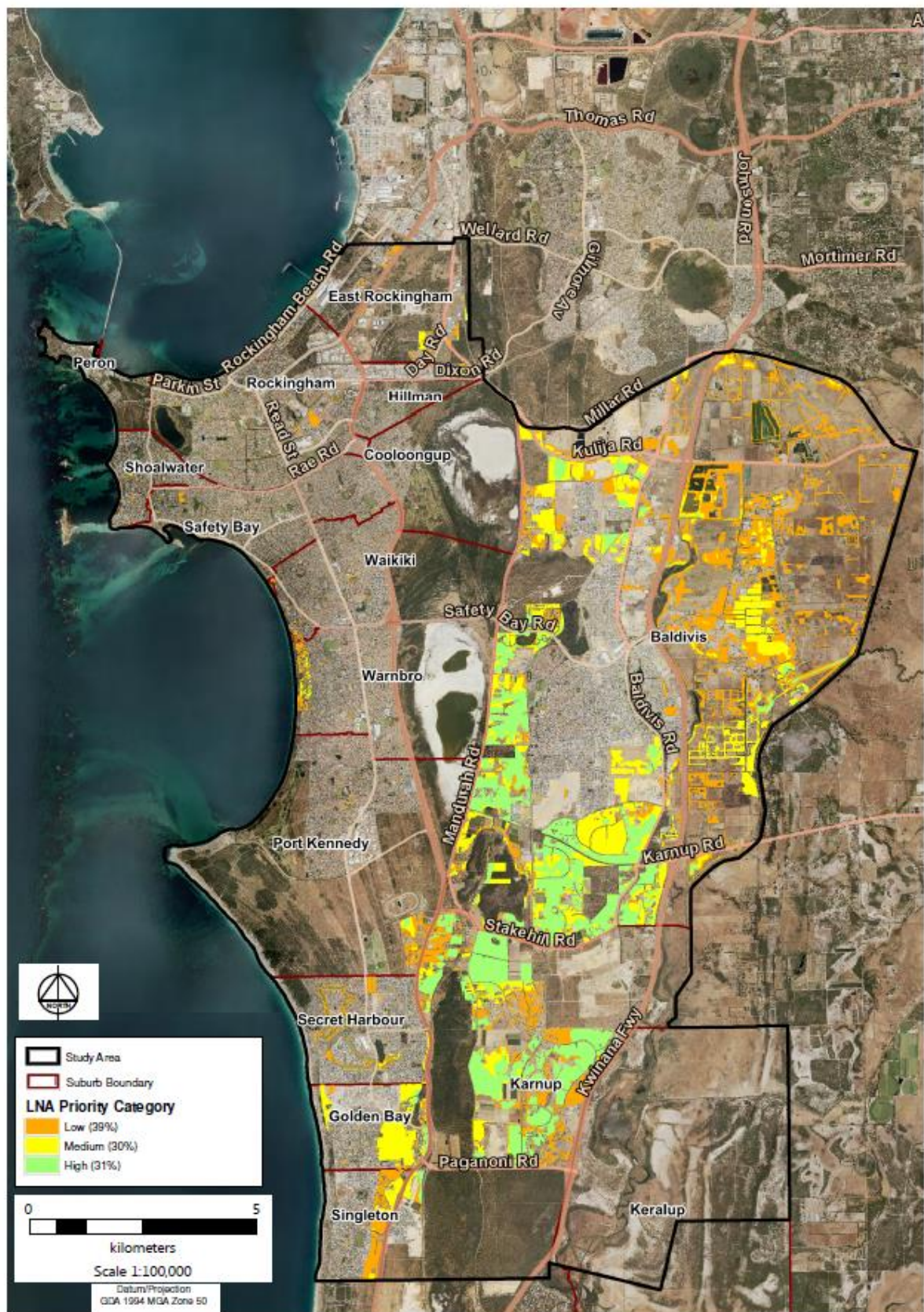


Figure 1: Local Natural Areas within the City of Rockingham



### 3. Current Situation

Below is a summary of the key issues impacting LNAs and environmental attributes on private land within the City.

#### 3.1 Rural, Special Rural and Special Residential Zones

The Rural, Special Rural and Special Residential zones currently contain 86% of LNAs and 95% of all High Priority LNAs within the City.

##### Planning Policy No. 3.1.1: Rural Land Strategy (PP 3.1.1)

The objectives of PP 3.1.1 aim to protect and conserve landscape values and areas of environmental significance across rural parts of the City.

A review of recent rural subdivisions identified that the objectives of PP 3.1.1 were not being achieved following the release of the *Guidelines for Planning in Bushfire Prone Areas* (bushfire guidelines) by the Western Australian Planning Commission (WAPC) in 2015.

On average, since the bushfire guidelines were released, 70-80% of onsite vegetation was being cleared when the guidelines were applied to the minimum lot sizes stipulated by PP3.1.1. This equates to the average amount of clearing required to facilitate rural subdivisions increasing by 270%.

