

**SERPENTINE JARRAHDALE SHIRE**

**TOWN PLANNING SCHEME NO. 2**

**AMENDMENT NO. 171**

**19 July 2010**

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

**Serpentine Jarrahdale Shire**  
**TOWN PLANNING SCHEME NO. 2**  
**AMENDMENT NO. 171**

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 (TPS 2) by:

- Amending clause 3.1.1 of the Scheme to insert the following additional zones after "URBAN DEVELOPMENT":

RURAL-RESIDENTIAL  
TOWN CENTRE  
NEIGHBOURHOOD CENTRE  
HIGHWAY COMMERCIAL  
NEIGHBOURHOOD NODE  
MIXED BUSINESS  
MIXED USE

- Inserting into the scheme Table 1 the following:

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Aged & Dependent Persons Dwelling	AA					
Amusement Parlour		AA	AA			AA
Animal Husbandry						
Apiary						
Aquaculture						
Automotive & Marine Sales				AA	P	SA
Automotive Repairs				AA	AA	
Automotive Vehicle Wash				AA	AA	
Automotive Wrecking						
Caravan or Trailer Hire				AA	P	AA
Caretaker's Dwelling				AA	AA	
Car Park		AA	AA	AA	AA	P
Caravan Park						
Cattery						
Cemetery						
Child Minding Centre		P	P			AA
Civic Buildings		P	P	AA	AA	P
Club Premises			AA	AA		AA
Commercial Vehicle Parking		AA	AA	AA	AA	SA
Consulting Rooms		P	P			P
Convenience Store		AA	P	AA	AA	SA
Corner Store						
Craft Workshop	AA				P	
Dog Kennels						
Dry Cleaning Premises		AA	AA	AA		AA
Educational Establishment		AA	AA			SA
Environmental Research Centre						
Equestrian Activity						

USE CLASSES	Rural- Residential	Neighbourho od centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Farriery						
Fast Food/Takeaway		AA	P	AA		P
Feedlot						
Floriculture						
Fodder and pasture						
Fuel Depot					SA	
Funeral Parlour		AA	AA	AA	P	AA
Health Studio		AA	P	AA	P	P
Hobby Farm						
Holiday Accommodation						
Home Business	AA	AA				AA
Home Occupation	AA	AA				AA
Hospital			AA			
Hotel			P	AA		SA
Hydroponics						
Industry: - Cottage - Extractive - General - Hazardous - Light - Noxious - Rural - Service	SA	SA	SA		P  P P	SA
Marine Collectors Yard				AA	P	SA
Market		AA	AA	AA	AA	AA
Medical Centre		AA	P	P	AA	P
Motel			P	AA		SA
Nightclub			SA			SA
Nursery				AA	AA	AA
Office		P	P	P	IP	P
Orcharding						
Pig Farming						
Plant Nursery						
Poultry (Housed)						
Private Recreation		AA	P		AA	
Private Tree Plantation						
Produce Store						
Public Amusement		AA	AA	AA		P
Public Utility	AA	P	P	P	P	AA
Public Worship - Place of		SA	P	AA	AA	SA
Radio & TV Communication Installation		AA	AA	AA	AA	AA
Reception Centre		SA	AA	AA		P
Recreation Public		AA	P			
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Ancillary Accommodation	P P P IP	AA AA	AA AA			AA AA AA
Residential Building	SA		AA			SA
Restaurant		P	P	AA		P
Rural Use						
Rural Workers Dwelling						
Service Station			SA	SA	AA	SA

USE CLASSES	Rural- Residential	Neighbourho od centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Shop		P	P		IP	P
Shopping Centre		AA	AA			AA
Showroom		AA	AA	P	P	AA
Stable						
Stall Wayside						
Tavern		SA	SA	AA		SA
Trade Display				AA	AA	
Transport Depot					AA	
Vehicle Hire				AA	P	
Veterinary Establishment		SA	AA	AA	AA	
Viticulture						
Warehouse			IP	AA	P	IP

## REPORT

- |    |   |   |
|----|---|---|
| 1. | LOCAL AUTHORITY                         | Serpentine Jarrahdale Shire   |
| 2. | DESCRIPTION OF TOWN<br>PLANNING SCHEME: | Town Planning Scheme No. 2  |
| 3. | SERIAL NO. OF AMENDMENT:                | Amendment No. 171   |
| 4. | PROPOSAL:                               | To insert additional land use zones and permissibility into Table 1 of the scheme amending clause 3.1.1 to insert additional land uses. |

## INTRODUCTION

In an ideal sense, structure plans should be prepared so that the classifications they place on land are consistent with a zone or reserve under the applicable Town Planning Scheme. This then ensures that assessment of development in a structure plan is undertaken in accordance with the Scheme provisions applicable to that zone or reserve.

