

Draft Local Planning Scheme No. 6 (LPS6)

Frequently Asked Questions

What is the Draft Local Planning Scheme No. 6 (LPS6)?

LPS6 will be a new Local Planning Scheme which is an amalgamation of Town Planning Schemes No. 3 (TPS3) and No. 4 (TPS4), which were gazetted in 1983 and 1987 respectively.

Why is the Shire updating its Town Planning Schemes?

- The States planning framework has changed significantly since the early eighties and Draft LPS6 proposes to incorporate the latest regulatory requirements and policy practice such as adopting the Model Scheme Text, incorporating a model set of names for reserves, zones, land use definitions and general clauses.
- TPS3 & TPS4 have each had over 70 amendments, most of which have been to accommodate specific developments, as per the schedules in the existing Schemes. This has resulted in a fragmented and disjointed Schemes which is difficult to read, interpret and administer.

What is the Local Planning Scheme (LPS) Regulations?

- The LPS Regulations are a requirement of the *Planning and Development Act (2005)*.
- The LPS Regulations govern the content, implementation and practice of local planning schemes. The full name of the LPS Regulations are the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Importantly, the LPS Regulations contain 'deemed provisions' which automatically became law and are now part of all local planning schemes, of all local governments, from when they took effect in October 2015. Navigating between the deemed provisions and the old Schemes is onerous and very difficult for all stakeholders.
- This explains why so much content within TPS3 and TPS4 will be removed from LPS6.

How will Draft LPS6 coordinate with other land use planning requirements in the Shire?

Council at its meeting on the 28th July 2022 resolved that the consolidation of LPS6 is the first part of a three-stage process as follows:

1. Stage 1 - Combine TPS3 and TPS4 into one new Scheme aligning with the LPS Regulations (*Planning and Development (Local Planning Schemes) Regulations 2015*),

2. Stage 2 - Prepare and finalise a Local Planning Strategy (Strategy). This will investigate strategic planning issues confronting the Shire including (not limited to) mine expansion, agricultural protection, population projections, settlement patterns, land use conflict, bushfire risk, tourism, opportunities and constraints to subdivision etc; and
3. Stage 3 - Amend the new LPS6 to be consistent with the Strategy, as and when required.

What is the overall theme of the proposed changes?

The main objective in transitioning from the old Schemes to LPS6 is to achieve a balance between the following key objectives:

- Consistency with the LPS Regulations and WAPC policy. This is a priority of the Western Australian Planning Commission.
- Retain as much of the current local framework as possible with a 'no change' approach or 'like for like' transition.

Where a change is proposed for consistency and to ensure a pragmatic approach to development control, further consideration can be made following the consultation period when Council consider adopting the Draft LPS6 at a future meeting of Council considering all submissions.

What are the 'RR2' & 'RR3' symbols on some Rural Residential areas?

RR2 and RR3 designates the minimum lot size of 2ha or 3ha assigned to these areas. Therefore, no further subdivision is possible for lots in these areas where lot yield is limited given the minimum lot size. These areas will be subject to further assessment via the preparation of the local planning strategy as per Stage 2 of the planning strategic review.

In areas where no density code is applied, further subdivision and development is to be normalised with general clauses dealing with, lot size (1-4ha), bushfire, effluent disposal, etc, policy and any previous planning e.g. structure plans, if applicable.

What is happening with areas of land around the Bridgetown Townsite that are currently zoned Rural?

Three broad changes are proposed:

1. Those lots closer to the town centre and adjacent to the current residential zoned areas (and containing lots generally under 1ha) are proposed to be zoned Residential because:
 - They mostly already meet the prevailing lot size for Residential zone lots of between 1000m² – 9000m².
2. Those lots further from the town centre but still within the broad townsite area are proposed to be zoned as Rural Residential because:
 - They mostly already meet the prevailing lot size for Rural Residential zoned lots of 1 – 4 hectares (eg. Hackett St, River Road, Mattamattup and North Greenbushes areas); and
 - The area of 'TPS 3 – Rural' generally located between the Bridgetown townsite and Highlands are proposed to be limited to a 2ha minimum lot sizes subdivision potential, until further investigation can be undertaken via the Local Planning Strategy development process as per Stage 2. These areas have had no previous overall planning investigation.
3. A few larger lots are proposed to remain as rural zone because:
 - They are larger than the lot size range for rural residential and may be suited to future rezoning following further consultation and investigation via the Local Planning Strategy process.

What is happening to areas of land currently zoned ‘Special Residential’ or ‘Special Rural’?

- Areas currently zoned Special Residential are being rezoned as Residential because the existing lot sizes align with the R-code density of R5 (min 2000m²).
- Areas currently zoned Special Rural are all being rezoned as Rural Residential because the lot sizes align with the 1 – 4ha lot size range for rural residential areas.
- However, some of these Special Rural areas will retain their minimum lot size of 2ha potential to be consistent with current limits in TPS3 and TPS4. This is to retain a ‘like for like’ Scheme as much as possible. This may be relaxed following consultation and consideration by the local planning strategy process.
- Three undeveloped areas of special residential (ASR1, 2 & 3), will remain as special designated areas that require further investigations due to their topographic and native vegetation constraints prior to any subdivision.

