

Policy

Development of the Public Realm

Policy Number

LPP 5.1

Policy Type

Local Planning Policy

Policy Purpose

The purpose of this Local Planning Policy is to establish the development standards and requirements for public domain areas, including Local Reserves and Public Open Space (POS), while ensuring adherence to environmental, aesthetic, and safety standards. This policy sets forth criteria to exempt certain developments from the need for development approval, in line with Part 61 of the Planning and Development (Local Planning Schemes) Regulations 2015, specifically for Local Reserves under the City's Town Planning Scheme No. 3 (TPS 3). It aims to facilitate development by outlining the conditions under which no development approval is required and to provide guidance on matters such as uniform fencing to enhance visual appeal and passive surveillance.

The policy also addresses the management and development of natural areas within POS and drainage reserves, ensuring they are designed and maintained in accordance with ecologically sustainable principles, including the State Wetland Conservation Policy and the City's Natural Areas Management Plan. It specifies land features unacceptable for public open space credit, integrates requirements for bushfire risk assessment, and clarifies the consideration of bushfire protection zones relative to public open space. Overall, this policy aims to balance development needs with environmental protection, public amenity, community safety and desired built form outcomes.

The Western Australian Planning Commission provides the following strategic guidance on the matter of public open space:

- o Operational Policy - Liveable Neighbourhoods
- o Development Control Policy (DCP) 2.3 - Public Open Space in Residential Areas
- o State Planning Policy 3.7 - Planning for Bushfire Risk Requirements for the

provision of public open space in urban areas are detailed under Element 5 of Liveable Neighbourhoods. While Element 5 provides comprehensive requirements in relation to public open space provision, it is silent in relation to a number of land circumstances which the City of Cockburn deems inappropriate for crediting as part of public open space. This Policy identifies such land features which will not be accepted by the City as part of the public open space requirement.

Policy Statement

(1) Development On Local Reserves (Parks and Recreation) for which development approval is not required

1. Where a proposal meets the provisions of table 1 below, no development approval is required.
2. Where a proposal does not meet the provisions of table 1 below, development approval is required, and advertising may be required subject to assessment of the impact on adjoining landowners.
3. Where a development approval is required, the application for development form, drawings, justification letter and checklist must be completed. The City will not require a copy of the Certificate of title or the consent and indemnity form.

TABLE 1

Development Type	Planning Requirements and Exemptions
Tree / Shrub Planting	No Development Approval Required, irrespective of plant size or height.
Footpaths, Dual Use Paths	No Development Approval required for footpaths or dual use paths that have obtained prior civil approvals for their respective locations by the City as required.
Sand Pits	No Development Approval required.

Play or Gym Equipment	<ul style="list-style-type: none"> • Manufactured play or gym equipment shall be exempt from Development Approval. • Bespoke play or gym equipment shall be assessed by a qualified playground auditor and confirmed to be compliant to be deemed exempt from Development Approval.
Drinking Fountains	No Development Approval required.
Shade sails	<ul style="list-style-type: none"> • Development Approval is not required where replacing 'like for like' within the same location, footprint and height. • Development Approval is not required for new shade sails, provided the development is setback a minimum of 2m from any lot boundary or road reserve.
Picnic, Barbecue Areas and Shelters	No Development Approval is required provided the development is setback a minimum of 2m from any lot boundary or road reserve.
Walkway Shelters, Sheltered Roofed Structures	No Development Approval is required provided the development is setback a minimum of 2m from any lot boundary or road reserve.
Pot Plants	No Development Approval required, regardless of size or scale.
Retaining Walls	<ul style="list-style-type: none"> • Development Approval is not required for Retaining Wall applications in line with City approved civil drawings under an approved subdivision where the land has already been ceded as a local reserve and Retaining Walls

Development Type	Planning Requirements and Exemptions
	<p>greater than 2m in height (measured from the Natural Ground Level) are setback a minimum of 2m of any lot boundary or road reserve.</p> <ul style="list-style-type: none"> • Where Retaining Walls greater than 2m in height (measured from the Natural Ground Level) are setback within 2m of any lot boundary or road reserve, whichever is applicable, Development Approval is required. • Development Approval is required where the lot has not been ceded as a local reserve.
Free standing walls	<ul style="list-style-type: none"> • Development Approval is not required for free standing walls in line with City approved civil drawings under an approved subdivision, where the land has already been ceded as a local reserve and the Free Standing Walls greater than 2m in height (measured from the Natural Ground Level) are setback 2m of any lot boundary or road reserve, whichever is applicable. • Where the Free standing walls greater than 2m in height (measured from the Natural Ground Level) are setback within 2m of any lot boundary or road reserve, whichever is applicable Development Approval is required. • Development Approval is required where the lot has not been ceded as a local reserve.
Seating	No Development Approval required.
Litterbins	No Development Approval required.
Access Roads	<ul style="list-style-type: none"> • Development Approval is not required for access roads which are less than 20m in length and constructed from compacted materials (such as limestone) in line with City approved civil drawings under an approved subdivision, where the land has already been ceded as a local reserve.

