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City of Joondalup

**LOCAL PLANNING SCHEME No. 3**

**AMENDMENT No. 2**

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**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF JOONDALUP**

**LOCAL PLANNING SCHEME NO. 3 – AMENDMENT NO. 2**

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by amending the designation of a portion of Lot 600 (76) Treetop Avenue, Edgewater from the 'Residential' zone to the 'Public Purposes' local reserve.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the intent of the proposed scheme amendment is to revert the designation of the subject site back to 'Public Purposes'.

DATED THIS 19<sup>TH</sup> DAY OF FEBRUARY 2019

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CHIEF EXECUTIVE OFFICER

COPY NO \_\_

***PLANNING AND DEVELOPMENT ACT 2005***

**CITY OF JOONDALUP**

**LOCAL PLANNING SCHEME NO. 3 – AMENDMENT NO 2**

The City of Joondalup under and by virtue of the powers conferred upon it in that behalf by Part 5 of the *Planning and Development Act 2005* hereby amends the above Local Planning Scheme by amending the designation of portion of Lot 600 (76) Treetop Avenue, Edgewater from the 'Residential' zone to the 'Public Purposes' local reserve.

**PLANNING AND DEVELOPMENT ACT 2005****CITY OF JOONDALUP****LOCAL PLANNING SCHEME NO. 3– AMENDMENT NO. 2****SCHEME AMENDMENT REPORT****EXECUTIVE SUMMARY**

The City has received an application to initiate an amendment to *Local Planning Scheme No. 3* (LPS3) on behalf of the Department of Education as the owners of Lot 600 (76) Treetop Avenue, Edgewater. The north-west portion of the site, the subject of this amendment, is zoned 'Residential' with a density coding of R20 and is currently vacant. The remainder of the site is reserved 'Public Purposes' and is developed with Edgewater Primary School.

At its meeting held on 19 February 2008, Council adopted Amendment No. 39 to *District Planning Scheme No. 2* (DPS2) to re-zone 4,478m<sup>2</sup> of the subject land from 'Local Reserve – Public Use (Primary School)' to 'Residential'. The amendment was approved by the Minister for Planning and became effective on 7 December 2008. The owner's intention at the time was to subdivide the 'Residential' zoned land into six lots as this portion of land was considered surplus to the needs of the school.

The applicant has indicated that following approval of the subdivision detailed geotechnical investigations found the site was not viable to develop. In 2016, the Department of Education made a request to the Department of Lands to re-amalgamate the lots created through the subdivision back into the parent school reserve. The amalgamation was approved in July 2017 and the school site became Lot 600.

The scheme amendment is considered to be a 'standard' amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) as the intent of the proposed scheme amendment is to revert the designation of the subject site back to 'Public Purposes'.

**BACKGROUND**

The subject portion of Lot 600 (76) Treetop Avenue is zoned 'Residential' under LPS3 and has a residential density code of R20. The area of the site that is the subject of this amendment is bounded by Regatta Drive to the west, residential properties with a density code of R20 to the north and Edgewater Primary School to the south and east.

At its meeting held on 19 February 2008, Council adopted Amendment 39 to DPS2 which rezoned the subject area from 'Local Reserve – Public Use (Primary School)' to 'Residential'. The scheme amendment was approved by the Minister for Planning and subsequently published in the Government Gazette on 7 December 2008. Subdivision approval was granted by the Western Australian Planning Commission on 5 May 2009 with the site being subdivided into Lot 500, comprising the Edgewater Primary School and Lot 501, comprising the residential zone.

The applicant has indicated that, following approval of the subdivision, detailed geotechnical investigations found areas of the site too unstable and economically unviable to develop.

The landowner subsequently made a request to the Department of Lands to re-amalgamate Lot 500 and Lot 501 into one. The request was approved, and Lot 600 was created on 7 July 2017.

While there is limited utilisation of this land by Edgewater Primary School, it is anticipated that, should the amendment proceed, further investigations will be undertaken into the potential use of this land by the school.

## **DETAILS**

An application has been received from Elton Consulting on behalf of the Department of Education – School Resourcing and Budgeting Directorate to initiate an amendment to LPS3 to change the existing 4,478m<sup>2</sup> north-west portion of Lot 600 (76) Treetop Avenue, Edgewater, from the ‘Residential’ zone to the ‘Public Purposes’ local reserve. The remainder of the site containing Edgewater Primary School is reserved ‘Public Purposes’ under LPS3.

The land is predominantly surrounded by low density residential housing, and the rezoning is consistent with the original intent of the lot prior to Amendment 39 to DPS2.

The applicant has provided the following justification in support of the proposed scheme amendment:

- *The “dual zoning” of Edgewater Primary School should be rationalised to the ‘Public Use – Primary School’ local reservation, as the intended residential development of the surplus land (at density R20) is no longer being pursued.*
- *The current ‘Residential (R20)’ density is redundant.*
- *Currently Edgewater Primary School is unable to utilise the portion of Reserve 38223 zoned ‘Residential’ as the land use ‘Educational Establishment’ is an “X” prohibited use in the ‘Residential’ zone.*
- *The ‘Residential’ zoned land was formerly ‘Public Use – Primary School’ until Amendment 39 reclassified the land to ‘Residential’ zone in 2008. The proposed amendment will revert the land back to its original public use reservation.*
- *The rationalisation of the ‘Residential’ zone to public use (local reservation) will provide greater certainty for the local community as to its future land use and will allow Edgewater Primary School to lawfully use the land for primary school educational purposes.*

## **COMMENT**

The proposed scheme amendment will effectively revert the land back to the previous public reserve status. Reverting the designation under LPS3 from the ‘Residential’ zone to a ‘Public Purposes’ local reserve is considered appropriate as it will allow for management of the land for school purposes, consistent with the objective under LPS3. The six lots that were created subsequent to zoning of portion of the lot ‘Residential’ have already been amalgamated back into the parent reserve.

**RESOLUTION TO AMEND**

Adopted by resolution of the Council of the City of Joondalup at the meeting of the Council held on the 19<sup>th</sup> day of February 2019.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**ADOPTION**

Adopted for final approval by resolution of the City of Joondalup at the Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_ and the Common Seal of the City of Joondalup was affixed by the authority of a resolution of Council in the presence of:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDED/SUBMITTED FOR FINAL APPROVAL**

\_\_\_\_\_  
DELEGATED UNDER s16 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE \_\_\_\_\_

**APPROVAL GRANTED**

\_\_\_\_\_  
MINISTER FOR PLANNING  
S87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE \_\_\_\_\_