What is happening to Subdivision Guide Plans (Structure Plans)?

There are approximately 25 structure plans or similar (e.g. subdivision guide plan, outline development plan, development guide plan) that have been developed over the last 35 years within the existing Schemes.

These structure plans have become outdated and largely redundant overtime. The Draft LPS6 will either:

- limit further subdivision in some designated areas in keeping with existing TPS3 and TPS4 arrangements; or
- allow subdivision in other areas (mainly rural residential), subject to satisfying the designated minimum lot size and WAPC policy requirements of bushfire management, onsite effluent disposal, native vegetation protection, road and utility servicing, etc.

All 25 structure plans are proposed to be allowed to lapse, given they will be normalised into LPS6 by converting to model regulation zones with associated generic provisions. This is consistent with Section 6.3 of the *WA Planning Manual – Guidance for Structure Plans*. See link below:

https://www.planning.wa.gov.au/docs/default-source/planning-reform/pm-wa-planning-manual-guidance-for-structure-plans.pdf?sfvrsn=1297bbc9_4

What changes are proposed to residential lot size and density?

There are two main changes are proposed:

1. Historically the main R-code density has been R12.5/20 (i.e.. average range of 800m² down to 450m²). This is proposed to change to R10/20 to ensure the lower number R10 (min 1000m²) aligns with the minimum lot size requirement needed to accommodate onsite effluent disposal being the Government Sewerage Policy.
2. The Commercial zoned area in the Bridgetown town centre has historically allowed residential development at a density of R12.5/20 (R20 where connected to reticulated sewer). The upper density option is proposed to be R35 to provide opportunities for a diverse, smaller and potentially more affordable housing stock.

The *Residential Design Codes (R-codes) 2024* govern the size and development of all residential zoned lots.

What land use permissibility's are changing?

Two main changes are proposed:

1. All Special Rural areas and TPS3 - Townsite Rural will be zoned Rural Residential. Where this is proposed, the land use permissibility has also been consolidated under the zone in the Zoning Table – Clause 17 of the Draft Scheme Text.

There will be changes to what types of land uses that can be considered in addition to the general development patterns in this zone (typically being a dwelling and outbuildings) given that the new land use definitions proposed are required comply with the Model Scheme Text and Deemed Provisions reflecting contemporary land use definitions.

- For example, currently with respect to Rural Zone (TPS3 – Townsite) land uses such as a stock feedlot, rural industry, fuel depot, prison, waste storage facility or caravan park can be considered. Under the proposed changes these land uses will become not permitted in the Rural Residential Zone.
- Conversely other uses, currently not possible under the current TPS3&4 Rural (TPS3-Townsite) and Special Rural areas, will be able to be considered including restaurant, winery, veterinary, garden centre or brewery subject to the normal development assessment process where consultation may need to occur. Site location will generally dictate suitability of these types of uses where there would be a low impact on surrounding neighbours and the environment.

Furthermore, LPS6 will remove the current inconsistencies of different definitions for the same land use between TPS3 and TPS4, or land uses appearing in only one of the current Schemes.

2. TPS3 and TPS4 have a combined 28 additional and special use areas. Of these, four are retained as 'Additional use' and twelve retained as 'Special use' sites within LPS6. The remaining 12 sites are to lapse given their respective land use permissibility's and special provisions that have been normalised within the Draft LPS6 through the zoning table and subsequent list of land use definitions.

Will the change of zoning of my property affect property rates?

A change in zoning will not influence land rates. Rating of land is determined via the rating methodology set by the local government and the Valuer General in accordance with *Local Government Act 1995* outside the land use planning system.

What is happening to the Heritage Protection provisions of the existing Town Planning Schemes?

- Traditionally local planning schemes contained a list and provisions to oversee sites or places of historic heritage and places of interest.
- All 31 sites currently listed within the existing Schemes will automatically carry over and be identified via a Local Heritage Survey in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Mapping Anomalies

Multiple mapping anomalies are proposed to be corrected via LPS6, for instance:

- Where rural freehold lots are incorrectly reserved as State Forest e.g. immediately north of Greenbushes townsite.
- Correctly identifying Water Corporation water supply infrastructure within Freehold lots as a Reserve.
- Aligning all roads with Main Roads WA - road hierarchy.

What happens once advertising closes?

- Shire planning staff will prepare a report for Council at a future Council meeting that will formally address all the submissions received from the advertising period.
- The report will recommend that Council resolve to recommend to the Western Australian Planning Commission (WAPC) and the Minister for Planning to grant final approval for the LPS6 (with or without modifications).
- The WAPC will assess and make a recommendation to the Minister for Planning to approve the LPS6 (with or without modifications).

How do I make a submission?

1. Via SurveyMonkey – <https://www.surveymonkey.com/r/DraftLPS6>
2. Via email: btnshire@bridgetown.wa.gov.au; or
3. In writing to:
Shire of Bridgetown-Greenbushes
PO Box 271
Bridgetown WA 6255