

Planning Panels Victoria

**GLEN EIRA PLANNING SCHEME
AMENDMENT C218glen
PUBLIC OPEN SPACE CONTRIBUTIONS**

Expert Evidence Statement

**Prepared by Esther Kay, Director
Environment & Land Management Pty Ltd**

**Expert for Glen Eira City Council
Instructed by Jackson Lane Legal**



Environment & Land Management Pty Ltd
3 Owen Street, Woodend VIC 3142
(03) 5427 1770
kay.elm@bigpond.com

This page has been left blank.

Table of Contents

Expert Evidence Statement	5
Expert's details	5
Expert's credentials	5
Expert's area of expertise to make the report	5
Other significant contributors to the report	5
Instructions that define the scope of the report	5
Documents relied on in preparing the open space strategy reports	6
Declaration	7
1. Planning context and policy guiding the provision of public open space	8
1.1 Plan Melbourne 2017-2050	8
1.2 Open Space for Everyone	9
1.3 Planning Practice Note 70 – Open Space Strategies.....	9
1.4 Victoria Planning Provisions (VPP)	10
1.5 Glen Eira Planning Scheme local provisions.....	11
2. Forecasting growth	12
2.1 Residential and employment data	12
2.2 Use of the 2016-2031 data	14
2.3 Effects of the COVID-19 pandemic on population growth.....	14
3. Public open space contribution	16
3.1 Rationale for review of the current municipal contribution rate	16
3.2 Strategic basis of the revised contribution rate.....	16
3.3 Implications if Amendment C218 does not proceed.....	17
3.4 Method used to calculate the contribution rate.....	18
3.5 Assumptions about application of the contribution rate	18
3.6 Use of the municipal-wide rate	19
3.7 Rate calculation formula	19
4. Data used in the rate calculation formula.....	20
4.1 Project costs allocated to the new population	20
4.2 Value of the land estimated to redevelop	20

4.3	What is not included in the contribution rate calculation	22
4.4	Comparison of the 2014 and 2020 contribution rates	22
5.	Contribution rates in comparable municipalities.....	24
6.	Response to matters raised in Panel Directions	26
7.	Response to submissions	27

Expert Evidence Statement

Expert's details

1. I am Esther Kay. I am the Managing Director of Environment & Land Management Pty Ltd (ELM) located at 3 Owen Street, Woodend VIC 3442.
2. I have been a Director of ELM since its establishment in 1994 where I have been involved with numerous municipal open space strategies. Before that I was the Director of Urban Planning at the former City of St Kilda with responsibilities for both strategic and statutory planning.

Expert's credentials

3. I hold a Bachelor of Arts degree from the University of California and a Master of Environmental Science degree from Monash University.
4. I am a longstanding member of the Planning Institute of Australia (Victoria) and the Victorian Planning and Environmental Law Association.

Expert's area of expertise to make the report

5. My expertise is in town planning. I have extensive experience in urban and regional planning in Victoria in local government roles, private consulting and as a previous member of Planning Panels Victoria (to 2017).
6. I have particular expertise in preparation of municipal open space strategies and development of public open space contribution schedules. I have previously presented expert evidence at Planning Panels Victoria hearings for similar planning scheme amendments.
7. I also have particular expertise in relation to Glen Eira's open space planning and public open space contribution rate. I previously prepared the Open Space Strategy 2014 with Thompson Berrill Landscape Design Pty Ltd (TBLD). I prepared the municipal-wide contribution rate calculation of 5.7 per cent that is based on the 2014 strategy. The 5.7 per cent rate was reviewed by a Planning Panel and is now included in the schedule to Clause 53.01 of the Glen Eira Planning Scheme.

Other significant contributors to the report

8. There were no other contributors from ELM for this evidence.

Instructions that define the scope of the report

9. I have been instructed by Jackson Lane Legal on behalf of the City of Glen Eira to undertake the following tasks in relation to this Panel hearing for **Amendment C218glen** (referred to as **Amendment C218** in my evidence):
 - *review the exhibited material for Amendment C218;*
 - *review all submissions received; and*
 - *consider and express opinions about whether you support Council's position in pursuing the Amendments in their exhibited form. Specifically, you are asked to consider:*

- *the method used to calculate the proposed rate;*
 - *the estimate of the land area that will redevelop during the 15 year planning period; and*
 - *the site value of the land and estimated costs of upgrades to existing open space.*
10. Following the Directions Hearing held on 13 April 2022, I was further instructed to address a number of matters within my evidence. These included matters set out in the Panel Directions:
- *Strategic context and assessment.*
 - *Brief explanation of how the revised open space contribution rate was calculated, including cross references to relevant sections of the Open Space Strategy Refresh 2020 and/or the Open Space Strategy Refresh Update of the Public Open Space Contributions Program 2020.*
 - *An explanation of whether Council has any revised population projections that update the projections on which the Open Space Strategy Refresh was based.*
 - *Response to submissions.*
 - *Comparisons of current open space contribution rates in similar comparable municipalities.*

Documents relied on in preparing the open space strategy reports

11. For this project I collaborated with Joanna Thompson of TBLD to prepare the following documents. These reports support Amendment C218 and were exhibited with the Amendment.
- **City of Glen Eira Open Space Strategy Refresh 2020**, adopted by Council 9 June 2020 (referred to as the **Strategy Refresh 2020** in my evidence)
 - **City of Glen Eira Open Space Strategy Refresh 2020, Update of the Public Open Space Contributions Program**, 2 November 2020 (referred to as the **Contributions Report** in my evidence)

12. My role in preparing the content of these documents included:

Strategy Refresh 2020:

- Background review of existing policy and statutory settings, including the urban planning framework and other relevant policies contained in the Glen Eira Planning Scheme, and other strategic planning documents relevant to the municipality.
- Review of id Consulting residential population forecasts, ABS and other data for the open space planning period 2016-2031 in relation to future change in the municipality.
- Review of SGS Economics and Planning (SGS) employment population and floor space data for the planning period 2016-2031 in relation to future change in the municipality.

