

SERPENTINE JARRAHDALÉ SHIRE

TOWN PLANNING SCHEME NO. 2

AMENDMENT NO. 170

19 July 2010

PLANNING AND DEVELOPMENT ACT, 2005
RESOLUTION TO AMEND TOWN PLANNING SCHEME

Serpentine Jarrahdale Shire
TOWN PLANNING SCHEME NO. 2
AMENDMENT NO. 170

RESOLVED that the Council, pursuant to Section 72 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

1. Amending the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 map by:
 - Rezoning the following lots from 'Commercial' to 'Urban Development'.
 - o Lot 3 South Western Highway, Byford
 - o Pt Lot 50 South Western Highway, Byford
 - o Lots 1, 2 and 2 South Western Highway, Byford
 - o Pt Lot 21 South Western Highway, Byford
 - o Lot 15 South Western Highway, Byford
 - o Pt Lot 101 Beenyup Road, Byford

REPORT

1. LOCAL AUTHORITY Serpentine Jarrahdale Shire

2. DESCRIPTION OF TOWN PLANNING SCHEME: Town Planning Scheme No. 2

3. SERIAL NO. OF AMENDMENT: Amendment No. 170

4. PROPOSAL: To rezone various lots within Byford from 'Commercial' to 'Urban Development'.

SCHEME AMENDMENT REPORT

INTRODUCTION

The Shire of Serpentine-Jarrahdale has identified the need to undertake a minor amendment to Town Planning Scheme No.2 (TPS 2) to remove anomalies between the zoning depicted within the Byford Town Centre Local Structure Plan and TPS 2. This involves rezoning various lots within Byford from 'Commercial' to 'Urban Development'.

LAND DESCRIPTION

The land parcels listed below are situated within Byford within and in close proximity to the Byford Town Centre. The land parcels are located either side of the South Western Highway. In a regional context the land is located approximately 10 kilometres south of the Armadale Regional Centre.

Description	Volume/Folio	Owner	Area
Lot 3 South Western Highway	1671/911	Universal Property Pty Ltd	2006.49m ²
Pt Lot 50 South Western Highway	0000423484178	Carle & Co Builders	2167.38m ²
Lots 1 South Western Highway		Lenz Corp Pty Ltd (Aft Lenze Family Trust)	2753m ²
Lot 2 South Western Highway			2387m ²
Lot 2 South Western Highway	0000423690121	Cosimo Antonio Ierace	970.838m ²
Pt Lot 21 South Western Highway		Westate Hotel Group Pty Ltd	4266.64m ²
Lot 15 South Western Highway	SP31258	Bernard Jacob Bosma	989.25m ²
Pt Lot 101 Beenyup Road	2007/85	Nile Enterprises Pty Ltd	4293m ²

Figure 1: Location Plan



BACKGROUND

The Byford Town Centre Local Structure Plan (BTCLSP) was adopted by Council in June 2010 to guide development of a District Centre in Byford.

Most of the Byford Town Centre area is zoned Urban Development under the Shire's TPS 2. The Urban Development zone requires that structure planning be undertaken to guide future subdivision and development. Where a structure plan has been prepared for land zoned Urban Development, the land use classifications of the structure plan become de facto zones and reservations, under which development is assessed.

Various lots are currently zoned 'Commercial' along South Western Highway. These lots are now either designated as 'Town Centre' in the BTC LSP, which is inconsistent with the current zoning under TPS 2. This is able to be rectified by rezoning the land zoned 'Commercial' to 'Urban Development'.

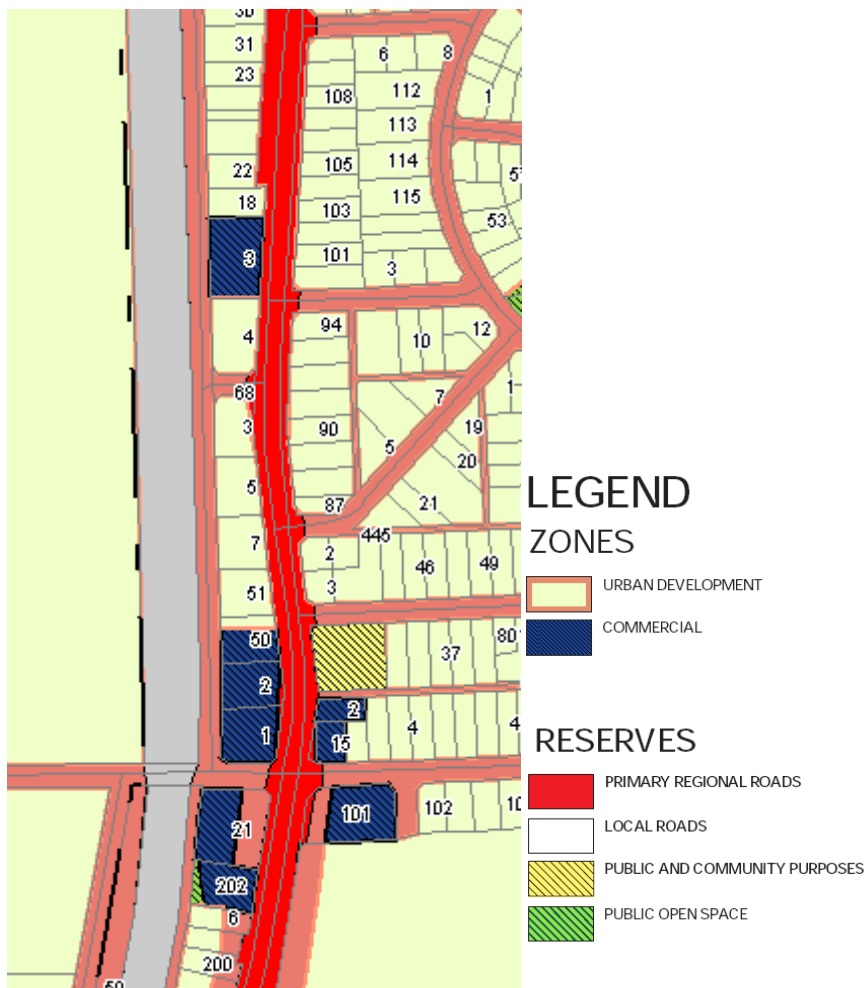
PURPOSE OF AMENDMENT

Existing Zoning

Lots 1, 2, 3, 15 and Pt lots 21 and 50 South Western Highway, Byford and Pt Lot 101 Beenyup Road, Byford are zoned 'Commercial'.

