

Frequently Asked Questions

Operational Policy 2.3 Planning for Public Open Space

These explanatory notes provide an overview of the Public Open Space policy review and a summary of key changes.

1 WHAT IS THE CURRENT POLICY ON PUBLIC OPEN SPACE?

Public open space (POS), such as neighbourhood parks and sporting fields, is currently provided at a minimum of 10 per cent of a new residential area. Those who create new residential lots contribute the cost of providing adequate POS, either by providing land for POS or by providing money towards the cost of purchasing land for POS or improving POS facilities.

Different considerations apply to smaller subdivisions creating 5 lots or less, in established suburbs previously subdivided and for subdivisions that create a mix of residential and non-residential land uses. In practise, many subdivisions of 5 lots or less may not have contributed to POS.

The current policy has been in place for over 50 years and has secured adequate POS across most suburbs of Western Australia, as they developed. Now that suburbs are being redeveloped with more housing (known as infill) and a greater mix of housing types, it is important to review the policy to ensure the open space demands and expectation of the community continue to be met into the future.

2 WHAT TYPES OF SUBDIVISION REQUIRE A CONTRIBUTION TOWARDS PUBLIC OPEN SPACE?

Under existing policy, all proposals that increase the number of lots can potentially be required to make a land or monetary contribution to POS. This includes apartment developments that create new built strata lots, it also includes mixed-use lots that have a combination of residential and commercial development. The proposed new *draft Operational Policy 2.3 – Planning for Public Open Space* provides further clarity that all forms of land subdivision, that increase the demand for POS, can be subject to a contribution requirement, including all types of strata subdivision.

3 WHY IS A CONTRIBUTION TO PROVIDING PUBLIC OPEN SPACE REQUIRED?

The planning of infrastructure is fundamental to the economic and social well-being of any community. New development needs to ensure the cost-efficient, and appropriate provision of essential infrastructure such as roads, electricity, schools and POS.

POS is essential infrastructure in urban areas. It provides a recreation function for residents, visitors and workers but also offers green space for amenity, nature, events and drainage. When new residential lots are created, this will result in additional houses and more people who need and use POS. A contribution towards the cost of meeting this additional demand for POS, or associated upgrades to existing POS, is a shared responsibility between Government and proponents developing new lots. This POS policy outlines how the proponent will make a contribution.

4 WHAT ARE THE MAIN POLICY REFORMS PROPOSED?

The *draft Operational Policy 2.3 – Planning for Public Open Space* proposes that all residential subdividers, regardless of their location or the type of subdivision, contribute to POS, in a fair and predictable way.

The overall policy of seeking at least 10 per cent of residential areas for POS will continue to apply in greenfield and brownfield subdivision, as illustrated in Figure 1 and Figure 2 below. Where only two lots are proposed, usually no contribution will be sought as any land would typically be too small for a practical park and a cash contribution is not currently permissible under legislation.. (*refer cl 5.4.3 a iv*)

However, changes are proposed to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer and more consistent. These changes include:

- Subdividers in established suburbs, known as infill sites, may contribute less given the existing parks available and some of the additional POS demand can be met within these existing parks. In these situations, the contribution amount will be determined after an endorsed POS needs analysis by the local government. If this analysis is yet to be done, a default rate of 5 per cent contribution will apply (Figure 3)
- Where only one additional lot (such as re-subdividing 2 lots into 3 lots) is proposed, a reduction to a default contribution rate of 2.5 per cent applies (Figure 4) (*refer cl 5.4.3 a iii*)

- Subdividers of apartments or grouped housing that provide publicly accessible but privately owned open space may reduce their contribution in limited circumstances (Figure 5a and 5b) (*refer cl 5.4.3 b i*)
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to default rate of 5% (lower and medium density) (Figure 6 and Figure 8) or 7.5% (high density) (Figure 7 and Figure 8) (*refer cl 5.4.3 d*)
- Subdividers in regional towns will contribute in a similar way to those in metropolitan areas but concession may be given to the role other forms of publicly owned green spaces have in fulfilling community needs (*refer cl 5.4.4*)
- Subdividers of non-residential lots will continue to typically be exempt from a POS contribution unless a demonstrated community need exists, in which case the contribution rate will be established in an approved planning document. (*refer cl 5.4.5*)

5 ARE POS CONTRIBUTIONS REQUIRED IF A SUBURB ALREADY HAS 10 PER CENT PUBLIC OPEN SPACE?

The percentage of POS land that each suburb has already varies across WA and does not necessarily reflect current or future community need. The best way to address this is by undertaking strategic POS planning. If a suburb is found to have sufficient, quality POS to cater for the projected community need,

POS contribution rates may be varied through the planning framework. This will help to ensure a transparent, justifiable contribution is sought.

