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Position Statement: Public Open Space

19 December 2025

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1. Citation

This is a Position Statement prepared under Part 14 of the *Planning and Development Act 2005*. It may be cited as Position Statement Public Open Space.

This policy replaces:

1. Development Control Policy 2.3 Public Open Space in residential areas
2. Position Statement Expenditure of cash in lieu of public open space.

2. Policy intent

The intent of this Position Statement is to:

- Ensure public open space (POS) is an essential consideration across the planning framework;
- Ensure all communities have well-planned POS that adequately provides for evolving community needs in a predictable and equitable manner;
- Establish a consistent minimum standard for contributions towards POS, where the creation of additional lots generates the need for an increase in either POS quantity or functionality; and
- Provide guidance on the collection, expenditure and management of cash in lieu contributions towards POS to benefit the community.

3. Planning for Public Open Space in Western Australia

The role of Public Open Space (POS) across Western Australia's urban areas is increasingly important as private green spaces decrease, population densities increase and community, infrastructure and environmental needs expand.

Appropriate and contemporary planning for POS is essential to ensure that the POS is responsive, well-located and functional, achieving the desired recreational, amenity, health, cultural and environmental outcomes for the whole community.

The long-standing provision, originating from recommendations made within the *1955 Plan for the Metropolitan Region Perth and Fremantle* (the Stephenson-Hepburn Plan) for POS to be set aside at a minimum rate of 10 per cent of residential areas, shall continue to form a sound basis for POS provision across all communities. Furthermore, all applications generating increased demand for POS shall be considered for a contribution towards POS. This contribution may be in the form of suitable land or cash in lieu to help facilitate new POS or upgrades to existing POS.

Non-residential or rural living areas may also generate a need for POS in some circumstances, though the requirements for, rate of provision, and contribution may differ from those in residential areas.

4. Application of this position statement

This Position Statement applies to the preparation and assessment of planning instruments including local planning strategies, local planning schemes, structure plans and subdivision applications, including all strata subdivision, within Western Australia.

5. Policy objectives

The policy objectives for public open space are to:

- a) Ensure an adequate quantity and contemporary quality of accessible POS in all urban areas.
- b) Promote decision-making that enhances community amenity, health and liveability while responding to our recreational, sporting, leisure, environmental, infrastructure and economic requirements.

- c) Implement a consistent strategic approach to the planning, provision and documentation of POS.
- d) Support the provision of POS in non-residential or rural living areas, where justified by site-specific and relevant considerations.
- e) Ensure that incidental land uses within POS, such as utilities, infrastructure or biodiversity conservation, complement, or otherwise not compromise POS function provided for the community.
- f) Prevent the unplanned loss of existing POS areas through rezoning or disposal.

6. Policy measures

6.1 General Measures

Proposals to create additional lots are to be assessed against this policy to determine the appropriate provision of, and contribution towards, POS.

In general, a minimum of 10 per cent of the gross subdivisible area shall be for POS for community use across all urban areas. The POS provision should be guided by strategic planning and implemented in statutory decision-making through POS contributions from new subdivision.

The rate of contribution to POS may vary to accommodate localised situations and the new demand being generated, in accordance with this policy.

6.2 Calculating and Designing Public Open Space

POS is to be calculated and designed in accordance with Liveable Neighbourhoods.

Public utilities or infrastructure are to be located so as not to compromise the function of the POS and generally do not form part of the 10 per cent POS area.

6.3 Strategic Planning

6.3.1 Local Planning Strategies

Local planning strategies are important for identifying community POS needs and providing a strategic basis for localised decision-making, including POS contribution rates.

