

**POLICY No. LPP 4.7****PUBLIC OPEN SPACE AND STREETSCAPES****PURPOSE**

To establish standards for the provision and development of new areas of public open space (POS) and streetscapes.

1. APPLICATION OF POLICY

This Policy applies to both greenfield and infill development sites and should be read in conjunction with the Western Australian Planning Commission's (WAPC) Liveable Neighbourhoods and Development Control Policy 2.3 - Public Open Space in Residential Areas, and Council Policy 6.2.2 - Rehabilitation and Revegetation of Natural Areas.

2. OBJECTIVES

- (a) To provide for well-designed POS and streetscapes, including appropriately located and integrated areas of POS.
- (b) To provide for tree planting under certain circumstances.
- (c) To establish requirements for the creation and maintenance of POS and streetscapes.
- (d) To prioritise the retention of existing appropriately sized trees in POS and streetscapes where practical.

3. POLICY**3.1 Provision of Public Open Space and road reserves**

- (a) A minimum of 10 per cent of the gross subdividable area is required to be shown on the plan of subdivision for POS, in accordance with the WAPC Development Control Policy 2.3 - Public Open Space in Residential Areas.
- (b) The widths of new road reserves shall be sufficient to cater for the planned landscaping, including provision of enough space to accommodate the mature size of the selected tree species, or the retention of existing trees.

3.2 Development of Public Open Space and Streetscapes**3.2.1 Public Open Space**

- (a) Areas of recreational POS are to be developed by the subdivider to an agreed minimum standard, in accordance with Liveable Neighbourhoods.
- (b) Prior to undertaking any development of POS, the City will require the submission of detailed Landscape Plans for each area of POS and streetscapes, including a detailed tree survey identifying the location and species of all trees ($\geq 100\text{mm}$ diameter at 1.4 metres above ground level (known as the DBH standard)), other significant vegetation (ie wetland, riparian or conservation significant) and a plan showing the proposed size, location, function and form of POS and identifying parkland infrastructure. Trees to be retained and those to be removed are to be identified on the Landscape Plan, with trees $\geq 500\text{ mm}$ DBH to be prioritised for retention.



- (c) Development of POS must be carried out in accordance with the approved Landscape Plan and at the conclusion of works, the development should provide as-constructed drawings and asset management data for the POS and any facilities/infrastructure contained therein.
- (d) The City may accept developers providing infrastructure and facilities above the minimum standard.
- (e) Trees to be retained as part of the development of POS and streetscapes are to be protected in accordance with Australian Standard (AS) 4970-2009: Protection of Trees on Development Sites
- (f) Preference will be given to the retention of existing trees in streetscapes.

3.2.2 Cash-in-Lieu of land for Public Open Space

- (a) A cash-in-lieu of land contribution may be accepted in circumstances where subdivision is proposed in an area of multiple landownership and/or 10 per cent of the subdividable area would result in the creation of parkland considered to be too small to be of functional use or efficiently maintained.
- (b) Unless contrary requirements apply under an established cost sharing arrangement, where the approval of an application for subdivision (including green and strata titles) will result in the creation of three lots or more (or two additional lots if counting the existing lot), the City will recommend to the WAPC that it impose a requirement for a cash-in-lieu POS contribution to be made in accordance with the valuation provisions outlined in the *Planning and Development Act 2005*.

This requirement will be imposed on the basis of the WAPC's Development Control Policy 2.3 - Public Open Space in Residential Areas, which allows for POS contributions to be collected for the creation of three lots or more in circumstances where a number of similarly characterised properties are likely to be subdivided in a locality and the resulting cumulative effect of more intensive development will generate the need for additional land for new POS or improved facilities on existing POS.

- (c) Where a development contribution plan is drafted or exists that includes POS as an infrastructure item, interim arrangements or contributions will be required in accordance with the plan.

