
CITY OF VINCENT



TOWN PLANNING SCHEME NO. 1

AMENDMENT NO. 35

SCHEME AMENDMENT DOCUMENTS

MINISTER FOR PLANNING**PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

1. Local Authority: City of Vincent

2. Description of Town Planning Scheme: Town Planning Scheme No. 1

3. Type of Scheme: District Zoning Scheme

4. Serial No. of Amendment: 35

5. Proposal:

Amend Scheme Map 3 relating to the Leederville Precinct to rezone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

**CITY OF VINCENT
TOWN PLANNING SCHEME NO. 1
AMENDMENT NO. 35**

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005* (as amended) amend the above Town Planning Scheme by:

1. Amend Scheme Map 3 relating to the Leederville Precinct to rezone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.

Dated this 12 March 2013.

**JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER**

CITY OF VINCENT
TOWN PLANNING SCHEME NO. 1
AMENDMENT NO. 35
AMENDMENT REPORT

Purpose

The purpose of this Amendment is to re-zone the property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial', under the City's Town Planning Scheme No.1.

This Amendment has been prepared at the written request from the owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn to seek Council consideration to amend the City's Town Planning Scheme No.1 to rezone No. 101 (Lot 16), Scarborough Beach Road, Mount Hawthorn from 'Residential R60 to 'Commercial', to be consistent with the zoning of the property under the City of Perth City Planning Scheme which preceded the City's Town Planning Scheme No.1.

The City responded to the owner's request in a letter dated 4 January 2013, advising that the City's Administration would prepare a report to seek consent from the Council to initiate the Scheme Amendment and would waiver the fees for the Scheme Amendment, on the basis of the supporting documentation that was submitted by the owner to the City on 4 November 2011.

The rationale applied in recommending the Amendment is as follows:

- Is consistent with the proposed zoning in the City's draft Town Planning Scheme No.2;
- Reflects the zoning of the property under the City of Perth City Planning Scheme, prior to the gazettal of the City's Town Planning Scheme No.1 on 4 December 1998.
- Inadequate notification to the owners of the proposed zoning amendment from 'Commercial' under the City of Perth City Planning Scheme to 'Residential R60' under the City of Vincent's Town Planning Scheme No.1; and
- The prolonged time frame of the advertising and ultimate gazettal of the City's Town Planning Scheme No.2.

Background

This Scheme Amendment No. 35 has originated from a request from the owner of the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, as a result of a recent revelation by the owner that the zoning of the property under the City's

Town Planning Scheme No.1 (being Residential R60) differed to that in the City of Perth City Planning Scheme (being Commercial) which preceded the City of Vincent Town Planning Scheme No.1. The latter of which was on gazetted on 4 December 1998. Initially the owner was advised by the City that this anomaly could be addressed as part of the review of the City's Town Planning Scheme No.1, however given the prolonged time frame associated with the review of the City's entire Scheme, the City's Administration have since reviewed this original advice and agreed to commence this minor Scheme Amendment separately. A detailed history pertaining to this matter is outlined in the table below.

History:

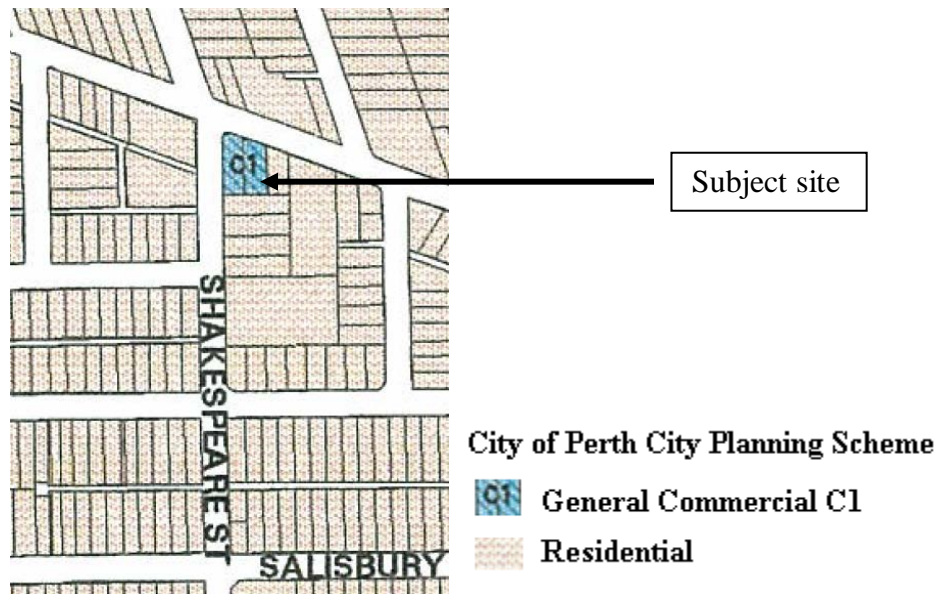
Date	Comment
21 September 1984	Approval of No. 101 (Lot 16) and No.103 (Lot 17) to be rezoned from Zone 16 (Group Practices) to Zone 7A (Offices, Show Rooms and Warehouses) under City of Perth By-Law No. 64.
20 December 1985	City of Perth City Planning Scheme gazetted, showing No. 101 (Lot 16) and No. 103 (Lot 17) Scarborough Beach Road, Mount Hawthorn as zoned 'Commercial C1'.
24 August 1993	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Alterations and Additions to Existing Office pursuant to the City of Perth City Planning Scheme.
6 August 1996	Planning Approval issued to No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn for Five Bay Car Port Addition to Existing Office pursuant to the City of Perth City Planning Scheme.
4 December 1998	City of Vincent Town Planning Scheme gazetted, showing No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn as being zoned 'Residential R60' and the adjacent property at No. 103 (Lot 170 Scarborough Beach Road, Mount Hawthorn to remain zoned 'Commercial'.
6 July 2010	Planning Approval issued for Signage Additions to Existing Office Building pursuant to the City of Vincent Town Planning Scheme No.1. This Approval resulted in drawing attention to the owner that the subject property at No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn, was in fact zoned 'Residential R60' under the City's Town Planning Scheme No.1 and not 'Commercial', as it was under the City of Perth City Planning Scheme.
4 November 2011	The owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn submits information detailing evidence that the subject property was zoned 'Commercial' under the City of Perth City Planning Scheme prior to the gazettal of the City's Town Planning Scheme No.1 in 1998, which resulted in the property being zoned as 'Residential R60'.
25 November 2011	The City advises the owner of receipt of the documentation received on 4 November 2011 and recommends that the preferred

	way forward to progress this matter is that the re-zoning of the subject property back to 'Commercial' be considered as part of the review of the Town Planning Scheme No.1. The City also advises that the current Residential R60 zoning on the property does not affect the approved use of 'office' on the site.
20 December 2011	The Council approves the City's Draft Town Planning Scheme No.2 to be forwarded to the Western Australian Planning Commission to seek consent to advertise. The City currently awaits this consent, anticipated to be conditionally granted by mid 2013.
3 January 2013	The City received an email from the owner of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn formally requesting the City initiate a Scheme Amendment to the City's Town Planning Scheme No.1, to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial'.
4 January 2013	The City responds to the owner of the subject property in a letter dated 4 January 2013 supporting the consideration of initiating a Scheme Amendment to change the zoning of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from 'Residential R60' to 'Commercial' and that the fees be waived.

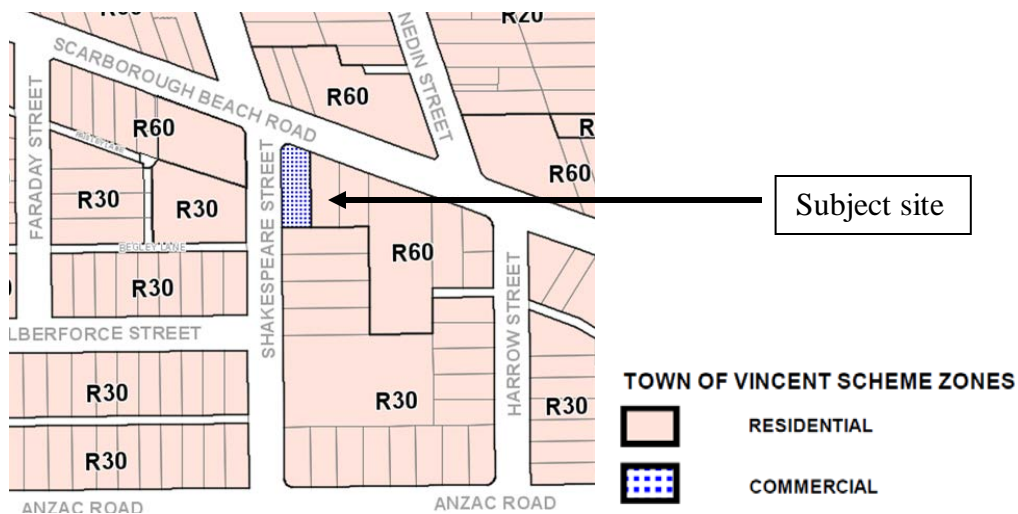
Location of No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn



Historic Zoning of 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn



Extract from City of Perth City Planning Scheme Map 1 of 10 - Gazetted 20 December 1985



Extract from City of Vincent Town Planning Scheme No. 1 Map 3 – Gazetted 4 December 1998

Scope of Amendment to Scheme Text

There are no updates required to the Scheme Text.

Scope of Amendments to the Scheme Maps

Scheme Map 3 relating to the Leederville Precinct will be amended to rezone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn as ‘Commercial’.

PLANNING AND DEVELOPMENT ACT 2005

**CITY OF VINCENT
TOWN PLANNING SCHEME NO. 1
AMENDMENT NO.35**

The Council of the City of Vincent under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by:

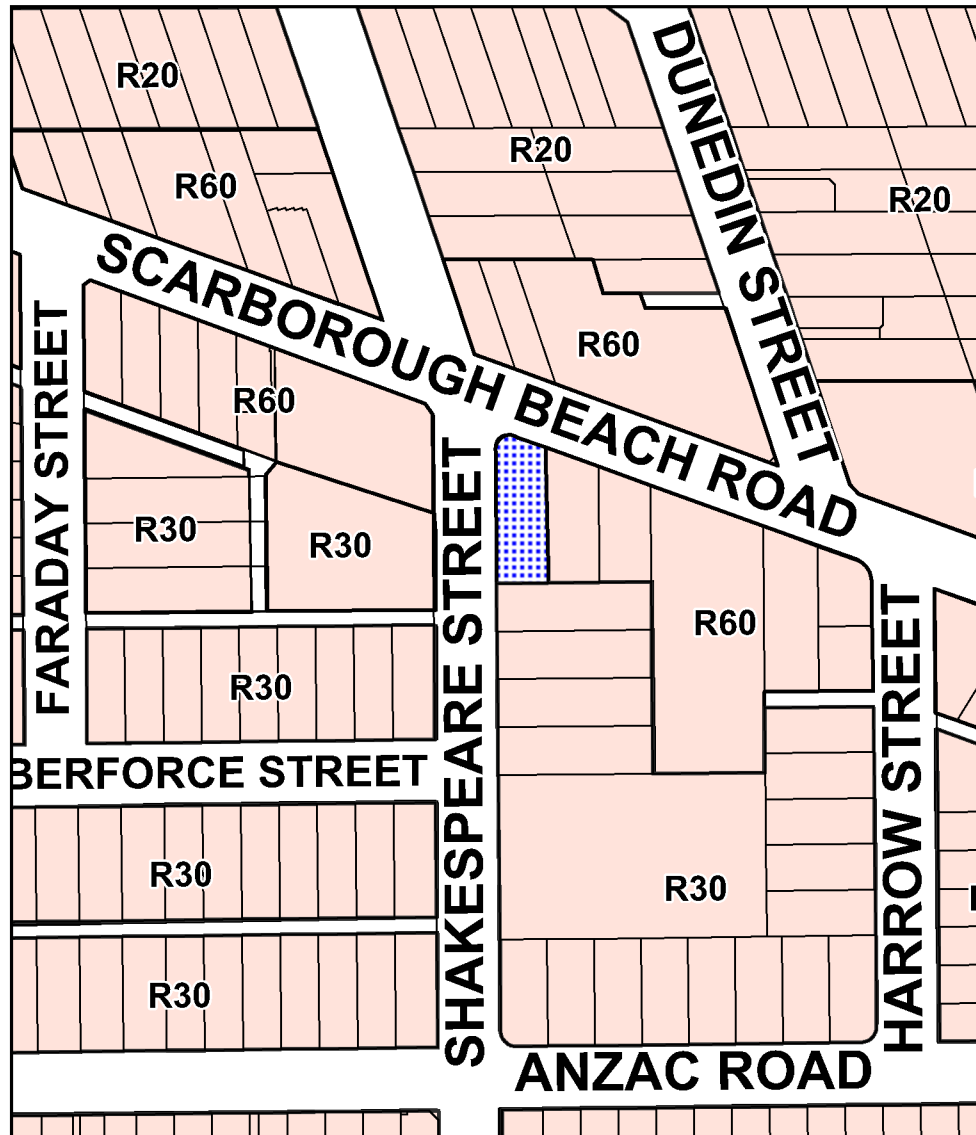
1. Amend Scheme Map 3 relating to the Leederville Precinct to rezone No. 101 (Lot 16) Scarborough Beach Road from 'Residential R60' to 'Commercial'.