<b>Case Study Example</b>	
Proposed subdivision - Lot 1503 Muzzlewood Street, Baldivis	
<b>Prior</b> to bushfire requirements:	54 of 225 (24%) black cockatoo habitat trees to be cleared
<b>With</b> bushfire requirements:	191 of 225 (85%) black cockatoo habitat trees to be cleared

In order to ensure that rural subdivisions did not continue to have undesirable impacts upon vegetation retention, the City reviewed PP3.1.1 in 2020. The new Rural Land Strategy has outlined a number of gaps in the existing State planning framework relating to the protection of environmental values in privately owned 'Rural' land. It sets out the objectives and policy provisions that the Council shall have due regard to in the assessment of land use planning proposals on rural land in the City. These include bushfire risk mitigation, Rural Subdivisions, and Special Rural and Special Residential lot size considerations and the protection of significant landscapes and environmental attributes.

To address clearing for bushfire risk mitigation, the revised Rural Land Strategy utilises a performance model whereby new dwellings are required to be constructed to a higher standard in order to reduce clearing. The State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* (SPP 3.7) allows for reduced clearing of vegetation when buildings are constructed to withstand a higher Bushfire Attack Level ('BAL').

##### Historical Subdivision Guide Plans

A number of historical Subdivision Guide Plans from TPS2 identify subdivision layouts that are no longer reflective of current bushfire and planning requirements. These Subdivision Guide Plans would result in environmentally unacceptable outcomes due to the extent of clearing required to effectively implement the approved subdivision layouts.

All Subdivision Guide Plans are due to expire in 2025 following the termination of the ten-year approval timeframe granted by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Until then, the City has limited capability to control the level of clearing in these areas as assessments of any subdivision proposals must give regard to endorsed guide plans.

##### **Key Issue 1:**

Under the current legislative and policy framework, the ability to control the environmental impacts of development on Rural, Special Rural and Special Residential property is limited.

Since the introduction of the City's revised Rural Land Strategy in July 2020 the ability to minimise the environmental impacts of development on Rural, Special Rural and Special Residential property has improved. Provisions of the Strategy have assisted in ensuring the protection of environmental attributes on private land during the planning process.

### Inappropriate Rural Subdivision

Rural subdivisions that are approved without prior rezoning to 'Special Rural' expose the risk of environmental degradation through development. The subdivision of 'Rural' land without the prior rezoning to Special Rural does not ensure TPS2 planning provisions are in place to protect significant environmental values through the imposition of building envelopes.

#### **Key Issue 2:**

The subdivision of Rural land without the prior rezoning to Special Rural does not ensure planning provisions are in place to protect significant environmental values.

### Wetlands

There are a total of 429ha of Resource Enhancement Wetlands (REWs) and Conservation Category Wetlands (CCWs)<sup>1</sup> on private land within the City.

No endorsed State or Local Planning Policies currently exist to protect wetlands and their buffers. In 2005 the WAPC released draft *Guidelines for the Determination of Wetland Buffer Requirements* for public comment, however, they have never been finalised and are not actively applied. Applications that may potentially affect wetlands are referred to the Department of Biodiversity, Conservation and Attraction (DBCA) and the City regularly does not receive any comments in response.

TPS2 includes a number of provisions that seek to protect locally significant wetlands on Special Rural and Special Residential zoned land, including: buffers, land use restrictions, and development restrictions at Beenypool, Baldvis (REW); Churcher Swamp, Baldvis (CCW); and Anstey Swamp, Secret Harbour (CCW).

These examples aside, the majority of the CCWs and REWs across the City do not currently have special planning controls in place nor do they have quality vegetated buffers to protect their ecological attributes and functions. For example, Outridge Swamp (High Priority LNA) is a large CCW within Baldvis that exists predominantly within Rural zoned land and therefore has no specific planning controls under TPS2.

The revised Rural Land Strategy provides opportunities for wetlands on private property to be ceded to the City to ensure ongoing protection and management. An example of this is a recent subdivision on Eighty Road, Baldvis; where a 3.8ha portion of the Lot that encompasses Outridge Swamp and its ecological buffer is in the process of being ceded to the City as part of the Subdivision. This will ensure the wetland is managed by the City and protected further development pressures.

#### **Key Issue 3:**

Under the current legislative and policy framework there is a limited ability to protect wetlands (REWs and CCWs) and their buffers on private land.

### Keeping of Livestock

TPS2 permits the keeping of horses and other livestock in any property within 'Rural' zoned land in the City regardless of the presence of priority LNAs.

<sup>1</sup> REWs ('Resource Enhancement Wetlands') are wetlands which may have been partially modified but still support substantial ecological attributes and functions and CCWs ('Conservation Category Wetlands') are wetlands which support a high level of attributes and functions (EPA 2008). The 429 ha REWs and CCWs was calculated to include generic 50 m buffers.

<sup>2</sup> Draft State Planning Policy 2.9 - Planning for Water includes provisions to protect wetlands but this document is yet to be gazetted.

The keeping of livestock can however cause detrimental impacts on the surrounding environment including increased nutrient export, where nutrient runoff leads to contamination of surface water sources, as well as urine and manure waste nutrients leaching into the soil affecting groundwater and potentially wetlands. There are also other land degradation issues such as increased erosion from grazing on native vegetation, which can lead to dust problems, along with increased weed spread.

