

Flying Minute: Draft Operational Policy 2.3: Planning for Public Open Space

By Coralie Claudio, Senior Policy Advisor Planning

That the submission on Draft Operation Policy 2.3 Planning for Public Open Space to Department of Planning, Lands and Heritage be endorsed.

RESOLUTION 232.FM/2023

CARRIED

Executive Summary

- Draft [Operational Policy 2.3 Planning for Public Open Space](#) (draft Policy) released by the Department of Planning, Lands and Heritage (DPLH) will replace *Development Control Policy 2.3 – Public Open Space (DCP 2.3) in Residential Areas* and *Position Statement – Expenditure of Cash in Lieu of Public Open Space* and will supplement the Livable Neighbourhoods policy.
- The draft Policy seeks to retain the minimum 10 per cent POS contribution for greenfield areas and clarifies the circumstances when cash-in-lieu contributions can be charged for infill development and the calculation of the contribution. The draft Policy also provides a greater emphasis on Local Planning Strategies and other higher order planning documents to strategically inform the POS needs of communities.
- WALGA’s submission generally supports the draft Policy as it will provide a contemporary update to the current policy framework and sets clear provisions, including clarity and consistency on POS contributions and proposes reasonable reduced contribution amounts for infill development. WALGA recommends further guidance and support from DPLH on the impact of the draft Policy in preparing Local Planning Strategies.
- The People and Place Policy Team endorsed the submission on 9 August 2023.

Attachments

- WALGA submission on Draft Operational Policy 2.3 Planning for Public Open Space, including DPLH’s submission form.

Policy Implications

WALGA’s submission is consistent with the following WALGA Advocacy Positions:

6.1 Planning Principles

All legislation and policy that deals with planning and development must:

- *ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities,*
- *be easily interpreted by, understood by, and accessible to all sections of the community, and*
- *be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

6.2 Planning Reform

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system while ensuring Local Government retains the ability to respond to local context and characteristics through Local Planning Frameworks.

6.11 Public Open Space

As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a

combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use.

4.6 Urban Forest

To promote the growth of Western Australia's urban forest the State Government should:

- 1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
- 2. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*
- 3. In consultation with Local Government:*
 - a. Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
 - i. a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,*
 - ii. robust and contemporary data to inform decision making,*
 - iii. funding mechanisms to support growth in urban canopy.*
 - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
 - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,*
 - ii. incentivising the provision and retention of trees on private property within the state planning framework,*
 - iii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,*
 - iv. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
- 4. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*

Background

Public Open Space (POS) is fundamental to lifestyle, wellbeing, mental and physical health and accommodates environmental and social features. Local Government has the responsibility to manage most POS across Western Australia and thus has considerable interest in the objectives and policy measures of the draft Policy and how these will impact POS provision, delivery, upgrade and the wider implications on communities from any change in policy.

The current DCP 2.3 establishes the requirement for 10 per cent of the gross subdivisible area to be provided free of cost by the subdivider and circumstances in where cash in lieu of land for open space may be appropriate as governed by provisions in the *Planning and Development Act 2005* (the Act). Cash in lieu requirements generally did not apply to subdivisions of less than 5 lots but can be requested in specific circumstances.

Position Statement – Expenditure of Cash in Lieu of Public Open Space (September 2021) provides advice on how to spend cash in lieu contributions in accordance with the Act. The draft Policy will supersede DCP 2.3 and this position statement.

The draft Policy seeks to provide a contemporary framework for planning for POS and has been prepared on the underlying principle that additional residential lots generate additional demand for POS, whether that be in new suburb, or via infill development in established communities. Key elements of the policy include:

- retention of the minimum 10 per cent POS provision in all residential areas to be provided by land or as a cash contribution with the potential to reduce the contribution amount in infill suburbs as existing POS is already provided and caters for some of the community's needs;
- greater emphasis on the role of Local Planning Strategies in identifying community needs for POS in terms of land provision, facilities and distribution, including opportunities for upgrades to existing POS. This is not restricted to just residential areas as demand for POS can also occur in other areas; and
- in absence of strategic planning framework setting reduced default contribution amounts for infill development, specifically five per cent contribution for all infill residential subdivision, excluding two lot subdivisions.