- Research regarding Council's current public open space contribution scheme.
- Development of a revised percentage open space contribution rate, to be based on costed open space projects in the strategy.
- A range of recommendations to implement the planning elements of the strategy.

Contributions Report:

- Documentation of the background and context of the public open space contribution rate and the approach and method used to calculate the contribution rate of 8.3 per cent included in Amendment C218. I was the primary author of this report.
 - I note that the Contributions Report and my evidence replicate the method I used to calculate the 5.7 per cent contribution rate. The difference between the 5.7 per cent rate and the proposed 8.3 per cent rate is a result of the increased population growth and higher costs that the Council will incur in delivering the municipal open space program. The revised rate represents a revaluation of these factors.
13. Where I am responsible for their content, I adopt the Strategy Refresh 2020 and Contributions Report in full. To the best of my knowledge the reports are accurate and complete, and there are no questions falling outside my expertise.
14. Key assumptions made in preparing the reports include:
- The need to plan for the provision of a public open space network as evidenced in Plan Melbourne 2017-2050, Planning Practice Note 70 Open Space Strategies, the Victoria Planning Provisions and local clauses of the Glen Eira Planning Scheme, as well as the Strategy Refresh 2020 research and analysis.
 - The City of Glen Eira's urban development framework, development trends and population forecasts for both residents and workers.
 - An estimate of the costs of the strategy program.
 - An estimate of the land area and value of the land to redevelop to accommodate the forecast growth.

Declaration

15. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



Esther Kay, Director
 Environment & Land Management Pty Ltd
 16 May 2022

1. Planning context and policy guiding the provision of public open space

16. Victorian government policy supports the provision, maintenance and expansion of the public open space network. Melbourne's liveability is often linked to the extent and quality of our public open space network.
17. The need to plan for, deliver and maintain public open space infrastructure is well understood in the planning system. Well-established urban areas are guided by a number of key planning policies. There is a discussion of policies in Section 2.1 of the Strategy Refresh 2020.
18. Following is a review of what I consider to be the most relevant planning policies and my opinion as to how I see the Strategy Refresh 2020 aligning with and implementing these policies.

1.1 Plan Melbourne 2017-2050

19. **Plan Melbourne 2017-2050** (Plan Melbourne) is the current version of the metropolitan plan for Melbourne. It provides policy directions for urban, growth and peri urban areas. The City of Glen Eira is part of the Inner South East Region along with the municipalities of Bayside, Boroondara and Stonnington.
20. I view the following Plan Melbourne policy directions as particularly relevant to the provision and maintenance of the public open space network in Glen Eira.
21. **The 20 minute neighbourhood.** A key principle of Plan Melbourne is the creation and enhancement of the 20 minute neighbourhood. The 20 minute neighbourhood is about giving people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home.
22. The 20 minute neighbourhood described in Plan Melbourne includes the provision of a high quality public realm and open space. For example, Direction 5.1: "Create a City of 20-minute neighbourhoods" aims to include opportunities for walking and cycling, playground parks and greenery, and social gathering places. I regard these to all be functions that can be provided in Glen Eira's public open space.
23. A key feature of the Strategy Refresh 2020 is access to safely walkable public open space. I note that implementation of the strategy seeks to deliver public open space within a safe walkable distance for residents and workers in Glen Eira.
24. **Delivering local parks and green neighbourhoods** is also a key principle of Plan Melbourne. Direction 5.4 aims to green neighbourhoods, to enhance beauty and amenity, and provide more places where people can meet, exercise and relax. Parks are places to enjoy natural environments, support biodiversity, and improve the quality of air, water and soil.
25. Implementation of the Strategy Refresh 2020 can deliver on this principle. The strategy designates the function and size of open space required in response to a range of needs. For example, to ensure that the open space in Glen Eira is of a sufficient size and quality to support an appropriate mix of activities; to improve the bio-physical environment and habitat; and to provide urban cooling.

26. This principle is further enhanced with Policy 5.4.1 to develop a network of accessible, high-quality, local open spaces that includes access for all members of the community. The Strategy Refresh 2020 provides guidance to the Council on meeting the needs of its changing population with a high-quality and accessible public open space network.
27. **Making Melbourne cooler and greener** is another key principle of Plan Melbourne. It integrates climate change adaptation with urban planning and by extension planning for public open space. This principle supports the need to plan for a distributed open space network. Open space reserves need to be large enough to support canopy vegetation and evapotranspiration from trees and shrubs to improve urban cooling. The Strategy Refresh 2020 takes account of this in setting sizes for future reserves.
28. In summary, the Strategy Refresh 2020 implements key principles and policy directions of Plan Melbourne. In turn, the Plan Melbourne policies support planning for a high quality, multiple purpose, distributed open space network, which is the focus of the strategy.

