



# 3.1

## NEW OPEN SPACES FOR PLACES

Opportunities for new open space are important for those communities that have little or no open space relative to demand. There are a number of different ways new open space can be created, depending on locational needs, land capabilities and how existing assets are performing. In recent years land managers have been challenging the status quo of how new open space is created by developing innovative processes for acquiring land.

### **Acquiring new land for open space 'on-market'**

Councils are able to participate in the property market and buy land for new open space through a competitive process, whether that be private sale or auction. This method requires rigour in understanding the opportunity of the preferred site but also speed to participate effectively in the 4-6 week cycle that a property is generally listed for sale.

### **Creating new urban open space from existing assets**

To create new urban spaces in existing suburbs, councils are increasingly reviewing their existing land assets and identifying opportunities to turn underperforming assets – or assets that could be converted into a better use – into urban parks. This approach can give rise to conflicts between different users of space and challenges the conventional understanding of the highest and best use of a land asset.

### **Creating new open space through development contributions**

New subdivision may add more pressure on existing open space. Development contributions provided through the *Subdivision Act 1988*, Clause 52.01 of the Victoria Planning Provisions or through a Development Contributions Plan, enable land, cash or a combination of both to be levied towards new or improved open space.

### **Buying land from an agency or government department for new open space**

A potential source of new open space is former government or agency land that is surplus to requirements. These sites can come with challenges including poor access, contamination and/or heritage controls. However, through good planning, these sites can be turned into valuable open space assets.

The following pages provide one case study for each of these processes.



Photo: Ian Moodie

## ACQUIRING NEW LAND FOR OPEN SPACE 'ON-MARKET'

### CASE STUDY:

#### Whitehorse Council Land Acquisition Process

**Municipality:** Whitehorse

**Location:** Land across municipality

While open space contributions offer the opportunity to improve or acquire new open space in a municipality, the challenges of purchasing new open space are sometimes more difficult in established areas. Faced with high land costs, long timeframes for land acquisition, approvals, lengthy consultation processes and financial probity obligations, many councils choose not to pursue privately-owned land sales. Yet small parcels of land can often provide important pocket parks, opportunities to add to existing parks and open space linkages that meet local needs.

The *Whitehorse Open Space Strategy* (2007) (WOSS) has a number of key objectives that focus on the improvement of existing open space. One of these key objectives identifies 13 priority locations for Whitehorse Council to purchase land for open space. These priority locations were selected after careful analysis of expected population growth and demand for open space in specific locations across the municipality and the gaps in the open space network.

#### New acquisition process

To put itself in a position to successfully acquire land, Whitehorse Council has established a new acquisition process to facilitate the purchase of land on the private market. Buying 'on-market' means Council can achieve a competitive price for the land without needing to pay compensation, which can be as much as an additional 30% of the purchase price if the Council was to compulsorily acquire land. Recognising the property market usually works in a four to six week auction cycle, Council has developed a clear, robust process for moving quickly

when a property in a priority area is identified for sale. This process triggers a system to (a) identify, (b) assess and (c) acquire land for open space.

#### Step 1 – Identify

Council established an internal 'alert' system when properties in priority locations become available through private sale or auction. Using online real estate websites, potential properties are identified and considered as they come on to the market. This ensures that opportunities are not missed.

#### Step 2 – Assess

After a property is identified, a quick assessment is completed which includes two parts – the first being a brief report to the Planning and Property Managers and the General Manager outlining the property's suitability for open space and alignment with the WOSS.

Once permission is received to pursue the property, a report is prepared for Council seeking approval to purchase the property. This report is based on a standard proforma and includes a detailed assessment of property characteristics, costs, method of purchase and due diligence. The benefit of a standard proforma is that the information required and the considerations that need to be made appear in a consistent format. The report always recommends an 'upper limit' towards the purchase of the site based on an in-house and independent valuation. This is a confidential report to Council.

