

**LOCAL PLANNING SCHEME NO. 22 - CONFIDENTIAL SUMMARY OF CHANGES**

<b>Zoning changes</b>	
<b>Zones</b>	<b>Commentary</b>
<b>Existing zones removed from LPS22</b>	
Viticulture and Tourism	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Rural' zone.
Bushland Protection	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.
Rural Landscape	Inconsistent with MST standard zones, required to be removed. All lots to be incorporated into 'Environmental Conservation' zone.
<b>New zones included in LPS22</b>	
Mixed Use	<p>It is proposed to introduce the 'Mixed Use' zone to replace the following zoned land parcels –</p> <ul style="list-style-type: none"> <li>• Residential (Additional Use 74)</li> <li>• Residential (Additional Use 86)</li> <li>• Urban Development (Northerly St, Vasse)</li> </ul> <p>AU74 and AU86 applies to the 'Residential' zoned land that frames the 'Regional Centre' (Busselton) and 'District Centre' (Dunsborough) respectively and permits low intensity commercial development, such as 'offices,' 'shop – small,' and 'medical centre.'</p> <p>Replacing the additional use with the 'Mixed Use' zone will remove a planning layer and simplify the planning framework. The development standards that applied to the Additional Use have been broadly incorporated into the Mixed Use zone standards.</p> <p>The previous Vasse commercial centre located along Northerly St is currently zoned Urban Development with a Special Provision overlay and an R-AC3 density. Noting the lack of development, the imminent expiry of the applicable structure plan and its inconsistency with the current planning framework, it is intended to remove the Special Provision overlay and rezone the area 'Mixed Use' with an R60 density.</p> <p>The proposed zoning and density is consistent with the edge of centre location and will simplify the planning framework for the subject land.</p>
Cultural and Natural Resource Use	The intent of the zone is to accommodate land identified for the Noongar Land Estate through the native title settlement process. This is an ongoing process with only one land parcel identified for inclusion in the zone currently.

	Once further properties are identified, these will be rezoned through a Scheme amendment process following gazettal of LPS22.
Private and Community Purpose	<p>The Private Community Purpose zone is to accommodate such sites as private schools, religious establishments, and community service providers (e.g. – Salvation Army).</p> <p>The zone will predominantly be used to replace the ‘Special Use’ zone that currently applies to a number of these sites.</p>

Revised and new planning provisions	
LPS22 New/Revised Element	Commentary
Building envelopes	<p>To simplify the planning process, it is proposed to remove building envelopes in rural and peri-urban areas.</p> <p>Under the current planning framework, any changes to a building envelope, even where compliant with setback controls, requires a development application, leading to delays in approval times and increased officer workload.</p> <p>The siting and scale of buildings will be managed through a combination of existing setback controls, vegetation retention provisions and bushfire protection requirements. This simplified approach will remove an additional planning control layer.</p>
Density bonus framework	<p>It is proposed to up-code selected R15 land to the R20 density. This will maintain the current subdivision potential allowed under clause 4.3.1(a) in LPS21 but simplify the assessment and approval process.</p> <p>Further, it is intended to increase the permitted density bonus for 1500m<sup>2</sup> plus lots from R30 to R40, to better accommodate a wider range of housing types.</p> <p>Providing a variety of housing types, as well as being an objective of the ‘Residential’ zone, will better accommodate different demographics in the City’s established suburbs, such as couples, singles and retirees.</p> <p>Where R30 or R40 development is proposed, recent updates to the Residential Design Codes (the R-Codes) for medium density housing along with urban canopy retention requirements will assist in achieving built form outcomes that respect existing character and amenity.</p> <p>Low density R10 and R12.5 areas will be removed from the density bonus to protect these areas from further subdivision, as they are typically located further from services and walkable catchments.</p>
Peppermint tree protection	<p>Under the current planning framework, the removal of trees in the ‘Residential’ zone does not require development approval, resulting in the gradual erosion of tree cover in the City’s urban areas. The loss of mature peppermint trees is of particular concern as they provide habitat for the critically endangered</p>