Damage to native vegetation, caused by grazing horses, has been observed in 'Rural' areas across the City. The degradation caused by overgrazing has been particularly prevalent in southern Baldivis between Sixty Eight Road and Stakehill Road. Large amounts of the vegetation within this area is mapped as being representative of either the *Banksia Woodlands of the Swan Coastal Plain* TEC ('Banksia Woodlands TEC') or the *Tuart Woodlands and Forests of the Swan Coastal Plain* TEC ('Tuart Woodlands TEC'). Both of these TECs are listed as critically endangered under Australian environmental legislation, and as such are a priority for conservation and management. Additionally, this area of southern Baldivis has been identified as having medium to high quality LNA values onsite.

The City is guided by the Department of Primary Industries and Regional Development's (DPIRD) *Stocking Rate Guidelines for Rural Small Holdings – Swan Coastal Plain and Darling Scarp* ('the Stocking Rate Guidelines') when assessing applications to keep livestock. The stocking rate is a calculation of the number of stock that can be safely kept on a single area of pasture on a perennial basis without causing environmental degradation. This calculation is based on regional soil types and the amount of nutrient input that each particular soil type is able to withstand.

Whilst the determination of the stocking rates provides valuable information on the ability of the land to process increased nutrients, it provides the City with no information on the impact that grazing horses are likely to have on native vegetation. In order to address this, the Stocking Rate Guidelines recommends that areas of remnant vegetation are either fenced off or excluded from the stocked area. To date, the City has not always followed this recommendation by factoring in vegetation coverage into its assessment of planning proposals. This has resulted in approvals to keep livestock being issued for properties with high value LNAs onsite.

Recent advice from the DPIRD has outlined that Local Governments should have regard to tree and vegetation preservation when considering such applications, regardless of what precedence has been set by historical approvals.

It is therefore considered that there is an urgent need to review the areas within the TPS2 'Rural' zone which permit the keeping of livestock. The Stocking Rate Guidelines suggest that the keeping of livestock should be restricted to areas where native vegetation has already been cleared for pasture. Within the City, these areas exist primarily to the east of the Kwinana Freeway, in eastern Baldivis. Relative to southern Baldivis, the area east of the Freeway has a larger average lot size and more appropriate soil types.





Figure 2: An example of land degradation caused by keeping livestock at a property in southern Baldvins

**Key Issue 4:**

The current process for determining Development Applications seeking approval to keep livestock is resulting in the degradation of high quality LNAs.

### 3.2 Residential and Development Zoned Land

Across the City, 31% of LNAs currently fall within land either zoned as 'Residential' or 'Development' or identified as 'Urban Expansion', 'Urban Investigation' or 'Planning Investigation' in the WAPC's *Perth and Peel @ 3.5 million* sub-regional planning framework (sub-regional planning framework). Of the LNAs identified for potential future urban development, 33% consist of High Priority LNAs.

#### Greenfield Residential Development

Once land is zoned 'Urban' under the Metropolitan Region Scheme (MRS), the opportunity to protect ecological values is generally limited to retention of trees in Public Open Space (POS) and road reserves, and protection of wetlands, if present, within POS. Retention of these values in POS is often a secondary priority for developers relative to changes in site levels (cut/fill), drainage and bushfire requirements.

Development Control Policy 2.3 – *Public Open Space in Residential Areas* states a minimum of 10% of all subdivisible land must be ceded to the Crown for POS, however, it is often seen that less than 10% of the sites' ecological values are conserved due to other competing priorities to be achieved within POS. The locations of POS are also compromised by the spatial requirement to install necessary services and drainage and they often do not adequately integrate natural landform and features, due to these competing requirements.

**Key Issue 5:**

Environmentally significant LNAs (Medium to High Priority) currently lack protection through future rezoning and there is no guidance for integration of these areas into urban development through structure planning.

### Brownfield (Infill) Residential Development

*State Planning Policy 3.1 Residential Design Codes (R-Codes)* details minimum area requirements for 'open space' and 'outdoor living' for grouped dwellings according to the type of dwelling, however, the open space on grouped dwelling sites is not required to be vegetated (gravel is acceptable).

The recently released *State Planning Policy 7.3: Residential Design Codes Volume 2- Apartments (R-Codes Vol.2)* includes minimum requirements for deep soil areas and trees, with the aim of increasing canopy cover and allowing infiltration of rainwater, however, these provisions only apply to multiple dwellings (apartments) in areas coded R40 and above.

If the infill development coded below R40 requires a Subdivision Application (approved by WAPC), there is no mechanism whereby landscape plans must be provided with the application to identify planting. If proposed infill development is through a Development Application, then the City can require provision of a landscape plan, however, there is currently no guidance to require that trees be shown on these plans.

Many infill developments result in little to no vegetation remaining on site, as green cover and fauna habitat trees are removed from the urban environment, resulting in unfavourable outcomes for the City. Even opportunities for the City to implement street tree planting in these situations are limited by the necessity to install essential infrastructure in the verge space, which further increases the importance of protecting existing trees through brownfield residential development.



Figure 3: Examples of grouped dwelling developments in Rockingham, with mature vegetation being cleared and none being replaced

#### **Key Issue 6:**

There is limited ability to ensure the protection and provision of trees as part of greenfield and infill developments within Residential, Development, Commercial and Industrial zoned land.

