

# **TOWN OF BASSENDEAN**

## **NOTICE OF A SPECIAL COUNCIL MEETING**

In accordance with regulation 12(3) of the *Local Government (Administration) Regulations 1996*, public notice is hereby given of a Special Meeting of the Council of the Town of Bassendean. The meeting will be held on Wednesday 4 November 2020 in the Council Chambers, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

The purpose of the meeting is for Council to consider endorsing the draft amended Local Planning Strategy and draft Local Planning Scheme No. 11 for the purposes of advertising.

*An agenda for the meeting will be available on the Town's website* <https://www.bassendean.wa.gov.au/council-meetings/special-council-meeting/special-council-meeting/441>.



Peta Mabbs  
**CHIEF EXECUTIVE OFFICER**

2 November 2020

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## **A G E N D A**

### **1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

The Town is committed to ensuring our Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community.

Any person attending is required to be respectful, courteous and have due regard for individual rights and differences.

Individuals may be asked to leave should their conduct adversely affect the health and safety of others.

By attending this meeting, you agree to abide by these conditions.

**2.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEMS**

Statements can be submitted prior to the Special Council meeting to:  
<https://www.bassendean.wa.gov.au/forms/public-statement-time/37>

Each person is restricted to one statement of up to two minutes unless the Council, by decision, determines that they may speak for no more than a further two minutes.

*It should be noted that comments are recorded and there is no protection from legal action being taken against you, should it arise from your comments delivered at the meeting.*

**3.0 QUESTIONS FROM MEMBERS OF THE PUBLIC**

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda.

Questions can be submitted prior to the Special Council meeting by 5:00pm Tuesday, 3 November 2020, to:

<https://www.bassendean.wa.gov.au/council/town-council/council-meetings/about-council-meetings.aspx>

If a member of the public is not present at the meeting, a response will be provided in writing outside of the meeting.

**4.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE**

**5.0 DECLARATIONS OF INTEREST**

## **6.0 REPORTS**

<b>Item No. 6.1</b>	<b>Draft Local Planning Strategy and Local Planning Scheme – Consent to Advertise</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref/ROC</b>	LUAP/PLANNG/24
<b>Previous Council Reports (if applicable)</b>	28 April 2020 (Res:11/04/20)
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No.</b>	1 – Report of Review 2 – WAPC Report of Review Support 3 – Draft Local Planning Strategy 4 – Draft Local Planning Scheme 11 5 – Draft Local Planning Scheme Map

### **Purpose**

The purpose of this report is for Council to consider endorsing the draft amended Local Planning Strategy and draft Local Planning Scheme No. 11 (LPS 11) for the purposes of advertising.

### **Background**

#### Current Town of Bassendean Local Planning Framework

The current Local Planning Scheme No. 10 (LPS 10) was originally approved by the Minister for Planning and was subsequently gazetted on 24 June 2008. That gazettal also had the effect of revoking (former) Local Planning Scheme No. 3, which had existed since 1983. The (then) new LPS 10 was supported by an associated Local Planning Strategy, which was endorsed by the Western Australian Planning Commission (WAPC) in May 2008.

Since the 2008 endorsement of the Strategy, it has been reviewed once, with that review commencing in May 2011, achieving endorsement of the WAPC in December 2014 and being finalised (with modifications) in March 2015.

The current Scheme has not been subject to a comprehensive review since its gazetted in 2008, although since that time, 11 amendments have been initiated. Of that 11, nine have been gazetted, one was refused and one was discontinued. Currently, there are no live amendments to LPS 10.

### Report of Review

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* require all Schemes to be reviewed every five years, and in the case of Schemes that came into effect prior to August 2015, by August 2017. Given that LPS 10 was gazetted in 2008, the August 2017 requirement was applicable and was to involve the preparation of a Report of Review as a precursor to any subsequent action on the strategy and scheme. The Town prepared that Report of Review and on 28 April 2020, Council resolved to endorse the document, as contained as Attachment 1, which recommended that LPS 10 be repealed and a new Scheme prepared in its place, and that the Local Planning Strategy for the Scheme should be reviewed.

The WAPC considered the Report, and on 19 June 2020 advised that it accepted the recommendations within the Report. A copy of this advice is contained as Attachment 2. As such, the Town can now progress with the agreed actions.

### **Proposal**

The Town has prepared:

- A draft Local Planning Strategy to provide the long-term vision and strategic objectives for planning related matters within the Town (contained as Attachment 3); and
- A draft Local Planning Scheme (comprised of a scheme text and associated map) to establish the statutory controls for development and land use planning within the Town (contained as attachments 4 and 5, respectively).

The formulation of these documents is discussed in the following sections.

### **Communication and Engagement**

Town staff have liaised with Department of Planning, Lands and Heritage staff regarding the need to review of the existing planning framework and prepare a new or amended Local Planning Scheme. It is expected that liaison will continue for the life of the project.

