

New Local Planning Scheme No. 3

Frequently Asked Questions

What is a Local Planning Scheme?

The *Planning and Development Act 2005* requires all local governments to maintain a local planning scheme. It is a legal document that regulates the zoning of land, the uses that are appropriate in certain areas, and sets the Residential Density Code. It is an important basis for planning decisions made by the City.

What is the purpose of the *Local Planning Scheme No. 3 (LPS3)* and when did it come into operation?

The main purposes of the scheme are to:

- set aside land as local reserves for public purposes
- zone land within the City of Joondalup
- control and guide land use and development.

LPS3 came into operation upon its publication in the *Government Gazette* on 23 October 2018. The previous planning scheme, *District Planning Scheme No. 2 (DPS2)* is replaced by LPS3 from this date.

What aspects have changed from the previous planning scheme (DPS2)?

LPS3 is set out differently to DPS2 as it has been prepared in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*. There is limited scope to depart from these provisions. The deemed provisions, which relate to the regulatory functions of the scheme, are located in the LPS Regulations, and are not located in LPS3.

One of the main differences between DPS2 and LPS3 is that the general development requirements are located in local planning policies rather than within the scheme. These policies have already been prepared, advertised for public comment, and adopted by Council. Policies for all zones within the scheme have been developed, along with some specific policies such as short-term accommodation and consulting rooms.

LPS3 and the new local planning policies became operational at the same time.

More information on the various changes from DPS2 to LPS3, and the local planning policies, can be found on the City's website.

Are the residential density codes changing?

A range of residential density increases were implemented in February 2016 in accordance with the City's *Local Housing Strategy*. No further changes to density were included in LPS3.

How will the new LPS3 affect my property?

LPS3 may have no direct impact on your property as the majority of properties in the City of Joondalup had no changes to their zoning.

However, some properties have changed from one zone to another. This will have some implications on the type of development that can be undertaken on that land. The scheme maps detailing the zoning and density codes are available on the City's website.

The land use permissibility of some land uses has changed. This may affect what land uses can be undertaken on your property.

Where can I view a copy of the document?

LPS3 is available for viewing on the City's website and at the City's Administration Centre in Joondalup.

Are there differences between the draft LPS3 that Council adopted, and the final LPS3?

Yes, the Minister for Planning required a number of modifications to draft LPS3 prior to final approval. These changes were mainly related to further aligning draft LPS3 with the LPS Regulations and in response to submissions received during the public comment period.

What happens if my application has already been lodged?

Once LPS3 is comes into operation, all applications for development approval must be determined under LPS3 and the new local planning policies, including those applications that have already been lodged with the City. It is likely that LPS3 will not significantly affect the determination of your application. However, there may be certain circumstances where LPS3 will affect the assessment and determination of your application, particularly as the new local planning policies contain additional development requirements.

In this case, an Urban Planner will be in contact to discuss your application in light of LPS3 and the new local planning policies.

What happens if an existing approved use is no longer a use that can be approved under LPS3.

LPS3 (like DPS2) allows 'non-conforming uses', which is the continued use of land or buildings for the purpose for which it was approved, prior to a new planning scheme coming into operation. Therefore, LPS3 will not affect your ability to continue an approved land use. However, non-conforming uses are only permitted until the use is discontinued and cannot be altered or extended without approval of the local government.