To assist with POS planning, local planning strategies should include:

- a) Inventory of POS reserves and other public reserves with a public open space function. This may include foreshore reserves, regional open space, public school ovals and environmental conservation reserves with POS functions;
- b) Demand and supply analysis, identifying existing and projected POS functionality alongside population,

and land use based on demographic forecasts, including household size, at the suburb or appropriate precinct area scale;

- c) Identification of any current or likely future under provision of POS land and facilities, based in the first instance upon a minimum requirement of 10 per cent of the gross subdivisible area per suburb, and outline strategies for obtaining more land or upgrading existing POS and/or Regional Open Space;
- d) Identification of any existing POS or other open space reserves suitable for upgrades using cash in lieu funds, and the broad nature of those upgrades and what additional functionality could be gained;
- e) Identification of opportunities for enhancing access to, and connectivity of, POS such as landscaping local road reserves and pedestrian accessways;
- f) Identification of land surrounding existing or proposed POS suitable for an increase in residential density to further encourage accessibility and use of POS and assist in achieving infill density targets;
- g) Rationale for any local variations to standard POS contributions, including the recommended POS contribution, premised on the above analysis;

- h) Specify any anticipated percentage and rationale for POS contributions from non-residential or rural living land uses; and
- i) Identification of land around existing or proposed POS suited for increased residential density to encourage accessibility, surveillance and use of POS.

Some local governments may opt to use more detailed POS demand analyses, or similar, to inform their strategies. If such additional studies are prepared, the planning components should be incorporated into the local planning strategy.

POS location, area, distribution and function are to be guided by the local planning strategy, Liveable Neighbourhoods and any other applicable WAPC policy. In the absence of an adequate local planning strategy, POS should be provided and contributed to in accordance with Liveable Neighbourhoods and this policy and ensure an appropriate mix of local, neighbourhood and district open space for the community's sport, health, amenity, recreation and nature needs.

6.3.2 Structure Plans

Structure plans are to consider any existing POS and assess the need for new POS to meet current and anticipated future community needs.

Structure plans should refer to the anticipated POS contributions (land and/or cash in lieu) to be provided at subdivision stage and how these contributions will assist in ensuring adequate extent, quality, function and distribution of POS within the plan area.

Any staging of POS provision is to be outlined at the structure plan stage.

6.4 Statutory Planning

6.4.1 Local Planning Schemes

When zoning for new residential land, the minimum of 10 per cent of the gross subdivisible area should be planned for POS as land, unless otherwise justified and prescribed in an approved local planning strategy.

Scheme amendments that propose increased residential densities or affect POS provision, must be supported by a local planning strategy. The strategy should identify current and future community POS needs and anticipated contributors to POS (as land or cash in lieu). In the absence of a local planning strategy that adequately addresses POS, a scheme amendment may be required to include its own strategic analysis of the community's POS needs to inform POS provision and contributions.

Local planning schemes are to depict POS in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6.4.2 Subdivision General

All subdivision regardless of type (green title, all strata title and community scheme) will be considered for the provision of POS as a standard infrastructure requirement as part of the application assessment.

In accordance with the *Planning and Development Act 2005*, a condition of subdivision approval may be imposed that requires a contribution to POS as land or cash in lieu, or combination thereof.

In some circumstances requiring land for POS may not be practical, may be otherwise planned for in a local planning strategy, scheme or structure plan, or there may already be sufficient POS in the suburb or locality for the community's POS land needs. In such circumstances, contribution to POS via cash in lieu of land may be applied as a condition of subdivision approval. The WAPC will seek advice from the local government regarding the imposition of such a condition.

6.4.3 Residential Subdivision

For all residential subdivisions (including green title, all types of strata subdivision and community title), a minimum standard of 10 per cent of the gross subdivisible area is to be ceded free of cost for POS, or the equivalent cash in lieu, unless varied in one of the following situations.

In instances of variations to the 10 per cent minimum standard, consideration shall also be given to:

- a) the objectives and requirements of other WAPC policies as may be applicable;
- b) advice of the local government as may be sought by the WAPC; and
- c) any approved or applicable density or development bonus entitlement which may require further consideration of POS requirements. Depending on the scale of the bonus, this may negate a variation to the full 10 per cent contribution or trigger assessment as an infill proposal.

Established Suburbs (Infill)

Existing POS in an established or establishing suburb provides some of the POS function for the existing community and therefore typically justifies a reduced POS contribution from new infill subdivision as outlined below.