Development Type	Planning Requirements and Exemptions
	<ul style="list-style-type: none"> • Development Approval is required for hard surface access roads which are constructed from asphalt or concrete, and are longer than 20m in length, where the land has already been ceded. • All access roads require development approval where proposed on land yet to be ceded as a reserve.
Access roads within Public Open Space sites	<ul style="list-style-type: none"> • Development Approval is not required for access roads which are less than 20m in length and constructed from compacted materials (such as limestone) in line with approved civil drawings under an approved subdivision by the City where the land has already been ceded as a local reserve. • Development Approval is required for hard surface access roads which are constructed from asphalt or concrete, and are longer than 20m in length, where the land has already been ceded. • Where the lot has not been ceded – development approval is required.
Car parking	<ul style="list-style-type: none"> • Development Approval is not required where replacing car parking areas like for like, meaning the exact same location, footprint and number of bays. • Development Approval is required for all new car parking bays or car parking areas.
Vehicle charger infrastructure	<ul style="list-style-type: none"> • No Development Approval required where locating this infrastructure within an approved car parking area. • Development Approval is required for all new car parking bays and car parking areas which proposed vehicle charger infrastructure.
Irrigation systems	No Development Approval required.
Bores	No Development Approval required.

Development Type	Planning Requirements and Exemptions
Sports lights/ floodlighting	<ul style="list-style-type: none"> • No Development Approval is required where replacing sports lights/ floodlights like for like, meaning the exact same location, height and light omission. • Development Approval is required for all new sports lights/ flood lights. • No Development Approval is required for Shelter and footpath lighting and solar bollards.
Goal posts and practice nets, volleyball posts, nets and cricket nets	<ul style="list-style-type: none"> • No Development Approval is required where replacing goal posts and practice nets like for like, meaning the exact same location, height and width. • Development Approval is required for all new goal posts and practice nets.
New volleyball courts, hockey pitches and bowling greens	Development Approval required.
Drainage basins and sumps	<ul style="list-style-type: none"> • Development Approval is not required for drainage basins and sumps applications in line with City approved civil drawings under an approved subdivision, where the land has already been ceded as a local reserve. • Development Approval is required where the lot has not been ceded as a local reserve.
Conversion of stormwater drainage swales into underground detention basins	Development Approval required.
Fences (all types)	<ul style="list-style-type: none"> • Development Approval is not required for fence applications in line with City approved civil drawings under an approved subdivision where the land has already been ceded as a local reserve. • Development Approval is required where the lot has not been ceded as a local reserve.
Entry Statement signage	Development Approval required.
Jetty, pontoons, Groyne and boardwalks	Development Approval required.

Development Type	Planning Requirements and Exemptions
Skate parks and pump tracks	Development Approval required.
Water play	Development Approval is not required for recycled water play where the location is setback greater than 2m of any lot boundary or road reserve, whichever is applicable.
Toilet facility/ Ablutions	Development Approval required.
Artwork	<ul style="list-style-type: none"> • No Development Approval required for Artwork. • Development Approval is required for any Artwork that proposes a variable message sign.
New buildings/ facilities including enclosed bin storage areas	Development Approval required.
Bird Hides	No Development Approval required.
Closed-Circuit Television (CCTV)	<ul style="list-style-type: none"> • Development Approval is not required where CCTV is proposed to be affixed to an approved building or structure. • Development Approval is required, where CCTV is proposed on a freestanding pole within 2m of any lot boundary or road reserve, whichever is applicable.
Sea Containers and other Transportable Structures	<ul style="list-style-type: none"> • Development Approval is not required where: <ul style="list-style-type: none"> i. they relate to storage of items on a temporary basis for an approved use on the local reserve that has obtained Development Approval; and ii. the location of the sea container is agreed to in writing by Head of Development Assessment and Compliance.

(2) Provision of Public Open Space (POS)

1. The following land will not be accepted by the City as part of any public open space requirement:
 - a. Subdivision entry statements.
 - b. Land where public access is incapable, restricted or denied.
 - c. Buffers separating incompatible land uses where the width of such buffer is below 30m.
 - d. Road verges.
 - e. Land with a restriction on the certificate of title which in the opinion of the City will unreasonably impede the ability to use the land for public open space.

