Minor Town/Local Planning Schemes

Town Planning Scheme No. 21 Mounts Bay Road

Version #	Decision Reference	Synopsis
1	9 June 1998	Gazetted
2	23 November 2004	Amended
3	24 February 2017	Amended

The local government under the powers conferred on it by the Town Planning and Development Act 1928 makes the following town planning scheme.
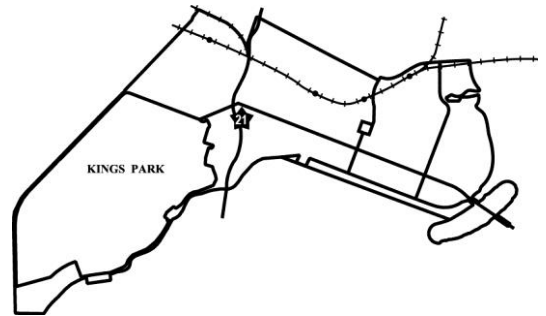
ARRANGEMENT

Preliminary

Schedule

CITY OF PERTH TOWN PLANNING SCHEME NO. 21

1. Title

This Town Planning Scheme may be referred to as the City of Perth Town Planning Scheme No.21.

2. Commencement

This Scheme commences on the Gazettal date.

NOTE: *1.*   *The 'Gazettal date' is defined in Schedule 1.*

3. Scheme Documents

This Scheme comprises the following documents:

(a) the Scheme text;

(b) the Scheme map; and

(c) the Deemed Provisions.

NOTE: *1.*   *The 'Scheme text' and 'Scheme map' are defined in Schedule 1.*

4. Definitions

In this Scheme, unless the context requires otherwise, the words and expressions used have the meanings set out in Schedule 1 and the Deemed Provisions.

5. Scheme Area

This Scheme applies to the Scheme area.

6. Responsible Authority

The Authority responsible for administering this Scheme is the local government.

7. Scheme Objects

The objects of this Scheme are:

(a) the development of the Scheme area as a whole in a coordinated matter; and

(b) to ensure that a public pedestrian accessway of adequate width is provided on the Scheme area along its eastern boundary adjoining Spring Street.

8. Region Planning Scheme

This Scheme is complimentary to, and not a substitute for, the Region Planning Scheme.

9. City Planning Scheme

(1) This Scheme is complimentary to, and is not a substitute for, the City of Perth City Planning Scheme.

(2) Where a provision of this Scheme is inconsistent with a provision of the City Planning Scheme, the provision of this Scheme prevails.

(3) The reference in clause 36(1) of the City Planning Scheme to "a standard or requirement of this Scheme" shall be taken to include a standard or requirement of this Scheme;

(4) In any provision which:

(a) is contained within a town planning scheme that repeals and replaces the City Planning Scheme; and

(b) empowers local government to approve a development which does not comply with the standard or requirement of that town planning scheme

any reference to a standard or requirement of that town planning scheme shall be taken to include a standard or requirement of this Scheme.'

(5) The reference in clause 43(1)(d) of the City Planning Scheme to "all standards laid down and all requirements prescribed by this Scheme" shall be taken to include any standards laid down and any requirements prescribed by this Scheme.

(6) In any provision which:

(a) is contained within a town planning scheme that repeals and replaces the City Planning Scheme; and

(b) prohibits a person from erecting, altering or adding to a building or using or changing the use of any land or building or permitting or suffering any land or building to be used or the use of any land or building to be changed for any purpose unless all the standards laid down and all the requirements prescribed by that town planning scheme or determined by the local government under that town planning scheme have been and continue to be complied with

any reference to the standards laid down or standards prescribed by that town planning scheme shall be taken to include all standards laid down and all requirements prescribed by this Scheme.

NOTE: *1.   The 'City Planning Scheme' is defined in Schedule 1.*

10. Local Laws

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

11. Plot Ratio

For the purpose of determining plot ratio under the City Planning Scheme with respect to land within the Scheme area, the Scheme area shall be treated as one site.

12. Car Parking

For the purpose of ascertaining car parking requirements under the City Planning Scheme with respect to land within the Scheme area, the Scheme area excluding the hatched portion shown on the Scheme map shall be treated as one site.

13. Pedestrian Access

(1) A public pedestrian accessway of a width considered adequate by the local government shall be provided on the Scheme area along its eastern boundary adjoining Spring Street.

(2) Nothing in this Scheme is to constitute or be taken to constitute a dedication or an implied dedication to the public of a right to use any part of the land in the Scheme area.

14. Existing Development Approval

No provision of this Scheme is to limit or restrict the carrying out of any development in respect of which development approval has been granted before the commencement of this Scheme.

15. Agreements

The local government may enter into any agreement with any owner of land within the Scheme area which the local government considers necessary or convenient for the implementation of the objects of this Scheme.