In cases where a subdivision or re-subdivision is proposed at the same density as when the locality's 10 per cent POS requirement was initially assessed and contributed to, it is not considered "infill" and would not typically be expected to contribute again. This scenario is akin to staging of subdivision.

Brownfield subdivision is not considered infill (for the purpose of this policy) and is not included in this variation. Brownfield sites do not typically contain POS and will be assessed under the same provisions as greenfield subdivision, unless otherwise determined through the local planning strategy or structure plan.

Table 1: Infill Contributions

Applies during deferral period for two years from 19 December 2025 to 18 December 2027	Applies from 19 December 2027 onwards (post two 2 year period)
<p>a) Infill subdivision comprising any number of lots may reduce the POS contribution to a default 0 per cent of the gross subdivisible area unless already required under the local planning scheme.</p>	<p>a) Infill subdivision comprising 5 lots or less including 'built strata' subdivision are not required to contribute to POS unless justified through a local planning strategy or local planning scheme.</p> <p>b) Infill subdivision comprising 6 lots or more may reduce the POS contribution to:</p> <ul style="list-style-type: none"> • 5 per cent of the gross subdivisible area, with the contribution being no more than the equivalent of \$4,000 per lot where the subdivision is in a locality identified by the local government as having less than 10 per cent POS, • 2 per cent of the gross subdivisible area, with the contribution being no more than the equivalent of \$1,600 per lot where the subdivision is in a locality identified by the local government as having 10 per cent or more POS, • 2.5 per cent of the gross subdivisible area, with the contribution being no more than the equivalent of \$2,000 per lot where the strata subdivision includes communal open space with a POS function in excess of any Residential Design Code communal open space area requirements, <p>unless justified and varied through a local planning strategy, local planning scheme or structure plan.</p> <p>c) Applications to subdivide a building ('built strata') into 6 lots or more, which has been constructed in accordance with a development approval issued on or before 19 December 2029 are not required to contribute to POS where the subdivision is approved on or before 19 December 2033.</p>

Mixed Use Sites

Mixed use sites include both residential and non-residential land uses. Mixed use sites shall contribute to the minimum applicable POS requirement generally in proportion to the residential component of the mixed use site.

If the residential composition of a mixed use site is not yet determined, use the following method to estimate the residential composition for POS calculations:

Greenfield/Brownfield:

- a) where the mixed use lot is identified in a local planning scheme or structure plan for residential development at a density of up to and including R80 or R-AC4, or in the absence of an applicable R Code, to a maximum height of 3 storeys, a minimum 5 per cent POS contribution applies to the total mixed use site area, unless varied in accordance with the local planning scheme, strategy or structure plan; or
- b) where the mixed use lot is identified in a local planning scheme or structure plan for residential development at a density exceeding the R80 or R-AC4 density, a minimum 7.5 per cent POS contribution applies to the total mixed use site area, unless varied in accordance with the local planning scheme, local planning strategy or structure plan.

Infill:

Table 2: Contribution Rates for Mixed Use Infill

Applies during deferral period for two years from 19 December 2025 to 18 December 2027	Applies from 19 December 2027 onwards (post two year period)
<p>Established suburbs (infill)</p> <p>For new mixed use infill subdivision, a default 0 per cent contribution applies to the mixed use site area unless already required under the local planning scheme.</p>	<p>Established suburbs (infill)</p> <p>a) Where the mixed use lot is an infill site:</p> <ul style="list-style-type: none"> • 5 per cent of the site area, with the contribution being no more than the equivalent of \$4,000 per residential lot where the subdivision is in a locality identified by the local government as having less than 10 per cent POS, • 2 per cent of the site area, with the contribution being no more than the equivalent of \$1,600 per residential lot where the subdivision is in a locality identified by the local government as having 10 per cent or more POS, • 2.5 per cent of the site area, with the contribution being no more than the equivalent of \$2,000 per residential lot where the strata subdivision includes communal open space with a POS function in excess of any Residential Design Code communal open space area requirements, <p>unless justified and varied through a local planning strategy, local planning scheme or structure plan.</p> <p>b) Applications to subdivide a building ('built strata') into 6 lots or more, which has been constructed in accordance with a development approval issued on or before 19 December 2029 are not required to contribute to POS where the subdivision is approved on or before 19 December 2033.</p>

