

Planning Information Sheet: Scheme Costs & Public Open Space Contributions

What is a Public Open Space (POS) contribution?

Contributions of either land or monetary funds can be required at the time land is developed. Funds are used to either purchase strategically located portions of land or for the improvement of existing POS. The provision of POS is recognised as an important factor for building a healthy community by providing for various recreational needs.

Where development occurs outside of Scheme Areas the trigger is identified in [Development Control Policy 2.3](#) as the creation of 6 or more lots (refer clause 3.1.5 of DCP2.3). Otherwise, if the property to be developed is within a Scheme Area contributions are levied on the creation of any additional lots.

Contributions levied outside of Scheme Areas are generally at a rate of 10% of the value of the land. In particular the suburbs of Shelley, Rossmoyne, St James and Bentley have been identified as areas where additional land should be provided for POS. It should be expected that development in these areas will have POS brought up as a consideration and applied by the West Australian Planning Commission where appropriate.

When do contributions have to be paid?

Contributions are required to be paid prior to making an application for subdivision clearance. In the case of a Built Strata development, contributions must be paid at the time or prior to the submission of a Form 15C or a Building Approval Certificate (BA13).

POS contributions for Scheme Areas

Landowners will be required to contribute towards Public Open Space (POS) when subdividing within a scheme area. Payment is required prior to Subdivision Clearance. If the full contribution was paid through a previous subdivision of the land it will not be required again.

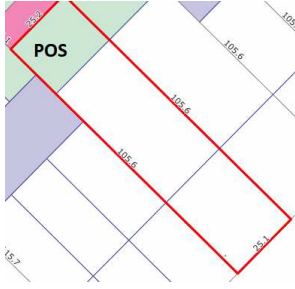
Town Planning Schemes 17A and 21

Contributions are required as follows;

- Areas coloured green on the Scheme Map indicate land which is required for the purposes of POS. Where a development site contains a section of green the area is required to be transferred to the City free of cost. 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 be required to pay to the City 5% of the value of the land.

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 POS, shown in green, is greater than 5% of the value of the total land parcel. 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% the owner shall be required to pay the City the difference in such value in order to achieve the 5% value contribution.
For example if the land portion equals 3% of the land value then the owner would be required to pay the difference of 2% in financial contributions as well as transfer the land to the City.
- 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 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, the City makes a request to Landgate to undertake a valuation of the property prior to any Subdivisional approval, the valuation fee (currently \$1274.35) 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 with a report. The 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. Valuations are deemed to have expired after three months from the date the valuation was issued.

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. In very exceptional circumstances the City may consider a legal agreement to defer payment. All 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.

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?

Scheme Costs are not the same as Public Open Space (POS) contributions. 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 2023)^j for Town Planning Scheme 21 Scheme Cost is **\$6.16/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 from those that have already paid 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.

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 the road is situated.

- 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 abuts 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.
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 has been ceded to the State and copies of invoices/proof of payment have been provided.

Disclaimer

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.

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ⁱ These rates are subject to change.