

Proposed modifications to be included in Omnibus Amendment No. 31 to The City's DPS2.

Proposed Modifications to Part 3 – Zones

Proposal 1 – Remove the Special Use Zone from DPS2 text and Scheme Map.

Deleting the 'Special Use' zone from clause 3.1.1

Deleting the 'Special Use' zone from the legend on the Scheme Map (clause 3.1.2)

Deleting the reference to 'Special Use' zone from clause 3.2.2

Deleting clause 3.17 and Schedule 2 – Section 3 (clause 3.17) Special Use Zones

Proposal 2 – New clause relating to multiple land uses in buildings

Inserting the following clause after clause 3.2.3;

- 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.

Proposal 3 – Modification of building setback requirements and to address legal issue relating to retailing activity in the Business and Mixed Use Zones

Modifying clause 3.6.2(a) by replacing the words 'no more than' with 'a minimum of',

Inserting the following clauses after clause 3.5.2 and 3.6.3 respectively;

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

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

Proposal 4 – Modification to The Commercial Zone to include both existing and proposed shopping and business areas

Modifying clause 3.7.1 by inserting the words 'or proposed' following the words 'is intended to accommodate existing', and;

Modifying clause 3.7.1(a) by inserting the words 'or proposed' following the words 'make provision for existing'.

Proposal 5 – Relocating clause 3.18 to Part 1 of the Scheme.

Modifying clause 1.6(l) by deleting the full stop at the end of the clause and replacing it with '; and'.

Deleting clause 3.18 and inserting the following words after clause 1.6(l);

**New Development Around (m)
Existing Railway Stations**

In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government owned land and air rights above that land where achievable.

Proposed Modifications to Part 4 – General Development Requirements

Proposal 6 – Residential Design Codes

Modifying clauses 1.9.1, 1.9.2, 1.9.3, 3.4, 4.1, 4.2, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3, 4.3.1, 4.3.2, 4.4.3.2, 4.5.1 and Table 2 by replacing the word 'Planning' before the word 'Codes' with the word 'Design'.

Proposal 7 – Planning and Development Act 2005

Modifying clause 2.2.1 by deleting the words 'Metropolitan Region Town Planning Scheme Act, 1959, as amended' and inserting the words 'Act'.

Modifying clause 2.3.3 by deleting the words 'Section 32 of'.

Modifying clause 4.6.1 by deleting 'Section 7A4' and inserting 'section 50' and deleting 'Environmental Protect Act' and inserting 'Environmental Protection Act 1986'.

Modifying clause 5.2.3.4 by deleting the words 'Town Planning and Development Act (as amended)' and inserting the words 'Act'.

Modifying clause 6.1.4 by deleting the words 'Metropolitan Region Town Planning Scheme Act 1959' and inserting the words 'Act'.

Modifying clause 6.3.2 by deleting the words 'section 20 of the Western Australian Planning Commission Act 1985' and inserting the words 'the Act'.

Modifying clause 6.3.2 (i) by deleting the words 'Metropolitan Region Town Planning Scheme Act 1959' and inserting the words 'the Act'.

Modifying clause 6.3.4 by deleting the words 'Metropolitan Region Town Planning Scheme Act 1959' and inserting the words 'Act'.

Modifying clause 8.1.2 by deleting the words 'the Land Acquisition and Public Works Act 1902 subject to the modification referred to in Section 13 of the Town Planning and Development Act 1928 (as amended)' and inserting the words 'the Act and the Land Administration Act 1997'.

Modifying clause 8.2.4 by deleting the words 'Part V of the Act' and inserting the words 'the Act'.

Modifying clause 8.4 by deleting the words 'Part V of the Act and the rules and regulations made pursuant to the Act' and inserting the words 'the Act'.

Modifying clause 8.5.1 by deleting the words 'Section 11 of the Town Planning Act' and inserting the words 'the Act'.

Modifying clause 8.5.2 by deleting the words 'Section 11(1) of'.

Deleting clause 8.9.

Modifying clause 8.10.2 by deleting the words 'Section 10 of'.

Modifying clause 9.12.3 by deleting the words 'Part V of'.

Modifying clause 9.12.4 by deleting the words 'Section 8a of'.

Proposal 8 – New clause and Schedule relating to the removal of restrictive covenants relating to dwelling density

Inserting the following clauses;

4.17 RESTRICTIVE COVENANTS

4.17.1 Subject to clause 4.17.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.17.2 Where clause 4.17.1 operates to extinguish or vary a restrictive covenant Council will not grant planning approval to the development of the land which would, but for the operation of clause 4.17.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 6.7.

Proposal 9 – Recision of Home Business – Category 1 approval

Deleting clause 4.4.1.2

Proposal 10 – Incorrect reference to Environmental Protection Act

Modifying clause 4.6.1 by deleting the words 'Environmental Protect Act' and replacing them with the words 'Environmental Protection Act 1986'.

Proposed Modifications to Part 5 – Special Controls

Proposal 11 – Control of Advertisements

Modifying clause 5.1.4 by adding the words 'and the provisions of any Local Planning Policy relating to signs or advertisements' after the words 'objectives of the Scheme'.

Modifying clause 5.1.8.3 by deleting the words 'Minister or the Town Planning Appeal Tribunal in accordance with Part V of the Act' and inserting the words 'State Administrative Tribunal'.

Proposed Modifications to Part 6 – Development and Use Of Land

Proposal 12 – Application for Planning Approval

Deleting clause 6.1.3(e) and replacing it with the following;

- (e) the carrying out of any building or works that affect only the interior of a building (excluding an increase in floorspace) and which do not materially affect the external appearance of the building except where the building is:
 - (i) located in a place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2.

Inserting the following clauses after clause 6.1.3(g);

- (h) 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;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2;
 - (iv) located in an area that will in the opinion of Council affect a place included on the Heritage List pursuant to clause 5.2.2.
- (i) any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (j) any of the exempted classes of advertisements listed in Schedule 4 of the Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place; and
- (k) one commercial vehicle, in accordance with clause 4.15
- (l) one recreational vehicle, in accordance with clause 4.16
- (m) A satellite dish, aerial or radio equipment, in accordance with the City's Local Planning Policy and as defined and listed in both Table 1 as 'Communications Antenna – Domestic' and Schedule 1 as 'Communications Antenna' within the Scheme.

Proposal 13 – Deemed Refusal

Deleting clause 6.5.1 and replacing it as follows;

6.5.1 Notwithstanding the provisions of clause 6.9.1 (d):

- (a) Subject to clause 6.5.1 (b), an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- (b) An application for planning approval which is the subject of a notice under clause 6.7 or referred to other authorities under clause 6.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

Inserting the following clauses after clause 6.5.1 (b);

- 6.5.2 Notwithstanding that the application for planning approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the periods specified in those clauses 6.5.1 (a) and 6.5.1 (b) respectively, and that decision shall be valid and effective as from the date of determination.
- 6.5.3 An application for planning approval shall, for the purpose of calculating time limits, be deemed not to have been received by the Council until such time as all the plans, information and details as may be reasonably required by the Council has been received by the Council.

Proposal 14 – Public Notice

Modifying clause 6.7.1(a) by deleting the word 'and' after the word 'notice;' which appears at the end of the clause and replacing it with the words 'and/or'.

Modifying clause 6.7.2 by inserting the words '(a), or (b), or (c), or a combination of these methods.' after 'clause 6.7.1'.

Proposal 15 – Compliance with Conditions and Approvals on Appeal

Modifying clause 6.10.1 by deleting the words ', or the Minister or the Town Planning Appeal Tribunal' and inserting the words 'or the State Administrative Tribunal'.

Modifying clause 6.11 by deleting the words 'the Minister or the Town Planning Appeal Tribunal' after the words 'given by' and 'imposed by' and inserting the words 'the State Administrative Tribunal'.

Proposed Modifications to Part 8 – Finance and Administration

Proposal 16 – Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

Deleting clause 8.6 and inserting the following clauses;

8.6 Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

8.6.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.

8.6.2 Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

Proposed Modifications to Part 9 – Structure Plans

Proposal 17 – Submission of Structure Plan to Council

Modifying clause 9.4.2 by deleting the word 'sixty' and the number '(60)' and inserting the word 'ninety' and the number '(90)'.

Proposal 18 – Reconsideration and Appeal

Modifying clause 9.12.1 by inserting the words 'or Commission' after the phrase 'determination of the Council' and replacing the word 'Council' after the phrase 'delivered to the' with the words 'appropriate body'.

Modifying clause 9.12.2 by deleting the number and word '35 days' and replacing it with the number and word '60 days'.

Modifying clause 9.12.3 by deleting the words 'the Minister or the Town Planning Appeal Tribunal' and replacing it with 'the State Administrative Tribunal'.

Proposed Modifications to Table 1 – The Zoning Table

Proposal 19 – Table 1 (clause 3.2) – The Zoning Table

Inserting the use classes 'Land Sales Office (Temporary)' and 'Display Home' to Table 1 and allocate a 'P' use to both use classes within the Residential, Mixed Use, Business, Commercial, and Service Industrial zones and a 'D' use in all remaining zones.

Inserting the use class 'Public Utility' to Table 1 and allocate a 'P' use in all zones.

Inserting the use class 'Resort' to Table 1 and allocate a 'D' use within the "Private Clubs/Recreation" Zone and a 'X' use within all remaining zones.

Inserting the use class 'Winery' to Table 1 and allocate a 'D' use in the 'Rural Zone' and an 'X' use within all remaining zones.

Inserting the use class 'Vehicle Panel Beating/Spray painting' to Table 1 and allocate a 'D' use in the 'Service Industrial' zone and 'X' use in all remaining zones.

Modifying the use class 'Amusement Facility/Parlour' by deleting the word 'Facility' and allocating a 'D' use in the 'Mixed Use' zone.

Modifying the 'Caretaker's Flat/House' use class in Table 1 by deleting the words 'Flat/House' and inserting the word 'Dwelling'.

Modifying the 'Market (Retail)' use class in Table 1 by deleting the word 'Market' and inserting the word 'Markets'.

Modifying the use class 'Vehicle Repairs' in Table 1 by substituting 'X' with 'D' under the 'Business' zone and substituting 'D' with 'P' under the 'Service Industrial' zone.

Modifying the use class 'Education Establishment' in Table 1 by deleting the word 'Education' and inserting the word 'Educational'.

Modifying the use class 'Holiday Village/Resort' in Table 1 by deleting the word 'Resort'.

Deleting the use class 'Supermarket' from Table 1.

Proposed Modifications to Table 2 – Car Parking Standards

Proposal 20 – Table 2 (clause 4.8) – Car Parking Standards

Inserting 'Display Home' under the use class 'Corner Store' in the use class column and allocating '5 per Display home' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Land Sales Office' under the use class 'Industrial' in the use class column and Inserting '5 per Land Sales Office' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Recreation Centre' under the use class 'Public Worship' in the use class column and Inserting '1 per 2.5 persons based on facility capacity' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'High School' under the use class 'Health Centre' in the use class column and Inserting '2 per classroom and a minimum of 10 bays' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Open Air Display' under the use class 'Office' in the use class column and inserting '1 per 200m² Display Area' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Place of Assembly' under the use class 'Open Air Display' in the use class column and inserting '1 per 4 seats' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Special Place of Assembly & Sports Grounds' under the use class 'Single house' in the use class column and inserting '1 per 2.5 persons based on facility capacity' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Vehicle Sales/Hire Premises' under the use class 'Tertiary College' in the use class column and inserting '1 per 200m² display area and 1 bay per employee' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'and in accordance with Local Planning Policy 3-1 Child Care Centres' under the Number of On-site Car Parking Bays column in Table 2 for the use class 'Child Care Centre'.

Deleting 'Minimum of 5' and replacing it with '5 bays per practitioner' under the Number of Onsite Car Parking Bays column for the 'Consulting Rooms' use class in Table 2.

Deleting '1 per dwelling' and replacing it with 'As per the Residential Design Codes' under the Number of Onsite Car Parking Bays column for the 'Aged or dependant persons dwellings' use class in Table 2.

Proposed Modifications to Schedule 1 - Interpretations

Proposal 21 – Schedule 1 (clause 1.9) – Interpretations

Inserting the following new definitions into Schedule 1:

Costume Hire: means premises used for the purpose of the hire of fancy dress garments and accessories.

Floor area of a building: means –

- (a) for any building (or part of a building) that is subject to the Residential Design Codes, the gross total of the areas of all floors of the building being the areas specified in the definition of Plot Ratio contained in the Residential Design Codes.
- (b) for any other building (or part of a building), the gross total area of all floors of the building, including the area of any walls, however excluding the area of -
 - lift shafts, stairs or stair landings common to two or more tenancies;
 - machinery, air conditioning and equipment rooms;
 - non habitable space that is wholly below natural ground level
 - areas used exclusively for the parking of wheeled vehicles at or below

- ground level
- lobbies or amenities areas common to more than one tenancy;
- balconies or verandahs open on at least two sides.

Hardware Store: means a shop in which tools, building materials, paint, garden improvement products and plants are for sale.

Health Centre: Shall have the same meaning as Medical Centre.

Industry – Service: means -

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

Kindergarten: means premises used for the purpose of the care and education of pre-school children.

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.

Laundry: means premises, generally not open to the public, used for the purposes of washing, ironing or dry cleaning of clothes or fabrics.

Plot Ratio: means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located.

Public Amusement: means premises used for the purpose of the amusement or entertainment of the public with or without charge.

Vehicle Panel Beating/Spray painting: means land and buildings used for, or in conjunction with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.

Deleting the following definitions from Schedule 1 of DPS2:

Amusement Facility: means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Piggery: shall have the same meaning given to the term in and for the purposes of the Health Act 1911

Modifying the following definitions in Schedule 1 of DPS2

Modifying the 'Act' definition in Schedule 1 by deleting the words 'Town Planning and Development Act, 1928 (as amended)' and replacing it with 'Planning and Development Act 2005'.

Modifying the 'Amusement Facility/Parlour' definition by deleting the definition and inserting the following:

Amusement Parlour: means premises, in which 2 or more amusement machines or computers are available for use by the public for amusement.

Modifying the 'Medical Centre' definition in Schedule 1 by deleting the definition and inserting the Model Scheme Text definition as follows;

Medical Centre: means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Modifying the 'Set back' definition in Schedule 1 by deleting the word 'Set back' and replacing it with 'Setback'.

Modifying the 'Vehicle Repairs' definition in Schedule 1 by deleting the definition and inserting the following:

Vehicle Repairs: means the use of land and buildings for the purposes of conducting mechanical and electrical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.

Proposed Modifications to Schedule 4 – Exempted Advertisements

Proposal 22 – Schedule 4 (clause 5.1.5) – Exempted Advertisements

Deleting the text forming the first paragraph under the heading 'SCHEDULE 4 (CLAUSE 5.1.5) – EXEMPTED ADVERTISEMENTS'.

Proposed Modifications to Schedule 6 – Delegation of Development Control Powers

Proposal 23 – Schedule 6 (clause 8.6) – Delegation of Development Control Powers

Deleting the heading and text contained within Schedule 6.

Proposed Modifications to DPS2 Map

Proposal 24 – Modification of zoning's on DPS2 map

Rezoning the following land parcels as set out in the table below;

Map No.	Property Details	Current Zoning	Proposed Zoning
BELDON			
1.	Lot 933 - 4 Emperor Avenue, Beldon	Residential <u>R20</u>	Local Reserve – Public Use
2.	Lot 12190 - 2 Cumberland Way, Beldon	Residential <u>R20</u>	Local Reserve – Public Use
CRAIGIE			
1.	Lot 683 - 1 Albion Street, Craigie	Residential <u>R20</u>	Local Reserve – Public Use
2.	Lot 583 - 1 Fenellia Crescent, Craigie	Residential <u>R20</u>	Local Reserve – Public Use
3.	Lot 995 - 51 Britannia Way, Craigie	Residential <u>R20</u>	Local Reserve – Public Use
4.	Lot 754 - 69 Chadstone Road, Craigie	Residential <u>R20</u>	Local Reserve – Public Use
5.	Lot 11723 - 9 Spicer Court, Craigie	Residential <u>R20</u>	Local Reserve – Public Use
6.	Lot 9372 – 48 Barradine Way, Craigie	Residential <u>R20</u>	Local Reserve – Parks and Recreation
7.	Lot 201 - 111 Camberwarra Drive, Craigie Lot 202 - 113A Camberwarra Drive, Craigie Lot 203 - 113B Camberwarra Drive, Craigie Lot 204 - 115 Camberwarra Drive, Craigie Lot 205 - 117 Camberwarra Drive, Craigie	Mixed Use <u>R20</u> Mixed Use <u>R20</u> Mixed Use <u>R20</u> Mixed Use <u>R20</u> Mixed Use <u>R20</u>	Residential <u>R20</u> Residential <u>R20</u> Residential <u>R20</u> Residential <u>R20</u> Residential <u>R20</u>
CURRAMBINE			
1.	Lot 128 - 12 Cherub Way, Currumbine	Residential <u>R20</u>	Local Reserve – Public Use
2.	Lot 12427 - 28 Broadmoor Green, Currumbine	Residential <u>R20</u>	Local Reserve – Public Use
3.	Lot 12276 - 7 Ferndown Court, Currumbine	Residential <u>R20</u>	Local Reserve – Public Use
5.	Lot 12279 - 80 Moore Drive, Currumbine	Residential <u>R20</u>	Local Reserve – Public Use
5a & 5b.	Lot 14564 - 5 Ascot Way, Currumbine Part Lot 496 - 3 Continental Boulevard, Currumbine Part Lot 487 - 9 Palace Way, Currumbine Lots 462 to 475 & Lot 58 - De Crillon Way, Currumbine Lots 453 to 459 - De Crillon Way, Currumbine	Centre (uncoded) & Residential <u>(R20)</u> Centre (uncoded) & Residential <u>(R20)</u> Centre (uncoded) & Residential <u>(R20)</u> Residential <u>(R20)</u> Residential <u>(R20)</u>	Centre (uncoded) Centre (uncoded) Centre (uncoded) Centre (uncoded) Centre (uncoded)

	Lots 435 to 452 Marriot Turn, Currambine	Residential (R20)	Centre (uncoded)
	Lots 417 to 420 Marriot Turn, Currambine	Residential (R20)	Centre (uncoded)
	Lots 410 to 416 Paddington Avenue, Currambine	Residential (R20)	Centre (uncoded)
	Lots 408 & 409 Miramare Boulevard, Currambine	Residential (R20)	Centre (uncoded)
	Lots 422 to 432 Miramare Boulevard, Currambine	Residential (R20)	Centre (uncoded)
	Lots 433 & 434 Normandy Parade, Currambine	Residential (R20)	Centre (uncoded)
	Lots 280, 281 and 265 Negresco Turn, Currambine	Residential (R20)	Centre (uncoded)
	Lot 266 Eastleigh Loop, Currambine	Residential (R20)	Centre (uncoded)
	Portion of Palace Way Road Reserve adjacent to Lot 1 on SP 46677	Centre (uncoded)	Residential (R20)
DUNCRAIG			
1.	Lot 12756 - 116L Marmion Avenue, Duncraig	Civic & Cultural R20	Local Reserve – Public Use
2.	Lot 12126 - 48 Guron Road, Duncraig	Residential R20	Local Reserve – Public Use
3.	Lot 40 - 51 Hilarion Road, Duncraig	Residential R20	Local Reserve – Public Use
3.	Lot 895 - 82 Barker Drive, Duncraig	Residential R20	Local Reserve – Public Use
4.	Part Lot 105 Corner Warwick Road and Mitchell Freeway, Duncraig	Un zoned R20	Residential R20
EDGEWATER			
1.	Portions of Lots 201 & 202 The Gateway and Lot 621 Eddystone Avenue, Edgewater	Un zoned	Business
2.	Lot 15073 - 5 Hindmarsh Way, Edgewater	Residential R20	Local Reserve – Public Use
2.	Lot 12178 - 233 Edgewater Drive, Edgewater	Residential R20	Local Reserve – Public Use
3.	Lot 13218 - 23L Joondalup Drive, Edgewater	Business (Not Coded)	Local Reserve – Public Use
3.	Lot 82 – 14 Poplar Close, Edgewater	Residential R20	Local Reserve – Public Use
4.	Lot 12455 - 109 Joondalup Drive, Edgewater	Local Reserve – Parks & Recreation	Local Reserve – Public Use
4.	Lot 12540 - 149 Joondalup Drive, Edgewater	Local Reserve – Parks & Recreation	Local Reserve – Public Use
4.	Lot 677 - 18 Harvest Loop, Edgewater	Residential R20	Local Reserve – Public Use

5.	Lot 721 - 52 Harvest Loop, Edgewater	Residential R20	Local Reserve – Public Use
6.	Lot 101 - 12F Garrong Close, Edgewater	Residential R20	Local Reserve – Public Use
6.	Lot 251 – 7 Toona Gardens, Edgewater	Residential R20	Local Reserve – Public Use
7.	Lot 353 - 131 Edgewater Drive, Edgewater	Local Reserve – Parks & Recreation	Local Reserve – Public Use
7.	Portion of Quarry Ramble Road Reserve, Edgewater	Residential R20	Local Reserve – Parks and Recreation
GREENWOOD			
1.	Lot 13500 - 34 Canham Way, Greenwood	Residential R20	Local Reserve – Parks and Recreation
2.	Lot 9284 - 26 Madrona Crescent, Greenwood	Residential R20	Local Reserve – Parks and Recreation
2.	Lot 128 – 14 Warrigal Way, Greenwood	Residential R20	Local Reserve – Public Use
2.	Lot 9195 - 14F Warrigal Way, Greenwood	Local Reserve - Parks & Recreation	Local Reserve – Public Use
3.	Lot 11736 - 14 Karuah Way, Greenwood	Residential R20	Local Reserve – Parks and Recreation
4.	Lot 12156 - 70 Tuart Road, Greenwood	Residential R20	Local Reserve – Parks and Recreation
5.	Lot 13920 - 46 Cedarwood Circle, Greenwood	Residential R20	Local Reserve – Parks & Recreation
5.	Lot 13921 – 16 Cedarwood Circle, Greenwood	Residential R20	Local Reserve – Parks & Recreation
6.	Lot 11 - 12 Ranleigh Way, Greenwood	Residential R20	Local Reserve – Public Use
7.	Lot 215 – 17 Annato Street, Greenwood	Residential R20	Local Reserve – Public Use
7.	Lot 216 – 19 Annato Street, Greenwood	Residential R20	Local Reserve – Public U*se
8.	Lot 40 - 20 Liwara Place, Greenwood	Residential R20	Local Reserve – Public Use
9.	Lot 230 – 98 Coolibah Drive, Greenwood	Residential R20	Local Reserve – Public Use
HEATHRIDGE			
1.	Lot 810 - 109 Poseidon Road, Heathridge	Residential R20	Local Reserve – Public Use
2.	Lot 57 & Lot 58 - 30 & 32 Admiral Grove, Heathridge	Residential R20	Local Reserve – Public Use
3.	Lot 647 & 646 – 2 & 4 Hyacinth Close, Heathridge	Residential R20	Local Reserve – Public Use
4.	Lot 9846 & Lot 12171 - 313 Eddystone Avenue, Heathridge	Residential R20	Local Reserve – Public Use
HILLARYS			
1.	Lot 12870 - 44 Harcourt Drive, Hillarys	Residential R20	Local Reserve – Public Use

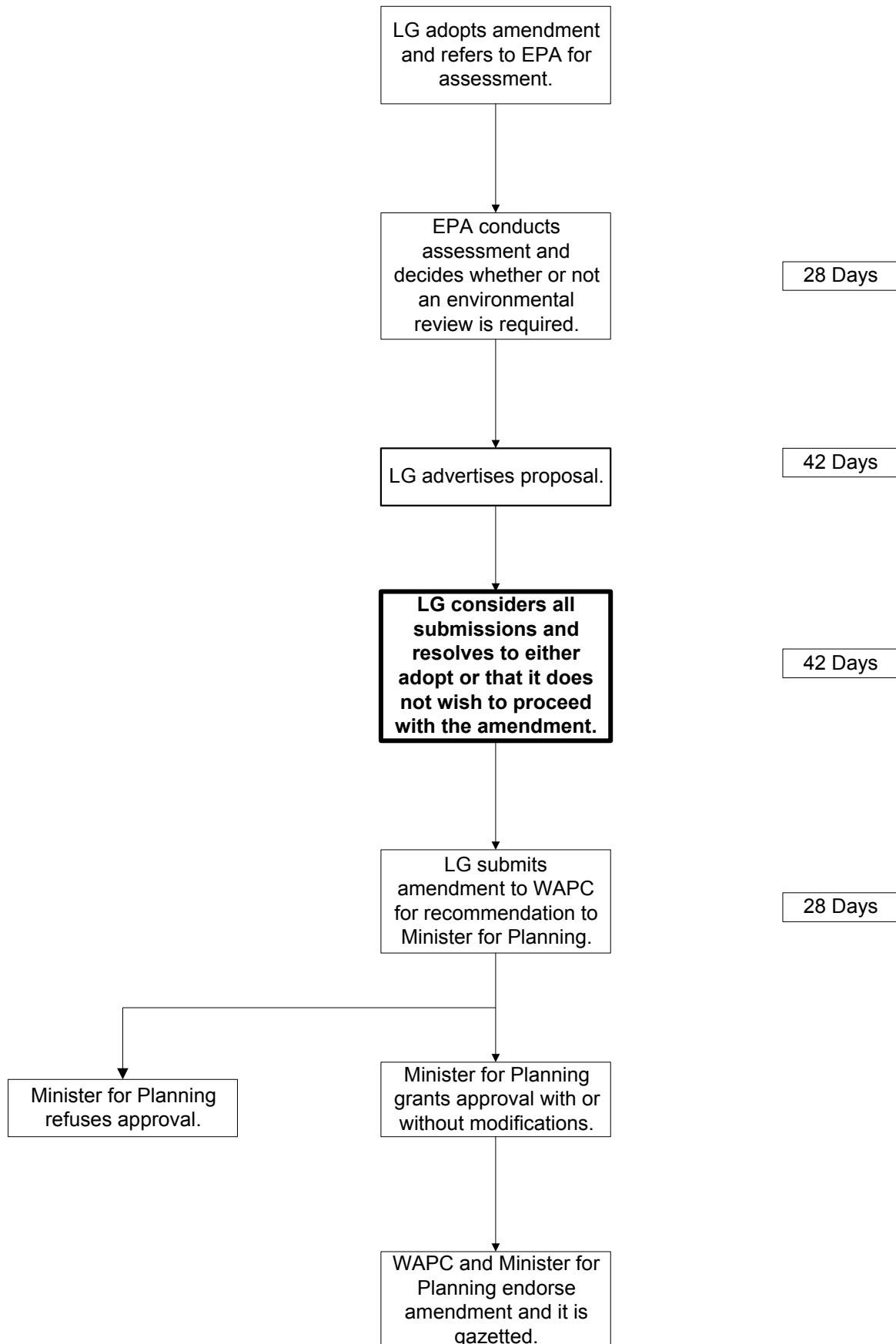
2.	Lot 1008 - 12 Mawson Crescent, Hillarys	Local Reserve – Parks & Recreation	Local Reserve – Public Use
2.	Lot 9145 Bage Park - 6 Bage Court, Hillarys	Residential R20	Local Reserve – Public Use
2.	Lot 9003 – 18 Nimrod Place, Hillarys	Residential R20	Local Reserve – Parks and Recreation
2.	Lot 11308 & Lot 1020 – 22 & 2 Mawson Crescent, Hillarys	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 12601 - 9 Hanley Place, Hillarys	Residential R20	Local Reserve – Public Use
4.	Lot 9141 - 17F MacKay Way, Hillarys	Residential R20	Local Reserve – Parks and Recreation
5.	Lot 12253 - 25 Angove Drive, Hillarys	Residential R20	Local Reserve – Public Use
6.	Part Lot 8971 – 2 Webb Place, Hillarys	Residential R20	Local Reserve – Parks and Recreation
7.	Part Lot 55 Hawdon Mews, Hillarys	Residential R20	Local Reserve – Parks and Recreation
JOONDALUP			
1.	Lot 12132 & Lot 14609 - 16 & 19 Winton Road, Joondalup	Service Industrial	Local Reserve – Public Use
2.	Lot 11839 -17 Kazan Close, Joondalup	Residential R20	Local Reserve – Public Use
2.	Lot 12238 - 26 Ullswater Glade, Joondalup	Residential R20	Local Reserve – Public Use
3.	Lot 14370 – 20 Woodlea Crescent, Joondalup	Residential R10	Local Reserve – Parks and Recreation
KALLAROO			
1.	Lot 12139 - 8 Stanford Road, Kallaroo	Residential R20	Local Reserve – Parks and Recreation
2.	Lot 12123 – 86 Aristide Avenue, Kallaroo	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 12236 – 160 Dampier Avenue, Kallaroo	Residential R20	Local Reserve – Parks and Recreation
KINGSLEY			
1.	Lot 15 - 104 & Barridale Drive, Kingsley	Residential R20	Local Reserve – Public Use
2.	Lot 11023 - 217 Barridale Drive, Kingsley	Residential R20	Local Reserve – Public Use
3.	Lot 12603 - 76 Twickenham Drive, Kingsley	Residential R20	Local Reserve – Public Use
4.	Lot 10952 - 124 Twickenham Drive, Kingsley	Residential R20	Local Reserve – Public Use
5.	Lot 11 - 12 Sheen Court, Kingsley	Residential R20	Local Reserve – Public Use
6.	Lot 182 - 16 Fontley Road, Kingsley	Residential R20	Local Reserve – Public Use
6.	Lot 11203 – 16 Taro Place, Kingsley	Residential R20	Local Reserve – Public Use
7.	Lot 592 - 1 Eltham Place,	Residential R20	Local Reserve – Public

	Kingsley		Use
8.	Lot 12169 - 21 Romford Place, Kingsley	Residential R20	Local Reserve – Public Use
9.	Lot 607 - 63 Alderhaus Drive, Kingsley	Residential R20	Local Reserve – Public Use
10.	Lot 14439 - 19 Woodlake Retreat, Kingsley	Residential R40	Local Reserve – Public Use
KINROSS			
1.	Lot 14981 - 16 Gilbank Crescent, Kinross	Residential R20	Local Reserve – Public Use
2.	Lot 12251 - 14 Fenwick Mews, Kinross	Residential R20	Local Reserve – Public Use
3.	Lot 12277 - 4 Mossdale Pass, Kinross	Residential R20	Local Reserve – Public Use
4.	Lot 12243 - 72 Glencoe Loop, Kinross	Residential R20	Local Reserve – Public Use
5.	Lot 12272 - 9 Aberdeen Way, Kinross	Residential R20	Local Reserve – Public Use
6.	Lot 2145 - 47 Clydebank Crescent, Kinross	Residential R25	Local Reserve – Public Use
MARMION			
1.	Lot 80 - 20 Cliverton Court, Marmion	Residential R20	Local Reserve – Public Use
2.	Lot 40 & Lot 149 – 21 & 23 Freeman Way, Marmion	Residential R20	Local Reserve – Public Use
3.	Lot 469 - 23 Hasper Place, Marmion	Residential R20	Local Reserve – Public Use
4.	Lot 139 - 3 Rivett Place, Marmion	Residential R20	Local Reserve – Public Use
5.	Lot 293 – 14 McKirdy Way, Marmion	Local Reserve - Parks & Recreation	Residential R20
5.	Lot 467 – 51 McKirdy Way, Marmion	Residential R20	Local Reserve – Public Use
MULLALOO			
1.	Lot 17 - 130 Dampier Avenue, Mullaloo	Residential R20	Local Reserve – Public Use
2.	Lot 294 - 15 Kerior Street, Mullaloo	Residential R20	Local Reserve – Public Use
2.	Lot 7630 - 4 Mullion Street, Mullaloo	Residential R20	Local Reserve – Public Use
3.	Lot 286 - 42 Meridian Drive, Mullaloo	Residential R20	Local Reserve – Public Use
3.	Lot 12167 - 71 Scaphella Avenue, Mullaloo	Residential R20	Local Reserve – Public Use
4.	Lot 7098 - 4 Karalundie Way, Mullaloo	Residential R20	Local Reserve – Public Use
OCEAN REEF			
1.	Lot 13 - 66 Marina Boulevard, Ocean Reef	Residential R20	Local Reserve – Public Use

2.	Lot 13586 - 15 Carina Loop, Ocean Reef	Residential R20	Local Reserve – Parks and Recreation
PADBURY			
1.	Lot 8749 - 35F Bannister Road, Padbury	Residential R20	Local Reserve – Parks and Recreation
1.	Lot 8897 - 14 McRae Court, Padbury	Residential R20	Local Reserve – Parks and Recreation
1.	Lot 12690 - 9F Roe Court, Padbury	Residential R20	Local Reserve – Public Use
1.	Lot 9011 - 90 Oxley Avenue, Padbury	Local Reserve – Parks and Recreation	Local Reserve – Public Use
2.	Lot 9156 - 11 Windich Court, Padbury	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 10801 - 138 Gibson Avenue, Padbury	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 10990 – 95 Pinnaroo Drive, Padbury	Residential R20	Local Reserve – Public Use
3.	Lot 9361 - 9 Mueller Court, Padbury	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 9362 - 2F Brisbane Drive, Padbury	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 9532 & Lot 332 - 140 & 144L Gibson Avenue, Padbury	Local Reserve – Parks and Recreation	Local Reserve – Public Use
4.	Lot 9255 - 17 Groyder Way, Padbury	Residential R20	Local Reserve – Public Use
5.	Lot 9012 - 31 Ellison Drive, Padbury	Residential R20	Local Reserve – Public Use
6.	Lot 701 - 10 Livingstone Way, Padbury	Residential R20	Local Reserve – Public Use
7.	Lot 76 - 30 Gibson Avenue, Padbury	Residential R20	Local Reserve – Public Use
8.	Lot 11976 - 31L Chadlington Drive, Padbury	Residential R20	Local Reserve – Public Use
8.	Lot 301 - 9 Chadlington Drive, Padbury	Residential R20	Local Reserve – Parks and Recreation
8.	Lot 14554 - 15 Fawler Glade, Padbury	Residential R20	Local Reserve – Public Use
9.	Lot 14027 - 47L Forrest Road, Padbury	Local Reserve – Parks & Recreation	Local Reserve – Public Use
10.	Lot 9180 – 2f Jardine Place, Padbury	Residential R20	Local Reserve – Public Use
10.	Part Lot 55 Jardine Place, Padbury	Residential R20	Local Reserve – Parks and Recreation
10.	Lot 39 - 9 Logan Court, Padbury	Residential R20	Local Reserve – Public Use
11.	Part Lot 9391 – 1 Minchin Court, Padbury	Residential R20	Local Reserve – Parks and Recreation
SORRENTO			
1.	Lot 500 - 16 Sandpiper	Residential R20	Local Reserve – Public

	Street, Sorrento		Use
1.	Lot 572 - 2 Castaway Court, Sorrento	Residential R20	Local Reserve – Public Use
2.	Lot 356 - 45 Kempenfeldt Avenue, Sorrento	Residential R20	Local Reserve – Public Use
3.	Lot 235 - 57 High Street, Sorrento	Residential R20	Local Reserve – Public Use
WARWICK			
1.	Lot 94 & 95 – 3 & 1 Dorchester Avenue, Warwick	Residential R20	Local Reserve – Public Use
2.	Lot 13280 - 21 The Circle, Warwick	Residential R20	Local Reserve – Public Use
2.	Lot 13279 - 15 The Circle, Warwick	Residential R20	Local Reserve – Parks and Recreation
3.	Lot 577 - 24 Felgate Place, Warwick	Residential R20	Local Reserve – Public Use
4.	Lot 259 - 37 Hillwood Avenue, Warwick	Residential R20	Local Reserve – Public Use
4.	Lot 291 - 57 Ballantine Road, Warwick	Residential R20	Local Reserve – Public Use
5.	Lot 10345 - 31 Millport Drive, Warwick	Local Reserve - Parks & Recreation	Local Reserve – Public Use
6.	Lot 962 - 81L Ellersdale Avenue, Warwick	Commercial	Local Reserve – Public Use
WOODVALE			
1.	Lot 10587 & Lot 12583 - 131 Trailwood Drive, Woodvale	Residential R20	Local Reserve – Public Use
2.	Lot 12240 - 17 Phillips-Fox Terrace, Woodvale	Residential R20	Local Reserve – Public Use
3.	Lot 12199 - 20 Talling Heights, Woodvale	Residential R20	Local Reserve – Public Use
3.	Lot 12194 - 109 Trappers Drive, Woodvale	Residential R20	Local Reserve – Parks and Recreation
4.	Lot 12201 - 2 Richardson Court, Woodvale	Residential R20	Local Reserve – Public Use
5.	Lot 12686 - 36 Goldfinch Loop, Woodvale	Residential R20	Local Reserve – Public Use
6.	Lot 12833 - 129 Woodvale Drive, Woodvale	Residential R20	Local Reserve – Public Use
6.	Lot 12264 & Lot 12282 – 80 Timberlane Drive, Woodvale	Residential R20	Local Reserve – Parks and Recreation
7.	Lot 156 - 27 Streeton Promenade, Woodvale	Residential R20	Local Reserve – Public Use
8.	Lot 11151 -160 Timberlane Drive, Woodvale	Residential R20	Local Reserve – Public Use
9.	Lot 11173 - 36 Cornish Avenue, Woodvale	Residential R20	Local Reserve – Parks and Recreation

Scheme Amendment Process



**CITY OF JOONDALUP
DISTRICT PLANNING SCHEME NO. 2**

Adopted by resolution of the Council of the City of Wanneroo at the Ordinary meeting of the Council held on the 27th day of March 1991.

Modified by resolution of the Council of the City of Wanneroo at the Special meeting of the Council held on the 22nd day of August 1996.

Modified by resolution of the Council of the City of Wanneroo at the Special meeting of the Council held on the 10th day of September 1997.

On July 1, 1998, the City of Wanneroo ceased to exist. In its place, the City of Joondalup and the Shire of Wanneroo were created, with both municipalities coming into existence on the same date, July 1, 1998.

Adopted for final approval by resolution of the City of Joondalup at the Ordinary meeting of the Council held on the 22nd day of September 1998.

Modified and adopted for final approval by resolution of the City of Joondalup at the Special meeting of the Council held on the 4th day of May 1999.

Adopted for final approval by the Council of the City of Joondalup at the Ordinary meeting held on the 26th day of September 2000 and the Common Seal of the City of Joondalup was hereunto affixed by the authority of a resolution of the Council in the presence of:

(Signed) John Bombak
MAYOR

(Signed) Lindsay Delahaunty
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for final approval

.....
CHAIRPERSON, WESTERN AUSTRALIAN
PLANNING COMMISSION

DATE

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE

THE CITY OF JOONDALUP DISTRICT PLANNING SCHEME NO. 2

The City of Joondalup Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereunder referred to as The Act, hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

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PART 1 – PRELIMINARY**1.1 CITATION**

1.1.1 The City of Joondalup District Planning Scheme No. 2 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 City of Joondalup Town Planning Scheme No. 1 (Gazettal date 13 September, 1972) is revoked.

1.2 RESPONSIBLE AUTHORITY

The authority responsible for carrying out the Scheme is the Council of the City of Joondalup hereinafter referred to as the “Council” except that where land is shown in the Scheme Map as “Regional Reserve” the responsible authority shall be deemed to be the Western Australian Planning Commission, and the Provisions of the Metropolitan Region Scheme shall apply to such reservations.

1.3 THE SCHEME AREA

The Scheme shall apply to the whole of the District of the City of Joondalup as shown by the inner edge of the broken black line on the Scheme Map.

1.4 CONTENTS OF SCHEME

The Scheme comprises:

- (a) this Scheme Text
- (b) the Scheme Map
- (c) Residential Density Code Maps
- (d) agreed Structure Plans

1.5 ARRANGEMENT OF THE SCHEME TEXT

PART 1	PRELIMINARY
PART 2	RESERVES
PART 3	ZONES
PART 4	GENERAL DEVELOPMENT REQUIREMENTS
PART 5	SPECIAL CONTROLS
PART 6	DEVELOPMENT AND USE OF LAND
PART 7	NON-CONFORMING USES
PART 8	FINANCE AND ADMINISTRATION
PART 9	STRUCTURE PLANS

1.6 SCHEME AIMS AND OBJECTIVES

The aims and objectives of Scheme 2 are:

- | | |
|-------------------------------------|--|
| Regional planning framework: | (a) To facilitate the Council’s commitment to facilitating urban development in accordance with the statutory provisions of the Metropolitan Region Scheme and the planning principles embodied in state and regional policies relevant to the City; |
| Local planning | (b) To encourage and facilitate development of the City |

framework:	generally in accordance with the City of Joondalup Strategic Plan;
	(c) To provide an accountable planning framework appropriate to the needs of a regional City and its diverse lifestyle opportunities;
	(d) To facilitate the co-ordination and provision of social and community facilities and other physical infrastructure;
Land Use & Development	(e) To encourage development which will provide high standards of amenity, safety and welfare, <ul style="list-style-type: none"> • strive to ensure that new housing is energy-efficient, • ensure permanent and easy access by the public to the ocean shore and other recreation reserves, • promote the development of business which increases employment opportunities close to living places, and • support a safe, efficient and effective transportation system.
	(f) To encourage urban design which is compatible with and appropriate to the natural, built and social environment of the City;
Development Assessment & Approval Process	(g) To provide guidance on the procedures to be followed in the lodgment, assessment and determination of applications for the development and use of land within the City;
	(h) To ensure that proper regard is given to the needs of the community in the determination of land use and development proposals;
Heritage Conservation	(i) To encourage the conservation and continued use of identified places and objects of cultural heritage significance;
Environmental Protection	(j) To provide the Council and residents with appropriate mechanisms to protect identified places of landscape or environmental value within the City;
	(k) To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles;

**Urban
Development**

- (l) To promote planning, management and strategic control of development in a rational and systematic manner, taking into account the needs and aspirations of residents, and the environmental capacity of the area-;

**New
Development
Around
Existing
Railway
Stations**

- (m) In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government owned land and air rights above that land where achievable.

1.7 RELATIONSHIP WITH THE METROPOLITAN REGION SCHEME

The Scheme is complementary to, and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme, as amended, continue to have effect. The authority responsible for implementing the Metropolitan Region Scheme is the Western Australian Planning Commission (hereinafter called “the Commission”).

1.8 RELATIONSHIP OF SCHEME TO LOCAL LAWS

Where a provision of this Scheme is inconsistent with any local law or by-law, the provisions of this Scheme shall prevail.

1.9 INTERPRETATION

- 1.9.1 Words and expressions used in the Scheme shall have the respective meanings given to them in Schedule 1 or elsewhere in the Scheme and the Residential ~~Planning-Design~~ Codes.
- 1.9.2 Where a word or term is defined in the Residential ~~Planning-Design~~ Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential ~~Planning-Design~~ Codes.
- 1.9.3 Words and expressions used in the Scheme but not defined in Schedule 1, elsewhere in the Scheme or in the Residential ~~Planning-Design~~ Codes shall have their normal and common meanings.

