

<b>Title</b>	<b>Environmental Conservation</b>
<b>Policy Number</b> (Governance Purpose)	<b>LPP 5.22</b>



## Policy Type

Local Planning Policy

## Policy Purpose

Cockburn has unique and diverse ecological and cultural assets that form an important part of the natural and built environment and are highly valued by the community. The City adopts a strategic approach to conservation, protection and management of natural areas within the City.

The purpose of this policy is to set out clear guidance for sustainable planning outcomes and protection and enhancement of the environmental values of natural areas through the scheme amendment, subdivision and development process.

The objectives of this policy are:

- Retention and appropriate management of significant flora and fauna
- Protection and enhancement of ecological corridors
- Conservation and restoration of wetlands
- Development that is site responsive and avoids or minimises detrimental impacts on native vegetation, in accordance with State Planning Policy 2.0 'Environment and Natural Resources' and the State's 'Native Vegetation Policy 2022'. Maximising all opportunities to increase and retain tree canopy cover to reduce the heat island effect, provide urban habitat, enhance amenity, protect local character, and improve the health and well-being of residents
- Maintenance and increase in vegetation cover over the Jandakot Groundwater Protection area to facilitate the key objective of long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems, consistent with SPP 2.3 Jandakot Groundwater Protection Policy (SPP 2.3) / Draft State Planning Policy 2.9 'Planning for Water'.

This policy applies to the assessment of structure plans, subdivision and development applications within the City of Cockburn and should be read in addition to the City's Town Planning Scheme No 3 (TPS 3) and the City of Cockburn's Local Planning Strategy.

TPS 3 includes measures to protect Native Flora (Section 4.14), Native Fauna (Section 4.15) and Wetlands (Section 4.16). and this policy provides a range of provisions to ensure the effective protection and ongoing management of natural areas, native flora and fauna and wetlands within the City occurs in accordance with the intent of TPS3.

The policy clearly articulates Council's position on environmental protection and management when assessing:

- Scheme amendments
- Structure plans

<b>Title</b>	<b>Environmental Conservation</b>
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- Subdivision applications
- Development applications

## Policy Statement

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### (1) Protection of Flora and Fauna

- 1.1 Where remnant vegetation is present, proponents may be required to undertake flora and fauna surveys as outlined in the relevant and most recent Environmental Protection Authority Technical Guidance documents. The requirement for flora and fauna surveys is at the discretion of the City and is likely to be required for areas of bushland that are relatively undisturbed with native species persisting in the understory and middle story. Surveys are not intended to be required for small (<0.5ha) or very degraded areas.
- 1.2 Structure plans, subdivision and development applications should be supported by documentation to demonstrate that site clearing is minimised, the presence of natural areas has been identified, and consideration has been given to vegetation condition, habitat and ecological linkages, including those identified in the City of Cockburn Local Planning Strategy. If earthworks are required, final development levels shall be identified.
- 1.3 All endeavours are to be made to protect and retain trees that have been identified in fauna or flora surveys as providing significant habitat foraging value. Proponents are to seek advice from the City as early as possible in the development process to discuss alternative opportunities to integrate tree retention into the development design. This may include, for example, the designing of road alignments to retain significant trees within verge areas, retaining trees within POS reserves or within private properties. Trees with a diameter greater than 300mm diameter at breast height (DBH) shall be plotted on an overlay of the development plans and proposed cut to fill levels (bulk earthworks). This will provide meaningful data for which trees are able to be retained and included within a Tree Protection Management Plan.
- 1.4 When areas of remnant vegetation or removal of significant trees is proposed, a fauna relocation plan shall be developed in accordance with the City's 'Guideline - Preparation of Fauna Relocation Management Plan'. Approval of the Fauna Relocation Management Plan is required prior to the commencement of site works.
- 1.5 Developments abutting remnant native vegetation shall be designed to obtain the highest allowable Bushfire Attack Level (BAL29) to reduce the extent of clearing required for bushfire risk mitigation.
- 1.6 Regardless of current fuel load, developments abutting conservation reserves may be required to classify plots of vegetation as Class A-Forest (Australian Standard – Construction of Buildings in Bushfire Prone Areas) to ensure that City revegetation initiatives are not compromised in the future.