	<p>Western Ringtail Possum (WRP). To protect against canopy decline and further WRP habitat loss, it is proposed to require development approval for the removal of significant existing peppermint trees in the 'Residential' zone, significant being defined as any peppermint tree over 4m in height and/or canopy width.</p> <p>The adoption of peppermint tree protection provisions aligns with the Local Planning Strategy (2019) recommendation for <i>“a possum habitat protection strategy that provides for the long-term protection and enhancement of habitat whilst also supporting the consolidation and expansion of urban development.”</i></p> <p>Rather than adopting a punitive or prohibitive approach, the provisions grant increased flexibility in design standards to incentivise development that responds to and incorporates existing peppermint trees on site.</p> <p>As well as protecting WRP habitat, it is considered peppermint tree retention will provide public benefit through reduced urban heat island effect, increased biodiversity and contributing to neighbourhood character and amenity.</p>
<p>Reduced car parking requirement</p>	<p>It is proposed to reduce the car parking requirement for new development in the Regional and District Centre by exempting the first 500m<sup>2</sup> of net lettable area, with parking only to be provided for any area in excess of 500m<sup>2</sup>.</p> <p>The provision of excessive car parking is a substantial expense and barrier to development as well as resulting in poor urban design outcomes. The removal of car parking minimums is becoming standard practice for many urban centres to encourage walkability, increased economic activity and greater urban amenity.</p> <p>As a regional town it is acknowledged there is an increased reliance on private vehicle transport due to greater distances and poorer public transport options. The 500m<sup>2</sup> figure is considered a common-sense middle ground option that will reduce the car parking rate while still ensuring a base level of parking to meet demand.</p> <p>Car parking reductions have been applied in the past on an ad-hoc basis within the Regional Centre, including Rocky Ridge tavern, Yoonderup House mixed use development and Saltwater (nil parking provided). Applying a standard reduction in the Scheme will provide consistency and surety for owners and will ideally incentivize well designed developments that contribute to a walkable urban core.</p>
<p>Rural Residential consolidation</p>	<p>Consistent with the Local Planning Strategy (LPS), the Scheme will seek to minimise further subdivision of 'Rural Residential' zoned land. Due to high value remnant vegetation, extreme bushfire risk and the existing character of these areas, increased subdivision is considered generally inappropriate.</p>

	<p>With a majority of the structure plans that guided previous Rural Residential subdivision due to expire in 2025, including the Commonage Consolidated Structure Plan, the restriction on further subdivision contained in these planning documents will fall away.</p> <p>As such, it is proposed to introduce a 3ha minimum lot size for any subdivision, subject to the retention of all remnant vegetation on site.</p> <p>The 3ha minimum will prevent the widespread subdivision of smaller Rural Residential lots (&lt;6ha), which would result in extensive vegetation removal, the erosion of existing amenity and low density sprawl.</p> <p>Subdivision under the recommended 3ha minimum size and/or involving vegetation removal will only be supported where there is a demonstrable wider community benefit, such as improved bushfire safety through the provision of road access.</p>
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Special Control Areas (SCA)	Commentary
<b>New SCA's included in LPS22</b>	
SCA8 - Extractive Industry Prohibition Area	<p>The consolidation of the 'Viticulture and Tourism' zone into the 'Rural' zone results in 'industry – extractive' becoming a permitted land use in areas where it was previously prohibited.</p> <p>It is proposed to implement the SCA to both carry over the current prohibition as well as extending protection to other areas of 'Rural' zoned land which are similarly constrained.</p> <p>The SCA largely takes as its boundary the existing 'Viticulture and Tourism' zone however extends to Bussell Highway as the eastern boundary. The extended area will accommodate key tourist routes and existing tourism land uses.</p> <p>It is considered any 'industry – extractive' in this wider area would be heavily constrained by proximity to sensitive land uses as well as being inconsistent with the existing character and amenity.</p> <p>Further, a discrete area of 'Rural' zoned land in the Wonnerup locality adjacent to the Ramsar listed wetlands is intended to be incorporated into the SCA. Due to the high water table and fragility of the neighbouring wetland ecosystem, this area is considered unsuitable for 'industry – extractive' operations.</p> <p>All state significant deposits of basic raw materials, as identified in State Planning Policy 2.4, are located outside of the SCA area and are capable of extraction if proposed.</p>
SCA9 - Cape to Cape Track Visual Protection Area	<p>The Leeuwin-Naturaliste National Park (LNNP) forms part of the Leeuwin-Naturaliste Ridge and has long been a popular destination for residents and tourists. The Cape to Cape Track traverses the LNNP with one third of the track located within the City's boundaries.</p>

	<p>To best protect the LNNP, the City has identified a need for contemporary Scheme planning controls that complement and reinforce the requirements contained within State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge. The proposed controls seek to facilitate future development that responds and enhances the existing natural scenic character of the LNNP and Cape to Cape Track.</p> <p>The natural landscapes of the national park, particularly along the track, are under increasing pressure from adjacent landowners wishing to maximise the development potential of their land, often at the expense of the existing visual amenity and the natural setting of the track.</p> <p>The SCA will be accompanied by a supporting local planning policy (LPP) that will provide detailed guidance on assessment and the exercise of discretion.</p>
<b>Modified SCA's</b>	
<p>SCA10 - 13 Special Character Areas</p>	<p>The current Special Character Area framework applies to a several identified residential areas in the City, being Eagle Bay, Old Dunsborough, Quindalup and Yallingup.</p> <p>The applicable controls and policies are of considerable age and in many respects do not align with the planning framework. Further, as a consequence of the 2021 Supreme Court decision in <i>Pennock vs City of Busselton</i>, the applicable controls have become less workable, leaving many applications unable to be progressed.</p> <p>The new Scheme has provided an opportunity to review the controls that apply, noting the inconsistency with the state framework and the Pennock decision outcome. In consultation with the affected communities, the SCA's have been revised to provide a clear and concise set of controls that better protect the identified character of the subject areas.</p> <p>The SCA's provide for detailed built form standards such as building height, setbacks and vegetation retention. Each Special Character Area will be accompanied by a supporting LPP providing detailed guidance on assessment and the exercise of discretion.</p>