### Karnup District Structure Plan

The *South Metropolitan Peel Sub-Regional Planning Framework* identifies the need for the preparation of a District Structure Plan ('DSP') to guide the rollout of future urban development across the Karnup region.

The Karnup DSP and the associated technical reports will be prepared by consultants, on behalf of the City. Upon completion of the project, the outputs from the consultants will require approval from Council and WAPC before the Structure Plan is formally adopted. Following adoption, the Karnup DSP will guide all rezoning across the project area and it will also identify the location of future major land uses, reservations and utilities infrastructure.



The City has resolved to take responsibility for the preparation of the Karnup DSP to ensure that the appropriate amount of rigour and analysis is applied to the structure planning process. This will ensure that all aspects of long-term planning, including the retention of LNAs, are considered throughout the design of the future urban area.

The Karnup DSP project area currently comprises approximately 1,600 hectares of primarily 'Rural' zoned land, most of which contains high or medium quality LNAs (Figure 3). Only a select few areas within the subject site were not mapped as containing LNAs due to historical degradation associated with the operation of the former Karnup munitions depot, various market gardening practices and sand/limestone extraction.

Overall, the project area contains 370 Ha of high priority LNAs, which is due to a range of environmental attributes occurring; including TECs, Conservation Category Wetlands, Bush Forever and protected fauna habitat. As a result of this, Karnup is the suburb with the greatest proportion of high priority LNAs occurring within privately owned land. The location of these attributes must be factored in to the preparation of the Karnup DSP to ensure that they are appropriately integrated into the future development.

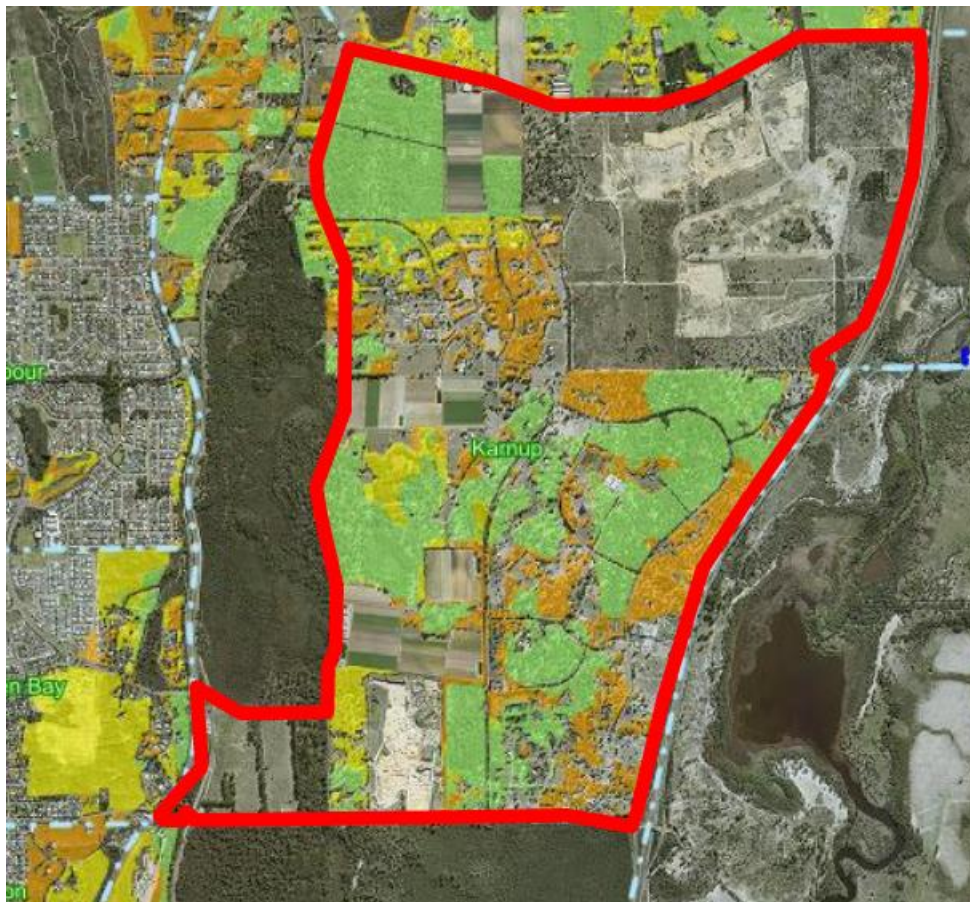


Figure 4: LNA mapping across private landholdings within the Karnup District Structure Plan area. High priority LNAs (green), medium priority LNAs (yellow), low priority LNAs (orange). Note that the final project area may be subject to minor amendments.

**Key Issue 7:**

Protection of high priority LNAs needs to be carefully considered throughout the preparation of the Karnup District Structure Plan.



### 3.3 Industrial and Commercial Zoned Land

There are currently two major industrial precincts in the City, being the East Rockingham Industry Zone and the Port Kennedy Business Park. Whilst both precincts have been subject to ongoing development for a number of years, the undeveloped Industrial lots still contain LNAs with significant values which may be able to be protected through future subdivisions.