The [development and housing industries](#) have been critical of the draft Policy, specifically raising concerns with the impact on housing affordability due to POS contributions for infill development. On 26 June, the Minister for Planning, Hon. John Carey MLA [announced](#) that “no new changes to the Public Open Space policy will be introduced that halt or create price increases to infill developments”. Minister Carey also announced interim measures to revoke Local Government delegations on any applications of public open space contributions for built strata applications in the Perth metropolitan area and the south-west.

WALGA has previously advocated on issues relating to POS provision and prepared [Background Paper: Public Open Space in Residential Areas](#) in 2023 to inform the review of DCP 2.3. As outlined in the paper, WALGA's *Advocacy Position 6.11 Public Open Space* hasn't been reviewed since 2010. While this position is still applicable a review and update of the advocacy position is planned for late 2023 taking into consideration WALGA's comments on the draft Policy and to inform a review of other relevant state planning policies, namely the draft Neighbourhood Design State Planning Policy (review of Liveable Neighbourhoods).

Comment

The release of the draft Policy is generally welcomed, as it provides a contemporary update to the current DCP 2.3. The draft Policy sets clear provisions, including greater clarity and consistency around the circumstances when POS contributions can be charged and the contribution amount for infill development.

DPLH has proactively engaged with the Local Government sector, with WALGA hosting officers from DPLH for a POS workshop attended by over 30 Local Governments in July 2022 to inform the provisions of the draft Policy. Following the release of the draft Policy WALGA again hosted officers from DPLH for an Online Local Government Information Session on 28 June 2023 where feedback was provided to WALGA through an interactive session.

WALGA's submission generally supports the provisions of the draft Policy, as it retains the ability to collect POS contributions for infill developments, albeit at a reduced rate. These funds are critical to providing sufficient POS for local communities.



WALGA also supports the greater emphasis placed on strategic planning, specifically Local Planning Strategies, to strategically identify the POS needs for local communities. However, the submission recommends assistance in the form of guidance documents and funding from the State Government to facilitate the preparation and processing of these complex documents.

The public comment period closes on Friday, 25 August.

The People and Place Policy Team endorsed the submission at its meeting on Wednesday, 9 August.

FLYING MINUTE OUTCOME

Poll created: 11/08/2023 at 14:18

Poll closed: 21/08/2023 at 23:59

Total invited to survey: 24

Total finished survey: 20

Endorse the Recommendation: 18

Endorse the Recommendation subject to comment below: 2

Do not endorse: 0

First Name	Last Name	Completed Date
Carol	Adams OAM	16/08/2023 16:29
Phillip	Blight	20/08/2023 7:51
Laurene	Bonza	Not completed
Ruth	Butterfield	Not completed
Cheryl	Cowell	20/08/2023 13:35
Frank	Cvitan	14/08/2023 14:52
John	Daw	17/08/2023 15:48
Tony	Dean	14/08/2023 14:28
Catherine	Ehrhardt	14/08/2023 14:24
Russ	Fishwick JP	18/08/2023 10:28
Moira	Girando JP	17/08/2023 9:38
Patrick	Hall	18/08/2023 15:12
Logan	Howlett JP	11/08/2023 13:53
Paul	Kelly	14/08/2023 22:17
David	Lagan	20/08/2023 18:18
Peter	Long	21/08/2023 11:30
Chris	Mitchell JP	Not completed
Chris	Pavlovich	Not completed
Les	Price	11/08/2023 19:53
Michelle	Rich	21/08/2023 9:20
Helen	Sadler	21/08/2023 5:01
Ken	Seymour	16/08/2023 14:03
Stephen	Strange	15/08/2023 13:06
Doug	Thompson	14/08/2023 22:06

