

Open Space

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| ECM Tracking No.: | 987884 |
| Responsible Officer: | General Manager Urban and Community |
| Relevant Legislation: | Aboriginal Heritage Act 1988 Environmental Protection and Biodiversity Conservation Act 1999 (Cwth) Development Act 1993 and Development Regulations 1993 Disability Services Act 1993 Heritage Places Act 1993 Local Government Act 1999 Landscape South Australia Act 2019 Native Vegetation Act 1991 Natural Resources Management Act 2004 Planning, Development and Infrastructure Act 2016 |
| Related Policies: | Asset Management Policy Bushfire Hazard Management Policy Community Engagement (Public Consultation) Policy Community Gardens Policy Climate Change Policy Environment and Biodiversity Policy Eastern Health Authority Regional Public Health Plan Heritage Policy Hire of Community Open Space and Facilities Policy Leasing and Licensing of Community Facilities Policy Naming of Public Places Policy Sale or Disposal of Assets Policy Streetscape Policy Urban Tree Management Policy Verge Development Policy Water Sensitive Urban Design Policy Watercourse Management Policy |

1. Introduction

- 1.1. This policy aims to provide guidance on the management of Council public open space land and facilities, which provide a range of both passive and active recreational, lifestyle and environmental opportunities that are safe, promote physical and mental health and social interaction.
- 1.2. The implementation of the policy will aim to enhance landscape amenity and protect and enhance the natural and built open space network.
- 1.3. This policy acknowledges the importance of open space and associated natural and environmental assets in responding to the challenges of Climate Change.

2. Strategic Plan Desired Outcomes

- 2.1. Conservation and enhancement of the historic character of the City.
- 2.2. Environmentally sustainable development which complements the City's character.
- 2.3. Sustainable, engaging, healthy and functional community public spaces and streetscapes.
- 2.4. High quality sport and recreational opportunities and facilities that foster healthy lifestyles.
- 2.5. Fit for purpose and cost effective infrastructure that meets community needs.
- 2.6. Natural environments and watercourses protected, conserved and enjoyed.
- 2.7. Sustainable use of natural resources and minimisation of waste to address climate change.
- 2.8. An effective transport network that supports safe and efficient movement, connecting people and places.
- 2.9. A safe community that values and supports its people
- 2.10. A financially sound Council that is accountable, responsible and sustainable

3. Our Approach

- 3.1. Ensure public open space areas are accessible to all members of the community through integrated design of safe and effective transport networks.
- 3.2. Develop and maintain public open space areas to meet the existing and future environmental and recreational needs of a diverse community with a range of nature, leisure, recreation and sporting facilities for people of all ages and abilities.

- 3.3. Develop and maintain open space areas that conserve the City's natural and built heritage, including waterways, remnant vegetation, bird and wildlife habitat, and trees of significance.
- 3.4. Retain and conserve the amount of open space throughout the City of Burnside. Consider the strategic acquisition of land for open space purposes to accommodate a growing population.

4. Legislative Requirements and Corporate Policy Context

- 4.1 The *Local Government Act 1999* ("the Act") introduced the concept of community land. Subject to exclusion from classification and revocation, Section 193 of the Act defines community land as "All local government land (except roads) that is owned by a council or under the council's care control and management". Nearly all public open space located within the City of Burnside is classified as community land and Council has accordingly prepared and adopted management plans for such land (referred to as Community Land Management Plans).
- 4.2 The Act outlines:
 - 4.2.1 The conditions under which the classification of land as community land is able to be revoked;
 - 4.2.2 The requirement for, and management of, community land management plans;
 - 4.2.3 What purposes community land is able to be used for;
 - 4.2.4 Under what conditions community land may be alienated by lease or licence; and
- 4.3 Under what conditions and through what process community land is able to be sold or disposed of.

5. Interpretation

- 5.1 For the purpose of this Policy:
 - 5.1.1 "Private open space" is land that is privately owned. This may include ownership by schools, residents or private organisations, and may consist of sports fields, or space around private houses / offices.
 - 5.1.2 "Public open space" is defined as land (community land) that is set aside and/or used for public recreation and/or possesses significant conservation value.
 - 5.1.3 "Open Space Fund" refers to a fund within which any proceeds from the sale or disposal of public open space are held, to be used for the purpose of purchasing suitable additional open space within the City of Burnside.
 - 5.1.4 "Recreation" is defined as activities that are undertaken for enjoyment in one's free time.