#### Step 3 – Acquire

If Council agrees to purchase the property, the final part of the process is to acquire the property – either through negotiation (if it is a private sale) or through an auction process. Council can appoint an officer internally to act on its behalf for the purchase or contract a Buyer's Advocate.

#### Whitehorse Council Open Space Acquisition Process

Identify

Assess

Acquire

Photo: DTPLI



### Outcome

Whitehorse Council is well placed to respond promptly and successfully within the property market to acquire land for open space. Senior staff and councillors are familiar with the new land acquisition initiative and are committed to responding quickly to reports. As of 2012, two properties have been acquired through this accelerated process. Funding for the purchase of the open space has been made through the Open Space Reserve – cash contributions that

have been collected through the subdivision process under either the *Subdivision Act 1988* or through a Schedule to Clause 52.01.

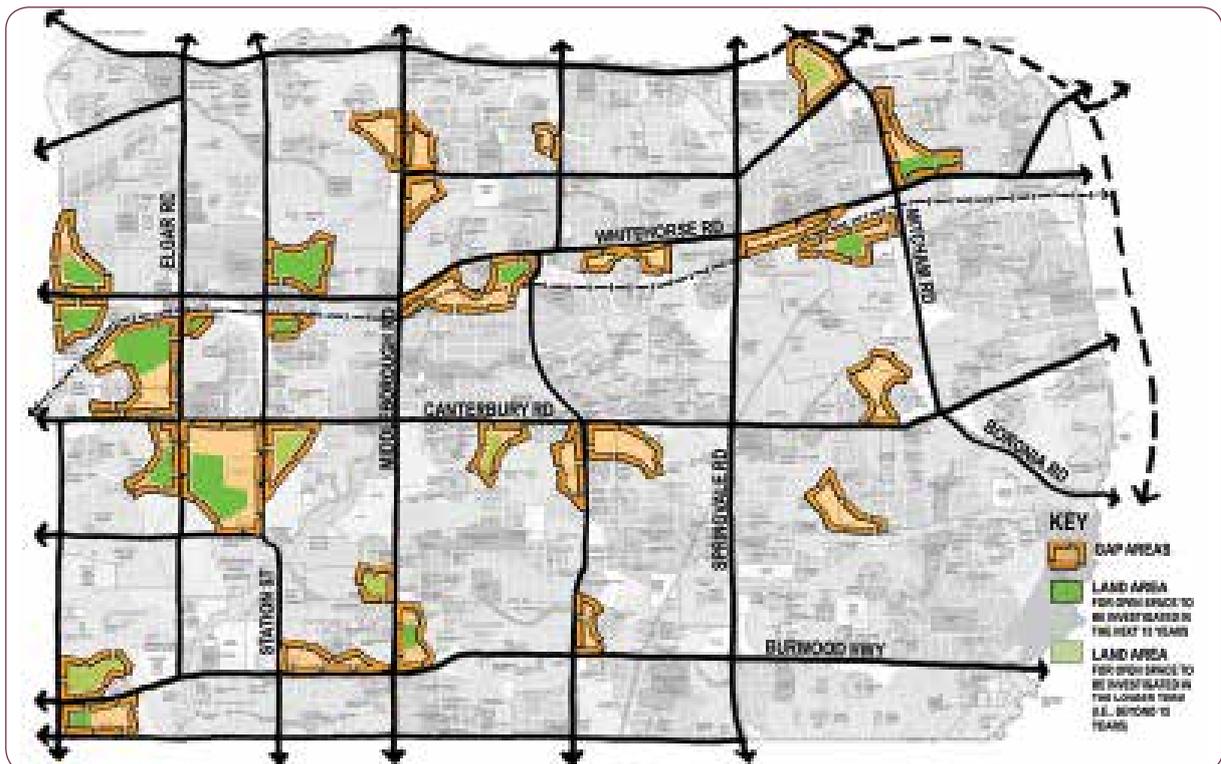
### Lessons to date

Setting up a new land acquisition process can take time but the ability to move quickly once a property is listed for private sale/auction means council is more likely to be successful in acquiring open space 'on-market.'