6 WILL I BE REQUIRED TO CONTRIBUTE TO PUBLIC OPEN SPACE IF I AM BUILDING?

The need for a POS contribution will be assessed and sought at subdivision stage. If you plan to build first and later subdivide via a built strata subdivision, you may be required to contribute to POS as a condition of the built strata approval in the same manner as other types of subdivision, but not the development stage. Part of the assessment of the subsequent built strata subdivision will consider whether a POS contribution has already been made for the site at the current density.

7 WHERE AND HOW WILL THE PUBLIC OPEN SPACE CONTRIBUTIONS BE SPENT?

Local governments collect POS cash contributions and retain the funds in a dedicated account. The local government then identifies where land for new POS is to be purchased, or which parks should be developed, or park facilities upgraded. Proposals to spend funds are then submitted for the Minister for Planning's approval.

This process is not proposed to change, however the new draft policy encourages the spending of contributions in a timely manner and has widened the location within which the money may be spent to include adjoining suburbs to better address community need.

8 DO THE PUBLIC OPEN SPACE REFORMS AFFECT ME?

If you are a subdivider of residential land in WA (includes all types of residential such as apartments and retirement living), then the new draft public open space policy, includes a more predictable POS contribution rate to be applied by the WAPC when it determines the application to subdivided land.

If you are a community member, it is expected that the reforms will help provide for better planning and upgrading of POS that supports urban infill and responds to modern community needs.

9 HOW DO I FIND OUT HOW MUCH PUBLIC OPEN SPACE IS IN MY SUBURB, AND IF ANY CONTRIBUTIONS ARE BEING SPENT?

Local Governments are best placed to understand and plan for community POS needs. Contact your local government for more information and to discuss potential changes to your local POS.

10 HOW TO VIEW AND COMMENT ON THE DRAFT POLICY?

The draft policy is on the [DPLH website](#). Comments on the policy can be made via the DPLH's [consultation hub](#). The advertising period closes on 25 August 2023.

 GSA = Gross Subdivision Area

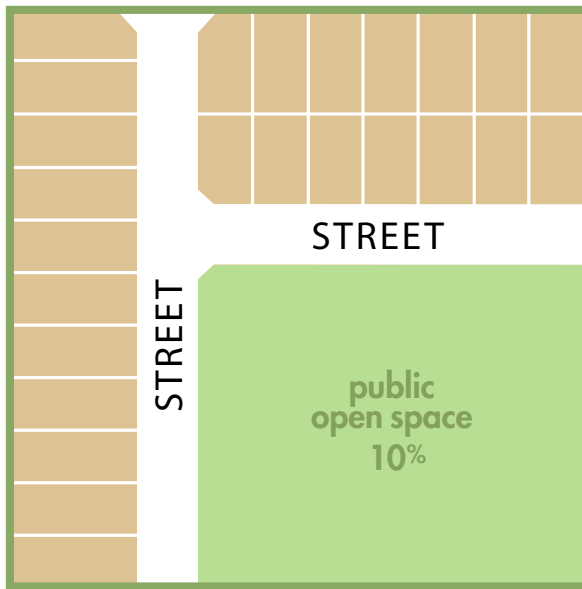


Figure 1: Greenfield subdivision

10% of the gross subdivisible area, typically as land or as otherwise planned for, calculated in accordance with Liveable Neighbourhoods.

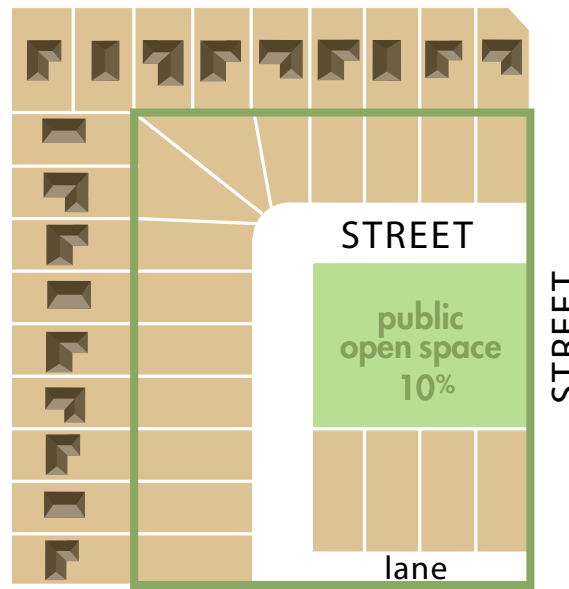


Figure 2: Brownfield subdivision

10% of the gross subdivisible area as land or cash in lieu, or combination thereof, as typically determined at structure plan stage.

