



# **Normalisation of the Byford District Structure Plan, the Lot 2 (No.640) South Western Highway, Byford**

## **Amendment No.10 to Local Planning Scheme No.3**

**June 2025**



FORM 2A

**Planning and Development Act 2005**

**RESOLUTION TO ADOPT AMENDMENT  
TO LOCAL PLANNING SCHEME**

***Shire of Serpentine Jarrahdale Local Planning Scheme No. 3  
Amendment Number 10***

**Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:**

- a) Amend the Scheme Map to zone Lot 2 (No.640) South Western Highway, Byford as Residential R20 in accordance with the land uses identified within Byford District Structure Plan.**

**The amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):**

- (vii) “an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.”**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Chief Executive Officer

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## 1. INTRODUCTION

The purpose of this report is to consider Proposed Scheme Amendment No.10 to Local Planning Scheme No.3 to normalise Lot 2 (No.640) South Western Highway, Byford, a portion of land located within the Byford District Structure Plan, into the Shire's Local Planning Scheme No. 3 by rezoning the land from the Urban Development zone to the Residential R20 zone, pursuant to Regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

## 2. BACKGROUND

Lot 2 (No.640) South Western Highway, Byford (the subject land) is located at the corner of South Western Highway and Thomas Road in Byford as shown in Figure 1, making the site a prominent gateway location into Byford from the north. The subject site is zoned 'Urban Development' under Local Planning Scheme No.3 (LPS3). The site has an Additional Use No.18 (A18) designation under LPS3, which provides for a limited range of retail and commercial land uses to occur, with provisions pertaining to development standards and interface considerations.



**Figure 1. Amendment No.10 Subject Site**

The Shire's Byford District Structure Plan (DSP), which was approved by the Western Australian Planning Commission on 30 May 2023, identified the subject site as Residential Development Low Density (Suburban R20-R35) with a 'Special Use' designation. Specific provisions for the "Special Use" designation outlining land uses and built form requirements are included in the DSP under Part 1 Section 1.7.2. These provisions have been reflected in LPS3 under Additional Use No.18.

The subject site was historically used as a service station for approximately 45 years, from 1955 to 2000. This is a land use that has the potential to cause contamination. The site was reported to the Department of Water and Environmental Regulation (DWER) because a series of contamination assessments, undertaken between 1999 and 2011, found that underground fuel infrastructure formerly present beneath the site had leaked, and that hydrocarbons were present in soil and groundwater.

Remedial works were undertaken in 2000 and 2003 where hydrocarbon-impacted soil was excavated and disposed of off-site, however, some impacted soil remained. Further investigations were carried out between 2003 and 2010 which found that soils had been successfully remediated to a depth of 4m but that hydrocarbons remained below 4m. A detailed Health Risk Assessment undertaken in 2010 indicated that residual groundwater contamination and associated soil vapour does not pose an unacceptable risk to human health for commercial and industrial uses, subject to restrictions. However, the contamination may present an unacceptable risk for more sensitive land uses. The site is therefore classified by the DWER as 'contaminated – remediation required'.

On 28 November 2023, a Development Application (DA) for a gym, swim school, and shop was approved by the Shire, with a land use classification of "Recreation – Private" and "Shop" in accordance with the LPS3. This DA was deemed consistent with the objectives of the "Urban Development" zone under the LPS3, which permits commercial uses that provide services to nearby residents. Additionally, the provisions of Additional Use No.18 under LPS3 support a limited range of land uses that are appropriate for the area, considering the land's capacity to accommodate small-scale retail and commercial activities.



**Figure 2. Approved Development Application for a gym, swim school, and shop**

### 3. PLANNING CONTEXT

#### 3.1 Classification of Proposed Scheme Amendment No.10

The Proposed Scheme Amendment seeks to rezone the subject land from “Urban Development” to “Residential R20”, consistent with the WAPC approved Byford District Structure Plan. Therefore, the Proposed Scheme Amendment No.10 meets the definition of a basic amendment under Part 5 Division 1 Regulation 34 of the Regulations and is classified as a basic amendment for the following reason:

*(vii) “an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.”*

#### 3.2 Planning Framework

##### *Perth and Peel @ 3.5 Million – South Metropolitan Peel Sub-Regional Planning Framework*

The subject site is identified as Urban under the South Metropolitan Peel Sub-Regional Planning Framework. The Framework defines Urban as land identified for urban use, such as residential and associated activity and bulky goods/light industry employment centres, recreation and open space. The proposed Scheme Amendment No.10 to rezone land from Urban Development to Residential R20 is consistent with the Urban designation under the Framework.

