

## **STONNINGTON PLANNING SCHEME**

### **AMENDMENT C186**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Stonnington City Council who is the planning authority for this amendment.

The amendment has been made at the request of the planning authority.

#### **Land affected by the amendment**

The amendment applies to the whole municipality of the City of Stonnington and will apply to all non-exempt residential, mixed use, commercial and industrial subdivisions within the City.

#### **What the amendment does**

The amendment increases the public open space contribution rates that currently apply to subdivisions.

The amendment:

- Replaces the Schedule to Clause 52.01 Public Open Space Contribution and Subdivision with a new Schedule that specifies a rate of an 8% levy on all non-exempt subdivisions for South Yarra, Windsor, Prahran and Armadale. For all other suburbs a levy of 5% will apply.
- Amends Clause 21.07 (Open Space and Environment) to:
  - Seek contributions from new developers, at the time of subdivision, towards open space improvements in the locality and region in line with the rate specified in the schedule to Clause 52.01 (Public Open Space Contributions and Subdivision) Insert an implementation action to consider acquisition strategies when deciding on an application to develop or subdivide land; and
  - Amend future strategic work action to include the implementation of a strategy for public open space contributions.
- Amends Clause 21.09 (List of Reference documents) to insert a new reference document titled 'Assessment of Mandatory Open Space contributions, SGS Economics & Planning, January 2014.'

#### **Strategic assessment of the amendment**

- **Why is the amendment required?**

Stonnington has the second lowest amount of open space at 6.7% (20m<sup>2</sup> per person) of any Victorian Municipality with Glen Eira (13m<sup>2</sup>) having the lowest. Other adjoining municipalities have rates of 34m<sup>2</sup> (Yarra), 41m<sup>2</sup> (Boroondara), 55m<sup>2</sup> (Port Phillip), and 99m<sup>2</sup> (Melbourne). The provision of open space varies across Stonnington, ranging from 5.33m<sup>2</sup> per person in Windsor to 29.01m<sup>2</sup> per person in Malvern East.

Stonnington's population is increasing and the amount of open space per person is consequently eroding. Council's forecasts (by id consultants) are that the population in Stonnington is expected to increase from 99,115 in 2011 to 121,984 in 2031, an increase of 22,869 people. This is a greater increase than anticipated by Victoria in Future 2012 (VIF12)

and reflects the amount of development interest in the municipality. The majority of development (71%) is expected to locate in the western end of the City in the suburbs of South Yarra, Prahran and Windsor, all of which have low current ratios of open space provision.

The existing Stonnington Planning Scheme at Clause 52.01 uses a sliding scale approach, which requires subdivision proponents to contribute a percentage of land or cash value of land (or a combination) for open space provision or improvement in the municipality, the percentage increasing by the size of subdivision from 0% (for 2 lots) to 5% (for 6 lots or more).

In 2010 Council adopted its Public Realm Strategy which provides a strategic basis for the planning of and the decision making for the design and management of public spaces. The Strategy identifies opportunities for improved public access to Stonnington's parks and public realm. It identifies areas and types of open space deficiency in various parts of the municipality and an implementation plan by suburb. In 2009 Council adopted a Pavilion Redevelopment Strategy which identifies a program of improvements to pavilions in the City. In 2013 Council adopted Strategies for Creating Open Space which anticipates a program of additional open space acquisition by suburb. Structure Plans prepared for some of Council's larger activity centres identify open space opportunities, in particular for the Prahran / South Yarra Activity Centre and Toorak Village.

In 2013, Council commissioned SGS Economics & Planning to investigate whether there is strategic justification to vary the provisions in the Planning Scheme with respect to mandatory open space contributions that are enabled by Clause 52.01, based on the projected future growth in the City for the next 20 years. The report focused on:

- The level and type of development that is expected to occur in the municipality in the next 20 years;
- The nature of open space need and works required to support the development as shown in policies, strategies and structure plans;
- The adequacy of Council's existing open space contribution model to deliver the 'open space task'; and
- An assessment of proposed alternative models.

