

CITY OF JOONDALUP

LOCAL PLANNING SCHEME NO. 3

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LOCAL PLANNING SCHEME GAZETAL DATE:

SCHEME DETAILS

CITY OF JOONDALUP

LOCAL PLANNING SCHEME NO. 3

The City of Joondalup under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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PART 1 – PRELIMINARY

1. CITATION

This local planning scheme is the City of Joondalup Scheme No. 3.

2. COMMENCEMENT

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. SCHEME REVOKED

The following local planning scheme(s) are revoked:

- District Planning Scheme No. 2 – gazetted on 28th November 2000.
- Town Planning Scheme No. 6 – gazetted April 1972.

4. NOTES DO NOT FORM PART OF SCHEME

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The *Interpretation Act 1984* section 32 makes provision in relation to whether headings form part of the written law.

5. RESPONSIBILITY FOR SCHEME

The City of Joondalup is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. SCHEME AREA

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area (or part) is also subject to the Metropolitan Region Planning Scheme (see clause 12).

7. CONTENTS OF SCHEME

- (1) In addition to the provisions set out in this document (the *scheme text*), this Scheme includes the following:
 - (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
 - (b) the Scheme Map.
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. PURPOSES OF THE SCHEME

The purposes of this Scheme are to:

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters set out in the Schedule 7 of the Act.

9. AIMS OF SCHEME

The aims of this Scheme are:

- (a) To cater for the diverse needs of the community by encouraging the provision of a range of housing, employment, business, recreation, transport and education opportunities;
- (b) To support the provision of a variety of housing choices that cater for an ageing population and changing household structures;
- (c) To protect amenity by ensuring that the use and development of land does not result in significant adverse impacts on the physical and social environment;
- (d) To provide for safe, convenient, attractive and viable activity centres which serve the needs of the community by providing a range of services and are accessible to all users;
- (e) To encourage development that will strengthen the economic base of the City and provide a range of employment opportunities;
- (f) To ensure that land uses are appropriately integrated with existing transport routes within the City;
- (g) To facilitate an effective and accessible transport network that caters for a

range of alternatives, including public transport, cycling and walking;

- (h) To maintain a high standard and convenient network of public open space that balances the protection of vegetation and biodiversity with the provision of active and passive recreation, consistent with the needs of the local community;
- (i) To promote and encourage land use and development that incorporates environmentally sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and retention/planting of local native vegetation;
- (j) To encourage the conservation and continued use of identified places and objects of cultural heritage significance; and
- (k) To assist the effective implementation of local and State plans, strategies and policies including the State Planning Policies.

10. RELATIONSHIP WITH LOCAL LAWS

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES

There are no other local planning schemes of the City of Joondalup which apply to the Scheme area.

12. RELATIONSHIP WITH REGION PLANNING SCHEME

The Metropolitan Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission.

PART 2 – RESERVES

13. REGIONAL RESERVES

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Metropolitan Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the *Land Administration Act 1997* section 41.

14. LOCAL RESERVES

- (1) In this clause:

Department of Main Roads means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

- (2) Local Reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows:

Table 1 Reserve objectives

| Reserve name | Objectives |
|----------------------------|---|
| Public Open space | <ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage |
| Environmental Conservation | <ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. |
| Civic and Community | <ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit. |
| Public Purposes | <ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure. |
| Drainage/Waterway | <ul style="list-style-type: none"> To set aside land required for significant waterways and drainage. |
| Primary Distributor Road | <ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional |

| | |
|---------------------------|---|
| | Distributor or Primary Distributor under the Western Australian Road Hierarchy. |
| District Distributor Road | <ul style="list-style-type: none">To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy. |
| Local Distributor Road | <ul style="list-style-type: none">To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy. |
| Local Road | <ul style="list-style-type: none">To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy. |

15. ADDITIONAL USES FOR LOCAL RESERVES

There are no additional uses for land in local reserves that apply to this Scheme.

PART 3 – ZONES AND USE OF LAND

16. ZONES

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows:

Table 2 Zone objectives

| Zone name | Objectives |
|---------------------|---|
| Residential | <ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development. |
| Urban Development | <ul style="list-style-type: none"> To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. To provide for a range of residential densities to encourage a variety of residential accommodation. To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. |
| Special Residential | <ul style="list-style-type: none"> To provide for lot sizes in the range of 2000 m² and 1 ha. To ensure development is sited and designed to achieve an integrated and harmonious character. To set aside areas where the retention of vegetation and landform or other features which distinguish the land, warrant a larger residential lot size than that expected in a standard residential zone. |
| Mixed Use Zone | <ul style="list-style-type: none"> To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas. |
| Centre | <ul style="list-style-type: none"> To designate land for future development as an activity centre. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy. |
| Commercial | <ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants |

| | |
|---|---|
| | <p>and other commercial outlets in defined townsites or activity centres.</p> <ul style="list-style-type: none"> • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality. |
| Service Commercial | <ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently be accommodated in the commercial or industrial zones. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area. |
| Light Industry | <ul style="list-style-type: none"> • To provide for a range of light industrial uses, service industries and recreational activities that are generally compatible with urban areas. • To ensure that where any development adjoins residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity. • To ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas. |
| Private Clubs, Institutions and Places of Worship | <ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area. |
| Rural | <ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. |

17. ZONING TABLE

The zoning table for this Scheme is as follows:

Table 3 Zoning Table

| USE AND DEVELOPMENT CLASS | ZONES | | | | | | | | |
|-------------------------------------|-------------|---------------------|-----------|------------|--------------------|----------------|---|-------|---|
| | RESIDENTIAL | SPECIAL RESIDENTIAL | MIXED USE | COMMERCIAL | SERVICE COMMERCIAL | LIGHT INDUSTRY | PRIVATE CLUBS, INSTITUTIONS & PLACES OF WORSHIP | RURAL | CENTRE |
| Aged or Dependent Persons' Dwelling | P | X | D | D | X | X | X | X | Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions |
| Amusement Parlour | X | X | D | D | D | X | X | X | |
| Ancillary Dwelling | P | D | D | X | X | X | X | X | |
| Animal Establishment | X | X | X | X | X | X | X | D | |
| Bed & Breakfast | D | D | D | P | X | X | D | D | |
| Betting Agency | X | X | X | D | D | X | X | X | |
| Bulky Goods Showroom | X | X | X | P | P | P | X | X | |
| Car Park | X | X | D | P | P | P | D | X | |
| Caravan Park | A | X | X | X | X | X | D | X | |
| Caretaker's Dwelling | D | X | D | D | D | D | D | X | |
| Child Care Premises | D | D | D | D | D | X | D | X | Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions |
| Cinema/Theatre | X | X | X | D | D | X | D | X | |
| Civic Use | D | X | D | D | D | X | P | X | |
| Club Premises | X | X | X | P | D | D | D | X | |
| Commercial Vehicle Parking | X | X | X | D | D | P | X | D | |
| Community Purpose | X | X | D | D | D | X | P | X | |
| Consulting Rooms | A | A | P | P | P | X | D | X | |
| Convenience Store | X | X | D | P | P | D | D | X | |
| Display Home | P | D | P | P | X | X | D | D | |
| Dry Cleaning Premises | X | X | X | P | D | P | X | X | |
| Educational Establishment | X | X | D | D | D | D | P | X | |
| Exhibition Centre | X | X | D | D | D | X | P | X | |
| Fast Food Outlet | X | X | X | P | P | X | X | X | |
| Fuel Depot | X | X | X | X | X | D | X | X | |
| Funeral Parlour | X | X | X | D | D | D | X | X | |
| Garden Centre | X | X | X | P | P | P | X | X | |
| Grouped Dwelling | P | D | D | D | X | X | D | X | |
| Holiday Accommodation | D | X | D | D | X | X | D | X | |
| Holiday House | D | X | D | D | X | X | D | X | |
| Home Office | P | P | P | P | X | X | X | X | |
| Home Occupation | D | D | P | P | X | X | X | X | |
| Home Business | A | D | P | P | X | X | X | X | |
| Home Store | D | X | P | P | X | X | X | X | |
| Hospital | X | X | X | D | D | X | D | X | |
| Hotel | X | X | X | D | D | X | D | X | |
| Industry | X | X | X | X | X | D | X | X | |
| Industry – Extractive | X | X | X | X | X | X | X | X | |

Table 3a Whitford Activity Centre Zoning Table

| USE AND DEVELOPMENT CLASS | CENTRE DISTRICT | | | |
|---|-----------------|-----|-----|-----|
| | C-1 | C-2 | C-3 | C-4 |
| Aged or Dependent Persons' Dwelling | D | X | D | D |
| Amusement Parlour | D | P | X | X |
| Ancillary Dwelling | X | X | X | X |
| Bed and Breakfast | X | X | D | X |
| Betting Agency | D | D | D | X |
| Bulky Goods Showroom | D | D | D | X |
| Car Park | D | P | D | P |
| Caretaker's Dwelling | D | X | D | D |
| Child Care Premises | D | D | A | D |
| Cinema/Theatre | X | P | X | X |
| Civic Use | P | P | P | P |
| Club Premises | D | D | D | D |
| Community Purpose | P | P | P | P |
| Consulting Rooms | P | P | P | P |
| Convenience Store | P | P | D | D |
| Display Home | D | D | X | X |
| Dry Cleaning Premises | D | D | D | X |
| Educational Establishment | D | D | D | P |
| Exhibition Centre | P | P | P | P |
| Fast Food Outlet | D | P | A | X |
| Garden Centre | X | D | X | X |
| Grouped Dwelling | D | D | D | D |
| Holiday Accommodation | D | D | D | D |
| Home Office | P | P | P | X |
| Home Occupation | D | D | D | X |
| Home Business | D | D | D | X |
| Home Store | P | D | D | D |
| Hotel | D | D | A | X |
| Land Sales Office (Temporary) | P | P | P | P |
| Laundrette | D | P | D | X |
| Liquor Store - large | D | P | X | X |
| Liquor Store - small | D | P | X | X |
| Lunch Bar | P | P | P | D |
| Market | D | P | X | D |
| Medical Centre | P | P | D | D |
| Motel | D | D | A | X |
| Motor Vehicle Repairs | D | D | X | X |
| Motor Vehicle Wash | D | D | A | X |
| Multiple Dwelling | D | D | D | D |
| Night Club | A | A | X | X |
| Office | P | P | P | P |
| Place of Worship | D | D | D | P |
| Reception Centre | D | D | D | D |
| Recreation - Private | D | D | D | D |
| Residential Building | D | X | D | D |
| Restaurant/Cafe | P | P | D | X |
| Restricted Premises | D | D | X | X |
| Retirement Village | D | X | X | D |
| Serviced Apartment | D | D | D | D |
| Service Station | D | D | X | X |
| Shop (up to 500m ² NLA) | P | P | D | A |
| Shop (greater than 500m ² NLA) | D | P | X | X |

| | | | | |
|-----------------------------------|---|---|---|---|
| Single House | X | X | X | X |
| Tavern | D | D | X | X |
| Telecommunications Infrastructure | D | D | D | D |
| Veterinary Centre | P | P | D | X |

18. INTERPRETING ZONING TABLE

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

- (2) The symbols used in the zoning table have the following meanings:

P means that the use is permitted if it complies with any relevant development standards or requirements of this Scheme;

D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;

X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that do not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:

(a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;

(b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

(c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

- (5) If a use of land is identified in a zone as being a class P use, the local

government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless:
- (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land:
- (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local development plan.

19. ADDITIONAL USES

- (1) The Table sets out:
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

Table 4 Specified additional uses for zoned land in Scheme area

| No. | Description of land | Additional use | Conditions |
|-----|---|-------------------|------------|
| 1 | Lot 1 (123) Kingsley Drive Kingsley | Medical Centre | |
| 2 | Lot 51 (28) Seacrest Drive Sorrento | Medical Centre | |
| 3 | Lot 22 (291) Warwick Road Greenwood | Medical Centre | |
| 4 | Lot 692 (295) Warwick Road Greenwood | Medical Centre | |
| 5 | Lot 1 (315) Warwick Road Greenwood | Medical Centre | |
| 6 | Lot 1 (31) Linear Avenue Mullaloo | Medical Centre | |
| 7 | Lot 100 (6) Marina Boulevard Ocean Reef | Service Station | |
| 8 | Lot 550 (94) Caridean Street Heathridge | Veterinary Centre | |

| | | | |
|----|--------------------------------------|-------------------|--|
| 9 | Lot 30 (75) Gibson Avenue Padbury | Veterinary Centre | |
| 10 | Lot 74 (3) Castlegate Way Woodvale | Veterinary Centre | |
| 11 | Lot 263 (54) Arnisdale Road Duncraig | Medical Centre | |

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. RESTRICTED USES

- (1) The Table sets out:
- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that restricted use.

Table 5 Restricted uses for land in Scheme area

| No. | Street/Locality | Restricted use | Conditions |
|-----|---|---|------------|
| 1 | Lot 745 (103) Caridean Street Heathridge | Aged or Dependent Persons' Dwelling | |
| 2 | Lot 23 (77) Gibson Avenue Padbury | Aged or Dependent Persons' Dwelling | |
| 3 | Lot 921 (98) Ellersdale Avenue Warwick | Aged or Dependent Persons' Dwelling, Retirement Village, Nursing Home | |
| 4 | Lot 803 (15) Burlos Court Joondalup | Aged or Dependent Persons' Dwelling | |
| 5 | Lots 200 (24), 201 (22) and 202 (20) Kanangra Crescent, Greenwood | Aged or Dependent Persons' Dwelling | |
| 6 | Lot 1001 (14) Camberwarra Drive Craigie | Aged or Dependent Persons' Dwelling | |
| 7 | Lot 642 (57) and Lot 643 (59) Marri Road Duncraig | Aged or Dependent Persons' Dwelling | |

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used only for the restricted class of use set out in respect to that land subject to the conditions that apply to that use.

21. SPECIAL USE ZONES

There are no special use zones which apply to this Scheme.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

22. NON-CONFORMING USES

- (1) Unless specifically provided, this Scheme does not prevent:
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of any development on land if:
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if:
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government:
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. CHANGES TO NON-CONFORMING USE

- (1) A person must not, without development approval:
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another non-conforming use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use:

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

24. REGISTER OF NON-CONFORMING USES

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following:
 - (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government must:
 - (a) ensure that the register is kept up-to-date; and
 - (b) make a copy of the register available for public inspection during business hours at the offices of the local government.
 - (c) may publish a copy of the register on the website of the local government.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 – GENERAL DEVELOPMENT REQUIREMENTS**25. R-CODES**

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government:
 - (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. MODIFICATION OF R-CODES

- (1) Unless a density code is specified on the Scheme Map, for lots with a land area of less than 1,000m² within the Commercial or Mixed Use zone on the Scheme Map the applicable density code is R40;
- (2) Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m² or more within the Commercial or Mixed Use zone on the Scheme Map the applicable density code is R80;
- (3) For lots within the Residential zone with a density code of R20, where a dual density code does not apply, as depicted on the Scheme Map, the provisions of the R40 density code shall apply for the purpose of the development of Aged or Dependent Persons' Dwellings provided:
 - (a) The site area is a minimum of 1,100m²;
 - (b) The development consists of a minimum of five dwellings;
 - (c) No portion of a dwelling is vertically above another dwelling;

For the purposes of this subclause, no variation to the minimum and average site areas for Aged and Dependant Persons' Dwellings, as stipulated in the R- Codes, shall apply.
- (4) Within areas where a dual density code applies as depicted on the Scheme Map, the base R20 density code shall apply, unless it is determined that the higher code is acceptable having regard to clause 26(5).
- (5) Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-

to-comply' criteria:

C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:

- (i) Development which complies with a minimum site width of 10 metres at the street boundary, with the exception of multiple dwelling sites; or
 - (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.
- (6) Notwithstanding any other provision of the Scheme, where a site has been developed (as approved by the local government) for residential purposes at a greater density than that permitted under the relevant R-Code shown on the Scheme Map, the local government may permit the site to be redeveloped up to the same density, provided it is satisfied that the standard of development will be significantly improved as a result.
- (7) Clause 5.2.6 of the R-Codes is replaced as follows:

Table 6 Appearance of Dwellings

| Appearance of Dwellings | |
|--|--|
| Design principles | Deemed-to-comply |
| <p>P6.1 Dwellings retained as part of a grouped or multiple dwelling development or subdivision that:</p> <ul style="list-style-type: none"> • enhance the streetscape appearance of the existing dwelling(s) retained; or • complement established or future built form in the locality. <p>P6.2 Residential development that is visible from the street that:</p> <ul style="list-style-type: none"> • provides for an improved streetscape outcome which is attractive and enhances, complements or maintains the visual character, bulk and scale of the surrounding built form; and • provides a high quality built development outcome in relation to building design and site layout. | <p>C6.1 Where an existing dwelling is retained as part of a grouped or multiple dwelling development or subdivision and is of a lesser maintenance standard, the appearance of the retained dwelling is upgraded externally to an equivalent maintenance standard of the new (or the rest of) the development created as part of the subdivision or grouped dwelling development.</p> <p>C6.2 Residential development that is visible from the street that:</p> <ul style="list-style-type: none"> • is consistent in style with any existing development on site; and/or • maintains and enhances the character of the local area; and • is compatible with the existing and/or desired streetscape character <p>This can be by way of:</p> <ul style="list-style-type: none"> • scale • material and colours • roof design • detailing • window size |

27. STATE PLANNING POLICY 3.6 TO BE READ AS PART OF SCHEME

- (1) State Planning Policy 3.6 — Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government:
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. MODIFICATION OF STATE PLANNING POLICY 3.6

There are no modifications to State Planning Policy 3.6.

29. OTHER STATE PLANNING POLICIES TO BE READ AS PART OF SCHEME

There are no other State planning policies that are to be read as part of the Scheme.

30. MODIFICATION OF STATE PLANNING POLICIES

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. ENVIRONMENTAL CONDITIONS

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

- (1) The Table sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

Table 7 Additional requirements that apply to land in Scheme Area

| No. | Description of land | Requirement |
|-----|------------------------|---|
| 1. | Residential zone | For lots one hectare or larger with a density code greater than R20, the minimum residential density to be achieved is 25 dwellings per site hectare |
| 2. | Urban Development zone | Where it is intended that a site is to be developed for residential purposes, any structure plan, activity centre plan or local development plan for that site must require that a minimum residential density of 25 dwellings per site hectare be achieved |
| 3. | All zones | Car Parking – Cash in lieu |

| | | |
|--|--|---|
| | | <p>(a) In this clause 'Shortfall Parking Spaces' means the difference between the number of car parking spaces required for a development under a local planning policy, structure plan, activity centre plan or local development plan (as the case may be) and the number of car parking spaces to be provided on the site of the development.</p> <p>(b) Subject to the remaining provisions of this clause, the local government may require or accept from an applicant for development approval, a cash payment in lieu of providing all or any of the number of car parking spaces required under a local planning policy, structure plan, activity centre plan or local development plan for the development for which development approval has been sought by the applicant.</p> <p>(c) Before the local government requires or accepts a cash-in-lieu payment under clause 32(1)3.(b), it must:</p> <ul style="list-style-type: none"> (i) have a reasonable expectation that the cash-in-lieu payment can be applied to provide the Shortfall Parking Spaces or Transport Infrastructure in the vicinity of the site of the proposed development; and (ii) have regard to any local planning policy which it adopts in relation to cash-in-lieu of car parking. <p>(d) The amount of the cash-in-lieu payment shall be the cost estimated by the local government to provide and construct the Shortfall Parking Spaces. The estimated cost of providing the Shortfall Parking Spaces may include:</p> <ul style="list-style-type: none"> (i) the cost of land in the vicinity of the proposed development which is required to provide the Shortfall Parking Spaces, to be determined by a licensed valuer appointed by the City; (ii) the cost of constructing to the City's specifications and requirements paved parking for the Shortfall Parking Spaces and any associated manoeuvring areas, accessways, landscaping, drainage and lighting; and (iii) the cost of constructing or installing signs, facilities or equipment to regulate the permissible period during |
|--|--|---|

| | | |
|----|---|--|
| | | <p>which a vehicle may occupy the car parking spaces comprising the Shortfall Parking Spaces.</p> <p>(e) The cash-in-lieu payment shall be paid in such manner and at such time as the City determines.</p> <p>(f) Cash-in-lieu payments received by the City under clause 32(1)3. shall be paid into appropriate funds and used:</p> <p>(i) for providing and maintaining the Shortfall Parking Spaces or Transport Infrastructure in the vicinity of the development;</p> <p>(ii) for providing and maintaining the things referred to in subclauses 32(1)3.(d)(ii) and (32(1)3.d)(iii); and</p> <p>(iii) for reimbursing the City for any expenses, including loan repayments, which it incurs in providing and maintaining the Shortfall Parking Spaces or Transport Infrastructure.</p> |
| 4. | Residential, Special Residential, Mixed Use and Urban Development zones | The parking or garaging of a commercial vehicle is not permitted without the prior approval of the local government. |
| 5. | Residential, Special Residential, Mixed Use and Urban Development zones | The parking or garaging of a recreational vehicle is not permitted without the prior approval of the local government. |

- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS FOR AREAS COVERED BY STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN

The Table sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

Table 8 Additional requirements that apply to land covered by a structure plan, activity centre plan or local development plan

| No. | Description of land | Requirement |
|-----|---------------------------|--|
| 1. | Whitfords Activity Centre | <p>1.1 Land zoned 'Centre' within the Whitfords Activity Centre is separated into four 'Centre Districts' (C) as shown on the scheme map and detailed as follows:</p> <p>(a) Endeavour District (C-1);</p> <p>(b) Retail District (C-2);</p> |

| | | |
|--|--|--|
| | | <p>(c) Banks District (C-3); and (d) Education and Civic District (C-4).</p> <p>1.2 The RAC-0 density code applies to land zoned 'Centre' within the Endeavour District.</p> <p>1.3 The R80 density code applies to land zoned 'Centre' within the Retail, Banks, and Education and Civic Districts.</p> <p>1.4 The total net lettable area of all existing and future shop retail development for land within the 'Centre' zone shall be consistent with an Activity Centre Plan approved pursuant to State Planning Policy 4.2 - Activity Centres for Perth and Peel.</p> <p>1.5 If an application for development approval is made to the local government to increase the floor space for shop/retail uses within the Retail District where the net lettable area is, or would be increased beyond 55,000m², the application must demonstrate:</p> <ul style="list-style-type: none"> (a) residential development in the Retail and/or Endeavour District/s at a minimum rate of one dwelling for every 500m² of additional shop/retail NLA in the Retail District; (b) shop/retail uses within the Endeavour District with a net lettable area of at least 10% of the additional shop/retail net lettable area in the Retail District; and (c) the mix of land use floor space, upon completion of the development subject of the application, is at least 40%. <p>1.6 Land use permissibility for land zoned 'Centre' within the Whitfords Activity Centre shall be in accordance with Table 3 - Whitfords Activity Centre Zoning Table. The symbols used in Table 3 have the same meaning as Clause 3.2.2 of the scheme.</p> <p>1.7 Subject to sub-clause 1.6 and Table 3, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 3.3 of the scheme.</p> |
|--|--|--|

34. VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

- (1) In this clause:

additional site and development requirements means requirements set out in clauses 32 and 33.

- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must:
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant the development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that:
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the site and development standard will not have a significant adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. RESTRICTIVE COVENANTS

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant:
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - (b) the local government must not grant development approval for the

construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5 – SPECIAL CONTROL AREAS

36. SPECIAL CONTROL AREAS

There are no special control areas which apply to this Scheme.

PART 6 – TERMS REFERRED TO IN SCHEME**DIVISION 1 – GENERAL DEFINITIONS USED IN SCHEME****37. TERMS USED**

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows:

building envelope means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;

building height, in relation to a building:

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

cabin means a dwelling forming part of a tourist development or caravan park that is:

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is:

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

commencement day means the day this Scheme comes into effect under section 87(4) of the Act;

commercial vehicle means a vehicle, whether licenced or not, that has a gross mass of greater than 4.5 tonnes including:

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

floor area has the same meaning as in the Building Code.

frontage, in relation to a building:

- (a) if the building is used for residential purposes, has the meaning given

in the R-Codes; or

- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of the lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces;

health practitioner a medical doctor, dentist, physiotherapist, radiologist, podiatrist, chiropractor, acupuncturist, naturopath or any other health care staff generating their own independent patient load.

incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;

minerals has the meaning given in the *Mining Act 1978* section 8(1);

net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas:

- (a) stairs, toilets, cleaners' cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172;

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct mean a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

recreational vehicle means a vehicle used, designed or modified for recreational use, mobile accommodation or similar purposes and without limiting the generality of the foregoing; includes any boat, mobile home, caravan, campervan and any wheeled attachment to any of them which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. The term shall not include a vehicle designed for use as a passenger car, or a van, 4WD, utility or light truck that is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

retail means the sale or hire of goods or services to the public;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

site hectare means the total site area of a subdivision proposal less deductions for non-residential uses including streets, laneways, open space and community facilities

transport infrastructure means the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:

- (a) public transport stops, shelters and stations, signs, public transport lanes, vehicles, track and catenary, priority signals and associated works/designs;
- (b) paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossings and any associated works/designs;
- (c) on and off street parking bays, parking machines, parking signs, shelters and any associated works/design and technologies;

wall height, in relation to a wall of a building:

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet;

wholesale means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this Scheme:

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

DIVISION 2 – LAND USE TERMS USED IN SCHEME

38. LAND USE TERMS USED

If this Scheme refers to a category of land use that is listed in this provision the meaning of that land use is set out below:

amusement parlour means premises:

- (a) that are open to the public; and

- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

bed and breakfast means a dwelling:

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

bulky goods showroom means premises:

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;or
- (b) used to sell by retail goods and accessories by retail if:
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include:

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

child care premises means premises where:

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Services Act 2007* section 4 is provided;

cinema/theatre means premises where the public may view a motion picture or theatrical production;

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

commercial vehicle parking means premises used for parking of one or 2 commercial vehicles but does not include:

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

community purpose means premises designed or adapted primarily for the provision of educational, social, cultural or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises:

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m² net lettable area;

display home means one or more dwellings which are intended to be open for public inspection;

dry cleaning premises means any land or buildings used for the cleaning of garments and other fabrics by chemical processes, or for the purposes of washing and ironing clothes or fabrics;

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale,

of materials of an artistic, cultural or historical nature, including a museum;

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

fast food outlet means premises other than a lunch bar, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten:

- (a) without further preparation; and
- (b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include premises used:

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used:

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;

holiday accommodation means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot;

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession:

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that:

- (a) does not involve employing a person who is not a member of the

- occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provisions for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation:

- (a) is solely within the dwelling;
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

home store means any shop attached to a dwelling that:

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1);

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes:

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees,
- (e) incidental purposes;

industry - extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes:

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry - light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

land sales office (temporary) means a temporary building used solely for the purpose of land and/or development transactions associated with the site/locality upon which the building is located;

laundrette means premises in which machines for the washing and drying of clothes and fabrics are available for use by the public for reward;

liquor store – large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m²;

liquor store – small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m²;

lunch bar means premises or part of premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation;

market means premises used for the display and sale of goods from stalls by independent vendors;

medical centre means premises other than a hospital, used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

motel means premises which may be licensed under the *Liquor Control Act 1988*:

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;

motor vehicle repair means premises used for or in connection with:

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or retreading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

night club means premises the subject of a nightclub licence granted under

the *Liquor Control Act 1988*;

nursing home means premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation - private means premises that are:

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); and
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

retirement village means any land or buildings used to accommodate aged persons and retirees together with ancillary facilities;

serviced apartment means a group of units or apartments providing:

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for:

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience retail nature; or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

telecommunications infrastructure means premises used to accommodate the infrastructure used for or in conjunction with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist development means a building or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide:

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

trade display means premises use for the display of trade goods and equipment for the purpose of advertisement;

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises:

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

transport depot means premises used primarily for the parking or garaging 3 or more commercial vehicles including:

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse/storage means premises including indoor or outdoor facilities used for:

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

SCHEDULE A - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61(1)

- (k) the erection of a boundary fence in a zone where the R-Codes do not apply;
- (l) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;
- (m) the demolition of any building or structure except where the building or structure is:
 - (i) located in a place that has been entered into the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an Order under the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) located in an area designated under the Scheme as a heritage area;
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;
- (n) an outbuilding to a single house or grouped dwelling that is less than 10m² in area and abuts two boundaries (excluding street boundaries), but which does not require the exercise of any other discretion by the local government under the Scheme, including the R-Codes;
- (o) a patio to a single house or grouped dwelling where:
 - (i) the posts and roof/eaves are setback a minimum of 500mm from any boundary (with the exception of a street boundary);
 - (ii) the wall/post height is no greater than 3.5m above natural ground level; and
 - (iii) the cumulative length of all structures (including the proposed patio) located less than one metre from the boundary or boundaries adjacent to the location of the proposed patio does not exceed 9m in length;but which does not require the exercise of any other discretion by the local government under the Scheme, including the R-Codes;

Clause 61(2)

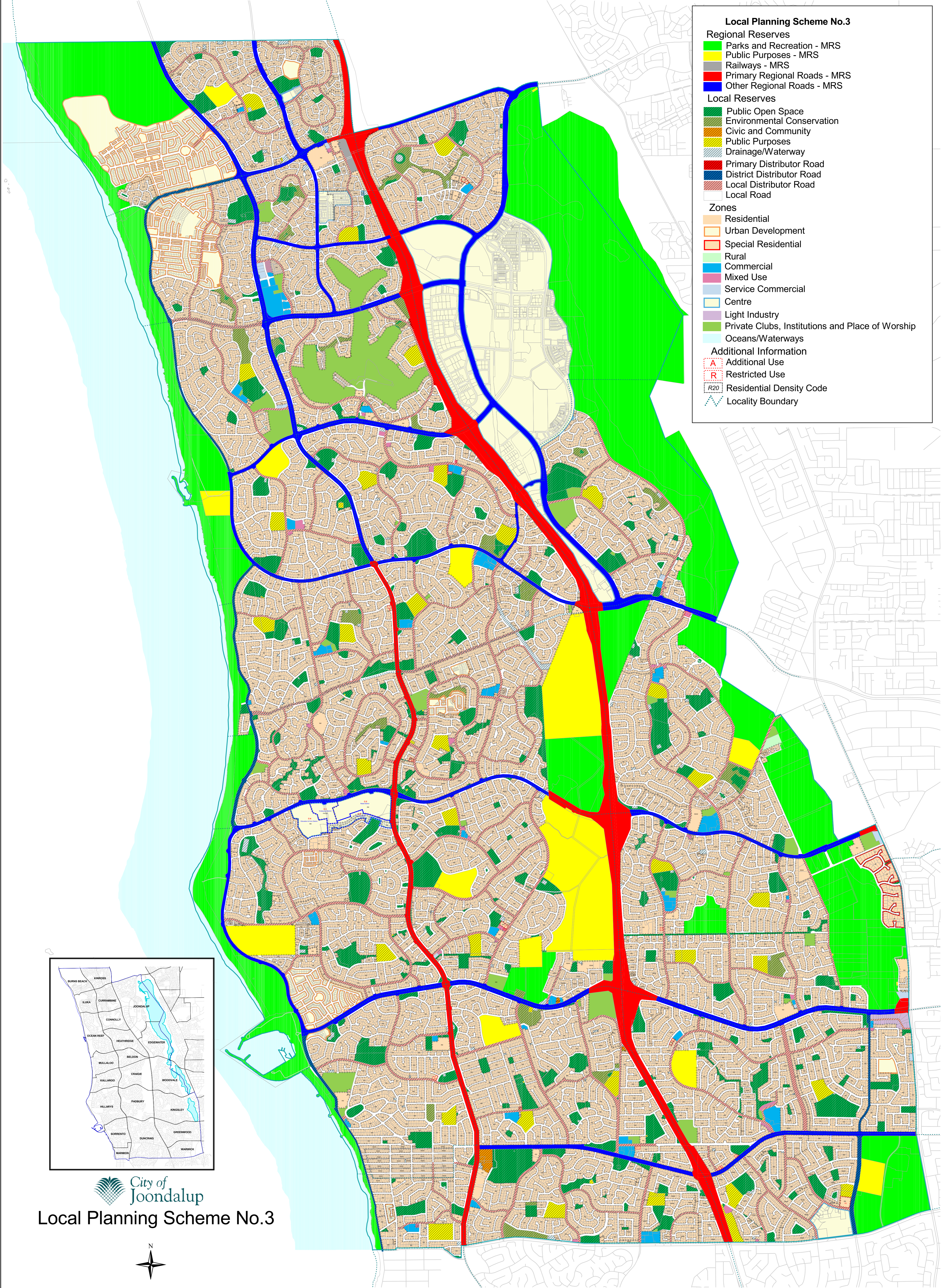
- (g) the conducting of a Home Business – Category 1;
- (h) the parking of one commercial vehicle, in accordance with the provisions of the relevant Local Planning Policy;
- (i) the parking of one recreational vehicle, in accordance with the provisions of the relevant Local Planning Policy.

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the City of Joondalup at the Ordinary Meeting of Council held on the 16 February 2016.

CHIEF EXECUTIVE OFFICER

MAYOR



Local Planning Scheme No.3

Regional Reserves

- Parks and Recreation - MRS
- Public Purposes - MRS
- Railways - MRS
- Primary Regional Roads - MRS
- Other Regional Roads - MRS

Local Reserves

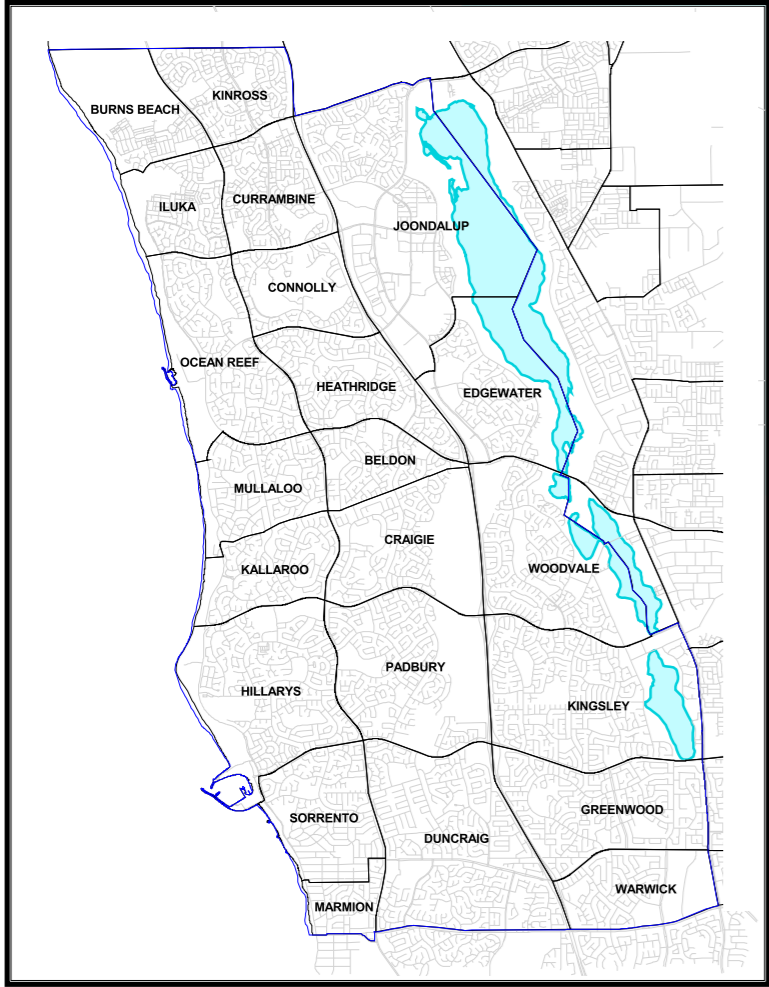
- Public Open Space
- Environmental Conservation
- Civic and Community
- Public Purposes
- Drainage/Waterway
- Primary Distributor Road
- District Distributor Road
- Local Distributor Road
- Local Road

Zones

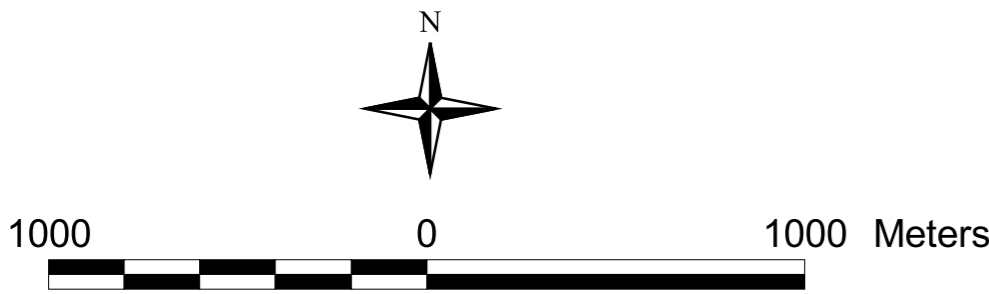
- Residential
- Urban Development
- Special Residential
- Rural
- Commercial
- Mixed Use
- Service Commercial
- Centre
- Light Industry
- Private Clubs, Institutions and Place of Worship
- Oceans/Waterways

Additional Information

- A Additional Use
- R Restricted Use
- R20 Residential Density Code
- Locality Boundary



 **City of Joondalup**
Local Planning Scheme No.3



**PROPOSED DRAFT LOCAL PLANNING SCHEME NO.3
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING**

| NO | NAME AND ADDRESS OF SUBMITTER | DESCRIPTION OF AFFECTED PROPERTY | SUBMISSION SUMMARY | ADMINISTRATION COMMENTS |
|----|--|----------------------------------|---|---|
| 1 | ATCO Gas Australia 81 Prinsep Road JANDAKOT | | No Objection <ul style="list-style-type: none"> ATCO Gas owns and operates gas mains of varying pressures (High Pressure through to Medium Low Pressure) and infrastructure within the City of Joondalup, predominantly within the road reserves however there are also gas service lines that are located within road reserves and private property. ATCO Gas requests use of the Dial Before You Dig system and early consultation with any proponent or developers of any land within the City of Joondalup, during the approvals stage and prior to any proposed construction or ground disturbance occurring. There were some errors to road names in the Zoning-Reserve changes document that was on the website. | Noted <ul style="list-style-type: none"> The road names have been update to reflect the correct road name. |
| 2 | Department of Water Swan Avon Region 7 Ellam Street VICTORIA PARK | | No Objection The Department of Water has assessed the draft Local Planning Scheme No. 3 and has no comments to provide. | Noted |
| 3 | Department of Transport 140 William Street PERTH | | No Objection The Department of Transport (DoT) has no comment to provide. | Noted |
| 4 | Department of Fire & Emergency Services 20 Southport Street WEST LEEDERVILLE | | Comment <ul style="list-style-type: none"> Request for a map of those areas that are changing their zoning from DPS2 to LPS3 noting those areas which represent an intensification of land use and rationale for change. This will be used to determine which areas require further consideration of bushfire risk. | Noted |
| 5 | Water Corporation PO Box 100 LEEDERVILLE | | No Objection <ul style="list-style-type: none"> The densities are consistent with the Local Housing Strategy and the Local Planning Strategy. The odour buffer to the Beenyup Wastewater Treatment Plant (WWTP) should be reflected in planning strategies and schemes in accordance with SPP 4.1 State Industrial Buffers. | Noted <ul style="list-style-type: none"> It is not appropriate to include a buffer on the scheme map as the buffer is controlled by other legislation, not by planning legislation. The Beenyup WWTP was discussed in the Local Planning Strategy. |

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|----|--|----------------------------------|--|--|
| | | | <ul style="list-style-type: none"> The Beenyup WWTP is a State/regionally significant infrastructure which is an enabler for urban development and infill development both in the City of Joondalup and beyond. The Beenyup WWTP is also becoming an important water resource. Recently the Beenyup WWTP has been provided with an advanced water recycling plant which will enable it to recycle treated wastewater for groundwater replenishment (indirect potable reuse). Once the groundwater replenishment scheme is completed it will initially recycle 14 gegalitres per year (GL/y). This is sufficient to service over 100,000 people based on current consumption rates (i.e. 130 Kilolitres per year per person) and will equate to over 5% of Perth's potable water supply. This will be able to be increased to 28 GL/y as required. WAPC included the concept of Strategic Water Resource Precincts for wastewater treatment plant odour buffers in the State Planning Strategy 2050. While not able to be considered for the current draft LPS3, we would welcome the opportunity to discuss the potential for the designation of a Strategic Water Resource Precinct around the Beenyup WWTP in the future and how this may contribute to the climate resilience and liveability of the City of Joondalup. Provided a table with suggested zonings for Water Corporation owned land. | <ul style="list-style-type: none"> The suggested modifications to the zoning and reservation of several Water Corporation owned lots has been updated in accordance with the reservation (Public Purposes) recommended by the Water Corporation. The Public Purposes reserve is considered suitable for the waste water pump stations and access chamber. |
| 6 | Main Roads WA PO Box 6202 EAST PERTH | | Support <ul style="list-style-type: none"> Development in the Joondalup City Centre which causes greater congestion at Ocean Reef Road should be carefully considered. Further planning, particularly for the 'centre' zone at the south end of the City Centre should be mindful of how the land use will integrate with the transport infrastructure. | Noted and being dealt with as part of the Joondalup Activity Centre Plan |

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|----|---|----------------------------------|---|---|
| 7 | Department of Parks and Wildlife PO Box 104 BENTLEY DELIVERY CENTRE | | No Objection <ul style="list-style-type: none"> The Department of Parks and Wildlife has no comments to make on the City's draft LPS3. | Noted |
| 8 | Department of Education 151 Royal Street EAST PERTH | | No Objection <ul style="list-style-type: none"> The Department of Education has reviewed the document and advises that it has no objections to proposals within the draft. | Noted |
| 9 | Department of Health PO Box 8172 PERTH BUSINESS CENTRE | | Comment <u>Water Supply and Wastewater Disposal</u> <ul style="list-style-type: none"> All developments are required to connect to scheme water and reticulated sewerage as required by the <i>Government Sewerage Policy - Perth Metropolitan Region</i>. The proponents should be advised that approval is required for any on-site waste water treatment process (by the DOH or local government) with such proposals being in accordance with DOH publications. <u>Public Health Impacts</u> <ul style="list-style-type: none"> In relation to increased densities, the City should use this opportunity to minimise potential negative impacts of the increased/mixed density development such as noise, odour, light and other lifestyle activities. To minimise adverse impacts on the residential component, the City of Joondalup could consider the incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to the location of air conditioning units and other appropriate building/construction measures. | Noted Noted Noted |

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| | | | <u>Scheme Text/ Content</u> <ul style="list-style-type: none"> It is noted within the scheme text, that good public health is not specifically recognised as part of the aims. Good public health outcomes require good planning strategies. The aim of the growth plan should include a direct reference to 'enhancing the public health of the community' or words to that effect. Although the proposed scheme focuses on 'positive' growth outcomes for the City, it does not address potential issues in relation to disaster preparedness, recovery management or the associated impacts on public health. This is an opportunity to integrate these aspects into the scheme. | <p>Noted</p> <ul style="list-style-type: none"> It is considered that good public health outcomes would be assisted by achieving the other aims of the scheme. Disaster preparedness and recovery management do not form part of the LPS Regulations and it is not considered appropriate to be included in the scheme. |
| 10 | Housing Authority 99 Plain Street EAST PERTH | 54 Doveridge Drive DUNCRAIG | <p>Comment</p> <ul style="list-style-type: none"> The Authority's asset at Lot 11376 (54) Doveridge Drive, Duncraig has been identified for a 'Residential' zoning within the <i>'Proposed/Zoning Reserve changes from DPS2 to LPS3'</i> document. There is however an inconsistency with the proposed zoning with the <i>draft LPS3 Scheme Map - Duncraig North</i> showing the site with a 'Civic and Community' Local Reserve. Given the presence of housing on site for the last 23 years, the Authority is in favour of a zoning change compatible with the existing land use. A 'Residential' zoning will encourage redevelopment of the site in the future for appropriate housing, which would not otherwise be permitted under a Local Reserve zoning. The 'Residential' zoning will also allow for the site to change and grow in accordance with surrounding residential to support infill development. It is also strongly encouraged the City consider the application of a dual coding 'R20/40' like that of adjacent residential to maximize the opportunities on the site, particularly as the site is already developed at a density higher than R20. | <p>Noted</p> <ul style="list-style-type: none"> The draft LPS3 map did not reflect the proposed change to the zoning of the property and will be modified to address this inconsistency. A density of R20/40 is not considered appropriate as the surrounding residential density is R20. However, it is noted that the site has been developed at a density of R25 and therefore an R25 density is proposed to ensure the existing development potential is maintained should there be a need to redevelop the site. |

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| | | | <ul style="list-style-type: none"> In terms of the proposed changes to land use permissibility, the change from a discretionary use to a permitted use for both 'aged or dependent person's dwelling' and 'grouped dwelling' is favourable. Any increased opportunity to provide aged or dependent dwellings in established residential areas, close to public transport routes and services is beneficial to addressing the need to house the aging population. Additionally, <i>LPS3</i> now allows for over twenty permitted and discretionary land uses under the 'Residential' zone. This is particularly encouraging for the future of alternative housing options to accommodate changing family structure, household types and tenure in the City, largely generated through migration and changing age demographics. | |
| 11 | Naume Salvarinas DOUBLEVIEW | 94 Delamere Avenue CURRAMBINE | Support <ul style="list-style-type: none"> Full support the changes of zoning to my property as it will enhance the centre's uses and thus promote healthy competition. | Noted |
| 12 | Stefan Kleffman KALLAROO | 2 Windsor Place KALLAROO | Comment <ul style="list-style-type: none"> As advised in a phone call on 23 November 2016 the proposed zoning under draft <i>LPS3</i> for 2 Windsor Place is an error and should read Residential R20/40 (not R20, as this was prior to the recent rezoning of the area and above property). | Noted <ul style="list-style-type: none"> The <i>LPS3</i> map will be updated to reflect the R20/R40 density code. |
| 13 | Robert Thomas MULLALOO | 19 Schapella Avenue MULLALOO | Comment <ul style="list-style-type: none"> What is the projected intention of those owning 19 Scaphella Avenue Mullaloo, considering the change from <i>DPS2</i> to <i>LPS3</i>? Do they have plans for a different property? | Noted <ul style="list-style-type: none"> The City cannot comment on the proposed intention of owners of that property. However, it is the City that has proposed the zoning change, not the owners. |
| 14 | Rosemary George DUNCRAIG | Carine Glades Commercial Centre 6 Davallia Road DUNCRAIG | Support <ul style="list-style-type: none"> As an owner of Unit 13, 6 Davallia Road, very happy to have the zoning changed to Commercial. | Noted |

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|----|-------------------------------|---|--|--|
| 15 | Albert Tan DUNCRAIG | Carine Glades Commercial Centre 6 Davallia Road DUNCRAIG | Support <ul style="list-style-type: none"> An advantage to have unrestricted commercial use. Support change of status to commercial. | Noted |
| 16 | Name and Address withheld | | No comment provided | Noted |
| 17 | Name and Address withheld | | No comment provided | Noted |
| 18 | Chris Antonini DUNCRAIG | | Comment <ul style="list-style-type: none"> Our church would change to the 'Private Clubs, Institutions and Places of Worship' zone under draft LPS3. Will this change the rates charged by the City? | Noted <ul style="list-style-type: none"> Rating valuation is not a planning consideration. |
| 19 | Michael Rose MARMION | Gull Street MARMION | Comment <ul style="list-style-type: none"> The draft LPS3 map for Sorrento does not show the stormwater sump within the reserve opposite the eastern end of Gull Street, Marmion. | Noted <ul style="list-style-type: none"> This lot has not been identified on the cadastre as a separate drainage reserve. Under the objectives of the 'Public Open Space' reserve it can be used for drainage purposes. |
| 20 | Name and Address withheld | Carine Glades Commercial Centre 6 Davallia Road DUNCRAIG | Support <ul style="list-style-type: none"> Supports the rezoning of 6 Davallia Road Duncraig. This will energise the centre and provide a more diverse range of retail opportunities for the local community. | Noted |
| 21 | Name and Address withheld | 94 Delamere Avenue CURRAMBINE | Support <ul style="list-style-type: none"> Supports the proposed Commercial zoning under draft LPS3. | Noted |
| 22 | Name and Address withheld | 94 Delamere Avenue CURRAMBINE | Support <ul style="list-style-type: none"> Supports the proposed Commercial zoning under draft LPS3. | Noted |
| 23 | Name and Address withheld | 94 Delamere Avenue CURRAMBINE | Support <ul style="list-style-type: none"> Supports the proposed Commercial zoning under draft LPS3. | Noted |
| 24 | Name and Address withheld | 94 Delamere Avenue CURRAMBINE | Support <ul style="list-style-type: none"> Supports the proposed Commercial zoning under draft LPS3. | Noted |

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| 25 | Name and Address withheld | 19 Scaphella Avenue MULLALOO | Comment <ul style="list-style-type: none"> We operate a small second hand clothing store on the part of our property currently zoned Commercial but is proposed to change to Private Clubs, Institutions & Places of Worship for which a shop is not permitted. The shop forms part of the Church outreach into the community and is located within the Church building. We would like to continue with the shop as it serves a need within our community and request that any zoning changes still allow us to operate the shop. | <p>Noted.</p> <ul style="list-style-type: none"> As the second hand clothing shop currently has planning approval from the City, the proposed zoning change will mean this shop has 'non conforming use rights'. The shop can therefore continue to operate in accordance with its approval. The 'Private Clubs, Institutions and Places of Worship' zone is considered appropriate for this site as it formalises the land use permissibility for churches and allows churches to operate in that location. |
| 26 | Name and Address withheld | Woodvale Commercial Park Whitfords Avenue WOODVALE | Support <ul style="list-style-type: none"> Rezoning the property will enable a broad mix of businesses to operate generating better retail activities. | Noted |
| 27 | Denis Risteski WARWICK | Dorchester Avenue WARWICK | Objection <ul style="list-style-type: none"> The majority of Dorchester Avenue was re-coded under Amendment No. 73 in accordance with the recommendations of the City's Local Housing Strategy (LHS). Both the LHS and Amendment No.73 did not make provision to extend the recoding to a small number of lots along the eastern portion of Dorchester Avenue on the basis that this area is located outside of the walkable catchment to the Warwick train station and the Warwick Grove Shopping Centre. This approach is impractical, has resulted in an inconsistent streetscape outcome and is inconsistent with the overarching principles of WAPC State Planning Policy. Recode the remaining R20 coded lots along Dorchester Avenue, Warwick to R20/40, consistent with the locality for the following reasons: | <p>Noted</p> <ul style="list-style-type: none"> Both the Local Housing Strategy and Scheme Amendment No. 73 were comprehensively planned and advertised during the development. Any change to the density code would require readvertising of the scheme. It is not appropriate to recode a small portion of a suburb without considering the remainder of the area. This is a matter more appropriately considered during the review and development of the next Local Housing Strategy. |

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| | | | <ul style="list-style-type: none"> • The area is within a 800 metre walkable catchment of the Secondary Centre, 400 metres of a high frequency bus route and given the age of the housing stock, would benefit from revitalisation; • The 800 m walkable catchment method applied by the City in respect of the area's distance from Warwick Train Station is categorical and impractical. In this regard, the area is located within 800 metres of, and on the periphery of the 800 metre walkable catchment to the Warwick Train Station. This is a minor variation as the distance remains walkable in practice; • Other residential areas within Warwick coded R20/40 under Amendment: No.73 are located outside of the walkable catchment areas for the Secondary Centre and Train Station and appear to have been included on the basis of rounding-off a street block; • Draft <i>Liveable Neighbourhoods</i> 2015 recommends residential land surrounding high- frequency public transport routes and within 800 m of a secondary centre and railway stations for density outcomes between R50 to R80; • The area is located within 400m of four high frequency bus stops with direct route to both the Secondary Centre and the Warwick Train Station; • WAPC Operational Policy states that changes of residential density should be made at the mid-line of a street block, (along the rear boundary line of lots) rather than at a street frontage to provide a compatible use transition. The R-Codes also states that density change along the rear of a property boundary; • Recoding the area is a logical rounding-off and site responsive approach to the existing dual code otherwise applying to all residential lots on Dorchester Avenue; | |