In 2019, the Town completed *BassenDream Our Future*; an extremely comprehensive community engagement project to develop an aspirational vision for the future of the district. At its Ordinary Council Meeting of 26 November 2019, Council resolved to adopt the associated Engagement Report which (among other things) made a series of recommendations in relation to a future review of the existing strategic planning framework and preparation of a new or amended Local Planning Scheme and, in broad terms, relate to:

- Retention of public open spaces;
- Retention of trees on private land;
- Limiting higher density development to within 400m of the three railway stations and around the Bassendean town centre and providing low/lower density outside those areas;
- The need to enhance and activate the Bassendean town centre (Old Perth Road);
- The need to balance new development with existing heritage; and
- The need for new development to have a design and sustainability focus.

On 9 June 2020, a Concept Workshop was held with Councillors to discuss the following relevant matters:

- The Western Australian Planning Framework;
- Format of Local Planning Strategies and Schemes;
- The outcomes of the *BassenDream our Future* engagement process; and
- Scheme matters, including zoning and density, existing anomalies, split density provisions, tree protection, development controls and exemptions.

In response to queries raised during the workshop, Councillors were also provided additional information via the information bulletin.

Among other things, Council identified a desire to pursue stricter controls regarding the protection of trees on private property as well as development controls that would ensure suitable built form outcomes, particularly at the higher residential densities.

On 4 August 2020, a second Concept Workshop was held with Councillors to discuss the draft documents. Councillors proposed a number of elements; some of which have been incorporated into the draft documents. The following suggestions were not included for the reasons outlined below:

Proposal	Comment
Rezoning 6 Ivanhoe Street, Bassendean to Residential R160.	<p>The subject site has been used as a Place of Worship (Bassendean Church of Christ) since 1913, is a Category 3 Place on the Town's Municipal Heritage Inventory and the Town has recently approved substantial additions and alterations to the place.</p> <p>Given the sites ongoing use as a Place of Worship, and the low likelihood the place will be used for another purpose given the recent development approval, the Town has proposed the site be zoned 'Private clubs, institutions and places of worship' to accurately reflect the use.</p>

Rezoning land abutting 6 Ivanhoe Street, Bassendean to Residential R80.	This land is proposed to be re-coded from R20/40 to R40 to reflect the current use of the land as grouped dwellings. Given it is unlikely the land will be redeveloped given the separate strata ownership within each site, it is considered more appropriate to allocate the additional density elsewhere.
Additional density around Ashfield and Jubilee Reserves.	<p>Whilst the Town considers there is merit in increasing density around large areas of public open space, the location of density around the Town Centre aligns with the outcomes of the <i>BassenDream Our Future Engagement Report</i>.</p> <p>Providing density in close proximity to the Town Centre will achieve the State's density targets for the Town, and increasing density in other locations has therefore not been considered at this time.</p> <p>It should be noted that the provision of further density in other locations can be considered in the next review of the Scheme, which will occur 5 years after adoption of the draft Scheme.</p>
Extension of the proposed Kenny Street Character Precinct Special Control Area	<p>The proposed Kenny Street Character Precinct Special Control Area does not align with the Kenny character area provided in the Built Form and Character Study (which is a significantly larger area). The proposed area instead aligns with areas identified as suitable for Heritage and Character Precincts within the same study.</p> <p>On inspection of the character area, the Town considers the proposed Special Control area contains a greater level of properties contained within the Municipal Heritage Inventory compared to the balance of the character area, and therefore the boundaries of the SCA are considered appropriate.</p>
Rezoning Industrial land to Residential adjacent Ashfield Railway Station and the Town's Depot.	Whilst the Town agrees that transit oriented development around railway stations is a good planning outcome, rezoning industrial land for residential purposes is not considered appropriate at this time given density targets can be achieved in the Town Centre, industrial land provides for employment self-

	sufficiency within the Town and significant remediation would be required to address contamination issues prior to residential development occurring.
Up-coding of land adjacent to the Swan River.	The Town has received advice from the Department of Fire and Emergency Services and the Department of Water and Environmental Regulation regarding risks associated with development in flood affected areas. This is being further considered as part of the Town's review of Local Planning Policy No. 4 – Floodplain Management and Development. For this reason, and for reasons outlined above regarding the consolidation of density around the Town Centre, further increasing in density in this location are not considered appropriate at this time.
Additional density in proximity to Ashfield Railway Station	The Town recognises that increasing residential density on the southern side of the Ashfield Railway Station aligns with the State's <i>Perth &amp; Peel @3.5 million</i> strategy, which recommends increasing density around railway stations.  Whilst a slight increase in density has been proposed at 38 Maidos Street given its proximity to the local centre, no further density is proposed at this time to ensure consolidation of density around the Bassendean Town Centre as recognised in the <i>BassenDream Our Future Engagement Report</i> . The Town can review expanding the locations of density in the next review of the Scheme.
Extending SCA 1 to land west of Lord Street.	The purpose of SCA 1 is to ensure access to Guildford Road is suitably addressed prior to subdivision/development occurring. The Town is satisfied that suitable access can occur to Guildford Road for the land West of Lord Street, and therefore the extension of the SCA is not considered required.
Retaining the Residential R20 and R25 coded land in SCA 1, east of Thompson Road.	With the exception of a portion proposed to be coded R160, all of SCA 1 is proposed to be coded R60. The Town is satisfied that the location is suitable for