There are, however, instances where the zones or reserves included in a Scheme are not considered appropriate to achieve a desired development outcome through a structure plan. In this context, structure plans often contain land use classifications which are not reflective of a zone or reserve under the Scheme.

Various land use classifications, not reflective of a zone or reserve under the scheme, were provided in the Byford Structure Plan and various local structure plans within the Byford Structure Plan area. Local Planning Policy No.19 Byford Development Requirements (LPP19) currently provides guidance for these land use classifications, though was only adopted as an interim measure.

The purpose of this Amendment is to incorporate various land use classifications contained within various Byford Structure Plans, into TPS 2.

### **Background**

The Western Australian Planning Commission (WAPC) granted approval (subject to some minor modifications) to the Byford Structure Plan on 30 March 2005. Local structure plans have since been adopted by the Council and WAPC.

Clauses 5.18.6.2 and 5.18.6.3 of Town Planning Scheme No. 2 (the Scheme) state:

- 5.18.6.2 Subject to clause 5.18.6.5, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or *Residential Planning Codes* then:
- (a) the provisions of the Structure Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is 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 apply to the Development Area.
- 5.18.6.3 Without limiting the generality of clause 5.18.6.2, under a Structure Plan:
- (a) in the areas designated as zones, the permissibility of uses is to 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 the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
  - (c) the planning approval procedures, including the procedures for the approval of uses and developments under the Scheme, are to apply as if the land were correspondingly zoned or reserved under the Scheme; and
  - (d) where land is classified as a local reservation, the rights, provisions and procedure, and the obligations of the local government in regard to

compensation set out in clauses 2.3 and 2.4 inclusive apply as if the land was correspondingly reserved under the Scheme; and

- (e) any other provision, standard or requirement in the Structure Plan has the same force and effect as if it were a provision, standard or requirement of the Scheme.

As structure plans contained various land use classifications that were not contained within TPS 2, further guidance was necessary to define the permissibility of various land uses within these land use classifications. To provide further guidance, LPP 19 was adopted as an interim measure and Amendment No.148 was progressed. Amendment No.148 proposed to incorporate an additional land use table within TPS 2 to incorporate the required additional zones and permissibility.

At the Ordinary Council Meeting held on 22 August 2005, Council resolved to initiate Amendment 148 to Town Planning Scheme No. 2 as follows:

1. Adding the new zones proposed by the Byford Structure Plan to the scheme text.
2. Adding a second Land Use/Zoning table to the Scheme to identify the land uses that will be permissible in each of the new zones proposed by the Byford Structure Plan.
3. Amending various clauses of the scheme text to tie in with the new Land Use/Zoning table for the Byford urban area.
4. Adding a new development requirements table after Table IV of the Scheme for the new Neighbourhood Nodes and Neighbourhood Centre zones within the Byford Structure Plan area.

The statutory advertising and referral process was completed and Council formally adopted Amendment 148 (with modifications) at its meeting on 27 March 2006. The amendment was never referred to the WAPC.

In a subsequent review of Amendment 148 a number of issues with the proposed Amendment 148 were identified as follows:

- the TPS amendment would introduce inconsistencies within TPS 2.
- the TPS amendment is inconsistent with the model scheme text provisions, including zoning and structure planning.

Due to the issues outlined above it was considered that a recommendation should be made to the WAPC not to approve Amendment 148, and that a new Amendment progress in its place to introduce additional zones and land use permissibility into TPS 2. This Amendment does not introduce inconsistencies into TPS 2 and is in accordance with the Model Scheme Text.

## PURPOSE OF AMENDMENT

There is a need to incorporate additional zones into TPS 2, as numerous Structure Plans contain the following zones which are currently not included within Table 1 of TPS 2:

Rural-Residential  
Neighbourhood Centre  
Town Centre  
Highway Commercial  
Mixed Business  
Mixed Use

There is considerable merit in including the above zones into TPS 2 as follows:

- These zones currently exist within the Byford Structure Plan and various Local Structure Plans.
- LPP 19 is being used as an interim measure, prior to an Amendment being gazetted. A policy is not considered the most appropriate method to address land use permissibility and development control.
- The incorporation of the above zones will provide a broader range of zones Shire wide which will not just apply to the Byford Structure Plan area.
- It will allow TPS 2 to be the only control of land use permissibility resulting in less complication.