Responses

(18) Endorse the Recommendation: Mayor Logan Howlett JP, Cr Les Price, Cr Frank Cvitan, Cr Catherine Ehrhardt, President Cr Tony Dean, Cr Paul Kelly, President Cr Stephen Strange, Cr Ken Seymour, President Cr Moira Girando JP, Cr John Daw, Cr Russ Fishwick JP, Mayor Patrick Hall, President Cr Phillip Blight, President Cr Cheryl Cowell, Cr David Lagan, Cr Helen Sadler, President Cr Michelle Rich, Mayor Peter Long

(2) Endorse the Recommendation subject to comment below: Cr Doug Thompson, Mayor Carol Adams OAM

(0) Do not endorse

Comments

Cr Doug Thompson

Last paragraph - However, the submission recommends "assistances?????" Note "Assistance" is a non-countable noun; i.e., it doesn't have a plural form.

Mayor Carol Adams OAM

Support the clarification on the amount of public open space expected from all forms of development. Ensures that all residential subdivision, regardless of location, contribute to POS in a fair and predictable way. The review reflects modern development trends and addresses infill and mixed use development POS requirements. The City of Kwinana supports the submission and makes the following additional comments for consideration:

- 1. Policy depends on the Local Government's POS needs analysis (which in our case will be required as part of the Local Planning Strategy). In existing suburbs where subdivision occurs if there isn't an up-to-date needs assessment the proponents only need provide 5% POS.*
- 2. New policy encourages Local Governments to spend cash in lieu in a timely manner and also widens the location in which money can be spent to include adjoining suburbs which is good news for us.*

Secretariat Comment

In response to Cr Doug Thompson:

Cr Thompson's comment is noted. The typo has been fixed.

In response to Mayor Carol Adams OAM:

- A default 5% POS contribution can be applied to infill development unless another contribution amount is informed by a Local Planning Strategy, scheme, structure plan or development control plan. WALGA supported this contribution amount as it provides a reasonable balance between facilitating affordable infill development while still providing a level of funding for POS. Based on the current POS policy in practice many smaller infill developments (less than 5 lots) currently don't provide any POS contributions. The draft policy clearly stipulates that a contribution is required for all subdivision of two or more lots meaning Local Governments will likely collect more cash in lieu funds.
- The comments regarding spending cash in lieu in adjoining suburbs in noted.

WALGA Submission – Draft Operational Policy 2.3 Planning for Public Open Space

August 2023

Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments are diverse in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224,000 people,
- the number of staff employed, from less than 10 to over 1000,
- revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

WALGA welcomes the opportunity to provide feedback on the Department of Planning Lands and Heritage's (DPLH) on [draft Operational Policy 2.3 Planning for Public Open Space](#) (draft Policy). Public Open Space (POS) is fundamental to lifestyle, wellbeing, mental and physical health and accommodates environmental and social features.

Local Government has the responsibility to manage most POS across Western Australia and thus has considerable interest in the objectives and policy measures of the draft Policy and how these will impact POS provision, delivery, upgrade and the wider implications on communities from any change in policy.

The draft Policy will replace *Development Control Policy 2.3 – Public Open Space in Residential Areas (DCP 2.3)* and *Position Statement – Expenditure of Cash in Lieu of Public Open Space* and will supplement the Liveable Neighbourhoods policy (currently under review and will be replaced by State Planning Policy 7.1 Neighbourhood Design).

WALGA's response has been informed by direct engagement with Local Governments, including attendees' responses from a Local Government Workshop (27 July 2022) and Information Session (28 June 2023), both hosted by WALGA with officers from DPLH. The submission has also been informed by the Association's advocacy positions, previous submissions and WALGA's [Background Paper: Public Open Space in Residential Areas](#). Relevant Advocacy Positions are listed below.

6.1 Planning Principles

All legislation and policy which deals with planning and development must:

- a) Ensure role clarity and consistency across all legislation controlling development to avoid confusion of powers and responsibilities;*
- b) Be easily interpreted by, understood by and accessible to all sections of the community;*
- c) Be amended only with WALGA involvement and/or consultation/involvement with Local Government.*

6.2 Planning Reform

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system while ensuring Local Government retains the ability to respond to local context and characteristics through Local Planning Frameworks.

6.11 Public Open Space

As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use.

4.6 Urban Forest

To promote the growth of Western Australia's urban forest the State Government should:

- 1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
- 2. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*
- 3. In consultation with Local Government:*
 - a. Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
 - i. a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,*
 - ii. robust and contemporary data to inform decision making,*
 - iii. funding mechanisms to support growth in urban canopy.*
 - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
 - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,*
 - ii. incentivising the provision and retention of trees on private property within the state planning framework,*
 - iii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,*
 - iv. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
- 4. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*

General Comments

The draft Policy provides a contemporary update to the outdated DCP 2.3 (May 2002) and sets clear provisions, including greater clarity and consistency around the circumstances when POS contributions can be charged and the contribution amount for infill development.

WALGA's submission is provided in DPLH's submission form below, with the following key recommendations:

Infill Contributions

To limit urban sprawl and accommodate a growing population, the State Government has established a 47 per cent infill target for Perth. Densification of existing suburbs places additional demand on existing POS. In 2015 Perth's 'suburban core' contained the equivalent of 40m² of local park per person¹. Based on the current population this has decreased to 36m² per person, a decrease of 10% in only 8 years². This decline is reinforced in the City of Stirling's POS Strategy that predicts a 14% reduction in POS per person between 2016 and 2031.

To compound this issue, infill development is typified by homes on smaller blocks with smaller and less functional backyards or apartments, which places a greater demand on existing POS. As inner suburbs develop, the ability to charge a cash in lieu contribution is essential for purchasing land for new POS, or improving and upgrading current POS, to meet the demand from a growing population.

POS contributions for infill development, in lieu of providing land for POS, are not a new element of the policy. As per the current DCP 2.3 there is already the ability to charge cash in lieu for infill development, including for built strata development and small-scale subdivision (excluding two lot subdivisions). This has been tested and confirmed by the State Administrative Tribunal as outlined in WALGA's [Background Paper: Public Open Space in Residential Areas](#). However, given the limited guidance in DCP 2.3, in practice POS contributions are being inconsistently requested by Local Governments and applied by DPLH.

The draft Policy is an attempt to provide greater clarity and consistency around the circumstances when POS contributions can be charged and the contribution amount. The policy focuses on having up to date local planning frameworks to inform the appropriate cash in lieu requirements for infill suburbs. In the absence of a POS analysis in higher order local planning instruments, the draft Policy recommends default percentages that should be charged, specifically a 5 per cent (lieu of 10 per cent) contribution for residential subdivisions.

Feedback from Local Government on the 5 per cent default rate and other rates specified in Clause 5.4.3 5, has varied based on the localised context and current strategic POS planning. **Although these rates may be insufficient in some circumstances, in the absence of detailed POS planning, they provide a reasonable balance between facilitating affordable infill development while still providing a level of funding for POS.**

Alternatively, a standard fixed fee per lot or dwelling that could be used as a default standard, specifically when considering upgrades to POS. These rates would need to consider sub regional cost differences and be indexed annually.

Legislative Changes to the Planning and Development Act

¹ Bolleter, J. (2015) Scavenging the suburbs | Auditing Perth for 1 million infill dwellings. Perth, WA: AUDRC 1402

² Australian Bureau of Statistics (2021-22), [Regional population](#), ABS Website, accessed 22 August 2023

Many provisions relating to POS cash in lieu are stipulated in the *Planning and Development Act 2005* (the Act). Although the current public consultation relates to the draft Policy this submission recommends legislative changes to the Act that would improve the cash in lieu provisions and processes.

These recommendations include applying cash in lieu to two lot subdivisions, expanding what cash-in-lieu can be spent on and improving the process for dispensing cash in lieu funds to delegate or remove the Minister for Planning approval. These changes would ensure more equitable collection of funds, broaden POS outcomes, and improve efficiencies in dispensing funds.

