

## **PART 3 – ZONES**

### **3.1 CLASSIFICATION**

3.1.1 There are hereby created the several zones set out hereunder.

Residential  
Mixed Use  
Business  
Commercial  
Civic & Cultural  
Private Clubs/Recreation  
Service Industrial  
Centre  
Urban Development  
Special Residential  
Rural  
Special Use

3.1.2 The zones are delineated and depicted on the Scheme Map and Structure Plan Maps according to the legend thereon.

### **3.2 ZONING TABLE**

3.2.1 The Zoning Table (hereinafter called Table 1) indicates subject to the provisions of the Scheme, the permissibility of use classes within the various zones. The permissibility of any use class is indicated by a symbol determined by cross reference between the list of “Use Classes” listed down the left hand side of Table 1 and the “Zones” listed along the top of Table 1.

3.2.2 The symbols used in Table 1 have the following meanings:

“P” = A Use Class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval;

“D” = A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2;

“A” = A Use Class that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 6.7;

“X” = A Use Class that is not permitted except under the provisions of clause 3.15.

The Special Use Zone, Urban Development Zone, Rural Zone and Centre Zone are not listed in Table 1 and the permissibility of uses in those zones is to be determined by the provisions specifically applying to them in the Scheme or in any Agreed Structure Plan approved under Part 9.

- 3.2.3 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.
- 3.2.4 Where a building or land is used, or a proposed building is designed, for more than one use, it shall be regarded for the purposes of the Scheme as being used or designed partially for each of those uses.

### **3.3 UNLISTED USES**

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

### **3.4 THE RESIDENTIAL ZONE**

The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.

Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Design Codes (R Codes), and the allocation of a residential density code to an area of land.

Cultural and recreational development may be located where the Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

The objectives of the Residential Zone are to:

- (a) maintain the predominantly single residential character and amenity of established residential areas;
- (b) provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and

- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.

### **3.5 THE MIXED USE ZONE**

3.5.1 The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage of lots.

The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity should be provided.

The objectives of the Mixed Use Zone are to:

- (a) provide a diversity of landuse and housing types compatible with the maintenance of residential amenity;
- (b) allow appropriate businesses to locate and develop in close proximity to residential areas;
- (c) allow for services to be provided locally.

3.5.2 A shop may be permitted in the Mixed Use Zone, subject to Council's discretion after giving notice in accordance with Clause 6.7, and provided the following conditions have been met:

- (a) Shopping floor space does not exceed 200m<sup>2</sup> NLA;
- (b) The parcel of land is on a separate green title lot of not less than 1000m<sup>2</sup>;
- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m<sup>2</sup>; and
- (d) The direct street frontage of any lot containing a shop must be at least 20 metres in width.

3.5.3 The conditions specified in clause 3.5.2 are not standards or requirements for the purposes of clause 4.5.1.

### **3.6 THE BUSINESS ZONE**

3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

3.6.2 Development in the Business Zone shall conform, among other things, with the general provisions set out below.

- (a) Buildings shall be set back a minimum of 6m from the street boundary. A lesser setback may be encouraged where location and design issues would make this appropriate.
- (b) Setbacks to side and rear boundaries shall comply with the Building Code of Australia.
- (c) With the exception of lots around which authorised screen walls have been erected, landscaping to the satisfaction of Council shall be planted and maintained by the owners on all portions of the property not covered by approved buildings, storage areas, accessways or parking areas (notwithstanding that shade trees shall be planted and maintained by the owners in car parking areas to the Council's satisfaction). Owners shall establish and maintain landscaping to Council's satisfaction on adjacent street verges.
- (d) Screen walls 1.8 metres high to a specification approved by and to the satisfaction of the Council shall be provided to screen the rear areas of all lots where necessary to protect the amenity of any adjoining residential lots.
- (e) Provisions relating to Building Construction:
  - (i) every building shall have a façade of brick, plate glass or other approved material to all street frontages;
  - (ii) where under the Building Code of Australia metal clad walls are permitted, they must have a factory applied painted finish to the satisfaction of the City Building Surveyor.

