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PLANNING AND DEVELOPMENT ACT 2005

CITY OF JOONDALUP

**LOCAL PLANNING SCHEME
No. 3**

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF JOONDALUP

LOCAL PLANNING SCHEME No. 3

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF JOONDALUP

LOCAL PLANNING SCHEME No. 3

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

PART 1—PRELIMINARY**1. Citation**

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

2. Commencement

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

3. Scheme Revoked

The following local planning scheme(s) are revoked—

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

4. Notes Do Not Form Part of Scheme

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

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

5. Responsibility for Scheme

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

6. Scheme Area

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

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

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the *scheme text*), this Scheme includes the following—

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Map.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of the Scheme

The purposes of this Scheme are to—

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

9. Aims of Scheme

The aims of this Scheme are—

- (a) To cater for the diverse needs of the community by encouraging the provision of a range of housing, employment, business, recreation, transport and education opportunities;
- (b) To support the provision of a variety of housing choices that cater for an ageing population and changing household structures;
- (c) To protect amenity by ensuring that the use and development of land does not result in significant adverse impacts on the physical and social environment or the health and welfare of residents;
- (d) To provide for safe, convenient, attractive and viable activity centres which serve the needs of the community by providing a range of services and are accessible to all users;
- (e) To encourage development that will strengthen the economic base of the City and provide a range of employment opportunities;
- (f) To ensure that land uses are appropriately integrated with existing transport routes within the City;
- (g) To facilitate an effective and accessible transport network that caters for a range of alternatives, including public transport, cycling and walking;
- (h) To maintain a high standard and convenient network of public open space that balances the protection of vegetation and biodiversity with the provision of active and passive recreation, consistent with the needs of the local community;
- (i) To promote and encourage land use and development that incorporates environmentally sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and retention/planting of local native vegetation;
- (j) To encourage the conservation and continued use of identified places and objects of cultural heritage significance; and
- (k) To assist the effective implementation of local and State plans, strategies and policies including the State Planning Policies.

10. Relationship With Local Laws

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

11. Relationship With Other Local Planning Schemes

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

12. Relationship With Region Planning Scheme

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

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

PART 2—RESERVES

13. Regional Reserves

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

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

14. Local Reserves

- (1) In this clause—

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

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

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

Table 1 Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage
Environmental Conservation	<ul style="list-style-type: none"> • To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.

Reserve name	Objectives
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Drainage/Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional Uses for Local Reserves

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

PART 3—ZONES AND USE OF LAND

16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows—

Table 2 Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. To provide for a range of residential densities to encourage a variety of residential accommodation. To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
Mixed Use Zone	<ul style="list-style-type: none"> To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.
Centre	<ul style="list-style-type: none"> To designate land for future development as an activity centre. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.
Commercial	<ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Service Commercial	<ul style="list-style-type: none"> To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land

Zone name	Objectives
	requirements, are not generally appropriate in, or cannot conveniently be accommodated in the commercial or industrial zones. <ul style="list-style-type: none"> To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Light Industry	<ul style="list-style-type: none"> To provide for a range of light industrial uses, service industries and recreational activities that are generally compatible with urban areas. To ensure that where any development adjoins residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity. To ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.
Private Community Purposes	<ul style="list-style-type: none"> To provide sites for privately owned and operated recreation, institutions and places of worship. To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