Regional Residential Subdivision

In recognition of the climatic, environmental, cultural and lifestyle differences across the State, regional areas may be allowed a variation to the minimum 10 per cent POS contribution. This variation is contingent upon a strategic analysis conducted through an approved local planning strategy, local planning scheme, or structure plan. The analysis must identify satisfactory developed POS and other open space that fulfil a local POS function (such as foreshore reserves, regional open space or community purpose sites) to meet the recreation, sport and nature needs of the community, and justify the POS variation accordingly.

As a minimum, the strategic analysis is to include:

- a) an inventory of POS reserves in the suburb and adjoining suburbs;
- b) identification of other open space reserves that currently offer a POS function in the suburb and adjoining suburbs, if applicable. This may include foreshore reserves and other public purpose reserves developed with a POS function; and
- c) a broad POS demand and supply analysis, identifying existing and projected POS quantity, accessibility and functionality alongside the

existing and predicted population and land use, utilising demographic forecasts, and ideally on a suburb basis.

The use of a townsite boundary, statistical area or locality may be more applicable than suburb boundary in some regional locations.

6.4.4 Non-Residential and Rural Living Subdivision

A POS contribution of any amount, as land or cash in lieu, may be sought from non-residential land uses (includes commercial, industrial or tourism) or for rural living land uses (includes rural residential) for the purposes of catering for residents, worker or visitor needs, general amenity or site specific requirements. The justification for, and amount of POS contribution, is to be informed by:

- a) a strategic analysis, as contained in an approved local planning strategy, scheme, or structure plan identifying the nexus between the land use/development and the additional population/visitation/workforce demand for POS provision or contribution;
- b) the suitability of the proposed POS as it relates to the non-residential or rural living land use needs, or the suitability of existing POS where cash in lieu is intended to be spent;

- c) any objectives and requirements of other planning instruments as may be applicable; and
- d) the advice of the local government.

6.5 Staging

In staged subdivisions, POS may be required to be provided entirely from the first stage, especially if an agreement, such as an approved structure plan, has not been reached with other landowners regarding the sharing of POS responsibilities.

If POS is not fully provided in the first stage of subdivision, the staged rate of POS provision may be required to equal or exceed 10 per cent of the gross subdivisible area for that stage with POS for all remaining stages outlined in a staging plan, to ensure the quality, quantity and location of POS adequately caters for residents at each stage of lot creation.

If an infill residential subdivision is not formally identified as being staged but an application is made that results in a lower yield than is possible within the gross subdivisible area, and it is likely that further subdivision could occur in subsequent stages, the WAPC may use its discretion to determine a POS contribution. In such cases, a POS contribution may be required for applications of 5 lots or less.

6.6 Development Applications

For development approvals that precede subdivision, an assessment of POS needs should be undertaken in accordance with this policy. Following the assessment, where justified, an advice note should be included on the development approval to alert proponents to a potential future POS contribution at the subdivision stage. Deferral periods noted in the Position Statement will still apply.

6.7 Development of Public Open Space

The requirement for POS land to be provided as a condition of subdivision may include the development of that POS. Where POS is to be ceded free of cost by the subdivider, it is a requirement that the entire POS be developed to a minimum 'basic development' standard in accordance with Liveable Neighbourhoods, unless otherwise agreed by the WAPC and local government, and maintained for a minimum period of time. This requirement does not extend to cash in lieu conditions.

Development of the POS beyond the standards outlined in SPP 3.6 and Liveable Neighbourhoods is a matter for negotiation with the relevant local government to ensure the POS development reflects the community needs and local government management

capacities. An additional management agreement with the local government may be required to be entered into in these circumstances.