1.2 Open Space for Everyone

29. **Open Space for Everyone, Open Space Strategy for Metropolitan Melbourne 2021.** The 2021 Victorian strategy was introduced into planning schemes in February 2022. It follows the Linking People and Spaces 2002 strategy which proposed expansion of the regional open space network including regional trails. The newer strategy aims to strengthen the integrated metropolitan open space network. It has shifted its focus from regional parks to work toward more equitable access to open space across metropolitan Melbourne. The strategy recognises the importance of land set aside primarily for public open space – the public open space network. It also identifies opportunities to give people more access to open space by making it a secondary purpose of encumbered land and land set aside for other purposes, such as roads and schools.
30. The Open Space for Everyone strategy addresses themes already incorporated into the analysis and recommendations contained in the Strategy Refresh 2020. In saying this I point to strategy recommendations to deliver safe and walkable accessibility to open space; promote community health and well-being; maintain and enhance a healthy biodiversity; address climate change resilience and sustainability; and gain the economic benefits of quality public open space. I note that the strategy identifies and confirms Glen Eira as the municipality in metropolitan Melbourne with the least amount of open space.

1.3 Planning Practice Note 70 – Open Space Strategies

31. Planning Practice Note 70 – Open Space Strategies is published by the Department of Environment, Land, Water and Planning. The Practice Note provides guidance to councils who intend to prepare an open space strategy. It covers the reasons for preparing an open space strategy and supports a strategic approach to planning the current and future uses of open space within a municipality.
32. The Practice Note describes the importance of public open space in the following way:

Public open space provides significant benefits to communities. These benefits include protecting biodiversity, improving psychological health and wellbeing, improving physical fitness, facilitating social interaction and cohesion, promoting community pride, and enhancing child development through play. Open space also provides a location for participating in civic life.

The importance and value of open space is likely to increase over time as a result of emerging pressures of population growth, demographic change, urbanisation and climate change. Urban change means access to private open space may alter over time and appropriately located, well designed and maintained public open space will become more important for future communities. Preserving existing open space is also important as it can be modified over time to perform different open space roles in response to changing community needs. Land that may appear to be of marginal benefit to one generation may be of critical importance to the next.

33. The Practice Note's advice to councils highlights the opportunity to consider all of the current open space assets in the area and actively consider future needs for additional open space. It also encourages an examination of how existing open space could be managed more effectively. Outputs of an open space strategy should identify current open space assets; future open space needs; a framework for decisions about open space provision and development; support for financial and resource planning and asset management; strategies to provide more open space in areas of under provision; an overall coordinated approach; and delivery of a community vision for open space.
34. The Practice Note succinctly explains why public open space is important to communities now and into the future. In my opinion, the Strategy Refresh 2020 recognises the multiple roles that public open space plays and the benefits that it provides to communities. This in turn has informed the analysis and recommendations of the strategy.

1.4 Victoria Planning Provisions (VPP)

35. Planning for open space is important when planning settlements and new communities, and to protect landscapes, habitat and environmental assets. The specific VPP objective for open space is found at Clause **19.02-6S**: "*To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.*"
36. This then leads to a number of strategies that in combination will achieve the objective. Relevant strategies include:
 - *Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.*
 - *Ensure that open space networks:*
 - *Are linked, including through the provision of walking and cycling trails.*
 - *Are integrated with open space from abutting [land].*
 - *Incorporate, where possible, links between major parks and activity areas...*
 - *Create opportunities to enhance open space networks within and between settlements.*
 - *Improve the quality and distribution of open space and ensure long-term protection.*
 - *Ensure land identified as critical to the completion of open space links is transferred for open space purposes.*
 - *Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.*

- *Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.*
 - *Provide new parkland in growth areas and in areas that have an undersupply of parkland.*
 - *Encourage the preparation of management plans or explicit statements of management objectives for urban parks.*
37. The state-wide objective is complemented with a metropolitan objective for Melbourne at Clause **19.02-6R**. The objective is “*To strengthen the integrated metropolitan open space network.*” It contains similar strategies as the previous clause.
38. In conclusion, the Strategy Refresh 2020 satisfies Victorian government planning policies for the Melbourne metropolitan area and the public open space network. Future planning for Glen Eira takes account of existing public open space assets; forecast demographic change; the public consultation conducted; and the multiple roles of public open space in a manner that is consistent with these planning policies.

1.5 Glen Eira Planning Scheme local provisions

39. **Amendment C220.** The Glen Eira Planning Scheme is in transition to the new VPP format. Amendment C220 contains the planning scheme translation. Although Amendment C220 is not subject to this Panel’s review, I reviewed the following relevant clauses to determine how well they support Strategy Refresh 2020 principles and outcomes as part of an overall package of planning provisions:
- Clause 02_MPS
 - Clause 12.01_1L Biodiversity
 - Clause 15.01_1L Landscaping
 - Clause 15.01_2L Built Form
40. In my opinion, these clauses pay appropriate attention to the Strategy Refresh 2020. I support the adoption of the open space references in these clauses as exhibited.
41. **Amendment C218.** I also reviewed Clause 22.12, which does fall under the Panel’s review. The clause applies across the municipality and provides guidance about the Council levy of public open space contributions. The policy sets out key attributes of public open space that are to be achieved, whether the Council acquires new public open space through a land contribution, conversion of Council land or a land purchase. This will assist the Council to decide whether a contribution should be levied as land, cash or a combination of the two. This includes contributions identified through structure planning, rezonings and development plans.
42. I support the adoption of Clause 22.12 as exhibited.