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| | | | <ul style="list-style-type: none"> No precedent will be set by the recoding as all remaining residential lots on Dorchester Avenue are already dual coded either R20/40 or R20/60; Recoding should not trigger the need to readvertise the scheme as the approach is consistent with WAPC State Planning and Operational Policy and in the context of the entire local government area. A submission was made under Amendment No.73. The City's response cited the principles of the City's LHS which do not appear to have considered streetscape outcomes and the practical influences that determine walkable catchments, including access via pedestrian access ways and local open space. The draft scheme provides the local government, the state government and Minister for Planning an opportunity to rectify this matter which is otherwise unlikely to be considered until the next scheme or local housing strategy review stage. | |
| 28 | Robert Preisig SUBIACO | 47 Renegade Way KINGSLEY | Comment <ul style="list-style-type: none"> Has received four letters of notification regarding draft LPS3 Brightwater Care Group, the Masonic Hall and the Petrol station are all on one title. Can you please clarify what, if any, is the impact of the proposed change of zoning from 'Business' to 'Commercial'? Will this affect future redevelopment of the portion of the site that contains the Aged or Dependent Persons Dwellings? | Noted <ul style="list-style-type: none"> It is only the portion of site where the existing service station is located that is proposed to be rezoned. The service station is zoned 'Business' under DPS2, and is proposed to be rezoned to 'Commercial' under draft LPS3 as the 'Business' zone no longer exists. No other changes are proposed to the site. |
| 29 | Rowe Group L3, 369 Newcastle Street NORTHBRIDGE | Parin Plaza 93 Wanneroo Road GREENWOOD | Objection <ul style="list-style-type: none"> Requests the subject site remain 'Mixed Use' with the additional uses of 'Bulky Goods Showroom' and 'Warehouse/Storage'. The 'Service Commercial' zone prohibits any form of residential development which is permissible under the 'Mixed Use' zone. Given the residential context of the site, it is appropriate for residential development to be permissible. | Noted <ul style="list-style-type: none"> The proposal for the site to remain 'Mixed Use' with the additional uses of 'Bulky Goods Showroom' and 'Warehouse/Storage' is supported. Although the site is located on Wanneroo Road, it is surrounded by |

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| | | | <ul style="list-style-type: none"> A shop is not a permissible land use under the 'Service Commercial' zone but is permissible under the 'Mixed Use' zone. | 'Residential' zoned properties; therefore a 'Mixed Use' zone is considered appropriate. |
| 30 | Dave Blackburn KINGSLEY | 15 Moolanda Boulevard KINGSLEY | Objection <ul style="list-style-type: none"> Objects to removing the 'Civic and Cultural' zone and applying the 'Private Clubs, Institutions and Places of Worship' zone instead. Objects to rezoning 15 Moolanda Boulevard, from 'Residential' to 'Mixed Use'. How is there an existing church on site when a church is an 'X' use under DPS2? The site is not adjacent to the shops as it is separated by the access way to the Community Vision site. Being near a commercial area is not sufficient justification for a major spot rezoning. Residents could have a 4 storey R80 building overlooking them. | Noted <ul style="list-style-type: none"> The City cannot retain the 'Civic and Cultural' zone in LPS3 as it can only apply zones that are listed within the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regulations). This zone is not one of them. Places of Worship on 'Residential' zoned land have non-conforming use rights under DPS2 as this was an 'AA' use under TPS1 and could therefore be considered. |
| 31 | Name and Address withheld | | Objection <ul style="list-style-type: none"> Does not support expansion within any of the older suburbs of the City of Joondalup or additional urban development or special residential development. The older suburbs of the City of Joondalup are full of single or double storey residences and lots of trees and birds. Please do not destroy the feel of these suburbs as is currently being proposed within Sorrento. Do not support any elimination of any parkland/nature reserve within the City of Joondalup. The City needs to set a priority to protect native habitat and trees. | Noted <ul style="list-style-type: none"> Draft LPS3 does not propose to change the density of 'Residential' zoned properties that have been developed with dwellings on them. Draft LPS3 does not propose to remove any 'Parks and Recreation' reserves. It confirms the conservation status of some local reserves by applying the new 'Environmental Conservation' reserve. |
| 32 | Planning Solutions Level 1, 251 St Georges Terrace PERTH | Kinross Care Centre 71 Kinross Drive KINROSS | Objection <ul style="list-style-type: none"> Requests the zone be changed from 'Residential' to 'Private Clubs, Institutions & Places of Worship' with an R60 density. Site is currently zoned 'Residential' and 'Civic and Cultural' with a density of R40 and R20 under DPS2. | Noted <ul style="list-style-type: none"> It is agreed that the split coding of R40 and R20 over the lot is not ideal and could restrict future redevelopment. The coding of R40 is considered appropriate |

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| | | | <ul style="list-style-type: none"> The 'Private Clubs, Institutions and Places of Worship' zone better reflects the sites historic use as the Kinross Care Centre (an aged and dementia care institution). The ability to incorporate complementary uses would support the provision of aged and dementia care services (as part of any future expansion), such as 'Community Purpose', 'Convenience Store', 'Medical Centre', 'Restaurant/Cafe' and 'Place of Worship'. The split coding of R40 and R20 is anomalous and restricts the subject sites capacity to expand. The density code of R60 is appropriate as the site is large and presents a significant opportunity to expand aged care services Aged or Dependent Persons Dwelling should be a 'D' use in the 'Private Clubs, Institutions and Places of Worship' zone as it shares similar characteristics with 'Grouped Dwelling', 'Nursing Home' and 'Retirement Village'. | <p>as it is consistent with the current density for the northern part of the site.</p> <ul style="list-style-type: none"> The application of the 'Private Clubs, Institutions and Places of Worship' zone is not considered appropriate at this stage as it would require the scheme to be readvertised. Any change to the zoning would need to be considered in the context of the existing development on site and the impact on the surrounding local area. It is noted that under the 'Residential' zone a 'Nursing Home' or 'Retirement Village' can be developed which can contain ancillary facilities such as a hairdresser, shop or cafe. Any change to the land use permissibility of 'Aged or Dependent Persons Dwelling' in the 'Private Clubs, Institutions and Places of Worship' zone would require the scheme to be readvertised and the impact considered throughout the City. It is considered more appropriate that this matter be advanced as a separate scheme amendment. |
| 33 | Marie Macdonald MULLALOO | | <p>Objection</p> <ul style="list-style-type: none"> The public consultation was over the Christmas holiday period. Objects to the name change from 'Parks and Recreation' reserve to 'Public Open Space' reserve as it will allow Council to change the current use of any parks and recreation reserve without consultation with its residents. | <p>Noted</p> <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations which require the local government to commence advertising 'as soon as reasonably |

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| | | | <ul style="list-style-type: none"> The City should identify how the current reserves are used and ensure this use continues unless residents are notified. Open space is required to be provided at a minimum of 10% of the entire suburb for passive recreation and bushland. If stadiums and clubhouses are to be built on open space, this space will be reduced | <p>practicable' after receiving consent to advertise from the WAPC.</p> <ul style="list-style-type: none"> Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. The zones and reserves that may be used are listed in the LPS Regulations. The City cannot depart from the reserves and zones listed in the LPS Regulations. A local reserve can only be used for the purposes listed in the scheme. Therefore 'Public Open Space' can only be used for active and passive recreation uses, including recreation buildings, courts, associated car parking and drainage. This is no different to what can occur under the existing 'Parks and Recreation' reserve under DPS2. The 10% open space requirement is for passive and active recreation uses including clubhouses and sporting facilities. |
| 34 | Mick and Jenny Mostratos KINGSLEY | 52 Creaney Drive KINGSLEY | Objection <ul style="list-style-type: none"> Objects to the deletion of the "Civic and Cultural" zone and replacement with "Private Clubs, Institutions and Places of Worship". With some of the areas to be zoned "Private Clubs, Institutions and Places of Worship" e.g. 52 Creaney Drive, this leaves them open to be sold to private companies for any of a large number of listed developments. This leaves areas that are now parks and open spaces for general public use open for redeveloped into something | <p>Noted</p> <ul style="list-style-type: none"> The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. 52 Creaney Drive is not a park, therefore it is not reserved for 'Parks |

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| | | | <p>that only a small percentage of the local residence would get any use out of.</p> <ul style="list-style-type: none"> It would seem under the new zoning plan that these developments could occur with no consultation with the local residents because the plans fit within the new zoning category. This is a huge step backwards leaving us without any say as to what happens in our community. One of the things that attracted us to Kingsley was the understanding that the open spaces that were left to the Kingsley community by the developer would be used solely for community not for commercial development as is possible should the new zoning go ahead. It would be disappointing to see these open areas disappear and we fail to see how this could possible benefit our Kingsley community. An alternative though is to make these areas 'Civic and Community Reserve' which keeps it closer to what it is now therefore keeping development more in line with current zoning restrictions. | <p>and Recreation' under DPS2 or 'Public Open Space' under LPS3. 52 Creaney Drive is owned by the City in freehold.</p> <ul style="list-style-type: none"> The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |
| 35 | Ross Duffield Carine Central DUNCRAIG | Carine Glades Commercial Centre 6 Davallia Road DUNCRAIG | <p>Objection</p> <ul style="list-style-type: none"> Objects to removing the restricted use zone from 6 Davallia Rd and zoning it 'Commercial'. The squash courts had no parking or road access until it developed the bays on the land beside the kindergarten. There was an agreement that the squash courts could not include any tenants conflicting with the shopping centres tenants. As the shopping centre parking fills up, customers spill into the parking for Carine Central. | <p>Noted</p> <ul style="list-style-type: none"> Parking utilisation, access and tenancy occupation are separate issues from the proposed rezoning. The scheme places a zoning over land and specifies what land uses are appropriate in a particular area by the zone applied to that land. Parking for a specific development is a separate issue determined at the development application stage If 6 Davallia Road has insufficient parking to support a particular commercial land use, then it will not receive approval for that development. |

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| 36 | Richard Dobrowolski GREENWOOD | 52 Creaney Drive KINGSLEY | Objection <ul style="list-style-type: none"> • Objects to the rezoning of 52 Creaney Drive to 'Private Clubs, Institutions and Places of Worship'. This land should be zoned 'Civic and Community' reserve. • Has the City fulfilled its obligations in regards to advertising? The level of consultation was inadequate. • Object to the removal of the 'Civic and Cultural' zone. • The 'Private Clubs, Institutions and Places of Worship' zone has a greater number of permissible land uses than the 'Civic and Cultural' zone. • The City owned properties should be zoned 'Civic and Community' reserve which is consistent with the original intent for the use of those properties. • Why are only City owned properties being rezoned to 'Private Clubs, Institutions and Places of Worship'? | <p>Noted</p> <ul style="list-style-type: none"> • Advertising has been undertaken in accordance with the requirements of the LPS Regulations. • Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. • The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. • The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. |

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| | | | | <ul style="list-style-type: none"> The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |
| 37 | Christopher Antonini Concordia Lutheran Church 174 Glengarry Drive DUNCRAIG | Concordia Lutheran Church 174 Glengarry Drive DUNCRAIG | Support <ul style="list-style-type: none"> The proposed change to 'Private Clubs, Institutions and Places of Worship' zone better reflects the existing land use. Definition of 'Place or Worship' does not make allowance for an administrative office and recommend the definition be expanded to include administrative uses | Noted <ul style="list-style-type: none"> This is not necessary as an ancillary office for administration is permitted for any permitted land use without the need for office being specifically referred to in the land use definition. For example a 'Warehouse/Storage', 'Educational Establishment' 'Bulky Goods Showroom' or 'Medical Centre' can all have ancillary offices as part of the approval of the land use provided it is ancillary to the predominant approved use. |
| 38 | Rowe Group L3, 369 Newcastle Street NORTHBRIDGE | Carine Glades Commercial Centre 6 Davallia Road DUNCRAIG | Objection <ul style="list-style-type: none"> To removing the restricted use zone from 6 Davallia Rd and zoning it 'Commercial'. Table 23 of the Local Commercial Strategy (LCS) recommends a maximum threshold of 4,500m² of shop retail floorspace. As at 2010, 3,199m² was extant. The zoning to 'Commercial' has the potential to increase retail floorspace beyond the recommended threshold in the LCS. A retail sustainability assessment should be done before the land is zoned 'Commercial'. Concerned that the 'Commercial' zoning will increase vehicular movement and parking requirements. | Noted <ul style="list-style-type: none"> The City's Local Commercial Strategy has identified an indicative shop retail floorspace for the site. Therefore a further retail sustainability assessment is not required before zoning the land 'Commercial' as it is only required when the floorspace is proposed to go above the recommended retail threshold. |

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| | | | | <ul style="list-style-type: none"> The underlying zoning for commercial purposes, does not mean that it will be developed for shop retail or commercial purposes, for example residential development could be considered on the site. Any future development will need to meet the development requirements of the scheme (including parking). |
| 39 | Planning Solutions Level 1, 251 St Georges Terrace PERTH | 248 Camberwarra Drive CRAIGIE | Support <ul style="list-style-type: none"> Request the zoning table be modified by altering the permissibility of 'Single House' within the 'Private Clubs, Institutions and Places of Worship' zone to a 'D' use or apply an additional use to the subject site which makes 'Single House' a 'D' use. 'Multiple Dwelling' and 'Grouped Dwelling' are proposed to be 'D' uses in this zone, therefore residential uses are considered suitable in this zone. The site fronts single residential development on the other side of Barradine Way and Camberwarra Drive and is therefore consistent with the surrounding area. | Noted <ul style="list-style-type: none"> This is not considered appropriate. Not all residential land uses are permitted within the 'Private Clubs, Institutions and Places of Worship' zone as this zone is not primarily intended for residential land uses. However, it is considered that some residential land uses are appropriate, and currently exist in this zone, particularly on church sites in residential areas. |
| 40 | Michael Rose SORRENTO | Marine Terrace, St Patricks Avenue, Parnell Avenue SORRENTO | Comment <ul style="list-style-type: none"> The local planning scheme map for Sorrento has a number of errors. It does not show the cul-de-sacs in Marine Terrace, St Patricks Avenue and Parnell Avenue. | Noted <ul style="list-style-type: none"> The scheme map is not a cadastral map and is therefore not required to show cul-de-sacs or other cadastral features. It is a zoning map for the purpose of identifying zones for each property. |
| 41 | M Sideris MULLALOO | | Comment <ul style="list-style-type: none"> Only received notification of advertising of draft LPS3 through the Community Engagement Network on 25 January 2017. A 20 day advertising period is in breach of the orders of the CoJ Council. | Noted <ul style="list-style-type: none"> Advertising is required to be undertaken in accordance with the LPS Regulations. |