Roughly 567ha of LNAs have yet to be developed within the two precincts. Across this undeveloped area, there are a number of TECs and Conservation Category Wetlands (CCW), which provide valuable habitat to significant fauna species, such as Quenda, Black Cockatoos and Western Grey Kangaroos. This undeveloped industrial land also provides important linkages for animals to move across the landscape. Whilst it is acknowledged that the majority of this land will be developed for its intended purpose of supporting the primary industrial base for the Western Australian economy, installing appropriate protection mechanisms will result in large swathes of environmental attributes being retained within the City of Rockingham.

Similarly, any remnant LNAs within 'Commercial' and 'Industrial' zoned land are not well protected by existing planning mechanisms. As a result, there is an opportunity to update the City's planning policy framework to better protect LNAs before any future 'Commercial' or 'Employment' hubs are established by the rapid urbanisation of Baldivis and Karnup.

#### Industrial and Employment Public Open Space

Currently, the State Planning Framework does not require industrial or commercial subdivisions to set aside any of the overall project area for the purpose of Public Open Space, as it does for 'Residential' zones. This means that the retention of environmental values is often negotiated with Lot owners at Development Application stage. At this stage of the planning process, it is difficult for the City to achieve good environmental outcomes, as the retention of LNAs regularly conflicts with development plans and associated bushfire constraints.

#### **Key Issue 8:**

Under the State Planning Framework, there is no requirement for subdivisions in 'Industrial' zones to set aside land for Public Open Space. This is resulting in the removal of LNAs across the 'Industrial' zones in the City of Rockingham

### 3.4 Existing City Environmental Protection Documents

#### Planning Policy 7.2 - Local Bushland Strategy

LPP 7.2 was developed to guide assessment of planning proposals within the City containing locally significant remnant bushland. This Policy is outdated and is not currently used to inform decisions by the City and recommendations to the WAPC.

#### Planning Policy 7.3 - Cockburn Sound Catchment

The purpose of this policy was to protect the marine waters of Cockburn Sound by minimising contaminant inputs (particularly nutrients) from diffuse land use sources. Since this policy was implemented, the regulatory framework for managing impacts to the Sound has strengthened and a number of the policy provisions are now covered by State Government policy & legislation.

#### Planning Policy 7.1 - East Rockingham Industrial Park: Environmental Planning

PP 7.1 was prepared to establish the guiding principles for the environmental acceptability of industrial development on industrial zoned land within the East Rockingham industrial area. The provisions made in PP7.1 are now covered by other legislation, and as a result, PP7.1 no longer serves its original purpose.

#### **Key Issue 9:**

There is an outdated policy framework for environmental planning and protection, particularly in relation to expansion of urban development in areas of high ecological value.

## 4. The Way Forward

While a number of relevant State documents exist including the R-Codes, Design WA and the Green Growth Plan, the proposed Strategy aims to address gaps, protect Local Natural Areas and promote environmentally responsive development.

The key issues in this strategy have been categorised according to the three following focus areas:

1. Protection of Local Natural Areas in 'Rural', 'Special Rural' and 'Special Residential' Zones;
2. Protection of Local Natural Areas in 'Residential' and 'Development' Zoned Land; and
3. Review of Local Policy Framework

### 4.1 Rural, Special Rural and Special Residential Zones

***Key Issue 1: Under the current legislative and policy framework, the ability to control the environmental impacts of development on Rural, Special Rural and Special Residential property is limited.***

#### **Actions**

The City's Rural Land Strategy was completed in July 2020 and the following actions have been completed through the implementation of this strategy:

- Special provisions relating to particular LNA priority categories within different Planning Units have been incorporated. These special provisions include:
  - A requirement for Environmental Assessment Reports to be submitted in support of planning applications where LNAs may be impacted. These reports are required to address the protection of:
    - Priority flora, fauna and ecological communities;
    - Habitat used by priority fauna;
    - Remnant vegetation;
    - Regional ecological linkages;
    - Wetlands and waterways; and
    - Areas with significant landscape value.
- Minimum lot sizes for Special Rural and Special Residential subdivisions have been increased to allow greater retention of vegetation and/or require a minimum 70% retention of vegetation for subdivisions (i.e. to allow smaller lot sizes for sites with limited vegetation).
- The requirement for developments within rural areas to construct buildings to the maximum BAL rating of BAL-29 has been introduced in order to limit clearing, unless it can be demonstrated that a lesser BAL rating can be applied.
- Greater restrictions have been introduced on land uses surrounding sensitive environments such as wetlands, with the Rural Land Strategy requiring that development setbacks be established and that these setbacks be revegetated.

This Strategy proposes that the following actions will be undertaken in conjunction with the preparation of the Local Planning Strategy and the new Town Planning Scheme.

- Identify and define rural areas that are not suitable for keeping livestock, based on presence and quality of remnant vegetation.
- Define areas not suitable for development, to be included in the TPS2 as Special Control Areas (SCAs) (i.e. REWs, CCWs and Bush Forever Sites).

- Include requirements for revegetation to offset clearing of significant trees or vegetated areas.

The City will also advocate to the Western Australian Planning Commission to update its planning framework to be consistent with the above.

