

## 1. Introduction

The City of Rockingham (the City) is situated within the unique biogeographic region of south-western Australia, which is recognised as one of thirty global biodiversity hotspots. These hotspots are identified on the basis of containing large numbers of endemic species that are found nowhere else on Earth, while also being vulnerable to significant threats<sup>1</sup>.

Urban development, along with a number of other factors, is putting the unique diversity of plant and animal life in south-western Australia under increasing threat. As such, it is critical that remnant natural areas and significant environmental attributes are appropriately considered and protected throughout all stages of the planning approvals process.

This Planning Procedure refers to the environment as 'living things, their physical, biological and social surroundings, and interactions between all of these', as defined in the *Environmental Protection Act 1986*.

## 2. Statement of intent

This Planning Procedure applies specific rigor to strategic and statutory proposals for development by:

- (a) Applying the objectives and requirements contained within Federal and State Government environmental policies and guidelines
- (b) Ensuring that the objectives and intent of approved Scheme Amendments, Structure Plans, Subdivision and Development Applications are appropriately implemented so as not to result in unacceptable environmental impacts.
- (c) Ensuring significant environmental attributes are protected, integrated or enhanced through land use planning and development, consistent with best practice.

The purpose of this procedure is to provide guidance on the level of environmental assessment required to inform decision making for those seeking to develop land within the City.

## 3. Reference Material

This Planning Procedure should also be read in conjunction with the following:

### Statutory:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- *Environmental Protection Act 1986* (EP Act);
- *Contaminated Sites Act 2003*;
- City of Rockingham Town Planning Scheme No. 2 (TPS2);
- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- *Environmental Protection Regulations 1987*.

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<sup>1</sup> 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

### State Planning Policies

- State Planning Policy (SPP) 2.1 - Peel Harvey Coastal Plain Catchment (Western Australian Planning Commission, 1992);
- SPP 3.7 - Planning in Bushfire Prone Areas (WAPC, 2015)
- Development Control Policy (DCP) 2.2 - Residential Subdivision (WAPC, 2017); and
- DCP 3.4 - Subdivision of Rural Land (WAPC, 2016).

### Local Planning Policies

- Planning Policy 3.1.1 - Rural Land Strategy;
- Planning Policy 3.3.8 - East Rockingham Development Guidelines (and appendices);
- Planning Policy 3.3.17 - Variations to Building Envelopes;
- Planning Policy 3.4.3 - Urban Water Management; and
- Planning Policy 7.1 - East Rockingham Industrial Park: Environmental Planning.

### Local Planning Procedures

- Planning Procedure 1.6 - Preparation and Assessment of Structure Plans;
- Planning Procedure 1.8 - Urban Water Management;
- Planning Procedure 1.14 - Preparation and Assessment of Scheme Amendments; and
- Planning Procedure 1.15 - Preparation and Assessment of Development Applications

### Guidance Documents

- Separation Distances between Industrial and Sensitive Land Uses (EPA, 2005);
- Guideline for the Determination of Wetland Buffer Requirements (Draft, WAPC, 2005);
- EPBC Act Referral Guidelines for Three Threatened Black Cockatoo Species (Department of Environment and Energy, 2012);
- Guidelines for Planning in Bushfire Prone Areas and appendices (WAPC, 2015);
- Stocking Rate Guidelines for Rural Small Holdings (Department of Primary Industry and Regional Development, 2000);
- Water Quality Protection Note 33 - Nutrient and Irrigation Management Plans; (Department of Water and Environment Regulation (DWER), 2010);
- Contaminated Sites Fact Sheet - Potential Contamination from Fill Materials; (DWER 2015);
- Preparation of Environmental Assessment Reports to Inform Structure Plan Applications - Information Sheet (City of Rockingham, 2017); and
- North-east Baldivis Flood Modelling and Drainage Studies (DWER, 2015).

### Australian Standards

- Australian Standard 4970-2009 - Protection of Trees on Development Sites; and
- Australian Standard 3959-2009 - Construction of Buildings in Bushfire Prone Areas (2009).

## **4. Information requirements**

The level of detail required for assessing the environmental impact of a planning proposal is dependent on the nature of the proposal and the applicable guiding documents.

Before lodging an application which has potential environmental impacts, proponents are actively encouraged to liaise with the City to discuss:

- Potential impacts, including on Matters of National Environmental Significance;
- Preliminary advice on key environmental factors to be considered;
- Environmental assessment information requirements; and
- Potential assessment pathways for the proposal, including the need for referral to other agencies.

#### **4.1 Local Planning Scheme Amendments**

Planning Procedure 1.14 - Preparation and Assessment of Scheme Amendments sets out the City's expectations in terms of information requirements to enable an accurate assessment of a proposed Scheme Amendment.

