

13.4 FAUNA PROTECTION POLICY

Ward: (All Wards) (Strategic Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning & Development)

KEY ISSUES

- The urbanisation of the City's Urban Growth Corridor and other areas including associated civil engineering projects are leading to the displacement of fauna populations, primarily Kangaroos.
- Urbanisation has also led to significant increases in traffic volumes on the primary roads within the Urban Growth Corridor.
- The combination of these two issues is leading to increased macro-fauna mortality and reduced road safety on some roads.
- This issue was brought to Council's attention in the form of a Change.Org online petition consisting of 1054 signatures lodged at the Ordinary Council meeting of 26 September 2018.
- This petition requests that the City review and adopt a similar approach to that being undertaken by the City of Wanneroo as detailed in their draft Fauna Protection Policy.
- Following submission of this petition, Council staff have engaged with various stakeholders to fully understand the scope and potential solutions to the issue of fauna management.
- The issue of fauna management in the urban growth corridor was the subject of a Council briefing on 7 October 2020. Following this briefing the purpose of this report is to seek a formal resolution from Council to progress the recommended response to this issue.

It is recommended that the Council resolve to incorporate suitable text into the City of Swan Local Planning Scheme to ensure a Fauna Management Plan is required for relevant structure plans, subdivision and/or bulk earthworks applications and to develop a Fauna Management Local Planning Policy to give further definition to the requirements of the Fauna Management Plan within the City of Swan Local Planning Scheme text and the subsequent fauna management process.

BACKGROUND

The City of Swan has experienced significant housing development in recent years within the area designated as the "Urban Growth Corridor". This area is adjacent to Whiteman Park and is transected north/south by Drumpellier Drive on the eastern boundary of Whiteman Park. Drumpellier Drive therefore forms the interface between Whiteman Park (a nature reserve) and the adjacent Urban Growth Corridor. Elsewhere in this region, large scale civil projects such as Northlink have also removed habitat and dislocated several fauna populations.

The Urban Growth Corridor has developed over the past ten years on areas of remnant bushland that previously supported several fauna populations including Kangaroos. As urbanisation has proceeded, these fauna populations have been displaced as the vegetation that supports them is removed. However full buildout of this corridor is not yet complete and several areas of vegetation that still attract and support fauna populations remain. Concurrently, urbanisation has brought significantly increased traffic flow to Drumpellier Drive and there are other greenfield areas within the City that have been identified for potential growth under the State Governments North East Corridor Planning Framework.

The current planning system does not require the identification of existing flora and fauna that is not identified as rare or endangered in environmental law. As a result the presence of onsite fauna such as kangaroos is often not identified in the Environmental Assessment Report that supports a Structure Plan. Particularly in areas of fragmented land ownership, this situation results in the issue being dealt with reactively and on a case by case basis.

The combination of these issues has led to an increase in fauna mortality and associated road safety issues and this was brought to the attention of Council by submission of a petition at the Ordinary Council meeting of 26 September 2018.

Following submission of this petition to Council on the 24 October 2018, Councillors deferred the item to allow for further consultation to occur to determine the most appropriate approach to ensure better fauna management in the Urban Growth Corridor and other future growth areas.

DETAILS

The City received a change.Org online petition consisting of 1054 signatures at the Ordinary Council meeting of 26 September 2018. The focus of this petition was to suggest that fauna management could be improved by the adoption and implementation of a fauna management policy by the City of Swan, particularly as this relates to the management of kangaroo populations displaced by urban development in the City's growth corridor. This issue is resulting in increased kangaroo mortality and reduced road safety on adjacent roads and petitioners would like the City to adopt an alternative policy approach in an effort to address this issue. The suggested alternative policy approach was based on the draft Fauna Protection policy advertised for comment at the time by the City of Wanneroo.

The position developed by the City of Wanneroo essentially has two parts. There is a Local Planning Scheme requirement for a Native Fauna Management Plan to be submitted as part of relevant structure plans and subdivision applications. The Native Fauna Management Plan includes (but is not limited to) the following:

- a description of the field survey and recording methodology, including the field survey results and recommendations;
- the method of protecting, enhancing and conserving the existing habitat where any native fauna is to be retained on-site or on adjoining land;
- a time frame and program for undertaking the trapping and relocation of any native fauna, including the method of relocating the native fauna.
- the identification of a suitable alternative habitat for the native fauna, if required;
- a time frame for advising local government and the relevant Government agencies of the outcome of any relocation program undertaken for any native fauna.

The City of Wanneroo then also has a Fauna Protection policy (copy attached) which provides more clarity and reiterates the fact that the onus is on the landowner to identify and effectively manage resident fauna populations throughout the development process in close consultation with the Department of Biodiversity Conservation and Attractions (DBCA). This process is not dissimilar from current negotiations that occur between the City and landowner/developers throughout the land development process.

It is important to note that Western Grey kangaroos are not “managed fauna” in the metropolitan area under the *Biodiversity Conservation Act 2016* or the subsequent Biodiversity Conservation Regulations. As a result, the licensing approach for population control is the responsibility of the Department of Biodiversity, Conservation and Attractions (DBCA) or by those with an appropriate license issued by the DBCA. It is not clear within this legislation that the responsibility to seek a license to manage fauna populations rests with the landowner but it is felt that the policy approach recommended in this report is sufficient to establish this responsibility in the planning process.

