



SHIRE OF DENMARK

TOWN PLANNING SCHEME POLICY No. 39

PUBLIC OPEN SPACE

ADOPTED AT THE ORDINARY COUNCIL MEETING ON 27 JULY 2010

1. INTRODUCTION

Under the Planning and Development Act 2005 (Act), contributions for public open space (POS) are required where a subdivision seeks to create more than 2 lots. The Act also provides for land being set aside at subdivision stage for various purposes, amongst others and relevant to this policy, land for conservation and protection of the environment; reserve for drainage, foreshore management, waterway management, recreation and public purposes. West Australian Planning Commission (WAPC) Development Control Policy 2.3 –Public Open Space in Residential Areas requires 10% of the gross subdivisible area of a conditional subdivision be given up free of cost by the subdivider for public open space (POS) where a subdivision seeks to create more than five lots.

The introduction of *'Liveable Neighbourhoods'* and *'Better Urban Water Management'* by the WAPC provides additional guidelines to achieve well located and good quality open space which integrates environmental values and provide for both active and passive recreation needs of the communities.

This policy has been developed to provide criteria against which Council will assess the quality, size, type and distribution of POS proposed at Structure Plan and subdivisions stages.

2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

This Policy does not bind the local government in respect of any application for development approval but the local government will have due regard to the provision of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. SCHEME REQUIREMENTS

Clause 5.3.5 of the Scheme provides that in areas with dual or split coding, development standards of the lower density code applies. Council may permit development at the higher density code where the development is connected to reticulated sewerage system, it is at a high standard of design and aesthetics and is consistent with an adopted Structure Plan for areas consisting of large or several landholdings.

This policy provides matters that require consideration in the preparation of Structure Plans pertaining to POS.

4. OBJECTIVES

The objectives of the policy are:

- To ensure all residential development is complemented by good quality, well located areas of public open space that enhance the amenity of the development and provide for the recreational needs of the residents.
- To ensure public open space provided for under the Act contributes predominantly towards the active and passive recreational needs of the community.
- To ensure that the design, size and dimensions of POS results in practicable and useable spaces for passive and active recreational needs.
- To provide public opens space that is safe and overlooked by nearby buildings.
- Accommodate water-sensitive urban design in public parkland areas where usability for recreation purposes are not compromised or where conservation values are enhanced.
- Provide criteria under which cash-in-lieu of public open space will be accepted and required.

5. APPLICATION OF THE POLICY

This policy applies to land that is to be vested in the Shire of Denmark contributed free of cost by the developer through the subdivision process within areas zoned Residential. It applies to all green-title and survey strata subdivision applications where more than 5 lots are being created and in accordance with WAPC policy, except where the provisions of this policy otherwise specify.

6. DEFINITIONS

Conservation Reserve: Conservation reserves are areas of high conservation value within the natural landscape, including native vegetation with habitat value for fauna and flora and may include significant landscape features, sites of historical and cultural significance and provide for important linkages between reserves.

Conservation/Recreational Reserve: Conservation/recreational reserves provide for the conservation of ecological, historical and landscape values whilst also providing for recreational activities with low impact on the environment.

District Park: A District Parks is ideally located within a radius of 1 - 4km of residential lots and approximately 2.5 – 7ha in area and may include areas of conservation/recreation, playing fields and community facilities such as toilets etc. Facilities offered within district parks are likely attract communities within the Denmark townsite and beyond. The recreation centre on Brazier Street, Country Club on South Coast Highway, trotting track, Berridge Park and Kwoorabup Park are within this category.

Neighbourhood Park: A Neighbourhood Park is ideally located within 400m of residential lots and is approximately 3,000-5,000m² in area. Neighbourhood Parks may contain playground facilities, seating, landscaping, gazebo, barbeque facilities and formal walk paths.

Local Park: A Local Park is ideally located within 150 – 300m walking distance from residential lots and is approximately 3,000m² in area. Local Parks may contain playgrounds, seating and provide for a resting place for the elderly.

Active Open Space: Active open space provides opportunity for active play such as formal playing fields, walk paths and playgrounds with high aesthetic landscape values. District, Neighbourhood and Local Parks may typically fall within this definition.

Passive Open Space: Passive open space provides passive recreational opportunity such as seating/picnic areas and designated but undeveloped walk paths. Conservation/Recreational Reserves and District Parks may typically fall within this definition.

Areas of Conservation Value: Areas of conservation value includes, but are not limited to the following (refer to 7.2.1):

- Foreshore reserves where the subdivision includes land abutting the coast or water body (eg. and inlet) or a watercourse (eg river or creek) and its associated riparian zones. Foreshore widths are to be determined in accordance with SPP 2.6 – Coastal Planning Policy and SPP 2.9 – Water Resources.
- An Environmental Protection Policy wetland, conservation category wetland or wetland of a similar environmental value. The boundary and extent of a wetland and its buffer are to be determined on a case by case basis using biophysical assessments to the satisfaction of Department of Water. The requirements of SPP 2.6 – Coastal Planning Policy and SPP 2.9 – Water Resources should also be considered.
- An area of remnant vegetation of high conservation value.

