

22.12 PUBLIC OPEN SPACE CONTRIBUTION

12/06/2008
C87

This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision.

22.12-1 Policy Basis

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

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

Whilst the City includes a number of parks adjoining the Yarra River and the Merri and Darebin Creeks and the large historical gardens of Edinburgh and Darling Gardens, there are a number of areas with almost no public open space, including parts of Abbotsford, Collingwood, Fitzroy, North Fitzroy, Richmond and Cremorne.

The Yarra Open Space Strategy, 2006 (YOSS) identifies the unequal distribution of public open space across the City as one of the key issues that needs to be addressed in terms of public open space provision. Therefore in areas where substantial population increases are anticipated and where public open space is lacking, additional public open space will be needed. These areas have been identified in the YOSS and are shown at Map 1.

Public open space contributions from developers are one of a number of potential sources of resources for the acquisition of land for public open space and improvement of existing facilities.

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 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 is preferred under Location in clause 22.12-3 or on Map 1.
- fits the Selection criteria for public open space in clause 22.12-3.

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

22.12-2 Objectives

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- To implement the Yarra Open Space Strategy.
- To identify when and where land contributions for public open space are preferred 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, in satisfaction of the public open space contribution requirement.

22.12-3 Policy

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It is policy that:

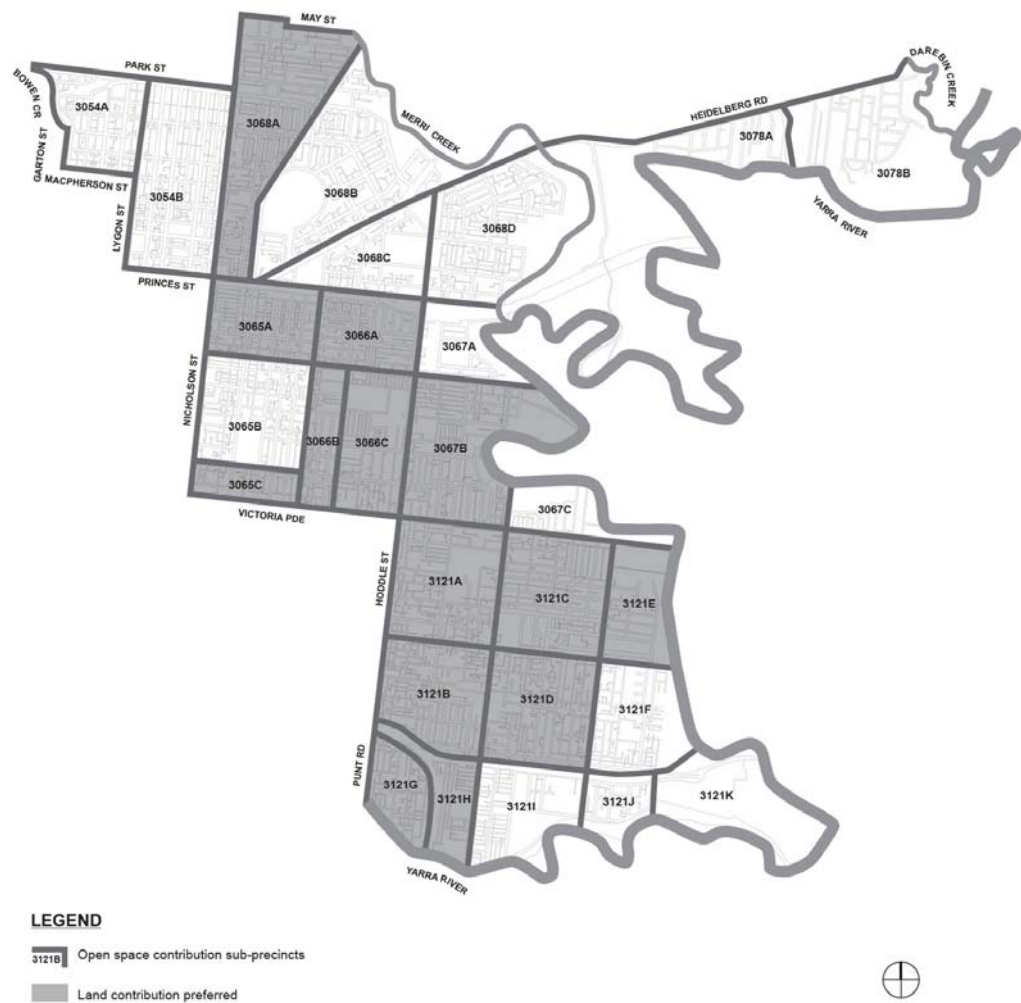
Location

Land contributions for public open space will be preferred over cash contributions within the following neighbourhoods as identified in Map 1:

- Abbotsford
- Collingwood
- Fitzroy
- North Fitzroy
- North Richmond
- Central Richmond
- Cremorne/ Richmond South

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

Map 1 – Yarra Open Space Strategy 2006, Sub-precincts



Selection criteria for public open space

In locations where a land contribution is preferred over a cash contribution, the following criteria will 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 have an area of about 300m² and a minimum width of 10m, or be able to meaningfully contribute to the assembly of a parcel of land of these dimensions or larger.
- Should be of a shape and size which will be adequate for the proposed use having regard to the nature of public open space in an inner city environment, or be able to meaningfully contribute to the assembly of a parcel of land with these attributes.
- Should be free of structures and protrusions, such as balconies or other building projections that may encroach into the public open space reserve, except for historic buildings or structures relating to the designated public open space use.
- Should be located or capable of being designed so as to be subject to a high degree of casual surveillance.
- Must be accessible.
- Should be visible from adjacent thoroughfares.
- Should receive reasonable sunlight between 9am and 2pm on September 22.
- Should be located away from major or secondary arterial roads.
- Should have an entry from a local street or be capable of being provided with such entry.

Where development is proposed in an area which, according to this policy has an identified need for additional public open space and the land or part of the land in the development generally meets criteria set out in this policy, then a land contribution is preferred over a cash contribution for the purposes of Clause 52.01 of the scheme.

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 which will be required for public open space should accommodate the provision of public open space in a manner which meets the majority of the selection criteria for public open space as is reasonably practical.

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 22.12-3 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.

Policy references

Yarra Open Space Strategy, 2006, Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd

Yarra Open Space Strategy: Open Space Contributions Program, October 2005, prepared for the City of Yarra by Environment & Land Management Pty Ltd in association with Thompson Berrill Landscape Design Pty Ltd