	<p>density given its proximity to Success Hill railway station, subject to access arrangements to Guildford Road being addressed.</p> <p>It should be noted that up-coding the land does not require the landowners to develop to this density.</p>
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On 6 and 13 October 2020, further Concept Workshops were held with Councillors to discuss changes that had been made to the draft documents since the previous workshop. Council noted the revised draft Scheme Map, and requested additional changes as follows:

Proposal	Comment
Increasing the density of 38 (Lot 100) Maidos Street, Ashfield, from R60 to R100, and increasing the density of adjacent land abutting Guildford Road.	<p>The Town has proposed the density at R60 as this is commensurate to the development outcomes that could be achieved under the adjacent proposed Mixed Use site.</p> <p>As noted above, no further density is proposed at this time to ensure consolidation of density around the Bassendean Town Centre as recognised in the <i>BassenDream Our Future Engagement Report</i>. The Town can review expanding the locations of density in the next review of the Scheme.</p>
Retaining the density of land abutting Nurstead Avenue at its current R20 and R25 coding as opposed to increasing to R60.	<p>The Town considers the proposed R60 coding in this location is appropriate given the proximity of the site to Success Hill railway station and areas of amenity (Bassendean Oval and the Swan River). Notwithstanding, should community opposition be received during public consultation, it is open to Council to consider retaining the existing density.</p>
Including the land located to the south of the railway line, west of Lord Street and north of Guildford Road within Special Control Area 1.	<p>As advised above, the purpose of SCA 1 is to ensure access to Guildford Road is suitably addressed prior to subdivision/development occurring. The Town is satisfied that suitable access can occur to Guildford Road for the land West of Lord Street, and therefore the extension of the SCA is not considered required.</p>

Increasing the density to the existing grouped housing sites on Ivanhoe Street from R40 to R60.	As advised above, the Town has retained the proposed R40 coding on this land to reflect the current use of the land as grouped dwellings. The <i>Strata Titles Act 1985</i> (as amended) requires all owners to consent to redevelopment of the land. Given it is unlikely redevelopment will occur, it is considered more appropriate to allocate the additional density elsewhere. Allocation of additional density in this location can be considered in the next review of the Scheme.
Increasing the size of special control areas to encompass additional character areas.	The proposed special control areas relating to heritage and character are based on the recommendations contained within the Built Form and Character Study. Whilst it is recognised that heritage and character houses existing throughout the district, these areas in particular had a higher concentration of houses listed on the Local Heritage Survey (formally known as the Municipal Heritage Inventory), and identifiable streetscape characteristics (such as consistent street tree planting or fencing elements). Providing a special control area over effectively two thirds of the residential portion of the district would mandate the requirement for a development application for any development or works to these properties, which would circumvent the exemptions to development approval contained within the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (such as exemptions for patios and minor additions). Protection of heritage and character houses for those properties contained on the heritage list or local heritage survey can occur via a local planning policy stipulating design guidelines.

## Strategic Implications

### Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Fostering a culture of collaboration and trust between the organisation and community	<ul style="list-style-type: none"> <li>Provide opportunity to listen and involve our community in decisions that affect them</li> </ul>	<ul style="list-style-type: none"> <li>Greater community support for decision making</li> </ul>
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> <li>Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)</li> <li>Encourage the adoption of a collective responsibility towards safety</li> </ul>	<ul style="list-style-type: none"> <li>Increased use of public transport by different demographics</li> <li>Increased active transport by different demographics</li> <li>Reduced antisocial incidents</li> </ul>
Supporting healthy lifestyles throughout our Town	<ul style="list-style-type: none"> <li>Improve functionality of amenities and lifestyle options</li> <li>Improve walkability and cycle-ability, including through infrastructure improvements</li> </ul>	<ul style="list-style-type: none"> <li>Increased use of public open spaces and other amenities</li> <li>Improved health and wellbeing of residents</li> </ul>

### Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> <li>Conserve, enhance and repair natural and urban areas</li> <li>Facilitate management of reserves by Friends groups</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Increased number and rate of participation of environmental volunteers</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>Restoration and revegetation measures improve</li> </ul>
Value and conserve and protect our water resources and waterways	<ul style="list-style-type: none"> <li>Implement waterwise initiatives and policies for residents, businesses and other organisations</li> <li>Convert drains into living streams</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Gold Waterwise Council status is retained</li> <li>Quality of water flows into Swan River improves</li> <li>Stream restoration measures improve</li> </ul>
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> <li>Create an urban forest throughout reserves, gardens and streets</li> <li>Protect existing trees and green spaces</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Fewer trees lost during development</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>Increased proportion of tree cover</li> <li>Reduced heat island effect</li> </ul>

### Priority Area 3: Creating a Vibrant Town and Precincts

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Support the town centre to thrive	<ul style="list-style-type: none"> <li>• Advocate for economic growth of our Bassendean town centre</li> <li>• Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean</li> </ul>	<b>LONG TERM</b> <ul style="list-style-type: none"> <li>• Increased number of developments within the town centre</li> <li>• Increased population within the Town</li> <li>• Improved retention of existing businesses</li> <li>• Increased number and retention of new businesses</li> <li>• Increased local employment</li> </ul>
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> <li>• Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations</li> </ul>	<b>LONG TERM</b> <ul style="list-style-type: none"> <li>• Meet obligations under State population targets</li> <li>• Appropriately located development</li> <li>• Increased dwelling numbers and diversity of dwelling types</li> <li>• Enhanced quality of development outcomes</li> </ul>