17. Zoning Table

The zoning table for this Scheme is as follows—

Table 3 Zoning Table

Use and Development Class	Zones								
	Residential	Mixed Use	Commercial	Service Commercial	Light Industry	Private Community Purposes	Rural	Centre	Urban Development
Amusement Parlour	X	D	D	D	X	X	X	Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions	Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions
Animal Establishment	X	X	X	X	X	X	D		
Bed and Breakfast	D	D	P	X	X	D	D		
Betting Agency	X	X	D	D	X	X	X		
Bulky Goods Showroom	X	X	D	P	D	X	X		
Car Park	X	D	P	P	P	D	X		
Caravan Park	A	X	X	X	X	D	X		
Caretaker's Dwelling	X	X	D	D	D	D	X		
Child Care Premises	D	D	D	D	X	D	X		
Cinema/Theatre	X	X	D	D	X	D	X		
Civic Use	D	D	D	D	X	P	X		
Club Premises	X	X	P	D	D	D	X		
Commercial Vehicle Parking	X	X	D	D	P	X	D		
Community Purpose	X	D	D	D	X	P	X		
Consulting Rooms	A	P	P	P	X	D	X		
Convenience Store	X	D	P	P	D	D	X		
Educational Establishment	X	D	D	D	D	P	X		
Exhibition Centre	X	D	D	D	X	P	X		
Family Day Care	P	P	P	X	X	X	X		
Fast Food Outlet	X	X	P	P	X	X	X		
Fuel Depot	X	X	X	X	D	X	X		
Funeral Parlour	X	X	D	D	D	X	X		
Garden Centre	X	X	P	P	P	X	X		
Grouped Dwelling	P	D	D	X	X	D	X		

Use and Development Class	Zones							Centre	Urban Development
	Residential	Mixed Use	Commercial	Service Commercial	Light Industry	Private Community Purposes	Rural		
Holiday Accommodation	D	D	D	X	X	D	X	Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions	Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions
Holiday House	D	D	D	X	X	D	X		
Home Occupation	D	P	P	X	X	X	X		
Home Business	A	P	P	X	X	X	X		
Home Store	D	P	P	X	X	X	X		
Hospital	X	X	D	D	X	D	X		
Hotel	X	X	D	D	X	D	X		
Industry	X	X	X	X	D	X	X		
Industry—Extractive	X	X	X	X	X	X	X		
Industry—Light	X	X	X	X	P	X	X		
Industry—Service	X	X	D	P	P	X	X		
Liquor Store—large	X	X	D	D	X	X	X		
Liquor Store—small	X	X	P	D	X	X	X		
Lunch Bar	X	P	P	P	P	X	X		
Market	X	X	D	D	X	D	X		
Medical Centre	X	P	P	P	X	D	X		
Motel	X	X	D	D	X	D	X		
Motor Vehicle, Boat or Caravan Sales	X	X	D	D	P	X	X		
Motor Vehicle Repairs	X	X	D	D	P	X	X		
Motor Vehicle Wash	X	X	D	D	P	X	X		
Multiple Dwelling	D	D	D	X	X	D	X		
Night Club	X	X	D	D	X	X	X		
Office	X	P	P	P	X	X	X		
Park Home Park	D	X	X	X	X	D	X		
Place of Worship	X	D	D	D	D	P	X		
Reception Centre	X	D	P	D	X	D	X		
Recreation—Private	X	D	D	D	D	P	X		
Residential Aged Care Facility	D	D	D	X	X	D	X		
Residential Building	D	D	D	X	X	D	X		
Restaurant/Cafe	X	D	P	P	X	D	A		
Restricted Premises	X	X	D	X	X	X	X		
Serviced Apartment	X	D	D	X	X	D	X		
Service Station	X	X	D	D	D	X	X		
Shop	X	D	P	X	X	X	X		
Single House	P	D	X	X	X	X	P		
Small Bar	X	D	P	P	X	D	X		
Tavern	X	X	D	D	X	D	X		
Telecommunications infrastructure	D	D	D	D	D	D	D		
Tourist Development	X	X	X	X	X	D	X		
Trade Display	X	X	X	X	D	X	X		
Trade Supplies	X	X	X	D	D	X	X		
Transport Depot	X	X	X	X	P	X	X		
Veterinary Centre	X	X	D	P	P	X	A		
Warehouse/Storage	X	X	X	D	P	X	X		