2. Forecasting growth

2.1 Residential and employment data

44. The growth forecasts that underpin the Strategy Refresh 2020 and the calculation of the revised contribution rate were prepared by other consultants engaged by the Council. .id Consulting prepared residential forecasting data and SGS prepared employment forecasting data.
45. I would like to emphasise that the forecast data used in preparing the Strategy Refresh 2020 are the same data that I have used for the calculation of the contribution rate. Refer to Section 4 of the strategy for a discussion of future growth in Glen Eira.
46. The data used covers the period 2016 (a census year) to 2031 (also a census year). I prefer census years for residential forecasts because it is easier to go back to a census year to determine how accurate original forecasts were and thus the appropriateness of the open space program being implemented.
47. The 2016-2031 residential forecasts used in the Strategy Refresh 2020 and in the rate calculation were prepared by .id Consulting, dated November 2018. This was the first date that the Glen Eira residential forecasts based on 2016 census data became available. The employment forecasts for the period 2016-2031 provided by SGS are dated December 2018. The two sets of data provided forecasting data for the strategy for the same 15 year time period. The resident and worker population forecasts used in the Strategy are included below.

Table 1. Forecast residential population change 2016 – 2031.

Precinct	2016 persons	2031 persons	Change 2016-2031
Bentleigh	17,828	20,160	2,332
Bentleigh East	28,813	32,591	3,778
Carnegie	18,228	22,279	4,051
Caulfield	5,920	6,594	674
Caulfield North – Caulfield East	17,849	25,730	7,881
Caulfield South	12,536	13,479	943
Elsternwick – Gardenvale	12,061	14,007	1,946
Glen Huntly	5,318	6,193	875
McKinnon	6,605	7,376	771
Murrumbeena	10,647	11,621	974
Ormond	8,850	9,392	542
St Kilda East	4,358	4,400	42
City of Glen Eira	149,013	173,822	24,809

Source: .id Consulting, refer to Strategy Refresh 2020 Table 4-6.

Table 2. Forecast worker population change 2016 – 2031.

Precinct	2016 employees	2031 employees	Change 2016-2031
Bentleigh	5,650	7,605	1,955
Bentleigh East	8,423	12,372	3,949
Carnegie	3,820	5,181	1,361
Caulfield	4,290	5,999	1,709
Caulfield North – Caulfield East	6,816	9,482	2,666
Caulfield South	2,547	3,648	1,101
Elsternwick – Gardenvale	5,690	7,600	1,910
Glen Huntly	894	1,200	306
McKinnon	1,194	1,666	472
Murrumbeena	1,388	1,848	460
Ormond	1,928	2,623	695
St Kilda East	2,520	3,920	1,400
City of Glen Eira	44,053	61,238	17,185

Source: SGS, refer to Strategy Refresh 2020 Table 4-10.

48. I consider it essential to have reliable resident and worker forecasts in preparing the strategy and the contribution rate. I consider the forecasting data that has been used to be appropriate for planning the municipal public open space network for a 15 year forward planning period. The forecasts indicate that the municipal public open space network and the contribution rate should support an additional population in the order of 42,000 people, comprising forecast growth of almost 25,000 residents and just over 17,000 employees. This represents overall growth of almost 22 per cent compared to the 2016 census population of 193,000.
49. Likewise, I consider it essential to have reliable information about the number of dwellings that will be constructed to accommodate the new residential population and increased floor space for employment growth. The .id Consulting and SGS forecasts also provided the physical requirements to house new residents and workers, and this information was used in the Strategy Refresh 2020. The dwelling data was used in the rate calculation.

Table 3. Forecast private dwelling change 2016 – 2031.

Precinct	2016 dwellings	2031 dwellings	Change 2016-2031
Bentleigh	7,081	8,433	1,352
Bentleigh East	10,993	12,680	1,687
Carnegie	7,985	10,191	2,206
Caulfield	2,340	2,628	288
Caulfield North – Caulfield East	7,419	10,800	3,381
Caulfield South	5,030	5,600	570

Elsternwick – Gardenvale	5,210	6,261	1,051
Glen Huntly	2,443	2,836	393
McKinnon	2,298	2,747	449
Murrumbeena	4,533	5,112	579
Ormond	3,575	4,028	453
St Kilda East	1,557	1,682	125
City of Glen Eira	60,464	72,998	12,534

Source: .id Consulting, refer to Strategy Refresh 2020 Table 4-7.

2.2 Use of the 2016-2031 data

50. I understand that there have been questions around the use of the 2016-2031 population forecasts as being too old or out of date. This approach misunderstands the use of the data. To explain, the Strategy Refresh 2020 is providing the Council with a 15 year program for the municipal public open space network based on the population change for a 15 year period that more or less aligns with strategy implementation, and noting that there is inevitably a time lag when implementing municipal strategies through the planning scheme amendment process.
51. As an author of the Strategy Refresh 2020, I can confirm that the intention has been to use residential and worker forecasts that could provide reliable data on which to base the strategy. I view the fact that the forecasts were prepared concurrently by the two forecasting firms to be significant. Both sets of forecasts were prepared using the same urban planning framework including structure planning, zones and overlays. The forecasters would have been able to identify contemporaneous market trends that were relevant to their respective areas of professional expertise. I also note that the forecasts that we used were accepted by the Council for use in future strategic work such as the strategy.
52. I therefore consider the forecasting of 42,000 additional people over the 15 year period to be relevant to Council's plan for the open space program and the implementation of the revised contribution rate.
53. I also note that it is not a simple matter to substitute different forecast numbers at this point in time. This would likely require a review of all open space recommendations and re-calculation of the contribution rate as both tasks are finely tuned to the forecasts. It is the nature of strategic urban planning that the time required for public consultation on a draft strategy; Council adoption of a strategy; amendment drafting; DELWP authorisation of the amendment; amendment exhibition; and Panel scheduling means that the Panel hearing can occur some time after the initial work is completed. In my opinion, the potential lag in population growth, even if it were to occur, does not undermine the calculation of the contribution rate.