***Key Issue 2: The subdivision of Rural land without the prior rezoning to Special Rural does not ensure planning provisions are in place to protect significant environmental values.***

#### **Actions**

- Rezone the Rural lots adjacent to Stakehill Swamp (Lots 4, 601, 602, 901 and 902 Mandurah Road, Baldivis), Churcher Swamp (Lots 33, 49, 63 and 81 Ukich Place, Baldivis) and Tamworth Hill Swamp (Lots 807, 808, 1085, 1806 Eighty Road, Baldivis) to Special Rural under TPS2 to ensure the provisions of the revised PP 3.1.1 (Rural Land Strategy) and the Special Rural zone apply. In addition, it is proposed that these lots be included within a Special Control Area in TPS2 to restrict development and unacceptable land uses.

Note: Rezoning proposals are subject to the approval of the Minister of Planning.

***Key Issue 3: Under the current legislative and policy framework there is a limited ability to protect wetlands (REWs and CCWs) and their buffers.***

It is proposed that a Wetland Protection Policy (Planning Policy) be developed to provide for better protection of wetlands and their buffers across private land within the City. The Policy would identify new provisions to be included in TPS2 and PP 3.1.1 for different zones, as well as requirements for rural and residential subdivisions. This might include:

- Identification of CCWs, REWs and their required 50 m buffers to be included as SCAs in the TPS2 to restrict development and land uses. SCAs would not apply to wetlands and buffers covered by Structure Plans or that have already undergone development. All wetlands would be ground-truthed prior to being included as a SCA to ensure they are worthy of protection.
- The requirement for subdivisions to include memorials on titles and/or conservation covenants for rural properties containing CCWs, REWs and a 50m buffer to provide added protection to the wetlands and increase landowner awareness.
- The requirement for preparation of a Wetland Management Plan for development of land within 200m of CCWs and/or REWs.
- Restrictions on potentially contaminating land uses within 200m of CCWs or REWs such as intensive agriculture or service stations, unless it can be demonstrated the proposed land use will not have an adverse environmental impact.
- Landowner grants being made available to assist with rehabilitation activities on private property, including the rehabilitation of wetlands and TEC's.

The City will also seek to have the Policy endorsed by the WAPC to ensure a consistent approach towards planning in land affected by wetlands in the City of Rockingham.

***Key Issue 4: The current process for determining Development Applications seeking approval to keep livestock is resulting in the degradation of high quality LNAs.***

#### **Actions**

Investigate and identify rural areas which are not suitable for the keeping of livestock due to constraints based on the following attributes:

- Presence of priority LNA's.



- Onsite vegetation and the presence of Threatened Ecological Communities.
- Land and soil types.
- Lot sizes.
- Downstream catchments, particularly the Peel-Harvey Estuary.
- Proximity to CCWs and REWs.

Following this investigation, TPS2 should list the keeping of livestock as a prohibited use in the areas determined to be unsuitable.

In the interim period, the development of an Assessment Procedure is proposed to ensure a consistent approach towards the assessment of keeping of livestock applications in the City.

## 4.2 Residential and Development Zoned Land

***Key Issue 5: Environmentally significant LNAs (Medium to High Priority) currently lack protection through future rezoning and there is no guidance for integration of these areas into urban development through structure planning.***

### **Actions**

It is proposed that areas of environmental and landscape significance potentially subject to future rezoning or structure planning be identified through assessment of LNA priority mapping, topographic contours, the City's Visual Landscape Evaluation and on-ground assessments. The most significant areas may then be protected by:

- Identifying areas not suitable for rezoning through the Local Planning Strategy.
- Identifying areas to be set aside as Landscape/Bushland Protection Areas, to be reserved for conservation and/or recreation, as part of future Structure Planning.
- Having an established advocacy position in favour of Landscape/Bushland Protection Areas being retained in addition to the 10% POS requirement, as per Development Control Policy 2.3 - Public Open Space in Residential Areas.
- Requiring Structure Plans to demonstrate measures have been taken to maximise retention of significant environmental values in POS and road reserves, particularly those that contain Medium to High Priority LNAs.

***Key Issue 6: There is limited ability to ensure the protection and provision of trees as part of greenfield and infill developments within Residential, Development, Commercial and Industrial zoned land.***

### **Actions**

It is proposed that a *Planning Policy - Tree Protection and Planting for New Developments* be developed to protect trees on private property wherever possible and require provision of new trees as part of development. The Policy could identify new provisions to be included in the TPS2, such as:

- The requirement for trees (>100 mm diameter at breast height) within future POS, landscaping areas and road reserves to be surveyed, with those to be retained and cleared identified through a tree retention plan submitted at Structure Plan stage. Developers will be required to demonstrate measures have been taken to maximise tree retention.