PART 2 – RESERVES**2.1 RESERVES**

Certain lands within the Scheme Area are shown on the Scheme Map and classified into either:

- (a) Metropolitan Region Scheme Reserves; or
- (b) Local Reserves.

2.2 METROPOLITAN REGION SCHEME RESERVES

2.2.1 The land shown as “Metropolitan Region Scheme Reserves” on the Scheme Map are lands reserved under the Metropolitan Region Scheme and are shown on the Scheme Map in order to comply with the ~~Metropolitan Region Town Planning Scheme Act, 1959, as amended Act~~. Those lands are not reserved by this Scheme. The provisions of the Metropolitan Region Scheme continue to apply to such reserves.

2.2.2 Amendment of Metropolitan Region Scheme

Where, after the gazettal date, the Metropolitan Region Scheme is amended to zone a Regional Reserve, the Council shall treat an application for Planning Approval on such land as though the development involves a “D” use, and such of the provisions of Part 3 and Part 6 as are relevant to “D” uses shall apply until the Scheme has been amended to include the land in a zone or Local Reserve (see subclause 3.2.2).

2.3 LOCAL RESERVES

2.3.1 Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend thereon.

2.3.2 Use of Local Reserves

Any Local Reserve not owned by or vested in the Council may be used:

- (a) for the purpose for which the land is reserved under the Scheme;
- (b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
- (c) for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or

- (d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;

but shall not be used otherwise or for any other purpose.

2.3.3 Development of Local Reserves

Unless the proposed development is a public work exempted by ~~Section 32 of~~ the Act, or the written approval of the Council is first obtained, no person shall:

- (a) demolish or damage any building or works;
- (b) remove or damage any tree;
- (c) excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;
- (d) construct, extend, or alter any building or structure other than a boundary fence;
- (e) carry out or commence to carry out any other development on any Local Reserve.

2.3.4 Applications for Planning Approval on Local Reserves

2.3.4.1 The Council may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 6.8 ("Matters to be Considered by Council").

2.3.4.2 Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.

2.3.4.3 To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.

2.3.4.4 Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.

[2.3.4.5](#) The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.

2.3.5 Right of Disposal

The Council may deal with or dispose of land it has acquired for a Local Reserve upon such terms and conditions as it thinks fit provided that the land is used or preserved for the use for which the land is reserved.

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 Planning-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 200m² NLA;
 - (b) The parcel of land is on a separate green title lot of not less than 1000m²;
 - (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m²; 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 ~~no more than~~ 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 200m² NLA;
- (b) The parcel of land is on a separate green title lot of not less than 1000m²;
- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m²; 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 2,000m² with an average lot size of not less than 3,000m². 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 NEW DEVELOPMENT AROUND EXISTING RAILWAY STATIONS~~

~~In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government-owned land and air rights above that land where achievable.~~

PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

4.1 EXCLUSIONS

The development requirements or standards specified in clauses 4.5 and 4.7 to 4.12 inclusive shall apply to all development other than development controlled by the Residential ~~Planning- Design~~ Codes. In the Mixed Use Zone, the Business Zone, the Service Industrial Zone, the Special Residential Zone and the Rural Zone, the provisions of Clauses 3.5, 3.6, 3.10, 3.13 and 3.14 as the case may be, shall prevail if there is any conflict or inconsistency with this Part.

4.2 RESIDENTIAL ~~PLANNING- DESIGN~~ CODES

4.2.1 For the purposes of this Scheme “Residential ~~Planning- Design~~ Codes” means the Residential ~~Planning- Design~~ Codes set out in Appendix 2 to the Commission’s Statement of Planning Policy No. 1, together with any amendments thereto.

4.2.2 A copy of the Residential ~~Planning- Design~~-Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.

4.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential ~~Planning- Design~~ Codes shall conform to the provisions of those Codes.

4.2.4 Subject to clause 4.2.5, the Residential ~~Planning- Design~~ Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.

Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.

4.2.5 Notwithstanding the provisions of clause 4.2.4, where land within the Scheme is subject to an Agreed Structure Plan, the Residential ~~Density- Design~~ Codes for the area shall be determined according to the Agreed Structure Plan.

4.3 SPECIAL APPLICATION OF RESIDENTIAL ~~PLANNING- DESIGN~~ CODES

4.3.1 Where residential development is proposed to be mixed with non-residential development, Council may vary any provision of the Codes with the exception of the minimum area of lot per dwelling prescribed in Column 3, Table 1 of the Codes.

Before exercising its powers of discretion Council may require that a proposal be advertised and plans made available for public inspection in accordance with the procedures laid down in clause 6.7.

- 4.3.2 In areas that are covered by an Agreed Structure Plan the provisions of the Residential ~~Planning~~ Design Codes may be varied by the provisions of the Agreed Structure Plan set out under clause 9.8.3(b).

4.4 HOME BUSINESS

4.4.1 Home Business – Category 1

- 4.4.1.1 Subject to Clause 4.4.4, a person may conduct a Home Business – Category 1 within a dwelling without the need to submit an application for approval to commence development.

~~4.4.1.2 If in the opinion of the Council the activity is no longer consistent with the limits of a Home Business – Category 1, or is otherwise causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, Council may serve notice on the person requiring the person to cease using the dwelling for the occupation.~~

4.4.2 Home Business – Category 2

- 4.4.2.1 A person wishing to conduct a Home Business - Category 2 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.

4.4.3 Home Business – Category 3

- 4.4.3.1 A person wishing to conduct a Home Business – Category 3 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.

4.4.3.2 The provisions of the Residential ~~Planning~~ Design Codes and all other clauses in the Scheme relating to developments in a Residential Zone shall apply to a Home Business – Category 3. Council may exercise its discretion and vary a provision of the Codes, except the minimum area of lot per dwelling prescribed in Column 3, Table 1 of the Codes.

4.4.4 Review

- 4.4.4.1 At any time Council may undertake a review of the status of an occupation being carried out in a dwelling as a Home Business – Category 1, by requiring the resident to submit a statement setting out the nature and extent of the occupation being carried out on the premises or, on reasonable notice, permitting inspection of the dwelling by Council.
- 4.4.4.2 Following completion of a review, Council may designate the occupation either as a Home Business – Category 1, Category 2 or 3 and require the resident to comply with the requirements of the Scheme in a manner applicable to that designation and if the designation has changed, then notwithstanding that the occupation may have been lawful up to the time of the review, such occupation shall be carried out only in conformity with Council provisions of either a Home Business Category 2 or a Home Business – Category 3, whichever is applicable, once issued.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 Except for development in respect of which the Residential **Planning Design** Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and
 - (b) have regard to any expressed views prior to making its decision to grant the variation.
- 4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

4.6.1 In accordance with ~~Section 7A4~~ section 50 of the Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F ~~Environmental Protection Act~~ Environmental Protection Act 1986, are incorporated into the Scheme by Schedule 9 of the Scheme.

4.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol “EC” to indicate that environmental conditions apply to the land.

4.6.3 The Council shall maintain a register of all the Statements published under Section 48F referred to in sub-clause 4.6.1 which shall be made available for public inspection at the offices of the Council.

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

4.7.1 Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:

Setback from street boundary	9.0 metres
Setback from side boundary	3.0 metres
Setback from rear boundary	6.0 metres

4.7.2 Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.

4.8 CAR PARKING STANDARDS

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

4.9 PEDESTRIAN AND VEHICLE RECIPROCAL ACCESS REQUIREMENTS

If the Council approves car parking and pedestrian access on neighbouring premises in a manner which relies on the reciprocal movement of vehicles and pedestrians between or across the premises, the owners concerned shall allow the necessary reciprocal access and parking at all times to the Council's satisfaction.

4.10 TRAFFIC ENTRANCES

The Council may where it considers it desirable and in the interests of traffic safety direct the owner of any lot to limit access and egress or provide such additional access and egress as it requires to any premises.

4.11 CAR PARKING – CASH IN LIEU OR STAGING

- 4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.
- 4.11.2 Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.
- 4.11.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.
- 4.11.4 Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

- 4.12.1 A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.
- 4.12.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.
- 4.12.3. Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.

4.13 MINIMUM LOT DIMENSIONS

Minimum lot sizes and frontages are not specifically set for the purposes of this Part. The extent of any development on any lot shall be dependent upon other development requirements. Notwithstanding the foregoing, the Council may establish policies outlining specific minimum lot dimensions for specific types of development where it considers that it is prudent to do so.

4.14 STORAGE AND RUBBISH ACCUMULATION

4.14.1 All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 metres in height constructed of brick, masonry or other approved material. All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.

4.14.2 Development requirements for enclosed storage areas and garbage storage areas relating to residential developments for grouped and multiple dwellings are contained within the 'Residential Planning Codes'.

4.15 COMMERCIAL VEHICLE PARKING

Parking of commercial vehicles in the Residential, Mixed Use, Business, Urban Development, Centre, Commercial and Special Residential Zones shall not be permitted except in accordance with the provisions set out in the following paragraphs of this clause;

- (a) a person shall not park, or permit to be parked, more than one commercial vehicle on any lot in the zones referred to in this clause;
- (b) a person may only park a commercial vehicle on any lot in the zones referred to in this clause if:
 - (i) the lot on which the vehicle is parked contains only a single house (including any associated outbuildings) provided that Council may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling development or the surrounding area;
 - (ii) the vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front of the dwelling, or alternatively the vehicle is parked within a garage;
 - (iii) the vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling. The foregoing requirement of this item shall not be satisfied in any case unless the owner of

the vehicle or an occupier of the dwelling within seven days of the Council making a request, supplies to the Council full information as to the name and occupation of the person said to be using the vehicle. The request for that information is made for the purpose of this item by posting the request to the address of the owner of the vehicle shown on the vehicle registration, or by posting the request to or leaving it at the dwelling addressed in general way to the occupier. The parking of the vehicle on the lot does not authorise the conduct on that lot of the occupation of the vehicle user;

- (iv) the vehicle does not exceed 3 metres in height (including the load), 2.5 metres in width, or 8 metres in length;
- (v) the vehicle is not started or manoeuvred on site between the hours of 10.00 pm and 6.00 am the next following day;
- (vi) while on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five minutes;
- (vii) where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the Environmental Protection Act 1986, the hours of operation shall be restricted to 7.00 am – 9.00 pm Monday to Saturday and 9.30 am – 9.00 pm Sundays and Public Holidays.

Any restrictions imposed on the hours of operation shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986;

- (viii) only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same.

All cleaning and servicing shall be conducted behind the front of the dwelling;

- (ix) storage of liquid fuels on the lot complies with the Explosive and Dangerous Goods Act, 1961;
- (x) the vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes or other use so as to cause nuisance or pollution as defined in the Health Act 1911 and/or the Environmental Protection Act 1986;

- (xi) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
 - (xii) while on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, unloading or loading of the vehicle, or storage of goods associated with the use of the vehicle;
 - (xiii) the vehicle is not used or operated as a tow truck or other emergency vehicle, between the hours of 10.00 pm to 6.00 am in a manner that adversely affects the residential amenity of the area;.
- (c) the Council may in writing approve a variation to any of the requirements of items (ii) and (iv) in paragraph (b) provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation;
- (d) an approval of the Council granted under paragraph (c) is personal to the person to whom it is granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted;
- (e) a vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than one hour in aggregate over any period of 24 hours unless the vehicle is being used bona fide in connection with ongoing construction work legally being carried out on the lot, the burden of proving which shall lie upon the person asserting it.

4.16 RECREATIONAL VEHICLE PARKING

- 4.16.1 Parking of one (1) recreational vehicle in the Residential zone shall be permitted as of right and without the need for Council approval provided that the vehicle does not exceed 3 metres in height, 2.5 metres in width and 8 metres in length.
- 4.16.2 The Council may in writing approve a variation to Clause 4.16.1 provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation in accordance with the “D” use provisions contained within Clause 6.6.2.
- 4.16.3 In supporting a variation to Clause 4.16.1, Council shall impose the following in addition to any other requirements;
- (i) The vehicle(s) shall be parked entirely on the subject lot and shall be located on a hard standing area behind the facade of the dwelling, or alternatively the vehicle being parked within a garage.
 - (ii) The vehicle(s) shall not be started or manoeuvred on site between the hours of 10.00 pm and 6.00 am.
- 4.16.4 Any approval of the Council granted under Clauses 4.16.2 and 4.16.3 is personal to the person to whom it is granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted”

4.17 RESTRICTIVE COVENANTS

- 4.17.1 Subject to clause 4.17.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect fo which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that is inconsistent with the provisions of the Residential Design Codes.
- 4.17.2 Where clause 4.17.1 operates to extinguish or vary a restrictive covenant Council will not grant planning approval to the development of the land which would, but for the operation of clause 4.17.1, have been prohibited unless the application has been dealt with as an ‘A’ use and has complied with all of the advertising requirements of clause 6.7.

PART 5 – SPECIAL CONTROLS

5.1 CONTROL OF ADVERTISEMENTS

5.1.1 Objectives

The objectives of the provisions for control of advertisements are:

- (a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;
- (b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;
- (c) to minimize the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- (e) to reduce and minimise clutter; and
- (f) to promote a high standard of design and presentation in outdoor advertising.

5.1.2 Power to Control Advertisements

- 5.1.2.1 For the purpose of this Scheme and subject to subclause 5.1.5, the erection, placement and display of advertisements, and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning Approval is required in addition to any licence pursuant to the Council's Signs Local Law.
- 5.1.2.2 Applications for Council's planning Approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 6.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form specified by the Council from time to time giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.1.3 Existing Advertisements

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the Gazettal Date of the Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme:

hereinafter in this Clause referred to as “existing advertisements”, may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

5.1.4 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for Planning Approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and the provisions of any Local Planning Policy relating to signs or advertisements and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

5.1.5 Exemptions from the Requirement to Obtain Approval

Subject to the provisions of the Main Roads WA (Control of Signs) Regulations 1983 and notwithstanding the provisions of subclause 5.1.2, the Council’s prior Planning Approval is not required in respect of those advertisements listed in Schedule 4 which for the purpose of this clause are referred to as “exempted advertisements”. The exemptions listed in Schedule 4 do not apply to land, buildings, objects, structures and places declared pursuant to Clauses 5.2 and 5.3 of the Scheme.

5.1.6 Discontinuance

Notwithstanding the Scheme objectives and subclause 5.1.5, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt or otherwise modify the advertisement within a period of time specified in the notice.

5.1.7 Derelict or Poorly Maintained Advertisements

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of this clause or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice in writing, require the advertiser to:

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the Council in the notice; or
- (b) remove the advertisement.

5.1.8 Notices

5.1.8.1 The “advertiser” shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.

5.1.8.2 Any notice served in exceptional circumstances pursuant to subclause 5.1.6 or 5.1.7 shall be served upon the advertiser and shall specify:

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.

5.1.8.3 Any person upon whom a notice is served pursuant to this subclause may within a period of 60 days from the date of the notice appeal to the ~~Minister or the Town Planning Appeal Tribunal in accordance with Part V of the Act~~ State Administrative Tribunal, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

5.1.9 Scheme to Prevail

Where the provisions of this Clause are found to be at variance with the provisions of the Council's Signs Local Laws, the provisions of the Scheme shall prevail.

5.1.10 Enforcements and Penalties

The offences and penalties specified in Clause 8.10 of the Scheme shall apply to the advertiser in this Clause.

5.2 HERITAGE PROTECTION**5.2.1 Purpose and Intent**

The purpose and intent of the heritage provisions are:

- (a) to facilitate the conservation of places of heritage value;
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

5.2.2 Heritage List of Places, Buildings or Objects Worthy of Conservation or Preservation

5.2.2.1 The Council shall establish and maintain a Heritage List which shall identify those places within the Scheme Area to be of cultural heritage significance and worthy of conservation under the provisions of this Scheme, together with a description of each place and the reasons for its entry.

5.2.2.2 In the preparation of the Heritage List the Council shall have regard to the Municipal Inventory prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 and will include on the List such of those entries on the Inventory it considers to be appropriate.

5.2.2.3 In considering a proposal to include a place on the Heritage List, the Council shall:

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description referred to in sub-clause 5.2.2.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice;
- (c) carry out such other consultations as it thinks fit; and

- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 5.2.2.4 Where a place is included on the Heritage List, the Council shall give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 5.2.2.5 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection.
- 5.2.2.6 The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in sub-clause 5.2.2.3.
- 5.2.3 Application for Planning Approval
 - 5.2.3.1 In dealing with any matters which may affect a place included on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
 - 5.2.3.2 The Council, shall in considering any application that may affect a place included on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
 - 5.2.3.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed on land or to structures the subject of a place included on the Heritage List.
 - 5.2.3.4 For the purposes of Clause 6.1 of the Scheme, the term 'development' shall have the meaning as set out in the ~~Town Planning and Development Act (as amended)~~ Act but shall also include, in relation to any place listed in the Heritage List any act or thing that is likely to significantly change the external character of the building, object, structure or place.
- 5.2.4 Formalities of Application
 - 5.2.4.1 In addition to the application formalities prescribed in sub-clause 5.2.3 and any formalities or requirements associated with applications for planning approval contained in any of

the provisions of the Scheme, the Council may require an application for planning approval, where the proposed development may affect a place of cultural heritage significance, to provide one or more of the following to assist the Council in its determination of the application:

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) in addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

5.2.5 Variations to Scheme Provisions

5.2.5.1 Where desirable to facilitate the conservation of a heritage place or to enhance heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 6.7; and
- (b) take into consideration any expressed views prior to making its decision to grant the variation.

- 5.2.5.2 In granting variations under subclause 5.2.5.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

5.3 LANDSCAPE/ENVIRONMENT PROTECTION

5.3.1 Schedule 5

- 5.3.1.1 Schedule 5 contains details of those places and objects within the City which the Council has classified as having significance for the purpose of protection of the landscape or environment.
- 5.3.1.2 If the Council at any time considers that a place or object has significance from the point of view of protection of the environment or landscape, the Council may classify the place or object accordingly and shall add details thereof to Schedule 5 by amendment to the Scheme.
- 5.3.1.3 If the Council at any time considers that any Schedule 5 place or object should no longer be subject to the provisions of this clause the Council may initiate an amendment to the Scheme for the deletion of the place or object from Schedule 5.

5.3.2 Written Consent of the Council

- 5.3.2.1 Notwithstanding any other provisions of the Scheme to the contrary the approval of the Council is required for the following development on or in relation to any place of landscape or environmental value listed in Schedule 5:
- (a) the clearing, excavation or filling of any land;
 - (b) the felling, removal, killing or causing of irreparable damage to any tree;
 - (c) the erection of any fence;
 - (d) the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building; or
 - (e) the alteration or removal of any building or object or part thereof.
- 5.3.2.2 Without affecting the generality of the preceding paragraph and notwithstanding the provisions of subclause 6.1.3 no

development shall be commenced or carried out on land listed in Schedule 5 without Planning Approval.

5.3.3 Agreements

The Council may:

- 5.3.3.1 enter into agreements with the owners or occupiers of land on which any Schedule 5 place or object is situated for the purpose of ensuring its preservation or conservation;
- 5.3.3.2 enter into agreements with any State or Commonwealth government authority or other body in Western Australia, for the preservation or conservation of any place or object listed in Schedule 5.

5.4 PURCHASE OR RESUMPTION

The Council may purchase, or, subject to the Act, compulsorily acquire all or part of any parcel of land on which any Schedule 5 place or object is situated, as in the opinion of the Council is necessary for its preservation, or which the Council considers necessary for the conservation of the natural beauties of an area, for the preservation of any particular tree or trees and without limiting the generality of the foregoing for the preservation of any place or object of cultural heritage significance or other scientific interest.

PART 6 – DEVELOPMENT AND USE OF LAND**6.1 APPLICATION FOR PLANNING APPROVAL**

6.1.1 The Council's Planning Approval is required for any development on or partly on any land zoned or reserved under the Scheme other than development referred to in subclause 6.1.3, and with those exceptions no person shall commence or carry out any development unless the Council's approval has first been obtained.

6.1.2 Any application for Planning Approval shall be made by way of the form prescribed under the Metropolitan Region Scheme for such purpose or by way of Form 1 of the Scheme or other form as determined by Council from time to time. The application shall be submitted to the Council in duplicate together with such plans and other information as the Council reasonably requires.

6.1.3 The Council's prior Planning Approval on land zoned by the Scheme is not required if the development consists of:

- (a) the erection of a boundary fence;
- (b) the erection on a lot of a single house which will be the only building on that lot and where a dwelling is a permitted ("P") use in the zone in which that lot is situated. For the purposes of this subparagraph the term "single house" does not include the erection of a mast or antenna where either its vertical or horizontal dimension exceeds two metres, the erection of which requires prior Planning Approval;

Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes to carry out development of a single house involving the exercise of discretion by the Council or who wishes to construct a single house in an area or manner where the provisions of a Structure Plan prepared and adopted under Part 9 of the Scheme or a Policy prepared and adopted under Clause 8.11 of the Scheme require, shall at the time of lodging an application for a Building Licence or earlier, apply in writing to Council, seeking Council's approval.

The Council may approve the application with or without conditions or may refuse to approve the application. The Council shall, before granting its approval involving the exercise of its discretion under the R Codes, satisfy itself that:

- (i) the variation requested is one which the Council has the power to approve; and

- (ii) approval of that variation would not compromise the objectives of the R Codes.

Where the application for Council's approval consists solely of an application relating to a single house for the Council to exercise its discretion under the R Codes or where required by the provisions of a Structure Plan prepared and adopted under Part 9 of the Scheme or a policy prepared and adopted under Clause 8.11 of the Scheme, the application may be in the form of that required for a Building Licence application.

