



When are public open space contributions required?

Consistent with WAPC practice outlined in DC 2.3 – Public Open Space in Residential Areas, and in accordance with the *Planning and Development Act 2005*, a 10% public open space contribution on all subdivision applications proposing 3 or more lots or units will be required.

This will be a condition of subdivision approval (including built strata applications) and will need to be undertaken before clearances can be issued.

How is this undertaken?

This can be done in one of two ways:

1. Ceding 10% of the gross subdivisible area to the City free of cost; or
2. Providing a cash-in-lieu payment of 5% of the gross subdivisible area for subdivisions resulting in 3-5 lots, or 7% of the gross subdivisible area for 6 lots or more, where it is not practical or appropriate to cede land consisting.

The City's preference in most instances is for provision of cash-in-lieu of land, given the relatively small amount of land that would be given up for most developments and consistent with Council's Public Open Space Strategy. The Western Australian Planning Commission makes a decision as to whether to accept cash in lieu of public open space on the advice of the City.

What is the purpose of public space contributions?

A number of areas have been identified as lacking sufficient open space, or a sufficient amenity of open space, to cater for the expected population increase. The intent of the planning framework is to ensure that there is appropriate land set aside and developed as functional open space within each locality. Public open space, as well as providing for recreation pursuits, can also develop a sense of neighbourhood identity and contribute to the quality of life in the metropolitan region. Improvements in public open space are particularly important as the City moves toward higher density living. Refer to the Public Open Space Strategy for more detail.

Why is this being asked for now?

The planning framework for residential subdivision of land in Western Australia has a long-established policy requirement (since 1956) for the imposition of a condition requiring ceding of 10% of land for public open space contribution for a subdivision resulting in 6 or more lots. The policy also allows a local government to impose a public open space contribution on 3-5 lots where there is a strategy and framework in place. Since the gazettal of Local Planning Scheme No.3, more developments are proposing the creation of 3 or more lots or dwelling units. At the 23 April 2024 Ordinary Council



Meeting, Council adopted a Public Open Space Strategy and a Local Planning Policy to collect contributions. As such, public open space contributions are now being implemented as a condition of approval.

What do the cash-in-lieu contributions go towards?

Cash-in-lieu funds are used for:

- The purchase of land for parks, recreation grounds or open space.
- Repaying loans raised by the City for the purchase of such land; and
- Improvement or development of parks, recreation grounds or open spaces that are vested by the City. These can include landscaping, seating, toilets, lighting, play equipment, car parking, fencing, reticulation etc.

How do I find out the contribution cost?

The cash-in-lieu sum must represent the value of the portion of land to be given up (i.e. 5% for subdivisions resulting in 3-5 lots or dwelling units, or 7% for subdivisions resulting in 6 or more lots or dwelling units). The value is determined as a percentage of the market value of the land from which the subdivision occurs. For example, if the total lot size for the subdivision is 2,024m² then 5% would be 101.2m².

Who works out the cost?

This process must be undertaken by a licensed land valuer that is appointed by the City, and at the landowner's expense. The City makes a request to Landgate to undertake a valuation of the property. Once Landgate has undertaken the valuation they will provide the City a report which will contain the 5% or 7% contribution amount payable by the owner to the City.

Valuations for public open space contributions are 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 do I pay for the contribution?

Public Open Space contributions are required to be paid in full before subdivision clearances are issued by the City. If the proposed subdivision is in stages, full payment will be required prior to the clearance of the first stage.

How often do I need to pay for a POS contribution?

Public Open Space contributions are a one-off payment per subdivision application.



Can I defer payment of the POS contribution or pay in installments?

Full payment will be required prior to subdivision clearance.

Why does the subdivision condition read I can only cede the land?

The legislation does not presently allow the WAPC to impose a specific condition requiring cash-in-lieu. Where the WAPC is of the opinion that it would be more appropriate to require a cash-in-lieu contribution, it will impose a condition on the subdivision approval requiring a certain area of land to be shown on the Plan or Diagram of Survey as 'Reserve for Recreation'. If the WAPC approves cash-in-lieu there would usually be an accompany advice note on the Determination Notice.

Need further assistance?

Feel free to contact the City's Planning Services team:



Lodge an enquiry through the online portal on the City's website



(08) 9273 3500



71 Stirling Highway, Nedlands (corner of Smyth Road) 8:30am – 5pm

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