2. No part of the 20m building protection zone should be included within any area of current or proposed public open space, unless:
 - a. The identified area is already cleared of natural vegetation and is proposed to remain clear of vegetation in a manner that facilitates the ongoing low fuel levels being maintained (such as irrigated manicured parkland); and
 - b. There is a physical barrier (e.g. 3m concrete footpath, retaining structure, wall, masonry fencing) which demarcates this portion of the public open space such that it does not gradually regenerate through natural processes such as being adjoined by bushland.
3. The following land will not be accepted by the City as public open space unless, in the opinion of the City, there is some community benefit in doing so. The City may allow such land to be included in restricted use public open space:
 - a. Land within or forming part of any utility or easement containing underground infrastructure (such as a gas pipeline) or above ground infrastructure (such as a transmission line corridor);
4. The following land will not be accepted by the City as public open space, unless 'in principle' support is also obtained at the local structure plan stage from Department of Regional Development and Lands and the land will be remediated or investigated to the satisfaction of the Department of Environment and Conservation and the City prior to vesting:
 - a. Land considered to be 'contaminated' or 'possibly contaminated' under the Contaminated Sites Act 2003
5. All other aspects of public open space provision are to comply with Element 5 of Liveable Neighbourhoods.

(3) Incorporation of Natural Areas in Public Open Space and Drainage Areas

1. Where development is proposed adjacent to a natural area Management Plan/s must be submitted and approved by the City.
2. Where development includes or is adjacent to a wetland, buffers are provided and managed to protect and maintain wetland values. Buffers also act to protect the community from potential impacts such as nuisance midge. The City will apply buffer distances as outlined in Department of Water and Environment and Department of Planning, Lands and Heritage wetland buffer guidelines. A 50m buffer is generally required.

3. Where development includes or is adjacent to a wetland an adequate midge buffers must be provided.
4. Natural areas and their associated ecological values must be assessed by a suitably qualified environmental specialist and a report provided to council the City prior to planning or development approval.
5. Drainage associated with development and land use is to be managed in line with the following principles:-
 - a. Discharge of drainage directly into wetlands will not be permitted. Discharge may be acceptable following suitable treatment to remove nutrients and other pollutants, provided that adverse hydrological impacts will not occur.
 - b. The integrity of wetland and buffer vegetation is to be maintained by design and implementation of best practice Water Sensitive Urban Design Principles, particularly where drainage facilities are established within the setback to the wetland.
6. Where natural areas are to be retained or conserved within POS and/or drainage reserves the area should be designed and developed in accordance with the following design requirements;
 - a. A site survey is to be undertaken to identify areas of vegetation that are deemed to have significant ecological value. Measures should then be identified to protect and retain vegetation where possible.
 - b. To ensure that the integrity of the area is protected and disturbance is minimised, the limit of the natural area shall be determined in consultation with the City and clearly marked on site prior to any works being undertaken and no works including earthworks, clearing or pruning are to be undertaken

in these areas without first obtaining approval from the City and other relevant authorities.
 - c. Where appropriate a Revegetation and Maintenance Management Plan will be submitted for approval by the City prior to any works/construction taking place on the land. The plan should illustrate how and when revegetation works are to occur including weed control and a comprehensive species list. The following key elements should also be reflected in the plan:
 - i. As a general rule a final revegetation density of 1.6 plants per square metre is to be achieved prior to hand over of maintenance responsibilities

to the City. Detailed and agreed completion criteria are to be included in the Revegetation and Maintenance Management Plan. ii. As bond or a bank guarantee for revegetation and maintenance will be required to be lodged with the City. The bond shall be equal to the revegetation and maintenance costs plus 25%. iii. Illustrate how dieback management procedures will be implemented and complied with.

- d. To ensure that cut and fill batters around natural management areas can be effectively managed and maintained; slopes shall not be steeper than 1 in 6. Such batters are to be stabilised initially using hydromulch or similar and then by planting with native species.
- e. To minimise the potential of weeds and grasses invading natural areas, only clean sand fill shall be used on batter slopes and in adjacent areas. Use of top soil is not acceptable.

To minimise the potential of adjoining grassed areas invading natural management areas, these areas should be defined and separated by a hard edge such as kerbing, walls or paths which shall be constructed as part of subdivision or development of the area. To minimise the potential growth of weeds and grasses in the natural management areas, sprinklers in adjacent irrigated grass and garden areas should, as far as practicable, be positioned to spray away from the natural management area.