7. POLICY STATEMENT

7.1 Assessment of Site Characteristics

7.1.1 The planning of POS within a neighbourhood requires a good understanding of the characteristics of the subject land. In order to provide for well located areas of open space Council require, at Structure Plan stage, that a detailed assessment of the site characteristic be undertaken in order to determine the nature, distribution and function of open space areas. The assessment will investigate matter such as:

- Provision of conservation areas and POS within surrounding neighbourhoods which may influence the open space planning within the subject land;
- Site conditions such as topography, contours, landscape features, natural drainage lines and the conservation quality of areas of vegetation.

- European and Indigenous heritage values present.

7.1.2 The assessment of site characteristic shall be done at District Structure Plan, Local Structure Plan and subdivision stages as per Appendix 1.

7.2 Areas of Conservation Value

7.2.1 The identification of areas of conservation value should consider the following matters:

- Areas of remnant vegetation are important refuges for flora and fauna populations. Vegetation corridors and stepping stone mosaic provide valuable resources in terms of habitat, food source and faunal movement and floral dispersal opportunities.
- Larger areas of remnant vegetation which minimise boundary to area ratios are generally of higher environmental value as they reduce edge effects.
- Riparian zones, wetlands and water courses are of high conservation value and in some instances linear remnants are a preferable alternative, particularly if creating a corridor between other bushland areas.
- Areas of granitic outcrops are typically of high conservation value in the plant and animal assemblages they support and a high level of endemism.
- Location within the landscape ecology – connectedness to other remnants or bushland areas, hydrological considerations in regards position within the landscape
- Occurrence of vegetation in good to excellent condition.
- The representativeness of the vegetation landscape complex that the area is comprised of. If under-represented (at less than 15- 30%) across the landscape then it would be deemed to have higher conservation value
- Biodiversity values present:
 - ESA's – environmentally sensitive areas
 - TEC's – threatened ecological communities
 - Threatened flora
 - Threatened fauna

7.2.2 Areas identified of conservation value will not be included in the gross subdivisible area on which the POS requirement is assessed and will be in addition to the land required for POS.

7.2.3 In accordance with '*Liveable Neighbourhoods*' Council may support the inclusion of areas of conservation value within the 10% POS contribution where it can support passive recreational needs of the community and only where the active recreational needs of the community has been met.

7.2.4 The identification of areas of conservation value shall be done at District Structure Plan, Local Structure Plan and subdivision stages as per Appendix 1.

7.3 Rate of Provision and Distribution

The provision of POS based on the gross subdivisible area shall be determined as follows:

- 7.3.1 A Structure Plan or subdivision shall be supported with a POS schedule (as per R31 of Liveable Neighbourhoods) which list the total site area, the gross subdivisible area, the 10% POS contribution listing the areas of local, neighbourhood and district parks and their functions (active or passive) and the restricted use public open space allocation (e.g. conservation/recreational areas). The POS schedule shall be done at District Structure Plan, Local Structure Plan and subdivision stages as per Appendix 1.

Note: Gross subdivisible area includes house lots, access roads, and any land incidental to the subdivision. The gross subdivisible area does not include areas for schools, shopping centres, infrastructure (eg land required for sewer pump stations), dedicated drainage sites not having a recreation function and land set aside for arterial roads and other non-residential uses.

- 7.3.2 The provision of open space shall achieve a local park within 150 – 300m safe walking distance and a neighbourhood park within 400m safe walking distance of each residential house. The Structure Plan and/or subdivision shall show the catchment of each local, neighbourhood and district park via a 'ped-shed' analysis.
- 7.3.3 Linear open space shall be provided along valleys, rivers, creeks and regional flood paths to retain key landform and urban water management elements.
- 7.3.4 Subdivision applications shall show conservation reserves, conservation/recreation reserves, district, neighbourhood and local parks in the same dimension, size and location in accordance with an approved Structure Plan. Council shall not accept a reduction in the size and number of public open spaces unless further information to justify the change to public open space provision has become available.

7.4 Open Space Design Criteria

There are a number of criteria that should be considered in the design and location of POS areas as follows:

- 7.4.1 The Structure Plan and/or subdivision shall illustrate how POS allocation and distribution provides for a variety of open spaces to serve a range of different active and passive recreational needs of existing and future residents.
- 7.4.2 The design of subdivisions surrounding parks shall ensure that parkland is overlooked by nearby buildings. Perimeter streets will generally be required around open space. Where a street is not provided, it must be demonstrated that other means will be used to ensure overlooking and surveillance from adjoining buildings.
- 7.4.3 POS design shall take into consideration natural environmental values, contribute to place making and be located to build on the special attributes of an area for long-term public amenity and sense of place.

