

**22.15 PUBLIC OPEN SPACE CONTRIBUTION**

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This policy applies to all development proposals.

**22.15-1 Policy Basis**

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The MSS identifies the need for new development to contribute to the provision of public open space.

Public open space is highly valued within the City of Whitehorse and fulfils a wide range of functions. The City has a wide diversity of open space reserves ranging from formal gardens to high quality sporting reserves to bushland reserves with high conservation values. Regional and municipal open space is well provided for across the municipality. However, due to historical development patterns, the western part of the municipality has more areas where some residents have to walk further to access local open space.

The Whitehorse Open Space Strategy, 2007 (WOSS) identifies where there is adequate provision of open space to meet existing residents needs and where there is not. It has also determined where population and development change will drive demand for new open space or upgrades of existing reserves. Public open space contributions from developers are one of a number of potential resources for the acquisition of land for public open space and the improvement of existing facilities on behalf of new populations. The contribution can be either land or cash at Council’s discretion and is levied at the time land or buildings are subdivided.

The WOSS has identified areas where additional open space is required to meet the needs of the population and therefore a land contribution may be sought. These areas are shown on Map 1. Where Council does not request a land contribution, a cash contribution will apply.

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 site might be required for public open space purposes where the site:

- is in an area where a land contribution may be sought on Map 1; and
- fits the selection criteria for public open space in Clause 22.15-3.

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

**22.15-2 Objectives**

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- To implement the Whitehorse Open Space Strategy.
- To identify when and where land contributions for public open space may 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.

**22.15-3 Policy**

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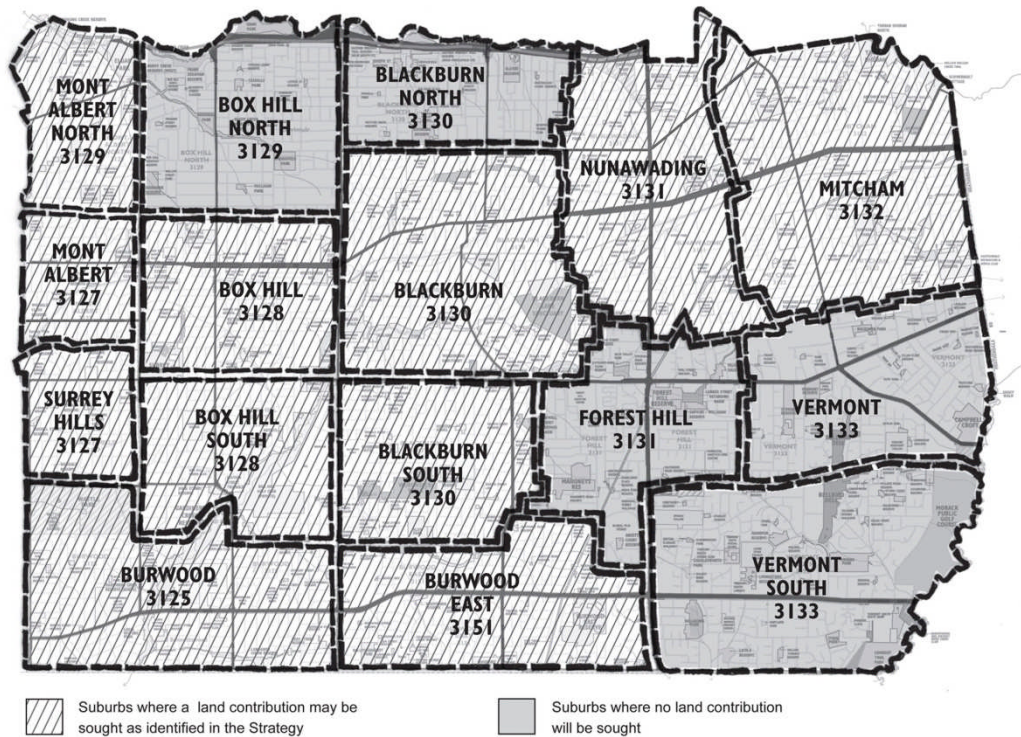
It is policy that:

**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. Land will be requested and accepted at Council’s discretion, in accordance with the open space land requirements identified in the WOSS.

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 – Whitehorse Open Space Strategy 2007, Sub-precincts**



**Selection criteria for public open space**

In locations where a land contribution may be 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 at the time of the subdivision of the land or building. Land to be contributed:

- Should meet the minimum size for the site to meet its intended purpose, on its own or in combination with adjoining land. The minimum size parcels for each type of open space is as follows:
  - Regional open space, unlimited.
  - Municipal open space, minimum 3 hectares.
  - Neighbourhood open space, minimum 1 hectare.
  - Local open space, minimum 0.26 hectare (up to 0.99 hectare).
  - Small local open space, 0.03 hectares (up to 0.25 hectare).
  - Linking space, minimum 5 metres wide.
  - Should be in good physical condition (e.g. free of contamination and weed infestation).
  - Should not be affected by adjoining land use in a way that diminishes the ecological, social or cultural value of the open space.
  - Should have existing biodiversity values or the potential to contribute to these values in existing or future habitat corridors.
  - Should contribute to the wider open space network including forming open space corridor links.
  - Should enhance any indigenous or non-indigenous heritage values.
  - Should be accessible or have the potential to be accessible.

- Should be visually prominent and be accessible by at least two access points or local roads.
- Should have the potential to accommodate a range of formal and informal recreational uses.
- Should be close to a range of transport options for residents to access the site, including proximity to public transport, linear shared trails and major roads.
- Should not be unduly restricted by services or easements.
- Should enhance the liveability of neighbourhoods by providing visual relief and adequate levels of sunlight.
- Should enhance the character and attractiveness of the neighbourhood.

Land that does not meet all of the above criteria may still be appropriate as open space for the purposes of Clause 52.01.

### **Design**

In locations where this policy has identified a preference for a land contribution rather than a cash contribution, an 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 22.15-3 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.

### **Contributions greater than 4%**

- Contributions greater than 4% (as may be required under Clause 52.01) should have regard to:
  - 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 quantity of the additional population and the anticipated demographics based on the development design.
  - Recommendations for the site and surrounding area contained in the Whitehorse Open Space Strategy.
  - Any other relevant strategic planning document.

#### **22.15-4**

#### **Reference Documents**

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*Whitehorse Open Space Strategy, Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, November 2007*

*Whitehorse Open Space Strategy: Open Space Contributions Program, Environment & Land Management Pty Ltd in association with Thompson Berrill Landscape Design Pty Ltd, July 2008*