

# DRAFT LOCAL PLANNING SCHEME NO. 11

## Frequently Asked Questions

### **What is a Local Planning Scheme and why is it required?**

Local planning schemes set out the zoning of land, permissible land uses, the scale of development and other important information relating to building and development standards across the Town. It is a statutory document that forms the basis for all planning decisions made by the Town. The scheme is divided into two parts; a map which sets out the zoning and coding (which is how land can be used and the intensity of development) for each property; and text which sets out the specific development controls.

Local planning schemes are required by the *Planning and Development Act 2005*, and the *Planning and Development (Local Planning Schemes) Regulations 2015* require local governments to review their scheme every five years to ensure it remains contemporary.

### **What is the relationship between the Local Planning Strategy and draft LPS 11?**

The Local Planning Strategy is a high-level document which sets out the strategic direction for the Town. This document contains objectives, principles and actions to guide future development. The Local Planning Strategy provides the broad rationale underpinning the land use zonings, planning provisions and development controls in the draft LPS 11.

Draft LPS 11 is the statutory document which aims to implement and deliver on the objectives and actions of the Local Planning Strategy. Draft LPS 11 is broadly consistent with the Local Planning Strategy.

### **Why wasn't advertising of the draft Strategy and LPS 11 undertaken at the same time?**

The Town originally sought approval from the Western Australian Planning Committee (WAPC) to advertise both documents concurrently, however, the WAPC required the Strategy to progress ahead of draft LPS 11, meaning the documents were advertised separately.

## Why do we need more development?

The State's strategic land use planning direction is detailed in the Perth and Peel@3.5million framework which aims to accommodate 3.5 million people in Perth and Peel by 2050 in a consolidated urban form.

The ['Centre Sub-Regional Frameworks'](#) requires Bassendean to provide an additional 4,150 new dwellings by 2050. This is achieved by rezoning land to support infill development.

## What will my property be zoned under draft LPS 11?

To view your proposed zoning, please refer to the draft Scheme map or draft LPS 11 layer on the [Town's online mapping system](#).

The screenshot illustrates the steps to check zoning for a property. On the left, a 'MODULES' menu is shown with 'Local Planning Scheme 11 - draft' selected. Below it are options for 'General Enquiry', 'Aerial Photography', 'Local Planning Scheme 10', and 'Street Trees'. In the center, a search bar is labeled 'SIMPLE ADDRESS' and 'PROPERTY SEARCH', with the address '14 PARKER STREET, BASSENDEAN' entered. Below the search bar are 'Search' and 'Clear' buttons. On the right, a 'LOT BOUNDARY' panel displays 'LOT DETAIL' for '1 OF 1'. The details include: Lot Number 105, Legal Area (m²) 493, Zoning RESIDENTIAL, Planning Areas A, J, MRS Zoning Urban, Special Control Areas N/A, and LPS11 R Code R60. Below this is a 'PROPERTY DETAIL' panel for '1 OF 2' showing Address 14 PARKER STREET and Suburb BASSENDEAN. Three red arrows point from text boxes to the interface: '1. Click on LPS 11' points to the selected menu item, '2. Type in the property address and click "Search"' points to the search bar, and '3. Check the zoning / coding' points to the 'Zoning' field in the lot details panel.

1. Click on LPS 11
2. Type in the property address and click "Search"
3. Check the zoning / coding

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

All residential zoned land is allocated an 'R-Code' which is effectively a density code. The R-Code 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](#).

## What's happening with the split density codes?

Split density codings of R20/40 and R20/30/60 currently exist to the north of the railway line within Bassendean and Eden Hill, and in some parts south of the railway line.

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 away from the town centre) thereby providing greater opportunities for verge gardens, street trees and diversity of housing options. The Town's adopted Local Planning Strategy recommends that these split density coding areas are reviewed.

For some properties, draft LPS 11 proposes the effective reduction or removal of the current development potential, with the scheme proposing to reduce the coding of some areas to the base density code of R20. For other properties, the split coding is not yet proposed to change, acknowledging further investigations are required to be undertaken to determine suitable density codes.

If your density code is proposed to change, you can still make an application to either develop or subdivide the land at the current density code, even whilst draft LPS 11 is being progressed. Applications for subdivision approval are made to the WAPC. More information on subdivision applications is available [here](#).

## Does draft LPS include split coding provisions that requires 'side-by-side' development?

In split coded areas, the current LPS 10 requires '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, as depicted below.



Draft LPS11 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.

## What is happening with 17 and 19 Anstey Road, Bassendean?

These two sites are vacant lots owned by the Town that are currently zoned Residential R25 under LPS 10, meaning that they could be sold and developed for residential purposes. Draft LPS 11 proposes to reserve them as Local Open Space.

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

Whilst LPS 11 will not protect all trees on private property, it does contain provisions that require the Town to establish and maintain a 'significant tree register'. The purpose of such a register is to identify trees within the scheme area that merit preservation based on factors such as their aesthetic value, rarity, habitat, other significance. This approach was required by the Department of Planning, Lands and Heritage as it is consistent with other local planning schemes.

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.

In addition, [Local Planning Policy 13 - Tree Retention and Provision](#) will continue to apply and requires (amongst other things) the planting of one tree per 350m<sup>2</sup> of land area, the amount of which can be reduced where existing significant trees are retained.

In terms of the Town's efforts to strengthen statutory controls regarding tree protection, it should be noted that in relation to trees, the 4 November 2020 Council-adopted version of draft LPS 11 has been modified at the direction of the Department of Planning, Lands and Heritage and the Statutory Planning Committee of the Western Australian Planning Commission to remove the provisions which would have:

- provided the ability for the Town to vary the development requirements under the R-Codes where it involves the conservation of a significant tree;
- provided the ability to impose as conditions of development approval, the requirement to (i) retain a significant tree (ii) plant trees in a tree growth zone and (iii) register a notification on the Certificate of Title advising prospective purchasers that the site contains a tree which is required to be retained and protected from development works;
- clarified of the definition of "development" so as to include carrying out on the land of any excavation or other works, which includes the clearing and removal a significant tree.

Community members may wish to provide submissions on the draft scheme in relation to the desire (or otherwise) for stronger statutory controls and restrictions regarding tree preservation on private land.

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

A Special Control Area has been included for land in the vicinity of the Swan River that may be at risk of flooding, with the flood risk areas being depicted on the Scheme map. The location of the floodplain is in accordance with the Department of Water and Environmental Regulation floodplain mapping. A new provision has also been included within draft LPS 11 to require a development approval for all development within the special control area, with any application for development approval to be appropriately assessed the flood risk considerations.

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

Development controls are prescribed in Part 4 of draft 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](#)

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

Through the [BassenDream Our Future](#) engagement exercise, the community made it clear that it values heritage and character areas and buildings. In response, the Town has already done the following:

1. Updated the Local Heritage Survey to ensure it is contemporary.
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 will remain unchanged under draft LPS 11.

## **How does the Scheme relate to the Bassendean Town Centre Masterplan?**

Activation and development within the Bassendean Town Centre has received broad community support both through [BassenDream Our Future](#) engagement exercise, and the Catalyse Community Perceptions Survey.

The Bassendean Town Centre Masterplan (adopted by Council in November 2021) is a means of supporting much needed and much wanted town centre development, with a range of heights proposed up to 10 storeys in strategic locations to ensure the retention of heritage and character, and having regard to overlooking and overshadowing. The majority of land within the Masterplan area is proposed to be rezoned so as to facilitate implementation of the Masterplan. Residential codings on the periphery of Old Perth Road within the Masterplan area have been proposed to reflect the indicative heights provided on the Masterplan.

## **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 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 out how your land value (i.e. Gross Rental Valuation) is determined, please contact Landgate on 9273 7373 or [customerservice@landgate.wa.gov.au](mailto:customerservice@landgate.wa.gov.au)

## **Where can I view the draft Local Planning Scheme?**

Documents relating to draft LPS 11 can be viewed on the Town's website ([www.bassendean.wa.gov.au](http://www.bassendean.wa.gov.au)) and at the following locations:

- Customer Service Centre, 35 Old Perth Road, Bassendean
- Bassendean Memorial Library, 46 Old Perth Road, Bassendean
- Wind in the Willows, 28 Wilson Street, Bassendean
- Wind in the Willows, 2 Colstoun Road, Ashfield

## **How can I make a submission?**

Submissions can be made until 5.00pm, Friday 14 July 2023, by:

- Completing the online form on the Town's website (preferred)
- Emailing to [LPS@bassendean.wa.gov.au](mailto:LPS@bassendean.wa.gov.au)
- Posting a hard copy to the Town addressed to the Chief Executive Officer, via PO Box 87, Bassendean WA 6934.

Submissions on local planning schemes:

- must state the name and address of the person making the submission (anonymous submissions will not be considered); and
- must include a statement about the capacity in which the person makes the submission (for example, landowner or occupant).
- will be included in a schedule of submissions presented to Council for consideration and will therefore be made publicly available.

## **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.

The Town will also host the following public information sessions:

- Hawaiian's Bassendean shopping centre:
  - Thursday 27 April 2023 - 9am - 12pm
  - Tuesday 16 May 2023 - 2pm - 5pm
  - Friday 2 June 2023 - 9am - 12pm
- Bassendean Library (46 Old Perth Road) - Wednesday 3 May 2023, 5.00pm - 7.00pm
- Bassendean Markets - Sunday 28 May 2023, 9.00am - 1.30pm

## **What happens next?**

The submission period closes at 5.00pm, Friday 14 July 2023.

Following close of the submission period, the Town will collate all submissions, carefully consider the issues raised and present a report to Council on the matter. Council's resolution and associated documents will then be sent to the Western Australian Planning Commission for review, before a final decision is made by the Minister for Planning.

The proposed changes to the coding will only take effect once the new Scheme has been formally approved by the Minister.