

22.07 OPEN SPACE CONTRIBUTION

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This policy applies to all development that will make a public open space contribution pursuant to Clause 52.01 of this scheme.

22.07-1 Policy Basis

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Public open space is highly valued within the City of Maribyrnong and fulfils a wide range of recreational, social, environmental, cultural and aesthetic functions. The Maribyrnong River and Stony Creek corridors, major sporting reserves, historical gardens and a diversity of smaller open spaces comprise the public open space network.

Open space is not equally distributed across the municipality and gaps have been identified where easy and safe access to public open space is not available. There are also areas in transformation where the new population will be locating, and the open space will be undersupplied or inadequate. It is essential to provide a diverse and accessible open space network into the future.

The City of Maribyrnong Open Space Strategy (2014) identifies how to respond to these challenges as well as the best use of the existing public open space. The Strategy analyses the open space needs of the existing and forecast population. It identifies locations where public open space is lacking, additional open space will be needed and a range of improvements to the existing open space system will be undertaken. The Strategy commits to a framework of actions that will be funded from a variety of sources.

Public open space contributions from developers will be one of a number of potential resources for the acquisition of land for public open space, establishment and improvements of new open space and the improvement of existing facilities on behalf of new populations. The contribution levy is assessed at the time of subdivision and can be either land or cash at Council's discretion.

As public open space contributions are imposed at the subdivision stage, it is important for developers to ascertain at the site analysis stage of the development design process whether any part of the site might be required for public open space purposes where the site:

- is an area where a land contribution may be sought on Map 1; and
- fits the selection criteria for public open space in Clause 22.07-3

22.07-2 Objectives

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- To implement the City of Maribyrnong Open Space Strategy.
- To identify when and where land contributions for public open space will be sought over cash contributions.
- To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, to satisfy the public open space contribution requirement.

22.07-3 Policy

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It is policy that:

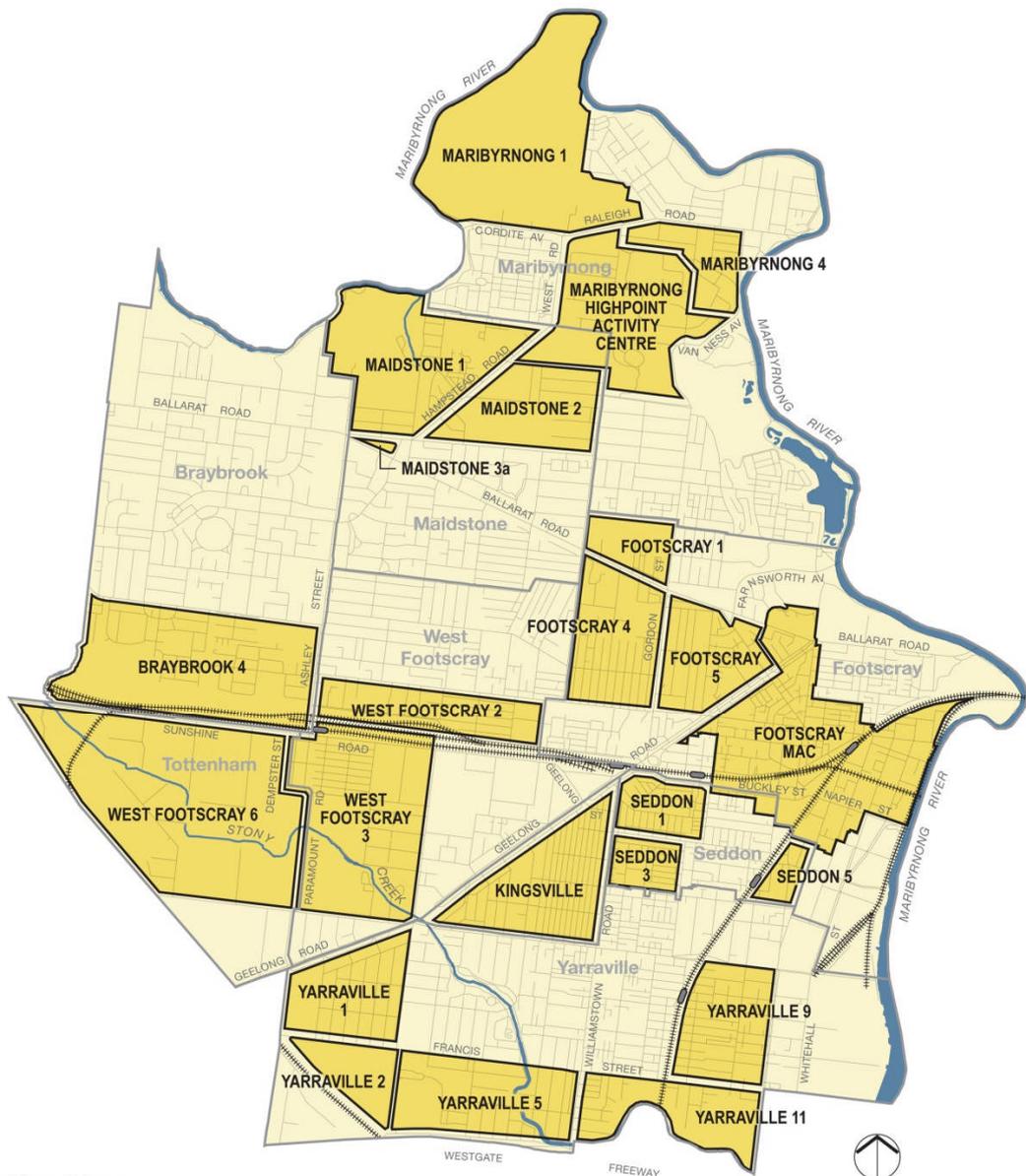
Location

Land contributions for public open space will generally be preferred over cash contributions for the purposes of Clause 52.01 of the scheme within the areas identified in Map 1. Not every subdivision will be appropriate for a land contribution. Council will

assess the appropriateness of the land in accordance with the open space land requirements identified in the City of Maribyrnong Open Space Strategy and the criteria for open space included in this policy. Land will be requested and accepted at Council’s discretion.

