

# LOCAL PLANNING SCHEME NO. 11

## Frequently Asked Questions - March 2024

### What is the status of LPS 11?

In late February 2024, the Department of Planning, Lands and Heritage (DPLH) advised that the Minister was prepared to approve draft LPS 11, subject to modifications being made as follows.

#### 1. Scheme Map

- Zoning various lots south of Old Perth Road as District Centre.
- Zoning the eleven lots within the heritage area bounded by Old Perth Road, Wilson Street and Park Lane as District Centre.
- Zoning 2 (Lot 6) Parker Street, Bassendean as District Centre.
- Zoning 3 (Lot 177) Wilson Street as District Centre.
- Coding the lots along Nurstead Street as R100.
- Coding 1 (Lot 6) Earlsferry Court, Bassendean as R10.
- Coding 3 (Lot 4), 5 (Lot 5), 7 (Lot 3), 9 (Lot 2) and 11 (Lot 1) Earlsferry Court, Bassendean as R20.
- Retaining split density codes in Planning Area G (as mapped in the adopted Local Planning Strategy).
- Coding the lots that are currently split coded in Planning Areas I and H (as mapped in the adopted Local Planning Strategy) as R30.
- Removing public open space reservation from existing constructed roads around Bindaring Park
- Various changes to conform to DPLH mapping conventions.

## 2. Scheme Text

- Replacing the significant tree register provisions with:

*“These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the Planning and development (Local Planning Schemes) Regulations 2015.*

### **6B. Significant Tree Register**

- (1) *The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation.*
- (2) *The significant tree register -
  - a. *Must set out a description of each tree, its location and the reason for its entry in the significant tree register; and*
  - b. *Must be available, with the scheme documents, for public inspection during business hours at the offices of the local government; and*
  - c. *May be published on the website of the local government.**
- (3) *The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. A written nomination can only be made by the owner of the land which contains the tree.*
- (4) *Upon receiving a written nomination in accordance with sub-clause (3), the local government may:
  - a. *Carry out any other consultation the local government considers appropriate; and*
  - b. *Following any consultation and consideration of the submissions made on the proposal, resolve that the tree be entered into the significant tree register with or without modifications, or that the tree be removed from the significant tree register.**
- (5) *If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree.*
- (6) *The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for which contains a tree identified on the significant tree register.*

- Adding the following to the Supplemental Provisions as they relate to exemptions from the requirement obtain development approval.

22.	<i>The removal of a tree.</i>	<i>The subject tree is not identified on the Significant Tree Register.</i>
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- Various minor textual changes

The draft scheme will now be updated and returned to the Department of Planning, Lands and Heritage for finalisation.

### **Where can I view LPS 11?**

Documents relating to LPS 11 can be viewed [here](#). To view your zoning, please refer to the Scheme map or LPS 11 layer on the [Town's online mapping system](#).

### **What is an R-Code and what does it mean?**

All residential zoned land is allocated an 'R-Code' which determines the density, form and scale of development that can occur on a property. In simple terms, the higher the R-Code, the more dwellings that can be accommodated in a given area; for example, R100 provides for greater development intensity than R20.

Further information on the residential development requirements is available in [State Planning Policy 7.3 – Residential Design Codes](#).

### **Where are all the development controls?**

Development controls are prescribed in Part 4 of LPS 11. The majority of development controls have been removed from the Scheme and instead provided for via Local Planning Policies. This enables greater flexibility for Council to amend development controls to respond to emerging issues, which would otherwise require Ministerial approval if contained in the Scheme. The Town's Local Planning Policies can be found here: [Local Planning Policies » Town of Bassendean](#)

### **What happened with the split density codes?**

Under LPS 10, a variety of split density codings were used throughout the district. Based on the community aspirations featured in [BassenDream Our Future](#), and as required by State Government strategic planning frameworks, there is a desire to consolidate density around activity centres and railway stations, as opposed to extending density into the more suburban parts of the district. The Town's adopted Local Planning Strategy recommends that these split density coding areas are reviewed.