2.3 Effects of the COVID-19 pandemic on population growth

54. The forecast level of population growth is expected over a forward planning period of 15 years. I note that the .id Consulting forecast for Glen Eira for the 2016-2031 planning period

has not changed from the forecast data used in the Strategy Refresh 2020 (web pages accessed 9 May 2022).

55. I note that a total of 12,534 additional dwellings were forecast by .id Consulting for the period 2016-2031. A similar number of additional dwellings (12,234) are forecast by SGS in the draft Housing Strategy for the 15 year forecast period of 2021-2036 (Glen Eira Housing Capacity and Demand Analysis, 15 November 2021). In my opinion, this confirms the ongoing nature of the rate of growth for Glen Eira. It also confirms that the 15 year dwelling forecast used to calculate the revised contribution rate is still valid.
56. To get a sense of how many development applications have been received since July 2016, I asked the Council planners for information about applications with 10 or more dwellings in the structure plan areas of Bentleigh, Carnegie and Elsternwick. These are locations where concentrations of dwelling numbers are forecast to 2031. The results show that a significant number of dwellings have been proposed to March of this year.
 - Bentleigh. Forecast of 933 dwellings. Net dwelling gain 855. This represents 92 per cent of the dwelling forecast.
 - Carnegie. Forecast of 1,500 dwellings. Net dwelling gain 1,403. This represents 94 per cent of the dwelling forecast.
 - Elsternwick. Forecast of 799 dwellings. Net dwelling gain 731. This represents 91 per cent of the dwelling forecast.
57. In my opinion, not all of these applications will necessarily be approved in their current form, and some will not be constructed if approved. However, the numbers do indicate that at less than halfway through the 15 year forecast period, there is considerable interest in development in Glen Eira. Approved projects can be expected to take multiple years for building construction plans to be designed and approved, to arrange funding, and for construction to commence and complete ready for occupancy. Based on this, I would expect the additional dwelling numbers as forecast to be met over the planning period.

3. Public open space contribution

3.1 Rationale for review of the current municipal contribution rate

58. The Contributions Report sets out the reasons for the review of the 5.7 per cent contribution rate. Essentially the 8.3 per cent rate calculation followed changes in the Council's open space program in accordance with the Strategy Refresh 2020. This extract from pages 9-10 of the Contributions Report highlights changes in the municipality.

- *[The] Increased rate of population growth and change to the distribution of the growth.*
- *The preparation of the Glen Eira Activity Centre, Housing and Local Economy Strategy, which provided a framework to direct growth and change.*
- *Increased amount and extent of high density development within the activity centres and in selected strategic sites across the municipality.*
- *The Level Crossing Removal Project, which included grade separation and elevated rail resulting in changes to the quantity, accessibility and distribution of open space and ancillary open space along both rail corridors.*
- *Preparation of new Structure Plans for the three Major Activity Centres of Bentleigh, Carnegie and Elsternwick.*

The increased rate and intensity of development has specific implications for open space. High density development results in less private open space, which increases the levels of use of open space, the diversity of reasons people visit open space, and the facilities and open space that need to be provided. Activities such as barbecues with friends and families, relaxing outdoors in the sunshine and growing food would typically occur in private open space. There is a need to upgrade existing open space and provide new open space to accommodate increased levels of use and diversity of activities.

Another key issue specific to high density precincts is that open space needs to have good levels of winter sunlight access to retain its quality so as to provide for the range of users and needs over time.

3.2 Strategic basis of the revised contribution rate

59. The 8.3 per cent public open space contribution rate that is proposed by Amendment C218 is based on the open space projects included in the Strategy Refresh 2020. The strategy provides Council with a 15 year program for the protection, maintenance and enhancement of the municipal open space network. More specifically, the strategy provides direction about public open space provision, design and management with attention paid to the open space requirements in the areas where growth and change is occurring or is anticipated in future, and the rate of that change. The required quantity, quality and distribution of open space is clearly set out in the strategy in response to the needs of the existing and forecast new population including both residents and workers.

60. The Strategy was developed at the municipal and local level including a detailed analysis of open space planning precincts. From this analysis a number of projects were developed to upgrade existing open space and add new open space where it is needed, including where

there are gaps in the existing open space network and locations forecast for population growth.

61. I note that the projects contained in the Strategy were agreed with the Council before I calculated the public open space contribution rate of 8.3 per cent. These are the actions listed in Section 5 (municipal-wide section) and Section 6 (precinct sections) of the published strategy. The rate outcome did not influence the projects that were identified for strategic open space planning purposes.
62. In my opinion, the Strategy Refresh 2020 is responsive to the changes occurring in Glen Eira and these changes in turn support the introduction of the higher public open space contribution rate of 8.3 per cent across the city. The strategy addresses the significant changes in population and built form including the level of population increase that has occurred in recent years and that is forecast for future years; the high density nature of development in the activity centres and urban renewal areas with use of open space by both residents and workers; and the cost to purchase land at market rate. The expanded open space network will increase local amenity; opportunities for recreation and leisure; and urban cooling to ameliorate increased days of high heat and the urban heat island effect.
63. In my opinion, the Strategy Refresh 2020 provides sufficient guidance to the Council when making decisions to effectively implement the strategy. This will include establishing project priorities, identifying (general) locations for land acquisition and providing direction about the use of the cash contributions collected. The strategy has enough detail to allow Council to link the needs of the new resident and worker population with future open space budget expenditure and the annual allocation of contribution funds.