6.8 Cash in lieu collection and management

In accordance with Section 153 of the *Planning and Development Act 2005*, the WAPC can impose a condition of subdivision requiring POS to be provided as cash in lieu of setting aside a portion of land. Section 155 of the *Planning and Development Act 2005* sets out provisions in relation to valuation of land. The value of cash in lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS.

The local government will, at the expense of the subdivider, seek a valuation of the land from the Valuer General's Office or a licensed valuer. If the valuation is disputed by the subdivider or local government, the valuation may be varied by agreement between the parties or arbitrated in accordance with Section 156 of the *Planning and Development Act 2005*.

Section 154(1) of the *Planning and Development Act 2005* provides that cash in lieu funds received by a local government must be paid into a reserve

account, separate to other reserve accounts, established and maintained under section 6.11 of the *Local Government Act 1995*. The account is to set out the purpose for which the money is held, the landholding from which it was obtained and the date on which it was paid to the local government.

The total amount of cash in lieu funds collected, held and expended, ideally per suburb, in the reserve account should be made publicly available to ensure transparency and accountability to the community.

6.9 Cash in lieu expenditure

6.9.1 Cash in lieu intent

To address the nexus between POS demand generation and POS provision and upgrade, expenditure of cash in lieu should:

- a) be informed by an approved local planning strategy, or in the absence of a local planning strategy, an alternative strategy, policy or plan that has been through public consultation;
- b) respond to community need such as improving access, health, safety, environmentally sensitive design or contemporary functionality of the expenditure site;
- c) be on a site that has unrestricted public access, not generally be associated with a use fee, and is

reserved in the local planning scheme for POS or other reserve with a recreation function; and

- d) occur within the suburb, adjoining suburb or locality, in which it was collected unless variations are identified in an approved local planning strategy.

6.9.2 Cash in lieu use

Cash in lieu funds can be used for:

- a) the purchase of land for POS by the local government. This can include the local government's administrative costs associated with the purchase process or repaying loans for the purchase;
- b) reimbursing an owner of land that is part of an agreement for the setting aside or vesting of land for POS in accordance with the *Planning and Development Act 2005*;
- c) improvements to, or development of, POS;
- d) improvements to, or development of, public reserves that have a recreation function provided the land is reserved for a form of recreation purposes including POS recreation or public purpose reserves in the local government local planning scheme, the public has unrestricted access and

cash in lieu contributions were sourced from within the suburb, adjoining suburb or locality; or

- e) improvements to, or development of, regional open space, foreshore reserves and/or environmental conservation reserves where it is demonstrated that the reserve offers a POS function, has unrestricted public access and the cash in lieu contributions were sourced from within the suburb, adjoining suburbs or locality. Such improvements or development for POS functions should be consistent with the purpose of the reserve.

Cash in lieu funds would not normally be acceptable for indoor or enclosed recreation facilities where usage fees are charged, nor for maintenance or infrastructure upgrades unrelated to community POS needs.

In all instances, expenditure of cash in lieu should aim to be utilised in a timely and efficient manner.

6.9.3 Expenditure requests

Requests to expend cash in lieu, other than for the purchase of land for POS, are to be submitted to the WAPC prior to Ministerial consideration, with the accompanying information:

- a) a cover letter briefly justifying the request from the local government, addressing the above requirements,

this may be in the form of referencing the local planning strategy as applicable;

- b) a plan or list outlining the source(s) and amount(s) of the funds (includes suburb, subdivision reference number from which funds were obtained, date obtained and the dollar value of the contribution);
- c) project or program timing schedule for expenditure; and
- d) project or program expenditure based on a maximum budget allocation.

Expenditure requests can be grouped into one consolidated map and schedule that includes the above information. Grouped requests will require notification to the WAPC within three months of completion of the works, including a signed statement demonstrating details of expenditure from a Certified Public Accountant employed by the local government or an audited statement prior to the publication of the local government annual report.

6.10 Disposal or Reclassification of Public Open Space

The WAPC generally does not support the disposal or rezoning of POS reserves, as future community needs can be difficult to anticipate.