Table 3a Whitford Activity Centre Zoning Table

Use and Development Class	Centre District			
	C-1 Endeavour District	C-2 Retail District	C-3 Banks District	C-4 Education and Civic District
Amusement Parlour	D	P	X	X
Bed and Breakfast	X	X	D	X
Betting Agency	D	D	D	X
Bulky Goods Showroom	D	D	D	X
Car Park	D	P	D	P
Caretaker's Dwelling	D	X	D	D
Child Care Premises	D	D	A	D
Cinema/Theatre	X	P	X	X
Civic Use	P	P	P	P
Club Premises	D	D	D	D
Community Purpose	P	P	P	P
Consulting Rooms	P	P	P	P
Convenience Store	P	P	D	D
Educational Establishment	D	D	D	P
Exhibition Centre	P	P	P	P
Family Day Care	P	P	P	X
Fast Food Outlet	D	P	A	X
Garden Centre	X	D	X	X
Grouped Dwelling	D	D	D	D
Holiday Accommodation	D	D	D	D
Home Occupation	D	D	D	X
Home Business	D	D	D	X
Home Store	P	D	D	D
Hotel	D	D	A	X
Liquor Store—large	D	P	X	X
Liquor Store—small	D	P	X	X
Lunch Bar	P	P	P	D
Market	D	P	X	D
Medical Centre	P	P	D	D
Motel	D	D	A	X
Motor Vehicle Repairs	D	D	X	X
Motor Vehicle Wash	D	D	A	X
Multiple Dwelling	D	D	D	D
Night Club	A	A	X	X
Office	P	P	P	P
Place of Worship	D	D	D	P
Reception Centre	D	D	D	D
Recreation—Private	D	D	D	D
Residential Aged Care Facility	D	X	D	D
Residential Building	D	X	D	D
Restaurant/Cafe	P	P	D	X
Restricted Premises	D	D	X	X
Serviced Apartment	D	D	D	D
Service Station	D	D	X	X
Shop (up to 500m ² NLA)	P	P	D	A
Shop (greater than 500m ² NLA)	D	P	X	X
Single House	X	X	X	X
Tavern	D	D	X	X
Telecommunications Infrastructure	D	D	D	D
Veterinary Centre	P	P	D	X

Table 3b—Joondalup Activity Centre Zoning Table

Use and Development Class	Zones					
	City Centre	Health and Wellness	Learning and Innovation	Joondalup Edge	Joondalup West	Lakeside Residential
Amusement Parlour	P	D	D	D	D	X
Animal Establishment	X	X	X	X	X	X
Bed and Breakfast	D	D	D	D	X	D
Betting Agency	P	D	D	D	X	X
Bulky Goods Showroom	X	X	X	D	P	X
Car Park	X	X	X	D	X	X
Caravan Park	X	X	X	X	X	X
Caretaker's Dwelling	D	D	D	D	D	D
Child Care Premises	D	D	D	D	D	D
Cinema/Theatre	D	D	D	X	D	X
Civic Use	P	D	D	D	D	X
Club Premises	D	D	D	D	D	X
Commercial Vehicle Parking	D	D	D	D	D	X
Community Purpose	D	D	D	D	D	D
Consulting Rooms	P	P	P	P	D	D
Convenience Store	P	D	D	P	P	D
Educational Establishment	D	D	P	D	D	X
Exhibition Centre	P	D	D	D	D	D
Family Day Care	P	P	X	X	X	P
Fast Food Outlet	D	D	D	P	D	D
Fuel Depot	X	X	X	X	X	X
Funeral Parlour	X	X	X	X	D	X
Garden Centre	X	X	X	X	P	X
Grouped Dwelling	X	X	X	X	X	D
Holiday Accommodation	P	D	D	D	X	D
Holiday House	X	X	X	X	X	D
Home Occupation	X	D	X	X	X	D
Home Business	X	D	X	X	X	D
Home Store	X	X	X	X	X	D
Hospital	X	D	X	X	X	X
Hotel	P	D	X	X	X	X
Industry	X	X	X	X	D	X
Industry—Extractive	X	X	X	X	X	X
Industry—Light	X	X	X	X	D	X
Industry—Service	X	X	X	X	D	X
Liquor Store—large	D	X	X	D	D	X
Liquor Store—small	D	D	D	D	X	D
Lunch Bar	P	D	X	P	P	X
Market	P	X	X	X	X	X
Medical Centre	D	D	D	D	D	D
Motel	D	D	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	D	X
Motor Vehicle Repairs	X	X	X	X	D	X
Motor Vehicle Wash	D	D	D	D	D	X
Multiple Dwelling	P	D	D	P	X	D
Night Club	D	X	X	X	X	X

