

22.26 PUBLIC OPEN SPACE CONTRIBUTIONS

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C209

This policy applies to all development applications that include an application for subdivision that would trigger an open space contribution under Clause 52.01.

22.26-1 Policy Basis

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The Melbourne Planning Scheme sets out broad directions for open space planning in its MSS.

Public open space is highly valued within the City of Melbourne and fulfils a wide range of functions. The importance of public open space in the city environment is heightened by the intensity of development and the limited availability of private open space.

The City of Melbourne Open Space Strategy (CoMOSS) provides an overarching framework and strategic direction for open space planning. The Strategy identifies where new or improved open space will be required in the future, based on detailed research of population growth and development forecasts. The Strategy seeks to ensure that residents and workers have access to a diversity of quality open spaces within easy walking distance. This requires upgrading of existing open space and adding to the open space network into the future.

Public open space contributions from developers is one of a number of potential resources for the acquisition of land for public open space and improvement of existing facilities on behalf of new populations.

Because public open space contributions can only be 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 land proposed to be developed is likely to be required for public open space.

This will ensure that public open space requirements are identified and allowed for at the earliest possible time.

22.26-2 Objectives

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- To implement the City of Melbourne Open Space Strategy.
- To identify when and where land contributions for public open space are preferred over cash contributions.
- To ensure that in areas where a land contribution is preferred, 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 under Clause 52.01.