3.3 Implications if Amendment C218 does not proceed

64. I have prepared the 8.3 per cent contribution rate to reflect the recommendations of the Strategy Refresh 2020. If Amendment C218 does not proceed, then I have identified the following outcomes for Council:
 - Council will continue to use the schedule of rates currently included in Clause 53.01 of the Glen Eira Planning Scheme because the amendment has not proceeded.
 - The municipal-wide contribution rate of 5.7 per cent will no longer have a strategic basis now that the Strategy Refresh 2020 has been adopted and is being implemented. This is because the 5.7 per cent rate is based on the projects from the 2014 Strategy. Also, the population forecast that provided the basis for the 5.7 per cent rate has now been exceeded.
 - Council is likely to under collect the contribution funds needed to provide open space for its growing population, including the acquisition of land to expand the municipal open space network.
 - There will be a gap in the contribution funds collected by the Council and the funds needed to deliver the open space program to serve the needs of the new population. This gap can be expected to increase annually over the 15 year forward planning period. Council would need to meet the shortfall with other revenue or else trim the

open space program if the funds needed to make up the shortfall are not available due to other budget priorities.

65. I consider that these would be undesirable consequences if the Amendment does not proceed. I also consider that this outcome would be inconsistent with the intent of a public open space contributions program as set out in the *Subdivision Act 1988* and supported by the *Planning and Environment Act 1987*, and with the Council's policy imperative described in Section 1 to provide open space commensurate with its community's needs.

3.4 Method used to calculate the contribution rate

66. The method I have used to calculate the 8.3 per cent contribution rate was also used to calculate the current 5.7 per cent rate. For information, I have also used this method to calculate a contribution rate for a number of other municipal open space strategies. These include strategies with current contribution rates for the cities of Boroondara, Maribyrnong, Melbourne, Moonee Valley, Whitehorse, Whittlesea and Yarra. All of the rate calculations, including the calculation for the Glen Eira rate, have been accepted by a Planning Panel / the Planning Minister except notably Boroondara which did not proceed to a planning scheme amendment.
67. The open space strategies I refer to have been prepared for established urban areas of metropolitan Melbourne where subdivision is generally of an infill nature. The approach has been consistent for all strategies and includes the following elements.
- The strategies provide a 10-15 year plan for the municipal public open space network.
 - The strategies adopt a vision and a set of principles to be used when assessing the municipality and preparing recommendations.
 - The strategies analyse the existing public open space network, the effects of population growth and the open space needs of the future population.
 - The strategies provide a costed and cost-apportioned implementation program.
 - The implementation program focuses on the Council owned and/or managed publicly owned open space and includes projects that are appropriate to be funded by public open space contributions.

3.5 Assumptions about application of the contribution rate

68. The averaged municipal rate of 5.7 per cent is currently included in the schedule to Clause 53.01 of the Glen Eira Planning Scheme (Amendment C120 gazetted on 12/03/2015). The open space contribution is mandatory for all eligible subdivisions and can be levied by the Council as land, cash or a combination of both. The rate applies across the municipality except for the original Phoenix Precinct near Caulfield Station and part of the East Village precinct. The proposed 8.3 per cent rate is intended to replace the 5.7 per cent rate in the planning scheme.
69. I note that Council will be able to create a separate contribution arrangement in future for any redevelopment precinct where, for example, a higher contribution might apply as an outcome of an agreed structure plan or development plan. The East Village schedule was added to the planning scheme via Amendment C155 (gazetted on 31/03/2021) to lock in

the agreed open space land contribution. This amendment was gazetted well after the 5.7 contribution rate was added to the schedule in 2015.

3.6 Use of the municipal-wide rate

70. In reviewing the current contribution rate schedule at Clause 53.01, I confirmed that the municipal rate has worked well for Glen Eira since its introduction in 2015. No issues were raised during preparation of the Strategy Refresh 2020 or the rate calculation that suggested that another approach would be more appropriate.

71. In my opinion, the advantages of the municipal approach include:

- The rate is uniform across the municipality and does not advantage one developer over another, and therefore it would be neutral in terms of Council's planning and development policy.
- The rate captures emerging areas of more intensive development which are not necessarily appearing in the current population forecasts.
- A revised rate will not be required if redevelopment trends change.
- A uniform rate recognises that Council is providing a municipal-based open space network and that people will use open space across the network.
- Council has flexibility in future to prepare a higher contribution rate for redevelopment sites and precincts which will experience high density development. Concentrated high density areas that will need to serve above average use may be required to provide a contribution above the municipal rate, e.g. potentially the Caulfield Station precinct.

3.7 Rate calculation formula

72. The calculation of the public open space contribution rate is based on the following formula:

$$\frac{\text{Project costs allocated to the new population}}{\text{Value of the land estimated to redevelop (based on forecast growth)}} \times 100 = \% \text{ contribution rate}$$

4. Data used in the rate calculation formula

4.1 Project costs allocated to the new population

73. In order to undertake this part of the rate calculation, the open space projects contained in the Strategy Refresh 2020 were costed and a proportion of the cost of each project was allocated to the existing and forecast new populations.
74. The Strategic POPC below provides the allocation of costs between the existing population and the new population, that is, the population forecast to arrive during the 15 year open space planning period. I understand that Ms Thompson will address the Panel about the Strategic POPC.
75. The Strategic POPC provides the cost allocation for all land acquisition and capital works by precinct and municipal total. The apportioned cost for the forecast population is used in the rate calculation method – this figure is \$254,637,515.

Table 4. Extract of the Strategic POPC with total and apportioned costs.

