

## 9. OPEN SPACE FRAMEWORK

### 9.1. INTRODUCTION

An open space contribution required from development proponents can be provided as either the provision of land and/or a cash in lieu payment via the following legal mechanisms under Sections 18-20 of the Subdivision Act, Clause 53.01 of the Victorian Planning Provisions, a Development Contribution Plan Overlay, an Infrastructure Contribution Plan Overlay, Development Victoria Act 2003 and negotiated legal agreements.

Open space contributions have been required across Victoria for several decades. The Subdivision Act 1988 allows a Council acting as the responsible authority or a referral authority under the Planning and Environment Act 1987 to require an applicant who proposes to create additional parcels of land by plan of subdivision to provide up to 5% of the site value as open space. This requirement is negotiated on a site by site basis and the percentage requirement must be met by either provision of land up to the percentage or paying to the council to percentage of site value, or a combination of land and cash.

However, schedule to Clause 53.01 sets an open space percentage requirement that can apply to the municipality or specific precincts. To include a schedule to Clause 53.01 Council must complete the necessary strategic work to justify the percentage/s set, which can exceed the 5% cap set in Section 18 of the Subdivision Act and a Planning Scheme Amendment is required to introduce the schedule. This report is establishing the technical basis to support the updating of the Clause 53.01 requirement for Merri-bek to x.x%.

### 9.2. PRINCIPLES

Open space contributions are required to purchase new land for open space and improve existing open spaces and there are a number of principles that underpin the setting of an open space percentage. These include: -

- Need. A strategic assessment of the open space needs of the future residential and worker population of Merri-bek must be completed.
- Nexus. There must be a nexus between the demand from new residents and workers and the projects funded. The project costs attributed to new development are based on the need generated by new not existing populations.
- The contributions are to be used for land acquisition and capital works.

### 9.3. SETTING A PUBLIC OPEN SPACE CONTRIBUTIONS PERCENTAGE

Work is being prepared HillPDA on behalf of Council to determine a public open space contributions percentage.

### 9.4. DELIVERING A PUBLIC OPEN SPACE PROJECT

It is accepted that the majority of projects included in the Report will be delivered directly by Council. The project list included in this report represents a significant investment by Council in the long-term.

### 9.5. PROJECTS LIST AND TIMING

An excel copy of the current draft project list has been provided to Council officers and this includes timing. Once the list is finalised it will be inserted into the report.

## 10. IMPLEMENTATION

### 10.1. RESPONSIBILITIES

Whilst implementation of future Open Space Strategy will primarily be the responsibility of the Open Space Team a number of areas of Council will be responsible for implementing key actions and recommendations.

### 10.2. PRIORITISATION AND TIMING

#### Project Priority

Each open space project has had a level of 'priority' identified with it outlined in the Projects List associated with each suburb. This priority is intended to inform, at a high level, the projects relative importance in delivering on the open space objectives and open space needs of the local population. It is intended that this informs the relative timing and efforts made to deliver the project.

**It is important to understand that priority is an influencing factor but not the sole factor in determining the timing or undertaking of a project.**

The priorities identified in this Report provide guidance regarding the intended order of implementation of the recommendations to deliver on the open space objectives and open space needs for the local population. It is an influencing factor but not the sole factor in determining the timing of a project.

As beneficial as it would be if the timing of all open space projects could be defined in advance over a 20 year period, it is not feasible or possible to do so with certainty. This is due to a number of factors including:

- + The long term nature of the strategy itself trying to anticipate exactly when and where specific open space projects should come online within that 20 year period.
- + The available budget and balance of open space contributions currently available to the municipality at the time to action open space projects.
- + The dependency of some projects on other conditional requirements (e.g. a new park in a given location requiring the successful acquisition of private land on the open market which requires both funds and opportunity to realise).
- + The pace at which development occurs in the municipality, where and the amount of contributions received.

These factors influence the timing of a project regardless of the project's individual merits or 'priority' in terms of

its impact on delivering on the objectives of the Open Space Strategy. Priority and timing may not align as a result.

Priority is consequently one factor alongside others such as opportunity, budget, impact and an up-to-date understanding of how open space are evolving within the local community at the time which will inform the ultimate timing and implementation of an open space project

As a result, priority should not be interpreted to suggest that high priority projects must all be achieved prior to the funding of medium (and in turn low) priority projects. Priority, opportunity, budget and impact should all be considered by the relevant decision makers.

Given these uncertainties, there is an argument to suggest that no priorities should be assigned to any open space projects, especially those that might be dependent on other circumstances beyond the control of the municipality (such as successfully acquiring land) if the ultimate timing of the project cannot be assured.

This is not considered appropriate. There is a clear need to provide some guidance on which projects are considered to have a greater impact on delivering upon the key open space objectives of the Open Space Strategy to inform decision making alongside other factors.

As a result, a number of assumptions have been outlined which have informed how priority has been identified for each project. These assumptions have been informed by the open space objectives outlined earlier in this report, community consultation, land use changes, forecast population growth and projected density of development.

These factors influencing the priority of a project can be summarised as follows:

- + **Impact:** Extent to which it contributes to and achieves the Open Space Objectives.
- + **Gaps:** Extent to which the projects close existing gaps in the open space network.
- + **Demand:** The anticipated demand for new or improved open space in the location of the project.