#### Priority Area 4: Driving Financial Suitability

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> <li>• Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise</li> <li>• Ensure financial planning has a longterm outlook and a focus on land asset rationalisation</li> </ul>	<b>SHORT TERM</b> <ul style="list-style-type: none"> <li>• All Town-owned buildings increased in their utilisation</li> <li>• Defined position and strategy of when buildings need renewal</li> </ul> <b>LONG TERM</b> <ul style="list-style-type: none"> <li>• Consolidated infrastructure footprint</li> <li>• Enhanced sustainability footprint</li> <li>• Clear indications of whole-of-life costs</li> </ul>
Support the local economy	<ul style="list-style-type: none"> <li>• Prioritise infrastructure projects that generate local employment and support a circular economy</li> <li>• Ensure the local economy is positioned to recover from crises</li> </ul>	<b>SHORT TERM</b> <ul style="list-style-type: none"> <li>• Increased local employment, relative to nonlocal employment</li> <li>• Increased local supply-chain use, relative to non-local supply</li> </ul>

## Priority Area 6: Providing Visionary Leadership and Making Great Decisions

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
Ensure major decision making is informed by community feedback	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> <li>• Ensure clear communication and flow of information from decision makers to operational staff</li> <li>• Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Outcomes-focused decision making (not process-focused)</li> <li>• More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business-as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>

## Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

Direction	Potential Strategies	What Success Looks Like
Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people	<ul style="list-style-type: none"><li>• Enhance partnerships with Noongar people – be guided by Traditional Owners in the appreciation, celebration and participation of Noongar Boodjar, history, culture and people</li><li>• Enhance participation and engagement of local Noongar people in community life and decision making</li><li>• Enhance participation and engagement of local Noongar people in caring for the land</li></ul>	<p>SHORT AND LONG TERM</p> <ul style="list-style-type: none"><li>• Noongar people being active participants during projects and direction, in collaboration with the Town of Bassendean</li><li>• Increased understanding of Noongar Boodjar, history, culture and people among nonindigenous community</li></ul>
Create a community closely connected to its history and heritage	<ul style="list-style-type: none"><li>• Maintain and share the historical stories of the Town of Bassendean</li><li>• Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community</li><li>• Implement initiatives, events and activities that focus on a range of cultural and artistic endeavours (not limited to entertainment)</li></ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"><li>• Local studies collection actively accessed by the community</li></ul> <p>LONG TERM</p> <ul style="list-style-type: none"><li>• Historical and heritage facilities are well used by the community</li><li>• Heritage sites and buildings are visible to locals and visitors</li></ul>

### Comment

#### Purpose of a Local Planning Strategy

The purpose of the draft Strategy is to provide rationale for the development of a new Scheme. The Strategy also:

- Provides high-level direction for the future planning of the Town, responding to the State Government Planning Framework and growth targets;
- Identifies the key planning challenges facing the Town over the next 10 to 15 years;
- Provides a broad plan for accommodating population and growth; and
- Identifies elements of the Town's planning framework that require detailed investigation.

The Strategy includes a summary of the major characteristics and issues relevant to the future planning and development of the Town, and incorporates the objectives, strategies, actions and timeframes required to implement the Strategy.

### Background Analysis

A background analysis has been undertaken to inform the Strategy and a number of key implications have been identified. This analysis considered a broad range of information derived from:

- State and Regional Frameworks, including strategies, policies and guidelines;
- *BassenDream Our Future Engagement Report*;
- Local Integrated Transport Plan;
- Built Form and Character Study; and
- Statistical information available through the Census.

The key issues facing the Town are not dissimilar to other inner metropolitan local governments, and are primarily as a result of population growth and the need to support population growth and associated urban infill development.

The most recent 2016 Australian Bureau of Statistics (ABS) census data indicates a residential population for the municipality of 15,089. Whilst this has steadily increased from 13,305 in 2001, forecasting indicates the population stabilising to 15,800 in 2031 and increasing to 24,300 by 2050.

The State's *Perth & Peel @3.5 million* strategy and associated Central Sub-Regional Planning Framework seek to outline how future population growth will be accommodated and provides for the majority of infill growth to be contained within 'activity centres', 'urban corridors' and 'station precincts'.

Other key matters for consideration include:

- The need for activity, employment and population located around activity centres, urban corridors and station precincts;
- The development of a diverse range of housing choices, and issues associated with infill development being likely to yield a greater proportion of smaller dwellings;
- Increased development pressure in areas of identified character and heritage significance. With this growth comes an expectation that new developments will achieve high levels of design quality befitting the character of each study area;
- Commercial centres being supported by appropriate residential development to ensure the ongoing function, economic viability and sustainability of each centre;
- The need for improvement in the quality and availability of community facilities, streetscapes and open space. As the Town has limited financial capacity to deliver upgraded facilities and infrastructure, it is important that the planning framework leverages off development to ensure provision meets demand created by of growth. Public open space, in particular, will be increasingly important as the population grows and density increases;

- The need to upgrade and provide additions to existing essential service infrastructure to support infill development;
- The extent to which tree canopy cover on private land has decreased over time; and
- More detailed arrangements for integrating a comprehensive pedestrian and cycling network throughout the Town, including connections to railway stations.

