



**City of Perth**  
**City Planning Scheme**  
**No. 2**

**Part 5**

# **Miscellaneous**

### 39 Special Control Areas

- (1) The following special control areas are listed in Schedule 8 -
  - (a) Metro Markets Special Control Area
  - (b) CTA Building Special Control Area
  - (c) West Street Special Control Area
  - (d) 1299 - 1305 Hay Street Special Control Area
  - (e) 240 St Georges Terrace (Lot 3000) and 899 - 915 Hay Street (Lot 3001) Special Control Area
  - (f) 141 St Georges Terrace (Lot 11), 125 - 137 St Georges Terrace (Lot 13) and 18 Mounts Bay Road (Lot12) Special Control Area
  - (g) 52 - 56 Ord Street Special Control Area
  - (h) 126 - 144 (Lot 123) Stirling Street Special Control Area
  - (i) 60 - 70 Kings Park Road Special Control Area
  - (j) 208 - 210 Adelaide Terrace Special Control Area
  - (k) 225 - 239 St Georges Terrace (Bishops See) Special Control Area
  - (l) 298 - 316 Murray Street Special Control Area
  - (m) 339 - 341, and 347 Hay Street Special Control Area
  - (n) 187 - 193 Adelaide Terrace and 82 - 94 Terrace Road Special Control Area
  - (o) 92 - 120 Roe Street Special Control Area
  - (p) Hamilton Special Control Area
  - (q) Saint Martins Special Control Area
  - (r) 30 Beaufort Street Special Control Area
  - (s) 2-6 (Lot 40) Parker Street Special Control Area
  - (t) 118 Bennett Street Special Control Area
  - (u) Melbourne Hotel Special Control Area
  - (v) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area
  - (w) 251 (Lot 11), 255 (lot 412) and 267 (Lot 10) St Georges Terrace Special Control Area
  - (x) 480 (Lots 23 and 350) Hay Street and 15 – 17 (Lot 500) Murray Street Special Control Area
  - (y) 560 Hay Street and 101 Murray Street Special Control Area
  - (z) 553 and 565-579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area
  - (aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area



- (cc) 1202-1204 Hay Street and 80 Colin Street Special Control Area
  - (dd) 707 Murray Street Special Control Area
  - (ee) 707-725 Wellington Street and 482-488 Murray Street Special Control Area
  - (ff) 11 and 27 Newcastle Street Special Control Area
  - (gg) Royal Perth Hospital Flight Path Protection Special Control Area
- (2) Provisions that apply to a special control area are set out in Schedule 8 and apply in addition to any other provision of this Scheme.
- (3) Where a provision of a special control area is inconsistent with any other provision of this Scheme, the provision of the special control area is to prevail.

**NOTE:** 1. *Subject to Amendment No. 3 gazetted on 16 June 2006, No. 10 gazetted on 16 February 2007, No. 8 gazetted on 10 July 2007, No. 9 gazetted on 30 November 2007, No. 11 gazetted on 15 April 2008, No. 16 gazetted on 2 September 2008, No. 12 gazetted on 27 January 2009, No. 15 gazetted on 21 April 2009, No. 17 gazetted on 30 June 2009, No. 19 gazetted on 16 March 2010, No. 20 gazetted on 6 August 2010, No. 21 gazetted on 23 November 2010, No. 24 gazetted on 26 February 2013, No. 27 gazetted on 17 January 2014, No. 32 gazetted on 24th February 2015, No. 29 gazetted on 17 March 2015, No. 30 gazetted on 12 June 2015, No. 31 gazetted on 22 September 2015, No. 33 gazetted on 15 July 2016, No. 34 gazetted on 23 December 2016, No. 35 gazetted on 24 February 2017, No. 36 gazetted on 16 May 2017, No. 37 gazetted on 16 May 2017, No. 38 gazetted on 21 August 2018, No. 39 gazetted on 2 October 2018, No. 40 gazetted on 21 August 2018, No. 42 gazetted on 5 February 2021, No. 43 gazetted on 7 May 2021, No. 45 gazetted on 11 June 2021 and No. 44 gazetted on 13 July 2021.*

#### 40 Compensation

- (1) Claims for compensation under section 11(1) of the Act by reason of the land or property of a person being injuriously affected by the making of this Scheme are not to be made later than 6 months after the gazettal date.
- (2) Any claim made by the local government under section 11(2) of the Act is to be made within 6 months of the completion of the work or the section of the work by reason of which the land in which the claim is made is increased in value.
- (3) If, where compensation for injurious affection is claimed under the Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.
- (4) The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used and preserved, for a use compatible with the purpose for which it is reserved.

**NOTE:** 1. *The reference to the Act is to the Planning and Development Act 2005.*  
2. *The gazettal date is defined in Schedule 4.*  
3. *Part 11 of the Planning and Development Act 2005 empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.*  
4. *A “document” is defined very broadly in section 5 of the Interpretation Act 1984. It would include an application for development approval and a notice of the local government’s decision.*  
5. *Subject to Amendment No. 35 gazetted on 24 February 2017.*