- The requirement for landscaping plans to be submitted with subdivision and development applications for multiple and grouped dwellings, indicating:
  - Measures proposed to retain mature trees (including an arborist report where applicable).
  - Provision of one new tree for each dwelling proposed (trees should be planted on site for group dwellings, with a combination of street and/or on site trees acceptable for multiple dwellings).
  - Provision and treatment of landscaped planting areas/deep soil areas, in accordance with the City's specifications. These specifications could be detailed in a Landscaping Guideline attached to the Policy.
- The requirement for a minimum number of trees to be planted in all new areas of POS and one tree for every four bays in new car parks.
- The requirements for offset planting conditions to be applied to approved tree removal requests.
- The requirement for a Tree Protection Plan to be submitted for any development application within 5m of a street or parkland tree. The Tree Protection Plan will be required to be prepared by a suitably qualified arborist.
- The requirement for street trees for all subdivisions and developments (over a certain dollar value) to be installed and maintained by the developer for two years until establishment. The number of trees required for development within different zones would be specified. For example, one tree per residential lot or one tree per 7m - 15 m within planting strips/verges of Commercial/Industrial zones).
- Where street trees necessitate removal to facilitate development, like for like replacement planting is to be undertaken (offset planting).

Following the release of the *Planning Policy - Tree Protection and Planting for New Developments*, the City will advocate for the WAPC to include a standard subdivision condition for the provision of street trees and to establish policy guidance at a State level which is consistent with the measures above. This could potentially be achieved through an update to the existing *Liveable Neighbourhoods Policy*.

***Key Issue 7: Protection of high priority LNAs needs to be carefully considered throughout the preparation of the Karnup District Structure Plan.***

#### **Actions:**

1. Undertake detailed environmental surveys of the Karnup DSP project area to confirm the presence of LNAs onsite. The following assessments will be undertaken as part of the survey:
  - A detailed and targeted flora and vegetation survey
  - A Level 2 fauna survey
  - A Black Cockatoo habitat assessment
2. Revise the LNA mapping for the Karnup area so that it reflects the results of the on-ground assessments.
3. Prepare an Environmental Assessment Report to document the findings of all on ground assessments and to detail how environmental values will be incorporated into the Karnup DSP design through all future stages of development.

The Karnup DSP will also be prepared in accordance with the proposed *Planning Policy – Tree Protection and Planting for New Developments*.

### 4.3 Industrial Zone Land

**Key Issue 8: Under the State Planning Framework, there is no requirement for subdivisions in 'Industrial' zones to set aside land for Public Open Space. This is resulting in the removal of LNAs across the 'Industrial' zone in the City of Rockingham**

#### Actions

- Advocate to the WAPC to prepare and implement a new State Development Control Policy which includes a requirement for subdivisions in "Industrial" and "Commercial" zoned land to set aside 10% of the subdivisible area for the purpose of POS.

### 4.4 Review of Local Policy Framework

**Key Issue 9: There is an outdated policy framework for environmental planning and protection, particularly in relation to expansion of urban development in areas of high ecological value.**

#### Action:

- Review the suite of outdated Local Planning Policies that are no longer used to protect environmental values on private land and determine whether the policies should be updated or rescinded (PP7.1 - East Rockingham Industrial Park: Environmental Planning, PP7.2 - Local Bushland Strategy and PP7.3 - Cockburn Sound Catchment).

## 5. Measuring Success

What will be measured?	Implementation of above actions.
When will it be measured?	Annually, at the end of each financial year
How will it be reported to Council?	Council Bulletin and Sustainability Snapshot Report

What will be measured?	Success of actions implemented
When will it be measured?	After five years of implementing this strategy. The relative success of each action will be assessed through the collection of data for each time the action is successful in protecting LNAs on private land.
How will it be reported to Council?	Council Bulletin and Sustainability Snapshot Report

What will be measured?	Changes to LNA coverage across the City
When will it be measured?	Five years from the implementation of this strategy
How will it be reported to Council?	Council Bulletin

## 6. Risk Management

Risk	Risk of poorly governed natural areas resulting in loss of significant environmental values.		
Overall risk level	Medium	Impact area	The environment
Action Required	Implementation of Planning Strategy – Environmental Protection		



<b>Risk</b>	<i>Risk of urban canopy loss due to inadequate protection of significant trees and vegetation on private land.</i>		
<b>Overall risk level</b>	Medium	<b>Impact area</b>	The environment
<b>Action Required</b>	<i>Implementation of Planning Strategy - Environmental Protection</i>		

## 7. Actions

### 7.1 New Actions

Task	Cost	Team	Commence	Complete
<i>Revise Rural Land Strategy (PP 3.1.1), incorporating recommended updates to achieve environmental objectives</i>	<i>Complete</i>	<i>Strategic Planning</i>	<i>2019 / 2020</i>	<i>Complete</i>
<i>Incorporate outcomes of the Planning Strategy - Environmental Protection into the Local Planning Strategy</i>	<i>Officer Time</i>	<i>Strategic Planning</i>	<i>2023 / 2024</i>	<i>2024 / 2025</i>
<i>Investigate feasibility of rezoning Lots adjacent to Stakehill Swamp and Tamworth Hill Swamp to Special Rural</i>	<i>Officer Time</i>	<i>Strategic Planning and Statutory Planning</i>	<i>2022 / 2023</i>	<i>2022 / 2023</i>
<i>Prepare Wetland Protection Policy</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2022 / 2023</i>	<i>2022 / 2023</i>
<i>Investigate the feasibility of landowner environmental management grants</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2022 / 2023</i>	<i>2022 / 2023</i>
<i>Investigate areas not suitable for keeping of livestock based on LNA's and land capacity</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2024 / 2025</i>	<i>2024 / 2025</i>
<i>Prepare Assessment Procedure for Keeping of Livestock Applications</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2022 / 2023</i>	<i>2022 / 2023</i>
<i>Prepare Planning Policy - Tree Protection and Planting for New Developments</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2023 / 2024</i>	<i>2023 / 2024</i>

