

Public Open Space Acquisition and Improvement Policy

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Document Compliance

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

Greater Dandenong City Council Policies comply with the Victorian Charter of Human Rights and Responsibilities, the *Gender Equality Act 2020*, the *Climate Change Act 2017*, the Child Safe Standards contained in the *Child Wellbeing and Safety Act 2005*, (Amended) the *Privacy and Data Protection Act 2014* and the Overarching Governance Principles specified in 9(2) of the *Local Government Act 2020*.

Acknowledgment of Country

Greater Dandenong City Council acknowledges the Traditional Custodians of this land, the Bunurong People and pays respect to their Elders past and present. We recognise and respect their continuing connections to climate, Culture, Country and waters.

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1. POLICY OBJECTIVE

This Policy outlines a framework to implement the *Greater Dandenong Open Space Strategy 2020-2030* (Strategy) and the *Greater Dandenong Open Space Contributions Plan* (Plan) to achieve a high-quality, accessible and sustainable open space network for the enjoyment of the Greater Dandenong community.

In alignment with the Strategy and Plan this Policy seeks to:

- Ensure Council complies with the *Subdivision Act 1988*;
- Provide guidance on the acquisition and improvement of a comprehensive open space network;
- Achieve an appropriate balance between the acquisition of land for new public open space and the improvement of existing public open space; and
- Ensure the operation of the Open Space Reserves Fund is transparent and complies with agreed Council processes.

2. BACKGROUND

It is recognised that Council provides significant investment into the existing open space network as guided by the *Greater Dandenong Open Space Strategy 2020-2030* (Strategy) criterion for the quality of public parks and overall reserve network.

Council's Strategy sets out Council's long-term plan to provide a high-quality, accessible and sustainable open space network for the enjoyment of the Greater Dandenong community. Any improvements proposed are indicative and subject to the Open Space Framework, Action and Monitoring Plan, Guiding Criteria, *Open Space Improvements Five Year Plan* and available funding.

The Strategy recognises that priority is to be given to areas of identified need for the existing population and/or areas forecast to accommodate high population growth. These areas are identified as 'Priority Areas'.

The *Subdivision Act 1988* and *Planning and Environment Act 1987* enable Council to collect public open space contributions for the acquisition or capital improvement of public open space land. These contributions are collected through the *Greater Dandenong Planning Scheme – Clause 53.01*.

3. SCOPE

This Policy applies to all public open space and/or potential public open space land related activities such that it will guide Council and Council Officers in considering:

- Suitability of Council owned land for conversion to public open space.
- Purchase of land for public open space.
- Public Open Space land selection requirements.

- Capital improvements to existing public open space.
- Operational management of the Open Space Reserve Fund

4. DEFINITIONS (OPTIONAL)

Public Open Space - Public land and waters that provide for one or more of these purposes:

- outdoor recreation
- leisure
- environmental and cultural benefits
- visual amenity, and
- off-road active transport.

Traditional types of open space include parks and gardens, playgrounds, sports fields and recreational facilities. Non-traditional open space includes urban and civic spaces, schools and tertiary institutions, cemeteries, streets, paths, railway corridors and tree reserves. All such facilities form part of the open space network.

Greater Dandenong Open Space Strategy 2020-2030 - The Strategy provides direction on how Council will improve the open space network for the benefit of the entire community.

Greater Dandenong Public Open Space Contributions Plan - The Plan is a Reference Document to the *Greater Dandenong Planning Scheme* which provides the methodology and process to calculate the current open space contribution rate in the municipality.

Public Open Space Contributions – Contributions collected through ‘Clause 53.01 - Public Open Space Contribution and Subdivision’ of the *Greater Dandenong Planning Scheme* to be used for the acquisition of new public open space and improvements to existing public open space.

Open Space Reserves – The Open Space Reserves are the financial accounts containing the contribution funds collected through the *Greater Dandenong Planning Scheme - Clause 53.01*.

Open Space Improvements Five Year Plan – The Five-Year Plan sets out the improvement works that will be undertaken in existing public open space areas from 2026/27 to 2030/31 (inclusive).

5. POLICY

Council will seek to achieve an appropriate balance between the acquisition of land for new public open space and the improvement of existing public open space, as well as achieving an equitable distribution of acquisitions and improvements across the municipality, with a focus on Priority Areas as set out in the Strategy.

Council will consider the criteria outlined at Appendix 1, 2 and 3 regarding the acquisition or improvement of public open space and/or potential public open space land, and the management of the Open Space Reserves.

Council will ensure that Public Open Space projects are linked to asset management principles, asset management policy and asset management planning, including the *Open Space Improvements Five Year Plan* for optimal lifecycle planning and management.

Council will ensure that all areas of Council give due consideration to the principles which underpin the Strategy when undertaking their normal business.