For most of the split coded properties, the split coding has not yet changed, acknowledging further investigations are required to be undertaken to determine suitable density codes. For a small number of other properties, LPS 11 effectively applies only the higher coding (ie. R17.5/30 will change to R30).

## **How does LPS 11 impact the Bassendean Town Centre?**

LPS 11 serves to zone much of the Bassendean Town Centre as “District Centre”, which has the effect of deferring to any applicable Structure Plan for development control and guidance. In this regard, the Town has recently released a public tender, seeking a qualified and experienced consultant team to prepare the necessary Precinct Structure Plan for the Bassendean Town Centre.

It is expected that the Precinct Structure Plan will be finalised in 2026.

## **Does LPS 11 protect all trees on private property?**

No, although it does contain provisions that allows the Town to establish and maintain a ‘significant tree register’ to identify trees within the scheme area that merit preservation. The ‘significant tree register’ will provide a level of statutory protection for listed trees; with it being an offence to cut, remove or destroy a tree that is identified on such a register, without first obtaining approval from the Town.

Importantly, only the landowner is permitted to nominate their trees for inclusion on the register. Third party nominations are no longer permitted.

## **Does LPS 11 include provisions that requires ‘side-by-side’ development?**

In split coded areas, LPS 10 required ‘side-by-side’ development (two dwellings with direct access to a constructed road). This often necessitated the removal of the existing dwelling and resulted in narrow lots.

LPS 11 does not include a side-by-side provision, thereby enabling ‘battle-axe’ or ‘house behind a house’ development, which would enable the retention of some existing dwellings and provide for greater lot widths. Such an approach will provide landowners with greater flexibility in subdivision/development layouts.

## **How will heritage buildings be protected?**

The Town has previously completed the following:

1. Updated the Local Heritage Survey.
2. Updated the Heritage List, which requires, for properties on the list, development approval for the construction of, or additions to single houses, or demolition of a dwelling.
3. Established Heritage Areas in and around Old Perth Road, Devon Road and Kenny Street.
4. Adopted a Local Planning Policy on heritage conservation, which provides guidance on the assessment and determination of proposals affecting sites with identified heritage value.

These measures remain unchanged under LPS 11.

## **How does LPS 11 impact the Nurstead Avenue Precinct?**

Based on the DPLH advice, the Nurstead Avenue Precinct will be coded R100; an increase from the R60 coding supported by Council in August 2023. This coding will facilitate development of up to four storeys.

In addition, Council has previously resolved to investigate the possibility of designating the precinct as a Heritage Area, which would provide increased built form guidance for the area. That work will commence with consultation of the relevant landowners, so as to seek information as to the desired outcomes in the context of the R100 coding (noting that a Heritage Area does not have the effect of reducing the density coding or restricting development)

## **What is the Special Control Area for Flooding?**

A Special Control Area for land that may be at risk of flooding is depicted on the Scheme map. The location of the floodplain is in accordance with the Department of Water and Environmental Regulation floodplain mapping. The scheme text contains a provision that requires a development approval for all development within the special control area, with any application for development approval to be appropriately assessed against the flood risk considerations.

## **What are the financial implications of rezoning?**

It is recommended you get in touch with a licensed property valuer and/or private planning consultant to provide professional advice on these matters.

## **What happens to my rates?**

Rates are calculated by multiplying the Council-adopted 'rate in the dollar' by the land valuation, as set by the Valuer General (State Government). A change in zoning will not change the way rates are calculated, however it may affect the land valuation that is used to calculate rates. To find your land valuation (i.e. Gross Rental Valuation) please contact Landgate on 9273 7373 or [customerservice@landgate.wa.gov.au](mailto:customerservice@landgate.wa.gov.au)

## **When will the changes take effect?**

The changes will take effect once the new Scheme has been formally approved by the Minister, and subsequently published in the Government Gazette.

## **I have more questions, who can help?**

You can discuss with the Town's Planning Services via (08) 9377 8000 or speak to a planner in person by requesting an appointment via [LPS@bassendean.wa.gov.au](mailto:LPS@bassendean.wa.gov.au) or phone.