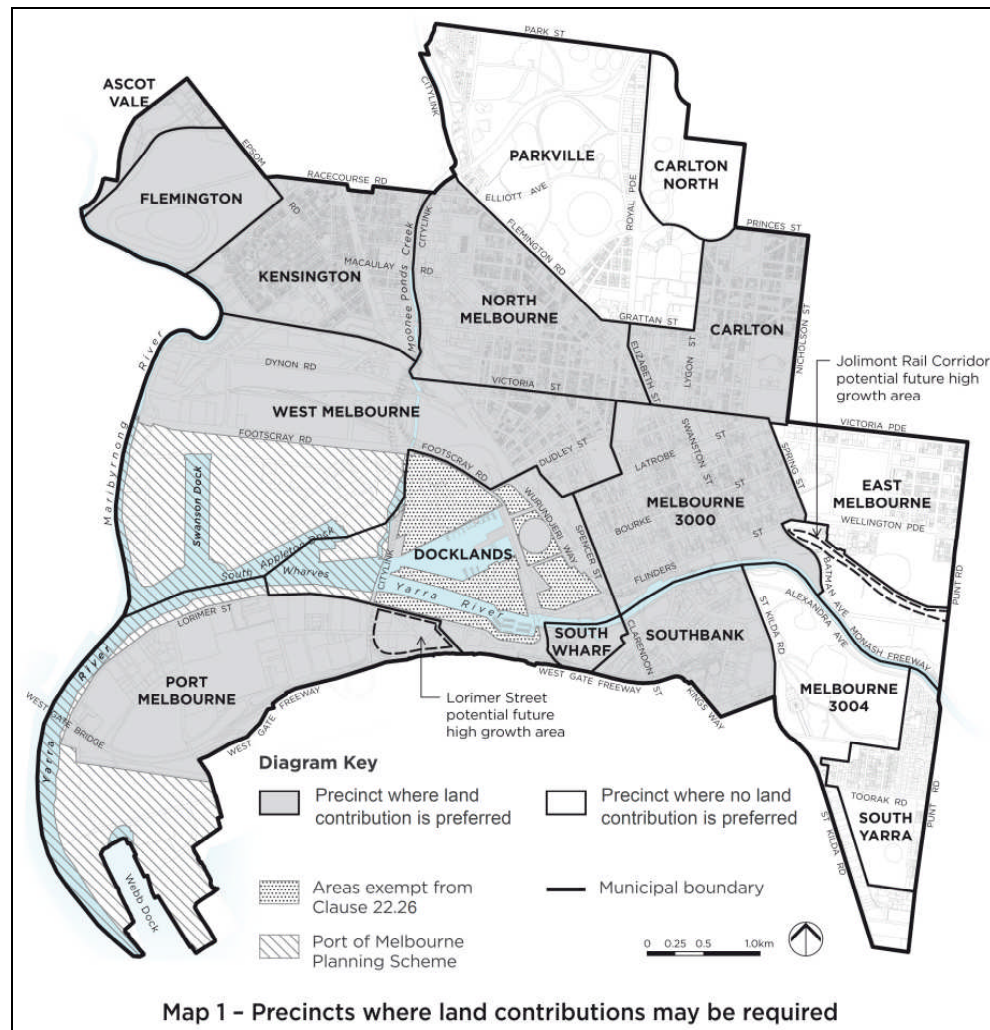
22.26-3 Policy

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It is policy that:

Location

Land contributions for public open space will be preferred over cash contributions for the purposes of Clause 52.01 of the scheme for land proposed to be developed and subdivided within areas identified on Map 1.



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

22.26-4 Application requirements

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All applications must be accompanied by a urban context and site analysis plan which demonstrate how the development meets the policy objectives of Clause 22.26-2 and the criteria for public open space of Clause 22.26-5.

22.26-5 Criteria for public open space

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Before deciding on application for development in a precinct where land contributions may be required, as identified on Map 1, the responsible authority will determine whether part of the land proposed to be developed is appropriate for use as public open space having regard to:

- a) the size of the area of land to be used for open space, on its own or in combination with adjoining land.
- b) whether the open space area is located at ground level.
- c) the type of landscaping which might be provided, including whether the land is capable of supporting a large mature canopy tree, can incorporate sustainable water supply and reuse, and moisture retention for passive cooling.
- d) the potential to accommodate a range of (organised, unstructured and informal) recreational uses;

- e) whether the open space area is safe and accessible, and its location having regard to a range of transport options and entry from a local street.
- f) whether the open space area enhances the liveability of the neighbourhood by providing visual relief from built form and noise.
- g) whether the open space area receives 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).
- h) whether the open space area will remain useable and functional as open space with sea level rise and larger storm events.
- i) the impact of adjoining land uses.
- j) whether the land, or adjoining land is contaminated.
- k) the location of the site and open space area having regard to biodiversity, habitat corridors, and the wider open space network.
- l) whether the open space is restricted by services or easements including roadways, overhead structures, water and power supply, and flood mitigation and drainage infrastructure.
- m) whether the open space contributes to the character and attractiveness of the neighbourhood.
- n) whether the open space is visually prominent to maximise its use.
- o) whether the open space is capable of being transferred to the Council and rezoned for public open space.
- p) whether the open space is able to be improved, maintained and managed by Council.

Early consideration of land contributions

An applicant should consult Council very early in the site analysis phase of a proposal to ascertain whether:

- the land proposed to be developed and subdivided is within an area identified in map 1 as an area where a land contribution is preferred over a cash contribution,
- part of the land proposed to be developed and subdivided is appropriate for setting aside as public open space having regard to the matters identified in this policy.

The design of a building on land which contains an area considered appropriate for public open space should accommodate the provision of public open space in a manner that facilitates and enhances the public open space.

If a contribution under Clause 52.01 is likely to be imposed as a land contribution, and Council is satisfied that an additional part of the land is appropriate for the public open space having regard to the matters identified in this policy, Council may consult with the applicant to determine whether the design of the building could be modified to enable provision of the additional land to Council at Council's cost.

References Documents

City of Melbourne Open Space Strategy, prepared by Thompson Berrill Landscape Design Pty Ltd in collaboration with Environment & Land Management Pty Ltd, et. Al., June 2012.

City of Melbourne Open Space Strategy, Technical Report, prepared by Thompson Berrill Landscape Design Pty Ltd and Environment & Land Management Pty Ltd in association with Professor Nigel Tapper and Dr Serryn Eagleston, June 2012.

City of Melbourne Open Space Strategy, Open Space Contributions Framework, prepared by Environment & Land Management Pty Ltd in association with Thompson Berrill Landscape Design Pty Ltd, June 2012.