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| | | | <ul style="list-style-type: none"> The CoJ administration delayed for 11 months the start of public consultation. Public consultation has occurred in the Christmas New Year school holiday period and could be viewed as an attempt to minimise full engagement. | <ul style="list-style-type: none"> Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. The LPS Regulations require the local government to advertise the scheme as soon as reasonably practicable after receiving consent to advertise from the WAPC. The City received consent to advertise draft LPS3 subject to modifications on 7 October 2016. Advertising of local planning schemes is a statutory process and cannot be held up by Christmas periods or public holidays. |
| 42 | Ananda Sanyal KINGSLEY | 52 Creaney Drive KINGSLEY | Objection <ul style="list-style-type: none"> Council is overlooking the fact that the proposed zoning change will go against the objective of why this land was provided to the Council by the original owner. 52 Creaney Drive is currently zoned 'Civic and Cultural' under the City's DPS2 and is owned in freehold by the City. As per the new LPS3, the site is proposed to be zoned 'Private Clubs, Institutions and Places of Worship', which I have strong concern and objection. | Noted <ul style="list-style-type: none"> The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. |

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| | | | <ul style="list-style-type: none"> Why can't 52 Creaney Drive be zoned 'Civic and Community Reserve'? If it zoned as 'Private Clubs, Institutions and Places of Worship' then the site will be open for wide variety of developments none of which will retain its character of general community use and a nature reserve. I use the area regularly for my morning and evening walk as well as enjoy the nature, which will be restricted if the lot is taken over by private developments. There is a primary school nearby for mainstream and special needs children, who will be also impacted by such development so close to their school. I received this notification today at the last minute almost without any time to respond. 52 Creaney Drive should remain as it is or zoned as a 'Civic and Community Reserve'. | <ul style="list-style-type: none"> The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. |
| 43 | Elizabeth Griffin KINGSLEY | 52 Creaney Drive KINGSLEY | Comment <ul style="list-style-type: none"> This corner of bush and trees is very important to anyone who lives in this area. A lot of these trees have already been axed by the football club to expand their club rooms. It is a very valuable barrier between parks and shops and should be left to remain as originally designed. Inadequate consultation by the Council. | Noted <ul style="list-style-type: none"> LPS3 was advertised for 90 days in accordance with the requirements of the LPS Regulations. |
| 44 | Name and Address withheld | 52 Creaney Drive KINGSLEY | Comment <ul style="list-style-type: none"> In regard to blocks of land ceded by the developers to the community, one has to wonder why the zoning needs to be changed. Is it for the City to be able to dispose of or change use of those blocks without community consultation. I was part of a group who worked to save 52 Creaney Drive, (Lot 971) from being sold off for | Noted <ul style="list-style-type: none"> The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are |

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| | | | <p>residential housing and have since worked regularly to maintain and improve this bushland block (together with some input by the City). The establishment of a "Peace Precinct" is in the pipeline which would be synergistic with all the rehabilitation spent on this park.</p> <ul style="list-style-type: none"> To change the zoning is inappropriate and the ramifications of this change seem to undermine residents' amenity as well as cause angst and unease in the community. Why should the City "own" these blocks with no necessity to seek community approval/consultation before disposing of these blocks. They belong to the community (perhaps held in trust by the City) and the City should respect the community's wishes and not entertain ways to make it easier for the City to dispose of them. A change from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship' is inappropriate when the alternative is 'Civic and Community Reserves' (as the crown-owned properties are proposed to become) which is consistent with the original intent for the use of those properties. The proposed changes have not been advertised widely enough to make residents aware of the effect these changes will have on them and their suburbs. It was just an idle search on the COJ website that brought it to my attention. | <p>usually Crown land.</p> <ul style="list-style-type: none"> The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. Advertising has been undertaken in accordance with the requirements of the LPS Regulations. Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. |
| 45 | Brigitte McGowan GREENWOOD | | <p>Comment</p> <p>Any property previously zoned for civic and cultural purposes should be retained as such. With households no longer commonly blessed with large backyards to be enjoyed by our youth and elderly alike, many people "re-create" their inner selves by enjoying a walk in their local parks, gardens, or other open grounds. To remove even one of these precious places is detrimental to community emotional health, not to mention the further deprivation of natural areas for our precious wildlife which is consistently ignored.</p> | <p>Noted</p> <ul style="list-style-type: none"> The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. |

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| 46 | Graeme Trevena BELDON | Beldon Park BELDON | <p>Comment</p> <ul style="list-style-type: none"> Changing our local park to a NPL sporting venue. I have lived one house from the edge of the park since 1995 and enjoyed the peace and quietness of the park. JUFC moved onto the park 5- 6 years ago training about 2 nights a week and playing Saturdays and Sundays, the noise from the park increased, language was sometimes inappropriate while children were also using the park. But we tolerated their presence. After unsuccessful attempts to take over Forest Reserve, then Warrandyte Park they were then offered Beldon Park by our council members, so we are now fighting to save our peaceful free open space country style park for us and our children & grandchildren. The proposed demolition of our park to please a group of outsiders, for adult semi professional players with no consideration to residence who settled in this area because of the tranquil park. Not to mention the 2 schools who use this park for before, during and after school activities. Local people around the park have similar concerns with noise especially with the addition of a PA system, and lighting is also a concern. Increase in alcohol consumption as they (JUFC) need revenue to pay their senior players. More mess, rubbish, broken bottles etc. Parking problems, heavier than expected wear and tear to the park's main grassed area and most of all we the rate payer have to pay for this proposal for very few who live in the area. | <p>Noted</p> <ul style="list-style-type: none"> LPS3 reserves Beldon Park 'Public Open Space'. LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve name. Beldon Park is set aside for public open space which may be used for active or passive recreation purposes. It is not within the scope of the consideration of draft LPS3 to determine what type of recreation purpose this park is used for. |
| 47 | Name and Address Withheld | Beldon Park BELDON | <p>Comment</p> <ul style="list-style-type: none"> Any proposal which allows the COJ to control or/and assert power and authority on public open spaces must be given more time for community consultation. | <p>Noted.</p> <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations. |

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| | | | <ul style="list-style-type: none"> Any proposal which provides for the re-designation of public open spaces must be objected to because we already have a very low amount of public open space available in Beldon. Public open space is vital for the community health and wellbeing of all the people who reside in the City of Joondalup. This is not conducive to the required procedure for this proposal as it has not allowed sufficient time for people to become sufficiently aware and many people will not know because the COJ only seems to use the internet for people to be able to contribute. Thinks that the process so far has not demonstrated the values of Council to be transparent, democratic, responsible or reasonable deeming regard to the other environmental factors and when planning for the future it is important to engage with the whole community. The draft policy as it stands does not meet the criteria for the WALGA 2006 Report either. While that may have been updated, the COJ is required to act according to LPS Regulations. | <ul style="list-style-type: none"> Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. LPS3 reserves Beldon Park 'Public Open Space'. LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve name. |
| 48 | Name and Address Withheld | 52 Creaney Drive KINGSLEY | <p>Objection</p> <ul style="list-style-type: none"> As a local resident of Kingsley it is my civil right to be consulted and to voice my concern on what happens in my ward. This particular land was ceded to the City for a community use by the original developers of the area and was zoned 'Civic and Cultural'. Once this area is rezoned, as proposed, the proposed change of zoning means that no consultation will be required prior to any future sale and redevelopment of the land. | <p>Noted.</p> <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations. Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to |

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| | | | <ul style="list-style-type: none"> • I fought with many other residents to save this bushland at 52 Creaney Drive from development. We collected many signatures on 2 petitions, have carried out clean up days; collecting bags of rubbish, weeding days and helped assist with rehabilitation and regeneration by planting 120 seedlings etc. This was with help from the City of Joondalup and includes fencing off valuable trees. This area continues to have weeding and clean up days to look after the land that holds great importance to the local residents. • The level of consultation regarding a change from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship' was not adequate. No letters were sent out to residents who live near the area, or at least a letter was not received at my property. There is also no community newspapers delivered anymore to streets in the area and I only found out about it due to a resident receiving an email from the City who was registered on the Community Engagement Network. I find this level of consultation appalling, especially with the amount of interest and active involvement of residents in the area opposing development on 52 Creaney Drive • This land should never be built on. It is too precious and needs to be kept natural. We need to keep remnants of bushland as buffer zones and for our wellbeing. • There is currently a proposal to the City for a 'Peace and Reflection Precinct' submitted by Mr Brian Cooper, submitted in October 2016. This proposal will compliment this area under the current zoning of 'Civic and Cultural'. I have been informed the Report and recommendation on this proposal will be presented to Council in April. The City should extend the consultation period for submissions due to the level of inadequate consultation by the City and certainly out of respect, wait until the Report and recommendation for the 'Peace and Reflection Precinct' has been brought back to Council in April. | <p>its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017.</p> <ul style="list-style-type: none"> • The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. • The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. • The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |

**PROPOSED DRAFT LOCAL PLANNING SCHEME NO.3
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING**

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|----|-------------------------------|----------------------------------|--|---|
| | | | The current DPS2 zoning of 'Civic and Cultural' should remain for this parcel of land, however, if it does need to change, I would prefer it rezoned 'Civic and Community Reserves', as this is more appropriate than the proposed LSP3 'Private Clubs, Institutions and Places of Worship' zone. | |
| 49 | Mark McDonald BELDON | Beldon Park BELDON | Objection I do not want a community park allocated to one sport. The impact on the park itself cannot be allowed. Two full sized soccer pitches on one footy oval will not work. Cutting into the hill and taking trees away is not acceptable and this club has over 30 teams. How can local residents have time to use their park when there are that many teams? What is wrong with Joondalup Arena, or ECU, or Kingsway? | Noted <ul style="list-style-type: none"> • LPS3 reserves Beldon Park 'Public Open Space'. • LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve name. • Beldon Park is set aside for public open space which may be used for active or passive recreation purposes. It is not within the scope of the consideration of draft LPS3 to determine what type of recreation purpose this park is used for. |
| 50 | Aimee O'Grady BELDON | Beldon Park BELDON | Objection <ul style="list-style-type: none"> • I walk my dog daily on this park with multiple residents in Beldon. There will be far less room, park will be occupied most of the time and the fencing further limit the space we are allowed to use on those days causing issues. I work at a local childcare centre that uses the park for afterschool activities and also vacation care programs. Again the lack of space will be an issue with children trying to participate in sporting events and planned curriculum experiences. | Noted <ul style="list-style-type: none"> • LPS3 reserves Beldon Park 'Public Open Space'. • LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve |

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| | | | <ul style="list-style-type: none"> I shop at Woolworths on a weekly basis and now already during games there are very limited free spaces to park the car and we have to take our business elsewhere due to spectators and players taking up the small car park. If this was to go ahead with the added crowds and games played at the oval there will be even more limited spaces for customers and employees. | <p>name.</p> <ul style="list-style-type: none"> Beldon Park is set aside for public open space which may be used for active or passive recreation purposes. It is not within the scope of the consideration of draft LPS3 to determine what type of recreation purpose this park is used for. |
| 51 | Maria Dobrowolski GREENWOOD | 52 Creaney Drive KINGSLEY | <p>Objection</p> <ul style="list-style-type: none"> Objects to any bush land that was given to the community by the developer to be used for the community being rezoned where it can be sold off and developed for profit to the City, when the City didn't pay for it in the first place i.e. 52 Creaney Dr Kingsley. The City has slowly allowed clearing of the bushland which is removing the natural leafy beauty residents loved when they bought into the area. To say they will replace the loss of bushland by replanting programs is a farce by using non indigenous natives. Most areas have trees that are as old, if not older, as the area itself. I object to the removal of this zone. I am concerned that the DPS2 Zone 'Civic and Cultural' has been removed and replaced by 'Private Clubs, Institutions and Places of Worship'. This new category expands the number of land uses beyond what is listed in DPS2. It allows many uses that were 'X' 'Civic and Cultural' under DPS2. These land parcels are for Community Purposes not private uses. By lumping Civic and Cultural in with Private Clubs and Recreation any differentiation is lost. The City owned properties would be best held under the 'Civic and Community' reserves zone which is consistent with the original intent for the use of those properties. | <p>Noted</p> <ul style="list-style-type: none"> The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. 52 Creaney Drive is not a park, it is not reserved for 'Parks and Recreation' under DPS2 or 'Public Open Space' under LPS3. 52 Creaney Drive is owned by the City in freehold. The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |

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| 52 | Name and address withheld | Beldon Park BELDON | Objection <ul style="list-style-type: none"> Objects to the change to Beldon Park from a local park to a local sports park. Local parks should remain local parks not solely for the use of one sport or group of people. Beldon only has one oval this should be used by the community as a whole for dog walking, children playing, cricket, rugby, AFL as well as soccer. | Noted <ul style="list-style-type: none"> LPS3 reserves Beldon Park 'Public Open Space'. LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve name. Beldon Park is set aside for public open space which may be used for active or passive recreation purposes. It is not within the scope of the consideration of draft LPS3 to determine what type of recreation purpose this park is used for. |
| 53 | Richard Dobrowolski Kingsley and Greenwood Residents' Association (KAGRA) GREENWOOD | 52 Creaney Drive KINGSLEY | Objection <ul style="list-style-type: none"> Over the years KAGRA has opposed the City of Joondalup to rezone and develop 52 Creaney Drive Kingsley bushland. We campaigned and by June 2014 we won. Since then KAGRA has been active in protecting the bushland. This includes having our volunteers coming together tri-monthly to clean up the rubbish that accumulates on the grounds and, with the support of the CoJ, we had the valuable vegetation areas fenced to keep out people/animal traffic and mowers from degradation. We have also pulled weeds, had a tree planting day, 120 saplings provided by the City and we have shovelled mulch to assist the rehabilitation and regeneration of the bushland. KAGRA continues to look after this valuable bushland that holds such importance to the local community. | Noted <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations. Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on |

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| | | | <ul style="list-style-type: none"> • 52 Creaney Drive is currently zoned 'Civic and Cultural' under the DPS2 and is owned in freehold by the City. Therefore, the site is proposed to be zoned 'Private Clubs, Institutions and Places of Worship'. Why is there a difference between sites the City owns, and doesn't? Why can't it be zoned 'Civic and Community Reserve'? • Inadequate consultation by the Council. The email from the "Community Engagement Network" was dated Jan 26 2017. • Why hasn't the City engaged with the community by holding Community Forums to put the LPS3 case forward? • Concerned that the DPS2 Zone 'Civic and Cultural' has been deleted and replaced by 'Private Clubs, Institutions and Places of Worship'. This new category seems to be an amalgamation of the zones 'Civic and Cultural' and 'Private clubs and recreation' and so greatly expands the number of land uses beyond what is listed in DPS2. We don't see any rational basis for the large land use changes proposed. It has resulted in two (2) new Permitted (P) Uses being added to the DPS2 list: - Educational Establishment - Recreation-Private. It has also resulted in eighteen(18) new Discretionary (D) Uses being added to the DPS2 list. • Civic and Cultural Properties owned by the City are proposed to be transferred to this new category. Does this mean that any of the new Permitted (P) land uses would be a development 'Right' for an owner without any further rezoning action required? It seems that a private school or a private recreation facility, both excluding the general community except for a fee, could be constructed on the land. The possibility of other Discretionary (D) land uses being approved is apparent. • The blocks of land were mostly given to the City free of cost by the original developers to be used for community purposes. They now seem to be open to many possible private uses that extend beyond the definition of community purpose. | <p>25 January 2017.</p> <ul style="list-style-type: none"> • The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. • 52 Creaney Drive is not a park, it is not reserved for 'Parks and Recreation' under DPS2 or 'Public Open Space' under LPS3. Lot 971 is owned by the City in freehold. • The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. • The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |

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| | | | <ul style="list-style-type: none"> Existing church type properties e.g. 58 New Cross Rd Kingsley at present zoned 'Additional Use – Residential' will become 'Private Clubs, Institutions and Places of Worship'. Could this property be repurposed by its owners to a School or a Gym as of right as they are 'P' uses? Or it could also be re-purposed to any of the full list of the 'Private Clubs, Institutions and Places of Worship' zone's 30 'D' Uses, subject to Council approval. | |
| 54 | Janette Moss GREENWOOD | | <p>Objection</p> <ul style="list-style-type: none"> Objects to the removal of this zone. Is concerned that the DPS2 Zone 'Civic and Cultural' has been removed and replaced by 'Private Clubs, Institutions and Places of Worship'. This new category expands the number of land uses beyond what is listed in DPS2. It allows many uses that were 'X' 'Civic and Cultural' under DPS2. These land parcels are for Community Purposes not private uses. By lumping Civic and Cultural in with Private Clubs and recreation any differentiation is lost. The City owned properties would be best held under the 'Civic and Community' reserves zone which is consistent with the original intent for the use of those properties. | <p>Noted</p> <ul style="list-style-type: none"> The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |
| 55 | Sonia Makoare GREENWOOD | 52 Creaney Drive KINGSLEY | <p>Objection</p> <ul style="list-style-type: none"> Believes their right as a resident to be consulted on what happens to this land (that was ceded by the original developers to the community) will be taken away once these areas are rezoned as proposed, as it seems no consultation will be required prior to sale and redevelopment of the land. | <p>Noted</p> <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations. |

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| | | | <ul style="list-style-type: none"> • In a volunteer capacity they fought along-side fellow residents to save this piece of bushland at 52 Creaney Drive. We have collected signatures on petitions, and bags of rubbish, we have pulled weeds, and assisted the rehabilitation and regeneration with the help of the City by fencing off valuable tree stands and planting 120 seedlings. We've shovelled mulch and continue to look after this area that holds great importance to the local community. • Worked with on a proposal to the City for a "Peace and Reflection Precinct" to complement this space, along with Mr Brian Cooper OAM, the Hon. Ms. Andrea Mitchell MLA, and the Kingsley Lions Club. A report and recommendation on which will take until April to be presented to Council. • A change from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship' is outrageously inappropriate when the alternative is 'Civic and Community Reserve' (as the crown-owned properties are proposed to become) which is consistent with the original intent for the use of those properties. • The level of consultation was inadequate - on other matters of consultation by the City an email goes to Stakeholders, Ratepayer and Residents Groups and letters to surrounding properties. • Why did this consultation only go out to those residents registered on the Community Engagement Network? • This change from DPS2 to LSP3 first came to our attention in 2015 but it is the detail of the proposed changes that has not been advertised widely enough to make residents aware of the affect these changes will have on them and their suburbs. • Why are just the City-owned properties being reclassified as the more (commercially viable) onerous 'Private Clubs, Institutions and Places of Worship' unless the City is planning a mass sell-off of land, perhaps to funnel funds to the Joondalup Performing Arts Centre? | <ul style="list-style-type: none"> • Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017. • The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. • The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. • The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |

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| 56 | Michelle Waterfield KINGSLEY | 52 Creaney Drive KINGSLEY | Objection <ul style="list-style-type: none"> I have concern that the land that was donated to the City by the developers as Civic and Cultural use could be sold in the future under the LPS3 and a beautiful piece of bush land will be lost forever. If the zoning has to change then I believe that this land should be placed under 'Civic and Community' use only. We cannot put a value on what a green space gives to the community. Let's keep hold of our green spaces, not only for today but for future generations. | Noted <ul style="list-style-type: none"> The zones and reserves that may be used are listed in the LPS Regulations. The 'Civic and Cultural' zone is not included in the LPS Regulations and therefore cannot be retained in LPS3. The 'Civic and Community' reserve is not considered appropriate as the land is owned in freehold by the City and it is not considered appropriate to reserve land owned in freehold as reserves are usually Crown land. The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore is an equivalent and appropriate alternative zoning. |
| 57 | Name and address withheld | Beldon Park BELDON | Objection <ul style="list-style-type: none"> Any proposal which allows the COJ to control or/and assert power and authority on public open spaces must be given more time for community consultation. Any proposal which provides for the re-designation of public open spaces must be objected against because we already have a very low amount of public open space available in Beldon. Public open space is vital for the community health and wellbeing of all the people who reside in the City of Joondalup. This is not conducive to the required procedure for this proposal has not allowed sufficient time for people to become sufficiently aware and many people will not know because the COJ only seems to use the internet for people to be able to contribute. | Noted <ul style="list-style-type: none"> Advertising has been undertaken in accordance with the requirements of the LPS Regulations. Advertising commenced on 17 November 2016 for a period of 90 days, closing on 14 February 2017. A notice was published in the Joondalup Weekender on 17 November 2016. The City also sent an email to subscribers to its Community Engagement Network. This is in addition to the requirements of the LPS Regulations. The first email |

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| | | | <ul style="list-style-type: none"> Believes that the process so far has not demonstrated the values of Council to be transparent, democratic, responsible or reasonable deeming regard to the other environmental factors and when planning for the future it is important to engage with the whole community. The draft policy as it stands does not meet the criteria for the WALGA 2006 Report either. While that may have been updated, the COJ is required to act according to LPS Regulations. | <p>was sent on 26 November 2016 and a second follow up email was sent on 25 January 2017.</p> <ul style="list-style-type: none"> LPS3 reserves Beldon Park 'Public Open Space'. LPS3 does not propose any changes to Beldon Park. The only change proposed is the reserve name change from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as the LPS Regulations have changed the reserve name. |
| 58 | Name and address withheld | KALLAROO | <p>Objection</p> <ul style="list-style-type: none"> Objects to the rezoning of certain areas in Kallaroo from R20 to R20/40. The pocket of houses across the road from their property is proposed to be rezoned, however their property is not. I don't think rezoning is suitable for this area due to the amount of local infrastructure and amenities. If I decided to sell, having the properties across the road from mine rezoned while mine is not would be extremely detrimental. | <p>Noted</p> <ul style="list-style-type: none"> Both the LHS and Scheme Amendment No. 73 were comprehensively planned and advertised during their development. The properties across the road were recoded to R20/40 under Scheme Amendment No. 73 to DPS2. No changes to the density code of these properties is proposed under draft LPS3. |
| 59 | Michael Dowey SORRENTO | Parnell Avenue SORRENTO | <p>Comment</p> <ul style="list-style-type: none"> I am the owner/occupier of a property that is located at the junction of Marine Terrace and Parnell Avenue. Through traffic speed is excessive as it passes my property. Speed inhibitors should be put in place on the section of Parnell Avenue south of High Street. | <p>Noted.</p> <ul style="list-style-type: none"> The road hierarchy is determined by Main Roads and the mapping in LPS3 reflects this hierarchy. The City cannot change the hierarchy of roads. |

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| | | | <ul style="list-style-type: none"> LPS3 designates Parnell Avenue south of High Street as a Local Distributor Road (LDR). LPS3 also designates Freeman Way east of High Street as an LDR. Both these LDR designations cover only a part of each road and commence at High Street and end at Marmion Avenue. Marmion Avenue is a Primary Regional Road (PRR). High Street is classified as a local road. The LDR sections of each road (Parnell and Freeman) start at an access road (High Street) and end at a PRR (Marmion Avenue). Parnell Avenue takes the traffic from High Street that does not wish to try and enter Marmion Avenue from Freeman Way. The traffic volume on the LDR section of Parnell Avenue is not high but the speed of vehicles using the road to access Marmion Avenue is excessive. I am informed that statistics from a 2012 survey showed that 15% of vehicles using the section exceeded 57 kph. This is a minor suburban road with mostly local traffic moving slowly below the 50 kph limit. It is also significant that High Street, the access road that feeds Parnell, has numerous speed inhibitors in place. Parnell Avenue should have inhibitors in place between High Street and Sheppard Way. The through traffic, as opposed to local traffic, builds up speed as it enters the dip on Parnell Avenue from High Street. The access road has speed inhibitors whereas the LDR connecting the access road to the PRR has no inhibitors. The other LDRs in the area Harman Road, St Hellier Drive and Seacrest Drive are a network. These roads are LDRs for the whole of the road and connect either district distributor, other regional or primary regional roads. Sheppard Way is also an LDR, but also for the whole of the road. It effectively connects Marmion Avenue to the commercial area at the end of Sheppard Way. | |
| 60 | Allerding and Associates 125 Hamersley Road SUBIACO | 77 Gibson Avenue PADBURY (late submission) | Comment <ul style="list-style-type: none"> Under draft LPS3 this site is zoned 'Residential R40' with a restricted use of 'Aged or Dependent Persons' Dwelling'. Request the restricted use be modified to include 'Nursing Home'. | Noted <ul style="list-style-type: none"> Although this proposal may have merit, it is not considered appropriate at this point in time as it would require |

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| | | | <p>The restricted use for 98 Ellersdale Avenue Warwick includes both 'Aged or Dependent Persons' Dwelling' and 'Nursing Home'.</p> <ul style="list-style-type: none"> • There is a current and increasing shortfall of managed aged care housing options. • The design of the nursing home would take into account the interface with the adjacent open space and the Gibson Avenue street frontage, retention of mature trees and stepping of retaining walls. | <p>readvertising. This proposal could be considered through a separate scheme amendment process.</p> <ul style="list-style-type: none"> • Any change to the permissible land uses would need to be considered in the context of the existing development nearby and the impact on the surrounding area. |

Schedule of Modifications to Local Planning Scheme No.3
Consideration following advertising