<i>Advocate to the WAPC to include a standard condition for the provision of street trees and to establish policy guidance at a State level which is consistent with the measures contained within the City's Planning Policy - Tree Protection and Planting for New Developments.</i>	<i>Officer Time</i>	<i>Sustainability and Environment</i>	<i>2023 / 2024</i>	<i>2023 / 2024</i>
<i>Revise Public Open Space Strategy to incorporate provisions of the Tree Protection and Policy, as necessary</i>	<i>Officer Time</i>	<i>Strategic Planning</i>	<i>2023 / 2024</i>	<i>2023 / 2024</i>
<i>Undertake detailed environmental surveys of the Karnup DSP project area to confirm the presence of LNAs onsite.</i>	<i>Sufficient funds already allocated towards Karnup DSP project.</i>	<i>Strategic Planning</i>	<i>2022 / 2023</i>	<i>2024 / 2025</i>
<i>Revise the LNA mapping for the Karnup area so that it reflects the results of the on-ground assessment.</i>	<i>Officer Time</i>	<i>Strategic Planning and Business Systems</i>	<i>2023 / 2024</i>	<i>2024 / 2025</i>
<i>Prepare an Environmental Assessment Report to document the findings of all on ground assessments and to detail how environmental values will be incorporated into the Karnup DSP design through all future stages of development.</i>	<i>Sufficient funds already allocated towards Karnup DSP project.</i>	<i>Strategic Planning</i>	<i>2023 / 2024</i>	<i>2023 / 2024</i>
<i>Advocate to the WAPC to prepare and implement a new State Development Control Policy which includes a requirement for subdivisions in "Industrial" and "Commercial" zoned land to set aside 10% of the subdivisible area for the purpose of POS.</i>	<i>Officer Time</i>	<i>Strategic Planning</i>	<i>2023 / 2024</i>	<i>2023 / 2024</i>

<p><i>Review the outdated Local Planning Policies which are no longer being used to protect environmental values and determine whether they should be updated or rescinded. Policies to be reviewed are:</i></p> <ul style="list-style-type: none"> <li><i>- PP7.1 – East Rockingham Industrial Park: Environmental Planning;</i></li> <li><i>- PP7.2 Local Bushland Strategy; and</i></li> <li><i>- PP7.3 - Cockburn Sound Catchment.</i></li> </ul>	Officer Time	Statutory Planning	2022 / 2023	2022 / 2023
<p><i>Amend TPS2 to incorporate new provisions as identified from the above actions</i></p>	Officer Time	Statutory Planning	2023 / 2024	2023 / 2024
<p><i>Review changes to LNA coverage across the City and update the Planning Strategy - Environmental Protection if required.</i></p>	\$40,000	Sustainability and Environment	2026 / 2027	2026 / 2027

## 7.2 Ongoing Actions

Task	Cost	Team
<i>Apply Local and State policies in assessment of planning applications</i>	<i>Officer time</i>	<i>Statutory Planning/ Sustainability and Environment</i>
<i>Assess and respond to tree removal requests on private land</i>	<i>Officer time</i>	<i>Sustainability and Environment</i>
<i>Seek professional technical advice on complex developments applications</i>	<i>\$30,000 per year</i>	<i>Sustainability and Environment</i>
<i>Enforce compliance of TPS2</i>	<i>Officer time</i>	<i>Compliance and Emergency Liaison</i>
<i>Report any known or suspected contaminated sites to the responsible authority</i>	<i>Officer time</i>	<i>Sustainability and Environment</i>
<i>Provide input and advice on applications for permits to clear native vegetation on private land where required</i>	<i>Officer time</i>	<i>Sustainability and Environment</i>



## 8. Stakeholder Engagement

Key Stakeholders invited to participate	Contributed? (Yes/No)	Engagement method used
Community		Draft strategy to be advertised for community consultation.
City of Rockingham Environmental Advisory Committee		Draft strategy to be referred to the EAC prior to consideration by Council (both before and following public advertising).
Statutory Planning		E-mail and meetings.
Engineering and Parks Services		E-mail and meetings.
Department of Biodiversity, Conservation and Attractions (DBCA)		Draft strategy to be e-mailed during public consultation period.
Western Australian Planning Commission (WAPC)		Draft strategy to be e-mailed during public consultation period.

## 9. References

1. Biodiversity hotspots defined by Mittermeier R.A., Turner W.R., Larsen F.W., Brooks T.M., Gascon C. (2011) Global Biodiversity Conservation: The Critical Role of Hotspots. In: Zachos F., Habel J. (eds) Biodiversity Hotspots. Springer, Berlin, Heidelberg
2. Environmental Guidance for Planning and Development., Environmental Protection Authority (2008), [www.epa.wa.gov.au/sites/default/files/Policies\\_and\\_Guidance/GS33-270508.pdf](http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/GS33-270508.pdf) (Date accessed: 8 March 2022)