ADOPTION

Adopted by Resolution of the Council of the City of Vincent at the Ordinary Meeting of the Council held on the 12 March 2013.




**Hon. ALANNAH MacTIERNAN
MAYOR**

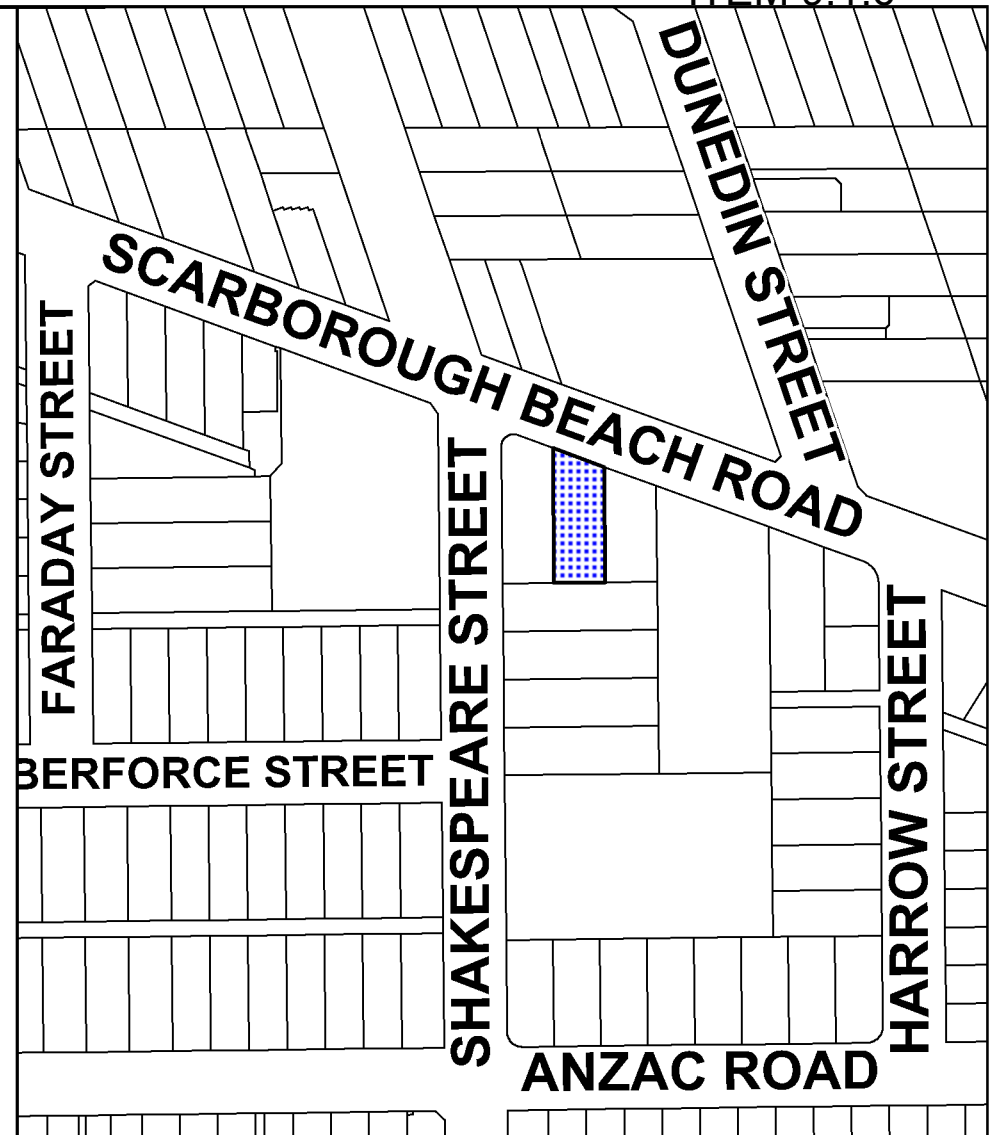
**JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER**