##### *Shire of Serpentine Jarrahdale Local Planning Strategy*

The Shire’s Local Planning Strategy was approved by the Western Australian Planning Commission on 18 March 2022. The subject site is identified as Urban Settlements under the Local Planning Strategy. The Local Planning Strategy contains overarching objectives to ensure employment areas are located in areas that are well planned and connected. Further detailed planning for the area identified as Urban Settlements in Byford is undertaken within the Byford District Structure Plan.

##### *Metropolitan Region Scheme*

The subject site is zoned as Urban under the Metropolitan Region Scheme (MRS). An Urban zoned area under the MRS refers to an area in which a range of activities are undertaken, including residential, commercial, recreational, and light industry. The proposed Scheme Amendment No.10 to rezone land from Urban Development to Residential R20 is consistent with the Urban zoning under the MRS.

##### *Shire of Serpentine Jarrahdale Local Planning Scheme No. 3*

The Shire’s Local Planning Scheme No.3 was approved by the Western Australian Planning Commission and gazetted on 22 September 2023. The subject site is currently zoned as Urban Development with an Additional Use No.18 under the Local

Planning Scheme No.3. The Urban Development zoning was intended as an interim zoning pending the development of the subject site in accordance with the Byford District Structure Plan. Additional Use No.18 allows the following land uses to be considered at the subject site:

- Child Care Premises (A)
- Consulting Rooms (P)
- Educational Establishment (A)
- Fast Food Outlet (A)
- Recreation - Private (P)
- Liquor Store - small (D)
- Medical Centre (P)
- Office (P)
- Telecommunications Infrastructure (A)
- Restaurant / Café (A)
- Shop (A)
- Veterinary Centre (P)

Additional Use No.18 under LPS3 contains the following conditions relating to the additional use:

*'1. The Additional Use classification is intended to provide for a limited range of land uses that can be appropriately provided in this location, having regard for:*

*(a) Its proximity to, and interface with, surrounding residential land uses.*

*(b) Its exposure to regional roads and associated vehicle noise, and its status as a registered contaminated site under the Contaminated Sites Act 2003.*

*(c) Its capacity to accommodate limited local convenience retail/commercial land uses.*

*2. The Terms 'P', 'D' and 'A' attributed to each of the additional uses listed shall have the same meaning as defined at Clause 18(2) of the Shire of Serpentine Jarrahdale's Local Planning Scheme No.3.*

*3. The following standards and requirements apply to the use and development of the land:*

*(a) In determining any application for development approval, the decision maker shall have regard to the scale and compatibility of proposed development with respect to the established Residential amenity and character of the surrounding locality.*

*(b) Development shall be limited to a maximum of 1,000m<sup>2</sup> net lettable rea (NLA) in aggregate across the site. No individual Shop-Retail tenancy shall exceed 500m<sup>2</sup> NLA floorspace.*

*(c) Notwithstanding the land use terms defined in clause 55 of the Scheme, the land use 'Shop' as it pertains to this additional use shall also include premises used to sell by retail animal supplies including equestrian and pet goods.*

*(d) No development of sensitive land uses (e.g. residential uses, Child Minding Centre or Educational Establishment) shall occur prior to the land being successfully remediated and appropriately classified under the Contaminated Sites Act 2003 to support such land uses. Development application for such uses, shall be supported by a noise/acoustic assessment demonstrating compliance with relevant state planning policy requirements concerning road/rail noise.*

*(e) Vehicle access is to be provided via Hay Road.*

*(f) Development interfaces with existing residential development shall be designed to provide a compatible interface. Special design consideration should be demonstrated to address screening, separation, height and bulk moderation, and/or noise attenuation measures necessary to mitigate potential impacts on adjacent premises.*

*(g) Built form shall be located/oriented to address Hay Road with active frontages to provide high quality street and pedestrian environment. Building design (including height, glazing, colours, textures and architectural features) shall provide a high-quality aesthetic design that reflects a level of integration and consistency with the surrounding built form, and where relevant, address crime prevention and environment design principles. The position of buildings (and any signage) shall have regard to the natural landscape and views from public vantage points.*

*(h) Building form on the corner of Hay Road and Thomas Road shall be designed to reflect a prominent position with detailing to signify this corner. In terms of Thomas Road and South Western Highway frontages, development shall present aesthetic (nonactive) edges only.*