Use and Development Class	Zones					
	City Centre	Health and Wellness	Learning and Innovation	Joondalup Edge	Joondalup West	Lakeside Residential
Office	P	D	D	D	D	X
Park Home Park	X	X	X	X	X	D
Place of Worship	D	D	D	D	D	X
Reception Centre	D	D	D	D	D	X
Recreation—Private	D	D	D	D	D	D
Residential Aged Care Facility	D	D	X	X	X	D
Residential Building	P	D	D	D	X	D
Restaurant/Cafe	P	D	D	P	X	D
Restricted Premises	D	D	X	D	D	X
Serviced Apartment	P	D	D	D	X	D
Service Station	X	X	X	D	D	X
Shop	P	D	D	P	D	D
Single House	X	X	X	X	X	P
Small Bar	P	D	D	D	X	X
Tavern	P	D	D	D	X	X
Telecommunications Infrastructure	D	D	D	D	D	D
Tourist Development	D	X	X	X	X	X
Trade Display	X	X	X	X	D	X
Trade Supplies	X	X	X	X	D	X
Transport Depot	D	X	X	X	D	X
Veterinary Centre	D	D	D	X	D	X
Warehouse/Storage	X	X	X	X	D	X

18. Interpreting Zoning Table

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

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

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

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

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

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

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

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

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

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

- determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;
- determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class P use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) a structure plan;
- (b) an activity centre plan;
- (c) a local development plan.

19. Additional Uses

(1) The Table sets out—

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

Table 4 Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
1	Lot 1 (123) Kingsley Drive Kingsley	Medical Centre	
2	Lot 51 (28) Seacrest Drive Sorrento	Medical Centre	
3	Lot 22 (291) Warwick Road Greenwood	Medical Centre	
4	Lot 692 (295) Warwick Road Greenwood	Medical Centre	
5	Lot 1 (315) Warwick Road Greenwood	Medical Centre	
6	Lot 1 (31) Linear Avenue Mullaloo	Medical Centre	
7	Lot 100 (6) Marina Boulevard Ocean Reef	Service Station	
8	Lot 550 (94) Caridean Street Heathridge	Veterinary Centre	
9	Lot 30 (75) Gibson Avenue Padbury	Veterinary Centre	
10	Lot 74 (3) Castlegate Way Woodvale	Veterinary Centre	
11	Lot 263 (54) Arnisdale Road Duncraig	Medical Centre	
12	Parin Plaza Lot 1-6 (93) Wanneroo Road, Greenwood	Bulky Goods Showroom, Warehouse/Storage	
13	Lot 11979 (26) Fernwood Square, Padbury	Community Purpose	
14	Lot 252 (19) Scaphella Avenue, Mullaloo	Shop	

Table 4a Specified additional uses for zoned land within Joondalup Activity Centre

No.	Description of land	Additional use	Conditions
1	'City Centre Precinct' Lot 6—D091648	Car Park—'P'	Public car parking structure permitted.
2	'City Centre Precinct' Lot 456—P017996	Car Park—'P'	Public car parking structure permitted.
3	'City Centre Precinct' Lot 535—P019637	Car Park—'P'	Public car parking structure permitted.

No.	Description of land	Additional use	Conditions
4	'City Centre Precinct' Lot 708—P075161	Car Park—'P'	The additional use is restricted to the existing multi-level parking structures as indicated in the Joondalup Activity Centre Structure Plan (Figure 1—Activity Centre Plan).
		Garden Centre—'D' Motor Vehicle Repairs—'D' Service Station—'D'	The additional use is restricted to the relocation of existing uses on site as part of a broader redevelopment, and meets the relevant objectives of the City Centre Precinct.
5	'City Centre Precinct' Lot 9000—P040107	Car Park—'P'	Multi-deck car parking structure permitted to service future ECU Endowment Precinct development.
6	'City Centre Precinct' Lot 1000—P048551	Car Park—'P'	Public car parking structure permitted.