In July 2013, SGS prepared the report 'Assessment of Mandatory Open Space contributions, SGS Economics & Planning, July 2013' which is the main supporting document for this amendment. The SGS report found that the City of Stonnington is justified in updating the Schedule to Clause 52.01 of the Stonnington Planning Scheme on the grounds that:

- The sliding scale approach that is currently used is not equitable in that need and demand should be the basis for the levy as opposed to size of development operation that is delivering the need and demand.
- Council has identified a significant 20 year open space delivery and improvement program based on adopted policies and strategies for which the existing levy schedule will deliver an insufficient sum of open space income.
- A significant part of the works program is based on acquiring new sites for open space focusing on the western portion of the municipality, where needs are growing strongly as a result of urban intensification.
- Council has sufficient policy and works information to justify lifting the rate under Clause 52.01.
- On favourable assumptions, a flat rate of 8% in the Chapel reVision area could generate close to full cost recovery for acquisitions and works in this part of the municipality. For the balance of Stonnington, even a rate of 8% would deliver less than half of projected costs.
- Based on established municipality benchmarks, 8% is probably at the upper end of what is achievable in terms of amending Clause 52.01.

The SGS report recommends seeking a flat 8% levy rate applicable to all non-exempt subdivisions across the City.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment seeks to implement the following objectives set out at Section 4 of the *Planning and Environment Act 1987*:

- (a) to provide for the fair, orderly, economic and sustainable use and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to balance the present and future interests of all Victorians.

The amendment seeks to implement these objectives by:

- Providing a formal and equitable method to collect contributions for open space based on increased demands;
- Providing certainty as to required open space contributions; and
- Aiding the provision of public open spaces and a pleasant and efficient recreational environment for residents to meet existing and future needs.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

#### Environmental Effects

The amendment is expected to have positive environmental effects. The amendment will assist in the provision of new public open spaces and an improved urban landscape in the City, consistent with provisions of the *Subdivision Act 1988* and the aspirations of the adopted Public Realm Strategy, Structure Plans and other adopted documents and capital works programs. The benefits also include providing for additional tree planting and water sensitive urban design measures which will result in additional areas of permeable space to assist in stormwater treatment. The amendment will also assist in the upgrade of existing open spaces, including vegetation restoration within the creek corridors, leading to an improved biodiversity outcome for the municipality.

#### Social and Economic Effects

The amendment is expected to generate positive social and economic effects for Stonnington.

The amendment will provide certainty for both developers and Council in relation to the percentage contribution rate that will be required for all non-exempt residential, commercial and industrial subdivisions in the City. This will assist proponents to appropriately cost and budget for developments, and assist Council in funding the open space projects identified in the Public Realm Strategy, Structure Plans and other related documents.

The amendment will generate social benefits to the community. Enhancing open space within the municipality will contribute to providing places for social interaction, recreation, sport, activity and relaxation that contribute towards physical and mental health. In addition, creating new and improved open space and civic space will contribute to making Stonnington a more attractive place to invest, live, work and visit.

- **Does the amendment address relevant bushfire risk?**

The amendment does not affect any areas of identified bushfire risks and as such has no implications.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is affected by the following Minister's Directions under section 12 of the *Planning and Environment Act 1987*.

Ministerial Direction No. 9 – Metropolitan Strategy

Direction 9 requires that planning scheme amendments must have regard to the Metropolitan Strategy (Melbourne 2030). The Amendment is consistent with the directions and policies of the Strategy as discussed below.

*Direction 1 – A more compact city*

Direction 1 seeks to build up activity centres as a focus for high-quality development and to locate a substantial proportion of new housing in or close to activity centres that offer good access to services and transport.

With the anticipated population growth identified in Melbourne 2030, well-managed open space will become increasingly important to support Stonnington's growing population, particularly within the higher density activity centres of Prahran / South Yarra and Toorak Village.

*Direction 5 – A great place to be*

Direction 5 encourages reduced car dependence and integration of housing, workplaces, shopping and recreation services to provide a mix of uses and level of activity that attracts people and creates a safe environment.

The amendment supports this direction by enabling an improvement in the quality and distribution of local and regional open space. Aligning the mandatory open space contribution to needs identified in the Public Realm Strategy and Structure Plan's will enable gaps in the network of metropolitan open space to be addressed by creating new parks and protecting open space corridors.

*Direction 7 - A greener city*

Direction 7 seeks to ensure that natural resources are managed in a sustainable way, and that native habitats and areas of biodiversity are protected through land use planning.

The amendment will assist with the implementation of projects to protect native habitat and areas of important biodiversity through ensuring sufficient funds are available to implement projects of this nature.

*Direction 9 – Better planning decisions, careful management*

Direction 9 seeks to achieve better planning decisions through a more effective and efficient planning process.

