



Council Policy

Public Open Space Contribution Policy (3 to 5 Lots)

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1.0 Background

Under Section 153 of the Planning and Development Act 2005, contributions for Public Open Space (POS) cannot be requested where a subdivision seeks to create less than 3 lots. If a subdivision creates in excess of 5 lots it has been a consistent policy and practice of the Western Australian Planning Commission and their predecessors, since the 1950's, that 10% of the land be set aside as POS.

The Western Australian Planning Commission's Development Control Policy 2.3 allows the Commission to place a condition requiring POS on subdivisions creating 5 lots or less where one of the following occurs:

- the imposition of the condition would yield an area of land which the Commission and local government agree is adequate and suitable for public open space purposes;
- the local government has identified an existing or potential deficiency of public open space and has an adopted strategy to improve or provide open space by land acquisition in the locality of the subdivision; or
- similar proposals containing five lots or less would be likely to eventuate in the locality.

Whilst Council does not have an adopted POS strategy, contributions for POS have been requested where other similar sized lots in the locality have the potential to be subdivided.

The City of Albany has a number of low density residential areas that through lack of services (particularly sewer provision) or limited road connectivity have not been subdivided to their full potential. Many of these lots are of a size between 1350m² and 2500m² in area which could allow the subdivision of between 3 and 5 lots. Without contributions being taken to ensure the provision of POS, or the upgrade of existing POS areas, future residents may not have convenient access to high quality recreation areas.

2.0 Objective

The main objective of this Policy is to ensure that sufficient POS is provided for the enjoyment of local residents in areas of the City subject to infill subdivision.

The Policy will specifically resolve the following issues:

- (a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.
- (b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

3.0 Scope

This policy applies to all green-title and survey strata subdivision proposals in the Residential zone that create 3, 4 or 5 lots.

4.0 Policy Statement

4.1 Where a Contribution is required

Council will request a contribution towards the upgrade or provision of POS for all residential subdivisions (both green title and survey strata proposals) creating between 3 and 5 lots, except in the following circumstances:

- (a) Similar proposals containing more than 2 lots are unlikely to eventuate in the locality; or
- (b) A subdivider can demonstrate that the required 10% POS has been previously provided as part of an earlier subdivision of the original landholding.

4.2 Where provision of land can be considered

Where there is high active recreational value associated with an adjacent reserve, Council may support the amalgamation of land equivalent to 10% of the gross subdividable area of the subject lot, into such a reserve in lieu of making a contribution.

4.3 How a Contribution is calculated

4.3.1 The contribution amount should be calculated in accordance with the requirements of the Planning & Development Act 2005, except that the contribution amount should be based on the following sliding scale, linked to the maximum lot yield:

- (a) Creation of 3 lots shall require a POS contribution representing 5% of the value of the gross subdividable land;
- (b) Creation of 4 lots shall require a POS contribution representing 7.5% of the value of the gross subdividable land;
- (c) Creation of 5 lots or more shall require a POS contribution representing 10% of the value of the gross subdividable land.

4.3.2 Where it can be demonstrated that a higher lot yield can be obtained from the parent lot such that a lot or lots created under a subdivision has the potential to be further subdivided in accordance with the requirements of the Residential Design Codes (ie. a 1000m² lot is created in an R20 area), the POS contribution shall be based on the maximum lot yield and made payable upon the initial subdivision.

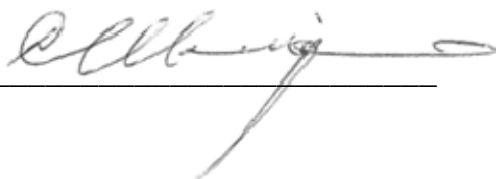
5.0 Legislative and Strategic Context

- Residential Planning Codes (2008) or updated version;
- Western Australian Planning Commission's Development Control Policy 2.3;
- Town Planning Scheme's No. 1A & 3; and
- Planning & Development Act 2005.

6.0 Review Position & Date

Executive Director Development Services to review on or before 30/06/2011.

CEO Authorisation: _____



Date: 21/10/08