3.6.3 A shop may be permitted in the Business Zone, subject to Council's discretion after giving notice in accordance with Clause 6.7, and provided the following conditions have been met:

- (a) Shopping floor space does not exceed 200m<sup>2</sup> NLA;
- (b) The parcel of land is on a separate green title lot of not less than 1000m<sup>2</sup>;

- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m<sup>2</sup>; and
- (d) The direct street frontage of any lot containing a shop must be at least 20 metres in width.

3.6.4 The conditions specified in clause 3.6.3 are not standards or requirements for the purpose of clause 4.5.1.

### **3.7 THE COMMERCIAL ZONE**

3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.

The objectives of the Commercial Zone are to:

- (a) make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

3.7.2 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

3.7.3 Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

### **3.8 THE CIVIC AND CULTURAL ZONE**

The objective of the Civic and Cultural Zone is to make specific provision for public facilities such as government offices, halls, theatres and art galleries.

Although many of the uses permitted in the Civic and Cultural Zone may be equally appropriate in the Centre Zone, it is provided as a separate zone to stand in its own right should the need arise.

### **3.9 THE PRIVATE CLUBS/RECREATION ZONE**

The objective of the Private Clubs/Recreation Zone is to accommodate uses such as private golf clubs, private educational, institutional and recreational activities.

### **3.10 THE SERVICE INDUSTRIAL ZONE**

3.10.1 The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

3.10.2 Development in the Service Industrial Zone shall conform, among other things, with the general provisions set out below.

- (a) Buildings shall be set back a minimum of 6 metres from the street boundary. Setbacks to side and rear boundaries shall comply with the Building Code of Australia.
- (b) Where a lot has a boundary with more than one street, the Council shall designate one such boundary as the frontage and may approve buildings up to a minimum distance of 3 metres from the other street boundaries.
- (c) That portion of a lot within 3 metres of its boundary with a road reserve shall only be used for:
  - (i) an approved means of access;
  - (ii) landscaping;
  - (iii) an approved Trade Display

and that portion of a lot between 3 metres of its boundary with a road reserve and the building line setback shall only be used for the parking, loading or unloading of vehicles, and for landscaping.

- (d) With the exception of lots around which authorised screen walls have been erected, landscaping to the satisfaction of Council shall be planted and maintained by the owners on all portions of the property not covered by approved buildings, storage areas, accessways or parking areas (notwithstanding that shade trees shall be planted and maintained by the owners in car parking areas to the Council's satisfaction). Owners shall plant and maintain landscaping to Council's satisfaction on adjacent street verges.
- (e) Screen walls 1.8 metres high to a specification approved by and to the satisfaction of the Council shall be provided to screen the rear areas of all

lots where necessary to protect the amenity of any adjoining residential lots.

- (f) Provisions relating to Building Construction:
  - (i) every building shall have a façade of brick, plate glass or other approved material to all street frontages;
  - (ii) where under the Building Code of Australia, metal clad walls are permitted, they must have a factory applied painted finish to the satisfaction of the City Building Surveyor.

### **3.11 THE CENTRE ZONE**

3.11.1 The Centre Zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the co-ordinated planning and development of these centres or other planning precincts where the council considers that an Agreed Structure Plan is necessary.

The objectives of the Centre Zone are to:

- (a) provide for a hierarchy of centres from small neighbourhood centres to large regional centres, catering for the diverse needs of the community for goods and services;
- (b) ensure that the city's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;
- (c) encourage development within centres to create an attractive urban environment;
- (d) provide the opportunity for the coordinated and comprehensive planning and development of centres through an Agreed Structure Plan process.

3.11.2 No subdivision or other development should be commenced or carried out in a Centre Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan.

