

**City of Perth**



**Minor Town/Local Planning Schemes**

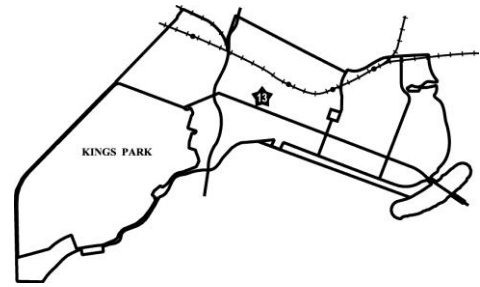
# **Town Planning Scheme No. 13 - S.G.I.O.**



<b>Version #</b>	<b>Decision Reference</b>	<b>Synopsis</b>
1	14 January 1983	Gazetted
2	7 September 1991	Amended
3	23 November 2004	Amended
4	24 February 2017	Amended



The local government, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), and the Metropolitan Region Town Planning Scheme Act, 1959 (as amended), hereby makes the following Town Planning Scheme for the purpose of:-



- (a) enabling the comprehensive redevelopment of the land within the Scheme area;
- (b) controlling the development of the land within the Scheme area;
- (c) other matters authorised by the enabling Act.

### Part I - Preliminary

- 1.1 This Town Planning Scheme may be cited as the City of Perth Town Planning Scheme No. 13 (hereinafter called “the Scheme”).
- 1.2 The Scheme shall come into operation on the publication of notice of the Minister’s final approval thereof in the *Government Gazette*, which date is hereinafter referred to as “the commencement date”.
- 1.3 The Scheme shall apply to the Scheme Area that comprises the land shown within the broken black line on the Scheme Map.
- 1.4 The Scheme is complementary to and is not a substitute for the Region Planning Scheme and the provisions of the Region Planning Scheme as amended from time to time shall continue to have effect.
- 1.5 The responsible authority for carrying out the Scheme is the local government.
- 1.6 This Scheme is complementary to and is not a substitute for the City of Perth City Planning Scheme (“the City Planning Scheme”);
- 1.7 To the extent of any inconsistency between provisions of this Scheme and the City Planning Scheme, the provisions of this Scheme shall prevail;
- 1.8 (1) 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;
- (2) 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 schemeany reference to a standard or requirement of that town planning scheme shall be taken to include a standard or requirement of this Scheme.
- (3) 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.



- (4) 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.

1.9 The general objects of the Scheme are:-

- (a) the development of the Scheme Area as a whole in a co-ordinated manner;
- (b) the adequate provision of landscaped areas accessible to the public within the Scheme Area;
- (c) the provision of pedestrian access ways throughout the Scheme Area linking Hay Street and St George's Terrace and connecting with properties adjacent to the Scheme Area; and
- (d) the preservation and enhancement of that area of public space on the north side of the Scheme Area adjacent to Hay Street as an area for public use and access in view of its particular planning value by virtue of its northerly aspect, its relationship to His Majesty's Theatre and its proximity to other buildings in the area listed in the local government's Heritage List referred to in the Deemed Provisions.

1.10 The Scheme Map consists of a map showing the Scheme Area and public space areas.

## Part II - Development

2.1 For the purpose of:-

- (a) determining plot ratio; and
- (b) ascertaining car parking requirements,

pursuant to the City Planning Scheme with respect to land within the Scheme Area, the Scheme Area shall be treated as one site;