EXISTING ZONING

LEGEND
CITY OF VINCENT
TOWN PLANNING SCHEME NO. 1

- Town of Vincent Scheme Zones
-  RESIDENTIAL
 -  DENSITY CODE
 -  COMMERCIAL



SCHEME (AMENDMENT) MAP

ADOPTION (Regulation 13(1))
 Adopted by resolution of the Council of the City of Vincent at the Ordinary Meeting of the Council held on the 12th day of March 2013.

 Mayor Date

 Chief Executive Officer Date

(COMMON SEAL)

FINAL APPROVAL [Regulation 21(2), 22(1) and (2)]
 This Section to be completed only at the Final Approval stage after the Minister has approved the amendment.
 1. Adopted for final approval by the resolution of the Council of the City of Vincent at the Ordinary Meeting of the Council held on _____ day of _____, and the Common Seal of the Municipality was, pursuant to that Resolution hereunto affixed in the presence of:

 Mayor Date _____
 Chief Executive Officer Date

2. Recommended / Submitted for Final Approval by the Western Australian Planning Commission

 Delegated under S.16 of The PD Act 2005 Date

3. Final Approval Granted

 Minister for Planning Date

CITY OF VINCENT



TOWN PLANNING SCHEME
 No. 1

AMENDMENT NO. 35

ADDITIONAL INFORMATION

North and South Wards (see Wards Plan)

Locality Statment(s) -

- Scarborough - Locality Plan 8
- Brentham - Locality Plan 9
- Oxford - Locality Plan 10
- Richmond - Locality Plan 11
- Leeder - Locality Plan 12
- Fletcher - Locality Plan 13

Mount Hawthorn Precinct - Scheme Map 1

Mount Hawthorn Centre Precinct - Scheme Map 2

Mount Hawthorn Precinct - Scheme Map 1

North Perth Precinct - Scheme Map 8

CITY OF VINCENT
TOWN PLANNING SCHEME NO. 1
LEEDERVILLE PRECINCT - SCHEME MAP 3

LEGEND

METROPOLITAN REGION SCHEME RESERVES
Note: The Western Australian Planning Commission care of the Department for Planning and Infrastructure should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION
- OTHER REGIONAL ROADS RESERVATION
- RAILWAYS
- PUBLIC PURPOSE
Particular use denoted as follows:
 - H Hospital
 - HS High School
 - TS Technical School
 - CP Car Park
 - U University
 - CG Commonwealth Government
 - SU Special Use
 - WSD Water Authority of Western Australia
 - P Prison

TOWN OF VINCENT SCHEME RESERVES

- PARKS AND RECREATION
- R Restricted
- PUBLIC PURPOSE
Particular use denoted as follows:
 - PS Primary School
 - CP Car Park
 - CU Civic Uses
 - I Institute for the Deaf
 - W Water Supply Sewerage and Drainage
 - TS Technical School

TOWN OF VINCENT SCHEME ZONES

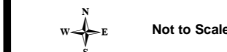
- RESIDENTIAL
- RESIDENTIAL-COMMERCIAL
- COMMERCIAL
- LOCAL CENTRE
- DISTRICT CENTRE

- SPECIAL USE
Particular use denoted as follows:
 - CP Car Park
 - HC Hall and Non Residential Club
 - H Hotel
 - S Service Station
 - FC Function Centre

ADDITIONAL INFORMATION

RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY
- SCHEME AREA BOUNDARY
- DENSITY CODE

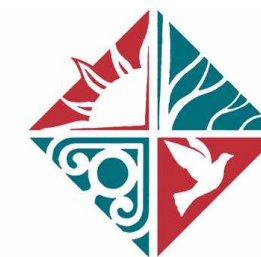


FINAL ADOPTION
Adopted for final approval by resolution of the Council of the Town of Vincent at the Special Meeting of the Council held on the 31st day of August 1998 and the common seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