Strategic Planning for POS

The draft Policy places an increasing emphasis on Local Governments to have updated local planning frameworks that strategically consider open space and inform contribution amounts. Specifically, a significant amount of additional information is now required to be provided in Local Planning Strategies.

Addressing POS in strategic planning frameworks, including Strategies, will provide a localised POS assessment and inform specific POS contribution rates. However the requirement of this information places additional resource and cost burdens on Local Government. **To this effect, it is requested detailed guidance documents are provided and State Government funding be made available to assist Local Governments in undertaking this task.**

Many Local Governments already have detailed POS Strategies or Local Planning Policies, and the draft Policy should reference these and consider them when determining subdivision applications.

Conclusion

WALGA appreciates the opportunity to provide comment on *draft Operational Policy 2.3 Planning for Public Open Space*.

Should you wish to discuss this response, please contact Coralie Claudio, Senior Policy Advisor, Planning at cclaudio@walga.asn.au.

Department of Planning, Lands and Heritage Official Consultation Form

Consultation

Question 1 - About you

1. What is your name? Coralie Claudio
2. What is your email address? cclaudio@walga.asn.au
3. Are you responding on behalf of an organisation? Yes

Organisation name: WA Local Government Association

4. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? No

5. What region are you from? Please select only one item

Perth

2. Do you (or your organisation) think there are adequate and convenient parks for recreation and local amenity in your suburb?

- Yes
 No
 Unsure

If applicable, please comment on what is lacking in terms of adequacy of parks, adequacy of park facilities or accessibility to those parks.

WALGA represents 139 Local Governments each with varying parks and park facilities.

3. Public open space (POS) is important for recreation, health, education, local amenity and quality of life.

Do you agree with maintaining the existing minimum contribution requirement of 10 per cent POS land as a general standard for all suburbs? (10 per cent is a proportion of the gross subdivisible area, generally applied to residential type zones)

- Yes
 No
 Unsure

Do you have any other comments on this approach?

The ten per cent requirement stems from the 1955 *Plan for Metropolitan Regional Perth and Fremantle* (Stephenson-Hepburn Plan) and a detailed analysis has not been conducted to determine if this metric is still appropriate specifically in the context of denser infill suburbs.

Notwithstanding, a minimum of ten per cent of land being provided as POS as a general standard for all suburbs is supported as it has been a long-standing provision

that has generally provided adequate POS specifically in a greenfield context. This requirement should be viewed as a starting point only and the amount of POS required for a suburb should ideally be informed at a strategic planning stage based on the need (population) and nexus principle.

The contribution amount is only one factor that needs to be considered when planning for POS with diversity, distribution, accessibility, and functionality also relevant considerations.

4. Do you think it is reasonable for all subdividers of residential lots (blocks of land) that create new additional lots to contribute towards public open space (parks or park facilities) regardless of their location?

(Fact bank) Notes:

This contribution can either be by land for new public open space (parks) or by cash to be spent on upgrading existing parks and can depend on what is practical, as guided by the local government.

Two lot subdivision applications cannot contribute as cash due to restrictions in law and contributions of land is typically not practical. These subdivisions therefore do not usually contribute to public open space.

- Yes
- No
- Unsure

Do you have any other comments?

WALGA's submission on Planning Reform Phase 2 (September 2021) recommended *Section 153 (3)* of the Act be amended so all subdivisions, including two lot subdivisions, contribute to POS (cash in lieu).

Smaller scale subdivisions, specifically two lot subdivisions, are a common form of in-fill development and place additional demand on existing POS due to cumulative increase in population.

It is acknowledged that the POS contribution amount for infill development needs to be carefully balanced with housing affordability. However, in the absence of requiring POS contributions for these lots it means the cost burden upgrading existing POS (or providing additional POS) disproportionately falls to Local Governments and developers creating three lots or more. This affects infill targets as often lots are underdeveloped to avoid POS contributions.

5. Non-residential (e.g. commercial, tourism, industrial) and rural living land uses can also be required to contribute towards POS (not necessarily at a 10 per cent rate), only on an as-needed basis where justified, and when outlined in a publicly available planning document. Are you in favour of this approach?

- Yes
- No
- Unsure

Do you have any other comments?

Depending on the context of the locality it would be reasonable for commercial and rural living land uses to contribute to POS to provide adequate public spaces for visitors and employees.

Landscape Quality is one of the design principles of *State Planning Policy 7.0 Design for the Built Environment* and the requirement for a range of public spaces is a key consideration in SPP 7.2 Precinct Design. POS in these localities provides an opportunity to support urban tree canopy and provide places that contribute to health and wellbeing of visitors and workers.

This need and demand should be identified as strategic planning level to inform not only the amount but the location, purpose and functionality POS sites.

6. Many established suburbs (infill areas) already contain parks that meet some of the existing community's needs.

For this reason, it is proposed to enable POS contributions to be reduced to a minimum of 5 per cent (5 per cent) of the residential subdivision area in infill (established) areas unless varied in a local government planning strategy or alike. It is envisaged that this contribution would commonly be in the form of cash to be spent on upgrades to existing POS, as determined by the local government. Are you in favour of this approach?

- Yes
- No
- Unsure

Do you have any other comments on this approach?

Feedback from Local Government specifically on the minimum 5 per cent contribution, lieu of 10 per cent, has varied based on the localised context of each Local Government and their strategic POS planning.

Setting a default contribution in the policy provides a transparent standard that is easily understood and implemented creating certainty and consistency for industry, community, and government, something that is lacking in the implementation of DCP 2.3.

However, reducing the minimum contribution amount may penalises Local Governments and their communities with inadequate POS yet don't have the resourcing to prepare or update their strategic planning frameworks or are currently in the process of updating their framework.

Preparing and updating strategic local frameworks, specifically Local Planning Strategies, is a timely and costly process. Currently of the 36 Local Governments participating in WALGA's performance monitoring project, 12 had a current Local Planning Strategy and 18 Local Governments are currently preparing Local Planning Strategies. On average Local Planning Strategies take three years to prepare and process meaning there may be a significant time that Local Governments may not be able to seek appropriate POS contributions.

Conversely it is acknowledged that a 10 per cent contribution, specifically for smaller lot subdivisions, may render infill development unviable and unaffordable. To this end, the 5 per cent should provide some level of funding that will have some benefit to communities while balancing the impact on feasibility of infill housing developments.

Alternatively, a standard set fee contribution may be reasonable (discussed further in Question 9 below).

7. The draft policy proposes the ability to reduce the 10 per cent (10%) POS contribution in a few other scenarios. These include some strata and community title scheme subdivisions (such as apartments and villa complexes) where publicly accessible but privately owned open space is provided; for sites comprising a mix of land uses (such as a shopping precinct); and for regional areas where justified.

Do you support the ability to vary the 10 per cent POS contributions proposed?

- Yes
- No
- Unsure

Do you think there should be other scenarios where the 10 per cent POS contribution should be varied? Please explain.

Clause 5.4.3 Residential Subdivisions proposes ability to reduce 10 per cent POS contribution in the following scenarios:

Proposed Requirement	Comments
5 – 10% contribution as justified in approved local planning strategy, scheme, structure plan or development contribution plan	<p>It is agreed that POS contributions should ideally be informed by detailed strategic planning frameworks. However, these planning instruments are resource intensive to prepare and timely to process specifically for smaller and regional Local Governments.</p> <p>Of the 36 Local Governments participating in WALGA’s performance monitoring project, 16 have open space strategies or policies which can inform the suburb’s contribution amount. As per the current <i>Position Statement: Expenditure of Cash-in-lieu of Public Open Space</i>, this policy provision should also reference Public Open Space Strategies as appropriate instruments to inform contribution amounts.</p>
5% default POS contribution for all residential lots, including built strata (if infill context)	Refer to response in Question 6 above.
2.5% default POS contribution for additional lot (ie two lots to three lots)	It is agreed that any additional lots should provide an appropriate POS contribution. To this end, it is reiterated that two lot subdivisions, that also create one additional lot, should also be subject to POS contributions acknowledging this requires amendments the Act.
Strata applications (including built strata – apartments) - Concessions for communal open space in excess of R-Code requirements (no concessions if already receive other height / density bonuses)	<p>Publicly accessible privately owned open space supported in principle, however this requires careful consideration and implementation at detailed planning stages including:</p> <ul style="list-style-type: none"> • Permanent legal access (easement in gross) • Appropriate design, access, and functionality • Ongoing maintenances to the Local Governments satisfaction