- (c) the use of any buildings or land within the curtilage of a dwelling for any purpose incidental to the enjoyment by the occupants of the dwelling as such;
- (d) the carrying out of any works on, in, or under a street or road by a public authority acting pursuant to the provisions of any statute.

~~(e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior to the building or which do not materially affect the external appearance of the building;~~

~~(e) the carrying out of any building or works that affect only the interior of a building (excluding an increase in floorspace) and which do not materially affect the external appearance of the building except where the building is:~~

~~(i) located in a place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990;~~

~~(ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;~~

~~(iii) included on the Heritage List under clause 5.2.2.~~

- (f) 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;

- (g) the conducting of a Home Business – Category 1.

~~(h) 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;~~

~~(ii) the subject of an Order under Part 6 of the Heritage of Western Australia act 1990;~~

~~(iii) included on the Heritage List under clause 5.2.2;~~

(iv) located in an area that will in the opinion of Council affect a place included on the Heritage List pursuant to clause 5.2.2.

(i) any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees;

(j) any of the exempted classes of advertisements listed in Schedule 4 of the Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place; and

(k) one commercial vehicle, in accordance with clause 4.15

(l) one recreational vehicle, in accordance with clause 4.16

(m) A satellite dish, aerial or radio equipment, in accordance with the City's Local Planning Policy and as defined and listed in both Table 1 as 'Communications Antenna – Domestic' and Schedule 1 as 'Communications Antenna within the Scheme.

6.1.4 Notwithstanding that any development by reason of the preceding subclause does not require the approval of the Council, an application must nevertheless be submitted to the Council for referral to the Commission for determination in accordance with the Metropolitan Region Scheme or the ~~Metropolitan Region Town Planning Scheme Act 1959~~ Act if the land the subject of the application is wholly or partly:

(a) affected by a gazetted notice of a resolution by the Commission under clause 32 of the Metropolitan Region Scheme; or

(b) within an area duly declared by the Commission to be a Planning Control Area.

6.2 APPLICATION FOR APPROVAL OF USE

6.2.1 For the purpose of the Scheme the commencement, carrying out or change of a use on land shall be a development notwithstanding that it does not involve the carrying out of any building or other works.

6.2.2 If an application for Planning Approval involves the carrying out of building or other work on land, the approval by the Council of the application, shall unless the Council stipulates otherwise in its approval, be an approval also of the commencement and carrying out of any use of the land:

(a) which is specifically proposed and referred to in the application; or

- (b) which is normally associated with and follows as the most usual consequence of the carrying out or completion of the building or other work.

6.3 PROCEDURES FOR DEALING WITH APPLICATIONS RECEIVED

6.3.1 An application for Planning Approval in respect of land which is wholly within a regional reserve shall be referred by the Council to the Commission for determination in accordance with the Metropolitan Region Scheme. No separate determination of the application shall be made by the Council.

6.3.2 An application for Planning Approval in respect of land which is:

- (a) wholly zoned or reserved by the Scheme; or
- (b) partly within a regional reserve and partly zoned or reserved by the Scheme; or
- (c) affected by a gazetted notice of resolution made by the Commission under clause 32 of the Metropolitan Region Scheme, or
- (d) within or partly within a Planning Control Area duly declared by the Commission

shall be dealt with by the Council in accordance with the requirements of the Notice of Delegation published in the Government Gazette from time to time by the Commission acting pursuant to the provisions of ~~section 20 of the Western Australian Planning Commission Act 1985~~ the Act. Where that Notice of Delegation requires the application to be determined by the Commission, the procedure is as follows:

- (i) one copy of the application and supporting papers submitted by the applicant shall, within seven days of receipt of the application, be forwarded by the Council to the Commission for determination by the Commission pursuant to the provisions of the Scheme and the Metropolitan Region Scheme or the ~~Metropolitan Region Town Planning Scheme Act 1959~~ Act; and
- (ii) the Council shall retain the other copy of the application and supporting papers and determine the application in accordance with the provisions of the Scheme.
- (iii) the Council may, within 42 days of receipt of that application (or such further period as the Commission may allow) forward to the Commission its recommendation as to the manner in which the application should be determined.

- 6.3.3 If the Council receives an application for Planning Approval on land which is partly within a regional reserve and partly zoned or reserved by the Scheme then:
- (a) the Council shall retain one copy of the application and refer the other copy to the Commission for determination of the application pursuant to the Metropolitan Region Scheme;
 - (b) if it is reasonable in the circumstances for the Council to make determination as to the part of the proposed development which is on the land zoned or reserved by the Scheme, the Council shall deal with that part of the application in accordance with subclauses 6.3.2 and 6.3.3 but where appropriate the council may express any approval it gives to be subject to the approval of the Commission;
 - (c) if it is not reasonable in the circumstances for the Council to make a determination as to the part of the development which is on the land zoned or reserved by the Scheme the Council may delay its determination of the application as to that part until the determination of the Commission is made known to it.
- 6.3.4 Subject to the provisions of the Metropolitan Region Scheme, if in respect of any proposal for development the Council is required to deal with an application under the Scheme and also an application under the Metropolitan Region Scheme by virtue of an authority delegated to it under the provisions of the ~~Metropolitan Region Town Planning Scheme Act 1959 Act~~, unless it stipulates a contrary intention, the decision conveyed to the applicant or proponent shall be its decision both under the Metropolitan Region Scheme and under the Scheme.

6.4 REFERRAL TO OTHER AUTHORITIES

The Council may if it so desires, before determining any application consult with any other statutory, public or planning commission and with any other party it deems fit.

6.5 DEEMED REFUSAL

~~6.5.1 Notwithstanding the provisions of item (d) of subclause 6.9.1 an application which by the terms of the Scheme is required to be determined by the Council may be deemed by the applicant or proponent to have been refused where a decision determining the application has not been conveyed to the applicant or proponent by the Council within 60 days of the Council's receipt of the application or within such further time as may be agreed in writing between the applicant or proponent and the Council.~~

6.5.1 Notwithstanding the provisions of clause 6.9.1 (d):

- (a) Subject to clause 6.5.1 (b), an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by

the local government within 60 days of receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

(b) An application for planning approval which is the subject of a notice under clause 6.7 or referred to other authorities under clause 6.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

6.5.2 Notwithstanding that the application for planning approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the periods specified in those clauses 6.5.1 (a) and 6.5.1 (b) respectively, and that decision shall be valid and effective as from the date of determination.

6.5.3 An application for planning approval shall, for the purpose of calculating time limits, be deemed not to have been received by the Council until such time as all the plans, information and details as may be reasonably required by the Council has been received by the Council.

6.6 DEALING WITH “P”, “D”, “A” AND “X” USES

6.6.1 “P” Uses – If an application under the Scheme for Planning Approval involves a “P” use, the Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the Council may in its discretion impose conditions upon the Planning Approval and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

6.6.2 “D” Uses – The Council in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8.

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a “D” use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

6.6.3 “A” Uses – The use is not permitted unless the Council has exercised its discretion and has granted planning approval after having regard

to the provisions of clause 6.8 giving special notice in accordance with clause 6.7.

- 6.6.4 “X” Uses – The council shall refuse to approve any application for planning approval which involves an “X” Use unless the use complies with clause 3.15.

6.7 PUBLIC NOTICE

6.7.1 Notification of “A” Uses

Before considering an application for planning approval involving an “A” use, the Council shall:

- (a) cause to be advertised one or more times in a newspaper circulating in the district notice of the Council’s intention to consider the application for the proposed use. Any such advertisement shall state that the application and associated documents are available for inspection at the office of the Council and that written comments on the application may be lodged with the Council before a specified date, being not less than three weeks after the first publication of the notice; ~~and~~and/or
- (b) give notice to ratepayers and/or occupiers likely to be affected by the granting of the approval; such notice shall be in writing supplying at least the information referred to in item (a) of this subclause, and allowing a like time after receipt of the notice for objections to be lodged with the Council; and may
- (c) use any other methods or media considered appropriate to ensure widespread notice of the proposal;

6.7.2 Notification of “D” Uses

Before considering an application for planning approval involving a “D” use, the Council may give notice in accordance with subclause

6.7.1 (a), or (b), or (c), or a combination of these methods.

6.7.3 Consideration of Submissions on “D” and “A” Uses

If Council has advertised an application for planning approval pursuant to subclause 6.7.1 or 6.7.2, Council shall not make a decision to approve the application until after the latest date for submissions stated in any notice given or published pursuant to subclause 6.7.1 or 6.7.2 and until after Council has considered submissions lodged in accordance with the notice.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;
- (b) any relevant submissions by the applicant;
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;
- (i) the comments or wishes of any objectors to or supporters of the application;
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

6.8.2 In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;

- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;
- (c) the nature of the roads giving access to the subject land;
- (d) the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;
- (e) any relevant submissions or objections received by the Council; and
- (f) such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.

6.9 POWER TO DETERMINE APPLICATIONS FOR PLANNING APPROVAL

6.9.1 The Council having regard to the appropriateness of any proposed application for planning approval may:

- (a) refuse to grant its approval;
- (b) grant approval without conditions;
- (c) grant approval subject to such conditions and requirements as it deems fit; or
- (d) defer consideration or determination of the application to a later meeting if in the Council's view additional information for, or more detailed investigation of the proposal is required.

6.9.2 Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a Planning Approval which:

- (a) if not commenced, substantially commenced, or completed as the case may be within the period of time specified in the Approval shall cease to be valid; or
- (b) permits the use and/or other development of land to occur for a limited period of time specified in the approval, after the expiration of which period the use and/or other development shall cease and unless otherwise stipulated by the Council the site shall be restored to the condition existing at the time when the Approval was given, unless a further Approval has been sought and obtained.

6.9.3 The Council shall convey its decision to an applicant by way of the form prescribed under the Metropolitan Region Scheme for such purpose, or in any format that may be determined by the Council from time to time.

- 6.9.4 If the Council in exercising any discretion is required by the Scheme or by any other written law to have due regard to any matter or thing, it shall be deemed to have had due regard to such matter or thing unless the contrary is expressly stated in the Minutes of the relevant Council Meeting or the document communicating the determination for decision to the applicant, or is otherwise proved. In any event, due regard to the matter or thing by the responsible Committee or officer of the Council under delegated authority shall be sufficient compliance.

6.10 COMPLIANCE WITH CONDITIONS

- 6.10.1 If the Council, ~~or the Minister~~ or the ~~State Administrative Tribunal~~ ~~Planning Appeal~~ Tribunal on appeal from a decision of the Council, or any other decision making authority grants its approval of any development subject to conditions, no person shall use any land or building affected by the conditions or suffer or permit them to be used, or otherwise commence or carry out or suffer or permit the commencement or carrying out of any development on land otherwise than in accordance with the conditions.
- 6.10.2 The Council may, on application in writing from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

6.11 APPROVALS ON APPEAL

In any case where a Planning Approval is given by the ~~Minister or the Town Planning Appeal~~ State Administrative Tribunal on appeal from the Council, or where a condition is imposed by the ~~Minister or the~~ State Administrative Tribunal, then that approval and/or any such conditions shall be deemed for the purpose of enforcement to have been imposed by the Council under the Scheme and may be enforced by the Council as such.

6.12 APPROVAL OF EXISTING DEVELOPMENTS

- 6.12.1 The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.
- 6.12.2 An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.

- 6.12.3 A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.
- 6.12.4 The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.

PART 7 – NON-CONFORMING USES**7.1 NON-CONFORMING USES**

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 5.1.6, the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.

7.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

7.2.1 A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained planning approval under the Scheme.

7.2.2 An application for planning approval under this clause shall be advertised in accordance with clause 6.7.1.

7.2.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council shall not grant its planning approval unless the proposed use is:

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

7.3 DISCONTINUANCE OF NON-CONFORMING USE

When a non-conforming use of any land or buildings has been discontinued for a period of six months such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

7.4 TERMINATION OF A NON-CONFORMING USE

The Council may effect the discontinuance of a non-conforming use by the purchase of the land and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

PART 8 – FINANCE AND ADMINISTRATION**8.1 ADDITIONAL POWERS OF THE SCHEME**

8.1.1 The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:

- (a) The Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme.
- (b) The Council may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

8.1.2 The procedure for carrying out any compulsory acquisition under this Scheme shall be the procedure in the ~~Land Acquisition and Public Works Act 1902 subject to the modification referred to in Section 13 of the Town Planning and Development Act 1928 (as amended)~~ Act and the Land Administration Act 1997.

8.1.3 Without affecting the generality of the preceding subclause, to facilitate coordinated structure planning and development the Council may, with the prior consent of the Minister, acquire premises by purchase or resumption on behalf of a landowner who is endeavouring to develop land to comply with an Agreed Structure Plan, provided that the landowner:

- (a) proves to the Council's satisfaction that during a period of not less than six months, bone fide negotiations to acquire the premises have not been successful; and
- (b) enters into an agreement with the Council to meet all the costs of purchase or resumption including the Council's legal costs, and to develop the premises for the purposes specified within the specified time limit.

8.1.4 Disposal of Land

The Council may deal with or dispose of any land which it has acquired pursuant to the preceding subclauses, in accordance with the Act and in conformity with the provisions of the Scheme, upon such terms and conditions as it thinks fit, and for such purpose may make such agreements with other owners and parties as it thinks fit.

8.2 AMENITY

- 8.2.1 No building shall be so constructed, finished or left unfinished that its external appearance would significantly detract from the amenity of the locality or tend to depreciate the value of adjoining property. All land and buildings shall be so used and maintained as to preserve the local amenity.
- 8.2.2 No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, glare, vibration or waste products in such quantity or extent or in such a manner as will create or be a nuisance to any inhabitant, or to traffic or persons using any land or roads in the vicinity.
- 8.2.3 If the Council forms the opinion that there has been a breach of the requirements of the preceding subclauses it may, by notice in writing, require the owner to make good the breach in the manner and within the time stated in the notice. The notice may be served on the owner personally or by posting it to the last address of the owner known to the Council, and if served by post, shall be deemed to have been served three (3) clear days after the date of posting.
- 8.2.4 Any person upon whom a notice is served pursuant to this clause may, within 28 days of the date of service of the notice on that person, appeal pursuant to ~~Part V of~~ the Act against the requirements of the notice and, where any such appeal is lodged the effect of the notice shall be suspended until a decision to uphold, quash or vary the notice has been made on the appeal or the appeal has been withdrawn, whereupon the time stated in the notice shall again begin to run.
- 8.2.5 Failure to comply with a notice under this clause shall be a breach of the provisions of the Scheme.

8.3 UNKEMPT LAND

- 8.3.1 On any land within the Scheme Area any undergrowth, refuse, rubbish or disused material which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.
- 8.3.2 Every owner or occupier of land upon whom a notice is served shall comply with such notice within the time period therein specified.

8.3.3 Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice given by the Council, the Council may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of and recover in a court of competent jurisdiction the amount of the expense from the owner or occupier to whom the notice is given.

8.3.4 Failure to comply with a notice under this clause shall be a breach of the provisions of the Scheme.

8.4 APPEALS

Should an applicant, a proponent or an owner of land the subject of an application be aggrieved by a decision given or deemed to have been given by the Council in the exercise of a discretionary power under the Scheme or by a determination of the Commission under Part 9 the applicant, proponent or owner may appeal pursuant to ~~Part V of the Act and the rules and regulations made pursuant to~~ the Act.

8.5 COMPENSATION

8.5.1 A claim for compensation for injurious affection can be made pursuant to Section 11 of the Town Planning Act when the Scheme:

- (a) permits development on land for no purpose other than a public purpose;
- (b) prohibits wholly or partially the continuance of any non-conforming use according to the terms of the Act.

8.5.2 The time limit for the making of claims for compensation for injurious affection pursuant to ~~Section 11(1) of~~ the Act resultant from the making of, or the making of an amendment to, the Scheme, is six (6) months from the date of publication of the Scheme or Scheme Amendment in the Government Gazette.

8.5.3 In addition to the compensation provisions of the Act and sub-clause 8.5.1 of this Scheme, where, in respect of any application for planning approval to commence or carry out development on land reserved under this Scheme, the Council, or any appellate body thereafter, refuses or grants approval subject to conditions such that the effect of the decision is to permit the land to be used or developed for no purpose other than a public purpose, the owner of the land may claim compensation from the Council for injurious affection.

8.5.4 The time limit for the making of claims for compensation pursuant to sub-clause 8.5.3 is not later than 6 months after the date of the decision of the Council or appellate body.

8.6 DELEGATION OF DEVELOPMENT CONTROL POWERS, AND POWERS AND DUTIES IN RELATION TO OTHER PLANNING FUNCTIONS

~~The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to all or any of the persons or committees referred to in Schedule 6 any power conferred or duly imposed on the Council under this Scheme.~~

~~Any delegation made under sub-clause 8.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.~~

~~A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.~~

~~A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.~~

~~A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.~~

~~A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.~~

8.6.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.

8.6.2 Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

8.7 ENTRY TO PREMISES

Any officer of the Council may enter at all reasonable times any premises within the Scheme Area for the purposes of ascertaining whether the provisions of the Scheme are being complied with, and at the time of entry may do all things reasonably necessary to record evidence of any non-compliance.

8.8 GENERAL OBLIGATIONS

Subject to the provisions of the Act and all regulations made thereunder and to Part 7 of the Scheme, no person shall depart from or permit or suffer any departure from

the requirements and provisions of the Scheme, nor shall any person commence or carry out or permit the commencement or carrying out of any development which:

- (a) does not conform with the Scheme; or
- (b) being or involving a use or other development which requires the approval of the Council or the Commission or both, does not have such approval or approvals is not permitted; or
- (c) does not comply with the terms of any approval or any condition attached thereto.

~~8.9 NOTICE FOR REMOVAL OF CERTAIN BUILDINGS~~

~~Twenty eight (28) days' written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Town Planning Act for the removal of certain buildings.~~

~~8.9.2 Council may recover expenses under section 10(2) of the Act in a court of competent jurisdiction.~~

8.10 OFFENCES

8.10.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all approvals required by the Scheme have been granted and issued;
- (c) unless all conditions imposed upon the grant and issue of any approval required by the Scheme have been and continue to be complied with;
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that part have been and continue to be complied with.

8.10.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by ~~Section 10 of~~ the Act.

8.11 LOCAL PLANNING POLICIES

The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:

generally or for a particular class or classes of matters; and

throughout the Scheme Area or in one or more parts of the Scheme Area;

and may amend or add to or rescind a Policy so prepared.

8.11.2 Relationship of Local Planning Policies to Scheme

8.11.2.1 Any Local Planning Policy prepared under this Part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

8.11.2.2 A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.

8.11.3 Procedures for Making and Amending a Local Planning Policy

8.11.3.1 Local Planning Policy shall become operative only after the following procedures have been completed:

- (a) The Council having prepared and adopted a draft Policy shall advertise the draft Policy by way of a notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area and by such other methods as the Council may consider appropriate to ensure notice of the draft Policy, giving details of where the draft Policy may be inspected, the subject and nature of the draft Policy, and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made;
- (b) the Council shall carry out such other consultations as it thinks fit;
- (c) the Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy

with or without modification, or not to proceed with the draft Policy;

- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area; and
- (e) where, in the opinion of the Council, the provisions of any Policy affect the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.

8.11.3.2 Copies of any Policy shall be kept and made available for public inspection at the offices of the Council.

8.11.3.3 Any amendment or addition to a Policy shall follow the procedures set out in (a) - (e) above.

8.11.4 Rescission of a Local Planning Policy

A local Planning Policy may be rescinded by:

- (a) the preparation or final adoption of a new Policy pursuant to clause 8.11.3 specifically worded to supersede an existing Policy; or
- (b) publication of a formal notice of rescission by the Council once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.

8.11.5 Any Planning Policy adopted and approved under the City's Town Planning Scheme No 1 immediately before the revocation of Scheme No 1 shall have the status of a Local Planning Policy as if it was prepared and adopted under the provisions of this Scheme.

8.11.6 When a draft Planning Policy was prepared under the provisions of Town Planning Scheme No 1 but had not completed the procedures required to give it the status of an adopted and approved Planning Policy under that Scheme by the time the Scheme was revoked, then the procedures may be completed under this Scheme. In that case all procedures required for the preparation and adoption of the Planning Policy shall be deemed to have been carried out under this Scheme and when the procedures are completed the Planning Policy shall have effect for all purposes as a Local Planning Policy under this Scheme.

PART 9 – STRUCTURE PLANS**9.1 COUNCIL MAY REQUIRE STRUCTURE PLAN**

9.1.1 The Council may require the preparation and presentation to it of a Structure Plan as a prerequisite to:

- (a) the Council's support for a proposal to rezone or reclassify land in the District;
- (b) the Council's support for an application to subdivide or amalgamate lots; or
- (c) the Council's consideration of an application for Planning Approval.

9.1.2 To facilitate the efficient preparation of Structure Plans the Council may deal simultaneously with a number of Structure Plans in relation to the same area.

9.2 DETERMINATION OF STRUCTURE PLAN AREA

The Council shall determine the area to be covered by a Structure Plan required under the provisions of clause 9.1 upon the application of any of the following criteria it considers appropriate:

- (a) the pattern of roads, bus routes and dual-use paths both existing and proposed, in the surrounding area;
- (b) the pattern and type of existing subdivision in the surrounding area;
- (c) existing and proposed land uses on the subject land and in the surrounding area;
- (d) the land form, topography, vegetation, groundwater, wetlands and other natural features of the subject land and the surrounding area;
- (e) the availability of necessary services;
- (f) relevant expressed desires and attitudes of landowners and inhabitants of the surrounding area;
- (g) any other matter the Council considers relevant in the circumstances of the case.

9.3 MATTERS TO BE INCLUDED

A Structure Plan shall have regard to or include those matters listed in Schedule 7 that are appropriate. Without limiting the generality of Schedule 7 the Council may require any other matter to be included in a Structure Plan.

9.4 SUBMISSION OF STRUCTURE PLAN TO COUNCIL

9.4.1 A Structure Plan shall be prepared by the proponent and, to the extent that it is practicable, should be prepared after discussion and

consultation with the Council, the Commission, other relevant government agencies and the community. A Structure Plan shall be submitted to the Council in quadruplicate or such other quantity specified by the Council. The Council in the exercise of its discretion may do any of the following:

- (a) determine that the Structure Plan is satisfactory, send a copy to the Commission, and advertise it under the provisions of clause 9.5. Advertising of Structure Plans subject to minor modifications may be waived at the discretion of the Council.
- (b) determine that the Structure Plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent; or
- (c) determine that the Structure Plan should not be agreed to for stated reasons.

9.4.2 If within ~~sixty (60)~~ ninety (90) days of receiving a Structure Plan for agreement which accords with Clause 9.3 the council has not made one of the determinations referred to in the preceding paragraphs (clause 9.4.1), the proponent may deem that the Council has determined that the Structure plan should not be agreed to.

9.5 PUBLIC NOTICE

9.5.1 Before a Structure Plan is considered under the provisions of clause 9.6, the Council shall ensure that adequate publicity is given. Such publicity shall be undertaken by the proponent in accordance with the provisions of clause 6.7 as may be directed by the Council.

9.5.2 Any notice given under this clause shall be in such terms as will explain the scope and purpose of the Structure Plan and where and when it may be inspected, and shall invite submissions from all affected landowners, relevant government agencies and the community.

9.6 CONSIDERATION OF STRUCTURE PLAN

9.6.1 The Council shall consider all submissions received and within sixty (60) days of the date or the latest date specified in the notice given under clause 9.5 shall do one or other of the following:

- (a) refuse to adopt the Structure Plan;

- (b) resolve that the Structure Plan is satisfactory with or without modifications which the Council may require the proponent to make and submit three copies to the Commission for adoption and certification in the form illustrated in Schedule 8;

Where the Council in its opinion is not able to make a decision within the terms of either paragraph (a) or paragraph (b) of the preceding subclause within the sixty (60) day period by reason of the need to obtain more facts or information, the sixty (60) day period referred to in the preceding subclause may, with the consent of the proponent, be extended for a maximum of a further sixty (60) days, and the sixty (60) day period for a deemed refusal under subclause 9.6.4 shall not begin to run until the second sixty (60) day period has expired or the Council has declared itself to be satisfied that it has sufficient information to make a determination, whichever occurs first.

This extension of time is only available with the written consent of the proponent.

Consideration of the Structure Plan by the Western Australian Planning Commission

- (a) The Commission may adopt the Structure Plan with or without requiring any modifications or it may refuse to adopt the Structure Plan and should convey its decision to the Council within sixty (60) days of the date on which it receives the Structure Plan for adoption under paragraph 9.6.1(b).
- (b) If the Commission adopts the Structure Plan it should certify three (3) copies of the Structure Plan in the manner illustrated in Schedule 8 and return them to the Council within fourteen (14) days of the date of the Commission's resolution.
- (c) If the Commission requires modifications to the Structure Plan the proponent shall make the modifications in consultation with the Council and resubmit the Structure Plan for consideration under clause 9.4.
- (d) If the Commission refuses to adopt the Structure Plan and an appeal by the proponent is upheld, the proponent shall make any modifications that may be necessary for the Structure Plan to comply with the appeal determination and the Commission shall adopt and certify the Structure Plan pursuant to paragraphs (a) and (b) of this subclause.
- (e) If either the time limits in (a) and (b) is inadequate to allow the Commission to perform its functions in the case of any Structure Plan referred to it, the times shall be extended by such period as the Commission reasonably requires in order to perform its function under this subclause.

- 9.6.4 If within the sixty (60) day period referred to in subclause 9.6.1 or the extended period referred to in subclause 9.6.2, the Council has not made a decision within the terms of either paragraph (a) or paragraph (b) of subclause 9.6.1, then at the option of the proponent approval of the Structure Plan may be deemed refused for the purpose of giving a right of appeal.
- 9.6.5 As soon as practicable after receiving the Structure Plan documents referred to in paragraph 9.6.3(b) the Council shall adopt, sign and seal the Structure Plan in the form illustrated in Schedule 8.
- 9.6.6 The Council shall provide a copy of the Agreed Structure Plan to the proponent, the Commission, and to any other appropriate person or statutory authority which the Council considers should receive a copy.
- 9.6.7 The Scheme Map shall be appropriately flagged, marked or annotated on the Council's copy to draw attention to the existence of the Agreed Structure Plan.

9.7 AMENDMENT OR REVOCATION OF AGREED STRUCTURE PLAN

Any Agreed Structure Plan may, subject to the approval of the Commission, be amended or revoked by the Council. Public Notice of the amendment or revocation shall be given in accordance with clause 9.5 but, in the case of an amendment the public notification may be waived when the amendment is considered by the Council to be of a minor nature such as not to materially alter the intent of the Agreed Structure Plan or cause any significant detriment to land within or abutting the Structure Plan area. Such of the provisions of clause 9.6 as the Council considers appropriate in the circumstances of any case may be applied to the amendment of an Agreed Structure Plan.

9.8 OPERATION OF AGREED STRUCTURE PLAN

- 9.8.1 An Agreed Structure Plan shall come into operation on the date it is adopted by the Commission pursuant to subclause 9.6.1.
- 9.8.2 Where an Agreed Structure Plan imposes a classification on the land included in it by reference to reserves, zones (including Special Use Zones) or Residential Density Codes, until it is replaced by an amendment to the Scheme imposing such classifications:
- (a) the provisions of the Agreed Structure Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
 - (b) provisions in the Scheme applicable to land in those classifications under the Scheme shall apply with the necessary changes or alterations to the Agreed Structure Plan area.

9.8.3 Without limiting the generality of the preceding subclause, under an Agreed Structure Plan:

- (a) in the areas designated as zones, the permissibility of uses shall be the same as set out in the Zoning Table as if those areas were zones under the Scheme, having the same designation;
- (b) the standards and requirements applicable to zones and R Codings under the Scheme shall apply with the necessary changes or alterations to the areas having corresponding designations under the Agreed Structure Plan. However an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this Scheme; and
- (c) the development control procedures including (without limitation) the procedures for approval of uses and developments under the Scheme shall apply as if the land was correspondingly zoned or reserved under the Scheme;
- (d) provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Structure Plan as if they were provisions of the Scheme;
- (e) where land is classified as a Local Authority Reservation, the rights, provisions and procedures, and the obligation of the Council in regard to compensation shall apply as if the land was correspondingly reserved under the Scheme;
- (f) any other provision, standard or requirement in the Structure Plan shall be given the same force and effect as if it was a provision standard or requirement of this Scheme, but in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision requirement or standard of an Agreed Structure Plan, the provision requirement or standard of the Scheme shall prevail;
- (g) an Agreed Structure Plan may distinguish between provisions, requirements or standards which are intended to have effect as if included in the Scheme, and provisions, requirements or standards not so intended, and it is only the provisions so intended which have that effect. Any other provisions are for guidance or information only, or such other purpose as stipulated in the Agreed Structure Plan documents.

9.9 COMPLIANCE WITH AGREED STRUCTURE PLAN

Where land is subject to any obligation or liability under an Agreed Structure Plan, the land shall not be subdivided or in any other way developed unless arrangements satisfactory to the Council have first been made for the discharge of that obligation or liability.

9.10 COPYRIGHT AND OWNERSHIP

A proponent shall transfer to the Council in writing at no cost to the Council, all copyright ownership of Structure Plans together with all supporting documentation submitted to the Council, and Agreed Structure Plans adopted by the Council, (whether in graphic, textual or digital form).

9.11 DEVELOPMENT PRIOR TO ADOPTION OF STRUCTURE PLAN

If Council is required to consider an application in respect of a development, use or subdivision proposal before a Structure Plan has been prepared and adopted, 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) the desirability from a planning point of view of having an Agreed Structure Plan in place before development or subdivision occurs; and
- (c) the interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term.

9.12 RECONSIDERATION AND APPEAL

9.12.1 If a proponent is dissatisfied by a requirement, or any decision or determination of the Council or Commission under this Part, the proponent may within 14 days of the imposition of the requirement or the making of the decision or determination request a reconsideration. Such request shall be in writing, delivered to the appropriate body ~~Council~~ within the fourteen (14) day period.

9.12.2 The Council having been requested to reconsider under the preceding subclause shall endeavour to deal with the matter at the earliest possible opportunity after the request. A decision or determination made, or a requirement imposed, after reconsideration, shall be the decision, determination or requirement of the Council for all intents and purposes, if it is made or imposed within sixty (60) 35 days of the request, but otherwise the original decision, determination or requirement of the Council shall be the operative one for all purposes.

9.12.3 If the Council or the Commission makes a determination or decision or imposes a requirement in respect of a Structure Plan in the exercise of a power contained in this Part and the proponent of the Structure Plan is dissatisfied with such determination or decision, the proponent may appeal to ~~the Minister or~~ the State Administrative

~~Tribunal Town Planning Appeal Tribunal~~ against the decision, determination or requirement in accordance with ~~Part V of~~ the Act.

9.12.4 The rights of appeal conferred by the preceding subclause are additional to the rights arising under ~~Section 8a of~~ the Act.

9.12.5 Where a request for reconsideration is made in accordance with subclause 9.12.1, the time for appealing shall run from the date of the later decision, determination or requirement if made or imposed within 35 days of the request for reconsideration, or from the expiration of the 35 day period if a decision, determination or requirement is not made or imposed within that time.

If, after an appeal has been determined, any requirement of the Council or the appeal body arising from the appeal remains to be complied with, that requirement shall be complied with before the process of preparation and adoption of the Structure Plan is continued.

9.13 STRUCTURE PLANS UNDER TOWN PLANNING SCHEME NO.1

When a Structure Plan was adopted and approved under a previous town planning scheme and had the status of an Agreed Structure Plan under the City's Town Planning Scheme No.1 immediately before the revocation of Scheme No.1, it shall have the status of an Agreed Structure Plan under this Scheme as if it was prepared and adopted under the provisions of this Scheme.

Where a draft Structure Plan was prepared under the provisions of Town Planning Scheme No.1 but had not completed the procedures required to give it the status of an Agreed Structure Plan under that Scheme by the time the Scheme was revoked, then the procedures may be completed under this Scheme. In that case all procedures required for the preparation and adoption of the Structure Plan shall be deemed to have been carried out under this Scheme and when the procedures are completed the Structure Plan shall have effect for all purposes as an Agreed Structure Plan under this Scheme.

Where a Structure Plan has effect under this Scheme by force of the provisions of subclause 9.13.1, or where the procedures for making an Agreed Structure Plan are to be completed under this Scheme in accordance with subclause 9.13.2, any change in title of the Structure Plan or in other matters whatsoever shall be made to the extent only that it is necessary to provide it with the form of an Agreed Structure Plan under this Scheme, and to make its terms consistent in all ways with the provisions of this Scheme, including (but without limiting the generality of the foregoing) any standards or requirements.

TABLE 1 (CLAUSE 3.2) – THE ZONING TABLE

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Abattoir	X	X	X	X	X	X	X	X	X
Aged or Dependent Persons' Dwelling	D	D	D	D	X	X	X	X	X
Amusement Facility /Parlour	X	XD	D	D	D	D	D	X	X
Ancillary Accommodation	D	X	X	X	X	X	X	X	X
Aquaculture	X	X	X	X	X	X	X	X	D
Art Gallery	X	D	P	P	P	P	X	X	A
Auction Room	X	D	D	D	X	X	P	X	X
Bakery	X	D	D	D	X	X	D	X	X
Bank	X	P	P	P	X	X	X	X	X
Beauty Parlour	X	P	P	P	X	D	X	X	X
Bed & Breakfast	D	P	D	P	X	D	X	D	D
Car Park	X	D	P	P	P	P	P	X	X
Car Wash	X	X	D	D	X	X	P	X	X
Caravan Park	A	X	X	X	X	P	X	X	X
Caretaker's Flat /House Dwelling	D	D	D	D	D	D	D	X	X
Cattery	X	X	X	X	X	X	X	D	D
Child Care Centre	D	D	D	D	D	D	X	D	X
Cinema	X	X	D	D	D	D	X	X	X
Cinema Complex	X	X	X	X	X	X	X	X	X
Civic Building	D	D	D	D	P	D	X	X	X
Club (Non-Residential)	X	X	D	P	D	D	D	X	X
Communication Antenna - Domestic	P	P	D	D	X	X	X	P	D
Communication Antenna	D	D	D	D	X	X	D	X	D
Concrete Batching Plant	X	X	X	X	X	X	X	X	X
Consulting Rooms	D	P	P	P	D	X	X	D	X
Convenience Store	X	D	P	P	X	D	D	X	X
Corner Store	X	P	P	P	X	X	X	X	X
Costume Hire	X	D	P	P	X	X	D	X	X
Department Store	X	X	X	D	X	X	X	X	X
Display Home	P	P	P	P	D	D	P	D	D
Drive In Theatre	X	X	X	X	D	D	X	X	X
Drive Through Food Outlet	X	X	D	D	X	X	X	X	X
Dry Cleaning Premises	X	X	D	P	X	X	P	X	X
Educational Establishment	X	D	D	D	D	D	D	X	X
Equestrian Activity	X	X	X	X	X	D	X	X	X
Equipment Hire	X	X	D	D	X	X	D	X	X
Fuel Depot	X	X	X	X	X	X	D	X	X
Funeral Parlour	X	X	D	D	X	X	D	X	X
Garden Centre	X	X	P	P	X	X	P	X	X

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Golf Course	X	X	X	X	X	D	X	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X
Hairdresser	X	P	P	P	X	D	X	X	X
Hall	X	D	D	D	P	D	X	X	X
Hardware Store	X	X	D	P	X	X	D	X	X
Holiday Village/ Resort	X	X	X	X	X	D	X	X	X
Home Business – Category 1	P	P	P	P	X	X	X	P	X
Home Business – Category 2	D	P	P	P	X	X	X	P	X
Home Business – Category 3	A	P	P	P	X	X	X	D	X
Hospital	X	X	D	D	D	X	X	X	X
Hotel	X	X	D	D	X	D	X	X	X
Industry – Extractive	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	X	X	X
Industry – Hazardous	X	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	X	P	X	X
Industry – Rural	X	X	X	X	X	X	D	X	X
Kindergarten	D	D	D	D	D	D	X	X	X
Landscape Supplies	X	X	X	X	X	X	D	X	X
<u>Land Sales Office (Temporary)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>D</u>	<u>D</u>	<u>P</u>	<u>D</u>	<u>D</u>
Laundrette	X	X	P	P	X	X	P	X	X
Laundry	X	X	D	D	X	X	P	X	X
Liquor Store	X	X	D	P	X	X	X	X	X
Lunch Bar	X	P	P	P	X	X	D	X	X
Markets (Retail)	X	X	D	D	X	X	X	X	X
Market Garden	X	X	X	X	X	X	X	X	X
Medical Centre	X	P	P	P	D	X	X	X	X
Milk Depot	X	X	X	X	X	X	D	X	X
Motel	X	X	D	D	X	D	X	X	X
Multiple Dwelling	D	D	D	D	X	D	X	X	X
Night Club	X	X	D	D	X	D	D	X	X
Nursing Home	D	D	D	D	D	X	X	X	X
Office	X	P	P	P	X	X	X	X	X
Open Air Display	X	X	X	X	X	X	D	X	X
Park	D	D	D	D	D	D	D	D	D
Park Home Park	D	X	X	X	X	D	X	X	X
Place of Assembly	X	D	D	D	P	D	D	X	X
Place of Worship	X	D	D	D	P	D	D	X	X
Private Recreation	X	D	D	D	D	P	X	X	X
Public Exhibition Facility	X	D	D	D	P	P	X	X	X
<u>Public Utility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Reception Centre	X	D	D	P	D	D	X	X	X

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Recreation Centre	X	D	D	D	D	D	D	X	X
Residential Building	D	D	D	D	X	D	X	X	X
<u>Resort</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>D</u>	<u>X</u>	<u>X</u>	<u>X</u>
Restaurant	X	D	P	P	D	D	X	X	A
Restricted Premises	X	X	X	D	X	X	X	X	X
Retirement Village	D	D	D	D	X	D	X	X	X
Rural Use	X	X	X	X	X	X	X	X	P
Salvage Yard	X	X	X	X	X	X	D	X	X
Service Station	X	X	D	D	X	X	D	X	X
Shop	X	X*	X*	P	X	X	X	X	X
Showroom	X	X	P	P	X	X	P	X	X
Single House	P	P	D	D	X	X	X	P	P
Special Place of Assembly	X	X	X	X	D	D	X	X	X
Sports Ground	X	X	X	X	D	D	X	X	X
Stables	X	X	X	X	X	D	X	X	P
Storage Yard	X	X	X	X	X	X	D	X	X
<u>Supermarket</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Take Away Food Outlet	X	X	P	P	D	D	X	X	X
Tavern	X	X	D	D	X	D	X	X	X
Theatre	X	X	P	P	D	D	X	X	X
Trade Display	X	X	X	X	X	X	D	X	X
Transport Depot	X	X	X	X	X	X	P	X	X
<u>Vehicle Panel Beating/Spray painting</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>D</u>	<u>X</u>	<u>X</u>
Vehicle Repairs	X	X	<u>X</u> <u>D</u>	X	X	X	<u>D</u> <u>P</u>	X	X
Vehicle Sales/Hire Premises	X	X	D	D	X	X	P	X	X
Vehicle Wrecking	X	X	X	X	X	X	X	X	X
Veterinary Consulting Rooms	X	X	P	P	X	X	P	X	A
Veterinary Hospital	X	X	D	D	X	X	P	X	A
Warehouse	X	X	D	X	X	X	P	X	X
<u>Winery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>D</u>

* - refer to Clause 3.5.2 and/or Clause 3.6.3 for further information

For Zones which have not been listed in this table refer to :

- 3.11 The Centre Zone
- 3.12 The Urban Development Zone
- 3.17 The Special Use Zone

TABLE 2 (CLAUSE 4.8) - CAR PARKING STANDARDS

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Aged or dependent persons dwelling	1 per dwelling <u>As per the Residential Design Codes</u>
Car sales premises	1 per 200m ² of display area plus 1 per employee
Caravan Park	1 per 10 sites
Child Care Centre	Not less than 5 and 1 per staff member <u>and in accordance with Local Planning Policy 3-1 Child Care Centres</u>
Consulting Rooms	Minimum of 5 <u>5 bays per practitioner</u>
Corner Store	4 per 100m ² NLA
<u>Display Home</u>	<u>5 per Display home</u>
Drive Through Food Outlet	1 per 4 guests in seated areas plus 7 per 100m ² for non seating areas
Funeral Parlour	1 per 4 persons accommodated
Garden Centre	1 per 500m ² of site area used for display plus 1 per 10m ² NLA internal display area
Grouped Dwelling	As per the Residential Planning <u>Design</u> Codes
Health Centre	1 per 30m ² NLA
<u>High School</u>	<u>2 per classroom and a minimum of 10 bays</u>
Hospital	1 per 3 patients accommodated plus 1 space for each staff member on duty
Hotel	1 per bedroom plus 1 per 3m ² drinking area plus 1 per 5m ² for seating area
Industrial	1 per 50m ² NLA
<u>Land Sales Office (Temporary)</u>	<u>5 per Land Sales Office</u>
Medical Centre	5 per practitioner
Motel	1 per unit plus 1 per 5m ² of dining room
Multiple Dwelling	As per the Residential Planning Codes
Office	1 per 30m ² NLA
<u>Open Air Display</u>	<u>1 per 200m² Display Area</u>
<u>Place of Assembly</u>	<u>1 per 4 seats</u>
Primary School	2 per classroom but not less than 10
Public Worship	1 per 4 seats

*City of Joondalup**District Planning Scheme No 2*

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
<u>Recreation Centre</u>	<u>1 per 2.5 persons based on facility capacity</u>
Residential Building	1 per 2 persons
Restaurant	Greater of 1 per 5m ² of dining room or 1 per 4 guests
Secondary School	2 per classroom but not less than 10
Service Station	5 per service bay plus 7 per 100 m ² NLA of sales/display area
Shopping Centres under 10,000m ²	7 per 100m ² NLA
Shopping Centres from 10,000 to 30,000m ²	700 bays for the first 10,000m ² NLA plus 6.25 per 100m ² NLA thereafter
Shopping Centres from 30,000 to 50,000m ²	1950 bays for the first 30,000m ² NLA plus 5.25 per 100m ² NLA thereafter
Shopping Centres greater than 50,000m ²	3000 bays for the first 50,000m ² NLA plus 4.8 per 100m ² NLA thereafter
Showrooms	1 per 30m ² NLA
Single house	As per the Residential Planning Design Codes
<u>Special Place of Assembly & Sports Grounds</u>	<u>1 per 2.5 persons based on facility capacity</u>
Take Away Food Outlet	1 per 4 guests in seated areas plus 7 per 100m ² NLA for non seating serving areas
Tavern/Club	1 per 3m ² NLA of standing area plus 1 per 5m ² for seating area
Tertiary College	1 per 3 students accommodated
<u>Vehicle Sales/Hire Premises</u>	<u>1 per 200m² display area and 1 bay per employee</u>
Veterinary Consulting Rooms or Hospital	5 per practitioner

SCHEDULE 1 (CLAUSE 1.9) – INTERPRETATIONS

abattoir : means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

absolute majority : shall have the same meaning as given to the term in and for the purposes of the Local Government Act 1995.

Act : means the ~~Town Planning and Development Act, 1928 (as amended)~~ Planning and Development Act 2005.

advertisement : includes any sign or advertising device, and the term “advertising sign” has a corresponding meaning.

advertising : means the publication, display or presentation of any advertisement.

advertising device : means any object or structure on which any word, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever.

aged or dependent person : has the same meaning as is given to that term in the Residential Planning Codes.

Agreed Structure Plan : means a structure plan adopted under the provisions of Part 9 of the Scheme.

amenity : means all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.

~~**amusement facility** : means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.~~

amusement machine : means any machine, game, device or games table, whether mechanical, electronic or computer powered, or a combination of these, operated by one or more players for amusement and recreation.

~~**amusement parlour** : means any land or building, open to the public, where the predominant use is amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.~~ means premises, in which 2 or more amusement machines or computers are available for use by the public for amusement.

ancillary accommodation : has the same meaning as is given to it in the Residential Planning Codes.

applicant : means a person who is applying or has applied to the Council for Planning Approval.

aquaculture : shall have the same meaning as given to the term in and for the purposes of the Fish Resources Management Act 1994.

art gallery : means any land or buildings used to display art works which may be offered for sale.

auction room : means a room or rooms within a building in which goods are exposed or offered for sale by auction.

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

bank : means any land or building used for banking purposes.

battle-axe lot : means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

bay see “car parking bay”.

beauty parlour : means any land or buildings used for beauty therapy purposes.

bed & breakfast : means any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast.

boat launching facility : means any land or building used to launch or retrieve boats into and from the water and may include a boat ramp or slip way.

building : means any structure or appurtenance thereto whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing includes a shed, stall, fence, wall, barrier, hoarding, outbuilding, tent, caravan or swimming pool.

building envelope : means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings not including boundary fences and effluent disposal facilities on the lot must be contained.

camping ground : shall have the same meaning as given to the term under the Caravan Parks and Camping Grounds Act 1995.

caravan park : shall have the same meaning as given to the term under the Caravan Parks and Camping Grounds Act 1995.

caretaker’s dwelling : means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

car park : means premises used primarily for the parking of private vehicles or taxis whether open to the public or not but does not include any part of a public road which is

used for the through movement of traffic or premises on or in which vehicles are displayed for sale or premises set aside to meet a specific parking requirement under the Scheme. The term includes the land required on site for access and manoeuvring to enable vehicles to gain access to car parking bays.

car parking bay : means that area of a lot which is required for the parking of a stationary motor vehicle to the minimum dimensions specified by the Scheme, constructed and paved to the specifications set down by the Council and includes where the context permits an area considered appropriate by the Council for access and manoeuvring on the site to allow a vehicle to gain access to a parking bay but does not include crossovers, service areas and landscaping. The terms bay and parking bay have the same meaning.

car wash : means any land or buildings used for mechanical vehicle washing. Such uses may or may not be associated with a service station and may include such other uses considered by Council to be ancillary to the predominant use of the land.

carry on : means in connection with the use or other development of land the same as “carry out”.

carry out : means in connection with the use or other development of land the same as “carry on”.

cattery : means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series ‘A’ Part One – General Sanitary Provisions (1927) for the purpose of keeping more than three (3) cats over the age of three (3) months.

child care centre : means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.

cinema : means any land or building containing a single cinema screen where the public may view a motion picture.

cinema complex : means any land or building where the public may view a motion picture, and may include more than one cinema screen, and may include other minor and subsidiary amusements.

City : means the City of Joondalup.

civic building : means premises designed used or intended to be used by any Federal, State or municipal government department, authority or body for the purpose of an office, hall or library, or a centre for cultural, recreational or social purposes, or for any other community service.

club (non-residential) : means premises used for the purpose of club premises by an incorporated club or incorporated association or other body of persons united by a common interest (whether those premises be licensed under the provisions of the Liquor Act 1970 as amended or re-enacted or not) and which premises are not otherwise classified under the provisions of the Scheme.

Codes : means the Residential Planning Codes, in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1. The terms R Codes and Residential Codes have the same meaning.

commercial vehicle : means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of them or any wheeled article designed to be an attachment to any of them, and any bus or omnibus or any earthmoving machine whether self-propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. If a truck, prime mover or other vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer or other attachment is to be regarded as a separate commercial vehicle. A loaded combination, such as a bobcat, forklift or other vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle.

Commission : means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).

communications antenna: means any mast, antenna, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communication where its vertical or horizontal dimensions exceed two metres but does not include telecommunications infrastructure.

community purpose : means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit.

conservation : means, in relation to any place on the Heritage List (Clause 5.2.2), the management of that place in a manner that will:

- (a) enable the cultural heritage significance of that place to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.

consulting rooms : means a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.

convenience store : means any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents and may include the sale of petrol and operated during hours which may extend beyond normal trading hours. The buildings associated with a convenience store shall not exceed 200m² net leasable area.

convenience goods : means goods sold or offered for sale by retail, and being goods ordinarily consumed on a regular basis by people residing in or resorting to the locality and includes food and other articles of household use, pharmaceutical products, newspapers and magazines.

corner store: means any land and building comprising a dwelling house attached to which is a shop not exceeding 100 sq.m. gross floor area offering only convenience goods for sale (other than sale between the hours of 4.00 pm on one day and 8.00 am the following day of prepared food for immediate consumption which is prohibited), operated as an additional use by a permanent resident of the dwelling,

costume hire: means premises used for the purpose of the hire of fancy dress garments and accessories.

Council : means Council of the City of Joondalup.

cultural heritage significance : has the same meaning given to the term in the Heritage of Western Australia Act 1990.

curtilage : in relation to a dwelling means the yard of the dwelling; or an area in the immediate vicinity of the dwelling, situated on the same lot as, and used for purposes ancillary to, the dwelling. The curtilage shall not include the area located between the frontage and the dwelling. The term shall have a like meaning in relation to land around buildings other than dwellings.

density code : means the code based on the number of dwellings permitted per hectare as provided in the Codes. The density code applicable to any land is shown on the Residential Density Code Map.

department store : means a shop which consists of a substantial number of different departments carrying a significant range of goods in each department.

development : shall have the same meaning given to it in and for the purposes of the Act but shall also include in relation to any building, object, structure or place listed on the Heritage List any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or
- (b) would constitute an irreversible alteration to the fabric of any building.

development site : means land the subject of an application for a Planning Approval.

district : means the municipal district of the City of Joondalup.

drive in theatre : means any land or buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.

drive-through food outlet : means a take away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

dry cleaning premises : means any land or buildings used for the cleaning of garments and other fabrics by chemical processes.

dwelling : has the same meaning as that set out in the Residential Planning Codes.

educational establishment : means a school, college, university, technical institute, academy or other educational centre, training centre or a lecture hall, but does not include premises intended or used to accommodate or deal with offenders or persons undergoing punishment.

equestrian activity : means any land or buildings used for the showing, competition or training of horses and includes a riding school.

equipment hire : includes the use of land or buildings for the hire of lawnmowers and other items of a like kind and the term may include the display of some items of that equipment. But the term does not include the hire of vehicles

extractive industry see industry – extractive

façade : means the exposed face of a building facing any road or open space or the frontal outward appearance of the building.

factory unit building : means a building or structure, or a group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.

family day care centre : has the same meaning as that in the Community Services (Child Care) Regulations 1988.

floor area : shall have the same meaning given to it in and for the purposes of the Building Code of Australia 1996.

Floor area of a building : means -

- (a) for any building (or part of a building) that is subject to the Residential Design Codes, the gross total of the areas of all floors of the building being the areas specified in the definition of Plot Ratio contained in the Residential Design Codes.
- (b) for any other building (or part of a building), the gross total area of all floors of the building, including the area of any walls, however excluding the area of -
 - lift shafts, stairs or stair landings common to two or more tenancies;
 - machinery, air conditioning and equipment rooms;
 - non habitable space that is wholly below natural ground level
 - areas used exclusively for the parking of wheeled vehicles at or below ground level
 - lobbies or amenities areas common to more than one tenancy;
 - balconies or verandahs open on at least two sides.

frontage : when used in relation to a building that is used for:

- (a) residential purposes, has the same meaning given to the term in the Residential Planning Codes; or
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.

fuel depot : means any land or building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final user's vehicle of such fuel from the premises.

funeral parlour : means any land or buildings used to prepare and store bodies for burial or cremation and may include facilities to conduct memorial services.

garden centre : means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.

gazettal date : means the date on which the Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the Government Gazette.

general industry : refer industry – general.

gross floor area (GFA) : has the same meaning as “floor area” in the Building Codes of Australia.

gross leasable area (GLA) : means, in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.

grouped dwelling : has the same meaning as that set out in the Residential Planning Codes.

hardware store: means a shop in which tools, building materials, paint, garden improvement products and plants for sale.

hazardous industry : refer industry - hazardous

health centre: shall have the same meaning as Medical Centre.

health studio : see recreation centre.

height : when used in relation to a building that is used for:

- (a) residential purposes, has the same meaning given to it in and for the purpose of the Residential Planning Codes; and
- (b) purposes other than residential purposes, means the measurement taken from the natural ground level immediately in front of the centre of the face of the

building to a level of the top of the eaves, parapet or flat roof, whichever is the highest.

heritage list : means a list of those places which, in the opinion of the Council, are of such cultural heritage significance to the local government that conservation and protection under the provisions of this scheme is warranted.

holiday village : means composite holiday recreation development, incorporating a variety of holiday accommodation types, including caravan park, holiday cottages and motel units with directly associated facilities and services, and may include licensed premises under the Liquor Act 1970-1976 (as amended).

home business – category 1 : means an occupation carried on within a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not entail any substantial and/or inappropriate modification of the dwelling;
- (d) does not entail employment of any other person;
- (e) does not occupy an area greater than 20m² or where more than one resident is involved not cause the area used for home business within the dwelling to occupy an area greater than 30m²;
- (f) does not display any advertising signage;
- (g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in any increase in the amount of vehicular traffic in the vicinity; and
- (i) does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight;
- (j) does not involve the servicing or repair for gain of motor vehicles.
- (k) notwithstanding factors (a)–(j); a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined by Clause 1.9 of this Scheme.

home business – category 2 : means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, outdoor display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) entails the employment of no more than 1 person not a member of the occupier's household;
- (e) does not occupy an area greater than 30m². Council may permit an area greater than 30m² where it is considered that the scale of the business is limited by other factors and the increase in floorspace will not have a detrimental effect on the amenity of the surrounding areas;

- (f) does not have more than one advertisement sign and the sign displayed does not exceed 0.2 square metres in area;
- (g) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (h) does not involve the servicing or repair for gain of motor vehicles; and
- (i) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

home business – category 3 : means an occupation or professional practice undertaken for the purposes of commercial gain; and carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale, outdoor display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) entails employment of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;
- (e) occupies an area not exceeding 50 square metres. Council may approve; subject to community consultation; an area of up to 100 square metres, or one third of the floor area of the dwelling whichever is the lesser;
- (f) displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2 square metres, and a maximum 2 metres high;
- (g) will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users;
- (h) will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not involve the servicing or repair for gain of motor vehicles; and
- (j) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

hospital : means any land or buildings where people are admitted and lodged for medical treatment or care.

hotel : means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988.

incidental use : means a use of premises which is ancillary and subordinate to the predominant use.

industry : means the carrying out of any process for and incidental to:

- (a) making, altering, repairing, ornamenting, painting, finishing, cleaning, packing, canning, adapting, breaking up or demolishing of any article or part of any article;
- (b) winning, processing or treatment of minerals;
- (c) generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture;
 - (ii) on-site work on buildings or land; and
 - (iii) in the case of edible goods the preparation of food for retail sale from the premises.
- (e) depots for bulk storage and distribution purposes.

industry – extractive : means the extraction of sand, gravel, clay, peat, soil, rock, stone, minerals or any similar substance from land, and includes the manufacture of products from those materials when the manufacture and storage is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

industry – general : means an industry other than an extractive, hazardous, light or rural industry.

industry – hazardous : means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

industry – light : means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

industry – rural : means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

industry – service: means –

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or**
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced.**

institutional building : means a building used or designed for use wholly or principally for the purpose of:

- (a) a hospital or sanitarium for the treatment of infectious or contagious diseases;
- (b) a penal or reformatory institution;
- (c) a hospital for the treatment of the mentally handicapped;
- (d) any other similar use.

kennels : means any land or buildings used for the boarding and breeding of dogs for remuneration where such premises are registered or required to be registered by the Council, and may include the sale of dogs.

kindergarten: means premises used for the purpose of the care and education of pre-school children.

land : shall have the same meaning given to the term in and for the purposes of the Act.

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.

landscape supplies : means any land or buildings used for the storage and sale of items such as woodchips, logs, rocks, sand, stone, paving slabs and other such materials.

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

laundry: means premises, generally not open to the public, used for the purposes of washing, ironing or dry cleaning of clothes or fabrics.

liquor store : means any land or buildings the subject of a liquor store licence granted under the provisions of the Liquor Licensing Act 1988.

lot : shall have the same meaning as is given to it in and for the purposes of the Act and “allotment” has the same meaning, but shall not include a Strata or survey Strata lot.

local reserve : means land, other than a regional reserve, which is reserved for a specific purpose.

lunch bar : means premises used as a take away food outlet but within the hours of 9.00am to 3.00pm only.

markets (retail) : means retail premises at which goods are sold from temporary stalls in individual bays leased to or otherwise occupied by independent stallholders.

mast or antenna : means any mast, aerial, satellite dish and other associated equipment used for the transmission or reception of radio or television signals or for other electronic communications. A television antenna on a dwelling roof being consistent with the predominant style and size of television antenna on other dwellings in the locality is not included, provided its vertical and horizontal dimensions do not exceed two metres. (See “communications antenna”.)

medical centre : ~~means premises accommodating two or more consulting rooms, including other ancillary uses such as pathologist and radiologist.~~ means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Metropolitan Region Scheme : means the Metropolitan Region Scheme made pursuant to the Metropolitan Region Town Planning Scheme Act 1959 published in the Government Gazette of August 9, 1963, and as amended from time to time.

Metropolitan Region Scheme Reserve : means land reserved under the Metropolitan Region Scheme.

Minister : means the Minister for Planning or the Minister in the Western Australian Government responsible for town planning.

motel : means premises used to accommodate patrons in a manner similar to an hotel but at which special provision is made for the accommodation of patrons with motor vehicles and which does not operate with an Hotel or Limited Hotel Licence, or a Cabaret Licence or a Tavern Licence or a Special Facility Licence.

multiple dwelling : has the same meaning as that set out in the Residential Planning Codes.

net lettable area : means the area of all floors confined within the finished surfaces of permanent walls but excludes the following areas:

- (a) all 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.

night club : means any land or buildings used to provide entertainment and dancing and may include the provision of food and drink for consumption on the premises, but does not include the sale of packaged liquor or gaming and to which a licence under the provisions of the Liquor Licensing Act 1988 may have been granted.

non-conforming use : means a use of land which although lawful immediately prior to the coming into operation of the Scheme is not in conformity with a provision of the Scheme dealing with the zoning or classification of land and the permissibility of uses on land so zoned or classified. The term shall apply in the same way to a use becoming unlawful as a result of an amendment of the Scheme. A use is not lawful for the purpose of this definition if any planning approval of the Council or other planning authority was not obtained.

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 any premises used for the administration of clerical, technical, professional or other like business activities but does not include administration facilities which are required in association with a predominant use on site, and does not include consulting rooms or medical centres.

open air display : means the use of a site external to a building for the display and / or sale of goods or equipment.

owner : in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equality:

- (a) is entitled to the land for any estate in fee simple in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- (c) is a lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the lands were let to a tenant, would be entitled to receive the rents and profits thereof whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

parking bay : see car parking bay.

park home park : has the same meaning as in the Caravan Parks and Camping Grounds Regulations 1997.

Part : means one of the Parts of the Scheme.

~~**piggery :** shall have the same meaning given to the term in and for the purposes of the Health Act 1911.~~

place : means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes:

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

place of assembly : means premises where the public assemble or go for any cultural, religious, recreational, sporting or other activity save that where the scale of development proposed is greater than can be reasonably accommodated in any area, the use shall be dealt with as a “Special Place of Assembly”.

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

plot ratio: means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located.

premises : means any land, building or part thereof.

private recreation : means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not usually open to the public without charge.

proponent : means a person or body who is applying or has applied to the Council for Planning Approval or an amendment to the Scheme, or who is applying or has applied to the Commission for approval to subdivide or amalgamate land. The term includes the Council proposing development or otherwise opting to initiate the preparation of Structure Plan or a person or body who is submitting or has submitted a Structure Plan under Part 9 of the Scheme.

public amusement: means premises used for the purpose of the amusement or entertainment of the public with or without charge.

public authority : shall have the same meaning given to it in and for the purposes of the Act.

public exhibition facility : means any premises used for the public display of materials, of an artistic, cultural or historical nature, or for educational purposes and includes a museum or art gallery and may include sales of such materials.

public purposes : includes Government and Local Authority Purposes.

public utility : means any work or undertaking constructed or maintained by a public authority or municipality as may be required to provide water, sewerage, electricity, gas, drainage, communications, passenger transport or other similar services.

reception centre : means premises which may include catering facilities used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.

recreation centre : means any premises used for physical exercise or sports including swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.

recreational vehicle : means a vehicle whether licensed or not which is used, designed or modified for recreational use, mobile accommodation or similar purposes and without limiting the generality of the foregoing; includes any 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. The term shall not include a boat, yacht or any other similar watercraft.

relevant date : means the Gazettal Date or the date any relevant amendment to the Scheme is published in the Government Gazette.

reserve : means any land reserved for a public purpose.

residential building : has the same meaning given to it in the Residential Planning Codes.

resort : means any land or buildings used for the overnight or holiday accommodation of patrons in self-contained units or apartments and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, and may also include restaurants, shops and entertainment facilities, with all or most facilities usually being limited for the convenience of residents.

restaurant : means any premises where the predominant use is the preparation of food for sale and consumption within the building or portion thereof. The expression may include the sale of food for consumption off the premises, where Council is of the opinion that it is incidental to the business. The term may include an outdoor eating area which shall be treated as being within the building of the Restaurant. The expression excludes Drive Through Food Outlets.

restricted premises : means any premises used or designed to be used primarily 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 publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily on or in connection with any form of sexual behaviour or activities.

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

road verge : see street verge.

rural use : means agriculture, horticulture and may include aquaculture, and includes the raising of livestock and the retail sale of the produce of the property where satisfactory access and parking can be provided, and provided that any processing of the produce prior to sale can take place on site.

salvage yard : means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

Schedule : means a schedule to the Scheme.

Scheme : means the City of Joondalup District Planning Scheme No. 2.

Scheme Area : means the whole of the District of the City of Joondalup as shown by the inner edge of the broken black line on the Scheme Map.

service station : means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles, but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

~~set-back~~ **setback**: means the horizontal distance between a wall at any point and an adjacent lot boundary measured at right angles (90°) to the wall.

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

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

single house : has the same meaning given to the term in the Residential Planning Codes.

special place of assembly : means premises used for a sports stadium, racecourse, showground, fun fair, multi-purpose sporting recreational complex, or other amusements. These uses require special siting to provide for large numbers of spectators, car parking, landscaping and protection of amenity.

stables : means any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

storage yard : means any land or buildings used for the storage of goods, equipment, plant or materials related to a particular trade.

street alignment : means the boundary between the land comprising a road reserve and the land that abuts thereon.

street verge : means the land between the street alignment of any lot and the road pavement.

structure plan : means a document consisting of maps and text making provision for the subdivision and/or development of a specific area, and when certified under Part 9 of the Scheme provides a policy framework for such future subdivision and development.

substantial development : means in relation to a building the completion of the floor slab as defined in the Building Code of Australia 1988 (as amended).

take away food outlet : means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but excludes Drive Through Food Outlet.

tavern : means any land or buildings wherein the primary use is the consumption of beverages and may include a restaurant or facilities for entertainment and to which a licence may have been granted under the provisions of the Liquor Licensing Act 1988.

theatre : means any land or building where the public may view a theatrical production.

trade display : means the use of any land or building for the moderate and controlled display of trade goods and equipment for advertisement as approved by the Council.

transport depot : means any land or building designed and used, or which is adapted for use for one or more of the following purposes:

- (a) for the parking or garaging of more than four commercial vehicles;
- (b) for the transfer of goods or passengers from one vehicle to another vehicle;

and may include the maintenance, mechanical repair or refuelling of the vehicles referred to in (a) or (b) above but does not include any of the functions defined under Vehicle Repairs.

vehicle : includes motorcycles, boats, caravans and trailers

vehicle panel beating/spray painting: means land and buildings used for, or in conjunction with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.

vehicle sales and hire premises : means any land or buildings used for the display, sale or hire of new or second-hand vehicles, and may include the servicing of such goods sold from the site.

vehicle repairs: ~~means land and buildings used for, or in connection with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.~~ means the use of land and buildings for the purposes of conducting mechanical and electrical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.

vehicle washing : see car wash.

vehicle wrecking : means any land or buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

veterinary consulting rooms : means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients. No animal undergoing treatment may remain on the premises overnight.

veterinary hospital : means the use of any land or buildings for the treatment of minor or major ailments of animals, and includes the accommodation of animals undergoing treatment.

warehouse : means premises used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

wholesale : means the sale of any goods to any person or persons other than the ultimate consumer of those goods.

winery : means any land or buildings used for the production and/or sale to the public of viticulture produce.

zone : means a portion of the Scheme Area shown on the map by distinctive colouring, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or the use of land, but does not include reserved land.