### FAST FACT: Whitehorse Open Space Strategy (2007)

The act of purchasing land for open space is one of several key recommendations of the Whitehorse Open Space Strategy. The strategy is a robust, comprehensive document that explores the current and future needs of the city and provides clear direction on the actions required for improving open space and purchasing land for open space 'on-market'.

### Whitehorse priority locations for future open space acquisition.



Source: Whitehorse Open Space Strategy, 2007





**OPEN  
SPACE  
SNAPSHOT**

## IMPROVING OR CREATING NEW OPEN SPACE THROUGH DEVELOPMENT CONTRIBUTIONS

### CASE STUDY:

#### Implementing the Hume Open Space Strategy through development contributions

**Municipality:** Hume

**Location:** Land across municipality

A key source of open space funding for councils is the collection of development contributions. In Victoria, there are a number of mechanisms that enable open space contributions to be collected as land, cash or a combination of both, as part of the development process. Existing mechanisms include the *Subdivision Act 1988*, Clause 52.01 of Victoria Planning Provisions and Development Contributions Plans.

These funds and land can be used to make improvements to existing open space or acquire new open space.

Hume City is a vibrant, multicultural community experiencing rapid population growth. It is located on Melbourne's urban-rural fringe, approximately 20km north-west of the CBD. The municipality contains diverse land uses including rural areas, established residential areas and growth areas to accommodate future residential communities.

Hume Council collects open space contributions for both its established areas and its growth areas as part of the subdivision process. This source of land and cash provides important resources for implementing the Hume Open Space Strategy. Completed in 2010, the strategy identifies a number of projects for improving the municipality's open space network.

In finalising the open space strategy, Hume Council recognised the need to provide clear accountability of how contributions were collected and expended. Council developed a specific end-to-end process which provides a rigorous methodology and transparency for open space contributions. The 11-step process begins when an application for subdivision is received and finishes with advice to the Projects and Contract Management Department to start physical works on a project.

Critical to the success of the 11-step process was its development within Council – a partnership that included the statutory planning, open space planning, finance

and capital works departments. Together, these four areas of Council worked together to refine the process, ensuring they understood their respective roles and responsibilities and that appropriate documentation and transparency was incorporated into the process to record contribution amounts and how they are used and/or spent. The roles of these departments within Council are:

*Statutory Planning Department* – manage the subdivision application, correspond with the applicant and assess the application for a subdivision contribution.

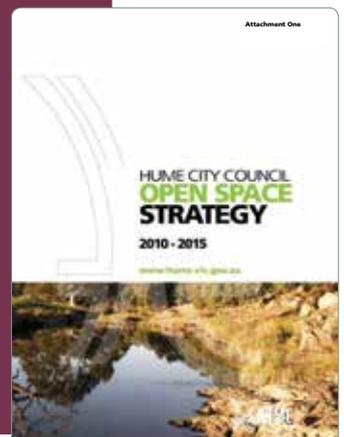
*Open Space Planning Department* – identify projects that need to be implemented in the Hume Open Space Strategy and try to support projects where there is a link between the location of the application and where the funds are spent.

*Finance Department* – receive advice on expected contributions, ensure contributions are kept within a specific trust reserve, and make contributions available to fund improvement projects.

*Projects and Contract Management Department* – undertake and project manage the physical improvement works in open space.

### FAST FACT: Annual Reporting

The four departments collaborate on a report annually to the Council Executive advising on the outcomes of the Open Space Strategy that includes improvements and acquisition/disposal of open space. This report provides a valuable record of the annual open space achievements against the contributions collected. It also details overall progress on the implementation of the Hume Open Space Strategy.





## OPEN SPACE SNAPSHOT



Photo: Moonee Valley Council

# BUYING LAND FROM AN AGENCY OR GOVERNMENT DEPARTMENT FOR NEW OPEN SPACE

## CASE STUDY:

### Former Defence land now major conservation park

**Municipality:** Moonee Valley

**Location:** Afton St, Aberfeldie (Melway:28 A5)

Following years of negotiation, lobbying and an active community campaign, Moonee Valley Council purchased 17 hectares of public open space in West Essendon from the Commonwealth Government in 2003. Formerly Department of Defence land, the site was used for storing, testing and disposing of munitions from the larger Defence site on the opposite side of the Maribyrnong River. The land was identified as surplus to Defence needs and initially identified for residential development. However, after a three-year campaign, the land was sold to Council for \$900,000.

The Afton Street Conservation Park is located approximately 6km from Melbourne's CBD, and is bounded by the Maribyrnong River to the west, a vegetated escarpment to the north and a small creek to the east. Land adjoining the park is predominately residential. It has had a variable history including sand quarrying, sheep grazing, bee keeping and Defence-related activities. Stone artefacts found on the site are evidence of prior occupation by the Wurundjeri Aboriginal People, a clan of the Woiwurrong.

Soon after the transfer of the land, Council started a long-term planning process, including the development of a master plan to guide future actions. Developed over two years, the master plan recognises the site could potentially support up to 64 indigenous plant species with regional or local significance and a range of indigenous fauna including the Striped Legless Lizard and the Ring Tailed Possum. The master plan proposed a series of actions to attract and 'hold' indigenous wildlife through habitat protection and extensive revegetation.

Some of the first tasks included extensive revegetation, installing walking paths around the site and a new car park. Major efforts have been made to progressively remove Box Thorn and replace it with native vegetation in a staged process to ensure small birds have a continuous habitat.

The development of a wetlands at the park in 2010 was a significant achievement. It was designed to help protect and improve the water quality of the Maribyrnong River. The wetlands harvest stormwater from the Hoffman Main Drain and support biodiversity by providing a better environment for plants and animals. It will eventually provide a sustainable water supply to three neighbouring parks – Aberfeldie Park, Clifton Street Park and Maribyrnong Park – with recycled water piped directly to these parks and used to irrigate sports fields.

### FAST FACT: Expecting The Unexpected

Even after completing the master planning process, the detailed design component of open space development can be challenging. For the establishment of the new wetlands, the discovery of a large sewer pipe on the site meant the wetlands could only be half the size of that originally envisaged.

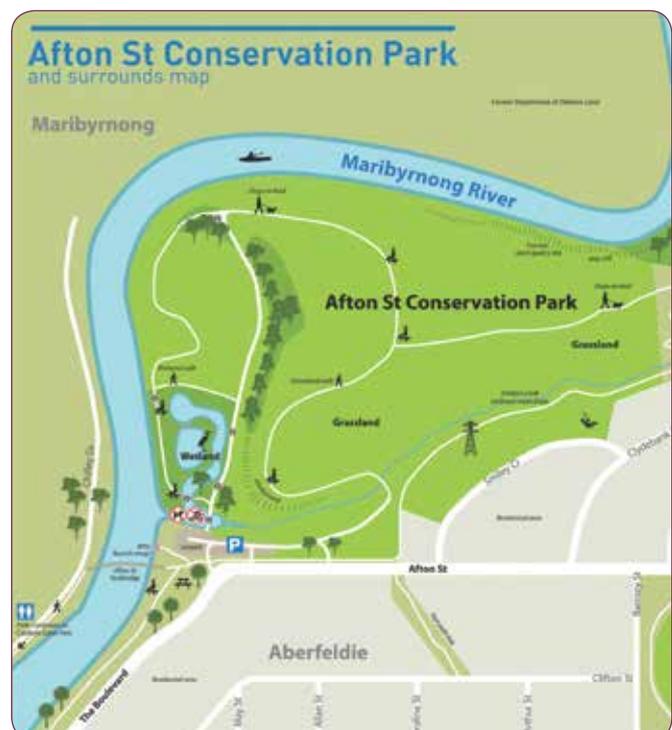


Image: Moonee Valley Council