Mixed Use zoned sites 5% in infill site 5% low and medium residential densities 7.5% for high residential densities	Support the general principle that higher density would yield more dwellings (ie population) and therefore create more demand on POS.
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8. The draft policy proposes that POS contributions collected as monetary contributions instead of land (known as cash-in-lieu) are spent within the suburb or adjoining suburb from which it was originally collected, and ideally within a 5 year timeframe. Are you in favour of this change?

- Yes
 No
 Unsure

Do you have any other comments on this approach?

The 5-year timeframe to spend monetary contributions (cash in lieu) does not provide sufficient time for Local Governments to properly plan and collect funds from multiple subdivisions to provide appropriate new POS or upgrade POS facilities in the relevant suburb.

This is a specific concern for smaller or regional Local Governments that have slower rates of growth. These areas take longer to accumulate sufficient funds that could have meaningful impact on POS. Placing arbitrary deadlines on expenditure may lead to less efficient spending of funds and reduce the positive impact of spending the contributions.

Further in some cases POS acquisition and upgrades are only proportionately funded by POS contributions with ratepayer revenue or other funding sources (ie sale of land) contributing. Upgrades to parks need to be scheduled into Local Government's work programs and land may not be immediately available to purchase for additional POS.

The cash-in-lieu expenditure requirements for car parking shortfalls specifies a 10-year expenditure date as set out in Clause 77I (4)(b) *Planning and Development (Local Planning Schemes) Regulations 2015*. It is recommended the policy could note an approximate 10-year timeframe as the recommended time to spend POS contributions.

9. Currently any required cash contribution to POS in infill areas (established areas) is calculated as a percentage of the value of the land being subdivided. The contribution amount therefore varies depending upon the value of the land. Would you support a change to the way the cash contribution amount is calculated in infill areas to a standard set fee per lot instead?

- Yes
 No
 Unsure

Do you have any other comments on this or have a suggestion on an alternative approach to implementing POS contribution?

A standard fee provides a simplistic and transparent method to collect POS contributions that would be easily understood by communities and applied by government. It removes the complexity of seeking land valuations and may assist with

housing affordability by providing clear upfront cost for developers. A standard fee has been implemented in other states including NSW and South Australia.

A standard fee could also be applied at development application stage based on the number of dwellings approved. A standard fee is a more equitable way of applying contributions, specifically for apartment developments, as the contribution would be linked to the number of all dwellings.

A standard set fee is appropriate when the POS contributions are used to upgrade existing POS facilities given the costs associated with these works should be similar regardless of the suburb, with regional exceptions.

Applying a standard fee is inequitable for purchasing new land for POS as the contribution should reflect the land value of the suburb which varies significantly across the state.

A standard fee could be used as default contribution amount with strategic planning frameworks informing if additional contributions, based on land value, are required to acquire POS land in that suburb.

To capture the difference in developing POS facilities a standard fee could be based on planning sub regions. The set fees should be informed by detailed analysis and be indexed annually.

10. At present, contributions towards POS can only be sought from subdivision applications. Some residential developments never proceed to subdivision or would prefer to contribute at the development stage rather than subdivision stage.

Do you support changing legislation to enable POS contributions to be sought from development applications?

- Yes
- No
- Unsure

There should be the option to impose POS contributions through either the development application or the subdivision application, whichever comes first.

