ATTACHMENT 1

COPY NO .....

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)

CITY OF JOONDALUP

DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO 10

The Council of the City of Joondalup under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby amends the above Town Planning Scheme by:

Schedule 1

1 Delete the item **'animal husbandry'**.

2 Delete the item **'bakery'** and replace with :

'bakery' : means any land or buildings used to make and/or display and sell bread and pastry products, but excludes "hot bread" shops.

3 After the definition of the term **"cattery"** insert the following :

'Centres Strategy' : means the City of Joondalup 'Centres Strategy' Policy 3.2.8.

4 Delete the item **'road house'**.

5 Delete the item **'shop'** and replace with :

'shop' : means premises where goods are kept, exposed or offered for sale by retail or hire, but the term does not include a Showroom, Drive Through Food Outlet or a Restricted Premises.

6 Delete the item **'showroom'** and replace with :

'showroom' : means premises providing large floor space used for the displaying of goods and which may involve the sale by wholesale or retail, or hire of such goods, being goods generally of a bulky nature and without limiting the generality of the forgoing including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies and second hand goods. The term does not include the sale of foodstuff, liquor or beverages, items of personal adornment,

magazines, books, newspapers, paper products and medicinal or pharmaceutical products.

7 Delete the item **'take away food outlet'**.

Table 1

1. Delete the use classes of **'road house'** and **'animal husbandry'** and **'take away food outlet'**.

2. Insert the symbol **'D'** against the use class **'Dry Cleaning Premises'** under the Mixed-Use zone.

3. Insert the symbol **'AS'** against the use class **'shop'** under the Business and Mixed-Use zone.

Table 2

1. Delete the use class **'take away food outlet'**.

Part 3

1. in Clause 3.2.2 after the symbol "A" insert the following :

'AS' = A shop use may be permitted subject to Councils discretion after giving notice in accordance with Clause 6.7 and provided the following conditions have been met:

(a) Shopping floor space does not exceed 200m2 NLA on any separate lot of not less than 1000m2.
(b) The aggregate shopping NLA in the Business and Mixed-Use Zones in any Centre must not exceed 1000m2.
(c) The direct street frontage of any lot containing a shop must be at least 20 metres.

2. renumber Clause 3.5 sub-clause 3.5.1 and add the following sub-clause:

3.5.2 All land contained in the Mixed-Use zone is located in a Centre which has specified a maximum shopping net lettable area (NLA) which relates to shopping floor area. The maximum NLA for each Centre shall be included in Schedule 3 of this Scheme and shall bind the development of the land within the Centre to no more shopping floor space than the area specified.

3 After Clause 3.6.2 add the following :

3.6.3 All land contained in the Business zone is located in a Centre which has specified a maximum shopping net lettable area (NLA) which relates to shopping floor area. The maximum NLA for each Centre shall be included in Schedule 3 of this Scheme and bind the development of the land within the Centre to no more shopping floor space than the area specified.

4 Delete Clause 3.7.2 and replace with :

'All land contained in the Commercial Zone is located in a Centre which has specified a maximum shopping net lettable area (NLA) which relates to shopping floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land within each Centre to no more shopping floor space than that area specified'.

5 Delete Clause 3.11.4 and replace with :

'With the exception of the Centre Zone containing the Joondalup City Centre, all land contained in Centre Zones is contained in a Centre which has specified a maximum shopping net lettable area which relates to shopping floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land within each Centre to no more shopping floor space than that area specified'.

Part 4

1. After clause 4.15 (e) insert the following :

4.16 DEVELOPMENT OF CENTRES

4.16.1 Table 1 of the City of Joondalup Centres Strategy Policy 3.2.8 lists the functions that apply to each centre in the hierarchy of centres. Those functions are intended to apply as a strategic guide to the development of all centres identified in Schedule 3 of the scheme.

4.16.2 Subject to subclause 4.16.3, no new centre is to be developed or an existing centre redeveloped until a Structure Plan has been approved in accordance with Part 9 of the scheme. The Structure Plan is intended to guide decision-making for the development or redevelopment of the subject centre. Built form will be promoted in the form of 'main street' style development using design principles outlined in the Western Australian Planning Commission's Liveable Neighbourhoods (2001) Statement of

Planning Policy or any amendment or replacement of that Policy from time to time.

4.16.3 If the Council is of the opinion that a proposed expansion or partial redevelopment of an existing centre is of such a small scale as to excuse the preparation of a Structure Plan, such expansion or partial redevelopment may be approved in the absence of an Agreed Structure Plan. In any such case the built form will be encouraged where possible to adopt a 'main street' style. Development should contribute significantly to the improvement of amenity in the area and should promote a safe, convenient and attractive environment for the community. The following development standards will apply:

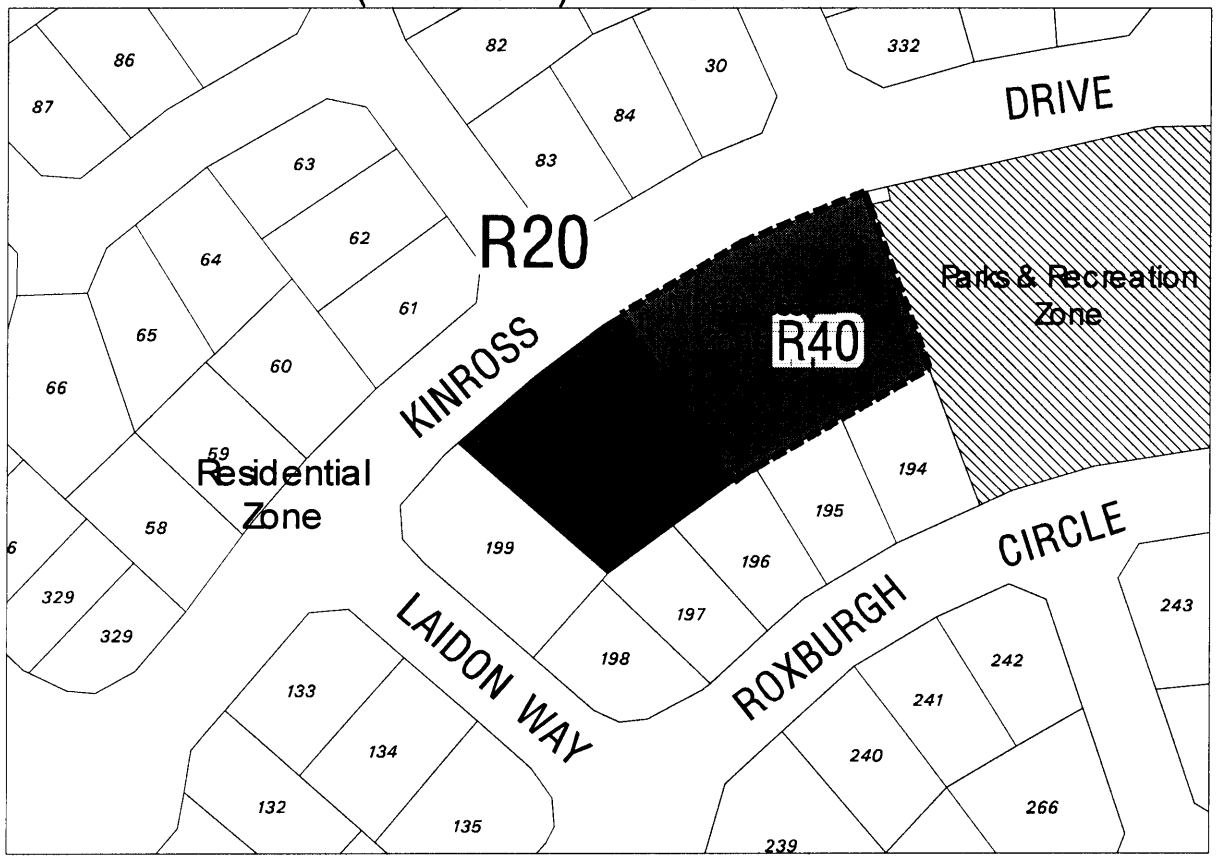
(a) Any building should have a zero setback to front and side boundaries with attention drawn to the improvement of the streetscape.

(b) Building height is to be no greater than two storeys, however that constraint may be relaxed for buildings situated at prime locations and designed of landmark quality.

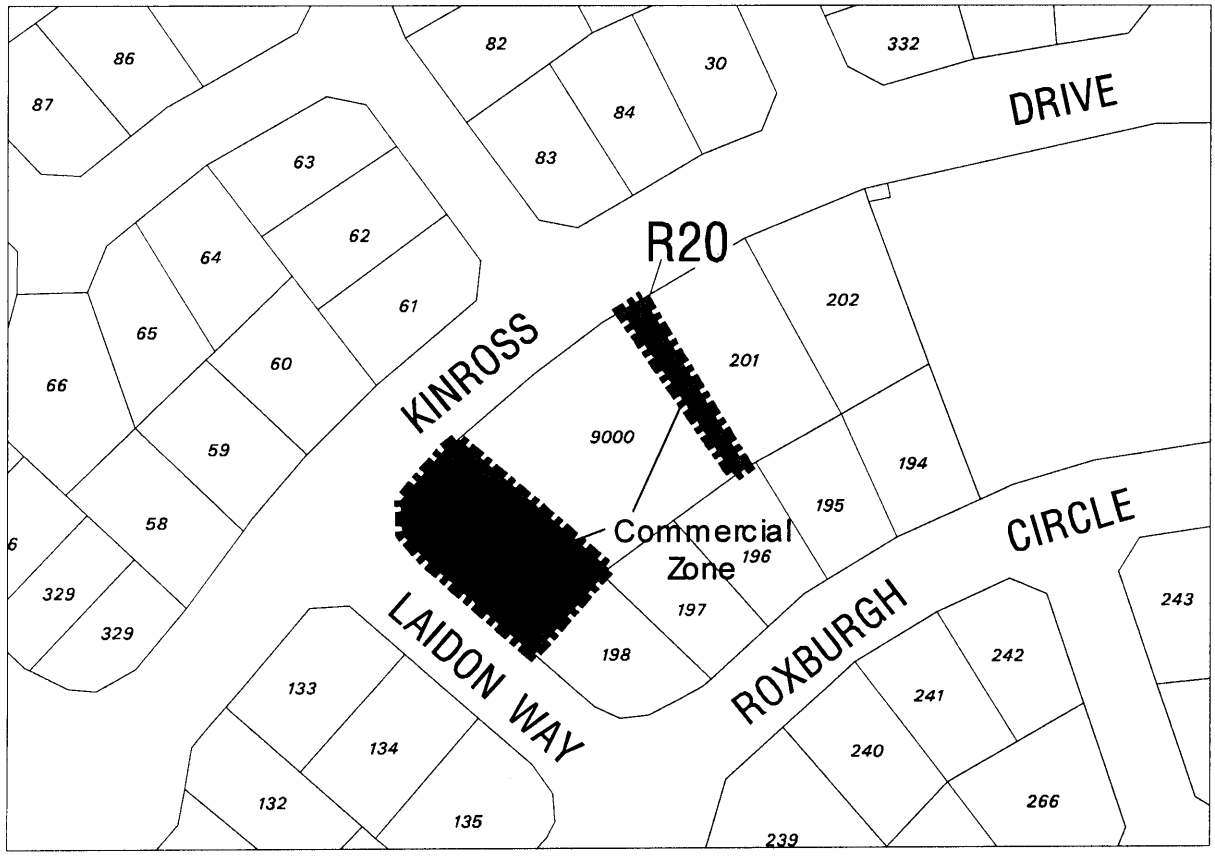
(c) Car parking may be provided up to 20% less than the requirement under Table 2. Where possible car parking may be provided in the form of embayed parking within the road reserve, using the cash in lieu provisions contained in Clause 4.11.

4.16.4 Where any small scale expansion or part redevelopment of an existing centre is proposed in the absence of an Agreed Structure Plan, and not in accordance with subclause 4.16.3, normal development standards under the Scheme will apply.

District Planning Scheme No.2
(PROPOSED) Amendment No. 10



EXISTING ZONING AND RCODES



SCHEME AMENDMENT

Prepared by City of Joondalup - Planning and Development : Urban Design & Policy Services, Cartographic Section.

Attachment No 3

PREVIOUS PROPOSALS INLCUDED IN AMENDMENT NO 3.

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (M^2) 1997 SURVEY (WAPC)	NLA (M^2) IN SCHEDULE 3 OF DPS2	NLA (M^2) PROPOSED IN AMENDMENT
BELDON (Belridge Shopping Centre)	Lot 3 (36) Gwendoline Drive	4,152	4,000	4,500
DUNCRAIG (Carine Glades)	Lot 11 (485) Beach Road	3,040	2,500	3,500
DUNCRAIG (Glengarry)	Lot (1) (59) Arnisdale Road	3,466	2,500	3,500
GREENWOOD (Greenwood Village)	Lot 2 (18) Calectasia Street	9,092	5,000	10,000
GREENWOOD (Greenwood /Kingsley Shopping Plaza	Lot 1 (120) Cockman Road	1,003	1,000	1,500
KALLAROO (Kallaroo Shopping Centre)	Lot 319 (3) Adalia Street Lot 19 (5) Adalia Street/ Batavia Place	1,068	500 500	1,500
KINGSLEY	Lot 4 (100) Kingsley Drive Lot 3 (66) Creaney Drive	4,898	2500 2000	5,000
WOODVALE (Woodvale Boulevard)	Lot 6 (931) Whitfords Avenue	6,632	5,500	7,000
WOODVALE	Lot 1 (153) Trappers Drive	4,598	4,000	5,000

CITY OF JOONDALUP

Centres Strategy

SCHEDULE 3 – RETAIL NET LETTABLE AREA FOR CENTRES

MAP REF NO	LOCALITY	CENTRE TYPE	MAXIMUM NLA (m^2)
	Joondalup City Centre including Lakeside Shopping Centre	C	Up to 100,000
	Whitford City	T	50,000
	Warwick Grove	T	38,000
	Currambine	ST	10,000
	Greenwood Village	ST	10,000
	Woodvale	ST	10,000
	Hillarys Boat Harbour	Tourist	To be determined by Structure Plan
	Ocean Reef Boat Harbour	Tourist	To be determined by Structure Plan
1	Beach Road, Duncraig	V	Below 4,500*
2	Burragah Way, Duncraig	V	Below 4,500*
3	Sheppard Way, Marmion	V	Below 4,500*
4	Arnisdale Road, Duncraig	V	Below 4,500*
5	Marri Road, Duncraig	V	Below 4,500*
6	Coolibah Drive, Greenwood	V	Below 4,500*
7	Moolanda Boulevard, Kingsley South	V	Below 4,500*
8	Warburton Avenue, Padbury	V	Below 4,500*
9	Kingsley Drive/Creaney Drive, Kingsley	V	Below 4,500*
10	Hillarys (Flinders Avenue)	V	Below 4,500*
11	Trappers Drive, Woodvale	V	5,000*
12	Perilya Road, Craigie	V	Below 4,500*
13	Oceanside Promenade, Mullaloo	V	Below 4,500*
14	Koorana Road, Mullaloo	V	Below 4,500*
15	Gunter Grove, Beldon	V	Below 4,500*
16	Wisteria Parade, Edgewater	V	Below 4,500*
17	Gwendoline Drive, Beldon	V	5,000*
18	Marina Boulevard, Ocean Reef	V	Below 4,500*
19	Caridean Street, Heathridge	V	Below 4,500*
20	Glenelg Place, Connolly	V	Below 4,500*
21	Constellation Drive, Ocean Reef	V	Below 4,500*
22	Iluka	V	Below 4,500*
23	Currambine	V	Below 4,500*
24	Candlewood Boulevard, Joondalup	V	Below 4,500*
25	Kinross	V	Below 4,500*
	Lilburne Road, Duncraig	LS	Below 1,000**
	Adalia Street, Kallaroo	LS	Below 1,000**
	Moolanda Boulevard, Kingsley North	LS	Below 1,000**
	Kinross Drive, Kinross	LS	Below 1,000**
	Blackwattle Parade, Padbury	LS	Below 1,000**
	Alexander Road, Padbury	LS	Below 1,000**
	Harman Road, Sorrento	LS	Below 1,000**
	West Coast Drive, Sorrento	LS	Below 1,000**
	Hillarys (Whitfords Avenue)	LS	Below 1,000**

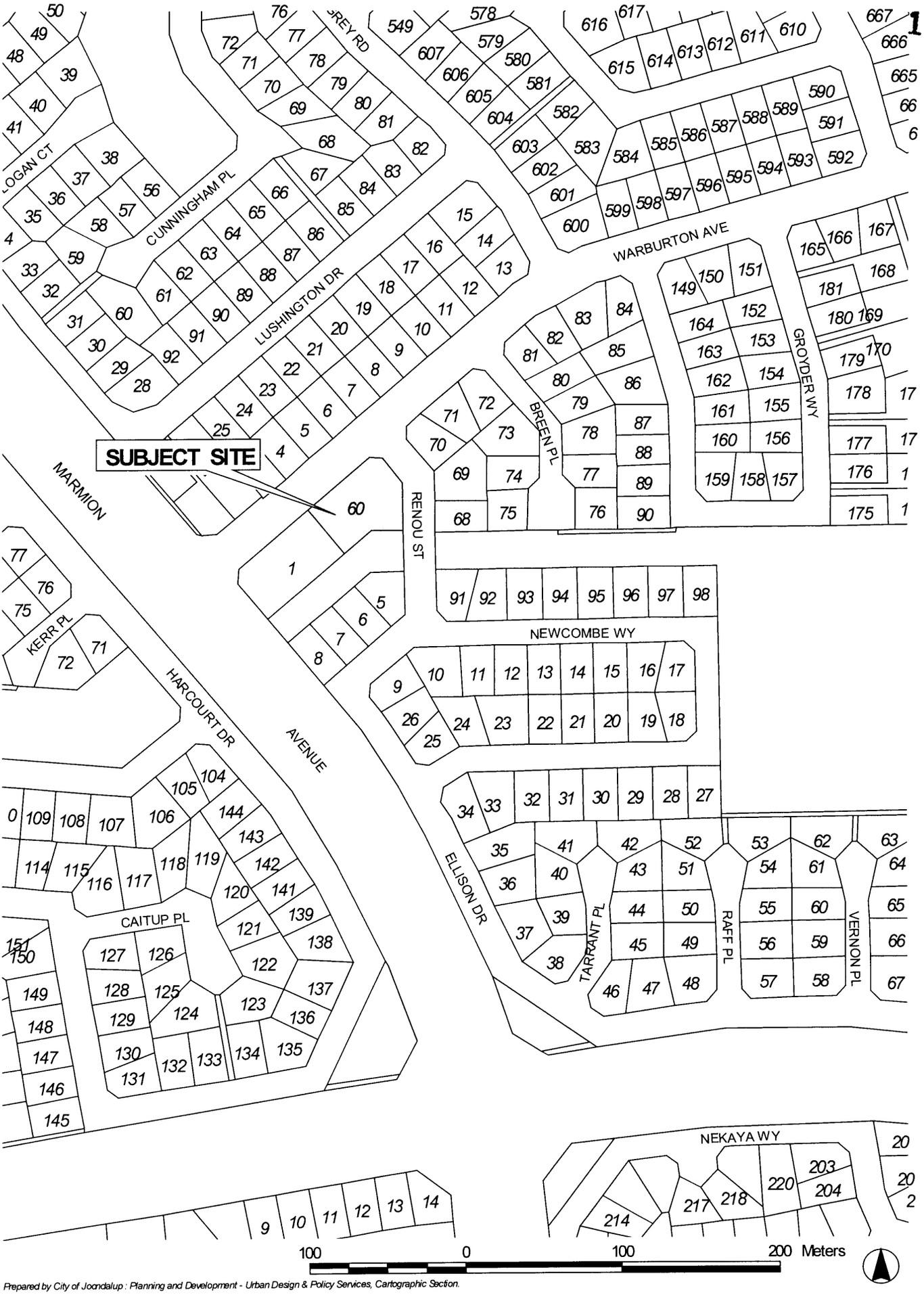
NOTES

* Generally Village Centres over 3,000 m^2 or expansion to over this figure will not be supported unless it can be shown there is a need and that the proposed expansion will be based on 'mainstreet' shopping principles.

** Generally local shops over 1,000 m^2 or expansion to over this figure will not be supported.

CLASSIFICATION OF CENTRES

C City Centre
T Town Centre
ST Small Town Centre
V Village Centre
LS Local Shops



Prepared by City of Joondalup : Planning and Development - Urban Design & Policy Services, Cartographic Section.

SCHEDULE 3 (SUBCLAUSES 3.7.2 & 3.11.4) –COMMERCIAL & CENTRE ZONES

COMMERCIAL AND CENTRE ZONES : RETAIL NET LETTABLE AREA

LOCALITY	Maximum NLA (m^2)
CITY CENTRE	
JOONDALUP CITY CENTRE (including Lakeside Shopping Centre)	Up to 100,000
TOWN CENTRE	
HILLARYS REGIONAL CENTRE (Whitford City)	50,000
WARWICK (Warwick Grove)	38,000
SMALL TOWN CENTRE	
CURRAMBINE DISTRICT CENTRE (Shenton Avenue)	10,000
GREENWOOD (Greenwood Village)	10,000
WOODVALE (Woodvale Boulevard)	10,000
TOURIST CENTRES	
HILLARYS BOAT HARBOUR	To be determined by structure plan
OCEAN REEF BOAT HARBOUR	To be determined by structure plan
VILLAGE CENTRE	
DUNCRAIG (Carine Glades)	Below 4,500*
DUNCRAIG (Duncraig Village)	Below 4,500*
MARMION (Marmion Village)	Below 4,500*
DUNCRAIG (Glengarry)	Below 4,500*

LOCALITY	Maximum NLA (m^2)
DUNCRAIG (Marri Rd)	Below 4,500*
GREENWOOD (Coolibah Plaza)	Below 4,500*
KINGSLEY (Boulevard Plaza)	Below 4,500*
PADBURY (Warburton Avenue - East)	Below 4,500*
KINGSLEY (Kingsley Drive and Creaney Drive)	Below 4,500*
HILLARYS (Flinders Avenue)	Below 4,500*
WOODVALE (Trappers Drive)	Below 4,500*
CRAIGIE (Craigie Plaza)	Below 4,500*
MULLALOO (Beach Shore, Oceanside Promenade)	Below 4,500*
MULLALOO (Mullaloo Plaza, Koorana Road)	Below 4,500*
BELDON (Beldon Shopping Centre, Gunter Road)	Below 4,500*
EDGEWATER (Wisteria Parade)	Below 4,500*
BELDON (Belridge Shopping Centre, Gwendoline Drive)	5000*
OCEAN REEF (Marina Boulevard)	Below 4,500*
HEATHRIDGE (Caridean Street) (Heathridge shopping centre and Heathridge City)	Below 4,500*
CONNOLLY (Glenelg Place)	Below 4,500*
OCEAN REEF (Beaumaris City)	Below 4,500*
ILUKA	Below 4,500*

LOCALITY	Maximum NLA (m^2)
CURRAMBINE (Connolly Drive)	Below 4,500*
JOONDALUP (Candlewood Village)	Below 4,500*
KINROSS (Burns Beach Road)	Below 4,500*
LOCAL SHOPS	
DUNCRAIG (Cnr Liburne Road and Hilarion Road)	Below 1,000**
KALLAROO (Kallaroo Shopping Centre, Adalia Street)	Below 1,000**
KINGSLEY (Moolanda Village, Moolanda Boulevard)	Below 1,000**
KINROSS (Kinross Drive)	Below 1,000**
PADBURY (Blackwattle Parade)	Below 1,000**
PADBURY (Forrest Plaza, Alexander Road)	Below 1,000**
PADBURY (Warburton Avenue – West)	Below 1,000**
SORRENTO (Seacrest Village, Harman Road)	Below 1,000**
SORRENTO (West Coast Drive)	Below 1,000**
GREENWOOD (Greenwood/Kingsley Shopping Plaza) (Cockman Rd)	Below 1.000**
HILLARYS (Whitfords Avenue)	Below 1,000**

NOTES

* Generally Village Centres over 3,000 m^2 or expansion to over this figure will not be supported unless it can be shown there is a need and that the proposed expansion will be based on 'main street' shopping principles.

** Generally local shops over 1,000 m^2 or expansion to over this figure will not be supported.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

NO	NAME OF SUBMITTOR	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	COUNCIL'S RECOMMENDATION
1	Ms P Vaughan	97 Roxburgh Circle KINROSS WA 6028	1. Objects to proposed rezoning of lot 199 and Part lot 9000 Kinross Drive to 'Commercial' land.	1. Acknowledged. See submission 2 point 1.
2	Michele Fortunat	174 Kinross Drive KINROSS WA 6028	1. Objects to the rezoning of lot 199 and Part lot 9000 Kinross Drive to 'Commercial' land. There are adequate shopping services along Kinross Drive already. Additional shops, in addition to the opening of a school nearby will increase traffic in the area.	1. Acknowledged. Lot 9000 is currently zoned 'commercial' with a small portion of the lot that is miss-aligned with the land-use boundary. The amendment intends to correct the boundary misalignment. Lot 199 Kinross Drive, Kinross is a corner lot that was intended for a 'corner store residence' at the early stage of planning Kinross. The lot was used as a carpark and sales office for the Kinross Stage 17. The inclusion of lot 199 Kinross Drive, Kinross as a 'commercial' property would allow for a number of suitable land uses including a corner store. It is anticipated that development of the lot will only be for small-scale 'commercial' activity with minor impact on traffic and noise along Kinross Drive. Given that the community expectations were for lot 199 Kinross Drive to be developed as a residence with an incidental corner store and adequate commercial floor space in Kinross it is recommended that the land not be rezoned.
3	Mr G R Brown	6 Renou Street PADBURY WA 6025	1. The first letter dated 13th November 2001 objects to any proposed development at Lot 60 Warburton Avenue, Padbury that involves vehicle access from Renou Street. The submission expresses a number of concerns that relate to height, operating hours, impact study, landscaping and future tenants of the development.	1. Acknowledged. The submission refers to a development proposal that was being considered for the site and does not form part of District Planning Scheme Amendment No.10, which considers future land use planning for the site.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			2. The second letter dated 30th November 2001 supports the approval of a development proposal at lot 60 Warburton Avenue, Padbury that has undergone changes to reflect community issues raised in the first letter. The submission indicates support for any proposal that is sensitive to community needs as outlined in the first letter dated 13th November 2001.	2. Noted. See submission 3 comment 1. The development application was approved on 12 December 2001.
4	John & Kerry Adams	7 Ellison Drive PADBURY WA 6025	1. Objects to the proposed development at Lot 60 Warburton Avenue, as development will increase noise and traffic. If food outlets are proposed problems associated with smells, late nigh disturbances and rubbish would occur.	1. Acknowledged. A development approval has been granted for the site on 12 December 2001 for an office, beauty salon, hairdresser and restaurant. These land uses are in keeping with the mixed-use zone under District Planning Scheme No.2. Modification to clauses 3.5, 3.6, 3.7 and 3.11 to enable shopping net lettable area to be distributed to all lots zoned Mixed-use and the inclusion of Lot 60 Warburton Avenue as a Local centre will enable retail floor space to be developed. However in the case of Lot 60 Warburton Avenue this would be limited given the site specific conditions that are required for a 'shop' use to be permitted in a Mixed-use zone.
5	Kinross Chinese Take-Away	Shop 6 59 Kinross Drive KINROSS WA 6028	1. Objects to the rezoning of Lot 199 and Part lot 9000 Kinross Drive to 'Commercial' development as the potential for another 'food court' will affect the business (Kinross Chinese Take-away) of existing commercial properties. New commercial development will abut existing residential properties causing noise and smell to the residents.	1. Acknowledged. See submission 2 comment 1.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

6	Ms W Field	107 Roxburgh Circle KINROSS WA 6028	1. Objects to the rezoning of lot 199 and Pt Lot 9000 Kinross Drive, Kinross, due to increase in noise levels, views interrupted and invasion of privacy caused by differences in levels between the commercial property and adjoining residential.	1. Acknowledged. See submission 2 comment 1. Any difference in levels and impact on privacy may be resolved by maintaining the dividing boundary fence 1.8 metres on top of the retaining wall.
7	Ben Dreckow	N/A	1. It should be noted that reference to the 'Liveable Neighbourhoods' document in Clause 4.16.2 should be altered as it is not yet a statement of planning policy.	1. Noted. However it is considered that reference to this is acceptable.
8	Mr H Cooke	1 Gunter Grove BELDON WA 6027	1. The submission supports proposed changes under Amendment No.10 particularly permitting 'shop' in the business and mixed-use zone.	1. Acknowledged.
9	Mr R E & Mrs G J Gill	Units 5 and 6 170 Winton Road JOONDALUP WA 6027	1. There is no difference between a 'bakery' and a 'bakers shop', why is it excluded? 2. A 'shop' is a small 'showroom', a 'showroom' is a large 'shop', other than health and safety, what does it matter what type of product or goods are on display and for sale or hire?	1. Acknowledged. Proposed changes to the definition of 'bakery' is to due in part to a number of changes proposed to the definition of 'shop' to enable related uses such as 'hot bread shops' to be considered under the definition of 'shop' rather than 'bakery'. 2. Acknowledged. Traditionally there was a distinction between 'shop' and 'showroom' with the later more akin to the sale or wholesale of 'bulky goods'. The current definitions fail to make this distinction resulting in the experience of 'overlap' between the two definitions when applied. Using a list of goods as examples of types of goods included as part of a 'showroom' and the exclusion of a 'showroom' from the definition of 'shop' helps to distinguish the differences between both definitions.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

10	Mr J & Mrs D Sumpter	186 Kinross Drive KINROSS WA 6028	1. Objects to the rezoning of lot 199 and a portion of lot 9000 Kinross Drive, Kinross on the grounds that there is adequate commercial activity along Kinross Road and that additional 'commercial' development would detract from the existing residential amenity through increase in traffic, crime and anti-social behaviour.	1. Acknowledged. See submission 2 comment 1. It is unknown at this stage whether or not commercial or residential development on lot 199 Kinross Drive, Kinross will result in increased crime and anti-social behaviour.
11	Mr N & Mrs M Gill	173 Kinross Drive KINROSS WA 6028	1. Submission supports the intent of the petition submitted objecting to the rezoning of lot 199 and 9000 Kinross Drive Kinross on the basis that Kinross is already well serviced with commercial land use and should be zoned for residential in keeping with the surrounding area.	1. Acknowledged. See submission 2 comment 1.
12	Steven T K Oh & L S Wong	Lots 1255 & 1256 Kinross Drive KINROSS WA 6028	1. Object to the rezoning of lot 199 and a potion of lot 9000 Kinross Drive, Kinross on the basis that additional retail floor space will further undermine existing shopping areas that currently suffer from an 'oversupply' of retail activity. Additionally the opening of a secondary school along Kinross Drive will only aggravate the traffic problems already experienced in the area.	1. Acknowledged. See submission 2 comment 1.
13	Colin B Hartnett	Unit 7/157 Winton Road JOONDALUP WA 6027	1. Recommendation is made to amend the proposed definition of 'showroom' by deleting the final sentence *'The term does not include the sale of foodstuff, liquor or beverages, items of personal adornment, magazines, books, newspapers, paper products and medicinal or pharmaceutical products'*. The sentence is unnecessarily restrictive in that it limits the type of trade by the size of the operation rather than	1. Acknowledged. See submission 9 comment 2.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			the purpose of the enterprise.	
14	Ms J Scoby-Smith	59 Kinross Drive KINROSS WA 6028	1. Objection to the rezoning of lot 199 and pt lot 9000 Kinross Drive, Kinross to 'commercial' as there is currently adequate commercial activity in Kinross.	2. Acknowledged. See submission 2 comment 1.
15	Mr G & Mrs L Tobin	17 Warburton Avenue PADBURY WA 6025	1. Opposed to the proposed rezoning of the 'squash centre' (Lot 60 Warburton avenue). Preference is for unobtrusive and residential friendly usage.	1. Acknowledged. See submission 4 comment 1.
16	Mr K & Mrs A Kirk	169 Kinross Drive KINROSS WA 6028	1. Object to the rezoning of Lot 199 and Pt lot 9000 Kinross Drive, Kinross to 'commercial' due to negative impact on property values for residential lots abutting commercial premises and there is no demand for more retail/commercial premises in the local area. There are sufficient shopping areas. Commercial development may also raise the risk of littering, burglary and vandalism. 2. It is likely the lot will remain vacant if the 'commercial zoning' proceeds.	1. Acknowledged. See submission 2 comment 1. It is unknown at this stage whether commercial or residential development on lot 199 Kinross Drive, Kinross will result in increased crime, anti-social behaviour, vandalism, littering and decreased property values. 2. Noted.
17	Mr B Kerrigan	4 Renou Street PADBURY WA 6025	1. Concerned that increase business activity from Lot 60 Warburton Avenue will result in increase traffic along Renou Street. It is suggested that no vehicle access be permitted onto Renou Street. 2. There are existing vacancies in shopping/offices throughout Padbury, the proposed development	1. Acknowledged. A development approval dated 12 December 2001 has been granted for the site and includes an office, beauty salon, hairdresser and restaurant. Vehicle access has been approved from Warburton Avenue only. 2. Noted.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			may end up the same.	
18	Ms C Heymanson	Unit 7/7 Delage Street JOONDALUP WA 6027	1. In regard to changes to 'Shop' and 'Showroom' definitions what will be the City of Joondalup's policy if the proposed business conforms to both definitions or if some other ambiguity exists or occurs during the term of the lease. If one or more of these conditions exist, what kind of test would be imposed to determine if that commercial activity is allowable? Will the test be based on floor area, turnover, fairness or what?	1. Acknowledged. See submission 9 comment 2. Also should a proposal have both 'shop' and 'showroom' land uses, an assessment of floor space distribution between the two land uses and type of business proposed will determine which is the more dominate land use. Where both land uses are considered equally important and the land use zone permits only one of the land uses (i.e in Service Industrial Zone a showroom is permitted but shop is not) the development application can be conditioned so the permitted land use becomes the dominate use and the other incidental.
			2. The phrase 'being generally goods of a bulky nature' in our view is ambiguous and requires clarification. A tenant previously operated a water drilling business and also sold reticulation items, with part of the unit being used for storage of drilling gear. Would this type of business no longer be allowed to operate from our premises,?, if so what is the purpose of the amendment	2. Acknowledged. More detail is required to enable an assessment to determine what is the dominant use. The reason for modifying both the definitions of 'shop' and 'showroom' is to reduce the ambiguity that existed with the current definitions and return 'showroom' to its more traditional association with the sale or wholesale of bulky goods.
			3. Are all businesses to be treated the same or will some businesses obtain an exception	3. Acknowledged. All business will be treated the same.
			4. What will be the City of Joondalup's enforcement of these definitions?	4. Acknowledged. The new definitions if supported will form part of DPS2 and therefore be applied when assessing all new applications. In the instance where an existing business is suddenly non-conforming then provisions under Part 7 of DPS2 'Non-Conforming Uses' apply.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			5. What is the benefit that the City of Joondalup sees it will obtain by amending these definitions?	5. Acknowledged. It is intended that as a result of the amendment the land uses of 'shop' and 'showroom' become more distinguished and that both land uses are more appropriately distributed throughout the City.
19	L B & C M McAlister	172 Kinross Drive KINROSS WA 6028	1. Object to the rezoning of lot 199 and Pt lot 9000 Kinross Drive, Kinross as the proposal will result in increased pollution, by noise, light, smell, traffic, crowds, vandalism and congregation of unsavoury people. There is sufficient commercial activity in the area already and there is no need for more.	1. Acknowledged. See submission 16 comments 1.
20	Mr D Svensson & Ms R Saiva	14 Coatbridge Circuit KINROSS WA 6028	1. Object to rezoning of lot 199 and pt lot 9000 Kinross Drive, Kinross to 'commercial' due to increase in noise, unwanted anti-social behaviour and declining property values.	1. Acknowledged. See submission 16 comment 1.
21	Dr K Yurisich	18 Blairgowie Heights KINROSS WA 6028	1. Objects to the rezoning of lot 199 and pt lot 9000 Kinross Drive, Kinross to 'commercial' due to increased traffic which will affect safety for children and pets and will also decrease values and potentially increase the chances of crime in the area.	1. Acknowledged. See submission 16 comment 1.
22	R Yurisich	23 Kirkdale Turn KINROSS WA 6028	1. Same as submission 21 comment 1.	1. Acknowledged. See submission 16 comment 1.
23	G Beckitt	177 Kinross Drive KINROSS WA 6028	1. Same as submission 21 comment 1.	1. Acknowledged. See submission 16 comment 1.
24	Y Yurisich	23 Kirkdale Turn KINROSS WA 6028	1. Same as submission 21 comment 1.	1. Acknowledged. See submission 16 comment 1.
25	Mr J Beckitt	177 Kinross Drive	1. Same as submission 21 comment 1.	1. Acknowledged. See submission 16 comment 1.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

		KINROSS WA 6028		
26	Greg Rowe & Associates on behalf of owners of Beaumaris City Shopping Centre	Beaumaris City Shopping Centre 68 Constellation Drive OCEAN REEF WA 6027	1. Support for the replacement of schedule 3 in District Planning Scheme No.2 with a new schedule updating net retail floor area permitted in Centre, Business, Commercial and Mixed-use zones. 2. Some concern raised to non-retail land uses permitted in the Business, Commercial and Mixed-use zone evolving into 'defacto' retail activities over time. Due to difficulties in Council policing such activity it would place increased pressure to increase net retail floor space for Centre, Business, Commercial and Mixed-use zones. It is therefore requested that the inclusion of retail activities within the 'Business' and 'Mixed Use' zones be deleted from the Scheme Amendment proposal. 3. Rezoning of a portion of Lot 9000 Kinross Drive, Kinross is not necessary given an adjustment in the allotment boundary (through subdivision and amalgamation) could facilitate the intention of containing zoning entirely within an allotment boundary. 4. Rezoning of Lot 199 Kinross Drive, Kinross is not prudent at this point in time, given the broader locality is not sufficiently developed in terms of consumer demand to support additional retail activities.	1. Noted. 2. Acknowledged. The inclusion of retail use in 'mixed-use' and 'business' locations is to encourage more diverse land uses in these areas and allow for retail floor space to be distributed evenly within existing centres (retail confined to 'commercial zones'). 3. Acknowledged. The re-alignment of zoning boundaries with the existing property boundary is a minor task though subdivision/amalgamation is an option. The amendment process allows for public consultation, which is not included as part of the subdivision/amalgamation process. 4. Acknowledged. See submission 2 comment 1.
27	Mr G & Mrs J	101 Roxburgh Circle	1. Objects to the rezoning of Lot 199 Kinross	1. Acknowledged. See submission 16 comment 1.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