The open space projects identified are to be implemented over a 20 year timeframe aligned with the recommendations in this report to meet the open space needs of both the existing and future population. Actual population growth and its distribution will not take place evenly over this time which may result in shifts in priorities. It will be important to review and critically evaluate the 'priority' of each project to ensure that it is being delivered at an appropriate time within the timeframe of the Open Space Strategy.

### Timing of projects

Ongoing projects may not have a set priority given the nature of the projects is continued throughout the timeframe of the Open Space Strategy.

While priority reflects an understandable desire to deliver higher priority projects before lower priority projects, timing takes into consideration other factors such as scale, capacity and opportunity.

The main considerations going into the assessment of timing are:

- + **Priority:** reflecting the level of urgency and need for the project to deliver on the open space principles and open space needs for the local population.
- + **Scale:** Considers the scope and resources necessary to undertake the project with larger projects requiring longer timeframes
- + **Capacity:** The timing for all projects within the Projects List has been considered holistically against the reasonable capacity for the municipality to deliver on the projects in a timely manner, noting the delivery performance of the municipality over the past years, anticipated expansion and reasonable additional resources to support achieving the Open Space Strategy and Projects List.
- + **Opportunity:** The level to which the project is dependent on an opportunity arising to deliver or achieve the project. Some identified projects, particularly land acquisitions will be dependent on suitable sites becoming available for acquisition.

These considerations are evaluated holistically and against the individual circumstances of the project itself, with some considerations having a greater influence in the assessment of Timing, dependent on the specifics of the project.

It is anticipated that projects will commence within the timeframe of the Open Space Strategy but they may not necessarily be completed within it.

Some projects may be identified by Council as 'ongoing' projects and may not have a set priority given their nature is continued throughout the timeframe of the Open Space Strategy and beyond.

### 10.3 PROJECTS LIST PRIORITY ASSUMPTIONS

The factors that influence whether Council considers a project as High (H), Medium (M) or Low (L) priority are outlined below.

#### High Priority

##### + **All new parks addressing a Baseline Service or Catchment Service Gap**

A project that will address a baseline or catchment service gap, through either partially or completely filling a gap in that suburb is considered a high priority to Council. Filling these types of gaps will mean residents will either:

- be able to access an open space within a 300m (residents within an activity centre) or 500m (outside of activity centre) walking distance when they were not previously, or
- be able to access open space within a walking distance relative to the open space hierarchy. For example, a resident would be able to access a neighbourhood park within a 300m walking distance rather than a 500m walking distance.

##### + **Specific Function Gaps**

A project that will either completely or largely address a specific function gap will be considered a high priority to Council. Filling these gaps will mean that residents may be able to access a particular open space function (such as a dog park, or play space) within a 500m walking distance. A project will be a high priority when a specific functions gap may still require an additional project to address the specific function gap, i.e. a gap will remain after the delivery of the project.

##### + **Significant creek corridor acquisitions and significant projects**

A project that supports a creek corridor acquisition or supports the delivery of a significant project, such as those that are large in scale or work to improve the linear open space network or enhance the availability or larger open space assets are considered a high priority. These projects will be considered high priority given their opportunistic nature and general difficulty of timing and coordinating delivery.

##### + **Projects related to Indigenous cultural significance**

A project that supports, enhances or protects open spaces of Indigenous cultural significance will be considered a high priority project to Council.

##### + **District and Regional park redevelopments**

A project that enhances the availability of larger open space assets will be considered a high priority to Council.

### Medium Priority

- + **All new parks providing additional open space to support future population**

A project that will partially fill a gap area or overlap with an existing open space service area to support future population growth. For example, a project may deliver a park within 500m of another park in proximity to an activity centre where the resident and visitor population is forecasted grow and result in increased densification.

- + **Other Specific Function Gaps**

A project that partially addresses a specific function gap will be completely filled by the delivery of that project.

- + **Open space upgrades to existing open space that improve accessibility to reduce gap areas or provide an additional open space function in a catchment that would service an activity centre.**

This includes projects that link between existing open spaces and reduce the walking distances of residents to open space, or provide a new specific open space function in a catchment that adjoins an activity centre.

- + **Access improvements to creek corridors or regionally significant spaces.**

This includes projects that provide access or create access to creek corridors or regionally significant spaces that do not exist and reduce the walking distances of residents to open space.

- + **Use improvements to open spaces with no existing use.**

This includes projects enhance open spaces that lack any functions, and provide one or more additional functions.

### Low Priority

- + **Minor upgrades to existing open space networks**

- + **Other improvements to district or smaller scale open spaces**

- + **Function improvements to parks with existing uses**

It is important to note that projects considered as 'low priority' projects in the context of the whole Open Space Strategy are relative to projects facilitating creation of new open spaces, providing additional functions, and aquistions and the like, as described under High Priority and Medium Priority above.

Scales of priority will still be applied to Low Priority projects, for example playground upgrades where the upgrade of one playground may be a higher priority than the upgrade of another, which will be determined by the relevant decision makers.

### **MONITORING**

To ensure the successful implementation and delivery of the projects identified in this Report it is expected that the progress will be monitored through a range of provisions including: -

Governance. Establish a committee to oversee the implementation of the future Open Space Strategy, to ensure the project priorities are proactively managed and communicated across Council.

Maintenance. Prepare an internal processes and procedures to actively track and report on the progress of the recommendations and delivery of the priority projects.

Reporting. Report the progress of delivery of the projects and meeting the priorities established.

Review. To complete a health check of the Strategy to ensure it is delivering on the priorities established.



## 11. REFERENCE LIST

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