It would be specifically beneficial in the case of apartments and mixed-use developments where a development approval comes prior to the built strata applications. This would identify the POS contribution upfront and considered during project feasibility. A standard set fee per dwelling would further assist in providing a transparent cost to developers.

11. Do you have any other park design, role or management issues or suggestions relevant to planning or this planning policy?

- Yes
- No

Additional comments are made on the following sections of the draft Policy:

Strategic Planning

The draft Policy places an increasing emphasis on Local Governments to have updated local planning frameworks that strategically considers open space. Clause

5.3.1 outlines the POS information that should be included within Local Planning Strategies. In principle, addressing these items in a Local Planning Strategy is appropriate and will ensure a strategic consideration of POS in a publicly advertised planning document that is formally endorsed by Western Australian Planning Commission.

However, the level of information required is detailed and may require specific open space studies, which goes beyond the information required for Local Planning Strategies as outline in the recently approved *Local Planning Strategy Guidelines* (March 2023). The City of Armadale have estimated this information would require an additional open space study that could cost approximately \$100,000-\$150,000 and take approximately 12 months to complete.

WALGA's Performance Monitoring data indicates that Local Planning Strategies already take an average of three years to prepare and processing, with a third of that time being allocated to state government processes. In the last financial year 12 of the 36 Local Governments participating the Performance Monitoring project had an approved strategy with 18 Local Governments currently preparing strategies.

Local Planning Strategies are already complex documents that require significant Local Government resources to prepare and process. These additional POS requirements will be onerous with time and cost implications on Local Governments and specifically impact resource burdened smaller and regional Local Governments.

It is recommended that DPLH provides detailed guidance and templates on the POS information required in Local Planning Strategies to assist Local Governments and to ensure strategies are consistently prepared and reviewed. This detailed guidance could be separate document, similar to *WAPC's Payment in Lieu of Parking – Explanatory Guidelines* or by updating the *Local Planning Strategy Guidelines* (March 2023). State government funding should also be considered to Local Governments to assist in preparing these strategic documents.

Further, 16 of the 36 Local Governments participating in WALGA's Performance Monitoring have Public Open Space Strategies or Policies which provide detailed POS analysis and/or inform contributions amounts. The draft Policy should acknowledge these existing instruments can appropriately inform and influence POS planning and consideration. This is specifically applicable to Clause 5.4.3 a) *Residential Subdivision*, which currently references that infill contributions can only be informed by approved Local Planning Strategies, schemes, structure plans or development control plans.

POS Contributions (cash in lieu)

POS monetary contributions, which is cash in lieu of setting aside a portion of land for POS, is addressed in Clause 5.8 *Cash in lieu collect and management* and 5.9 *Cash in lieu expenditure* of the draft Policy.

These provisions stipulate how POS cash in lieu can be collected, managed, and spent as outlined the Act. Given this, the draft Policy proposes minimal change to the cash in lieu provisions and process. Throughout the submission recommendations have been made to improve this process, including some which will require legislative change, as identified below:

- Ability to apply POS contributions to two lot subdivision (refer to question 4)

- 5-year time frame to spend cash in lieu contributions is inadequate (refer to question 8)
- Ability to apply POS contributions at development application stage (refer to question 10)

Cash in lieu can currently be spent on purchasing land for POS or, with the Minister for Planning approval, upgrading park facilities. Feedback from Local Governments indicate these requirements can be restrictive and the process cumbersome and can be addressed as follows:

- Broaden how cash in lieu funds can be spent to include works beyond the current scope such as:
 - Upgrading linkages to POS, including public access ways and streetscapes, by improving pedestrian networks and tree canopy. This would also assist in improving urban forests. WALGA has recently endorsed a new Urban Forest advocacy position that recommends a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions.
 - Other public realm improvements including civic spaces.
 - Asset replacement and maintenance in existing POS areas
- Simplify the process to expend cash in lieu funds. Minister approval should not be required, specifically when the allocations of funds is informed by strategic planning document. Annual reporting requirements to DPLH could be developed to ensure that transparency on how collected funds are managed and spent are in place.