

TOWN PLANNING SCHEMES

SCHEME COST AND PUBLIC OPEN SPACE CONTRIBUTION FAQ

Why do we have Town Planning Schemes?

The overriding objective of each Town Planning Scheme (previously known as Guided Development Schemes) is to facilitate and encourage future developments which retain and enhance the qualities of the City.

These objectives include the need to;

- Facilitate and encourage the progressive subdivision and development of the land within the Scheme Area for residential and recreational purposes.
- Co-ordinate and control development in the Scheme area.
- Make provision for land to be used for Public Open Space and recreational purposes in order to enhance the amenity and attractiveness of the area.
- Plan and make suitable provision for roads and pedestrian access-ways within the Scheme area.
- Make provision for proper drainage of those parts of the Scheme Area which require drainage.
- Make provision for the creation of drainage reserves and easements.
- Require development within the Scheme Area to be carried out in a manner which ensures equitable sharing of infrastructure costs.

What areas do the Schemes cover?

Click the following links to see a copy of the scheme map/s (where available);

- [Town Planning Scheme 17A](#) - Canning Lakes Guided Development Scheme
- [Town Planning Scheme 21](#) - Queens Park/East Cannington Guided Development Scheme
- **Town Planning Scheme 29;**
 - Lot 10, 6 Hamilton Street, Cannington
- **Town Planning Scheme 39;**
 - Lot 10, 2 Oak Street, Cannington
 - Lot 11, 4 Oak Street, Cannington
 - Lot 6, 7 Oak Street, Cannington
 - Lot 13, 8 Oak Street, Cannington
 - Lot 6, 49 Carden Drive, Cannington
 - Lot 47, 30 Mason Street, Cannington

- **Areas outside the above schemes;**

Note that other properties which are not included within the above scheme areas may be subject to Public Open Space contributions. For further information see '[What are Public Open Space \(POS\) Contributions?](#)' below.

What are Scheme Costs?

Firstly, Scheme Costs are not the same as Public Open Space (POS) Contributions, however if they are due to be paid a Public Open Space Contribution will also be required (with the exception of TPS 29 and 39, where only Scheme costs are payable).

The purpose of collecting the Scheme Costs is to assist in funding the administration of the Scheme and other relevant expenses.

Other than Town Planning Scheme's 29 and 39 (as listed below) Scheme Costs are only payable by owners of properties which are listed within Appendix 'A' at the rear of the [Town Planning Scheme 21](#) text, prior to Subdivision Clearance - unless the land has previously been subdivided and the costs have already been paid.

These properties generally have a land area of above 1000m² and therefore have good development potential.

The applicable expenses that Scheme Costs can cover include;

- The acquisition of the land shown on the Scheme Map required for Scheme Roads and Drainage.
- Costs relating to road construction (including drainage) where either a Scheme Road or Subdivisional Road abuts Public open space as per clause 11 of the Scheme.
- All compensation payable and all costs and expenses of determining and settling compensation (does not include any POS compensation expenses).
- One half of the administration costs and other expenses which the Council is required to meet in order to implement and complete the Scheme.

The rate (as at 1 January 2021)ⁱ for Town Planning Scheme 21 Scheme Cost is **\$6.05/m²**, and is calculated for the total land area of the lot minus any Public Open Space which may be required to be given up.

How come the rates charged have changed? Can I get a refund if I previously paid scheme costs at a greater fee /m²?

Scheme costs are calculated on a yearly basis and take into account current costings and valuations which cover the expenses listed above. When a landowner pays Scheme Costs these costs will be calculated at the current rate.

No refunds will be given or further payments requested should the Scheme Cost rate change.

Town Planning Schemes 29 and 39 costs;

- Town Planning Scheme 29;
 - Lot 10, 6 Hamilton Street, Cannington. Scheme Cost = \$749.46
- Town Planning Scheme 39;
 - Lot 10, 2 Oak Street, Cannington. Scheme Cost = \$13,242.49
 - Lot 11, 4 Oak Street, Cannington. Scheme Cost = \$12,923.24
 - Lot 6, 7 Oak Street, Cannington. Scheme Cost = \$16,728.70

- Lot 13, 8 Oak Street, Cannington. Scheme Cost = \$12,923.24
- Lot 6, 49 Carden Drive, Cannington. Scheme Cost = \$22,829.00
- Lot 47, 30 Mason Street, Cannington. Scheme Cost = \$26,399.50

Note that the above \$ figures given are fixed.

What are Public Open Space (POS) Contributions?

When subdividing land which falls within Town Planning Schemes 17A and 21 landowners will be required to contribute towards Public Open Space (POS) prior to Subdivision Clearance - Unless the land has previously been subdivided and the contributions have already been paid.

There will also be other properties which are not included within the above scheme areas that may be subject to Public Open Space contributions. Under the Department of Planning Lands and Heritage Policy DC 2.3 clause 3.1.5, if the proposal is for 6 lots or more a Public Open Space contribution of 10% may be applied.

Also under consideration is a new Public Open Space contribution Policy, this policy would only apply to the suburbs of Shelley, Rossmoyne, St James and Bentley. These are suburbs where the City's POS Strategy has identified that additional land should be provided for POS through the land use planning system. The Policy would only apply to subdivisions in the above suburbs of 3 or more lots, and the proposed contribution would be 10% as per the recommendations of DPLH Policy DC 2.3. This proposed policy will be put out for public consultation in early 2021 before being further considered by Council.

Town Planning Schemes 17A and 21

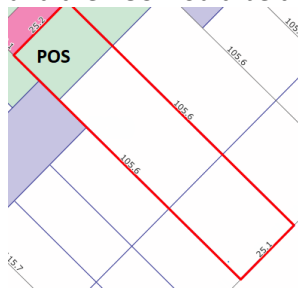
The manner in which the contribution will be made is as follows;

- Any part of the owner's land that is shown on the Scheme Map as Public Open Space (green), will be required to transfer it to the City free of cost, however if the value of the land which is to be transferred is greater or less than 5% of the value of total land subject of the subdivision, the owner shall receive or pay the City the difference in such value in order to achieve a 5% value contribution.
- If no part of the owner's land is shown as Public Open Space on the Scheme Map, the owner will then be required to pay to the City 5% of the value of the land the subject of the subdivision prior to obtaining clearance.

So what does this mean?

- If Public Open Space to be transferred is greater than 5% of land;

In the diagram below the value of the land to be acquired for Public Open Space (POS) which is shown in green on the scheme map is greater than 5% of the value of the land in question. Therefore the owner would receive from the City the difference in value and the POS would be transferred to the City for recreational purposes.



- Public Open Space to be transferred is less than 5% of land;

If the area of the POS to be transferred is less than 5% of the land in question then the owner shall be required to pay the City the difference in such value in order to achieve the 5% value contribution.

So for example if the POS is 3% of the land value then the owner would be required to pay the difference of 2%

- There is no Public Open Space to be transferred;

If the lot to be subdivided has no POS shown on the Scheme Map, then the owner will be required to pay to the City 5% of the value of the land.

How do I find out what the 5% POS contribution will be?

To determine what the POS land value will be, the City makes a request to Landgate to undertake a valuation of the property prior to any Subdivisional approval, the valuation fee (currently \$1210.11) will be at the owners cost and must be paid prior to the valuation.

Once Landgate has undertaken the valuation they will provide the City a report, this report will contain the 5% POS contribution amount payable to the City by the owner.

Please note that the Scheme requires valuations for public open space contributions and scheme roads to be current as at the date of clearance of the subdivision conditions by the City. Therefore any valuation will expire after three months from the date of the valuation.

When will I receive compensation if applicable?

The City will only compensate the owner for the acquisition of the POS land after it has been registered and transferred as Freehold to the City of Canning for an unencumbered estate in fee simple under the Transfer of Land Act 1893.

How often do I need to pay POS contribution? If I subdivide in stages do I pay again or is it a one off payment?

Public Open Space contributions are required to be paid in full before Subdivisional clearance is given. If the proposed Subdivision is in stages, full payment will be required prior to the clearance of the first stage.

Can I defer payment of my POS or Scheme Cost contributions?

In both cases, full payment will be required prior to Subdivisional clearance. However in very exceptional circumstances the City may consider a legal agreement to defer payment. Note that all the costs of setting up an agreement and lodgment of Caveats etc. will be payable by the owner, plus daily interest will be payable on the outstanding debt due until it has been cleared in full.

There is a road shown in the Scheme Map going through the lot I wish to subdivide, what does this mean?

Any road identified within the Scheme Map will be required to be constructed and drained at the expense of the owners of the land in which such roads are situated.

However;

- If the road shown is identified as being a Scheme Road (Grey in colour) on the Scheme Map, the City will compensate the owner for the land required for the creation of the new road (not the construction of the road). The compensation will be determined by a valuation of the land required and will be undertaken by Landgate.
- The City will contribute 50% towards the cost of construction and drainage of the section of a new road (grey or purple) which abut POS that has been constructed by the owner. This does not apply to an end alignment of a cul-de-sac road if it is the only part of the new road which abuts the POS.
Note that the contribution of the road costs does not include the footpaths, road reserve landscaping, service infrastructure (water, electricity, sewage etc.), street lighting or reticulation.

When will I receive compensation if applicable?

Once Subdivision clearance has been approved, the road has been constructed in accordance with the approved plans, the road have been ceded to the State and copies of invoices/proof of payment have been provided.

Disclaimer

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ⁱ These rates are subject to change.