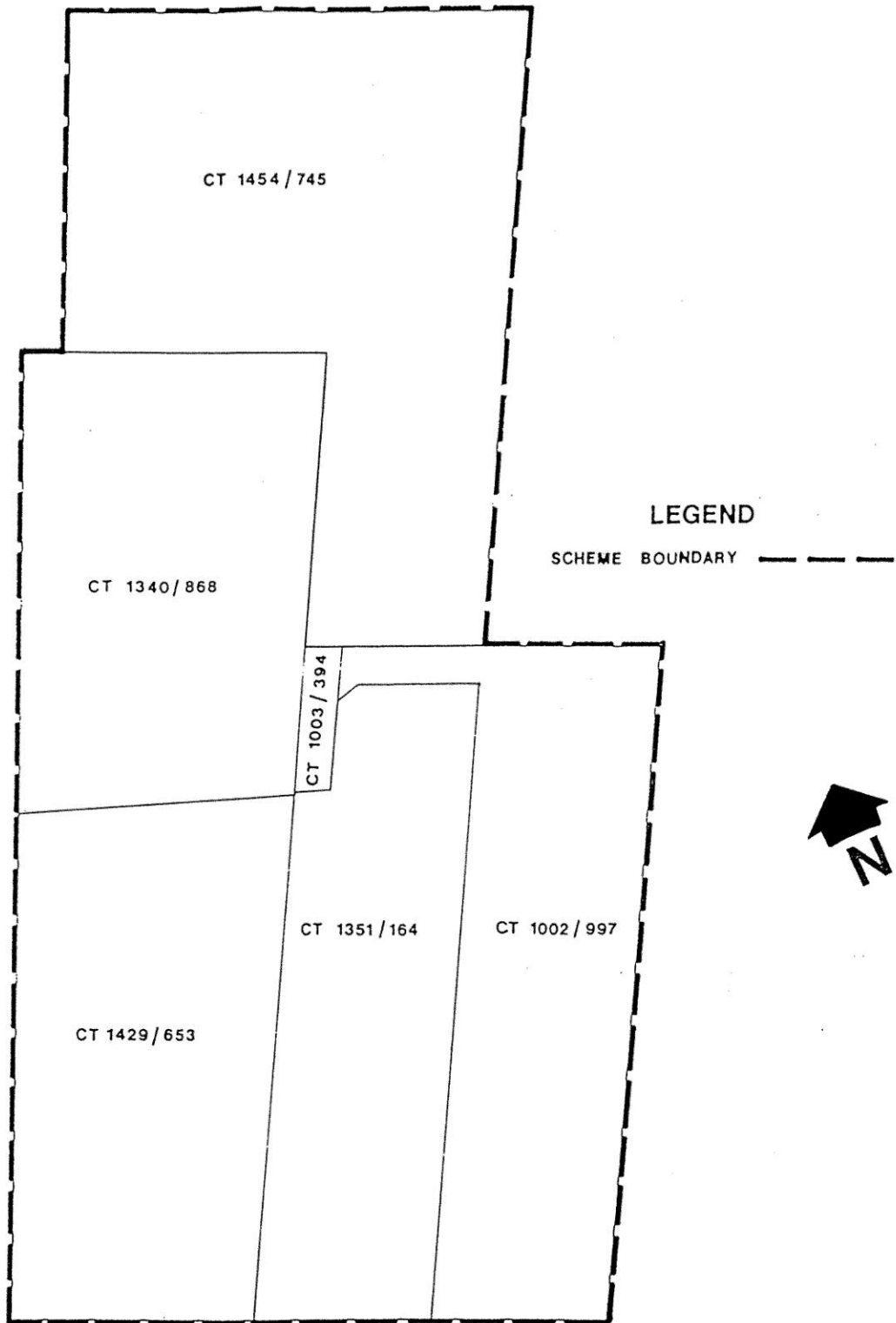
2.2 (a) In this clause:-

“public shopper car park areas” means areas provided for public car parking for periods of four (4) hours or less;

“public spaces” means the areas shown as such on the Scheme Map;

- (b) The public spaces shall be kept open to the public generally during normal working hours on normal working days and at such other times as the public shopper car park areas are available to the public;
- (c) Nothing in the Scheme shall constitute or be deemed to constitute a dedication or implied dedication to the public of a right of use of the colonnaded and enclosed public spaces and the owner of those areas may, in order to negate a dedication or implied dedication, and subject to paragraph(a) of this clause, from time to time close access to a portion of those areas as the owner thinks fit;

