

24 September 2023

The Chairman
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Mr David Caddy (Chairman – WAPC)

Dear David,

DRAFT OPERATIONAL POLICY 2.3: PLANNING FOR PUBLIC OPEN SPACE

The Local Government Planners' Association (LGPA) is a professional association comprising local government planners and related consultants, public servants, and others, interested in the promotion of sound local planning. The LGPA has significant exposure to a range of industry issues through our members, comprising a significant local government representation.

LGPA commends the State Government for continuing to prioritise planning reform to create a more flexible, responsive, and contemporary planning system for the State.

LGPA has undertaken a review of Draft Operational Policy 2.3: Planning for Public Open Space and is generally supportive of the draft policy and provides the following comments:

1. LGPA supports the clarity provided in relation to calculating and designing public open space (Clause 5.2), as well as information outlining the approach to developing a strategy to support the application of a POS contribution (Clause 5.3).
2. Some concern is raised in relation to Clause 5.4.3(a)(i) and the rate for which the POS may be varied for infill subdivisions by up to half being a minimum 5 per cent. If the intention of Clause 5.3 is to prepare a strategy to identify the POS provision and potential shortfall within an area, specifying fixed contribution rates appears contrary.

It is recommended that provision is made to provide that the percentage of contribution is to be determined where identified in an approved local planning strategy, scheme, structure plan or development contribution plan.

3. With reference to section 5.4.3b)(i) some concern is raised in relation to the approach to the provision of communal open space as a means to offset Public Open Space obligations. Providing public access by way of an Easement in Gross has the potential to create issues including access in perpetuity, asset management and becomes an overly administrative burden to local government and property owners. It is unclear how this would work

successfully between the property owners and City's obligations / community expectations and further information is required to understand the intention and outcomes.

4. Some concern is raised in relation to the inclusion of Clause 5.9.3 Expenditure requests and the requirement to obtain prior approval of the Minister for use of the funds. The *Local Government (Financial Management) Regulations 1996* provides for the creation of Reserve funds and expenditure from reserve and it sets out the process for use of funds within Reserves which is managed through the annual budget process. The adoption of the annual budget is a public, transparent and regulated process which ensures the effective use of a Local Governments funds. Further Local Government financial statements are subject of an annual audit by the Office of Auditor General.

The process set out in the policy does not align with the requirements of the *Local Government Act 1995* for the creation of the budget and use of Reserve funds. Obtaining the Minister's approval for expenditure of funds from the Reserve after works have been completed would not align with the approach to moving funds from the Reserve and expenditure through an approved budget process, it is unclear how this approval process would add value.

We appreciate the opportunity to comment on this proposed review of the Western Australian Planning framework. We would welcome any opportunity to discuss our comments further with the Department and the ability to inform future reforms relating to the calculation of the contribution for POS fee.

Should you require any further advice or information, please contact Joslin Colli by email president@planningwa.com

Yours faithfully,



Joslin Colli
LGPA PRESIDENT