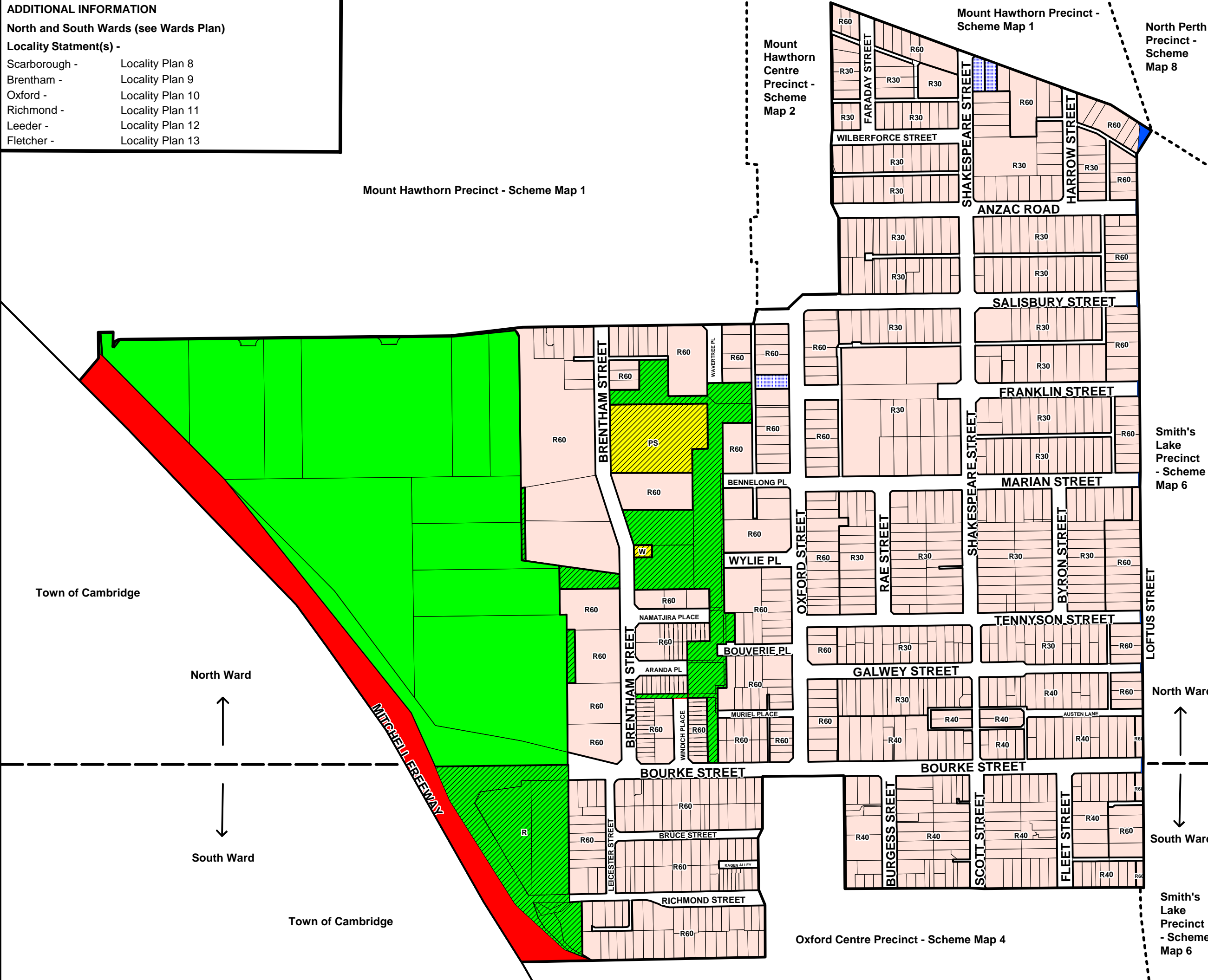
ALBERT JOHN (JACK) MARKS, J.P.
MAYOR

JOHN GIORGI, J.P.
CHIEF EXECUTIVE OFFICER

This Scheme Map is a reproduction of the Scheme Map promulgated on 4 December 1998 as part of the Town of Vincent Town Planning Scheme No. 1 with subsequent scheme amendments and details annotations.



CITY OF VINCENT



FINAL APPROVAL

Adopted for final approval by resolution of the City of Vincent at the Meeting of the Council held on the XX day of XX and the Common Seal of the City of Vincent was hereunto affixed by the authority of a resolution of the Council in the presence of:

“Common Seal”

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....
DELEGATED UNDER S.16 OF
THE PD ACT 2005

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....