3.11.3 The permissibility of uses in the Centre Zone subject to subclauses 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

3.11.4 With the exception of the Centre Zone containing the Joondalup City Centre, all Centre Zones shall specify the proposed maximum retail net lettable area (NLA) which relates to retail floor areas. The Maximum NLA shall be included in Schedule

3 of this Scheme and shall bind the development of the land to no more than that area specified.

- 3.11.5 Notwithstanding the provisions of clause 3.11.4, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

### **3.12 THE URBAN DEVELOPMENT ZONE**

- 3.12.1 The purpose of the Urban Development Zone is to provide for the orderly planning and redevelopment of larger areas of land or districts in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances. In considering applications for development and changes to residential density codings in areas near existing and proposed future railway stations the Council will have due regard to the desirability of higher residential densities, transit related development and good pedestrian and vehicular access to stations in order to promote public transport usage.

The objectives of the Urban Development Zone are to:

- (a) designate land for future urban development;
- (b) provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive structure planning process.
- (c) enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area.

- 3.12.2 Subject to Clause 9.11 of this Scheme, no subdivision or other development should be commenced or carried out in an Urban Development Zone until a structure plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision should be commenced or carried out, and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan.

- 3.12.3 The permissibility of uses in the Urban Development Zone subject to subclause 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

- 3.12.4 Specific Matters to be included in Structure Plans within the Urban Development Zone

3.12.4.1 Structure Plan No. 9 – Lot 61 (No. 14) Leach Street, Marmion

- (a) The preparation of a Vegetation Management Plan by the landowner over the Public Open Space and approved by the Council, prior to the approval of a Structure Plan for the entire site is required. The public open space is intended to be located within the treed Northeast section of the lot.

- (b) The Vegetation Management Plan shall be prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and shall aim to protect and enhance the area for bush conservation purposes for the long term enjoyment by the local community.
- (c) The rehabilitation of the Public Open Space area shall be undertaken by the landowner following the approval by the Western Australian Planning Commission of the Structure Plan and prior to approval of any subdivision application over the land.
- (d) An agreement being entered into between the City of Joondalup and the landowner. The agreement shall detail the landowner's commitment to \$10,000 for the preparation of the Vegetation Management Plan, and a further \$100,000 for the protection and further enhancement of the bushland on the proposed Public Open Space area.
- (e) The landowner is advised that sub clause (d) above is additional to the standard statutory requirements that may be placed on the landowner at the time of subdivision and/or development.

### **3.13 THE SPECIAL RESIDENTIAL ZONE**

3.13.1 The Special Residential Zone is intended to accommodate the development of single houses on lots of not less than 2,000m<sup>2</sup> with an average lot size of not less than 3,000m<sup>2</sup>. The objectives of the Special Residential Zone are to:

- (a) accommodate a spacious style of living in a low density setting;
- (b) maintain important environmental and landscape values through site-sensitive design and development.

### **3.14 THE RURAL ZONE**

The Rural Zone is intended to accommodate land that is included in the Rural Zone under the MRS.

If Council is required to consider an application in respect of a development, or use for land in the Rural Zone, then the Council shall, in addition to any other matters required by this Scheme to be considered, have regard to the following considerations:

- (a) as an overriding consideration, the intent of the application;
- (b) any comments the Commission may make in response to notice of the applications.
- (c) The interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term.

**3.15 ADDITIONAL USES (SCHEDULE 2 – SECTION 1)**

Notwithstanding anything contained in the Zoning Table, the land specified in Section 1 of Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

**3.16 RESTRICTED USES (SCHEDULE 2 – SECTION 2)**

Notwithstanding anything contained in the Zoning Table, the land specified in Section 2 of Schedule 2 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 2 with respect to that land.

**3.17 THE SPECIAL USE ZONE (SCHEDULE 2 – SECTION 3)**

Special Use Zone is set out in Section 3 of Schedule 2 and is in addition to the zones in the Zoning Table. No person shall use any land or any structure or buildings on land, in a Special Use Zone except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions set out in Schedule 2 with respect to that land.

**3.18 Deleted (Amendment 31 – 14/8/2007)**