SCHEDULE 2 - SECTION 1 (CLAUSE 3.15) - ADDITIONAL USES

NO	STREET/ LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-1	30 Hocking Road Kingsley	Lot 500	Deleted by Amendment 12
1-2	2 Somersby Gardens Currambine	Lot 158	Corner Store excluding the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises
1-3	58 New Cross Road Kingsley	Lot 284	Place of Worship
1-4	123 Kingsley Drive Kingsley	Lot 1	Medical Centre
1-5	28 Seacrest Drive Sorrento	Lot 51	Medical Centre
1-6	291 Warwick Road Greenwood	Lot 22	Medical Centre
1-7	295 Warwick Road Greenwood	Lot 692	Medical Centre
1-8	315 Warwick Road Greenwood	Lot 1	Medical Centre
1-9	31 Linear Avenue Mullaloo	Lot 1	Medical Centre
1-10	6 Marina Boulevard Ocean Reef	Lot 100	Service Station
1-11	94 Caridean Street Heathridge	Lot 550	Veterinary Consulting Rooms
1-12	75 Gibson Avenue Padbury	Lot 30	Veterinary Consulting Rooms
1-13	3 Castlegate Way Woodvale	Lot 74	Veterinary Consulting Rooms
1-14	2 Warburton Avenue Padbury	Lot 1	Service Station
1-15	20 Banks Avenue Hillarys	Lot 243	Medical Centre
1-16	22 Banks Avenue Hillarys	Lot 242	Medical Centre
1-17	29 Green Road Hillarys	Lot 245	Medical Centre

NO	STREET/ LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-18	31 Green Road Hillarys	Lot 244	Medical Centre
1-19	4 Hocking Road Kingsley	Lot 99	Consulting Rooms; Medical Centre; Office; Veterinary Consulting Rooms; Funeral Parlour; Vehicle Sales/Hire Premises and Warehouse

SCHEDULE 2 - SECTION 2 (CLAUSE 3.16) - RESTRICTED USES

NO	STREET/ LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-1	6 Davallia Road Duncraig	Lot 10	Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Laundrette, Medical Clinic, Office, Private Recreation, Public Amusement, Restaurant, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse
2-2	203 Warwick Road Duncraig	Lot 8	Drive-Through Food Outlet

SCHEDULE 2 -- SECTION 3 (CLAUSE 3.17) -- SPECIAL USE ZONES

NO	STREET/ LOCALITY	PARTICULARS OF LAND	SPECIAL USE
3-1	265 Eddystone Avenue Beldon	Lot 656	Deleted by Amendment 4

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

COMMERCIAL AND CENTRE ZONES : RETAIL NET LETTABLE AREA

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m ²)
BELDON (Beldon Shopping Centre)	Lot 519 (9) Gunter Grove	4500
BELDON (Belridge Shopping Centre)	Lot 3 (36) Gwendoline Drive	4000
CONNOLLY	Lot 406 (1) Glenelg Place	3000
CRAIGIE (Craigie Plaza)	Lot 673 (15) Perilya Road	3500
CURRAMBINE DISTRICT CENTRE	Lot 929 (350) Shenton Avenue	10000
CURRAMBINE	Lot 998 Connolly Drive	3000
DUNCRAIG (Carine Glades)	Lot 11 (485) Beach Road	2500
DUNCRAIG	Lot 703 (50) Marri Road	3000
DUNCRAIG (Glengarry)	Lot 1 (59) Arnisdale Road	2500
DUNCRAIG (Duncraig Village)	Lot 526 (8) Burragah Way	1500
DUNCRAIG	Lot 500 (75) Hilarion Road	1000
EDGEWATER	Lot 100 (1) Wisteria Parade	2000
GREENWOOD (Coolibah Plaza)	Lot 1 (132) Coolibah Drive	1500
GREENWOOD (Greenwood Village)	Lot 2 (18) Calectasia Street	5000
GREENWOOD (Greenwood/Kingsley Shopping Plaza)	Lot 1 (120) Cockman Road	1000
HEATHRIDGE (Heathridge Shopping Centre)	Lot 741 (89) Caridean Street	2000
HEATHRIDGE (Heathridge City)	Lot 740 (99) Caridean Street	1500
HILLARYS REGIONAL CENTRE (Whitford City)	Lot 501 (470) Whitfords Avenue	50000

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m ²)
HILLARYS	Lot 714 (114) Flinders Avenue/Waterford Drive	3000
JOONDALUP (Candlewood Village)	Lot 503 (45) Candlewood Boulevard	2000
KALLAROO (Kallaroo Shopping Ctre)	Lot 319 (3) Adalia Street Lot 19 (5) Adalia Street / Batavia Place	500 500
KINGSLEY	Lot 4 (100) Kingsley Drive Lot 3 (66) Creaney Drive	2500 2000
KINGSLEY (Moolanda Village)	Lot 28 (127) Moolanda Blvd	1000
KINGSLEY (Boulevard Plaza)	Lot 551 (9) Moolanda Blvd	1000
KINROSS	Lot 1255 (59) Kinross Drive	1000
KINROSS	Lot 2278 (3) Selkirk Drive [formerly Portion Lot 2 (400) Burns Beach Road (East)]	4000
MARMION (Marmion Village)	Lot 3 (19) Sheppard Way	2500
MULLALOO (Mullaloo Plaza)	Lot 251 (11) Koorana Road Lot 253 (23) Koorana Road	2500 500
MULLALOO (Beach Store)	Lot 100 (10) Oceanside Promenade	500
OCEAN REEF	Lot 12 (82) Marina Boulevard	2500
OCEAN REEF (Beaumaris City)	Lot 1 (68) Constellation Drive	3000
PADBURY (Forrest Plaza)	Lot 38 (4) Alexander Road	1000
PADBURY	Lot 26 (75) Warburton Avenue	3000
PADBURY	Lot 24 (73) Gibson Avenue	1000
PADBURY	Lot 195 (6) Blackwattle Parade	2000
SORRENTO	Lot 2 (130) West Coast Dr Lots 148/149 West Coast Dr	1000 1000
SORRENTO (Seacrest Village)	Lot 15 (15) Harman Road	1000
WARWICK (Warwick Grove)	Lot 928 (643) Beach Road Lot 906 (647) Beach Road	38000

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m ²)
	Lot 738 (16) Dugdale Street	
WOODVALE (Woodvale Boulevard)	Lot 6 (931) Whitfords Avenue Portion of Lot 3 Trappers Drive	7650
WOODVALE (Woodvale Boulevard)	Lot 1 (941) Whitfords Avenue	430
WOODVALE (Woodvale Boulevard)	Lot 7 (3) Trappers Drive	200
WOODVALE (Woodvale Boulevard)	Lot 8 (1) Trappers Drive	600
WOODVALE (Woodvale Boulevard)	Lot 9 (937) Whitfords Avenue	540
WOODVALE (Woodvale Boulevard)	Lot 10 (933) Whitfords Avenue	300
WOODVALE	Lot 1 (153) Trappers Drive	4000

SCHEDULE 4 (SUBCLAUSE 5.1.5) – EXEMPTED ADVERTISEMENTS

~~All signs or advertising devices for which a licence is required under the Council's Signs Local Law other than a roof sign and any sign or advertising device that is proposed and will exceed the provisions of the Signs Hoardings and Billpostings By-laws.~~

- (a) a sign erected or maintained in accordance with an Act;
- (b) a property disposal sign not exceeding 1.2m² erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (c) a plate not exceeding 0.2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.2m² in area and a height of 600mm;
- (h) a sign within a building unless:
 - (i) it is clearly visible from a public place outside the building;
 - (ii) it is exempted under any other paragraph of this sub clause; or
 - (iii) it is considered objectionable by the local government;
- (i) a sign not larger than 0.6m x 0.9m on an advertising pillar or panel approved by or with the consent of the local government for the purpose of displaying public notices for information;
- (j) a building name sign on any building, where it is of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (k) newspaper or magazine posters, provided they are displayed against the outside wall of the business premises from which the newspapers or magazines are sold;
- (l) a rural producer's sign which is the only sign on the lot on which it is erected;

- (m) a sign erected by the local government, or with the approval of the local government, on land under the care, control and management of the local government;
- (n) a sign erected and maintained on street furniture, bus shelters or seats in accordance with the terms and conditions of a contract between the local government and the company responsible for those signs;
- (o) a maximum of 4 garage sale signs, each not greater than 0.25m², advertising the sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession and only being displayed on the day of the sale and on no more than 2 occasions for the same lot in each 6 month period;
- (p) a sign or signs erected in accordance with a special event permit issued under the City of Joondalup Signs Local Law;
- (q) a sign painted on a kerb, adjacent to a property depicting the house number and in accordance with specifications approved by the local government.
- (r) a sign erected by the local government for the purpose of:
 - (i) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 5 weeks prior to the election; or
 - (ii) indicating the name and location of a polling place for an election.

The advertising devices exempted above exclude signs which contain any illumination or radio; animation or movement in its design or structure; reflective; retro-reflective or fluorescent materials in its design or structure.

**SCHEDULE 5 (CLAUSE 5.3.1) – PLACES AND OBJECTS HAVING
SIGNIFICANCE FOR THE PURPOSE OF PROTECTION OF THE LANDSCAPE
OR ENVIRONMENT**

Locality	Address	Description
Joondalup	Reserve 28544 (200) Boas Avenue	Neil Hawkins Park
Joondalup	Loc 412 (218L) Lakeside Drive	Yellagonga Regional Park Landscape Precinct
Kingsley	Reserve 26052 (59) Shepherds Bush Drive	Shepherds Bush Reserve
Padbury	Reserve 42987 (319) Hepburn Avenue	Hepburn Conservation Area
Padbury	Reserve 25746 (750) Whitfords Avenue	Pinnaroo Valley Memorial Park

SCHEDULE 6 (CLAUSE 8.6) — DELEGATION OF DEVELOPMENT CONTROL POWERS

~~The Council may delegate its powers under the provisions of clause 8.6 to any of the following:~~

- ~~(i) a member of the Council being the Chairman of the Committee required at the direction of Council to consider and report upon town planning matters within the district, and being qualified by experience with the work of any such committee, and/or~~
- ~~(ii) that officer or those officers of the authority, holding or eligible to hold a Municipal Town Planner's Certificate appointed to the position of Town Planner for the purposes of the Local Government Act with overall responsibility for the planning function of the Council or appointed by the Council to supervise the town planning control functions of the Council.~~

~~or those persons who from time to time occupy any of the positions referred to above.~~

SCHEDULE 7 (CLAUSE 9.3) - STRUCTURE PLANS : MATTERS TO BE INCLUDED

Structure plans include plans and written texts and shall be accompanied by any other documents which the Council may require.

PART A – PLANS AND WRITTEN TEXTS

Plans shall be drawn to a scale clearly illustrating the intent of the structure plan. Structure plans shall include any of the following matters that the Council considers appropriate in relation to the nature of the structure plan:

- (a) the area covered by the structure plan in relation to surrounding landholdings;
- (b) contours and main physical/natural features including the identification of areas of high conservation value;
- (c) land reserved by the Metropolitan Region Scheme;
- (d) environmental considerations;
- (e) a comprehensive summary of the opportunities for and constraints to development;
- (f) proposed major land uses in particular residential areas, public open space, school sites, community purpose sites and commercial uses (including the location and hierarchy of centres and the net lettable area for shops);
- (g) residential densities including estimates of future population and dwellings;
- (h) location of industrial and business areas including estimates of future employment opportunities;
- (i) retail strategy and hierarchy of commercial centres together with estimates of retail floor space;
- (j) provision for major infrastructure including main drainage, sewerage, water supply and other key infrastructure services;
- (k) indicative lot patterns and general location of major buildings;
- (l) provision for emergency services including police, ambulance and fire services;
- (m) road network down to the level of local distributor roads, including any road widenings and proposed bus routes and the relationship to the surrounding area and surrounding roads;
- (n) public transport routes and corridors, and existing and proposed transit stations;
- (o) main cycle and pedestrian networks;
- (p) estimates for the staging of development;

- (q) structure plans and policies of the Commission;
- (r) the objectives for the development and future use of the area covered by the plan;
- (s) justification for and an explanation of the proposal;
- (t) the obligations of the parties involved including private/public funding responsibilities;
- (u) developer/proponent contributions towards the provision of infrastructure (including roads, drainage reserves, public open space and community purpose sites);
- (v) the time frame and an explanation of how the development will progress if it is staged;
- (w) special development control provisions
- (x) the maximum gross leasable area to be developed;
- (y) provision for vehicular access and parking;
- (z) provision for the size, location, orientation, and design of buildings and open spaces;
- (aa) provision for the design and location of signage, landscaping and street furniture;
- (ab) types of industrial and related uses within industrial areas and the location of such uses within those areas;
- (ac) advice from relevant Government agencies regarding the compatibility of the proposal with adopted Government policies and strategies.

PART B – OTHER DOCUMENTS

Other documents which the Council may require to be submitted with structure plans include:

- (a) letters received from consultation with servicing authorities;
- (b) letters from the owners of all land within the structure plan area indicating their agreement to the structure plan;
- (c) public submissions;
- (d) relevant extracts of minutes.

SCHEDULE 8 (CLAUSE 9.6) – CERTIFICATION OF AGREED STRUCTURE PLANS

CERTIFIED THAT AGREED STRUCTURE PLAN/20.....

WAS ADOPTED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING

COMMISSION ON

.....
Chairperson, Western Australian
Planning Commission

AND BY

RESOLUTION OF THE COUNCIL OF THE CITY OF

JOONDALUP ON

AND THE SEAL OF THE MUNICIPALITY WAS PURSUANT
TO THE COUNCIL'S RESOLUTION HEREUNTO AFFIXED IN THE

PRESENCE OF:

.....
Mayor, City of Joondalup

.....
Chief Executive Officer, City of Joondalup

SCHEDULE 9 (CLAUSE 4.6) – ENVIRONMENTAL CONDITIONS

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

No environmental conditions are applicable to the Scheme area.

**TOWN PLANNING AND DEVELOPMENT
ACT, 1928 (AS AMENDED)**

**CITY OF JOONDALUP
DISTRICT PLANNING SCHEME NO 2**

Published in the GOVERNMENT GAZETTE on the 28th day of November 2000 and subsequently amended as follows:

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
4	3.7.2001	Rezoning Lot 656 (265) Eddystone Avenue, Beldon from Special Use Zone – Office, Hardware, Garden Centre (700m ²) and Medical Centre to the Business Zone
6	11.1.2002	Rezoning the northern portion of Lot 7 (21) Endeavour Road, Hillarys from Civic and Cultural to Private Clubs/Recreation Zone
7	18.1.2002	Rezoning portions of Moore Drive and Marmion Avenue, Currambine from Other Regional Roads to Residential and coding the land R20 Rezoning a portion of West Coast Highway in Sorrento and Marmion from Parks and Recreation to Residential Rezoning a portion of Lakeway Drive and Verdin Lane, Kingsley from Parks and Recreation to Special Residential Rezoning a portion of the Mitchell Freeway/Burns Beach road intersection, Currambine from Other Regional Roads and Primary Regional Roads to Residential and coding the land R20 and R80 Rezoning a portion of Pt Lot 802 (11) Hocking Parade, Sorrento from Private Clubs/Recreation to Residential Rezoning Loc 12813 (11) Argus Close, Craigie from Local Reserves Public Use (Primary School) to Residential
2	8.2.2002	Text amendment to define the use class “equipment hire” and to permit “equipment hire” as a discretionary use in the Commercial zone

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
5	23.4.2002	Rezoning a portion of Hepburn Avenue Road Reserve abutting Pt Lot 158 Hepburn Avenue, Sorrento from Other Regional Roads Reservation and Residential to Urban Development Zone
9	7.5.2002	Rezoning Lot 55 (11) Henderson Drive, Kallaroo from Local Reserve – Parks and Recreation to Private Clubs/Recreation
8	7.6.2002	Rezoning a portion of Part Lot 2 Roxburgh Circle, Kinross from Local Reserve – Public Use – High School to Residential
11	21.1.2003	Rezoning the portion of Lot 9000, corner of Selkirk Drive and Connolly Drive, Kinross, from Residential, Business, Commercial and Civic and Cultural to Centre and uncoding the land
14	25.7.2003	Rezoning the following portions of land: <ul style="list-style-type: none"> (a) Part Reserve 37188 (622m²) No 170 Joondalup Drive, Edgewater from Residential R20 to Local Reserve - Parks and Recreation; (b) Lot 120 (57) Blackthorn Road, Greenwood from Local Reserve – Parks and Recreation to Residential R20. (c) Location 11539 (18) Third Avenue, Burns, Reserve 42216 from Residential R20 to Local Reserve – Parks and Recreation.
10	14.10.2003	Rezoning and Recoding Portion Lot 9000 (157) Kinross Drive, Kinross from ‘Mixed Use’ to ‘Commercial’; and R40 to R20 respectively. Modifying Schedule 1 by deleting ‘animal husbandry’ and ‘road house’; and replacing definitions for ‘bakery’, ‘shop’ and ‘showroom’. Modifying Table 1 by deleting use classes ‘animal husbandry’, ‘road house’ and adding new symbol * against use class ‘Shop’ and footnote. Modifying Part 3 by adding new clauses 3.5.2

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
10 Cont'd	14.10.2003	and 3.6.3 to allow for the landuse of shop in the Mixed Use and Business zones
17	3.2.2004	Rezoning Location 13649 (52) Marri Road, Duncraig from Business R20 to Residential R40
18	27.2.2004	Modifying Part 4 by adding new clause 4.16 Recreational Vehicle Parking. Modifying Schedule 1 by inserting the definition of the term recreational vehicle.
16	1.4.2004	<p>1. Rezoning:</p> <p>(i) Lot 71 Woodvale Drive, Woodvale from Rural to Residential; and</p> <p>(ii) Portion of Woodvale Drive, Woodvale from Rural to Residential.</p> <p>2. Zoning:</p> <p>(i) Portions of Turn Ridge and Woodswallow Close, Joondalup, Centre;</p> <p>(ii) Portion of Cockatoo Ridge, Joondalup, Centre;</p> <p>(iii) Portion of Pt Lot 62 Winton Road, Joondalup, Service Industrial;</p> <p>(iv) Portion of Lot 100 Joondalup Drive, Joondalup, Centre;</p> <p>(v) Portion of Lot 902 Grand Boulevard, Joondalup, Centre;</p> <p>(vi) Portion of Lot 102 Kennedya Drive, Joondalup, Centre;</p> <p>(vii) Portion of Pt Lot 107 Joondalup Drive, Joondalup, Service Industrial.</p> <p>3. Reserving:</p> <p>(i) Portion of Pt Lot 166 Ambassador Drive, Currambine, Local Reserve – Public Use – Primary School; and</p> <p>(ii) Portion of Carlton Park – Reserve 45754 Carlton Turn, Currambine, Local Reserve – Parks and Recreation.</p> <p>4. Zoning the following to Residential:</p> <p>(i) Portion of Lot 136 (23 and 25) Fairmont Place, Currambine;</p> <p>(ii) Portion of Lot 117 (18) Raffles Court, Currambine;</p> <p>(iii) Portion of Lot 116 (15) Raffles Court, Currambine;</p> <p>(iv) Portion of Lot 105 (9) Luxor Place,</p>

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
16 Cont'd	1.4.2004	<p>Currambine;</p> <p>(v) Portion of Lot 104 (8) Luxor Place, Currambine;</p> <p>(vi) Portion of Lot 242 (38) Carlton Turn, Currambine;</p> <p>(vii) Portion of Lot 243 (40) Carlton Turn, Currambine;</p> <p>(viii) Portion of Lot 907 (34) Boynton Gardens, Iluka;</p> <p>(ix) Lot 923 (43) Boynton Gardens, Iluka;</p> <p>(x) Portion of Lot 924 (45) Boynton Gardens, Iluka;</p> <p>(xi) Portion of Lot 925 (47) Boynton Gardens, Iluka;</p> <p>(xii) Portion of Boynton Gardens, Iluka;</p> <p>(xiii) Portion of Lot 5 (4) Sorata Place, Currambine;</p> <p>(xiv) Portion of Lot 7 (26) Arabella Mews, Currambine</p> <p>(xv) Portion of Arabella Mews, Currambine;</p> <p>(xvi) Portion of Lot 265 (22) Arabella Mews, Currambine;</p> <p>(xvii) Portion of Lot 266 (20) Arabella Mews, Currambine;</p> <p>(xviii) Portion of Ambassador Drive, Currambine;</p> <p>(xix) Portion of Carlton Turn, Currambine; and</p> <p>(xx) Unnamed portion of land – corner Joondalup Drive and Moore Drive, Joondalup.</p> <p>5. Applying an:</p> <p>(i) R25 Density Coding to Lot 71 Woodvale Drive, Woodvale</p> <p>(ii) R20 Density Coding to Portion of Woodvale Drive, Woodvale</p>
19	6.4.2004	Rezoning Lot 742 (83) Caridean Street and Lot 743 (79) Admiral Grove, Heathridge from Business to Centre and uncoding the land
12	25.5.2004	<p>Zoning a portion of Lot 62 (38) Hocking Road, Kingsley to Residential, and coding the portion R20.</p> <p>Rezoning Lot 63 (30) Hocking Road, Kingsley from Rural – Additional Use No 1-1 to Residential and coding the land R20.</p>