*(i) Waste disposal and loading / unloading areas, internal to the site, are to be designed and located to reduce potential noise, visual and odour impacts on adjoining residential properties. Where possible, these areas should be integrated to improve internal traffic circulation.*

*(j) Landscaping is to form an integrated part of the development; include appropriate deep soil zones; and serve to screen car parking areas and positively interface with surrounding roads and residential properties. Landscaping should maximise the use of local native species.'*

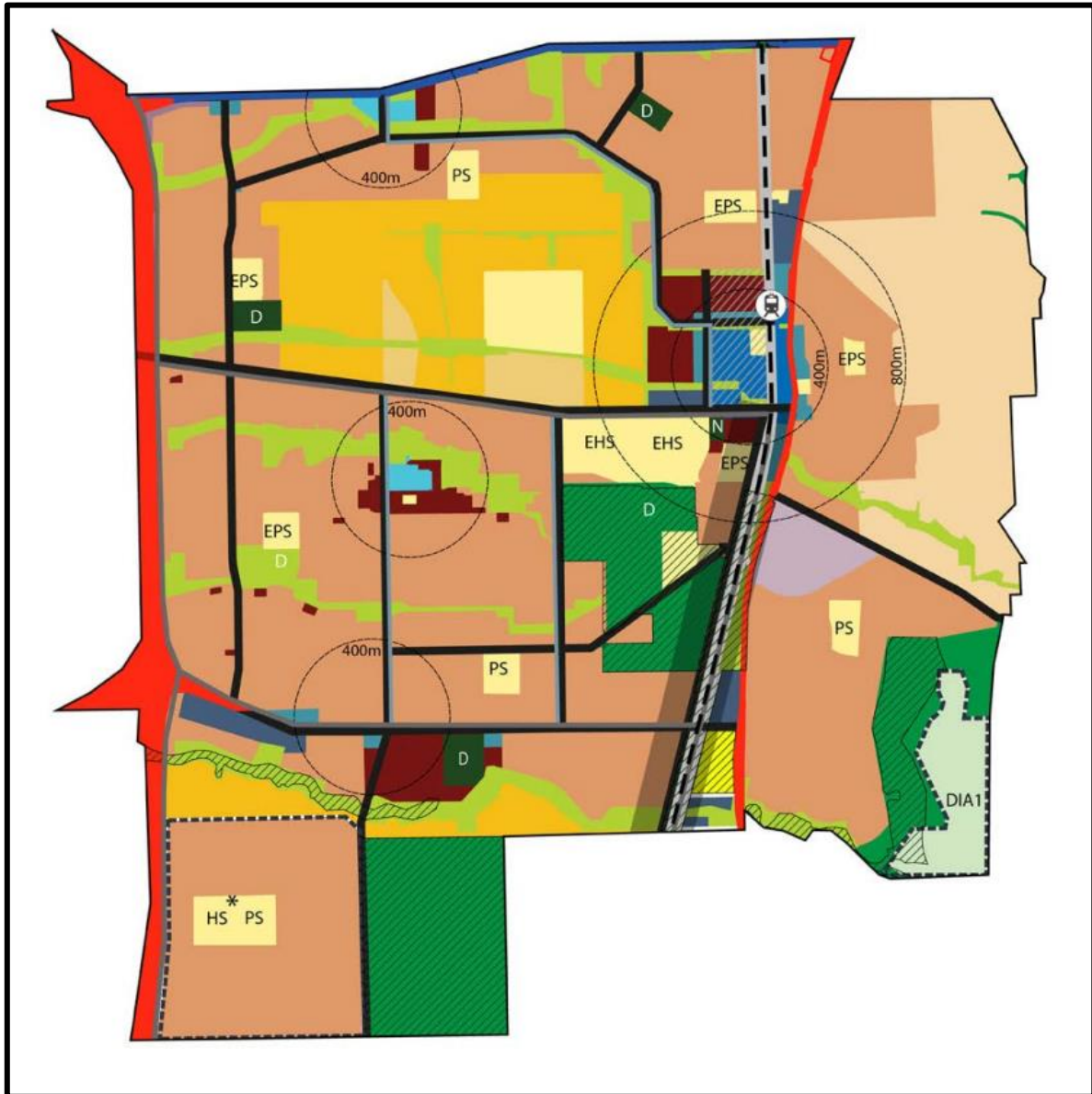
Condition 3(d) of Additional Use No.18 ensures that no development of sensitive land uses including residential uses, shall occur prior to the land being successfully remediated and appropriately classified under the *Contaminated Sites Act 2003* to support such land uses. As such, an appropriate mechanism is in place to ensure that residential development will only occur at the site if the site is successfully remediated and appropriately classified under the *Contaminated Sites Act 2003* for this purpose.