3.2.3 Streetscapes

- (a) The creation of any lots (including built-strata lots and irrespective of whether or not roads are being created) will generally necessitate the provision of street trees at a rate of one tree per street-front lot plus an additional two trees for every corner lot created. The provision of street trees must be satisfied prior to subdivision clearance being granted.
- (b) Where lots are 12 metres wide or less, the landowner/applicant is not required to provide a street tree but rather, must pay the Street Tree Levy in accordance with Council's adopted Schedule of Fees and Charges.



- (c) Where lots are greater than 12 metres wide, the landowner/applicant may choose to either pay the Street Tree Levy or provide the tree(s) in accordance with the City's Approved Street Tree Species List.
- (d) Street Tree Levy funds may be used to plant tree(s) directly adjacent to the subdivided land, or where insufficient land is available, in close proximity to the subdivided land. The timing and location of planting will be at the discretion of the City.
- (e) Any bonding arrangements are to be in accordance with Council Policy 2.4.22.

3.4 Maintenance of Public Open Space and Streetscapes

- (a) POS is to be maintained by the landowner/subdivider for a minimum period of two summers, in accordance with Liveable Neighbourhoods and standard WAPC requirements. That POS maintenance obligation is required to be secured by a legal agreement, to the City's satisfaction.
- (b) The requisite legal agreement is to state that the City will accept maintenance of the POS at the conclusion of the maintenance period if it is satisfied that the maturity of vegetation, density of planting, species selection and standard of infrastructure are consistent with that specified in the approved Landscape Plan. It will also state that if the POS is not to the City's satisfaction, the maintenance period will be reviewed and an additional period of developer maintenance may be required, to the satisfaction of the City.
- (c) The landowner/subdivider may transfer maintenance responsibility to the City earlier than the minimum period of two summers, subject to the agreement of the City, in which case, the City will require the landowner/subdivider to pay a POS Maintenance Levy, in accordance with Council's adopted Schedule of Fees and Charges.
- (d) Street trees will be required to be protected from development/subdivision works in accordance with Australian Standard - AS4970-2009 Protection of trees on development sites.

GOVERNANCE REFERENCES

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| Statutory Compliance | Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Town Planning Scheme No.6 |
| Industry Compliance | Liveable Neighbourhoods Development Control Policy 2.3 - Public Open Space in Residential Areas Better Urban Water Management |
| Organisational Compliance | Thoroughfares and Public Places Local Law 2012 Policy No. CP 2.3.9 - Street Trees |
| Process Links | N/A |

**LOCAL PLANNING POLICY ADMINISTRATION**

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|----------------------|------------------------------|------------------------------|---|------------------|------|
| Directorate | | Officer Title | | Contact: | |
| Development Services | | Manager Development Services | | 9397 3000 | |
| Risk Rating | Low | Review Cycle | Triennial | Next Due: | 2024 |
| Version | Decision To Advertise | Decision to Adopt | Synopsis | | |
| 1. | OCM 34/9/2/2010 | | Advertised for public comment for a period of not less than 21 days | | |
| 2. | | OCM 242/25/05/2010 | Establish standards for the provision and development of new areas of public open space (POS) and streetscapes. | | |
| 3. | OCM 23/10/02/2015 | | Advertised for public comment for a period of not less than 21 days. | | |
| 4. | | OCM 197/26/05/2015 | Deleted clauses 3.2(c) and (d) due to inconsistencies with Council Policy and the State's Liveable Neighbourhoods policy. Insertion of new clause 3.3 relating to maintenance of POS. | | |
| 5. | N/A - minor changes | OCM 107/12/04/2016 | Minor changes made to 3.1(a), (b), 3.2 (a), (b) and 3.3. | | |
| 6. | OCM 256/24/09/2019 | OCM 41/10/03/2020 | Deleted duplicate provisions contained in State government regulations; emphasise the need to create road reserves that are wide enough to allow meaningful planting; and removed references to structure planning. | | |
| 7. | | OCM 38/09/03/2021 | Modifications to provide clarity and guidance in relation to public open space and streetscapes. | | |