SUBURB	Total dollar value	Total dollar value for existing population	Total dollar value for new population
Bentleigh	\$27,215,950	\$11,420,923	\$15,795,027
Bentleigh East	\$49,601,360	\$23,984,023	\$25,617,337
Carnegie	\$106,482,670	\$28,816,265	\$77,666,405
Caulfield	\$43,578,550	\$23,136,459	\$20,442,091
Caulfield East	\$14,988,540	\$8,146,817	\$6,841,723
Caulfield North	\$39,623,080	\$22,036,545	\$17,586,535
Caulfield South	\$11,151,740	\$7,004,631	\$4,147,109
Elsternwick and Gardenvale	\$71,675,820	\$21,191,089	\$50,484,731
Glen Huntly	\$12,676,340	\$2,815,168	\$9,861,172
McKinnon	\$10,852,270	\$4,584,685	\$6,267,585
Murrumbeena	\$26,911,740	\$13,522,290	\$13,389,450
Ormond	\$12,728,940	\$7,637,364	\$5,091,576
St Kilda East	\$7,233,870	\$5,787,096	\$1,446,774
	\$434,720,870	\$180,083,355	\$254,637,515

Source: Strategic POPC dated 23 August 2019.

4.2 Value of the land estimated to redevelop

76. To undertake this part of the rate calculation, an assessment was undertaken of the land area needed to accommodate the forecast new population, and specifically the dwelling forecasts. The assessment used the municipal urban planning framework (including current and proposed zonings, structure planning and other strategies) to estimate dwelling densities for the different open space planning precincts. In some cases the dwelling densities differed within a precinct, e.g. a precinct with both an activity centre and a suburban hinterland.
77. Council officers involved with current and future city development undertook the assessment of land areas for different dwelling densities. The following table shows the dwelling forecast, lot sizes assigned to different dwelling densities and land area estimated

to redevelop for each precinct. I note that the land area per dwelling is an average lot size that is based on the total area of a development site, that is, the site to be subdivided (not just the building footprint). The dwelling yield considers the size of development sites, net developable area and building heights allowed by built form controls. A lot size of 50-75 m² per dwelling was used in activity centres where densities will be relatively high and 300 m² represents two and three lot developments in residential hinterlands.

Table 5. Dwelling change, lot sizes and land area.

	Change 2016-2031 Dwelling	Lot size range	Total land area
Suburb	No	m2	m2
Bentleigh	1,352	75 - 300	201,245
Bentleigh East	1,687	125 - 300	304,491
Carnegie	2,206	75 - 300	210,452
Caulfield	288	75 - 300	44,266
Caulfield North - Caulfield East	3,381	75 - 300	252,300
Caulfield South	570	75 - 300	77,520
Elsternwick - Gardenvale	1,051	50 - 300	99,399
Glen Huntly	393	105 - 300	52,760
McKinnon	449	120 - 300	78,126
Murrumbeena	579	115 - 300	89,571
Ormond	453	118 - 300	78,188
St Kilda East	125	75 - 300	12,285
City of Glen Eira total	12,534		1,500,603

Source: .id Consulting and City of Glen Eira.

78. Glen Eira is a municipality without significant land zoned exclusively for business and industry. Private non-residential development is primarily occurring in the activity centres or emerging renewal areas. For this reason, Council officers and I recognised that the new employment floor space to be included in the rate calculation would be generated in mixed use developments, for example, in buildings with retail, office and residential floor space. Consequently, Council did not assign additional land area to accommodate the forecast increase in employment floor area - the land area of these development would already be accounted for by the developments accommodating forecast dwellings.
79. Once the land area to redevelop was determined, Council's Valuer provided the average site values for each zone/precinct so that the value of the land area per development could be determined. Site value (SV) was used in this exercise as the contribution rate is applied to site value only.
80. I multiplied the land area by the supplied site value to generate the value of the land to redevelop for each precinct. This is shown below and also appears in Appendix A of the Contributions Report, at Table A-1, Column [3]. The total value of the land is used in the rate calculation method – this figure is \$ \$3,061,087,390.

Table 6. Value of land estimated to redevelop.

	Total value
Suburb	\$
Bentleigh	\$ 407,962,118
Bentleigh East	\$ 465,833,173
Carnegie	\$ 447,566,953
Caulfield	\$ 95,310,823
Caulfield North - Caulfield East	\$ 596,318,576
Caulfield South	\$ 169,454,160
Elsternwick - Gardenvale	\$ 294,351,684
Glen Huntly	\$ 97,240,973
McKinnon	\$ 166,262,904
Murrumbeena	\$ 152,011,702
Ormond	\$ 138,105,295
St Kilda East	\$ 30,669,030
City of Glen Eira total	\$ 3,061,087,390

Source: City of Glen Eira.

81. Applying the data in the contribution rate formula resulted in the calculation of the 8.3 per cent contribution rate. The summary data and rate calculation are shown in the Contributions Report, Appendix A, Table A-1.

$$\text{\$254,637,515} / \text{\$3,061,087,390} \times 100 = 8.3 \text{ per cent}$$

4.3 What is not included in the contribution rate calculation

The contribution rate calculation *does not* include data for the following locations:

- The Caulfield Mixed Use Area in what was formerly known as the Phoenix Precinct. A contribution rate for this area is included in the Glen Eira Planning Scheme in Schedule 2 to the Priority Development Zone (PDZ2) - Caulfield Mixed Use Area.
- The East Village precinct. Planning for this precinct is the subject of Amendment C155, which includes an open space contribution specific to the site.
- The structure planning for higher densities in the Caulfield Station precinct. Only the 'business as usual' forecast growth has been included.

4.4 Comparison of the 2014 and 2020 contribution rates

82. There is a significant difference in the data used in calculating the 2014 and 2020 contribution rates. This reflects the different existing conditions and forecast data at the time that the Open Space Strategy 2014 and Strategy Refresh 2020 were prepared.
83. Comparison of the rate calculation based on the Open Space Strategy 2014 and the revised rate calculation based on the Strategy Refresh 2020 results in the following information.