### *Byford District Structure Plan*

The Shire's Byford District Structure Plan was approved by the Western Australian Planning Commission on 30 May 2023. The subject site is identified as Residential Development Low Density (R20-R35) with a Special Use designation under the Byford District Structure Plan. The Byford District Structure Plan did not identify the need for any further local structure planning at the subject site, given its limited size and the



established residential development surrounding it. Part 1 Section 1.7.2 of the DSP identifies the strategic location of this site at the intersection of South Western Highway and Thomas Road and the potential of this site to provide an entry statement to Byford. This section of the DSP also contains provisions identifying appropriate land uses and development requirements for the site. The proposed Scheme Amendment No.10 to rezone land from Urban Development to Residential (R20) is consistent with the Residential Development Low Density (R20-R35) designation under the Byford District Structure Plan.



**Figure 3: Byford District Structure Plan.**

#### *State Planning Policy 3.7 Planning in Bushfire Prone Areas*

The subject site is identified as a Bushfire Prone Area. Bushfire hazard was considered as part of the Byford District Structure Plan and the approved development at the site. Condition 6 of the development approval requires a Bushfire Management Plan to be submitted and approved by the Shire of Serpentine Jarrahdale, demonstrating compliance with the requirements of State Planning Policy 3.7 -

Bushfire and the Guidelines. The Proposed Scheme Amendment seeks to normalise the zoning identified for the subject site under the Byford District Structure Plan and therefore does not propose an intensification of the land further to that approved under the Byford District Structure Plan.

#### *State Planning Policy 5.4 Road and Rail Noise*

State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) applies to the preparation and assessment of planning instruments, including region and local planning schemes; planning strategies, structure plans; subdivision and development proposals in Western Australia, where there is proposed noise-sensitive land-use within the policy's trigger distance of a transport corridor. Lot 2 (No. 640) South Western Highway, Byford, is located within 300 metres of the South Western Highway, which is classified as a strategic freight and major traffic route.

However, under Section 4.3(b) of SPP 5.4, planning proposals may be exempt from the policy's requirements if they do not result in an intensification of land use, such as an increase in the number of approved dwellings. The proposed Scheme Amendment seeks to normalise the zoning of the subject site with that identified in the Byford District Structure Plan and does not propose any further intensification beyond what has already been approved.

## **4. PROPOSAL**

The proposed Scheme Amendment to Local Planning Scheme No. 3 seeks to rezone Lot 2 (No.640) South Western Highway, Byford from the Urban Development zone to the Residential R20 zone. This rezoning represents the normalisation of a portion of the Byford District Structure Plan into Local Planning Scheme No. 3.