### Draft amended Local Planning Strategy

To align the Strategy with identified planning issues and themes, the Strategy is divided into various focus areas; housing, industry, commercial, infrastructure and servicing and public open space. The following section outlines the objectives and actions contained in the Strategy to address the aforementioned identified issues, and those identified through the *BassenDream out Future* Engagement Report.

Whilst the existing 2015 Strategy contains a strategy map, such a map is not prescribed as a requirement of Regulation 11(2) of the Regulations and is not considered necessary as part of the current draft Strategy as the Town is progressing it in tandem with the draft Scheme and as such, all the proposed changes to the spatial extent of zonings and codings are self-evident by virtue of the draft Scheme Map.

Objective	Action
<b>Housing</b>	
To facilitate growth of residential density within areas of strong connectivity to local services and facilities	<p>Review and amend residential density to ensure they align with the outcomes of <i>BassenDream Our Future</i> and the State Planning Framework, involving the provision of higher residential densities in close proximity to the three railway stations and the Town Centre. It will also involve limiting the development potential outside of those areas, to ensure that large portions of the district can remain more suburban, with greater opportunities for tree preservation.</p> <p>Undertake a review of Rights of Way to determine opportunities for redevelopment and better connectivity.</p> <p>Investigate the future potential for increased density around some local parks.</p>
To increase housing diversity across the Town to cater for a wider number of families and ageing in place.	<p>Apply the provisions of relevant state planning policy to ensure an adequate dwelling variety meets the needs of community into the future.</p> <p>Investigate the opportunities for the local planning framework to facilitate the provision of alternative housing typologies within the Town.</p>
To ensure new built form responds to changing needs of the community and existing and proposed character within the surrounding area	<p>Establish local planning policies that incorporate design guidelines.</p> <p>Facilitate access to a Design Review Panel.</p>

To ensure that the cultural heritage values of Bassendean's housing areas are recorded, promoted, maintained and protected.	Consider special control areas for heritage protection.
	Provide specific guidelines for character areas, with clear guidelines for developers and landowners alike.
	Continue to work with landowners for the retention of heritage areas.
	Apply the <i>Aboriginal Heritage Act 1972</i> as required.
	Undertake a review of the Town of Bassendean's Municipal Heritage Inventory.
To protect and preserve our natural environment through sustainable development.	Implement scheme provisions and education for the protection on trees on development sites, where suitable.
	Encourage the retention of trees through better education.
	Encourage sustainable building practices that preserve trees and vegetation; in addition to reducing carbon emissions.
<b>Industry</b>	
To retain the Bassendean industrial area as a true industrial area incorporating a mix of industrial land uses, whilst ensuring appropriate interfaces between light industrial and residential land uses.	Protect the industrial area from encroachment of commercial and incompatible land uses.
	Implement local planning policy provisions to ensure a high standard of industrial design and built form is achieved.
	Monitor the existing containment cell and supervise remedial work in due course.
	Encourage environmentally sustainable built form outcomes for industrial development.
<b>Commercial</b>	
Promote the development of the Bassendean Town Centre as a District Centre that is desirable to live and work.	Provide targeted increases in densities to support the Town Centre zone, with appropriate scheme provisions to guide the built form of these areas.
	Provide mixed use land, in a targeted and limited capacity to support the existing limited commercial activity.
	Rationalise commercially zoned land along Old Perth Road.
	Replace existing <i>Local Planning Policy No. 1 – Bassendean Town Centre Strategy and Guidelines</i> with appropriate planning framework(s) to facilitate appropriate development outcomes within the Bassendean Town Centre, in accordance with any recommendations of the Town Centre Masterplan project, which is expected to be finalised in early 2021.
Promote the improvement of amenity and services of	Facilitate the provision of a Local Development Plan for the Eden Hill Shopping Centre site.

local shopping precincts at an appropriate scale and facilitate integration with medium density housing development where suitable.	Formulate appropriate planning frameworks over the Town's Local Shopping Zones, to provide development controls and facilitate appropriate housing typologies.
	Rationalise the Local Shopping Zone of the Ida Street/Walter Road East Local Shopping Precinct.
	Increase the size of the Ashfield Local Shopping Precinct to include surrounding commercial activity and limited residential density increases.
<b>Infrastructure and Servicing</b>	
Facilitate the delivery and advancement of essential service infrastructure.	Review the Town's existing stormwater assets to accommodate increased density.
	Restrict development in Success Hill south until resolution of access and egress issues to the Success Hill Station prior to redevelopment occurring.
	Facilitate the provision of underground power throughout the Town.
	Progress transport initiatives as adopted by council from the <i>Local Integrated Transport Plan (2018)</i> .
	Finalise the review the Town's Local Planning No 4 (Floodplain Management and Development) on the advice from the relevant State Government agencies.
<b>Public Open Space</b>	
Provide Public Open Space that adequately caters for the recreational needs of the community and protects areas of high natural value.	Develop a Public Open Space (POS) Strategy to guide and coordinate decisions relating to the provision and standard of POS within the Town.