	Parnell	KINROSS WA 6028	Drive, Kinross from 'Residential' to 'Commercial' as 'our property' was purchased on the understanding that Lot 199 Kinross Drive, Kinross would be developed as a 'homestore' fronting Kinross Drive with a residential home behind not a 'commercial' centre of up to 1000m2. Commercial development will also result in increased anti-social behaviour, burglary, vandalism, graffiti, littering and loitering. Statistics show that crime rates increase dramatically within 500 metres radius of a commercial centre. Overall the proposal will seriously reduce our property value.	
28			246 signature Petition. 1. Petition objects to the rezoning of lots 199 and portion Lot 9000 Kinross Drive, Kinross from 'Residential' to 'Mixed Use' and 'Commercial' and recode a portion from R40 to R20.	1. Acknowledged. See submission 2 comment 1.
29	Mr J Cornwell	93 Roxburgh Circle KINROSS WA 6028	1. Object to the rezoning of lots 199 Kinross Drive, Kinross from 'Residential' to 'Commercial' on the grounds of adverse impact on property values, increased traffic and vandalism by loitering children.	1. Acknowledged. See submission 16 comment 1.
30	Mr C Harding	93 Winton Road JOONDALUP WA 6027	1. Objects to proposed amendment.	1. Acknowledged.
31	Mr P Yates	153 Kinross Drive KINROSS WA 6028	1. Objects to any rezoning of land along Kinross Drive as the establishment of a commercial premise or a shopping centre next door to our property would have an adverse effect on the	1. Acknowledged. See submission 16 comment 1.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			value of our development and other properties in the area. The new land use will also result in increased traffic, compounded by opening of a new school nearby. The area does not require another shopping centre as existing shopping areas are already struggling. 2. Opposition of this proposal is very strong in the immediate area.	2. Acknowledged.
32	Mr W & Mrs M Gallyot	92 Roxburgh Circle KINROSS WA 6028	1. Objects to the rezoning of lots 199 and portion of lot 9000 Kinross Drive, Kinross due to property values being adversely affected and the area is more than adequately served with shopping facilities. If development were progressed vandalism, noise, litter, anti-social behaviour and increased traffic congestion would create a nuisance factor, as a result from double-sided street parking.	1. Acknowledged. See submission 16 comment 1.
33	Hames Sharley - on behalf of Deutche Diversified Property Trust (owners)	Whitford City Shopping Centre 470 Whitfords Avenue HILLARYS WA 6025	1. The 'Centres Strategy' provides guidance and incorporates some flexibility to respond to new retail trends and changing commercial and local needs. The incorporation of this document in DPS2 accompanied with a number of modifications will significantly change the role of this document. With the "Centres Strategy' as a policy flexibility existed to depart from these guidelines once an appropriate structure plan was prepared, however once the 'Centres Strategy' is incorporated into the planning scheme, as a statutory control the ability of Council to apply discretion is removed. Accordingly it will be	1. Acknowledged. The 'Centres Strategy' has been adopted as a policy to guide the growth of retail centres in the City of Joondalup till 2006. In the policy a number of recommendations are made which include appropriate retail floor area for each centre in the City. Amendment No.10 to DPS2 will adopt these recommendations and replace Schedule 3 which outlines existing retail floor space limitations for each centre which have now become obsolete. The schedule allows for the City to monitor retail expansion for the forthcoming 4 years. The schedule does not discourage the use of Structure Plans to be used as a tool to guide the expansion of centres but only places a limit on the retail floor space permitted for a centre.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			necessary to undertake a scheme amendment before a development application can be lodged. With investment decision being made at a national level, by failing to incorporate a growth strategy within the statutory controls and instead putting up obstacles to development, the Council is actively discouraging investment into the Centre. At the same time other Cities and Councils are doing whatever is possible to ensure that their centres will not stagnate and will continue to develop.	
			2. Larger centres such as Joondalup City Centre, Town Centres and Small Town Centres should not have floor space limitations identified. The issue of size of the centre should be addressed as part of the preparation of a structure plan with general guidance taken from the 'Centres Strategy'. The strategy restricts Whitfords City to 50,000m2 that effectively caps development at the level of current development approved. The Council is thus providing a 'no growth scenario' for future development. This is at odds with the 'Centres Strategy' which argues the City of Joondalup is under-supplied with retail and commercial area. The strategy also fails to acknowledge that ongoing development of centres is necessary for their competitiveness.	2. Acknowledged. The retail floor space limitation applies to all centres. Where merit exists, a structure plan may be requested to guide future development of a centre and retail floor space may be varied accordingly to encourage development. This approach must be examined with considerable attention given to the merits of the proposed development and standard outlined under the 'Centres Strategy'. The distribution of retail floor space limitations is in accordance with the size and intent of the centre in question.
			3. Same approach taken for 'tourist Centres' should be adopted for major centres. This allows for a suitable structure plan to be prepared for the centre and an appropriate retail floor space limitation to apply accordingly.	3. Acknowledged. Centres designated for 'tourist Centres' at this stage have not been examined in detail at the time the 'Centres Strategy' was being prepared and require more detailed land use planning, accordingly a structure plan is required before appropriate retail floor space limitations

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			4. Recommend leaving the 'Centres Strategy' as a policy or if it is incorporated as part of DPS2, have floor space limits for major centres determined in the same approach for 'tourist centres'.	can be determined. 4. Noted.
34	Hames Sharley – on behalf of owners of Glengarry Shopping Centre	Glengarry Shopping Centre 59 Arnisdale Road DUNCRAIG WA 6023	1. Same as submission 32 comment 1. 2. Same as submission 32 comment 2. 3. Same as submission 32 comment 3. 4. Same as submission 32 comment 4.	1. Acknowledged. See submission 32 comment 1. 2. Acknowledged. See submission 32 comment 2. 3. Acknowledged. See submission 32 comment 3. 4. Acknowledged. See submission 32 comment 4.
35	Hames Sharley – on behalf of owners of Woodvale Boulevard Shopping Centre	931 Whitfords Avenue WOODVALE WA 6026	1. Same as submission 32 comment 1. 2. Same as submission 32 comment 2. 3. Same as submission 32 comment 3. 4. Same as submission 32 comment 4.	1. Acknowledged. See submission 32 comment 1. 2. Acknowledged. See submission 32 comment 2. 3. Acknowledged. See submission 32 comment 3. 4. Acknowledged. See submission 32 comment 4.
36	Taylor Burrell on behalf of owners Warburton Holdings Pty Ltd	Padbury Shopping Centre 75 Warburton Avenue PADBURY WA 6025	1. Supports the proposal recognising Lot 60 Warburton Avenue as a Village Centre. The site should be recognised as a commercial centre given that it was originally used as a squash centre, it is adjacent to a service station and has a physical barrier from surrounding residential areas. Provisions under Town Planning Scheme No.1 also recognised a range of commercial development incorporating shops, offices and consulting rooms. This has been recognised	1. Noted.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			under DPS2, as the property is zoned 'Mixed use'.	
			2. Objects to the implementation of clause 3.2.2, which limits retail floor space to a maximum of 200m2 net lettable area on any separate lot of a minimum 1000m2. This provision is incongruous with the Scheme's recognition of Lot 60 Warburton Avenue as a Village Centre with the potential to develop up to 4,500m2 retail NLA. Lot 60 Warburton Avenue is restricted to a maximum 400m2 NLA due to its lot size being 2,234m2. Additionally subdivision of the lot into two lots is required before this privilege is gained. Any limitation should be removed to allow a centre to reach its full potential.	2. Acknowledged. Whilst Lot 60 Warburton Avenue is recognised as a Village Centre it is zoned 'Mixed-Use' under DPS2, accordingly retail floor space is limited in this zone to conditions stipulated under the proposed clause 3.2.2 of DPS2. This limitation applies to 'mixed-use' zone to restrict the expansion of retail floor space in suburban locations where most mixed-use areas are located.
			3. It is recommended that should retail NLA be fixed it should be so that 200m2 retail NLA be permitted for every 1,000m2 total site area to remove any need for subdivision. This would be more in keeping with the definition of 'Village Centre' in the 'Centres Strategy'.	3. Acknowledged. The specific conditions detailed under proposed clause 3.2.2 of DPS2 is to ensure development is progressed along a 'Main Street' style for 'shop' use to be permitted in a 'mixed-use' zone. The level of retail floor space is restricted given 'mixed-use' zones are generally located within suburban areas.
			4. Modifying the definition of 'shop' and the inclusion of 'Dry Cleaning Premise' as a discretionary use increases the flexibility of the Mixed-use zone and is supported. To further this 'showroom' should be included as a discretionary use under the 'Mixed-use' zoning.	4. Acknowledged. Showroom has been excluded from the 'mixed-use' zone, as this use is considered more appropriate in 'Business'; 'Commercial' and 'Service Industrial' areas that are generally located closer to centres or within centres themselves. Given that most 'mixed-use' areas are located within suburban locations, showroom is not considered appropriate in a mixed-use zone.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

