

Public Open Space Contributions Information Sheet



The Subdivision Act 1988 and Clause 53.01 of the Brimbank Planning Scheme provides that a requirement for Public Open Space Contribution must be made for the subdivision of land. Specifically it states that:

"A person who proposes to subdivide land must make a contribution to Council for public open space ..."

The contribution applicable within Brimbank is applied in accordance with the [Schedule to Clause 53.01](#) of the Brimbank Planning Scheme. This contribution represents a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both.

[Clause 53.01](#) of the Planning Scheme provides exemptions to the payment of Public Open Space Contribution where:

1. The subdivision is one of the following classes of subdivision:
 - [Class 1](#): The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
 - [Class 2](#): The subdivision of a commercial or industrial building provided each lot contains part of the building.
2. It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.
3. It subdivides land into two lots and the Council considers it unlikely that each lot will be further subdivided.

REQUESTING POS CONTRIBUTION

From January 1 2021, Council will be changing the way it administers open space contributions. The change will shift the responsibility for the timing of the valuation of land onto the permit holder / land owner. This will necessitate advanced planning on your part in considering the timing of release of Statement of Compliance. Specifically, as a condition of any permit issued from 1 January 2021, the permit holder / land owner will be required to:

- a) *Make a written request to Council for a valuation of the land to determine the invoice value; and,*
- b) *Upon receipt and acceptance of the valuation, make a written request to Council for an invoice for payment of the Public Open Space Contribution.*

Additionally, if payment of the Public Open Space Contribution is not made to Council within twelve (12) months of the valuation date, the land will be re-valued at each anniversary of the first issue date of the original valuation. The costs associated with revaluation of the land will be borne by the land owner / permit holder.

DISPUTING POS CONTRIBUTION

We encourage you to contact the planning officer prior to lodging a dispute in relation to the request for an open space contribution as there may be a simple explanation or correction required.

Where the dispute cannot be resolved through a phone conversation, a request for a review to the open space contribution must be lodged in writing, addressed to the Planning Coordinator (Subdivisions) - City Planning.

An objection must:

- Be lodged by the property owner;
- Provide the address of the site, permit reference no, and reference to the particular permit condition in dispute; and,
- Provide an explanation of why the public open space contribution is disputed.

Any dispute to the valuation of the land must be lodged direct with Council's Valuer in accordance with the review provisions contained within the Valuation of Land Act 1970 and guidance included with the valuation documents issued by Council's Valuer.

NEED MORE INFORMATION?

Please contact Council's subdivision team on 9249 4000 or info@brimbank.vic.gov.au