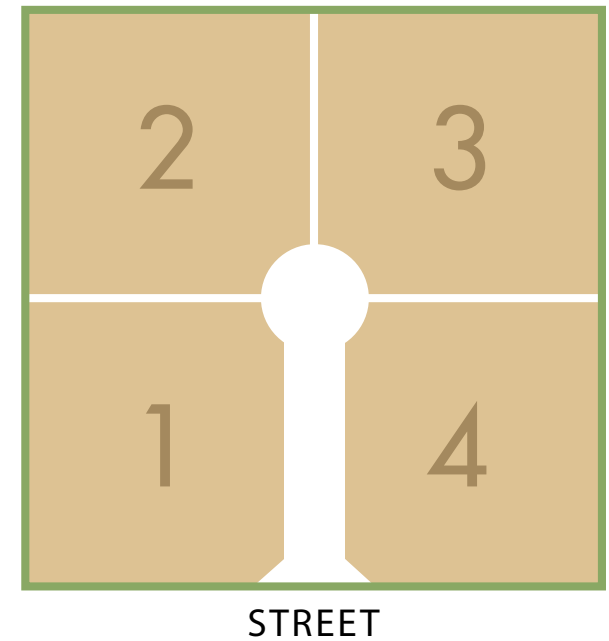


Figure 3: Smaller infill subdivision

5% of the gross subdivisible area typically as cash in lieu, unless otherwise approved in the planning framework.

 GSA = Gross Subdivision Area

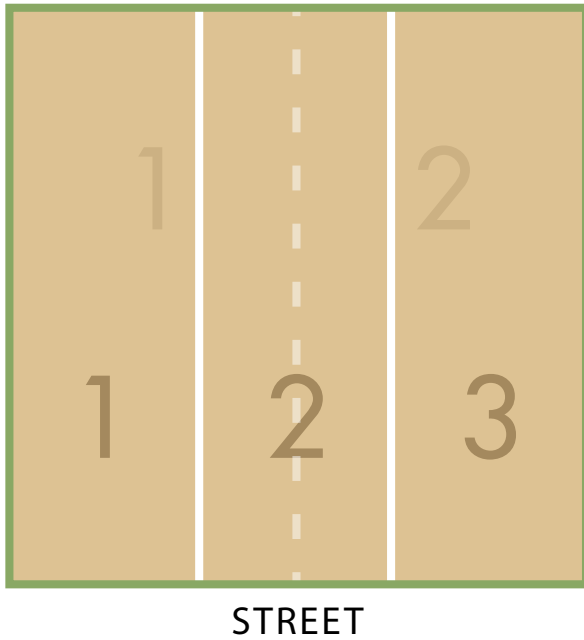


Figure 4: One additional lot

2.5% of the gross subdivisible area as cash in lieu, or the equivalent as land if practical and agreed, unless otherwise approved in the planning framework.

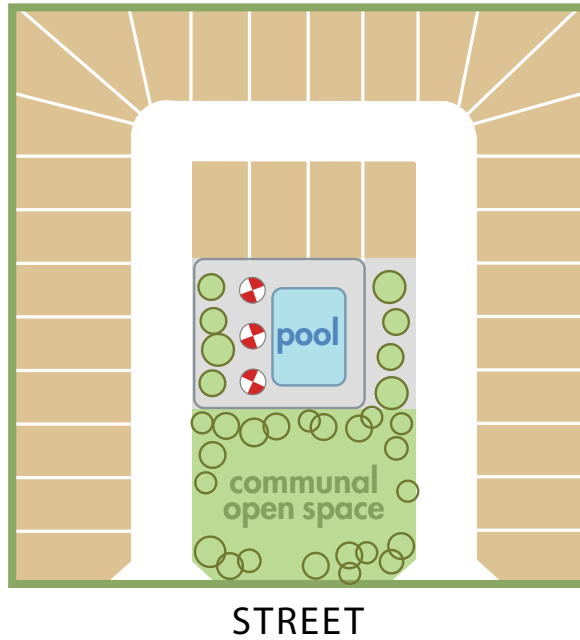


Figure 5a and 5b: Communal Open Space

POS contribution reduced equivalent to any communal open space/common property that provides a publicly accessible POS function, in excess to any R Code requirements, with a minimum POS contribution of 5%.



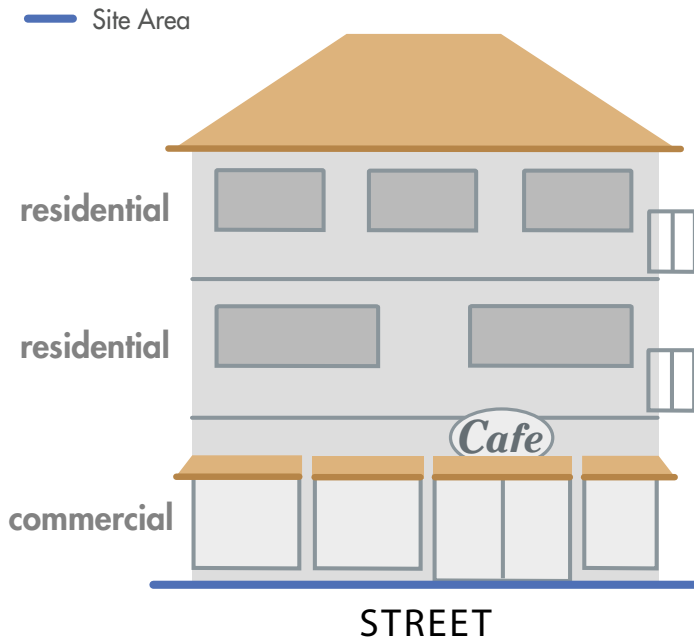


Figure 6: Mixed use – Low to Medium Density

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4 applies, unless otherwise approved in the planning framework.

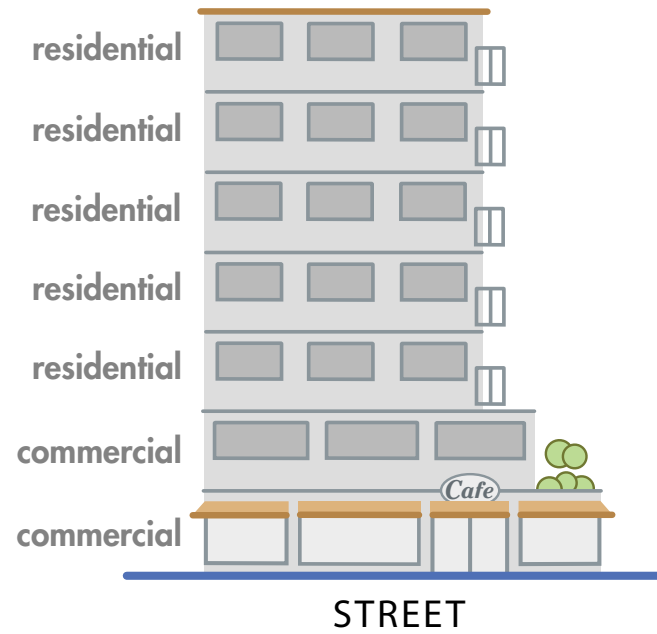


Figure 7: Mixed use – High Density

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4 applies, unless otherwise approved in the planning framework.

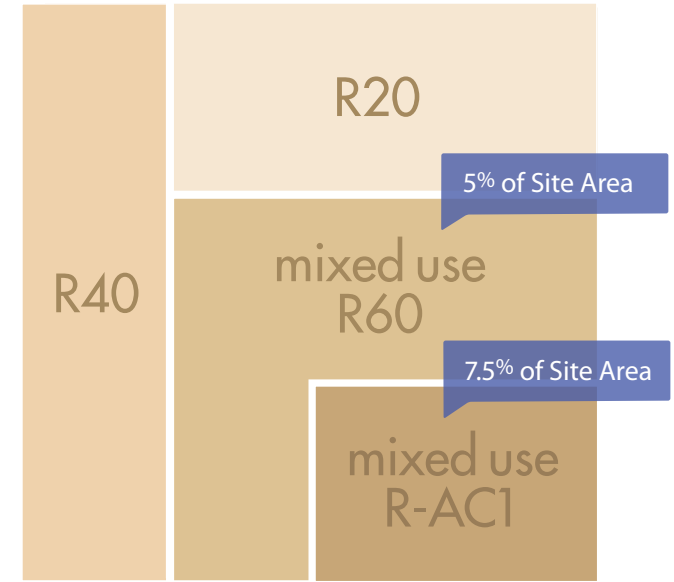


Figure 8: Mixed Use – Structure Planning

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4, unless otherwise approved in the planning framework.

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4, unless otherwise approved in the planning framework.