6. Policy

- 6.1 The City of Burnside believes that the public open spaces within the City contribute immeasurably to the wellbeing and lifestyle of its residents and the amenity of this City, by providing for:
- 6.1.1 a significant opportunity for “greening” of the district;
 - 6.1.2 conservation and enhancement of habitat for birds and other wildlife;
 - 6.1.3 environmental enhancement of degraded land;
 - 6.1.4 conservation of the City’s natural and built heritage;
 - 6.1.5 areas for the community to undertake a diverse range of recreational activities including organised sport, passive recreation and appreciation of nature;
 - 6.1.6 the provision of spaces and opportunities that create positive psychosocial benefits through stress reduction, relaxation, social cohesion and a perceived sense of safety;
 - 6.1.7 appreciation and education of the environment;
 - 6.1.8 opportunities to increase biodiversity and reduced landscape homogeneity;
 - 6.1.9 environmental services such as carbon sequestration, noise reduction, air purification, reduction in soil degradation, erosion and stormwater run-off, and cooling the City;
- 6.2 Private open space in the City provides similar greening, biodiversity and environmental benefits that public open spaces offer, while providing additional opportunities for the community to participate in leisure, recreational and sporting activities.
- 6.3 The policy is underpinned by the following Guiding Principles:

Preservation and Conservation

- 6.3.1 The amount of open space throughout the City of Burnside should be retained and conserved in an environmentally sustainable manner to preserve the City’s natural and cultural heritage for the enjoyment and benefit of current and future generations.

Aesthetic and Amenity Value

- 6.3.2 Open space should be valued for the sense of tranquillity it offers, for appreciation of nature, for visual relief in built up areas, and as a source of physical and mental wellbeing.

Provision of Diversity and Quality

- 6.3.3 The quality and range of open space settings (from formal playing fields to natural bushland) is the key to supporting an active and healthy community by encouraging participation in nature, leisure, recreational and sporting activities.

Equity of Access

- 6.3.4 A range of diverse public open spaces should be accessible to all residents within the City of Burnside. This can be achieved through a safe and cohesive transport network which assists in connecting people with places.

Community Involvement

- 6.3.5 The City of Burnside acknowledges that open space has been achieved through the foresight and generosity of Burnside's citizens, past and present, as well as strategic acquisition by Council. Council recognises the importance on retaining the public open space network.
- 6.3.6 Council also recognises that open space is held for the benefit of the community and not as an asset for disposal. Accordingly, the community should be involved in any decisions regarding open space acquisition and disposal.
- 6.4 This policy aims to guide relevant areas of Council decision-making. In addition, Council will seek endorsement and application by other public agencies.

7. Key Policy Statements

- 7.1. Retain and develop existing public open space, and where possible increase the amount of public open space within the City of Burnside.
- 7.2. Acquisition of land:
- 7.2.1 To protect and enhance areas of high environmental conservation value and areas that are highly regarded and of great importance to the community;
- 7.2.2 To improve diversity and quality of public open space;
- 7.2.3 To improve equity of access. Although most City of Burnside residents are within easy walking distance of a park, garden, oval or reserve, a minority of areas are less well served with accessible open space. It is recognised that options for changes in a built-up area are limited due to difficulty in finding suitable land and the high cost involved. However, alternatives to acquisition may include:
- 7.2.3.1 Greening or enhancement of existing sites and streetscapes; and
- 7.2.3.2 Investigating ways to improve access to open space in adjoining areas, or on land not owned or controlled by Council. For example, private open space owned by schools, Crown-owned land or open space located in a neighbouring Council area.
- 7.3. Link existing public open spaces in order to enhance the use, enjoyment and environmental benefits of open space, for example by creating people-focused trails or transport networks along creek lines, streets and reserves to improve accessibility and greenspace development of these areas.

- 7.4. Develop a regional planning approach to open space protection and enhancement through relevant planning initiatives.
- 7.5. Investigate ways of preserving open space land located within the City of Burnside that is owned by the State and Federal Government, so it is retained as open space and is accessible to the community.
- 7.6. Ensure the effective integration of this policy with all relevant Council policies, strategies and Plans.
- 7.7. Maintain and annually review a record of open space in the City of Burnside, to be accessible to the public (Operational and Community Land Motion Register).
- 7.8. Where a request is made to purchase an area of public open space from the City of Burnside, it will be provided to Council for consideration where:
 - 7.8.1 it is not considered it would have a material impact on Council operations;
and
 - 7.8.2 the area is not considered to provide, or has the potential to provide, significant community value.
- 7.9. If it meets the above criteria, it will be at Council's discretion as to whether the proposal proceeds to a community engagement process, or is rejected. If the proposal does not meet the above criteria, it will be rejected.
- 7.10. Adjustments to existing open space should only be undertaken to further the Guiding Principles, not for obtaining contributions to "general revenue". Therefore any proceeds from the sale of public open space (or granting of easements) should be placed in the Open Space Fund, which will be used for the purpose of purchasing additional open space .
- 7.11. Compensation should be sought for easements over Council property obtained by third parties except where the Chief Executive Officer is satisfied that the easement would not significantly affect the value of the property, or where the Chief Executive Officer is of the opinion that it would be inappropriate to seek compensation.

8. Review and Authority

- 8.1. This Policy will be reviewed every three to four years in accordance with Council's Policy and Procedure Framework.

9. Availability

- 9.1. The Policy is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au
- 9.2. The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre
401 Greenhill Road, Tasmore SA 5065
Telephone: 8366 4200
Fax: 8366 4200
Email: burnside@burnside.sa.gov.au

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

10. Further Information

10.1. For further information about this policy please contact:

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Tasmore SA 5065
Telephone: 08 8366 4200