5.1 OPEN SPACE ACQUISITION

Council will endeavour to expand the open space network on an annual basis by investigating a minimum of six (6) opportunities to purchase appropriate parcels of land for the purpose of public open space each year.

Council will prepare an assessment of each potential public open space acquisition and should consider:

- If the proposed land is on the market;
- The Land Selection Criteria (Appendix 1);
- If the land can be developed and maintained within Council's resources; and
- The requirements of the *Subdivision Act 1988* and the *Greater Dandenong Planning Scheme*.

Where Council requests a land contribution and the developer offers an open space parcel or link that does not meet the minimum land area criteria, Council can:

- Request or negotiate a larger land area as part of the project approval where the minimum contribution rate applies;
- Request or negotiate a combination of land and cash contributions; or
- Add to the developer's land to create a viable open space parcel or link.

5.2 OPEN SPACE IMPROVEMENTS

Council will endeavour to improve the quality of the existing open space network on an annual basis.

Council will:

- Implement the requirements of the *Open Space Improvements Five Year Plan*, giving due consideration to the *Greater Dandenong Planning Scheme* and the Strategy, including the Open Space Improvements Criteria (Appendix 2).
- Develop a concept/sketch plan for all land for public open space improvement purposes.
- Utilise the Open Space - Planning, Development and Improvements reserve to fund the *Open Space Improvements Five Year Plan*.

- Ensure each Public Open Space improvement project budget reflects the requirements of the *Subdivision Act 1988*.

5.3 OPEN SPACE RESERVES OPERATION

All proceeds from the Greater Dandenong Open Space Contributions Plan are required to be used in accordance with the *Subdivision Act 1988* and *Planning Environment Act 1987* and must be allocated to the Council's Open Space Reserves.

In order to comply with the *Subdivision Act 1988*, Council cannot use Open Space Contribution funds on maintenance or capital expenditure that is not directly related to the improvement or acquisition of public open space (Appendix 3).

It is policy that Open Space Contribution funds held in the Open Space Reserves should be used only in accordance with this Policy.

Distribution of Open Space Reserves

All cash contributions collected through the *Greater Dandenong Planning Scheme – Clause 53.01* as designated by the *Subdivision Act 1988* (except for contributions collected under a specific Development Contributions Plan), are held in Council's statutory *Open Space Reserves*:

- Open Space – Planning, Development and Improvements reserve
- Open Space – Acquisitions reserve

Management of Open Space Reserves

- All cash contributions are applied to the Open Space - Planning, Development and Improvements reserve.
- The Open Space – Acquisitions reserve is to have a balance of \$6 million at the start of the 2026/27 financial year.
- All land acquisitions and associated costs (e.g. demolition, site reinstatement, legal and/or other purchasing costs) are to be funded from the Open Space – Acquisitions reserve.
- The Open Space - Planning, Development and Improvements reserve is to allocate \$3 million per financial year for five years, commencing in 2026/27, to implement the Open Space Improvements Five Year Plan.
- The balance of cash contributions in the Open Space – Planning, Development and Improvements reserve can be utilised for either the acquisition of new public open space, or to improve existing public open space, as determined on a case-by-case basis.

6. RESPONSIBILITIES

Councillors – Responsible for determining sites for acquisition, and for adoption of *Open Space Improvements Five Year Plan*

Executive Team – Responsible for overseeing the identification of potential acquisitions for new areas of open space, and the development and implementation of *Open Space Improvements Five Year Plan*

Strategic & Environmental Planning officers – Responsible for the identification of potential acquisitions for new areas of open space, and the development and implementation of *Open Space Improvements Five Year Plan*.

Project Management officers – Responsible for the implementation of the *Open Space Improvements Five Year Plan*.

Financial Services officers - Responsible for ensuring \$3 million is set aside in the Open Space – Planning, Development and Improvements reserve each financial year to implement the *Open Space Improvements Five Year Plan*.

Asset Management officers – Responsible for ensuring the projects in the *Open Space Improvements Five Year Plan* are included in Council's Asset Management Plan.

Other Council officers – Responsible for supporting the identification of potential acquisitions for new areas of open space, and development and implementation of *Open Space Improvements Five Year Plan*.