7.4.4 Maximum acceptable grade shall be in accordance to the Shire's 'Guidelines for Development and Subdivision' of land as follows:

Area	Finished Treatment	Use	Grade
Existing (Non-earthworked)	Partial clearing, natural vegetation and drought resistant grass. Non reticulated.	Passive	Natural Surface
Batter (Earthworked)	Native trees and shrubs and drought resistant grass. Non reticulated	Passive	Maximum 1:3
Batter (Earthworked)	Grassed and reticulated	Active & Passive	Standard 1:6 Maximum 1:4 (only with Shire Approval)
Ovals & Pitches	Grassed and reticulated	Active & Passive	Maximum 1:100

7.4.5 The dimensions of POS shall have a minimum of 1:3 side to length ratio. Council will consider the land characteristics and proposed use of the POS in reaching an agreement on the dimensions thereof.

7.4.6 The minimum size acceptable for a public open space area shall be 3,000m².

7.4.7 In general, areas of public open space shall be of shape, dimension and size which will result in useable areas for either active or passive recreational use. Council will not accept areas not suitable for residential or road development (i.e. 'left over land') as POS.

7.4.8 Where infrastructure such as telecommunication towers, transformers etc. are to be placed within areas of public open space, the area shall not be calculated as part of the 10% POS provision and shall be suitably screened from residential and POS areas.

7.5 Urban Water Management and POS

7.5.1 In accordance with 'Liveable Neighbourhoods' principles, urban water management measures may be located within POS where it does not compromise the principle function thereof.

7.5.2 There is a general presumption against the placement of drainage sumps in POS. Council will support the detention of stormwater through the use of swales and depressions or other suitable measures which contributes to the amenity value and aesthetics of the POS and shall be designed and located to maximise the use thereof during low rainfall periods.

7.5.3 There is a general presumption against the placement of perched lakes in POS due to ongoing maintenance issues and cost and environmental issues such as algal blooms.

7.6 Minimum Standards for Development

- 7.6.1 All public open space areas shall be developed to minimum standard of development which may include, but is not limited to carparking, full earthworks, basic reticulation (if required), grassing and pathways that form part of the overall pedestrian and/or cycle network and maintenance for two years. Note: A bond for maintenance will be required.
- 7.6.2 Council shall require that a landscape plan be prepared as a condition of subdivision (refer Appendix 1). The landscape plan shall indicate the design objectives and show areas of soft and hard landscaping, carparking, pathways, urban water management features, fencing, playground, seating etc.
- 7.6.3 Where relevant, Council shall require developers to provide a whole of life cost estimates and indicative maintenance schedules and costs of POS.

7.7 Community Purpose Sites

- 7.7.1 Council may accept site(s) for community purpose being included in the 10% POS contribution where a need for a specific community facility has been identified in an approved Structure Plan.
- 7.7.2 Community purpose sites should preferable be located in neighbourhood centres or adjacent to POS to assist in forming community focus. Area of community purpose site should not be less than 2000m² and shall be identified in a Structure Plan.

7.8 Cash-in-lieu of Public Open Space

Council will accept cash-in-lieu of open space contribution in accordance with s. 153 of the Planning and Development Act 2005 and section 3.1.5 and 3.1.6 of WAPC's Development Control Policy 2.3 – Public Open Space in Residential Areas and under the following circumstances:

- 7.8.1 In areas zoned Residential where small subdivisions of between 3-5 lots may occur and the provision of POS will result in a small unusable area of land being set aside, Council will raise a cash-in-lieu contribution.
- 7.8.2 The contribution amount shall be calculated at 10% of the gross subdivisional area. In order to establish a nexus between the development and its planning impact for the demand for POS, a credit will be given for each existing lot that forms part of a subdivision between 3 and 5 lots and will be calculated as a proportion of the maximum subdivision yield under the proposed tenure and relevant density code. For example, where one lot is subdivided into 4 lots, a credit is provided for the existing lot resulting in the cash-in-lieu contribution being 3/4ths of the 10%.
- 7.8.3 Cash-in-lieu of POS shall also be considered by Council where more than 5 lots are being created in a subdivision where the area of land to be dedicated for

POS is not of practicable use (size, slope etc.), or where there is already adequate POS in the locality.

8. OTHER RELEVANT DOCUMENTATION

This policy should be read in conjunction with the follow documents:

- Council's "*Guidelines for Development and Subdivision of Land*".
- *Liveable Neighbourhoods* – A Western Australian Government sustainable cities initiative
- *Better Urban Water Management* (October 2008) – Department of Water
- WAPC Policy No. DC 2.3 – Public Open Space in Residential Areas

	District Structure Plan (generally > 300ha) 1:5000 – 1:10 000	Local Structure Plan (generally < 300ha) 1:2000 – 1:5000	Subdivision
Site Characteristic in relation to planning for POS	X	X	X
Areas of conservation value	X	X	X
POS size and distribution	X	X	X
POS schedule	X	X	X
Landscape plan			X
Water Management Strategy	X (District)	X (Local)	X (urban)
Drainage Facilities		X	X
Developmental Earthworks		X	X

Appendix 1: POS requirements at different levels of planning