All Scheme Amendment applications are assessed by the City and a recommendation is provided to Council based on planning merit and environmental impact. Specifically, when undertaking an environmental impact assessment, the City will review the Environmental Protection Authority's (EPA) *Referral of a Scheme or Scheme Amendment to the Environmental Protection Authority* checklist, which is to be completed by the proponent. The review of this checklist will form the basis of the recommendation to Council. The EPA Checklist will determine whether the proposal has an impact on:

- Native vegetation;
- Wetlands;
- Rivers;
- Estuaries;
- Inlets;
- Coastal or near-shore marine areas;
- Public water supply areas;
- Groundwater aquifers;
- Other watercourses;
- Landforms of special interest (karsts, beaches, ridges, plains);
- Land that is the subject of any significant or potentially significant soil or land degradation issues (salinity, waterlogging, erosion, acid sulfate soils);
- Air quality and emissions;
- Contaminated sites; and
- Any other public environmental concerns.

Should the Council resolve to initiate the proposed Scheme Amendment, the proponent will be requested to prepare the necessary Scheme Amendment documentation to be sent to the WAPC, EPA and the Minister for Planning.

Should the EPA consider that the proposed Scheme Amendment warrants assessment, it may provide advice and recommendations. Conversely, the EPA may consider a formal Environmental Assessment is required pursuant to Part IV of the *Environmental Protection Act 1986*.

Following assessment by the EPA, the City may advertise the Scheme Amendment proposal in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). The submissions will be assessed by the City and will inform a recommendation to Council to either support (with modifications or without) or not support the amendment.

## **4.2 Structure Plan**

The Regulations state that Structure Plans must identify the key attributes and constraints of the area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values.

The WAPC's *Structure Plan Framework* (the Framework) guides the preparation of Structure Plans under the Regulations and outlines recommended technical appendices, which includes an Environmental Assessment Report (EAR). The City reviews an EAR submitted in support of a Structure Plan with regard given to the *Preparation of Environmental Assessment Reports to Inform Structure Plan Applications* (City of Rockingham, 2017) and with consideration for the following:

- The impact that any proposed future land uses will likely have on local air, water, soil and groundwater quality;
- Acid sulfate soils risk;
- Proximity of the site to any existing industrial or agricultural land uses with consideration given to the recommended separations from the EPA and the Department of Health respectively;
- Impact on Matters of National Environmental Significance under the EPBC Act that are likely to be affected;
- The environmental features (i.e. trees, fauna habitat, waterways) that are likely to be retained in areas of public open space, road reserves or regional parks and those that are likely to be removed;
- Impact on ground and surface water features as well as geomorphic wetlands and their buffers;
- Current and historical land uses with potential for site contamination;
- Impact on vegetation including the location of trees proposed to be retained and removed, tree species and trunk diameter; and
- Fauna habitat on the site and species likely to be impacted.

## **4.3 Subdivision**

The City will assess Subdivision Applications in view of two WAPC policies, DCP 2.2 - Residential Subdivision and DCP 3.4 - Subdivision of Rural Land. The policies establish minimum standards for determining subdivision applications, dependent on the relevant zoning.

At subdivision stage, proponents are required to provide a greater level of detail, in comparison to a Structure Plan application, on the potential environmental impacts of a proposal and how these impacts will be managed to ensure key environmental attributes are protected, enhanced or integrated as part of the subdivision. The City will consider the following when conducting an environmental assessment of a subdivision application, as applicable:

- Documentation associated with approved Scheme Amendments, Structure Plans or previous subdivision approvals as well as relevant State or Commonwealth environmental approvals and conditions, where applicable;
- Scope of proposed development, including indicative lot design and road network relative to the site's environmental features. (Subdivisions in Special Residential and Special Rural zones are to provide indicative Building Envelope locations with the intent of minimising clearing of vegetation);
- Compliance with relevant planning policies (i.e. SPP 2.1: The Peel – Harvey Coastal Plain Catchment, SPP 2.6 - State Coastal Planning, Planning Policy 3.3.1 - Rural Land Strategy, SPP 3.7: Planning in Bushfire Prone Areas);

- A Preliminary Site Investigation, or possibly a Detailed Site Investigation, of potential soil or groundwater contaminants if site contamination is likely;
- Detailed drawings of any excavation, fill or earthworks altering the existing ground level and how earthworks will affect vegetation;
- The impact on local conservation areas; both onsite and nearby;
- How fauna habitat and vegetation is proposed to be retained and integrated into the development;
- The opportunity for relocation of fauna species prior to clearing of vegetation;
- Accuracy of vegetation classifications in Bushfire Management Plans/Bushfire Attack Level Assessments in accordance with AS3959. (Note: Bushfire Management Plans are otherwise assessed and approved by Statutory Planning, and must reflect potential future landscape planting and/or revegetation);
- Buffering and interface treatments for local waterways and wetlands;
- The impact on local and regional surface and groundwater features;
- Proposed dust and sediment management measures, particularly with respect to managing erosion;
- Opportunities for revegetation or rehabilitation of the site's environmental assets;
- The need for an acid sulfate soils self-assessment and management plan prior to the commencement of development; and
- Advice from other government agencies.