### Purpose of a Local Planning Scheme

A Local Planning Scheme is the principal statutory planning tool to control land use planning within the Town. It sets out the way land is to be used and developed, classifies areas for land use and includes provisions to coordinate infrastructure within the Town. The scheme is divided into two parts; the maps, which set out the zoning and coding for each property and the text, which sets out the specific development controls which apply to each property.

### Draft Local Planning Scheme No. 11

Draft LPS 11 is proposed to replace LPS 10 and has been prepared in accordance with the Model Scheme Text prescribed by the Regulations and incorporates actions proposed in the draft Strategy.

The following key additions and modifications are proposed:

- Use of the Model Scheme zones, reservations and land use definitions in accordance with the Regulations;

- Use of the Model Scheme provisions in accordance with the Regulations;
- Correction of additional uses and anomalies to existing zones and reservations in relation to their existing land use;
- Consolidating density within the Town Centre and within proximity to railway stations;
- Applying a base coding of R20 where split density provisions currently exist;
- Removing development controls from the Scheme text, on the basis that they will be included in Local Planning Policies;
- Introduction of special control areas for various planning purposes; and
- Introducing measures to ensure the protection of trees on private land.

These matters are discussed in detail below:

#### *Model Provisions*

The Act stipulates that a local planning scheme must include any model provisions prescribed by the Regulations, unless otherwise approved by the Minister for Planning. Draft LSP 11 includes the draft model provisions in the *Planning Regulations Amendment Regulations 2020*.

It is proposed that the new Scheme includes all of the model provisions prescribed by the Regulations, as well as the following non-standard provisions and terms:

<b>Section</b>	<b>Provision</b>
Part 4 – General Development Requirements	Including provisions relating to Design Review and arrangements for the establishment and operation of a Design Review Panel.
Part 4 – General Development Requirements	Including a provision relating to requirements for development in un-sewered areas.
Part 4 – General Development Requirements	Including a provision relating to requirements for development in Swan River Flood Way and Flood Plain.
Part 4 – General Development Requirements	Including provisions relating to Tree Preservation Orders (TPOs), as a continuation of the provisions contained within current LPS 10.
Part 6 – Terms referred to in a Scheme.	Defining the term ‘other works’ to specifically include the removal of trees on private property. The implication of that is that such tree removal would constitute ‘Development’ under the <i>Planning and Development Act 2005</i> , and would therefore be prohibited unless otherwise permitted by a development approval issued by the Town.

### Zoning and Reservations

In addition to provisions, the Model Scheme Text includes standard zones, reservations and land uses. The following table outlines the existing Scheme zones and their conversion to model provision zones:

LPS 10	Model Provision
Zones	
Residential	Residential (no change)
Town Centre	Centre
Local Shopping	Commercial
	Mixed Use
Light Industry	Light Industry (no change)
General Industry	General Industry (no change)
N/A	Private clubs, institutions and places of worship
Reserves	
Parks & Recreation	Public Open Space
Public Purposes - Drainage	Drainage / Waterway
Public Purposes - Hospital	Public Purposes
Public Purposes – Primary School	Education
N/A	Civic and Community
	Infrastructure Services
	Primary Distributor Road
	District Distributor Road
	Local Distributor Road
	Local Road

The draft Scheme seeks to introduce two new zones, being ‘Mixed Use’ and ‘Private clubs, institutions and places of worship’.

The Mixed Use zone will allow for the development of a mix of varied but compatible land uses in existing commercial areas, such as housing, offices and showrooms. It provides for the implementation of contemporary planning principles relating to mixed land uses, such as active land uses at ground floor level and residential development on upper levels to support the economic viability of commercial uses.

The Private clubs, institutions and places of worship zone will ensure existing privately-owned land uses of this nature are accurately reflected in the Scheme via an appropriate zone. The draft Scheme seeks to apply this zone to any existing clubs, institutions (private schools) and places of worship in the district, with any new facilities of that type required to amend the Scheme for this zone prior to development occurring. This will ensure that private clubs, institutions and places of worship are appropriately located as to not adversely impacting the existing amenity of the locality.

### *Split Density Provisions*

Split density codings of R20/40 and R20/30/60 currently apply to land to the north of the railway line within Bassendean and Eden Hill, with the higher density able to be achieved where:

- For single houses or grouped dwellings, the lot has a frontage to a public street which is sufficient to allow at least two dwellings to be constructed in a side by side configuration, each with direct frontage to a public street, along with addition width to accommodate a driveway with landscaping serving any additional dwellings to the rear of the development site;
- There is due regard for relevant Local Planning Policies;
- Identified heritage objectives are not compromised;
- The proposal demonstrates elements of water sensitive urban design; and
- The existing streetscape is being preserved.

It is proposed that draft LPS 11:

- Exclude the current provisions applicable to split density coded land contained within Clause 4.3.1 of LPS 10.
- For the current R20/30/60 split coded land, apply a coding of R40 or R60 based on proximity to railway stations;
- For the current R20/30/40 split coded land, apply a coding of R40;
- For the current R20/40 split coded land, apply a base coding of R20;
- For the current R25/30 split coded land, apply a base code of R25; and
- For the current R17.5/30 split coded land, apply a base code of R20.