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

20. Restricted Uses

(1) The Table sets out—

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

Table 5 Restricted uses for land in Scheme area

No.	Street/Locality	Restricted use	Conditions
1	Lot 745 (103) Caridean Street Heathridge	Grouped Dwelling, Multiple Dwelling	Residential development restricted to Aged or Dependent Persons' Dwellings
2	Lot 23 (77) Gibson Avenue Padbury	Grouped Dwelling, Multiple Dwelling, Residential Aged Care Facility	Residential development restricted to Aged or Dependent Persons' Dwellings
3	Lot 921 (98) Ellersdale Avenue Warwick	Grouped Dwelling, Multiple Dwelling, Residential Aged Care Facility	Residential development restricted to Aged or Dependent Persons' Dwellings
4	Lot 803 (15) Burlos Court Joondalup	Grouped Dwelling, Multiple Dwelling	Residential development restricted to Aged or Dependent Persons' Dwellings
5	Lot 2 (20) Kanangra Crescent, Greenwood	Grouped Dwelling, Multiple Dwelling	Residential development restricted to Aged or Dependent Persons' Dwellings
6	Lot 1001 (14) Camberwarra Drive Craigie	Grouped Dwelling, Multiple Dwelling	Residential development restricted to Aged or Dependent Persons' Dwellings
7	Lot 642 (57) and Lot 643 (59) Marri Road Duncraig	Grouped Dwelling, Multiple Dwelling	Residential development restricted to Aged or Dependent Persons' Dwellings

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

Note: A restricted use is the only use or uses that are permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

21. Special Use Zones

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

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

22. Non-Conforming Uses

(1) Unless specifically provided, this Scheme does not prevent—

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of any development on land if—
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

- (2) Subclause (1) does not apply if—
- (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—
- (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to Non-Conforming Use

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

24. Register of Non-Conforming Uses

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

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

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

26. Modification of R-Codes

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

For the purposes of this subclause, no variation to the minimum and average site areas for Aged and Dependant Persons' Dwellings, as stipulated in the R-Codes, shall apply.

(4) Within areas where a dual density code applies as depicted on the Scheme Map, the base R20 density code shall apply, unless it is determined that the higher code is acceptable having regard to clause 26(5).

(5) Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria—

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

- (i) Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or
- (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.

(6) Notwithstanding any other provision of the Scheme, where a site has been developed (as approved by the local government) for residential purposes at a greater density than that permitted under the relevant R-Code shown on the Scheme Map, the local government may permit the site to be redeveloped up to the same density, provided it is satisfied that the standard of development will be significantly improved as a result.

27. State Planning Policy 3.6 to be read as part of Scheme

(1) State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.

(2) The local government—

- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

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

30. Modification of State Planning Policies

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

31. Environmental Conditions

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

32. General Site and Development Requirements

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

Table 7 General requirements that apply to land in the Scheme Area

No.	Description of land	Requirement
1.	Residential zone	For lots one hectare or larger with a density code greater than R20, the minimum residential density to be achieved is 25 dwellings per site hectare
2.	Urban Development zone	Where it is intended that a site is to be developed for residential purposes, any structure plan, activity centre plan or local development plan for that site must require that a minimum residential density of 25 dwellings per site hectare be achieved
3.	All zones (non-residential development)	Car Parking—Cash in lieu (a) In this clause 'Shortfall Parking Spaces' means the difference between the number of car parking spaces required for a development under a local planning policy, structure plan, activity centre plan or local development plan (as the case may be) and the number of car parking spaces to be provided on the site of the development. (b) Subject to the remaining provisions of this clause, the local government may require or accept from an applicant for development approval, a cash payment in lieu of providing all or any of the number of car parking spaces required under a local planning policy, structure plan, activity centre plan or local development plan for the development for which development approval has been sought by the applicant.