37	Tokyo City Pty Ltd and Denkey Pty Ltd	Duncraig Village Shopping Centre 8 Burragah Way DUNCRAIG WA 6023	1. Generally support the proposed amendment No.10 on the basis that the changes rationalise the schemes commercial land use framework and offer greater flexibility within the various commercial zones. This will allow landowners to meet the changing demands of a dynamic commercial environment within the existing scheme framework without the need for site-specific scheme amendments, as was historically the case.	1. Noted.
38	The owners of Woodvale Park Commercial Centre (Strata Company)	923 Whitfords Avenue WOODVALE WA 6026	1. Support the proposals in Amendment No.10 on the basis that it appears to provide greater simplicity and flexibility in the framework of commercial land use controls.	1. Noted.
39	Taylor Burrell on behalf of owners Peet & Company	Lot 199 (163) Kinross Drive KINROSS WA 6028 and Portion Lot 9000 (157) Kinross Drive KINROSS WA 6028	1. Supports the rezoning of lots 199 and portion of lot 9000 Kinross Drive, Kinross to 'Commercial' and 'Mixed-use' zones as it is in accordance with the Kinross Structure Plan. The sales plan for stage 17 of the Kinross Estate has always shown a commercial use on the subject site, hence the residents who purchased lots within this stage would have an expectation of the possible commercial use of Lot 199 (i.e corner store) and the portion of Lot 9000 (i.e medical centre). 2. Client wishes to note that they have not initiated or in any way been responsible for this part of Amendment No.10 to DPS2. Council initiated rezoning and the Gazettal of DPS2 incorrectly depicted lot 199 as being 'Residential' and the	1. Noted. See submission 2 comment 1. 2. Acknowledged.

AMENDMENT NO 10
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 9 JANUARY 2002)

			portion of Lot 9000 as being 'Mixed-use'.	
40	L S Wong	59 Kinross Drive KINROSS WA 6028 and 23 Edinburgh Avenue KINROSS WA 6028	1. Objects to the rezoning of lot 199 Kinross Drive, Kinross to 'Commercial' on the basis that its intended purpose was for a deli/home. The rezoning of the lot to 'Commercial' would undermine existing Kinross Shopping Centre.	1. Acknowledged. See submission 2 comment 1.
41	L S Wong		13 signature petition 1. Same as submission 28 comment 1.	1. Acknowledged. See submission 2 comment 1.
42	M Parsons	11 Warburton Avenue PADBURY WA 6025	1. Strongly oppose development of lot 60 Warburton Avenue as there already is a service station, convenience store, hairdresser, and doctor's rooms nearby which creates a lot of traffic and noise. We live in the suburbs to escape noise, traffic and disturbance. Further development of commercial area will make our life uncomfortable.	1. Acknowledged. See submission 4 comment 1.

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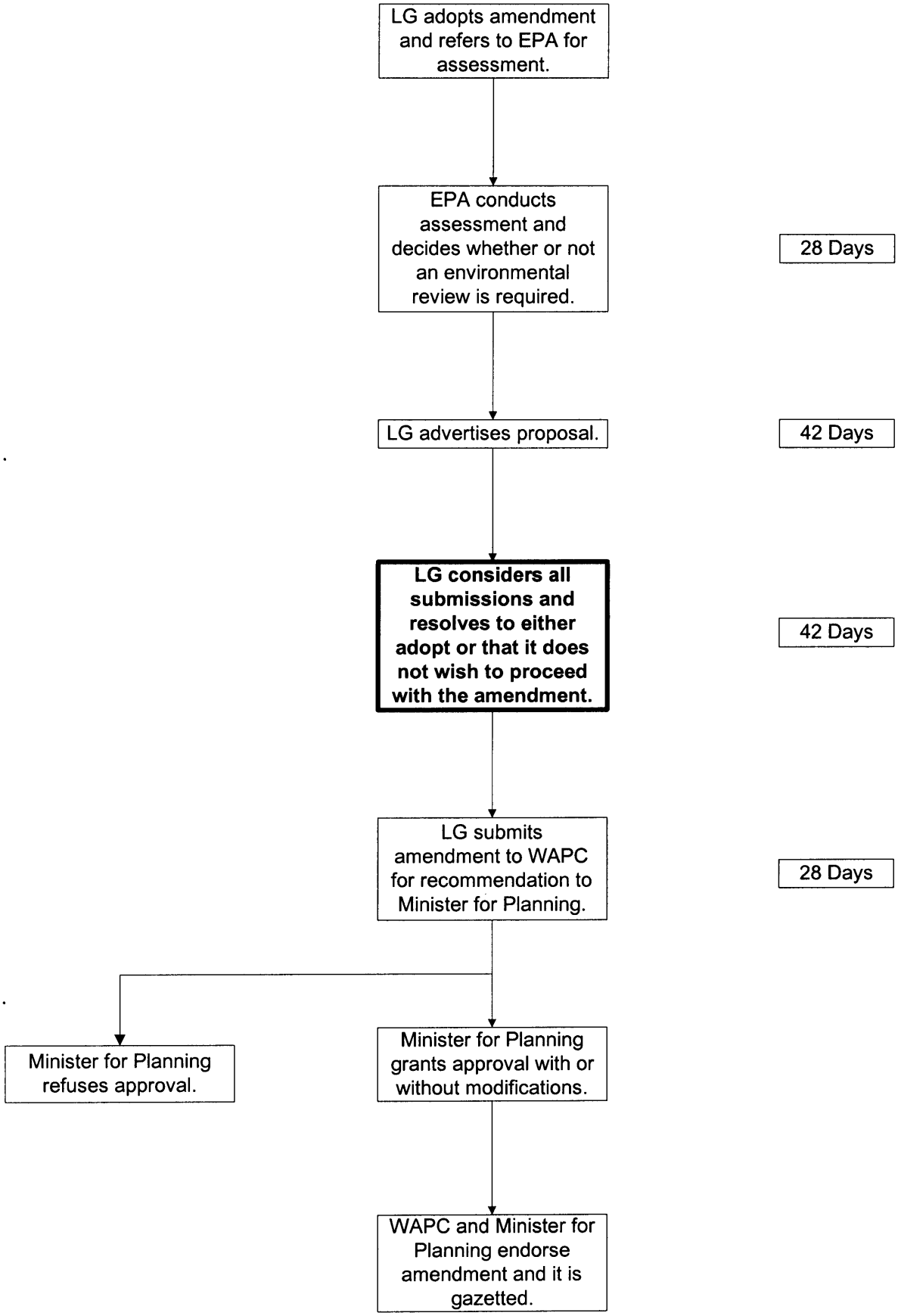
Scheme Amendment Process

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