

22.01 PUBLIC OPEN SPACE CONTRIBUTIONS

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This policy applies to applications for the subdivision of land and identifies how Council will accept and use public open space contributions, whether by financial payment or vesting of land. It is to be applied in conjunction with Clause 52.01 – Public Open Space Contribution and Subdivision.

22.01-1 Policy basis

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While it may appear that the City of Bayside has a good allocation of open space per capita of population compared with other middle and inner ring suburbs, inequities exist in the distribution of public open space across the municipality. Some areas have far lower amounts of public open space per capita than the municipal average and other areas have poor accessibility to useable public open space (spaces greater than 0.9 hectares made available for a range of structured and non-structured recreational uses).

Council's strategic work has established the need to maintain and improve the existing open space network so that it is accessible for use by people of all ages and abilities. Council has also identified the need for additional public open space, with an emphasis on filling the gaps in areas identified as being deficient in public open space. These areas are shown at Map 1 – *Deficiencies in Open Space in Bayside*.

An increasing population and density of households in Bayside will place further pressure on the existing open space network. It is expected that this increase in population will be primarily accommodated in Moderate and Key Focus Residential Growth areas (supporting medium and high density residential development respectively), and Strategic Redevelopment Sites. These areas are shown at Map 2 – *Residential Strategic Framework Plan*. Higher density development within these areas will generally have reduced access to private open space.

In areas that have adequate access to public open space, where a levy is sought in lieu of land, public open space contributions provide an important contribution towards the funding of open space acquisition and the capital improvement of public open space to meet the needs of the current and future population.

22.01-2 Objectives

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- To implement the *Bayside Open Space Strategy (April 2012)*, and the *Bayside Open Space Strategy: Suburb Analysis and Action Plan (August 2012)*.
- To obtain appropriate and sustainable public open space contributions at the time of subdivision.
- To identify when and where land contributions for public open space may be sought in preference to financial contributions, or vice versa.
- To provide funding towards improving the existing open space network to ensure it is safe, fit for purpose and accommodates various levels of activity in the community.
- To provide funding towards the acquisition of land for new usable public open space in areas that are currently deficient in public open space provision, as identified in Map 1 – *Deficiencies in Open Space in Bayside*.
- To provide new public open space, particularly in and around Moderate and Key Focus Residential Growth Areas as defined in Map 2 - *Residential Strategic Framework Plan*.
- To identify (when assessing an application for planning permit and/or at the pre-application stage) suitable land to be set aside, as part of the design of new development, in order to satisfy the public open space contribution requirement.