No.	Description of land	Requirement
		<p>(c) Before the local government requires or accepts a cash-in-lieu payment under clause 32(1)3.(b), it must—</p> <ul style="list-style-type: none"> (i) have a reasonable expectation that the cash-in-lieu payment can be applied to provide the Shortfall Parking Spaces or Transport Infrastructure in the vicinity of the site of the proposed development; and (ii) have regard to any local planning policy which it adopts in relation to cash-in-lieu of car parking. <p>(d) The amount of the cash-in-lieu payment shall be the cost estimated by the local government to provide and construct the Shortfall Parking Spaces. The estimated cost of providing the Shortfall Parking Spaces may include—</p> <ul style="list-style-type: none"> (i) the cost of land in the vicinity of the proposed development which is required to provide the Shortfall Parking Spaces, to be determined by a licensed valuer appointed by the City; (ii) the cost of constructing to the City's specifications and requirements paved parking for the Shortfall Parking Spaces and any associated manoeuvring areas, accessways, landscaping, drainage and lighting; and (iii) the cost of constructing or installing signs, facilities or equipment to regulate the permissible period during which a vehicle may occupy the car parking spaces comprising the Shortfall Parking Spaces. <p>(e) The cash-in-lieu payment shall be paid in such manner and at such time as the City determines.</p> <p>(f) Cash-in-lieu payments received by the City under clause 32(1)3. shall be paid into appropriate funds and used—</p> <ul style="list-style-type: none"> (i) for providing and maintaining the Shortfall Parking Spaces or Transport Infrastructure in the vicinity of the development; (ii) for providing and maintaining the things referred to in subclauses 32(1)3.(d)(ii) and 32(1)3.(d)(iii); and (iii) for reimbursing the City for any expenses, including loan repayments, which it incurs in providing and maintaining the Shortfall Parking Spaces or Transport Infrastructure.

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

(3) To the extent that a requirement referred to in clause 32 is inconsistent with a requirement in clause 33 the requirement referred to in clause 33 prevails.

33. Site Specific Development Standards and Requirements

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

Table 8 Site specific development standards and requirements

No.	Description of land	Requirement
1.	Whitford Activity Centre	<p>1.1 Land zoned 'Centre' within the Whitfords Activity Centre is separated into four 'Centre Districts' (C) as shown on the scheme map and detailed as follows—</p> <ul style="list-style-type: none"> (a) Endeavour District (C-1); (b) Retail District (C-2); (c) Banks District (C-3); and (d) Education and Civic District (C-4). <p>1.2 The RAC-0 density code applies to land zoned 'Centre' within the Endeavour District.</p> <p>1.3 The R80 density code applies to land zoned 'Centre' within the Retail, Banks, and Education and Civic Districts.</p>

No.	Description of land	Requirement														
		<p>1.4 The total net lettable area of all existing and future shop retail development for land within the 'Centre' zone shall be consistent with an Activity Centre Plan approved pursuant to State Planning Policy 4.2—Activity Centres for Perth and Peel.</p> <p>1.5 If an application for development approval is made to the local government to increase the floor space for shop/retail uses within the Retail District where the net lettable area is, or would be increased beyond 55,000m², the application must demonstrate—</p> <ul style="list-style-type: none"> (a) residential development in the Retail and/or Endeavour District/s at a minimum rate of one dwelling for every 500m² of additional shop/retail NLA in the Retail District; (b) shop/retail uses within the Endeavour District with a net lettable area of at least 10% of the additional shop/retail net lettable area in the Retail District; and (c) the mix of land use floor space, upon completion of the development subject of the application, is at least 40%. <p>1.6 Land use permissibility for land zoned 'Centre' within the Whitford Activity Centre shall be in accordance with Table 3a—Whitford Activity Centre Zoning Table. The symbols used in Table 3a have the same meaning as Clause 18(2) of the scheme.</p> <p>1.7 Subject to sub-clause 1.6 and Table 3a, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 18(4) of the scheme.</p>														
2.	Sorrento Activity Centre	<p>2.1 Land use permissibility for land zoned 'Centre' within the Sorrento Activity Centre shall be in accordance with Table 3 with the exception of the following—</p> <table border="0" data-bbox="662 1070 1161 1249"> <tr> <td>Commercial Zone</td> <td></td> </tr> <tr> <td>Grouped Dwelling</td> <td>X</td> </tr> <tr> <td>Motor Vehicle, Boat or Caravan Sales</td> <td>X</td> </tr> <tr> <td>Multiple Dwelling</td> <td>P</td> </tr> <tr> <td>Night Club</td> <td>X</td> </tr> <tr> <td>Restricted Premises</td> <td>X</td> </tr> <tr> <td>Veterinary Hospital</td> <td>X</td> </tr> </table>	Commercial Zone		Grouped Dwelling	X	Motor Vehicle, Boat or Caravan Sales	X	Multiple Dwelling	P	Night Club	X	Restricted Premises	X	Veterinary Hospital	X
Commercial Zone																
Grouped Dwelling	X															
Motor Vehicle, Boat or Caravan Sales	X															
Multiple Dwelling	P															
Night Club	X															
Restricted Premises	X															
Veterinary Hospital	X															
3.	Joondalup Activity Centre	<p>3.1 Land zoned 'Centre' within the Joondalup Activity Centre is separated into six precincts as shown on the scheme map and detailed as follows—</p> <ul style="list-style-type: none"> (a) City Centre; (b) Health and Wellness; (c) Learning and Innovation; (d) Joondalup Edge; (e) Joondalup West; and (f) Lakeside Residential. <p>3.2 Residential density is in accordance with the Joondalup Activity Centre Plan Figure 3: Residential density code plan.</p> <p>3.3 Land use permissibility for land zoned 'Centre' within the Joondalup Activity Centre shall be in accordance with Table 3b—Joondalup Activity Centre Zoning Table. The symbols used in Table 3b have the same meaning as Clause 18(2) of the scheme.</p> <p>3.4 Subject to sub-clause 3.3 and Table 3b, where a land use is not listed, it shall be treated as an unlisted use, pursuant to Clause 18(4) of the scheme.</p>														