The rationale for removing the split density provisions (and providing the lower density code) are:

- Application of State Planning Policy 7.3 – Residential Design Codes can ensure appropriate development occurs on the land based on a singular density code;
- The existing requirement for ‘side by side’ configuration of development with direct frontage to a public street results in additional crossovers and reduced area for street trees;
- Application of relevant local planning policies and heritage objectives are matters to be considered in the assessment of a development application as provided by the Regulations; and

- Consolidation of density around activity centres and railway stations as opposed to extending density into the outer areas aligns with the locational requirements for density, as set out within the State Planning Framework and with community aspirations captured by *BassenDream Our Future*.

#### *Land Use Definitions and Permissibility*

The following land uses have been deleted from the zoning table as they are either not applicable to the Town or unlikely to be developed in the Town:

- Agricultural - Extensive
- Agricultural - Intensive
- Agroforestry
- Animal Husbandry - Intensive
- Caravan Park
- Corrective Institution
- Industry Cottage
- Industry Extractive
- Industry Mining
- Industry Rural
- Marina
- Marine Filling Station
- Park Home Park
- Plantation
- Rural Pursuit
- Winery

The following land uses have been updated to reflect the model land use definitions:

- Ancillary Accommodation to Ancillary Dwelling
- Showroom to Bulky Goods Showroom
- Restaurant – updated to include Café

The following land uses have been included from the model land use definition, as they have the potential to be developed within the Town:

- Brewery
- Garden Centre
- Holiday Accommodation
- Holiday Home
- Liquor Store Large
- Liquor Store Small
- Residential Aged Care Facility
- Serviced Apartments
- Small Bar
- Trade Supplies
- Veterinary Centre
- Waste Disposal Facility
- Waste Storage Facility

### Additional Uses

A review of existing land uses has identified some uses that:

- Existing additional uses have ceased operating;
- Proposed zonings will permit the existing land use, removing the need for the additional use; and
- The additional use has already been deleted under LPS 10 or are more appropriate to be included within Part 4 – General Development Controls.

The table below outlines the proposed changes to Additional Uses:

No.	Additional Use under LPS 10	Draft Scheme
1.	Vine Yard & Wine Making – Lot 336 of Swan S. Cnr Reid And West, Bassendean	Deleted – use has ceased.
2.	Medical Clinic – Lot 50 (No. 163-165) Guildford Road, Bassendean	Retained – use in operation.
3.	Single Residential Dwellings – Earlsferry Court, Bassendean	Deleted – moved to Table 5 – Site specific development standards and requirements.
4.	Service station - Lot 100 (No. 309) Guildford Road (Corner North Road), Bassendean	Deleted – the use of the site as a service station is not appropriate given its proximity to sensitive land uses (i.e. residential).
5.	Veterinary Clinic – Lot 2 (No.175) Guildford Road, Bassendean	Retained – use in operation.
6.	Liquor Store/Shop – Lot 51 (No.76) Railway Parade, Bassendean	Deleted – land use permitted under proposed zoning.
7.	Shop/Restaurant - Lot 743 (No.3) Broadway, Bassendean	Deleted – land use permitted under proposed zoning.
8.	Shop - Lot 742 (No.1) Broadway, Bassendean	Deleted – land use permitted under proposed zoning.
9.	Shop - Lot 600 (No.82) Ivanhoe Street, Eden Hill	Deleted – land use permitted under proposed zoning.
10.	Shop – Lot 2 (No.77) West Road, Bassendean	Retained and expanded to include cafe/restaurant to reflect what is occurring on the site without any meaningful amenity impacts.
11.	Shop/Lunch Bar – Lot 774 (No.37) Guildford Road, Ashfield	Deleted – land use permitted under proposed zoning.
13.	Medical Centre - Lots 3 and 250 (No. 103 – 105) Old Perth Road, Bassendean	Retained – use in operation.

*Note: Additional Use No. 12 was previously deleted from LPS 10.*

Whilst 66 (Lot 364) Railway Parade accommodates a small deli, it is not considered necessary to provide any “Additional Use” right as the use can be contemplated as a Home Store and will remain permissible under LPS 11.

### *Special Control Areas*

Special Control Areas (SCAs) are geographical areas that are subject to bespoke planning controls. The draft Scheme proposes to introduce the following SCAs, with additional provisions relating to the land included in the draft Scheme:

<b>Proposed Special Control Area</b>	<b>Purpose</b>
SCA1 - Success Hill Station Area	To achieve a range of medium to high density housing within close proximity of the Success Hill Station Area, subject to suitable arrangements being made for vehicle access to the precinct.
SCA2 - Old Perth Road Heritage Precinct	To ensure the cultural heritage of precinct is retained.
SCA3 - Devon Road Heritage Precinct	To ensure the cultural heritage of precinct is retained.
SCA4 - Kenny Street Character Precinct	To ensure the cultural heritage of precinct is retained.
SCA5 – Railway Parade Road Reserve – Existing Bassendean Railway Station Carpark	To facilitate medium density within close proximity of the Bassendean Train station, at such time as the car parking capacity is not required.

### *General Development Controls*

It is proposed to exclude general development controls relating to zoned land and instead, include these provisions within local planning policies. For example, where the Scheme would otherwise prescribe setbacks for a particular development, it is proposed that these requirement be included in policy. Inclusion of development controls within policy will allow for greater flexibility in the application of such controls, and ensure controls can be modified in response to changes to the State Planning Framework and community aspirations without the need to amend the Scheme. This will ensure the local framework can quickly respond to matters as they arise, and reflects the contemporary and accepted approach to development controls.