The fauna management process can be improved by creating a planning approach that is similar to that adopted by the City of Wanneroo. This involves firstly incorporating appropriate Local Planning Scheme text requiring additional information to be provided by the proponent in the form of a Vegetation and Fauna Management Plan. With this scheme text in place, and an implementation process defined within a Fauna Management Local Planning policy, the City will have better information and process in place to achieve better fauna outcomes in the development process. This is the approach recommended in this report.

CONSULTATION

When the petition was reported to Council on 24 October 2018, Councillors deferred the item to allow for further consultation to occur. Following this deferral, City officers have consulted with the following agencies.

- DBCA – Regional Wildlife Officers
- City of Wanneroo Planning Officers
- Members of Wildlife Carers association

In addition to this consultation, City officers have also reviewed relevant legislation to determine the most appropriate approach in planning law to resolve the situation.

ATTACHMENTS

Copy of City of Wanneroo's Fauna Protection policy.

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

The recommended approach is contingent on the inclusion of appropriate text in the City's Local Planning scheme requiring a Fauna Management Plan. The Local Planning Scheme will also give statutory weight to the additional requirements of any subsequent Local Planning Policy.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

It is recommended that the Council resolve to:

- 1) Incorporate suitable text into the City of Swan Local Planning Scheme to ensure a Fauna Management Plan is required for relevant structure plans, subdivision and/or bulk earthworks applications.
- 2) Develop a Fauna Management Local Planning Policy to give further definition to the requirements of a Fauna Management Plan required under the City of Swan Local Planning Scheme text and the subsequent fauna management process.

AUTHORISATION

Adopted 10 March 2020

REVIEW

Biennial. Next scheduled review 2022

Policy Objectives

The objectives of this Policy are to:

1. Ensure the effective management of macro-fauna by landowners and/or developers of land proposed for urban development; and
2. Avoid the unwanted impacts of displaced macro-fauna due to habitat disturbance.

For the purpose of this Policy, 'fauna' and 'macro-fauna' relates specifically to kangaroos and emus.

All other fauna are covered by the existing requirements for preparation of a Vegetation and Fauna Management Plan (FVMP), or equivalent, in accordance with clause 4.24 of District Planning Scheme No. 2.

Related Documents

Environmental Management Plan Guidelines – These guidelines provide specific detail relating to all types of environmental management plans.

Policy Provisions

Part 1 - Principles of Fauna Management

- 1.1 The protection and management of all fauna located on a development site is the responsibility of the owner of the land and not the community, the City of Wanneroo, or the Department of Biodiversity, Conservation and Attractions (DBCA);
- 1.2 Fauna shall be managed in a proactive manner by the developer or land owner prior to the removal of vegetation or disturbance of habitat;
- 1.3 No fauna should be allowed to remain unmanaged within a developed area;
- 1.4 'Directional clearing' (referring to the method of land clearing in a predetermined direction so that fauna moves away from the site) in order to displace fauna populations into surrounding habitat will not be an accepted method of fauna management; and
- 1.5 Fauna shall be managed in a humane manner at all times and in accordance with all relevant animal welfare legislation, including post relocation. Costs associated with the appropriate and humane management of fauna are considered to be a normal cost of development borne by the developer.

Part 2 - Requirements for Fauna Management

- 2.1 In accordance with clause 4.24 of District Planning Scheme No. 2, a 'Vegetation and Fauna Management Plan' (VFMP) should be prepared in accordance with the City of Wanneroo Environmental Management Plan Guidelines to support Structure Plans, subdivision applications or development applications for bulk earthworks. A VFMP should address the key principles of fauna management set out in Part 1 of this policy and include any of the fauna management measures listed in provision 2.2;
- 2.2 Prior to any disturbance or clearing of existing native vegetation/natural wildlife habitat and/or approvals given to commence modification of a site, the following measures will be required to be undertaken by a suitably qualified expert on behalf of the landholders/landowners:
- 2.2.1 Survey the fauna (type and number) contained on the site/property intended to be cleared and developed, and document appropriately, including potential impacts to fauna and how those impacts will be avoided or minimised.
 - 2.2.2 Install kangaroo and emu proof fencing to the satisfaction of the City of Wanneroo prior to the disturbance of existing habitat where macro-fauna is known to be present. Fencing needs to encompass the entire perimeter of the land holding that is intended to be disturbed and needs to be in place for the duration of site works across all stages of development.
 - 2.2.3 Fencing will include signage at intervals of 75 meters or intervals as required by the City to direct any enquiries to the developer/landowner and the DBCA.
 - 2.2.4 Consideration of all available options for effective and humane fauna management must be demonstrated. If the satisfactory relocation of the fauna is not possible, the advice of the DBCA and experienced wildlife management practitioners should be undertaken to develop alternative options for management.
 - 2.2.5 If required, obtain relevant authorization for the management of fauna from the DBCA.
 - 2.2.6 Undertake the management program in accordance with applicable permits or license on advice from the DBCA.
- 2.3 Fauna management is to occur as early as possible in the planning and development stages before any development or clearing takes place. It should not be delayed to the final development stages. Containment fencing (as per Section 2.2.2) should therefore be installed early and within a maximum of three weeks of the fencing being installed the fauna need to be removed in accordance with the approved Fauna Management Plan.
- 2.4 The standard monitoring period for a site that is subject to fauna management will be 3 years, unless otherwise agreed by the City. At the time of handover of a site to the City, this monitoring period may require extension until such time as fauna is adequately managed in accordance with the approved VFMP.