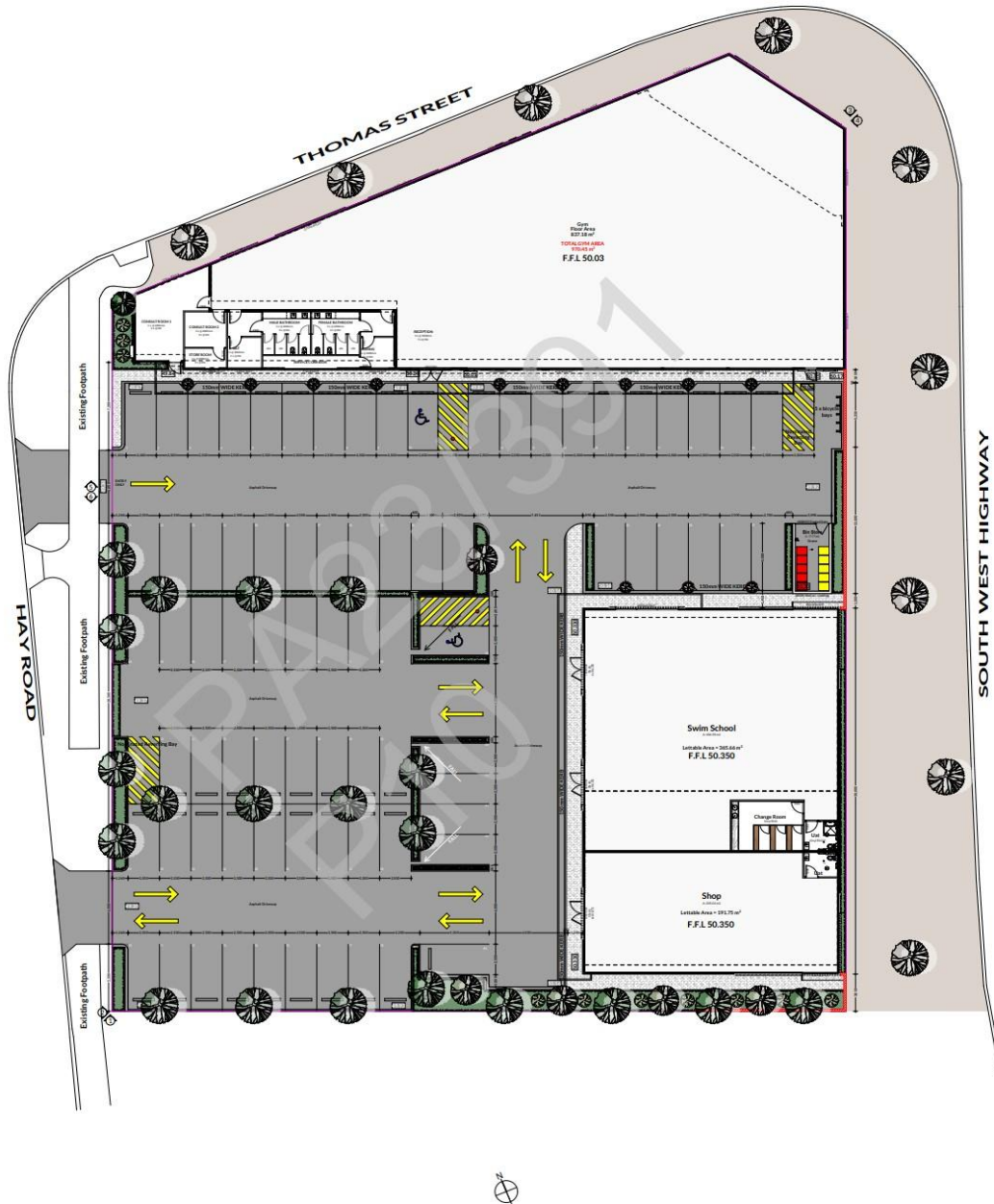
The Byford District Structure Plan identifies the subject site as Residential Development Low Density (R20 -R35). The proposed Scheme Amendment seeks to incorporate this structure plan designation within the Local Planning Scheme No.3 zoning.

The proposed Scheme Amendment is consistent with the WAPC approved Byford District Structure Plan. Normalising this portion of the Byford District Structure Plan into the Scheme would enable the land use permissibility and development controls for the Residential R20 zone within the Scheme to apply to this area. The area will still be subject to the Additional Use No.18 provisions, which already exist under the Scheme. The proposed Scheme Amendment will improve the efficiency and implementation of the planning framework.

The Residential zone objectives are also reflective of the current approved development at the site. The approved Development Application for a gym, swim school, and shop, with a land use classification of "Recreation – Private" and "Shop", for the subject lot, is deemed as consistent with the objectives of the "Residential" zone, which articulates:

*“To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

The proposed Scheme Amendment to normalise this portion of the Byford District Structure Plan into Local Planning Scheme No.3 will finalise the planning framework as intended.