However, where a local government determines that an existing POS area unsuitable in location, size or function, does not meet current or future community needs, POS disposal or reclassification may be considered. This will be assessed in the same strategic manner as determining POS provision.

Preferably, the local planning strategy should guide disposal proposals. In the absence of a strategy, a site specific strategic assessment will be required which shall include:

- a) the current accessibility, interface, physical attributes, function and estimated visitation of the reserve;
- b) any planning in the suburb which may increase residential populations and the need for additional POS quantity or quality;
- c) the distribution and amount of existing POS in the suburb as reflected as a percentage of the gross subdivisible area; and
- d) evidence of local community engagement.

The disposal of land set aside as a Crown reserve for public recreation is governed by the *Land Administration Act 1997*. Proceeds from the sale of public recreation reserves may be used by the local government to acquire other land for POS or be spent on upgrades to existing

areas of POS. Proposals for the disposal of any POS land which has been given up under the *Planning and Development Act 2005* will be referred to the WAPC for consideration.

6.11 Reservation, Management and Vesting of Public Open Space

Where land for POS has been created under the *Planning and Development Act 2005* and reserved for that purpose, that land is only to be used for public recreational purposes and is to remain open to the public at all times. It is to be reserved in the local planning scheme for POS.

Where POS sites are impacted upon by utilities, easements, buffers, environmental constraints, or are shared use sites such as those co-located with school sites, the management responsibilities of the POS are to be resolved at the structure planning stage, or prior to subdivision approval, as may be applicable and practical. If management responsibilities of the POS are unable to be resolved, the WAPC may not support the subdivision until the proponent supplies evidence of resolution of a suitable management arrangement.

6.12 Other Open Space

Regional open space, foreshore reserves, community purpose sites, Bush Forever sites or conservation reserves are not by definition in this policy considered POS. However, they may contribute a POS function for the local community and may receive consideration in strategic planning as providing POS functionality. These forms of other open space may influence the determination of the gross subdivisible area and in some instances may be included as justification for a reduction (or credit towards) the minimum 10 per cent POS requirement in the manner outlined in Liveable Neighbourhoods.

Foreshore reserve provision is in addition to POS requirements. The width, function and design of foreshore reserves are determined in accordance with State Planning Policy.

7. Definitions/Terms

Brownfield: larger scale sites in established areas that are often, but not limited to, land that may have been converted from a former land use to another.

Built Strata: a colloquial term for a strata scheme under the *Strata Titles Act 1985*. Further information is available in the WAPC Fact Sheet Strata – Form 15 Applications.

Demand analysis: understanding the demand created by anticipated future population helps to justify POS contributions. Demand for POS in yet to be developed areas or established areas can be assessed based on the likely numbers of dwellings or subdivision yields to be achieved in an area. Latent demand is often assessed by projecting future participation, using existing participation rates, such as organised sporting activities, and applying this to projected population figures.

Greenfield: undeveloped land that has been identified for future urban use.

Gross Subdivisible Area: as set out in Liveable Neighbourhoods.

Infill: is the redevelopment of existing urban areas at a higher density than currently exists.

Locality: a spatial term used in land use planning to describe a local area. The size and attributes of a locality can vary depending upon the context and intended application. For this reason, a locality is not specifically defined but rather can be determined in a similar manner to a precinct in accordance with SPP 7.2. In POS planning, the starting point for identifying a locality is the suburb area, modified in consideration of walkable catchments and relevant local features.

Public Open Space: land that is set aside, used as, and managed for public recreation purposes and reserved for public open space in a local planning scheme.

Regional Areas: generally interpreted as areas and country towns located outside of metropolitan and major regional centres.

Regional Open Space: land that is designated as Parks and Recreation or Regional Open Space in a region planning scheme.

Strata: all types of strata under the *Strata Titles Act 1985*, including 'built strata' and 'vacant strata', as well as leasehold strata and survey strata under the *Planning and Development Act 2005*.