The amendment assists in achieving this directive by aligning the methodology for all suburbs in the mandatory public open space contribution percentage for all non-exempt subdivisions in the schedule to Clause 52.01. The revisions of the schedule will strengthen the control and ensure consistency in its application and decision making across the municipality.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

## Clause 11 – Settlement

Strategies relevant to this amendment include:

- Ensure that land is set aside and developed in residential areas for local recreational use,
- Improve the quality and distribution of open space and ensure long-term protection, and
- Provide new parkland in areas that have an undersupply of parkland.

The amendment will assist in the creation of an integrated network of public open space as adequate funds will be available to Council to implement projects.

## Clause 12 – Environmental and Landscape Values

Objectives and strategies in Clause 12 aim to protect the health of ecological systems and the biodiversity they support. In particular Clause 12.01-1– ‘*Protection of Habitat*’ has as its objective ‘to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals’.

The amendment will assist in the implementation of projects aimed to protect existing open space, where native vegetation can be retained and habitats protected.

## Clause 15 – Built Environment and Heritage

In the development of new residential areas and in the redevelopment of existing areas, 15.01-3 ‘Neighbourhood and subdivision design’ sets out to ensure subdivisions are designed to create liveable and sustainable communities. A strategy to achieve this is by ‘creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible’.

The amendment is considered to implement this objective as it will assist in the creation of a higher quality, more functional and healthy urban environment by ensuring that proponents of subdivisions contribute to the open space network in the municipality through an open space contribution in accordance with the schedule to Clause 52.01 and consistent with demand from increase levels of population identified in the Public Realm Strategy, Structure Plans and other relevant adopted documents.

### **• How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment replaces the existing MSS Clause 21.07 Open Space and Environment by introducing a revised Clause 21.07 which provides the local implementation of the State Planning Policy Framework (SPPF).

Clause 21.07 Open Space and Environment has the following policy positions relevant to public open space:

Key Issues:

- Acknowledging the City’s low ratio of public open space across the City.
- Addressing the gaps and variations in distribution and quality of open space across the City.
- Addressing the additional demand on the public realm arising from increases in population, higher housing densities and the consequent reduction in public and private open space.
- Acknowledging the increased cost of property acquisition and the reduced affordability of providing additional green open space.
- Considering more creative and lateral means to supply quality open space experiences in the community.
- Managing the impact of private development in and beside public open space on the perceived and actual accessibility, usability and safety of the public open space.

Specific implementation strategies in relation to open space include:

- When deciding on an application to develop or subdivide land, considering, as appropriate:  
The requirements of the Schedule to Clause 52.01(Public Open Space Contribution and Subdivision) and (as part of this consideration) whether to seek a contribution of land for public open space as part of a major new development where the responsible authority has identified a need for additional open space in the locality, by reference to the findings and recommendations of the *Public Realm Strategy 2010*, or any adopted structure plan, master plan, urban design framework or acquisition strategy.
- When deciding on an application to use or develop land adjoining a public open space, considering, as appropriate, the impact of the proposal on the public use, accessibility usability and safety of the public open space.

Council's Public Realm Strategy 2010 and the current Structure Plans are included in the Clause 21.09 Reference documents in the MSS. As part of this amendment, it is proposed to add the following document to the list of reference documents:

- "Assessment of Mandatory Open Space contributions, SGS Economics & Planning, January 2014."

The amendment will assist in the implementation of these policy positions by making provision for increased levies on subdivision in areas of greatest need for open space improvements in accordance with the recommendations of key policy documents and plans referenced in the Planning Scheme.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The schedule to Clause 52.01 has been specifically provided in the VPP's to allow Councils to establish open space contribution rates appropriate for their local circumstances. As such, the amendment is considered to make proper use of the VPP's and ensures consistency and currency in the calculation methodology across the municipality.

- **How does the amendment address the views of any relevant agency?**

The amendment will be placed on public exhibition and will be referred to relevant agencies for consideration.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The transport system objectives, as set out in Part 2, Division 2 and the decision making principles, as set out in Division 3 of the TIA have been considered as part of this amendment. The TIA objectives are not considered applicable to the amendment.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not affect the resource and administrative costs of the responsible authority. Council already uses the Schedule to Clause 52.01 which specifies the open space contribution rates from subdivision, which is not open to appeal by planning permit applicants. The amendment will vary the rates. The inclusion of the new reference document will ensure that the contributions are allocated to the areas of greatest need.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Stonnington City Council  
Prahran Town Hall  
Planning Counter  
Corner of Greville and Chapel Streets  
Prahran 3181

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning and Local Infrastructure website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).