- f. To minimise the potential for any ongoing physical disturbance, any paths through or around a natural management area should be designed to avoid areas of high vegetation quality and or diversity, not unduly fragment the area and where necessary control indiscriminate movement through such areas by the provision of board walks, fencing, low walls or other appropriate barriers.
- g. As a general rule, paths through natural management areas should be in keeping with the natural environment. The location and form of paths is subject to approval from the City. Where necessary and appropriate, paths should also function as a fire break and provide fire access.
- h. As a general rule the area will be maintained by the developer for a minimum of 2 years. However handover will not occur until such times as the City is satisfied that the relevant completion criteria as outlined in the Revegetation and Management Plan has been met.

Approvals for the subdivision and/or development of land that includes natural areas will contain appropriate conditions which require the application of the above principles.

- i. Prior to a development approval, including structure plans, local development plans, and subdivision determinations being issued the City may require the preparation and approval of a Bushfire Management Plan to establish and mitigate the risk that retaining natural vegetation may have upon adjoining development.

(4) Uniform Fencing

1. The below requirements apply to all uniform fencing constructed within the City.
2. Uniform fencing is required to be provided by developers and landowners where land abuts public open space, drainage sites, pedestrian access ways, regional roads, other roads of district importance or any other public place.
3. The requirement for the construction of uniform fencing shall be triggered through the development and/or subdivision of land.
4. The City shall impose a condition on planning approvals (where applicable) requiring the applicant/owner to construct uniform fencing in accordance with this policy.
5. The City shall recommend to the Western Australian Planning Commission (WAPC) that a condition be imposed on subdivision approvals (where applicable) requiring the applicant/owner to construct uniform fencing in accordance with this policy.
6. The following general uniform fencing standards apply:
 - a. Uniform fencing shall generally be a minimum height of 1800mm above natural ground level. This does not include retaining walls. Uniform fencing below 1800mm in height may be considered appropriate for specific locations, including where it is required to be installed above a retaining wall.
 - b. Uniform fencing shall be constructed of limestone, brick, masonry or other durable materials approved by the City. Uniform fencing using modular construction may be considered provided that the wall presents a rendered or similar finish and it can be demonstrated that the repair and maintenance requirements of such a wall is satisfactory to the City.

- c. Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are not acceptable materials where uniform fencing is required.
 - d. Uniform fencing, where visually permeable infill panels are required shall be constructed of wrought iron, steel, aluminium or other similar durable material to the satisfaction of the City. Timber infill panels are generally not supported due to its high maintenance and low durability compared to metal products. Infill panels shall be constructed above 1.2m in height above natural ground level and shall be visually permeable in accordance with the definition contained in the Residential Design Codes of Western Australia (R-Codes). Visually permeable infill panels below 1.2m may also be considered for approval.
 - e. Uniform fencing piers shall be a maximum of 300mm above the fence line and provided at any interval of not more than 7.5m for limestone, brick or masonry and 6m for all other fences.
 - f. Approval for the subsequent removal and/or modification of uniform fencing will not be granted unless it is demonstrated by the applicant that the alternative maintains Council's objectives of achieving a high level of visual amenity, high durability and adequate passive surveillance (where appropriate).
 - g. Fencing which may impede visual sightlines and pedestrian /or vehicular movement is required to be no higher than 750mm within 1.5m of a vehicle crossover.
 - h. Any solid uniform fencing shall be treated with non-sacrificial graffiti protection to the City's satisfaction.
 - i. Full elevation and site plans are required to be submitted to the City for its endorsement prior to the installation of any uniform fencing.
7. The following general uniform fencing standards apply when abutting Primary and Other Regional Roads and Railway Reserves:
- a. Uniform fencing abutting regional roads and railway reserves may be required to provide additional elements to satisfy noise attenuation measures in order to comply with *State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
 - b. Uniform fencing abutting regional roads and rail reserves shall generally be of solid construction without visually permeable infill panels.

- c. Extensive portions of solid uniform fencing shall be suitably broken up with different materials/textures/landscaping to provide visual relief.
8. Uniform fencing abutting local roads shall generally be of solid construction but may in some instances be required to provide visually permeable infill panels to promote passive surveillance depending on the location and traffic associated with the road.
 9. Uniform fencing abutting POS shall provide visually permeable infill panels to promote passive surveillance. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas. Pedestrian access gates (and stairs if required) are encouraged to be constructed as part of the uniform fencing between residential lots and POS to encourage use of the POS by the adjoining residents.
 10. Uniform fencing abutting PAWs shall generally be required to provide visually permeable infill panels to promote passive surveillance of the PAW. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas.

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