### Town Centre Masterplan

On 23 June 2020, Council resolved to prepare a masterplan for the Bassendean Town Centre. The masterplan project is strategic planning exercise to demonstrate to the community, Council, State Government and potential investors the great outcomes that are possible in the town centre. It is intended to help support the work being undertaken on the Strategy and to facilitate timely progress on the activation of key government sites within the precinct.

Specific objectives of the Bassendean Town Centre Masterplan are to:

- Progress the next phase of the “BassenDream” project – with a specific focus on the future planning of the town centre to create a vibrant, connected and thriving place
- Provide a long-term vision and masterplan that will guide town centre revitalisation and development for the next few decades
- Create a plan that will foster a thriving and liveable town centre with the shops, services, amenity and residential options to allow community members to spend their whole life in Bassendean, from childhood to adulthood plus the opportunity to age in place
- Engage the community, landowners, businesses and other key stakeholders to generate a collaborative approach to town centre revitalisation
- Create the conditions needed to attract investment, economic and community development, and town centre activation
- Identify what places and uses are working well in the town centre; which others have the opportunity for improvement; and if there are any key needs that are not being fulfilled
- Generate excitement about what is possible in Bassendean, now and into the future
- Ensure a cohesive approach to planning for the revitalisation of the town centre that prevents isolated “spot” redevelopment that happens on an ad-hoc basis
- Support the Town’s response to COVID-19 by facilitating employment opportunities and improving the sustainability of the town centre

The masterplan project is expected to be concluded in early 2021 and it is intended that any relevant findings or recommendations from that body of work will be incorporated into the draft Strategy, and if applicable, into the draft scheme and/or any other appropriate planning framework (such as a Local Planning Policy or Activity Centre Plan / Precinct Plan).

### Process

Should Council endorse the draft Strategy and Scheme for the purpose of public advertising, both documents will be forwarded to the WAPC to enable it to determine whether or not they are acceptable to advertise. The WAPC may direct the Town to modify one or both documents prior to advertising. In addition, the draft Scheme is required to be referred to the Environmental Protection Authority and Heritage Council of Western Australia for review.

Subject to no objection or advice being received from those agencies, the draft Local Planning Strategy and the draft Local Planning Scheme No. 11 will be advertised for public comment in accordance with Regulations 13 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, respectively.

## Consultation

Regulation 13 provides that the submission period for a local planning strategy must be at least 21 days and Regulation 22(4) provides that the submission period for a local planning scheme must be at least 90 days. As such, once consent is granted, the documents will be advertised concurrently for a minimum of 90 days, by way of:

- Developing documentation to explain key components of the Strategy and Scheme, including frequently asked questions (FAQs) and explanatory notes;
- Letters to landowners where zoning changes have occurred, where split density code changes are proposed and within special control areas.
- Making the documents publicly available for inspection at the Town's offices and at the offices of the WAPC;
- Inviting feedback via the Town's website.
- Advertising in the local newspaper, the Town's social media platforms and via website;
- Drop-in sessions to enable community members to speak to Town staff directly; and
- Invitations to the Cities of Swan, Belmont and Bayswater and various public authorities to make submissions on the proposals.

Upon conclusion of the public advertising, Council will consider all submissions received and will be required to make recommendation on both the Strategy and the Scheme. The documents will then be submitted to the WAPC for consideration by the Minister for Planning.

## Conclusion

The draft Strategy and Scheme align with the State Planning Framework and community feedback received via the *BassenDream our Future* community engagement exercise.

The draft amended Strategy establishes the long term vision for the Town on planning matters, and the draft Scheme will ensure appropriate statutory controls are in place to manage growth whilst preserving the character and amenity of the Town.

It is therefore recommended that Council adopt the draft Strategy and Scheme for the purposes of advertising.

## **Statutory Requirements**

- *Planning and Development Act 2005*
- *Planning (Local Planning Schemes) Regulations 2015*
- *Environmental Protection Act 1986*
- *Heritage Act 2018*

## **Financial Considerations**

There are no direct cost implications associated with the current decision before Council, however, there will be costs associated with advertising the draft Strategy and Scheme which will be met via the Town's adopted 2020/21 budget. In addition, there could be additional cost implications depending on the nature of any modifications to the Strategy that the Commission may require.

## **Risk Management Implications**

In accordance with Section 76 of the *Planning and Development Act 2005*, the Minister may order the local government to prepare and submit a scheme for the approval of the Minister. If the local government fails to adopt a scheme, the Minister may approve a scheme subject to any modifications and conditions the Minister thinks fit.

## **Officer Recommendation – Item 6.1**

That Council:

1. Pursuant to Regulation 11(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft amended Local Planning Strategy for the purposes of advertising, as contained in Attachment 3.
2. Pursuant to Section 72(1) of the *Planning and Development Act 2005*, adopts for the purposes of advertising, the draft Local Planning Scheme No. 11 consisting of the Scheme Text and Scheme Maps, as contained as Attachment 4 and 5, respectively.

**Voting requirements: Simple majority**

**6.0**

**CLOSURE**