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- 1.7 With the exception of firebreaks, all setbacks required for bushfire hazard separation must be confined to the property on which the development is proposed.
- 1.8 The City will use its discretion where appropriate to consider opportunities to retain environmental assets when facilitating sustainable development outcomes. This, for example, may include higher residential densities where there is a greater provision of public open space required for conservation through the structure planning process.
- 1.9 Larger integrated parcels of public open space that are wholly comprised of remnant bushland are preferred to smaller fragmented parcels however, these smaller parcels will be considered of higher value if it is of high conservation significance and/or if it provides an ecological linkage value. Ideally bushland should form part of an area of public open space that includes other recreational and amenity functions to ensure the recreational needs of the future community are met. Notwithstanding this, all planning proposals need to demonstrate the provision of an adequate balance between active and passive public open space.
- 1.10 Where necessary, conditions preventing or restricting the clearing of vegetation within subdivision and development approvals (or recommended to the Western Australian Planning Commission) to facilitate the maximum retention and ecological function of natural areas, consistent with endorsed structure plans, subdivision approvals, and/or development approval.
- 1.11 Where necessary, the City will require building envelopes to be nominated on development plans to ensure the protection of onsite environmental values.
- 1.12 Development proposals which are deemed to impact on flora and fauna considered rare, endangered, threatened or endemic may require the proposal to be referred to State and/or federal authorities in line with the *Environmental Protection and Biodiversity Act (1999)* and the *WA Biodiversity Conservation Act 2016* by the proponent. Proponents may also be required to submit their proposal to the Environmental Protection Authority (EPA).
- 1.13 If native vegetation or significant tree is identified as worthy for retention, but retention is unlikely due to unfavourable site specifics, the proponent shall liaise with the City regarding the feasibility of an appropriate revegetation/ tree replacement offsets package that suits both parties.

## (2) Wetland Conservation

- 2.1 Wetland buffers will be determined based on the relevant State Government Guidance.
- 2.2 Development that incorporates a wetland will require the proponent to prepare a Wetland Management Plan which details the measures required to

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<b>Policy Number</b> (Governance Purpose)	<b>LPP 5.22</b>



be taken to maintain the ecological function of the wetland, hydrological balance and to prevent pollution.

- 2.3 Discharge of drainage directly into wetlands will not be permitted unless there has been suitable treatment to remove nutrients and other pollutants, provided that adverse hydrological impacts will not occur. The integrity of wetland and buffer vegetation is to be maintained where drainage facilities are established within the buffer to the wetland. Information on how this is to be achieved must be detailed in the Local Water Management Strategy and Urban Water Management Plan.
- 2.4 Where on-site effluent disposal is proposed in sewage sensitive areas, including wetlands and their buffers, the systems must comply with the Department of Planning Sewage Policy and any associated guidelines.

### (3) Bushland Resource Recovery

Where all possibilities to retain good quality bushland have been exhausted and the bushland is to be cleared, the City may seek agreement with the proponent to:

- Make topsoil available for rehabilitation projects
- Permit seed collection to occur prior to clearing
- Permit plant salvage to occur prior to clearing
- Permit large habitable logs to be salvaged
- Permit access to mulch from the site if it is not to be used elsewhere, and utilise salvaged and existing vegetation within areas to be landscaped.

Applicants are encouraged to identify these opportunities within their applications.

### (4) Advice

Where applicable, conditions preventing or restricting the clearing of vegetation within subdivision and development approvals will be applied (or recommended to the Western Australian Planning Commission where applicable) in order to facilitate the maximum retention and function of bushland, consistent with endorsed structure plans and related planning decisions.

The following steps should be taken by the developer to identify and maximise the retention of flora and fauna during the development process.

1. Undertake a Flora and Fauna Survey of the land to be developed.
2. Consider the survey results and identify the best quality and high habitat value areas for retention within POS areas.
3. Prepare a Draft proposal
4. Discuss with the City of Cockburn
5. Finalise and submit proposal.

<b>Title</b>	<b>Environmental Conservation</b>
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(5) Information

Any other relevant environmental information associated with an application must also be submitted to the City. Information may include preceding approvals from State or Federal Agencies and any relevant environmental studies.

Applicants are expected to identify any other environmental impacts that are not addressed by the provisions above. Measures to minimise these potential impacts must be described

References

Town Planning Scheme No.3 –

- s4.14 (Native Flora)
- s4.15 (Native Fauna)
- s4.16 (Wetlands)

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