SCHEDULE 1

In this Scheme, unless the contrary intention appears:—

'City Planning Scheme'	means the City of Perth City Planning Scheme or any amendment thereof;
'Gazettal date'	means the date on which this Scheme is published in the *Government Gazette*;
'Scheme text'	means the document to which this Schedule is attached and includes this Schedule;
'Scheme map'	means the map showing and describing the Scheme area.
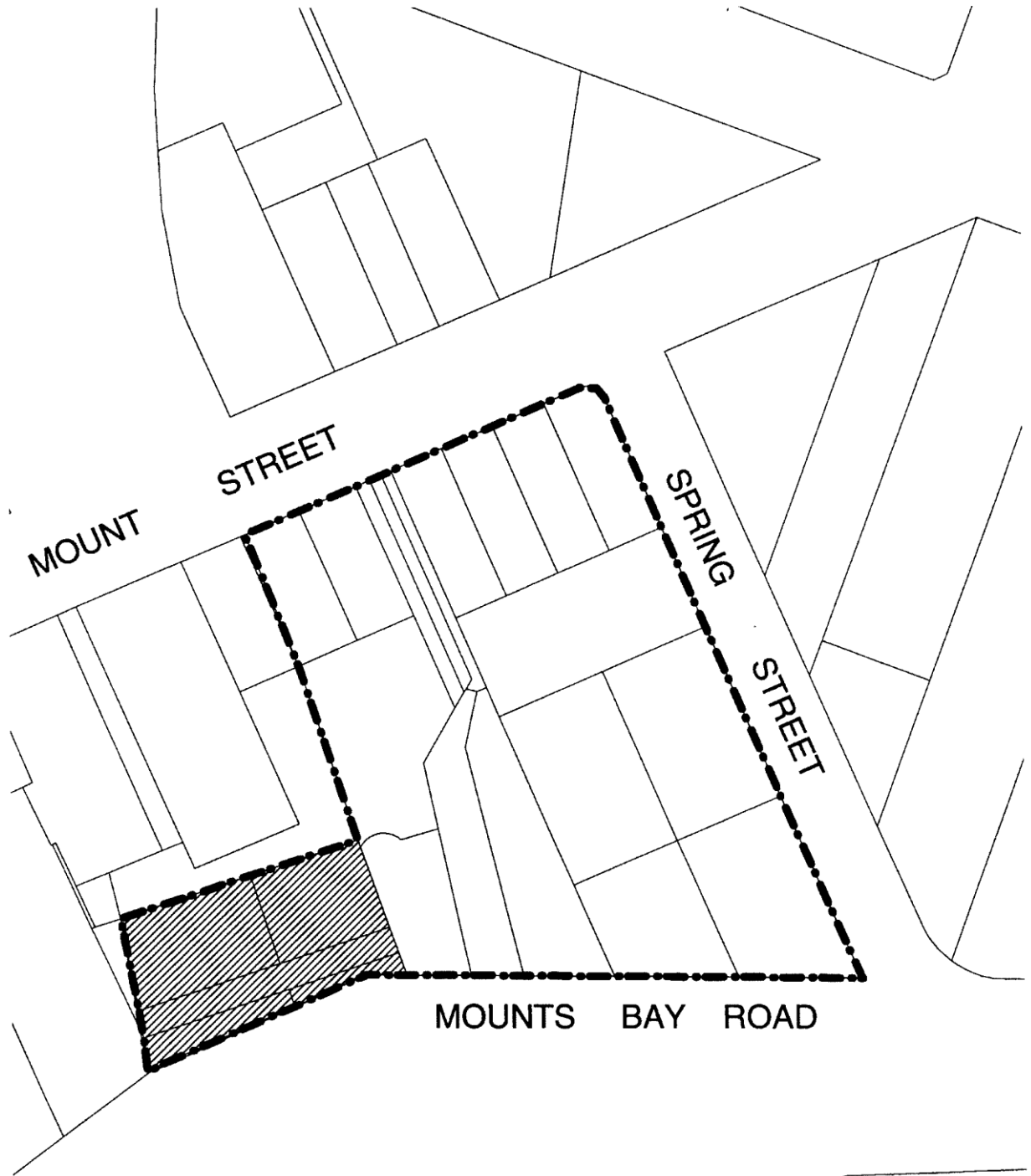
Scheme Boundary   – ▪ – ▪ – ▪▪

Area Excluded for
Purposes of Clause 12

98 - 124 MOUNTS BAY ROAD
TOWN PLANNING SCHEME NO. 21
SCHEME MAP

CITY of PERTH

2.

Date: 7 Oct 1996
Drawn by: D.K.
Scale: 1 : 1500
Drg No.·   STR 7

N