**Figure 4. Approved Development Application on the subject lot**

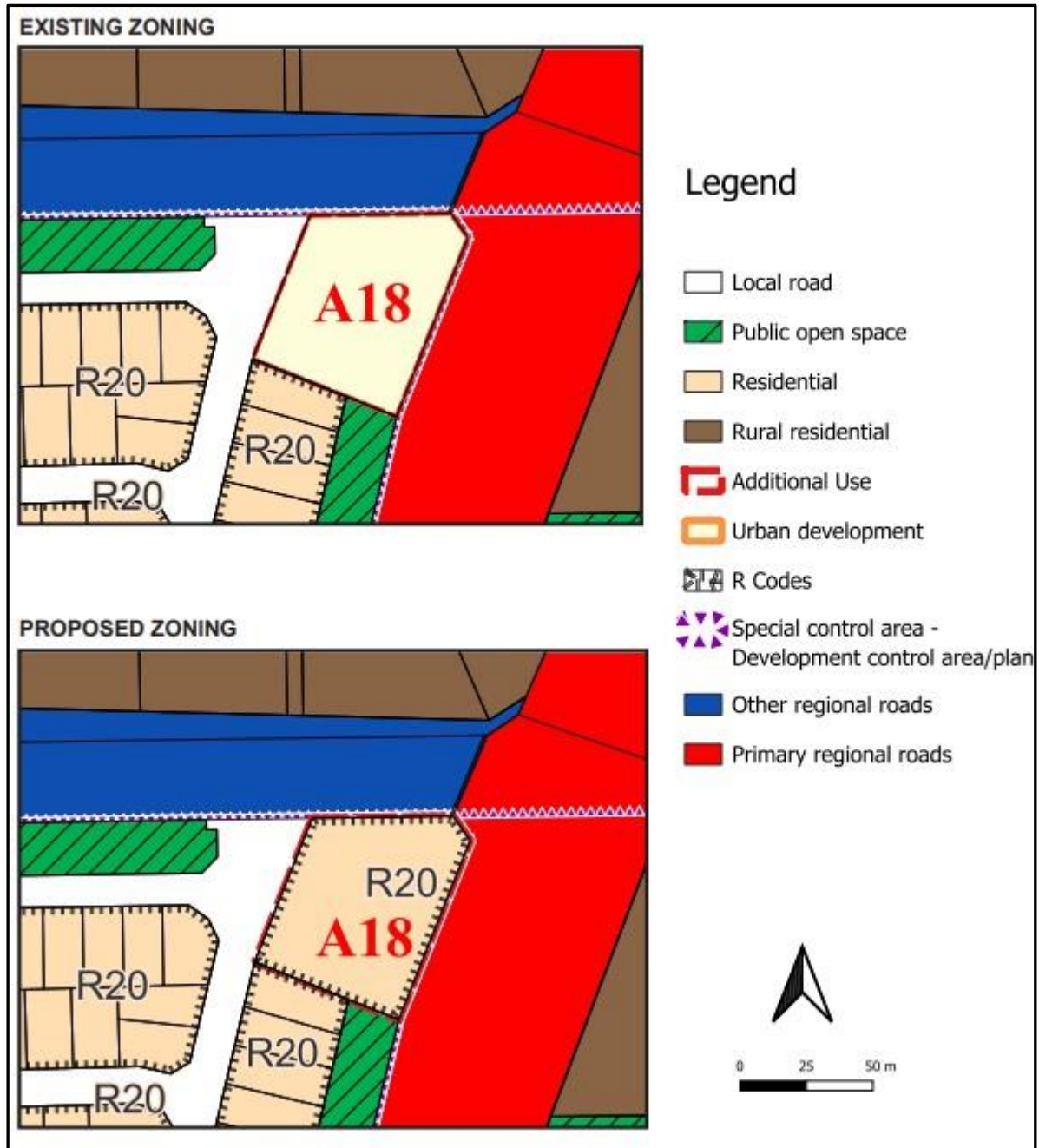


Figure 5: Proposed Scheme Amendment No.10 Map

## 5. CONCLUSION

The proposed Scheme Amendment seeks to normalise a portion of the Byford District Structure Plan into the Shire’s Local Planning Scheme No.3 by rezoning Lot 2 (No.640) South Western Highway, Byford from Urban Development to Residential R20. The proposed Scheme Amendment is consistent with the State and local planning framework and the existing land uses and development at the subject site.

The normalisation of this area of land into Local Planning Scheme No.3 would complete the planning framework for this area and enable the land use permissibility and development controls for the Residential zone within the Scheme to apply to this area.