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
1	1.6.2004	<p>Rezoning a 354m² portion of Lot 3 Trappers Drive, Woodvale, from Civic and Cultural to Commercial.</p> <p>Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by adding "Portion of Lot 3 Trappers Drive" under the column headed 'Description of Centre and Commercial Zone' adjacent to Woodvale (Woodvale Boulevard).</p> <p>Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area under the column headed 'NLA (m²)' for Woodvale (Woodvale Boulevard) - Lot 6 Whitfords Avenue from 5500m² to 7650m².</p>
21	31.8.2004	Rezoning a portion of Lot 9016 (500) Burns Beach Road, Burns Beach from Rural to Urban Development.
26	24.12.2004	<p>Rezoning:</p> <p>Lot 143 (3) Elwood Court, Craigie from Mixed Use R20 to Residential R40.</p> <p>Lot 1 (110) Eddystone Avenue, Craigie from Mixed Use R20 to Residential R40.</p> <p>Lot 2 (112) Eddystone Avenue, Craigie from Mixed Use R20 to Residential R40.</p>
13	31.12.2004	<p>Adding Additional Use 1-19 to Lot 99 (4) Hocking Road, Kingsley in "Schedule 2 – Section 1 (Clause 3.15) – Additional Uses" as follows:</p> <p>Consulting Rooms; Medical Centre; Office; Veterinary Consulting Rooms; Funeral Parlour; Vehicle Sales/Hire Premises and Warehouse</p>
20	31.12.2004	Removing the local 'Public Use – Primary School' reservation and the R20 density code from Lot 124 (92) Cook Avenue, Hillarys and zoning it to Urban Development
25	15.2.2005	Recoding Lot 405 (174) Fairway Circle, Connolly from R20 to R40

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
22	1.4.2005	<p>(a) Removing the 'Residential' zoning and reserving to 'Local Reserve – Parks and Recreation', the following portions of land:</p> <p>Swan Location 14322 – Reserve 46668 Selkirk Drive, Kinross; Lot 91 Cranston Loop, Kinross; Swan Location 13479 – Reserve 45758 Discovery Circuit, Iluka; Reserve 44451 Santiago Park, Beaumaris Boulevard, Ocean Reef; Reserve 46050 25 Negresco Turn, Currambine; Eastern Portion of Swan Location 12639 – Reserve 44910 (Christchurch Park); Reserve 42221 & 42222 No 4 and 6 Ocean Parade, Burns Beach; Reserve 45751 – 36L Mayflower Crescent, Craigie.</p> <p>(b) Removing the 'Residential' zoning and reserving to 'Local Reserve – Public Use', the following portions of land:</p> <p>Swan Location 13561 – Reserve 46179, Cayman Lane, Iluka; Loc 14550, Lochy Close, Kinross; Lot 1300, Lochy Close, Kinross; Swan Location 14006 – Reserve 46577, Kinross Drive, Kinross; Lot 194 Dunscore Way, Kinross; Reserve 43977 Connolly Drive, Kinross; Reserve 43967 Connolly Drive, Kinross; Reserve 44909 Christchurch Terrace, Currambine; Reserve 46051 19L Negresco Turn, Currambine; Lot 628 Tyneside Grove, Currambine; Reserve 44156 Yatala Close, Currambine; Reserve 44349 Shenendoah Mews, Currambine; Reserve 45764 Shenendoah Mews, Currambine.</p>

AMENDMENT NO	DATE OF PUBLICATION	DESCRIPTION
22 Cont'd	1.4.2005	(c) Removing the 'Residential' zoning from Reserve 46280, No 6 Miami Beach Promenade, Iluka and reserving it to 'Local Reserve – Parks and Recreation'.
27	1.4.2005	Modifying Schedule 3 (Commercial and Centre Zones) by including the following lots and corresponding retail floorspace NLA(m ²) figures under the columns headed 'Description of Centre and Commercial Zones' and 'NLA(m ²)' respectively for the Woodvale (Woodvale Boulevard) locality: <ol style="list-style-type: none"> 1. Lot 1 (941) Whitfords Avenue - 430 2. Lot 7 (3) Trappers Drive - 200 3. Lot 8 (1) Trappers Drive - 600 4. Lot 9 (937) Whitfords Avenue - 540 5. Lot 10 (933) Whitfords Avenue - 300
28	15.7.2005	Rezoning Swan Location 12816 (16) Fernwood Square, Padbury from Residential to Private Clubs and Recreation
29	2.12.2005	Rezoning Lot 674 (107) Eddystone Avenue, Craigie from Commercial to Residential and recoding the land from R20 to R40
24	9.12.2005	Unreserving Lot 61 (14) Leach Street, Marmion from Local Reserves Parks and Recreation and zoning it to Urban Development. Inserting additional Clauses 3.12.4 and 3.12.4.1
30	3.3.2006	Rezoning Lot 200 (157) Kinross Drive, Kinross from Commercial R20 to Residential R30; and modifying Schedule 3 (Commercial and Centre Zones) by removing the Commercial zone.

**AGREED STRUCTURE PLANS
APPROVED UNDER THE PROVISIONS OF PART 9**

NO	DESCRIPTION/LOCALITY	DATE APPROVED	DATE LAST MODIFIED
1	Joondalup City Centre Development Plan & Manual Joondalup	22 August 1990	5 November 2004
2	Kinross Neighbourhood Structure Plan Kinross	1 October 2003	
3	Woodlake Retreat Structure Plan Kingsley	11 November 2003	
4	Caridean Street Structure Plan Heathridge	30 April 2004	
5	Cook Avenue Structure Plan Hillarys	28 September 2004	
14	Currambine Local Town Centre Structure Plan Currambine	28 June 1999	25 June 2002
20	Hillarys Structure Plan Hillarys	28 September 1999	9 September 2003
22	Heathridge Structure Plan Heathridge	21 April 1999	
24	Warwick Structure Plan Warwick	21 June 1999	Revoked 27 April 2004
25	Ocean Reef Structure Plan, Ocean Reef	26 November 1999	Revoked 17 December 2002
26	Iluka Structure Plan Iluka	13 August 2001	27 May 2005

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

+NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
1	A E & A M Cruse	14 McKirdy Way Marmion 6020	Supports rezoning of their property from Local Reserve – Parks and Recreation to Residential R20	Noted. Support proposed Amendment No 31 with minor modification.
2	H English	21 Seaforth Loop Kallaroo 6025	Support, particularly proposal 8 that will enable removal of Northshore's restrictive covenant imposed on future development in perpetuity.	Noted. Support proposed Amendment No 31 with minor modification
3	Environmental Protection Authority	Not applicable	No objection. No further advice or recommendations given.	Noted. Support proposed Amendment No 31 with minor modification
4	Water Corporation	Not Applicable	No objection and no further comment.	Noted. Support proposed Amendment No 31 with minor modification
5	C Stephens	25 Afric Way Kallaroo 6025	<p>Objection. Raised the following issues:</p> <ol style="list-style-type: none"> 1. Believes it is inappropriate that Council would not be required to respond in writing when an application has been refused. Considers Council has an obligation to respond and shouldn't abandon practice that is informative and good business. 2. The proposed wording of clause 6.5.3 removes the onus on Council to fully assess any application and allows delays to the application process via repeated requests for information. 	<p>Noted.</p> <ol style="list-style-type: none"> 1. Council is required to make a decision on a development application and communicate that decision to the applicant. No change to current practice will occur as a result of this amendment proposal. Delays in determining applications are usually due to the lodgement of incomplete applications where further information and details are required. 2. The proposed clause seeks to clarify the current protocol (under the City's recently introduced Gateway Development Application process) whereby the assessment timeframe for development applications doesn't commence until all

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 7 JANUARY 2007)**

			3. Suggests Council could set a reasonable period in which the applicant should respond, noting current limited access to qualified consultants to prepare documents.	necessary details/information is submitted in order to facilitate the proper assessment of the application. 3. The onus is placed upon the applicant to provide the City with all the information it requires to properly assess and determine their development application. It is noted that a significant number of delays in the processing of applications is due to inadequate information being provided by the applicant. Support proposed Amendment No 31 with minor modification.
6	HW Pearson	Not provided	Objection. Raised the following issues: 1. Opposes the addition of Clause 6.5.3 in proposal 13 because it will extend the approval process by giving the Council the power to create an unlimited period by asking for more information. Considers the period within additional details may be requested should be restricted. 2. Provides comment on lengthy approval timeframes and believes it will harm future development within the City of Joondalup.	Noted. 1. Refer comments in submission 5 above. 2. Refer comments in submission 5 above. Support proposed Amendment No 31 with minor modification.
7	M Dickie	23 Alfreton Way Duncraig 6023	Objection. Raised the following issues: 1. Opposes the addition of Clause 6.5.3 in proposal 13 because it will give Council unlimited time to ask for more information	Noted. 1. Refer comments in submission 5 above. In addition, no additional 60 day period is triggered by the proposed clause. The clause

**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
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			<p>and trigger another 60 day period.</p> <p>2. Believes that the clause is not needed given the City's Gateway process. If the clause is needed, suggests a 2 week period from the date when the application was lodged to request additional information.</p>	<p>seeks to clarify when the 60 day period commences, which is upon lodgement of a complete development application containing all the required details.</p> <p>2. Noted.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
8	P Beyer	Not provided	Objection. Raised issues as submission 7.	<p>Noted. Refer comments in submission 5 and 7 above.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
9	W McEwan	27 Timbercrest Rise Woodvale 6026	Objection. Raised issues as submission 7.	<p>Noted. Refer comments in submission 5 and 7 above.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
10	M Macdonald	5 Mair Place Mullaloo 6027	<p>Objection. Raised the following issues:</p> <p>1. Does not support the amendment because the report is not accurate in some instances i.e. some proposals do not contain issues that have been subject of previous requests to the Council and should therefore be addressed. Also believes that some proposals are strategic in nature.</p>	<p>Noted.</p> <p>1. The submitter contests that proposals 1, 2, 5 and 14 are strategic in nature, however the proposals forming Amendment No. 31 does not seek to review or modify the strategic direction of DPS2 but to rather improve its functionality. The amendment is unable to capture all previously raised issues, and outstanding issues are envisaged to be dealt with via future scheme amendments and the</p>

**PROPOSED AMENDMENT NO 31
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			<p>2. Does not support proposal 1 to remove the Special Use Zone as no adequate reasons are being given for its removal. Considers the only argument for its removal is that there is no developments listed in this zone. Believes this is a strategic proposal.</p> <p>3. Does not support proposal 4 relating to the Commercial Zone because the City should encourage shopping and business areas to provide structure plans under Part 9 and be rezoned to Centre Zone. This would provide certainty about what is planned for their area. This proposal is a strategic proposal.</p> <p>4. Does not support proposal 5 that relocates clause 3.18 to Part 1 of DPS2 because it is considered it incorporates a new zone for the purposes of introducing Network City/Precinct Planning. Particularly in relation to residential land near railway stations. This proposal is a strategic proposal.</p>	<p>scheme review process.</p> <p>2. Noted. The matter has been considered and, since the zone is not used, the view is that this zone is no longer necessary. Furthermore, alternative zones and/or the Additional and Restricted use provisions in DPS2 could be used in the future should a particular situation arise that warrants such an approach.</p> <p>3. The City encourages the preparation of structure plans for its commercial areas and will continue to do so. The proposal seeks to capture both existing and new commercial areas and will widen the scope to ensure both situations are captured under DPS2. All proposals forming the amendment are not considered to be strategic in nature.</p> <p>4. The clause is currently listed within the Part 3 - Zones and the proposal seeks to simply move Clause 3.18 (without altering the wording) to Part 1 - Preliminary of DPS2. The proposal does not relate to Network City (a State Government document) or planning by the City on a precinct basis. Any future rezoning and/or Density code changes to land around existing railway stations would require formal DPS2 amendment and therefore be publicly advertised.</p>
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**PROPOSED AMENDMENT NO 31
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			<p>5. Does not support the removal of Clause 8.9 in proposal 7 without an alternative being identified in the scheme text.</p> <p>6. Does not support proposal 9 relating to the recision of home business approval because the scheme text does not state where this enforcement issue is covered.</p> <p>7. Does not support proposal 14 relating to public notice because it allows the City to reduce the current advertising requirements. There is no definition of affected ratepayers and leaves officers to determine who is an affected ratepayer, leading to differences and ambiguity. This is a strategic proposal.</p> <p>8. Does not support proposal 19 relating to changes to the zoning table without the insertion of 'Short Stay Accommodation'. Considers this is long overdue and should be accompanied with a definition in schedule 1, applicable development standards, controls and residential density.</p> <p>9. Does not support proposal 21 relating to schedule 1 (interpretations) of DPS2 because of omissions. Suggests need to define this so that it is not assessed as a 'Residential Building'.</p>	<p>5. An alternative is not legally required as the necessary powers are contained within the Planning and Development Act 2005.</p> <p>6. Legal advice suggests that its not required to be stated in DPS2 since the necessary powers are contained within Part 13 of the Planning and Development Act 2005.</p> <p>7. This proposal does not seek to reduce advertising requirements but to widen the range of advertising methods the Council can use. Consultation is based upon the type of application submitted and the details contained therein. Proposals forming the amendment are not considered to be strategic in nature.</p> <p>8. Proposed Amendment No 31 is primarily a technical review. The matter of short stay accommodation is being addressed separately.</p> <p>9. Refer to above comments in issue 8.</p> <p>10. Proposal 24 seeks to rectify various DPS2</p>
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**PROPOSED AMENDMENT NO 31
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
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			<p>10. Does not support proposal 24 relating to DPS2 map zoning modifications as it is poorly written and contains inaccuracies and ambiguities. It is not clear whether or not this proposal seeks to rezone and recode various parcels of land or whether the proposal is to alter the map to correct for amendments already made. In addition, it is considered that rezoning of 10 residential zoned blocks in Merrifield Place, Mullaloo should be included in the proposal.</p>	<p>mapping errors that have been found. It is correct that the DPS2 map shows zoning and density code information on separate maps, however they collectively form the entire DPS2 map. Therefore, from a technical perspective, it is not necessary to separate zoning and density code information. Proposal 24 does not seek to change or increase the Density code of any land, except the land forming the Currambine Structure Plan No. 14 area, which is to be recoded from R20 to uncoded. It is agreed that the table in the amendment document should be modified to remove any reference to density coding, with the exception of the lots forming the Currambine Structure Plan No. 14 area as outlined above. In response to the Merrifield Place lot zoning issue, it is expected that this matter will be further considered by Council, once an audit of all of the City's assets has been completed.</p> <p>Support proposed Amendment No 31 with minor modification.</p>
11.	M Caiacob	7 Rowan Place, Mullaloo 6027	<p>Objection. Raised the following issues (some as quoted in italics):</p> <p>1. Does not support the amendment and it should not proceed. Believes City should review its Scheme not an amendment and queries why the City prepared the Amendment when it's in breach of scheme review requirements. Report does not provide all information/detail</p>	<p>Noted.</p> <p>1. Refer comments in 10 (1) above. In addition, there are no changes proposed to the Town Planning Delegations as part of Amendment No 31.</p>

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			<p>required, defective in parts and fails to address outstanding issues that arise through operation of the scheme. Failure to act on Ministers previous requests is reprehensible and queries if some of the amendments are being progressed to assist future proposals. Also believes that some proposals are strategic in nature and dilution of powers of delegation not open and accountable governance. Suggests amendment to delegations should be initiated by the Council not by those delegated the powers. Officers legal advice and brief not provided and the amendment does not represent me or my lifestyle or amenity. Also makes the following statement;</p> <p><i>‘Query if amendments to Town Planning Schemes are day to day operations of the City or affairs and performance of the Local Governments functions when it comes to obtaining legal advice’</i></p> <p>2. Does not support proposal 1 to remove the Special Use Zone as DPS2 shows 265 Eddystone Avenue, Beldon as a Special Use Zone. The zone must remain as structure plans may wish to include this zone and failure to have this zone may result in development being restricted under a Structure Plan.</p>	<p>Proposed Amendment No. 31 is not a full strategic review of the District Planning Scheme as described in the Planning and Development Act 2005.</p> <p>2. Amendment No. 4 to DPS2 rezoned Lot 656 (No. 265) Eddystone Avenue Beldon from ‘Special Use Zone’ – Office, Hardware, Garden Centre (700m²) and Medical Centre to ‘Business Zone’ and was gazetted on 3 July 2001. Alternative zones and/or the Additional and Restricted use provisions in DPS2 could be used in the future should a</p>
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			<p>3. Does not support proposal 2 relating to multiple land use in buildings as no development standards or definitions have been provided.</p> <p>4. Does not support proposal 3 relating to building setback and retail activity in business and mixed use zones as it highlights how selective inclusions into the amendment have been adopted by officers. Whilst agreeing with the clause, queries why other issues raised in SAT are (Multiple dwellings in R20, shortstay etc). These issues need to be addressed holistically, not piece meal.</p> <p>5. Does not support proposal 4 relating to the Commercial Zone as it suggests a Structure Plan may not be required. Suggests a Structure Plan should be mandatory or the requirement at Council's discretion for all shopping and business areas. Suggests the clause could be argued in SAT that a structure plan is not required and raises concerns for the need of the clause when development should comply with the City's centres strategy and rezoned to</p>	<p>particular situation arise that warrants such an approach.</p> <p>3. The clause seeks to clarify that various land uses can occupy different areas of the same building. This clause does not alter the development standards and definitions within DPS2 and the Residential Design Codes that already exist.</p> <p>4. The amendment is unable to capture all previously raised issues, and outstanding issues are envisaged to be dealt with via future scheme amendments and the scheme review process.</p> <p>5. Refer comment 10 (3) above.</p>
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			<p>Centre Zone.</p> <p>6. Does not support proposal 5 that relocates clause 3.18 to Part 1 of DPS2 because it is in conflict with Councils previous resolution relating to Network City. This is a strategic proposal with many repercussions contrary to what the report states and highlights why a complete review of DPS2 is required.</p> <p>7. Does not support proposal 8 relating to the removal of restrictive covenants as the City should not get involved in civil matters and to become involved is not open, accountable or desirable governance. This is civil not planning and highlights why a review of DPS2 is required.</p> <p>8. Does not support proposal 9 relating to the rescission of home business approval because no copy of the Act has been provided and can't ascertain if comments are correct. No copy of legal advice provided.</p> <p>9. Does not support proposal 12 relating to application for planning approval because proposed clause 6.1.3 (i) should refer to the Council, not the local government. DPS2 is operated by the Council and powers delegated to</p>	<p>6. Refer comment 10 (4) above.</p> <p>7. This proposal is intended to bring the City's DPS text into the same framework as required by the State Government. The proposal provides the community with greater surety about planning outcomes in the Local Government area.</p> <p>8. The Town Planning and Development Act provides the legislative framework for enforcing DPS controls. Replication of this framework within the DPS is unnecessary. The Planning Act can be viewed on the State Law Publisher website.</p> <p>9. This clause referred to relates to a planning application not being required for temporary works in existence for less than 48 hours, or such longer time if the Local Government agrees. It is considered undesirable from an operational view to require the Council to</p>
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			<p>officers. Council should not approve reduction of powers by giving the local government the power instead.</p> <p>10. Does not support proposal 14 relating to public notice because it further reduces effective public consultation. The City is not conservative in its consultation as seen from the recent extensions of time provide by Council . 'And/or' is no substitute for 'will'.</p> <p>11. Does not support proposal 16 relating to delegation of control powers. Appears under Clause 5.45 of the LG Act there is no minimum period for delegation and can only be exercised according to tenor and did not preclude the Council from exercising the power. The proposal removed Council power to call in a development from delegated authority.</p> <p>12. Does not support proposal 19 relating to changes to the zoning table because no reference made to Sorrento Resort Outcome. Why is a winery not being deleted as the City has none or is this for the Luisini winery application?</p>	<p>make a decision as to the permissibility of the timeframe for temporary works.</p> <p>10. The change reflects the range of options that are available and desirable in terms of providing public notice of planning proposals.</p> <p>11. There is no change proposed to the extent town planning delegations, which are enacted by a separate resolution of Council. Council can specify the period of delegations.</p> <p>12. The proposed change relating to the 'holiday village/Resort' land use class seeks to separate each into individual uses classes (in the zoning table of the DPS) This would align with the existing separate definitions of each term in the DPS Interpretations section. It does not relate to the Sorrento Resort or any other individual development. There is no proposal specifically related to Luisini winery. The term Winery is defined in DPS2, however, is not currently included within the Use</p>
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			<p>13. Does not support proposal 21 relating to schedule 1 (interpretations) of DPS2 because of omissions such as short, medium, long stay. Accommodation, residential building etc. Does not contain issues that have been subject of previous requests to the Council and Minister and should therefore be addressed.</p> <p>14. Does not support proposal 23 relating to the deletion of text in Schedule 6. Regardless of proposal 16, there needs to be strict guidelines for whom can be delegated with Council's authority and a minimum standard needs to be set.</p> <p>15. Does not support proposal 24 relating to DPS2 map zoning modifications. Maps are to be kept up to date. No explanation for the 'anomalies' has been given. No zoning 'Residential R20' or 'Local Reserve'. Not enough information provided and queries why the City has not dealt with the 10 lots in Merrifield Place.</p>	<p>Class table. It is proposed to include a winery as a 'D' use in the Rural zone.</p> <p>13. Proposed Amendment No 31 is primarily a technical review. Matters, such as short stay accommodation are currently being addressed. Other suggested matters can be considered as part of the forthcoming scheme review</p> <p>14. Refer comments on issue 11 above.</p> <p>15. The changes are intended to capture the intentions for various discrete land parcels (eg drainage reserves).</p>
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