

Frequently Asked Questions

What is Scheme Amendment No.231?

Scheme Amendment No. 231 proposes to update the statutory provisions which will guide the closure of East Wanneroo Cells 1-9 Development Contribution Plans (DCPs) once a respective Cell is fully developed or if all Cell Works within that Cell has been completed. This scheme amendment is to inform the public and invite them to make comment on this proposal.

I previously contributed with a development I did within a Cell. Do I get a refund?

If there is an excess of funds within a Cell, returns will be calculated once all Cell Works are completed within that Cell. Your refund will be in proportion to amount of land you developed/contributed on in the past.

When are the East Wanneroo Cells 1-9 expected to be closed?

All East Wanneroo Cells 1-9 have an operational timeframe, outlined in the City of Wanneroo's District Planning Scheme No.2 (DPS2). Cell Works are expected to be completed by their operational end date. For each Cell's operational end date, refer to the following:

- Cell 1 operational timeframe will be until 30 June 2027
- Cell 2 operational timeframe will be until 30 June 2033
- Cell 3 operational timeframe will be until 30 June 2032
- Cell 4 operational timeframe will be until 30 June 2033
- Cell 5 operational timeframe will be until 30 June 2029
- Cell 6 operational timeframe will be until 30 June 2034
- Cell 7 operational timeframe will be until 30 June 2034
- Cell 8 operational timeframe will be until 30 June 2036
- Cell 9 operational timeframe will be until 30 June 2033

I never want to develop my property. Do I have to contribute?

No, you do not have to contribute if the property never develops. When it comes time to close out a Cell and you have not developed, Scheme Amendment No.231 propose that the City will approach you to either:

1. Pay contributions which will clear the property's contribution obligations; or
2. Have a caveat put on the property's Certificate of Title so if the property does develop any time in the future, contributions can be secured accordingly.

Scheme Amendment No.231 Proposal Explained

The below table outlines a simplified explanation of the proposed provisions to be introduced into the City of Wanneroo's District Planning Scheme No.2 (DPS No.2) through Scheme Amendment No.231.

<i>Scheme Amendment No.231 Proposal</i>	<i>Explanation</i>
Replace subclause 1.10.5 in Schedule 14 with the following: <i>'The contribution of an owner to Cell Costs by way of payment of Infrastructure Costs arises on the earlier of:</i> <i>a) The Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;</i>	This proposed clause clarifies when development contributions become payable. A condition may be placed on a subdivision or development approval requiring payment of DCP contributions. The contributions become payable when the first of the listed events occurs and is only payable once, even if more than one of those events occurs.

b) <i>The commencement of any development on the owner's land within the development contribution area with the exception of clearing and earthworks commenced under a Development Approval in the case of land subdivisions;</i> c) <i>The approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or</i> d) <i>The approval of a change or extension of use by the local government on the owner's land within the development contribution area.</i> <i>The liability arises only once upon the earliest of the above listed events.</i>	
<i>Insert a new subclause 1.10.6 in schedule 14 with the following:</i> <i>'Notwithstanding clause 1.10.5, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.'</i>	This clause introduces an exemption from DCP contributions for the first single house and associated outbuildings on an existing lot that has not been subdivided or strata subdivided since the Development Contribution Plan came into effect.
<i>Replace sub clause 1.10.11 with the following:</i> <i>'Any cost contribution for which an owner is liable shall be a charge on that land and the local government may lodge a caveat against the title of the land in respect thereof. The local government may at the cost of the owner of such land and subject to such other conditions as the local government considers appropriate, withdraw a caveat to permit dealings and thereafter relodge the caveat to prevent further dealing until such costs are paid. Upon the payment of all Cell Costs contributions in respect of any land, and if requested to do so the local government shall withdraw any such caveat which it has lodged on the title to that land at the request of and at the expense of the owner.'</i>	Once Cell Works have been completed within a respective Cell, this clause allows the City to secure any outstanding DCP contributions for land that has not yet developed or subdivided by: 1. requesting payment of the outstanding DCP contributions; - or 2. lodging a caveat (a legal notice) on the property's Certificate of Title. The caveat secures payment of the outstanding DCP contributions if the land is developed or subdivided after the Cell Works have been completed. Once all outstanding DCP contributions have been paid, the caveat can be removed.

Replace subclause 1.13.1 in Schedule 14 with: <i>'If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a cell, the local government may—</i> <i>a) make good the shortfall;</i> <i>b) enter into agreements with owners to fund the shortfall; or</i> <i>c) raise loans or borrow from a financial institution.'</i>	If there is a shortfall in funds to deliver the designated Cell Works within a Cell, the City may make up the shortfall, enter into agreements with landowners to help fund it, or borrow the required funds, such as through a financial institution.
Replace subclause 1.13.2 in Schedule 14 with: <i>'If there is an excess in funds available where all cost contributions within a cell have been made, and/or all cell works have been completed, the local government is to refund the excess funds to contributing owners. The amount of any excess that an owner may be entitled to receive shall be in the same proportion to the total value of contributions paid by the landowner to the total value of the contributions received in a Cell. The amount payable to an owner under this clause shall be reduced by the amount of any shortfall in the payments made by that owner to their assessed Infrastructure Costs.</i> <i>a) Prior to the distribution of excess funds, owners are to be advised in writing of the following:</i> <i>i. the extend of the excess funds;</i> <i>ii. how the excess funds are to be distributed;</i> <i>iii. and the anticipated timing for the return of excess funds.</i> <i>b) Where it is not possible or practical to identify contributing owners, after making all reasonable efforts to identify and contact contributing owners, the City is to expend the excess funds to provide additional facilities or improvements within the cell, following consultation with the community. The City is to publish details of how these excess funds are intended to be spent in the Cell before funds are expended.'</i>	If there are excess funds remaining within a Cell after all required DCP contributions have been collected and/or all Cell Works have been completed, those excess funds are to be returned to previous contributors in proportion to the contributions they have paid. If contributing owners cannot be identified or contacted after reasonable efforts have been made, the City may use the excess funds to provide additional facilities or improvements within the respective Cell following community consultation.