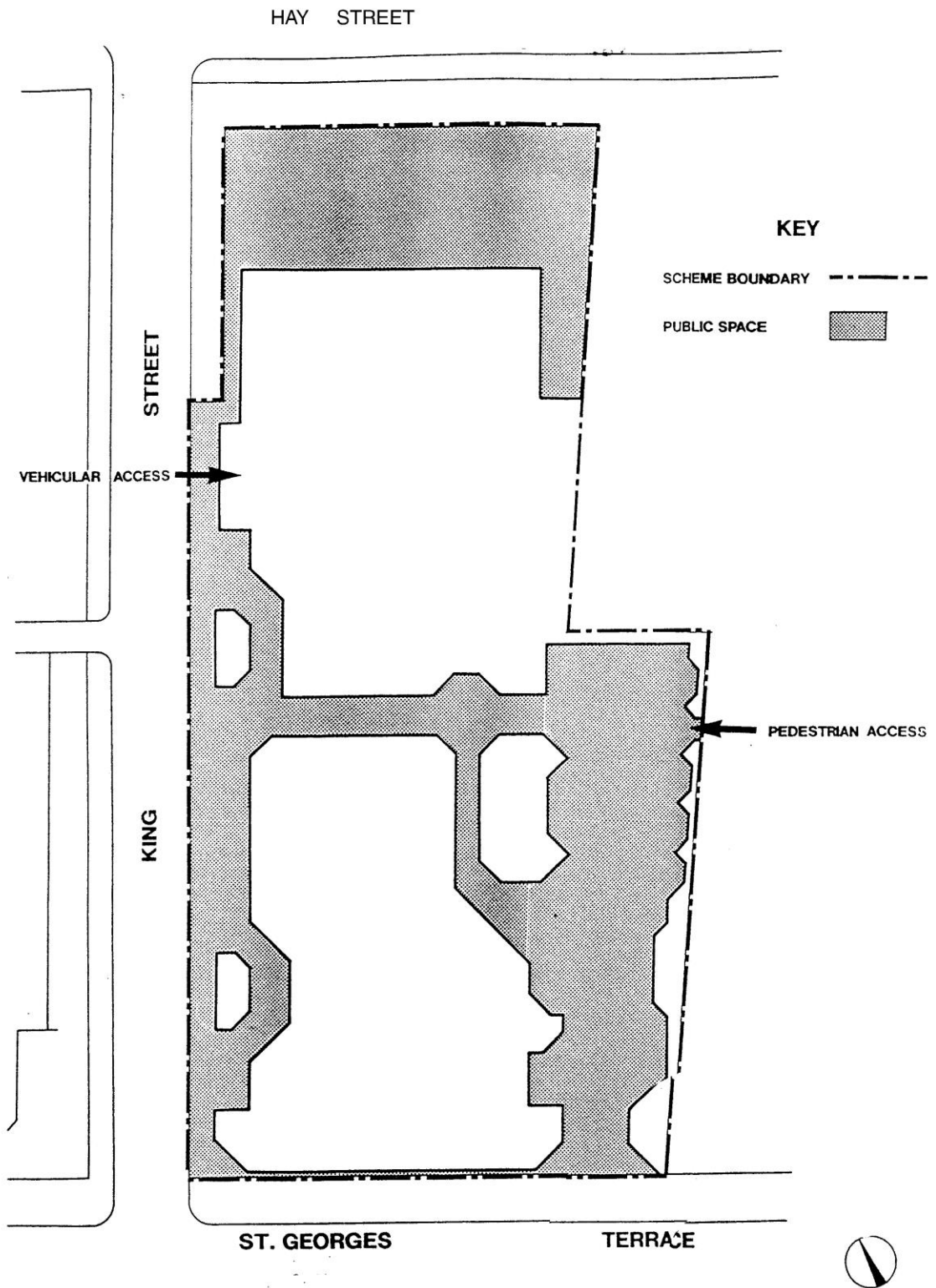
2.3 Landscaped areas shall be provided and maintained where required by the local government and in accordance with the development approval and the approved plan relating thereto.



**STATE GOVERNMENT INSURANCE OFFICE (S.G.I.O.)**

**TOWN PLANNING SCHEME No. 13**

**SCHEME MAP**



**STATE GOVERNMENT INSURANCE OFFICE (S.G.I.O.)**

**TOWN PLANNING SCHEME No. 13**

**SCHEME MAP (PUBLIC SPACES)**