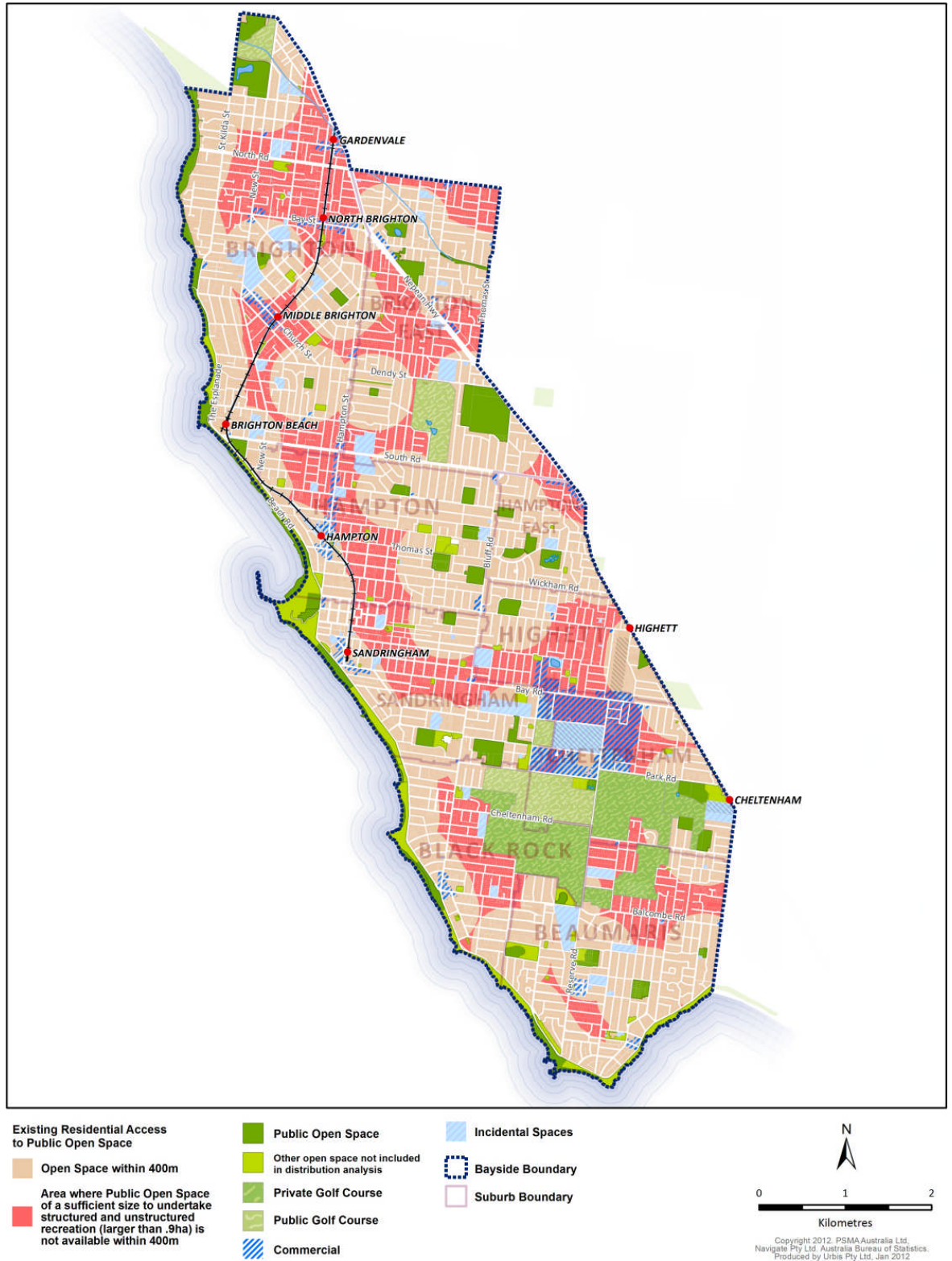
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It is policy that:

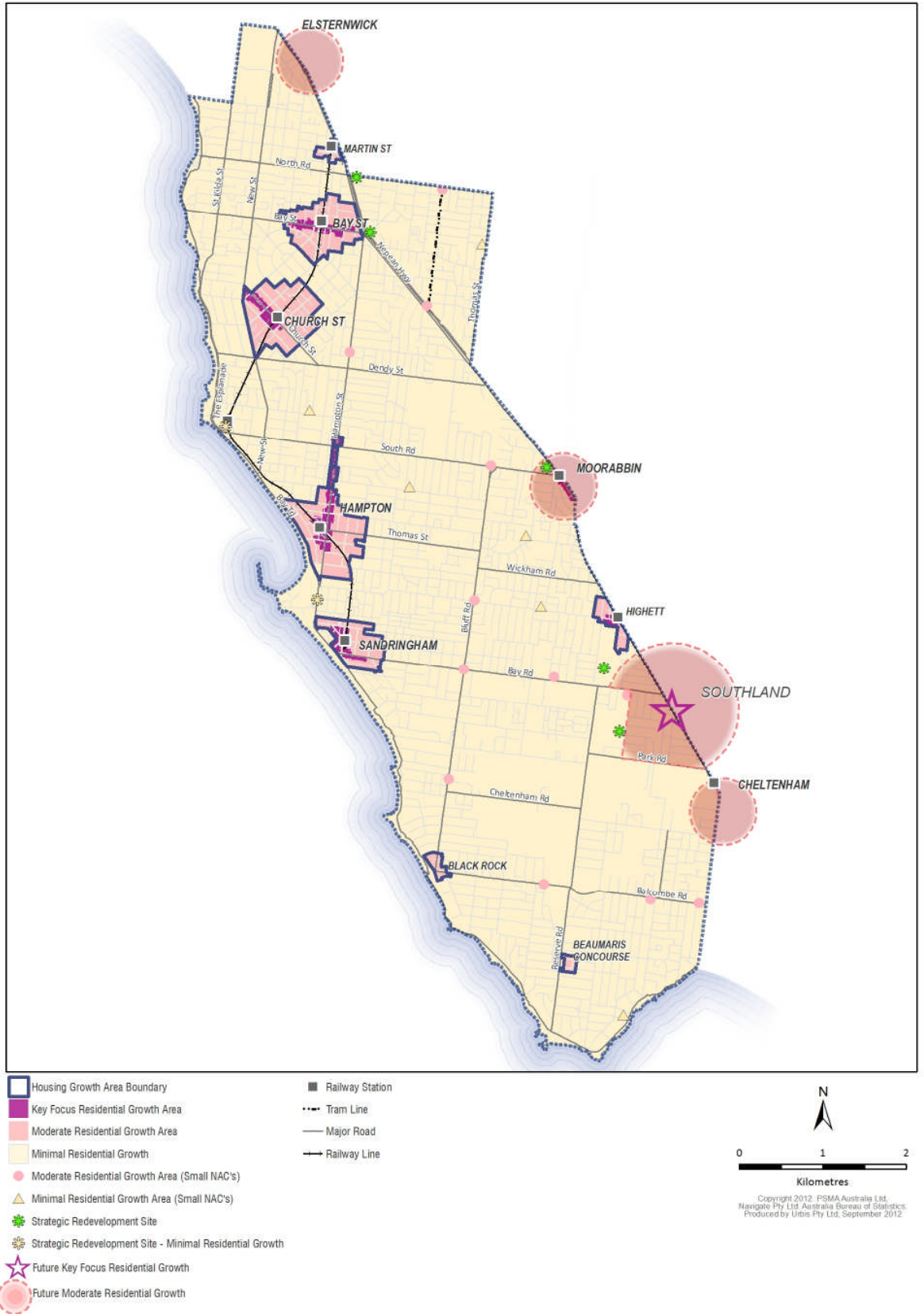
- New subdivision is levied at the rate specified in the Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision of this Scheme.
- The subdivision of a Strategic Redevelopment Site (as defined at Clause 16.01-3) is levied at the rate specified in the Schedule to Clause 52.01 – Public Open Space Contribution and Subdivision of this Scheme, or greater subject to the negotiation of a development plan.
- Public open space contributions in the form of land contributions will be requested and/or accepted at Council's discretion, in accordance with the public open space land requirements identified in the *Bayside Open Space Strategy (April 2012)*, and the *Bayside Open Space Strategy: Suburb Analysis and Action Plan (August 2012)*.
- In the case that a public open space contribution is provided to Council by way of a land contribution to be used for new public open space as part of the subdivision, the following applies:
 - Land to be used for new public open space located outside of a Moderate and Key Focus Residential Growth Area must have a minimum total area of 0.9ha, or adjoin an existing public open space. Land is to be accessible for a range of structured and unstructured recreational uses.
 - Where land to be used for new public open space is located within a Moderate or Key Focus Residential Growth Area, Council may consider accepting land with a total area of less than 0.9ha. Land must be suitable for use as public open space and appropriately integrated within the subdivision so as to be safe, useable, accessible to the broader neighbourhood, manageable and improve local amenity.
- In the event that a public open space contribution is provided to Council by way of a financial payment, the funds are to be directed towards:
 - Acquisition of land to be used as new usable public open space in areas that are currently deficient in public open space, as identified in Map 1 – *Deficiencies in Open Space in Bayside*.
 - Improvements to the existing open space network in accordance with any relevant Council management plan or master plan for open space.
- Land which will be counted towards a public open space contribution must be unencumbered land. Encumbered land is generally defined as land that cannot be normally considered developable for residential purposes. This includes:
 - Land subject to a 1 in 100 year floodway;
 - Land that would be excluded from development due to the need to conserve flora and fauna values;
 - Land that may be contaminated;
 - Land that is steeply sloping (i.e. greater than one in three slope) or subject to landslip; or
 - Land that is affected by a servicing easement (e.g. including but not limited to high voltage power lines, water pipe and sewer easements).

Where appropriate, Council may also accept additional contributions of encumbered land through negotiations with the applicant. Contributions of encumbered land will not be considered as part of a public open space contribution made under Clause 52.01 – Public Open Space Contribution and Subdivision.

Map 1 - Deficiencies in open space in Bayside



Map 2 – Residential Strategic Framework Plan



22.01-4 Policy references

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Bayside Open Space Strategy (*April 2012*)

Bayside Open Space Strategy: Suburb Analysis and Action Plan (*August 2012*)