7. REPORTING, MONITORING AND REVIEW

Reporting	Officers will advise the Executive Team if the <i>Open Space Improvements Five Year Plan</i> timeframes are not being met. Officers will advise Councillors of the outcome of any proposed acquisitions of land for new public open space.
Monitoring	An internal desktop review will be undertaken at the end of each financial year to monitor progress against the <i>Open Space Improvements Five Year Plan</i> and the number of sites considered for acquisition.
Review	The Policy will be reviewed every four (4) years by the Strategic & Environmental Planning department.
Stakeholder Engagement	Governance Legal and Risk, Executive Management Team, Financial Services, Asset Management, Project Managers

8. REFERENCES AND RELATED DOCUMENTS

References

- Greater Dandenong Open Space Strategy 2020-2030
- Open Space Contributions Plan
- Greater Dandenong Asset Management Policy
- Open Space Improvements Five Year Plan

Related Documents

- Asset Management Strategy
- Greater Dandenong Climate Emergency Strategy
- Our Bright Green Future Strategy (draft)
- Make Your Move Greater Dandenong Physical Activity Strategy
- Community Wellbeing Plan
- Community Engagement Policy
- Community Engagement Framework
- Public Transparency Policy
- Council Plan
- Sustainability Strategy
- Greening our City Strategy
- Playground Strategy
- Community Safety Plan
- Diversity, Access and Equality Policy

Legislation

[Charter of Human Rights and Responsibilities Act 2006](#)

[Gender Equality Act 2020](#)

[Climate Change Act 2017](#)

[Child Wellbeing and Safety Act 2005 \(Amended\)](#)

[Freedom of Information Act 1982](#)

[Local Government Act 2020.](#)

[Privacy and Data Protection Act 2014](#)

[Public Records Act 1973](#)

[PLANNING AND ENVIRONMENT ACT 1987](#)

[SUBDIVISION ACT 1988](#)

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- [Greater Dandenong Website – Sustainability, Climate and Energy](#)

Administrative Updates

It is recognised that from time to time, circumstance may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change

to the name of a Council department, the change to an existing policy or document referred to in this policy and minor updates to legislation and the like which does not have a material impact. All changes or updates which materially alter this policy must be by resolution of Council.

Date	Update

Appendix 1 - Land Selection Criteria

PLACE – HIGH QUALITY PARKS, RESERVES AND CONNECTIONS

Needs and Demand

- The site should be within a Priority Area (Gaps in residential zones or higher open space needs area) as identified in the needs Suburb Analysis of the Strategy.
- Priority should be given to address Priority Areas (physical gaps in residential zones) that are greater than 2,000sqm.
- Priority should be given to acquiring land in suburbs with the least percentage of total open space.

Land Quality

- The site should be suitable for the intended purpose, giving consideration to the gradient of the site and flooding to minimise development and maintenance costs and ensure long term flexibility in the use of public open space.
- The site should be free from inherent issues such as contamination or weed infestation.

Connectivity

- The site should be located on or near identified active transport (pedestrian and cycle) networks and offer potential to link to the wider open space network including forming open space linkages.

Shape

- Land should be of regular shape to allow flexibility for useable open space. Preferably the land would be square or a wide shallow rectangular shape. Alternatively, land that has the capacity to function as a linkage or access corridors in the Open Space network must be a minimum width of 10 metres.

Size

- The size of the site will determine categorisation in the open space hierarchy and should meaningfully contribute to the broader open space network or contribute to the assembly of a parcel of land. The site must be a minimum land area of 500m²; preferably 750m² and minimum width of 20m. Connectivity linkages or access corridors have no minimum land area but must have a minimum width of 10m.

Adjoining Land Use (compatibility)

- The adjoining land has a positive influence contributing to the recreational, ecological, social and cultural value of the open space, without private appropriation of public open space or excessive traffic, noise, light spill or overshadowing.

Constraints

- The site should not be constrained by contaminated land restrictions, property easements, drainage lines, overhead structures, etc.
- The site 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.

Ongoing Maintenance and Management

- Council can adequately resource the ongoing management and maintenance of the land.

PEOPLE - OPEN SPACE FOR ALL

Accessibility

- The location and design of the public open space should provide for people of all abilities.
- The site should provide an entrance from a public roadway.

Amenity

- Visual and passive amenity values relate to the influence open space has on the liveability of neighbourhoods, providing visual relief from built form, the break open space provides from noise levels associated with traffic and other urban land use activities and adequate levels of sunlight (a minimum of 3 hours of direct sunlight between 9am and 3pm during mid-winter and at least 5 hours of direct sunlight between 9am and 3pm on September 22).

Equity

- The Greater Dandenong community should have reasonable access to public open space.
- The site should contribute to the broader open space network to ensure the provision of public open space meets the objectives and standards of the Greater Dandenong Planning Scheme.

Physical Activity

- The potential for the site to accommodate a range of organised, unstructured and informal recreational physical activities.

OPPORTUNITY – A GREENER CITY

Visibility

- The site should have potential to provide a high degree of casual surveillance and passive security.
- Corner sites or sites with substantial road frontage are preferred to ensure good access and community surveillance
- The site should have the ability to provide public open space which is consistent with Crime Prevention Through Environmental Design (CPTED) principles.

Character – Landscape & Cultural Heritage

- Its contribution to the character and attractiveness of the neighbourhood.
- Indigenous and non-Indigenous values that could be enhanced and protected in the open space including natural features such as large canopy trees.
- These values will also influence the future use and design of the open space.

Ecological

- The site has existing biodiversity values or potential to contribute to improving/creating future habitat/wildlife corridors.

Appendix 2 Open Space Improvements Criteria

PLACE – HIGH QUALITY PARKS, RESERVES AND CONNECTIONS

Land Use

- What is the existing and potential residential density of the surrounding area?
- Is the current open space conveniently located to services and existing or future users?

Quality

- The potential of the open space to be upgraded for existing and future needs of the community
- The extent and condition of existing facilities, vegetation and habitat.
- The extent to which the open space meets the Park Development Standards (Appendix B of Greater Dandenong Open Space Strategy 2020-2030) as appropriate to the identified hierarchy and typology.

PEOPLE - OPEN SPACE FOR ALL

Identified Need

- Is the area within a walkable distance to existing open space?

Typology Need

- The extent to which the open space has the capacity to be multi-use and support a range of passive and active recreational activities for people of all abilities.
- Is there a variety of different open space types within the area?

OPPORTUNITY – A GREENER CITY

Amenity Benefits

- What other benefits could be achieved through improvements as identified in other Council plans and strategies?

Sustainability

- The extent to which improvements could contribute to sustainable land management outcomes, including mitigating the impact of climate change on the open space.

Appendix 3 Expenditure of Open Space Reserves

Contribution funds must be used in accordance with the *Subdivision Act 1988*.

These contributions can be expended on capital works as shown in the table below:

<ul style="list-style-type: none"> • Civic and urban open space areas & public meeting places 	<ul style="list-style-type: none"> • Drains & irrigation (parks & sportsgrounds) 	<ul style="list-style-type: none"> • Fencing & retaining walls (e.g. parks, sportsgrounds)
<ul style="list-style-type: none"> • Footpaths (in parks, bike trails & shared paths in parks) 	<ul style="list-style-type: none"> • Lighting (parks, civic spaces, sportsgrounds) 	<ul style="list-style-type: none"> • Outdoor furniture, BBQs, drinking fountains (parks & sportsgrounds)
<ul style="list-style-type: none"> • Trees (e.g. parks, bushland reserves, sportsgrounds) 	<ul style="list-style-type: none"> • Playgrounds & play structures (in parks, reserves & sportsgrounds) 	<ul style="list-style-type: none"> • Public toilets (e.g. parks, sportsgrounds)
<ul style="list-style-type: none"> • Water tanks at parks & sportsgrounds 	<ul style="list-style-type: none"> • Sporting structures in parks & reserves (e.g. cricket wickets/pitches, skate parks) 	<ul style="list-style-type: none"> • Sportsgrounds (e.g. tennis courts surfaces, sportsground refurbishments, warm season grasses)
<ul style="list-style-type: none"> • Picnic shelters 	<ul style="list-style-type: none"> • Community gardens 	<ul style="list-style-type: none"> • Wetlands
<ul style="list-style-type: none"> • Informal recreation infrastructure 		

These contributions cannot be expended on maintenance and priority projects as shown in the table below:

<ul style="list-style-type: none"> • Bridges 	<ul style="list-style-type: none"> • Carparks 	<ul style="list-style-type: none"> • Council buildings, including sporting buildings/pavilions /change rooms/ coaches boxes)
<ul style="list-style-type: none"> • Drains (not in parks/sportsgrounds) 	<ul style="list-style-type: none"> • Equipment 	<ul style="list-style-type: none"> • Fencing (all other areas)
<ul style="list-style-type: none"> • Footpaths in streets 	<ul style="list-style-type: none"> • Groundskeeper accommodation 	<ul style="list-style-type: none"> • Information technology
<ul style="list-style-type: none"> • Leisure and recreation centres 	<ul style="list-style-type: none"> • Library resources 	<ul style="list-style-type: none"> • Lighting (e.g. carparks, road reserves, all other areas)
<ul style="list-style-type: none"> • Office furniture 	<ul style="list-style-type: none"> • Playgrounds (e.g. located in child-care centres, kindergartens, non-Council owned land) 	<ul style="list-style-type: none"> • Public toilets (e.g. located in shopping centres, other areas)
<ul style="list-style-type: none"> • Road safety / transport strategy 	<ul style="list-style-type: none"> • Roads 	<ul style="list-style-type: none"> • Sheds or stores in parks / sportsgrounds
<ul style="list-style-type: none"> • Signs 	<ul style="list-style-type: none"> • Street trees 	<ul style="list-style-type: none"> • Streetscapes
<ul style="list-style-type: none"> • Traffic management devices 	<ul style="list-style-type: none"> • Retarding Basins 	<ul style="list-style-type: none"> • Public art