

Public Open Space Cash in Lieu

It is a longstanding policy and practice that a minimum of 10 per cent of land is ceded by the subdivider for Public Open Space (POS) when subdividing residential land (refer to Western Australian Planning Commission (WAPC) Development Control Policy No. 2.3).

In some circumstances, in lieu of setting aside land for POS, the WAPC or local government may require a cash-in-lieu (CIL) payment in accordance with Section 152 of the Planning and Development Act 2005 (PDA 2005).

Valuation of the Land

In-accordance with Section 155 of the PDA 2005, the market value of land for calculation of a CIL payment:

"is to be determined, at the cost of the owner of the land, by a licensed valuer agreed upon by the parties or, failing agreement, appointed by the local government".

The City has appointed a Valuation Panel to provide valuation advice to the City as its preferred valuers for valuation advice, including CIL valuations.

Their details are:

MMJ Real Estate (WA) Pty Ltd

Level 6, 12 St Georges Terrace

PERTH WA 6000

Phone: 9325 5880

wa@mmj.com.au

Herron Todd White

Level 3, 516 Hay Street SUBIACO WA 6008

Phone: 9388 9288

perth@htw.com.au

LMW Hegney

Level 2, Westgate Building

420 Bagot Road (cnr Railway Road)

SUBIACO WA 6008

Phone: 9489 9489

property@hegney.com.au

Date of Valuation

Section 155 of the PDA 2005 "provides that the market value of POS is determined as at the date on which the valuation is made rather than at the date of the conditional subdivision approval. This ensures that the payment made is a genuine reflection of the value of the property at the time the payment is made."

Section 155 (5) of the PDA 2005 reads as follows:

"If within 90 days, or such longer time as is agreed in writing by the local government, of the date on which the valuations is made the owner of the land has not

- a) paid the amount of the valuations; or
- b) disputed the valuation under section 156,

the local government may, by written notice to the owner of the land, determine that the valuation is no longer current and that a fresh valuation is required."

Further Information

For further information, refer to the Planning section of the City's website where the following information is available:

- Town Planning Scheme No. 4
 - Planning and Development (Local Planning Schemes) Regulations 2015
 - Local Planning Policies
 - Information Sheets
 - Schedule of Fees and Charges
 - Application for Development Approval
 - Development Application Checklist
- Further Information can also be found in:
- Planning and Development Act 2005
 - WAPC's Planning Bulletin No. 78
 - WAPC's Planning Bulletin No. 81
 - WAPC's Development Control Policy No. 2.3 - Public Open Space in Residential Areas

Contact the City's Planning Services for further information.

Please note the information contained within this brochure is intended as a guide only. It is recommended that advice and assistance of City's Planning Services staff be sought prior to lodgement of a development application. The City of Armadale disclaims any liability for any damages sustained by a person acting on the basis of this information.