The existing zoning under TPS 2 is illustrated in Figure 2.

Figure 2: Existing Zoning



Proposed Zoning

Various lots within the Byford Town Centre LSP, along South Western Highway are zoned 'Commercial'. The land classifications indicated on the BTC LSP are inconsistent with the TPS 2 zoning.

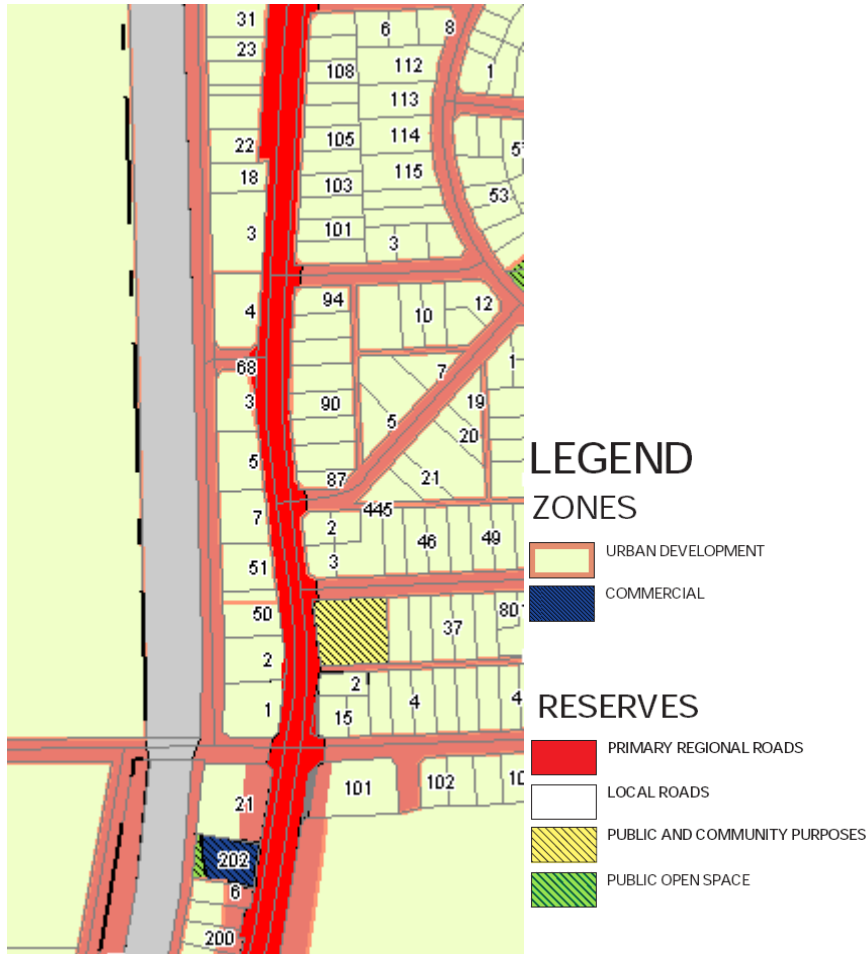
A Structure Plan should not be inconsistent with the Scheme. As such, where land is not zoned Urban Development under TPS 2 and is covered by a Structure Plan, the classification on the Structure Plan should be consistent with the zoning or reservation of the Scheme.

This situation can result in confusion as to whether assessment of an application is undertaken against the Structure Plan land classification or against the Scheme zone or reserve. In a legal sense however, the Scheme overrides any structure plan where there is an inconsistency.

The land uses designated in the Scheme are not the desired land uses for the various lots. To remove inconsistencies and to ensure the desired land uses occur on these lots, it is considered necessary to rezone the lots to 'Urban Development' to enable the desired land uses.

The proposed zoning under TPS 2 is illustrated in Figure 3.

Figure 3: Proposed Zoning



SCHEME AMENDMENT

PLANNING AND DEVELOPMENT ACT, 2005

SERPENTINE JARRAHDALÉ SHIRE

TOWN PLANNING SCHEME NO 2

AMENDMENT NO. 170

RESOLVED that the Council, pursuant to Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

1. Amending the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 map by:

- Rezoning the following lots from 'Commercial' to 'Urban Development'.
 - o Lot 3 South Western Highway, Byford
 - o Pt Lot 50 South Western Highway, Byford
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 - o Lot 15 South Western Highway, Byford
 - o Pt Lot 101 Beenyup Road, Byford

ADOPTION

Adopted by resolution of the Serpentine Jarrahdale Shire at the Ordinary Meeting of the Council held on ____ day of _____.

SHIIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the Serpentine Jarrahdale Shire at the Ordinary Meeting of Council held on the day of 20..., and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

(Seal)

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for
Final approval

DELEGATED UNDER S.16 OF PD Act 2005

DATE: _____

Final Approval Granted

MINISTER FOR PLANNING

DATE: _____