34. Variations to Site and Development Requirements

(1) In this clause—

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

(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or

occupiers in the general locality or in an area adjoining the site of the development the local government must—

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant the development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that—
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the site and development standard will not have a significant adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive Covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant—

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

PART 5—SPECIAL CONTROL AREAS

36. Special Control Areas

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

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General Definitions Used in Scheme

37. Terms Used

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

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

building height, in relation to a building—

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

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

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

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

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

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

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

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

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

frontage, in relation to a building—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Division 2—Land Use Terms Used in Scheme

38. Land Use Terms Used

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

amusement parlour means premises—

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

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

bed and breakfast means a dwelling—

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

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

bulky goods showroom means premises—

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

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

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

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

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

child care premises means premises where—

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

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

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

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

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

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

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

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

convenience store means premises—

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

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

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

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, including a museum;

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

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

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

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

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

funeral parlour means premises used—

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

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

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

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

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

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

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

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

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

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

home store means any shop attached to a dwelling that—

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

hospital means premises used as a hospital as defined in the *Health Services Act 2016* section 8(4);

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

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

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

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

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

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

industry—service means—

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

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

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

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

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

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

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

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

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

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

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

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

night club means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

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

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

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

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

recreation—private means premises that are—

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

residential aged care facility means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet nursing and personal care of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility;

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

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

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

serviced apartment means a group of units or apartments providing—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE A—SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

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

Clause 61(1)

- (k) the erection of a boundary fence in a zone where the R-Codes do not apply;
- (l) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services;

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

Clause 61(2)

- (g) the conducting of a Home Office;
- (h) the parking of one commercial vehicle, in accordance with the provisions of the relevant Local Planning Policy;
- (i) the conducting of a Family Day Care.

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

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

G. HUNT, Chief Executive Officer.
A. JACOB, Mayor.

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Council resolved to support the approval of the draft Scheme of the City of Joondalup at the Ordinary Meeting of Council held on the 27 June 2017.

The Common Seal of the City of Joondalup was hereunto affixed by authority of a resolution of the Council in the presence of—

G. HUNT, Chief Executive Officer.
A. JACOB, Mayor.

WAPC Recommended for Approval

A. MUSCARA, Delegated under S.16 of the
Planning and Development Act 2005.

Date: 29 August 2018.

Approval Granted

R. SAFFIOTI, Minister for Planning.

Date: 30 August 2018.