This Amendment therefore proposes to accommodate the above zones and land use permissibility within Table 1 of TPS 2.



## SCHEME AMENDMENT

## PLANNING AND DEVELOPMENT ACT, 2005

## SERPENTINE JARRAHDAL SHIRE

## TOWN PLANNING SCHEME NO 2

## AMENDMENT NO. 171

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 clause 3.1.1 of the Scheme to insert the following additional zones after "URBAN DEVELOPMENT":

RURAL-RESIDENTIAL  
TOWN CENTRE  
NEIGHBOURHOOD CENTRE  
HIGHWAY COMMERCIAL  
NEIGHBOURHOOD NODE  
MIXED BUSINESS  
MIXED USE

2. Inserting into the scheme Table 1 the following:

USE CLASSES	Rural-Residential	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Aged & Dependent Persons Dwelling	AA					
Amusement Parlour		AA	AA			AA
Animal Husbandry						
Apiary						
Aquaculture						
Automotive & Marine Sales				AA	P	SA
Automotive Repairs				AA	AA	
Automotive Vehicle Wash				AA	AA	
Automotive Wrecking						
Caravan or Trailer Hire				AA	P	AA
Caretaker's Dwelling				AA	AA	
Car Park		AA	AA	AA	AA	P
Caravan Park						
Cattery						
Cemetery						
Child Minding Centre		P	P			AA
Civic Buildings		P	P	AA	AA	P
Club Premises			AA	AA		AA
Commercial Vehicle Parking		AA	AA	AA	AA	SA
Consulting Rooms		P	P			P
Convenience Store		AA	P	AA	AA	SA
Corner Store						
Craft Workshop	AA				P	
Dog Kennels						
Dry Cleaning Premises		AA	AA	AA		AA
Educational Establishment		AA	AA			SA
Environmental Research Centre						
Equestrian Activity						
Farriery						

USE CLASSES	Rural- Residential	Neighbourho od centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Fast Food/Takeaway		AA	P	AA		P
Feedlot						
Floriculture						
Fodder and pasture						
Fuel Depot					SA	
Funeral Parlour		AA	AA	AA	P	AA
Health Studio		AA	P	AA	P	P
Hobby Farm						
Holiday Accommodation						
Home Business	AA	AA				AA
Home Occupation	AA	AA				AA
Hospital			AA			
Hotel			P	AA		SA
Hydroponics						
Industry: - Cottage - Extractive - General - Hazardous - Light - Noxious - Rural - Service	SA	SA	SA			SA
					P	
					P	
				AA	P	
Marine Collectors Yard				AA	P	SA
Market		AA	AA	AA	AA	AA
Medical Centre		AA	P	P	AA	P
Motel			P	AA		SA
Nightclub			SA			SA
Nursery				AA	AA	AA
Office		P	P	P	IP	P
Orcharding						
Pig Farming						
Plant Nursery						
Poultry (Housed)						
Private Recreation		AA	P		AA	
Private Tree Plantation						
Produce Store						
Public Amusement		AA	AA	AA		P
Public Utility	AA	P	P	P	P	AA
Public Worship - Place of		SA	P	AA	AA	SA
Radio & TV Communication Installation		AA	AA	AA	AA	AA
Reception Centre		SA	AA	AA		P
Recreation Public		AA	P			
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Ancillary Accommodation	P P P IP	AA AA	AA AA			AA AA AA
Residential Building	SA		AA			SA
Restaurant		P	P	AA		P
Rural Use						
Rural Workers Dwelling						
Service Station			SA	SA	AA	SA
Shop		P	P		IP	P

USE CLASSES	Rural- Residential	Neighbourho od centre	Town Centre	Highway Commercial	Mixed Business	Mixed Use
Shopping Centre		AA	AA			AA
Showroom		AA	AA	P	P	AA
Stable						
Stall Wayside						
Tavern		SA	SA	AA		SA
Trade Display				AA	AA	
Transport Depot					AA	
Vehicle Hire				AA	P	
Veterinary Establishment		SA	AA	AA	AA	
Viticulture						
Warehouse			IP	AA	P	IP

**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:

\_\_\_\_\_  
SHIRE PRESIDENT

(Seal)

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

Recommended/Submitted for  
Final approval

\_\_\_\_\_  
DELEGATED UNDER S.16 OF PD Act 2005

DATE: \_\_\_\_\_

Final Approval Granted

\_\_\_\_\_  
MINISTER FOR PLANNING

DATE: \_\_\_\_\_