

8.3 Review of DCP Open Space Requirements

REPORT BY THE DIRECTOR DEVELOPMENT

TO 21 APRIL 2021 ORDINARY MEETING
GOV400088, A0420143

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Review of DCP Open Space Requirements; and**
2. **maintain the existing Open Space provisions for Urban Subdivision as set out in Section 7.1 of the Mid-Western Development Control Plan 2013 Amendment No. 5.**

Executive summary

The purpose of this report is to review the existing Open Space requirements for Urban Subdivision in the Mid-Western Development Control Plan 2013 Amendment No. 5 and consider whether any changes are required.

The recommendation of staff is to maintain the existing provisions at this time. The existing provisions continue to provide developers with guidance as to Council's expected standards for Open Space, whilst also allowing flexibility in applying the provisions based on the individual merit of the application being considered.

Disclosure of Interest

Nil

Detailed report

Council has considered a number of applications for Urban Subdivisions with more than 20 lots proposed in the last 2 years. This has generated discussion regarding the existing Open Space requirements for Urban Subdivision in the Mid-Western Development Control Plan 2013 Amendment No. 5 (Mid-Western DCP 2013).

The existing Open Space requirements for Urban Subdivision in the Mid-Western DCP 2013 are set out under Section 7.1 and apply to land zoned R1, R2 and R3 (not R5). The provisions are as follows:

- a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space*
- b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation*

There are two main points arising from Council discussions. Firstly, whether the distance of 400m should be further specified as either 400m walking distance or 400m radius. Secondly, confirming the ongoing inclusion of passive open space to satisfy the provisions.

Under the existing provisions, staff apply a 400m radius (not walking distance) when assessing proposed Urban Subdivisions of more than 20 lots. When assessing applications, passive open space is accepted to include public reserves, detention basins, community gardens, informal lawns and green walking corridors.

The above approach is informed by the NSW Department of Planning's publication Recreation and Open Space Planning Guidelines for Local Government. These guidelines were prepared following extensive consultation with local government, industry and state agencies and are intended as a resource for councils to develop their own recreational and open space strategies and policies. It recognises the challenges for councils in balancing the needs of the community and resourcing open space and recreational facilities. Council is not bound to follow these guidelines and can use them selectively in the formulation of Council policies, such as Development Control Plans.

Should Council wish to amend the existing Open Space provisions for Urban Subdivision of more than 20 lots to apply a 400m walking distance and/or limit the use of passive open space, this is likely to increase the number of pocket parks and playgrounds across the region for Council to operate and maintain. This decision should therefore be informed by Council's relevant plans and strategies (including the Open Space and Recreational Asset Management Plan, Recreation Strategy and Resourcing Strategy).

The recommendation of staff is not to change the existing provisions for Open Space at this time. The existing provisions continue to work effectively, as they provide developers with guidance as to Council's expected standards for Open Space, whilst also allowing Council to apply flexibility in the assessment process based on the individual merit of the application being considered.

Under existing delegations, all subdivisions of more than 20 lots must be determined by the full Council. Therefore, Council has the ability to vary the applicable provisions in the Mid-Western DCP 2013 as appropriate based on the merits of a proposal.

It is important to recognise that Council receives developer contributions for Recreation and Open Space infrastructure in accordance with the Mid-Western Regional Contributions Plan 2019.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Strategic implications

Council Strategies

Towards 2030 Mid-Western Region Community Plan

Council Policies

Mid-Western Development Control Plan 2013

Financial implications

Although there are no immediate financial implications for Council, any decision to increase Open Space assets would have future budgetary impacts.

Associated Risks

There is a risk that changes to policies which increase the requirements of developers for Urban Subdivision may discourage future development activity and investment in the Region.

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

1 April 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER