

## **DRAFT POLICY – PRESERVATION OF PUBLIC RESERVES**

### **Objectives**

Council acknowledges that whilst there are strong considerations (i.e community expectations towards the use of reserved land) which underlines the protection of crown reserves particularly those created under section 20A of the Town Planning and Development Act, there are sometimes very good reasons to consider alternative proposals for public reserves that may provide a benefit to the community.

With this in mind this Policy has the following objectives:

1. To recognise that public reserves should be provided and maintained to a standard that makes them safe, practical and convenient for community use.
2. To ensure that due consideration is given to the current and future needs of the community when alternative proposals for public reserves are received.

### **Application of Policy**

The policy applies to all reserves within the City with the exception of Road Reserves and Pedestrian Access Ways.

### **Related Documentation**

This policy should be read in conjunction with Part 2 (“Reserves”) of District Planning Scheme No.2 (“The Scheme”).

### **Policy Statement**

#### **1. Conditions of Proposal**

- (a) The City will consider favourably, proposals that incorporate measures to upgrade and improve a reserve provided it is used for the purpose for which the land is reserved under the scheme.

Any proposal that will involve the change of use, or the excision of a portion of reserve land for the purpose of an alternative use will generally be considered unfavorably unless it can be demonstrated that the proposal will provide a significant benefit to the community and/or enhance the amenity of the area. Such benefits are to be fully documented by the proponent.

- (b) A proposal that has the support of the community will be considered more favourably.

#### **2. Assessment Strategy**

Where the City is considering a proposal affecting a reserve the following assessment will be undertaken:

(a) Design Assessment

Design Assessment shall be undertaken to determine the importance of the reserve to the surrounding area and determine if the proposed change to the reserve is beneficial or detrimental to the community. Factors to be considered include:

- (i) Impact of Closure of a reserve – Consideration must be given to the existing use, and any implications that result from its closure. This may include the following factors:
- The size and usefulness of the reserve: Consideration of the function of the reserve, particularly whether or not it provides passive and/or active recreation. The size of the reserve may be an important factor when considering if the reserve performs its function effectively.
  - Location of the reserve relative to other community facilities: The proximity of other public open space and pedestrian access to these facilities and whether or not the removal of reserved land is going to have an impact on nearby community facilities. Particular consideration needs to be given to the community's access to privileges enjoyed by the reserve and whether or not there is sufficient public open space in the surrounding area to cater for the community's needs.
  - Future development of the area: Consideration needs to be given to the future development of the area that may result in the need for public open space and/or community facilities (i.e residential infill development).
- (ii) Impact of Proposed use – Consideration must be given to the type of land use proposed and the implications it may have on community enjoyment of that land. This may include the following factors:
- Community Uses: Consideration must be given to any community uses proposed for the site and if the benefit serves the entire community or a limited group of members.
  - Suitability of the land use proposed: Consideration needs to be given to the type of land use proposed and whether or not it is compatible with existing land uses in the area.
- (iii) In particular circumstances where the excision of a portion of reserve is proposed the following factors should be considered:
- Nature of the use proposed. Consideration should be given to the nature of the use proposed and its impact on the function of the reserve. For example where there is no alternative and an easement is not suitable, the excision of a minor area from a

recreation reserve for a public utility such as a Western Power padmount site may be considered favourable. However the impact of its location on the function of the park needs to be considered and every effort made to reduce any impact that may evolve.

- Consideration of incidental uses (ie clubrooms). Clubrooms are compatible with Crown created reserves as power to lease can be negotiated with the individual sporting group, however in order to do this, excision of the land is still necessary. In the case of section 20A reserves, they cannot be leased and therefore a site would need to be excised from the Public Recreation reserve and set aside as a separate reserve with power to lease.

When making a determination on an application for a new clubroom or other incidental uses, consideration should be given to the proximity and availability of existing facilities and the impact the proposed use will have on the reserve and on surrounding land uses.

(b) Community Assessment and Advertising

Any proposed change of use of a reserve is to be advertised for public comment. This may be carried out when the design assessment has been completed and the assessment is favourable.

Comments will be sought from local residents within the vicinity of the reserve. A sign will be erected on the site for a minimum period of 30 days. A notice will also be placed in a local newspaper and correspondence outlining details of the proposal forwarded to surrounding landowners up to 200 metres from the reserve. Where it is considered that the proposal is minor, it may not be necessary to forward correspondence.

Liaison with identified local community and interest groups will also be undertaken.

### **3. Referral Agencies**

The proposal will be referred to the Department of Land Administration, Department of Planning and Infrastructure and other servicing authorities for comment.

### **4. Final Assessment**

Once advice has been received from agencies mentioned in 3 above and the City has carried out the assessment, the proposal will be referred to Council for determination.

DRAFT POLICY 2011

## **POLICY – REQUESTS FOR SALE OF PUBLIC OPEN SPACE RESERVES**

**STATUS:** **Council Policy** – *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

*Council policies are developed by the Policy Committee for approval by the Council.*

**RESPONSIBLE DIRECTORATE:** Planning and Community Development

**OBJECTIVE:** To establish guidelines for the assessment of requests from landowners for excisions of public open space reserves.

---

### **RELATED DOCUMENTATION**

This policy should be read in conjunction with Part 2 (“Reserves”) of District Planning Scheme No.2 (“DPS2”).

### **STATEMENT**

#### **1 Policy Aims**

- (a) To preserve land reserved for public recreation, being public open space (POS), where it provides a benefit to the community.
- (b) To give due consideration to the current and future needs of the community and environmental matters in assessing requests for excision or sale of POS.

#### **2 Policy Area:**

This Policy applies to all local public recreation reserves within the City.

#### **3 Policy Statement**

- (a) There is a general presumption against the sale of POS to adjoining landowners.
- (b) A clear benefit to the community is to be established before a proposal seeking excision of a portion of a POS reserve is advertised for public comment.
- (c) If such a proposal does not provide a clear benefit to the community and/or does not promote sustainability objectives, the Manager Approvals, Planning & Environmental Services has the delegated authority to determine that the request not proceed.

- (d) If the proposed excision of portion of the POS reserve provides a benefit for the community and promotes sustainability objectives, the request will be advertised for a minimum period of 30 days as follows:
- (i) A sign is to be erected on the site.
  - (ii) A notice is to be placed in a local newspaper.
  - (iii) Letters sent to nearby landowners.
  - (iv) Liaison with identified local community and interest groups.
  - (v) Referral to the Department of Land Information, Department for Planning and Infrastructure and other relevant servicing authorities for comment.
  - (vi) A notice is to be placed on notice boards and the website.
- (e) Upon the closure of advertising the request shall be referred to Council having due regard for the aims and statements of this policy, comments received as a result of advertising carried out in accordance with clause 3(d) above and the Department for Planning & Infrastructure (DPI), Guidelines for Administration of Section 20A "Public Recreation" Reserves.

#### 4. **Sustainability**

This policy promotes sustainability objectives by

- Ensuring existing natural bush land is retained within the POS reserves.
- Recognising that the role of POS reserves in providing visual relief in addition to passive and active recreation areas should not be diminished without appropriate benefit to the community.
- Recognising that POS reserves are a public asset for the enjoyment of the wider community, and ensuring that any proposed excision of POS is of benefit to the community.

---

Amendments:

Related Documentation:      Delegated Authority Manual  
   District Planning Scheme No 2

Issued: