

# Draft Metropolitan Open Space Strategy – Council Submission

Endorsed on 18 November 2019



## Introduction

Mornington Peninsula Shire Council welcomes the opportunity to comment on the draft *Metropolitan Open Space Strategy, September 2019* (the 'Strategy').

The Shire is home to more than 150,000 residents as per the *2016 ABS Census of Population and Housing*. This figure is projected to grow to 200,360 by 2036 according to the State Government's *Victoria in Future 2019*. Providing sufficient quantities of and ensuring fair and equitable access to open space is a key priority of Council that is recognised in the *Mornington Peninsula Liveability Index, October 2017*. The liveability report, which is one of several attachments to Council's adopted *Housing and Settlement Strategy, December 2017*, provides a measure of liveability across the Shire's settlements based on 17 indicators that include two that relate to public open space – Public Open Space Catchment (this is about accessibility to public open space) and Public Open Space Provision (this is about the quantity of public open space). The report also articulates the relevance of the liveability index to *Plan Melbourne's* '20-minute neighbourhood' principle.

The Mornington Peninsula is a popular location for a range of sporting and recreation activities and pursuits within its diverse seaside and bushland environments. Sport and recreation are important components of the lifestyle for many residents of the Mornington Peninsula Shire. Sporting participation across the Shire has grown rapidly in recent years, particularly female and junior involvement in soccer and Australian Rules football. The result of this increased participation has led to many sporting facilities being used in excess of their current capacities in winter or nearing their usage capacity. Compounding this problem is the fact that most sports fields are also accommodating summer sports, such as cricket, which is placing year round stress on many fields.

The Shire is directly responsible for the planning, development and management of 34 sports reserves, and the 52 sports fields and supporting infrastructure located on them. However, sports clubs also utilise other sports fields controlled by other land managers (schools and private). It is important that the role of these other sites in providing for open space is also recognised. Council has recently adopted a *Sports Capacity Plan – Volume 1 Sports Fields* that provides Council with a framework to optimise the shared use of sports fields across the Shire, guide their maintenance and upgrade, and where appropriate inform the renewal of existing sports facilities and the development of new ones.

Council has continuously worked to improve the quantity and quality of the Shire's open space network. This includes the acquisition and placement of a Trust for Nature covenant on 92 Elizabeth Avenue, Capel Sound – the site contains parts of the environmentally significant Tootgarook Wetland – and completion of a market and economic assessment of the Mornington Peninsula Bay Trail (see attached). While the former has increased the Shire's mix of open space assets, the latter report has identified several priority works required to eliminate the missing links currently present throughout the Bay Trail.

Council hereby provides the following feedback on the draft Strategy with the view that the finalised Strategy will not only contain the priorities and actions necessary to achieve its vision and goals but also address the open space needs and aspirations of the Shire's current and future residents.

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## Overarching Feedback on the Draft Strategy

### 1. Name of the Strategy

Whilst the document is referred to as the Metropolitan Open Space Strategy in all correspondence, the title of the document as currently drafted is the Melbourne Open Space Strategy. It is considered it should be renamed to the Metropolitan Open Space Strategy to reflect its metropolitan coverage.

**Recommendation:**

- **Rename to Metropolitan Open Space Strategy.**

### 2. Urban versus green wedge areas

The draft Strategy appears to focus predominantly on open space within urban areas. While these are important, the green wedges within the metropolitan region also contain large quantities of open space that are important to the community. The inclusion of open space in the green wedge is particularly important for the Shire considering that 70 per cent of the municipality is within the green wedge. This area contains national and state parks (e.g. Mornington Peninsula National Park and Arthurs Seat State Park), significant waterbodies and wetlands (e.g. Devilbend Reservoir and Tootgarook Wetland) and numerous reserves, catchments and waterways (e.g. The Briars, Chinamans Creek Catchment and Merricks Creek).

The Shire's green wedge is also home to many golf courses both public and private that are struggling with declining membership numbers and rising costs. Council, in its recent submission on the draft *Planning Guidelines for Golf Course Redevelopment, August 2019* to the Minister for Planning, notes that while a strategic and consistent assessment of golf course redevelopment is necessary, the conversion of them into open space for recreational purposes rather than residential development is preferred.

**Recommendation:**

- **Expand the Strategy's narrative to include open space within metropolitan green wedge land.**

### 3. Background and stakeholder engagement reports

The draft Strategy makes references to past analyses and stakeholder engagements that had been undertaken prior to the commencement of the Strategy's drafting. As the results from the past analytical work and outcomes of the engagement process would have helped inform the preparation of the draft Strategy, it would be beneficial to enable access to the relevant background and stakeholder engagement reports so as to provide Council with a better understanding of how the Strategy had been formulated.

**Recommendation:**

- **Enable Council to have access to the relevant background and stakeholder engagement reports.**

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## 4. Private open space and PPN 70: Open Space Strategies

The draft Strategy appears to apply exclusively to public open space. This is at odds with *Planning Practice Note 70: Open Space Strategies* which advises Council to include private open space when assessing the mix of open space assets within the municipality even though the strategies and actions set out in an open space strategy should generally relate to publicly owned and/or managed open space.

While not all private open space is suitable for inclusion in an open space strategy, there are some that would be suitable and should be considered. They include major sports and recreational fields of private schools, private hospitals and golf courses, significant wetlands with parts that are located on private land (e.g. Tootgarook Wetland), private car parks, outdoor areas of shopping centres and private vacant land. These spaces may be used on a short-term basis to support various activities such as farmers' markets and community events under appropriate funding models. Considering that the population of metropolitan Melbourne is expected to increase rather substantially, Council believes all possible avenues and innovative approaches to ensuring the availability of suitable open space need to be explored.

The southern region of the Peninsula also contains Tootgarook Wetland where a substantial portion of it is located on private land. The Wetland, which is the largest groundwater-dependent ecosystem and freshwater marsh in the southeast Melbourne region, is of international, state, regional and local significance owing to the presence of significant flora and fauna that include migratory birds that are protected under international conventions. Notwithstanding the fact that much of the Wetland is located on private land, the Strategy, which is intended to apply at the metropolitan level, ought to recognise its environmental and cultural significance and include strategies and actions needed to facilitate its enjoyment by all levels of the community – international, interstate, regional and local.

Besides the issue of private open space, Council would like clarification on how the finalised Strategy will interact with DELWP's PPN70 as the draft Strategy is silent on the planning practice note.

### Recommendations:

- **Expand the Strategy's narrative to include private open space that is suitable for consideration.**
- **Provide clarification in the Strategy on how it will interact with DELWP's *Planning Practice Note 70: Open Space Strategies*.**

## 5. Major public lineal assets

Government should also consider major lineal assets that have been closed or are no longer required to contribute to the broader Metropolitan Open Space Strategy, rather than selling and disposing the land for infill development. These lineal parcels may include train lines, water easements or closed roads. A specific example on the Mornington Peninsula is the South East Outfall that is owned by Melbourne Water. A section of the outfall easement was sold recently in Rosebud and is now being developed with housing, whilst previously it was an informal open space area and also used by the local pony club. These informal open spaces once lost can never be replaced and the opportunity to provide environmental planting, bike paths and critical links between other open space areas is a major opportunity.

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## Recommendation:

- **Retain major public lineal assets – such as train lines, water easements and closed roads that have been closed or are no longer required – in public ownership and convert them into public open spaces.**

## Feedback on the Strategic Framework

### 6. Vision

The proposed vision “Every Melburnian enjoys the best liveability in the world” is highly problematic and poorly articulated.

Firstly, while it’s commendable that the Strategy attempts to provide a definition of liveability that relies on the *Victorian Public Health and Wellbeing Plan 2015-2019*, which is “the degree to which communities are safe, attractive, environmentally stable and socially cohesive and inclusive”, the definition focuses on the outcomes of liveability rather than the components that are essential to achieving it.

Secondly, while access to a quality open space network is essential, it alone is not sufficient to achieve liveability. For this reason, it is problematic to set ‘the best liveability in the world’ as a standard in the vision – this standard is highly unattainable without also achieving other essential components of liveability such as accessibility to jobs, community services (e.g. education and healthcare) and public transport.

## Recommendation:

- **Amend the articulation of the vision to acknowledge that the attainment of the ‘best liveability in the world’ standard requires not only access to a quality open space network but also the achievement of other essential components of liveability.**

## Feedback on the Short-term Investment Priorities (2020-2023)

### 7. Frankston to Mornington Parklands

Council would like the rollout of the Frankston Greenbelt project fast-tracked. As part of the objectives of this project, Council has completed scoping works, cultural heritage assessments and flora and fauna assessments, and received in-principle support from stakeholders to be “shovel ready” for the Moorooduc-Mornington Trail. This Trail is part of the greater Mornington Peninsula Bay Trail and identified as a top priority among other required trails to complete the entire Bay Trail. Council requests that the \$4.5 million funding be brought forward as part of this rollout to achieve the objectives.

## Recommendation:

- **Fast-track the rollout of the Frankston Greenbelt project by bringing forward the \$4.5 million funding.**

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## 8. Inadequate investment priorities for the Mornington Peninsula

Council notes that the draft Strategy only contains one investment priority that relates to the Mornington Peninsula, i.e. the Frankston Greenbelt project. In addition, the priority only covers up to Mornington and thereby excludes a very large part of the Peninsula. As a consequence, the draft Strategy fails to meet its second principle which seeks to ensure that “access to high-quality and diverse types of open space will be fair and equitable”. It also fails to meet the first goal of “Improved health and wellbeing” which seeks to provide “Equitable access to high-quality, safe, connected and diverse open space across Melbourne”.

While Council acknowledges that the short-term investment priorities are identified in the Strategy as “already-secured”, Council advocates that the completion of the entire Mornington Peninsula Bay Trail by removing the remaining linkages identified in the attached *Mornington Peninsula Bay Trail – Market & Economic Assessment Report, August 2019* be included in the mid-to-long-term investment plan. As articulated in the Strategy, planning of the mid-to-long-term investment plan is expected to be completed and its implementation commenced during the second stage of work around 2020 to 2023.

*Mornington Peninsula’s Sports Capacity Plan, Volume 1 – Sports Fields* identifies the critical shortage of sports fields on the Peninsula. A sports field condition assessment and a facility audit undertaken at the Shire’s 34 sports reserves in 2016 found that 42% of the Shire’s sports fields were in either poor or marginal condition.

Upgrades to existing facilities as well as the development of new facilities are required to accommodate the current and future needs of sporting clubs on the Peninsula. This includes the need to provide a new shire-wide sporting precinct with 4 soccer pitches (1 pitch to be a fenced and dedicated soccer pitch (the main pitch), and 2 pitches to be dual-use with cricket); 2 rugby league fields; 1 synthetic sports field (multipurpose and shaped to accommodate oval based and rectangular field sports); 2 synthetic hockey pitches; 4 baseball-softball fields (1 field constructed as senior baseball fields, 1 field constructed as senior softball field, and 2 fields as a dual-use baseball-softball fields); 2 ovals to be dual-use football-cricket and 2 netball courts.

### Recommendation:

- **Include the removal of the remaining linkages of the Mornington Peninsula Bay Trail in the mid-to-long-term investment plan during the second stage of work.**
- **Include the Shire-wide sporting precinct as a high investment priority in the Strategy recognising the critical role sport plays in liveability.**

## Feedback on the Long-term Actions

### 9. Funding Models

Council agrees and supports the funding models outlined in the draft Strategy. Nonetheless, the discussion should also include suitable private open space and exploration of funding models that will create the right incentives to motivate private landowners who have large quantities of open space that possess significant environmental values to grant restricted public access to these areas. This will increase the net community benefit rather than limit the benefit of these areas to the individual owner. A relevant example is the environmentally and culturally significant Tootgarook Wetland where a substantial portion of it falls on private land. The use of

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Trust for Nature covenants as instruments to protect and conserve significant natural environments should also be explored and included in the discussion.

## Recommendations:

- **Expand the discussion to include suitable private open space and exploration of funding models that will create the right incentives to motivate private landowners with large quantities of open space.**
- **Expand the discussion to include the use of Trust for Nature covenants as instruments to protect and conserve significant natural environments.**

## 10. Information and Research

Council agrees and support the information and research initiatives outlined in the draft Strategy. Nonetheless, the mapping of existing open space should also include suitable private open space. This would include the Shire's numerous private golf courses, major sports and recreational fields of private schools, and significant waterbodies such as Tootgarook Wetland.

### Recommendation:

- **Include suitable private open space in the mapping of existing open space.**

## 11. Legislation, Standards and Guidelines

### Service Utility Land

Council agrees and supports the draft Strategy's initiative to optimise service utility land as open space through regulatory change. As an example, Council intends to rezone a Melbourne Water property from the IN3Z to the PCRZ as part of a planning scheme amendment that seeks to provide better recognition, protection, maintenance and enhancement of Tootgarook Wetland. The property includes parts of the Wetland and is currently used as a retarding basin for the purpose of treating stormwater. While the site has open space, recreational and environmental values, Melbourne Water does not specifically manage the land for these purposes. For this reason, the state agency prefers the site to be rezoned to the PUZ1 - Service and Utility instead. While Council has no major issue with the PUZ1 alternative, the PCRZ is ultimately a better zoning as far as recognising, protecting, maintaining and enhancing the recreational and environmental values intrinsic to the site is concerned.

### Open Space Planning and Design Standards and Guidelines

Council also agrees and supports the draft Strategy's initiative to review open space planning and design standards and guidelines to achieve industry best practice. Nonetheless, the standards and guidelines should be extended further to include significant wetlands that fall on private land, bearing in mind their important role in managing the potential impacts of climate change as well as the multi-dimensional benefits of the ecosystem services which they provide.

### International Conventions or Agreements and Commonwealth Legislation

Regarding the draft Strategy's initiative to review and update, where applicable, open space-related legislation, standards and guidelines in relation to, among other things, the intent and

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outcomes of any treaty negotiations between Aboriginal communities and the Victorian Government, Council believes the review and update should also be undertaken in relation to the intent and outcomes of relevant international conventions or agreements and Commonwealth legislation such as the:

- Convention on Migratory Species (also known as the 'Bonn Convention');
- Japan-Australia Migratory Birds Agreement (JAMBA);
- China-Australia Migratory Birds Agreement (CAMBA);
- Republic of Korea-Australia Migratory Birds Agreement (ROKAMBA);
- Ramsar Convention; and
- Environment Protection and Biodiversity Conservation Act 1999.

The above conventions, agreements and Commonwealth legislation are of significant relevance to the protection of wetland flora and fauna.

## Subdivision Act 1988

Finally, the review and update of open space-related legislation should also cover Section 18(1) of the *Subdivision Act 1988* to assess its effectiveness in protecting and providing sufficient open space to date and into the future considering the anticipated population growth, increased density and development pressures. The review should, at least, address the following issues:

- Whether the five per cent requirement for open space contributions needs to be increased.
- Whether it is still feasible for open space contributions to be made in cash either partially or wholly.

While Council understands that open space contributions in the form of cash either partially or wholly may achieve a better outcome under certain circumstances, there is concern that the provision is being overused and abused to the detriment of ensuring adequate quantities of open space for future, and more populous, generations. The key issue with cash contributions in lieu of land area is that the former is nominal and subject to inflation. This means that the purchasing power of the cash contributions received will keep decreasing while the value of the potential open space foregone becomes more valuable.

## Recommendations:

- **Consider applying the PCRZ on service utility land that possesses significant recreational and environmental values.**
- **Include significant wetlands that fall on private land in the review of open space planning and design standards and guidelines.**
- **Include relevant international conventions, agreements and Commonwealth legislation in the review and update, where applicable, of open space-related legislation, standards and guidelines.**
- **Include Section 18(1) of the *Subdivision Act 1988* in the review and update of open space-related legislation and determine whether the five per cent threshold requirement for open space contributions needs to be increased, and whether it is still feasible for open space contributions to be made in cash either partially or wholly.**