#### 4.4 Development Applications

The City's Planning Procedure 1.15 sets out the statutory requirements for the preparation, assessment and determination of an application for Development Approval. The City assess applications against these statutory requirements, with consideration for the following:

- The location, height, diameter at breast height and species of all trees onsite;
- Detailed site plan showing the location of the proposed development, including detailed information on any vegetation that will be removed to facilitate the proposed development, accessways and/or firebreaks;
- The location of vegetation to be retained and the methodology used to protect it;
- The location and species of all trees proposed to be planted onsite;
- Opportunities to reduce the environmental impact by revising the proposal;
- The potential of the proposal to contaminate soil and groundwater, and the requirement for contamination investigations;
- Bushfire Management Plan and if any vegetation is proposed to be removed in order to reduce the bushfire risk of the development in accordance with SPP 3.7 - Planning in Bushfire Prone Areas;
- Coastal hazard risk in accordance with SPP 2.6 - State Coastal Planning
- Topography and if removal of vegetation is likely to result in significant erosion of landform;
- The impact on local and regional surface and groundwater features;
- Flood protection for any proposed buildings;
- The requirement for a Works Approval and License or Registration from DWER under the *Environmental Protection Regulations 1987*;
- The impact of any emissions from industrial, commercial and rural developments on the health and amenity of people, with due regard shown to the EPA Document – *Separation Distances between Industrial and Sensitive Land Uses*;
- Retention and detention of stormwater or other liquids produced on site;
- Proposed waste management and disposal method; and
- Suitability of the site to support livestock in accordance with the Department of Primary Industries and Regional Development's *Stocking Rate Guidelines*.



Note that this list is provided as a general guide only. Individual site characteristics and extent of development will result in different impacts and trigger specific environmental responses.

#### 4.5 Building Envelopment Modifications

TPS2 defines a 'Building Envelope' as an area of land within a lot marked on a plan approved by the City within which all buildings and effluent disposal facilities on the lot must be contained.

Where local environmental attributes are considered to be significant, the location and extent of buildings, earthworks and vegetation clearing should be restricted through the imposition of Building Envelope. Building Envelopes are to be positioned after considering environmental site context, including significant flora, fauna or communities, landforms such as steep slopes, potential for land degradation, the extent of any foreshore reservation, bushfire risk and the impact of a future development on the visual amenity of the locality.

*Planning Policy 3.3.17 - Variations to Building Envelopes* sets out the objectives and policy provisions which the City shows due regard to in undertaking Environmental Impact Assessments of applications to modify Building Envelopes.

#### 4.6 Tree Removal Requests

The City receives requests for permission or advice for removing native trees in land zoned 'Rural', 'Special Rural' and 'Special Residential'.

Where an application is received for tree removal, an individual site assessment is made by a City Officer to determine if removal is warranted. The City may grant the removal of trees for the following reasons:

- The trees are dead, diseased or dangerous (to people or property);
- The establishment of a fire break as required under regulation and local law;
- Fire protection within an Asset Protection Zone as defined in the WAPC publication "*Planning For Bushfire Protection*" and approved by the City in a Bushfire Management Plan;
- Access to an approved development site is required; and
- Subdivisional works require the removal of vegetation.

If the tree does not clearly appear to be dead, diseased or dangerous upon inspection by the City, it is recommended that the proponent employ the services of a suitably qualified arborist to assess the tree and provide a report to the City for review.

In some cases, the removal of trees can be avoided through pruning. Tree pruning is commonly recommended to:

- Improve the structural stability of a tree;
- Provide necessary clearances for safety and access; and
- To provide separation between tree crowns for bushfire management purposes.

Where a tree must be removed, the City recommends that trees are replaced with the same species at a suitable ratio, typically 2:1. The City may also give advice on preferred locations and planting methods to maximise survival of the replacement tree(s).

The removal of trees will not be supported in instances where:

- Removal is requested because a tree is obstructing a view;

- Removal is requested because a tree creates too much leaf litter; or
- Construction can be reasonably altered to save the tree.

### **5. Approval**

The City will consider the proponent's documentation, and advice from relevant authorities to determine whether the proposal should be implemented and if so, whether conditions should be placed on the approval to ensure appropriate environmental management.

For Structure Plan and Subdivision applications, the WAPC will be the determining authority and the City's role will be to provide advice and make recommendations. Should the City support a particular subdivision application, the WAPC Model Subdivision Conditions may form part of its response to the WAPC. Reports required to be prepared as a condition of subdivision may require the City's approval to enable clearance of conditions.

### **6. Adoption**

This Planning Procedure was endorsed by the Acting Director, Planning and Development Services on 26 July 2018.