In all other areas of the municipality, a cash contribution equal to the amount specified in Clause 52.01 is preferred, at Council’s discretion.

Map 1: Preferred areas for land contributions for public open space



Map 1 key

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| <p> Sub-precincts where an open space land contribution is preferred as identified in the Open Space Strategy</p> <p> Sub-precincts where an open space cash contribution is preferred as identified in the Open Space Strategy</p> <p>SEDDON 1 Sub-precinct name as identified in the Open Space Strategy</p> | <p> Suburb name</p> <p> Suburb boundary</p> <p> Railway</p> |
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In locations where a land contribution is sought over a cash contribution, it is policy that the following criteria be used to determine whether any part of the land in a development proposal is appropriate to be contributed as public open space. Land to be contributed should:

Criteria	Description
(a) Area of land contribution for public open space	<p>Be a minimum (either on its own or in combination with adjoining land) of:</p> <p>Municipal open space: 3 hectares;</p> <p>Neighbourhood open space: 1 hectare;</p> <p>Small Local Link space: minimum width of 5 metres;</p> <p>Linear open space: sufficient width measured from top of bank for biodiversity protection and recreational use additional to the waterway and floodplain requirements.</p> <p>Be between (either on its own or in combination with adjoining land):</p> <p>Local open space: 0.26 and 0.99 hectares;</p> <p>Small Local open space: 0.05 and 0.25 hectares, with minimum width of 20 metres;</p>
(b) Accessibility	Be located at ground level and safe and accessible for all abilities.
(c) Adjoining land use	Consider the impact of current and future adjoining land uses.
(d) Amenity	<p>(i) Enhance the liveability of the neighbourhood by providing visual relief from built form and noise.</p> <p>(ii) Receive adequate levels of sunlight (a minimum of 3 hours of direct sunlight between 9am and 3pm on June 22 and at least 5 hours of direct sunlight between 9am and 3pm on September 22).</p>
(e) Climate change mitigation	<p>(i) Be capable of supporting large mature canopy tree/s and incorporating sustainable water supply and reuse, and moisture retention for passive cooling.</p> <p>(ii) Remain useable and functional as open space with sea level rise and larger storm events.</p>
(f) Condition	Meet relevant legislation and EPA guidelines regarding contamination.
(g) Ecological	Provide for any existing and/or future biodiversity values.
(h) Equity	Provide reasonable access for the local community.
(i) Heritage character	Retain and enable to be protected and managed any Indigenous and/or non-Indigenous cultural and historical values not incorporated into the development (In addition to recreational open space areas.)
(j) Landscape character	Contribute to the character and attractiveness of the neighbourhood.
(k) Location/linkages	Contribute to the linked and connected existing and future open space network.
(l) Ongoing maintenance and management	<p>(i) Be capable of being transferred to Council and rezoned for public open space purposes.</p> <p>(ii) Be able to be effectively maintained and managed by Council.</p>
(m) Recreation	Be capable of accommodating a range of organised sport, unstructured and informal recreational uses appropriate to the size and hierarchy of the open space.

Criteria	Description
(n) Services/easements	Be unencumbered by services or easements including roadways, overhead structures, water and power supply, flood mitigation and drainage infrastructure.
(o) Transport	Be accessible by a range of transport (public transport, trails, street network) options relevant to the size and catchment of the open space.
(p) Visibility	(i) Be visually prominent to maximise the land's use and value to the community. (ii) Provide direct entry from two local streets.

Land that does not meet all of the above criteria may still be appropriate as open space for the purposes of Clause 52.01, at Council's discretion.

Land that 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 would be excluded from development due to the need to protect cultural heritage 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, gas and sewer easements, roadways and overhead structures).

Where appropriate, the responsible authority 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.

Early consideration of land contributions

Early consultation is encouraged in the areas where this policy has identified a preference for a land contribution. The applicant should consult the responsible authority very early in the site analysis phase of a proposal to ascertain whether any part of the land might be suitable and required for public open space purposes.

The design of a building on land where public open space will be required should accommodate the provision of public open space in a manner that meets the selection criteria for public open space.

If a contribution under Clause 52.01 is likely to be imposed as a land contribution, and the responsible authority is satisfied that an additional part of the land which generally meets the selection criteria for public open space in Clause 22.07-3 should be acquired, the responsible authority should consult with the applicant to determine whether the development application could be modified to enable provision of the additional land to Council at Council's cost.

Land contributions greater than 5.7 per cent

Council will have regard to the following matters when considering whether a contribution greater than 5.7 per cent is required under Clause 52.01:

- The selection criteria for public open space.
- The open space type and required land size.
- The existing characteristics of the site including features to be retained.
- The intensity of the proposed development and surrounding development.
- The extent of the additional population and the anticipated demographics based on the development design.
- Recommendations for the site and surrounding area contained in the Maribyrnong Open Space Strategy.
- Any other relevant strategic planning documents.

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Application requirements

Where a land contribution will be required, the application must be accompanied by a urban context and site analysis plan which demonstrates how the development meets the policy objectives of Clause 22.07-2 and the criteria for public open space of Clause 22.07-3

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Policy Reference

City of Maribyrnong Open Space Strategy, Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, 2014.

City of Maribyrnong Open Space Strategy, Public Open Space Contributions Program Report, prepared by Environment & Land Management Pty Ltd in association with Thompson Berrill Landscape Design Pty Ltd, 2015.