ATTACHMENT 4

| PROPERTY ADDRESS | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | RECOMMENDED MODIFICATION FOR LPS3 | REASON FOR CHANGE |
|--|--|---|---|--|
| Lot 11376 (54) Doveridge Drive, Duncraig | Public Use | LPS3 text 'Residential' LPS3 map 'Civic and Community' | Modify the scheme map to 'Residential R25' | There was an inconsistency as the map had not been updated to reflect the proposed changes. The Department of Housing requested an R20/40 density code. However the site has been developed to a density of R25. It is therefore considered appropriate to apply the density code of R25 so as to retain the current development potential. |
| Portion of Lot 88 (2) Windsor Place, Kallaroo Portion of Lot 87 (220) Bridgewater Drive, Kallaroo | Parks and Recreation | Residential R20 | Modify the scheme map to 'Residential R20/40' | Scheme Amendment No. 73 implemented a dual density code over this area; therefore the coding should reflect this existing dual code in the correction of this zoning anomaly. |
| Parin Plaza Lot 1-6 (93) Wanneroo Road, Greenwood | Mixed Use Additional Use – Showroom Warehouse | Service Commercial | Modify the scheme map to 'Mixed Use' Insert into Table 4: No. 12 93 Wanneroo Road, Greenwood Additional use - Bulky Goods Showroom, Warehouse/Storage | A request was received from the owner for the subject site to retain the 'Mixed Use' zone with the additional uses of 'Bulky Goods Showroom' and 'Warehouse/Storage'. The proposal for the site to remain 'Mixed Use' with the additional uses of 'Bulky Goods Showroom' and 'Warehouse/Storage' is supported. Although the site is located on Wanneroo Road, it is surrounded by 'Residential' zoned properties; therefore a 'Mixed Use' zone is considered appropriate to the existing land use intensity is maintained. |
| Amana Living Lot 60 (71) Kinross Drive, Kinross | Residential R20 Residential R40 Civic and Cultural R20 | Residential R20 Residential R40 | Modify the scheme map to 'Residential R40' | A split coding of R20 and R40 over one lot is not ideal for redevelopment. The R40 density code is considered appropriate as it is consistent with the current density for the northern part of the site. The owner requested 'Private Clubs, Institutions and Places of Worship' with an |

Schedule of Modifications to Local Planning Scheme No.3
Consideration following advertising

ATTACHMENT 4

| PROPERTY ADDRESS | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | RECOMMENDED MODIFICATION FOR LPS3 | REASON FOR CHANGE |
|---|----------------------|-------------------|--|---|
| | | | | R60 density code. This is not considered appropriate to implement this change to the zoning and density code without readvertising the scheme. Whilst the proposal may have merit, it is more appropriate to advance as a separate amendment. |
| Sorrento Activity Centre Lots 2 (130), 148 (136A-136B), 149 (134) and 153 (128) West Coast Drive, and Lot 154 (1) Raleigh Road, Sorrento | Commercial | Commercial | Modify the scheme map to 'Centre' | This proposal is included in accordance with Scheme Amendment No. 77 which was supported by Council at its meeting held on 21 March 2017 to rezone these lots to 'Centre'. |
| Sorrento Activity Centre Lots 146 (4) and 147 (2) Padbury Circle, Sorrento | Residential R20 | Residential R20 | Modify the scheme map to 'Centre' | This proposal is included in accordance with Scheme Amendment No. 79 which was supported by Council at its meeting held on 21 March 2017 to rezone these lots to 'Centre'. |
| Lot 700 (274) Camberwarra Drive, Craigie | Residential R20 | Drainage/Waterway | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is a wastewater pump station and therefore the Public Purposes reserve is more appropriate. |
| Lot 600 (3) Fenellia Crescent, Craigie | Residential R20 | Drainage/Waterway | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is a wastewater pump station therefore the Public Purposes reserve is more appropriate. |
| Lot 13 (66) Marina Boulevard, Ocean Reef | Public Use | Mixed Use | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is an access chamber and therefore the Public Purposes reservation must remain. |
| Lot 412 (10) Gainsborough Way, Mullaloo | Residential R20 | Drainage/Waterway | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is a wastewater pump station therefore the Public Purposes reserve is more appropriate. |

| PROPERTY ADDRESS | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | RECOMMENDED MODIFICATION FOR LPS3 | REASON FOR CHANGE |
|--|-------------------|--------------------|--|---|
| Lot 378 (18F) Waterford Drive, Hillarys | Residential R20 | Drainage/Waterways | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is a wastewater pump station therefore the Public Purposes reserve is more appropriate. |
| Lot 491 (23) Woodville Heights, Hillarys | Residential R20 | Drainage/Waterways | Modify the scheme map to 'Public Purposes' | Water Corporation advised during the consultation period that this site is a wastewater pump station therefore the Public Purposes reserve is more appropriate. |

Other proposed changes

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|---|---|---|--|--|
| Permissibility of 'Aged or Dependent Persons' Dwelling' in the 'Private Clubs, Institutions & Places of Worship' zone | 'X' | 'X' | Modify Table 3 Zoning table to 'D' for 'Aged or Dependent Persons' Dwelling' | The land uses 'Grouped Dwelling', 'Multiple Dwelling', 'Nursing Home' and 'Residential Building' are 'D' uses in the 'Private Clubs, Institutions and Places of Worship' zone. 'Aged or Dependent Persons' Dwelling' is considered a similar land use in regards to built form, bulk and scale and is therefore considered appropriate in this zone. |
| Amend the exemption for Home Business – Category 1 to Home Office | Schedule A Clause 61 (2) (g) the conducting of a Home Business – Category 1 | Schedule A Clause 61 (2) (g) the conducting of a Home Business – Category 1 | Modify Schedule A Clause 61 (2) (g) the conducting of a Home Office | Terminology to be amended to reflect correct land use in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regulations) |
| Add the land use 'Family Day Care' into the zoning table | Not in zoning table | Not in zoning table | Add land use 'Family Day Care' into Table 3 Zoning table and apply the following permissibility: 'Residential' – 'P' 'Special Residential' – 'P' | DPS2 definition of 'Home Business – Category 1' includes Family Day Care, while the LPS3 definition of 'Home Office' does not. Therefore 'Family Day Care' needs to be included separately in the zoning table with appropriate land use permissibility. |

Schedule of Modifications to Local Planning Scheme No.3
Consideration following advertising

ATTACHMENT 4

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|--|--|---|---|--|
| | | | 'Mixed Use' – 'P' 'Commercial' – 'P' 'X' in all other zones | |
| Exempt the land use 'Family Day Care' from requiring planning approval | Definition of 'Home Business – Category 1' includes Family Day Care, which is exempt from requiring planning approval. | Definition of 'Home Office' does not include Family Day Care. | Insert into Schedule A Clause 61 (2) (j) the conducting of a Family Day Care. | DPS2 definition of 'Home Business – Category 1' includes Family Day Care, while 'Home Office' does not. Under DPS2 a 'Home Business – Category 1' is exempt from requiring planning approval, therefore family day care is also exempt from requiring planning approval. To maintain this exemption for 'Family Day Care', a specific exemption in LPS3 is required. |
| Add the land use 'Family Day Care' into Table 3a - Whitford Activity Centre Plan Zoning Table | Not applicable | Not applicable | Add the land use 'Family Day Care' into Table 3a – Whitford Activity Centre Zoning Table and apply the following permissibility: 'P' in C-1 (Endeavour District), C-2 (Retail District) and C-3 (Banks District) 'X' in C-4 Banks District. | The land use 'Family Day Care' was not included in the Whitford Activity Centre Zoning Table as it has only just been included in LPS3. Land use permissibility is in accordance with the land use permissibility of 'Home Office' as it was previously included in 'Home Business – Category 1'. |
| Amend the land use permissibility for 'Retirement Village' in the C-3 Banks District in the Whitford Activity Centre Plan Zoning Table | 'X' in C-3 district (Banks District) | 'X' in C-3 district (Banks District) | Modify Table 3a to 'D' in C-3 (Banks District) for 'Retirement Village' | The land uses 'Aged or Dependant Persons' Dwelling', 'Multiple Dwelling' and 'Residential Building' are 'D' uses in the C-3 (Banks District). The land use 'Retirement Village' is a similar land use in terms of built form, bulk and scale and therefore is considered appropriate in this district. |
| Add the land use and permissibility for 'Nursing Home' into Whitford Activity | Not applicable | Not applicable | Add land use 'Nursing Home' into Table 3a – Whitford Activity Centre | The land use 'Nursing Home' was not included in the Whitford Activity Centre Plan Zoning Table. This is considered an anomaly |

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|--|---|---|---|--|
| Centre Plan zoning table | | | Zoning Table and apply the following permissibility: 'D' in C-1 (Retail District) ,C-3 (Education and Civic District) and C-4 (Banks District) 'X' in C-2 (Retail District) | as similar land uses such as 'Retirement Village' are included. The land use permissibility is proposed in accordance with the land use permissibility of 'Retirement Village' and 'Residential Building' as they are considered similar land uses in terms of built form, bulk and scale. |
| Add the SAC into Table 8 to link the activity centre plan to LPS3 and provide land use permissibility. | Not applicable | Not applicable | Insert into Table 8 No 2. Sorrento Activity Centre Plan (see table below) | Since LPS3 was drafted the SACP has been drafted and gone out for public consultation. The land use permissibility needs to be included to reflect the land use permissibility in the SAC. |
| Add the density code on the 'Private Clubs, Institutions and Places of Worship' zoned sites. | R20 or in accordance with HOA density where located in an HOA | No density code with the exception of Lot 801 (4) O'Leary Road, Padbury (R20) | R20 or in accordance with HOA density where located in an HOA | The WAPC requested the removal of the density code from the 'Private clubs, Institutions and Places of Worship' zone. However, the submissions received indicated support for residential land uses in this zone. It is therefore considered appropriate that a density code be applied to this zone. In addition, the scheme allows residential land uses in this zone, such as 'Grouped Dwelling' and 'Multiple Dwelling'. |

Other typographical and format changes

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|---------------------|----------------------|---|---|--|
| Typographical error | Not applicable | <i>child care premises</i> means premised where: (a) an education and care service as defined | <i>child care premises</i> means premised where: (a) an education and care service as defined | Typographical error, spelling mistake. |

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|--|---------------------------|--|---|---|
| | | in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family dare care service | in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1), other than a family day care service | |
| Typographical error | Not applicable | home office means... (d) u does not require any change to the external appearance of the dwelling; | home office means... (d) does not require any change to the external appearance of the dwelling; | Typographical error, the underscore is not required. |
| Typographical error | Not applicable | home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation s that: | home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that: | Typographical error, clarify reference to occupation only. |
| Typographical error | Not applicable | home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession: (c) does not occupy and area greater than 50 m ² ; and | home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession: (c) does not occupy an area greater than 50 m ² ; and | Typographical error, insert correct word |
| Table 8 Clause 1.6 referred to clauses in DPS2 not LPS3. | Schedule 10 Clause 1.6 | Table 8 1.6 Land use permissibility for | Table 8 1.6 Land use permissibility for | The references to clauses in the scheme had not been updated when Table 8 was transcribed from Schedule 10 of DPS2 to |

| ISSUE | DPS2 ZONE/RESERVE | ADVERTISED LPS3 | PROPOSED LPS3 | REASON FOR CHANGE |
|--|---------------------------|--|--|--|
| | | land zoned 'Centre' within the Whitfords Activity Centre shall be in accordance with Table 3 - Whitfords Activity Centre Zoning Table. The symbols used in Table 3 have the same meaning as Clause 3.2.2 of the scheme. | land zoned 'Centre' within the Whitfords Activity Centre shall be in accordance with Table 3a - Whitfords Activity Centre Zoning Table. The symbols used in Table 3a have the same meaning as Clause 18(2) of the scheme. | Table 8 in draft LPS3. The references have been updated to refer to the appropriate table and clauses in LPS3. |
| Table 8 Clause 1.7 referred to clauses in DPS2 not LPS3. | Schedule 10 Clause 1.7 | 1.7 Subject to sub-clause 1.6 and Table 3 , where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 3.3 of the scheme. | 1.7 Subject to sub-clause 1.6 and Table 3a , where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 18(4) of the scheme. | The references to clauses in the scheme had not been updated when Table 8 was transcribed from Schedule 10 of DPS2 to Table 8 in draft LPS3. The references have been updated to refer to the appropriate table and clauses in LPS3. |

Table 8 Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan

| No. | Description of land | Requirement | | | | | | | | | | | | | | |
|---------------------|--------------------------|---|--|-----------------|------------------|---|-------------------|---|------------|---|--------------|---|---------------------|---|---------------------|---|
| 2. | Sorrento Activity Centre | <div>3.1 Land use permissibility for land zoned 'Centre' within the Sorrento Activity Centre shall be in accordance with Table 3 with the exception of the following:</div> <div><table><tr><td></td><td>Commercial Zone</td></tr><tr><td>Grouped Dwelling</td><td>X</td></tr><tr><td>Multiple Dwelling</td><td>P</td></tr><tr><td>Night Club</td><td>X</td></tr><tr><td>Single House</td><td>X</td></tr><tr><td>Restricted Premises</td><td>X</td></tr><tr><td>Veterinary Hospital</td><td>X</td></tr></table></div> <div>3.2 Residential density is in accordance with the Sorrento Activity Centre Plan 1: Activity Centre Plan.</div> | | Commercial Zone | Grouped Dwelling | X | Multiple Dwelling | P | Night Club | X | Single House | X | Restricted Premises | X | Veterinary Hospital | X |
| | Commercial Zone | | | | | | | | | | | | | | | |
| Grouped Dwelling | X | | | | | | | | | | | | | | | |
| Multiple Dwelling | P | | | | | | | | | | | | | | | |
| Night Club | X | | | | | | | | | | | | | | | |
| Single House | X | | | | | | | | | | | | | | | |
| Restricted Premises | X | | | | | | | | | | | | | | | |
| Veterinary Hospital | X | | | | | | | | | | | | | | | |

Planning Framework