## **Planning and Development Act 2005**

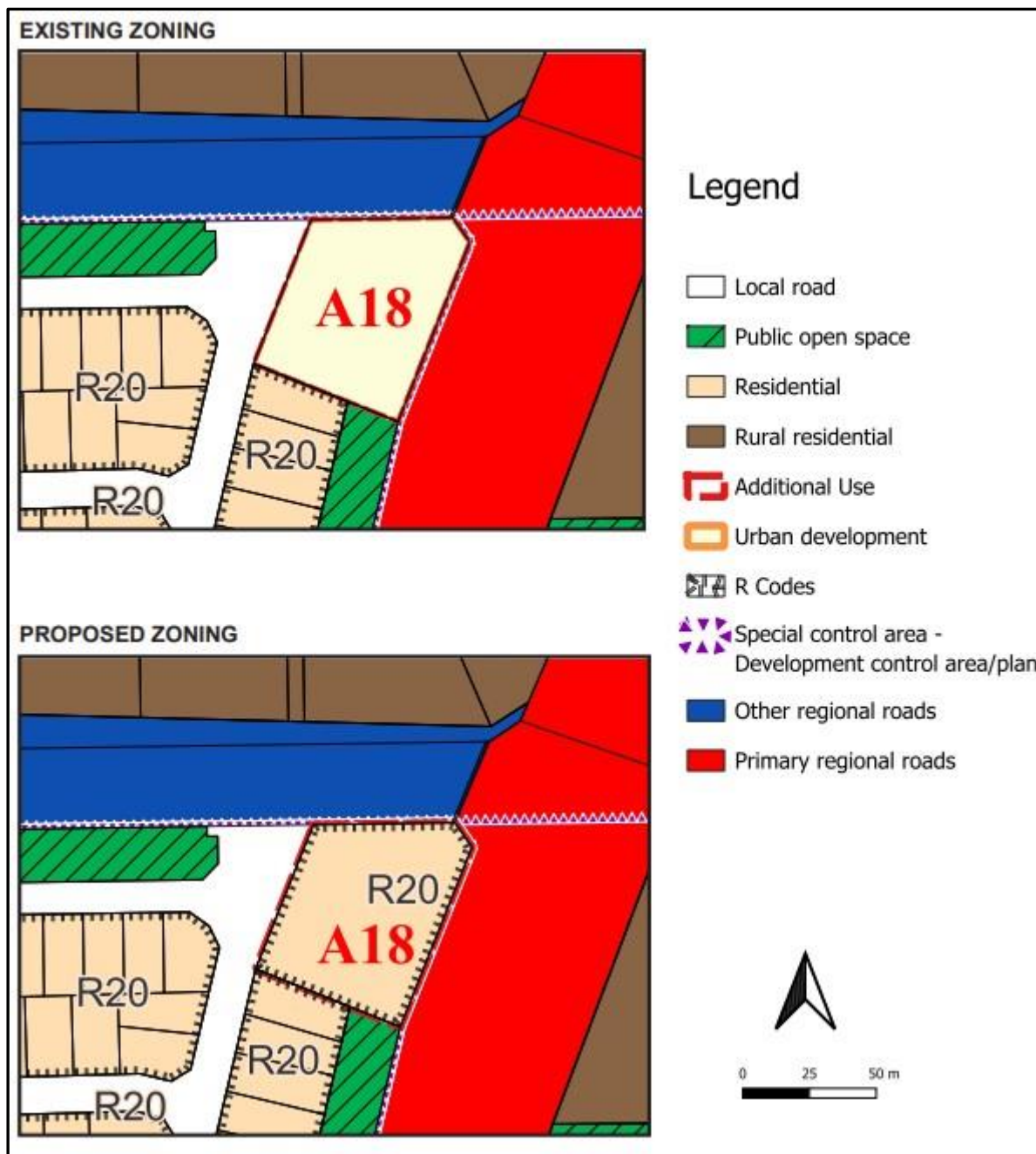
### **RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

#### ***Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 Amendment Number 10***

**Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:**

- a) Amend the Scheme Map to zone Lot 2 (No.640) South Western Highway, Byford as Residential R20 in accordance with the land uses identified within Byford District Structure Plan.**

## 6. SCHEME MAPS



**Figure 6. Proposed Normalisation of the Byford District Structure Plan, the Lot 2 (No.640) South Western Highway, Byford – Scheme Map**

FORM 6B

**COUNCIL RECOMMENDATION**

This Basic Amendment was adopted and is recommended for approval by resolution of the Council of the Shire of Serpentine Jarrahdale at the Ordinary Meeting of the Council held on the            day of            , 20            and the Common Seal of the Shire of Serpentine Jarrahdale was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
**SHIRE PRESIDENT**

.....  
**CHIEF EXECUTIVE OFFICER**

**WAPC ENDORSEMENT (r.63)**

.....  
**DELEGATED UNDER S.16 OF  
THE P&D ACT 2005**

**DATE.....**

**APPROVAL GRANTED**

.....  
**MINISTER FOR PLANNING**

**DATE.....**