Table 7. Comparison of the dated used in the contribution rate calculation for the 2014 and 2020 open space strategies.

Strategy year	Number of years included	Number of forecast dwellings	POPC for new population	Estimated value of land	Calculated municipal rate
2014	2013-2026 (13 years)	5,691	\$79,915,605	\$1,403,425,510	5.7%
2020	2016-2031 (15 years)	12,534	\$254,637,515	\$3,061,087,390	8.3%

5. Contribution rates in comparable municipalities

84. Most Melbourne metropolitan councils now have scheduled rates in Clause 53.01 of their planning schemes. This has resulted from a desire to move away from reliance on individual assessments for each subdivision when using Clause 18(1) of the *Subdivision Act 1988*. Councils have also moved from the 1990s VicCode 2 sliding scale of rates, often adopting 5 per cent as a default rate. More recently I have observed a move toward strategically based rates that respond to the particular circumstances of the municipality.
85. Glen Eira and the adjoining municipalities are suburban in nature and share common characteristics in terms of their urban form and population challenges. The surrounding municipalities include Bayside, Kingston and Port Phillip on Port Phillip Bay along with Monash and Stonnington. In my opinion, these municipalities are broadly similar because their retail and commercial uses are concentrated in well-established activity centres based on traditional shopping strips. The remaining land in these municipalities is primarily residential in nature. All are experiencing increasing densification of built form as a result of population growth.
86. The scheduled planning scheme contribution rates in the municipalities that adjoin Glen Eira include the following.

Table 8. Clause 53.01 contribution rates in adjoining municipalities.

Council	Type or location of subdivision	Amount of contribution for public open space
Bayside	Strategic Redevelopment Site	5% or greater subject to negotiation of a development plan
	All other land	5%
Kingston	All land within the Mordialloc and Highett Activity Centres as defined in Clause 22.14 and Clause 22.17 of the Local Planning Policy Framework.	8%
	All land within the Moorabbin, Cheltenham and Mentone Activity Centres as defined by the Activity Centre Zone.	8%
	Strategic Redevelopment Sites where: there is a rezoning of non residential land to residential land for intensive residential development; and the rezoning would create a new community within the redevelopment site (nominally 200 dwellings or more).	At least 8%
	All other land	5%
Monash	Dwellings 3-6+ lots	2% - 5% (sliding scale)
	PMP Printing Precinct	10%
	Other	5%
	Seeking 10% - Am C148	
Port Phillip	All land	5%
	Fishermans Bend Urban Renewal Area	8%
Stonnington	Glen Iris, Malvern, Malvern East, Toorak, Kooyong	5%
	Armadale, Prahran, Windsor, South Yarra	8%

	1 described precinct	8%
--	----------------------	----

Source: Planning schemes online, accessed 9 May 2022.

87. I note that typically the contribution rates in the above municipalities range from 5 per cent to 8 per cent. Using an 8 percent rate for a defined urban renewal area began with the introduction of this rate in Fishermans Bend, which includes the Fishermans Bend priority precincts and the National Employment and Innovation Cluster. Monash's schedule includes a precinct-based 10 per cent rate and the Council has also exhibited a 10 per cent municipal-wide contribution rate (Amendment C148) that would potentially apply to the Monash National Employment and Innovation Cluster located in Clayton. The Monash Panel has requested further information about the amendment via an Interim Panel Report issued last year.
88. I note that Bayside and Kingston have both included contribution rates that allow for a higher rate than 8 per cent being levied for strategic development sites.
89. I have not calculated two contribution rates in Glen Eira, e.g. 5 and 8 per cent, because the size of the activity centres, distribution of development forecasts and location of open space reserves does not lend itself to this approach. The activity centre populations are expected to be using open space beyond the commercial and mixed use areas because it will not be possible to meet resident and worker needs exclusively within the centres. In addition, activity centres are distributed across all suburbs without clear definition of boundaries.
90. In my opinion, contribution rates are clearly on the rise in established urban areas of Melbourne, with more recent amendments looking at 8 and 10 per cent rates. The rise in rates in my experience reflects the high expense of open space capital costs due to high levels of community use and competition for space; the lack of open space reserves, or capacity in existing reserves, in areas of expanding population; and the move by councils toward land purchase due to the difficulty of gaining a usable open space land contribution on most infill redevelopment sites.
91. As stated in the Open Space for Everyone strategy, Glen Eira has the lowest level of open space of any municipality in metropolitan Melbourne. This has added pressure on existing open space reserves and limited the amount of additional population that has been able to be accommodated in the municipal public open space network in recent years.

6. Response to matters raised in Panel Directions

93. The Panel's directions issued following the 13 April 2022 hearing included a number of questions to be answered through the hearing process. I have been instructed to respond to these matters.
94. **Strategic context and assessment.** I address the strategic context for open space planning in Section 1 of my evidence. I address the need for Amendment C218 in Section 3 of my evidence.
95. **Brief explanation of how the revised open space contribution rate was calculated, including cross references to relevant sections of the Open Space Strategy Refresh 2020 and/or the Open Space Strategy Refresh Update of the Public Open Space Contributions Program 2020.** I address the revised contribution rate calculation including references to the Strategy Refresh 2020 in Section 3 and Section 4 of my evidence.
96. **An explanation of whether Council has any revised population projections that update the projections on which the Open Space Strategy Refresh was based.** I refer to the SGS analysis in the current draft Housing Strategy in Section 2.3 of my evidence. I am not aware of other revised population projections.
97. **Response to submissions.** I address the submissions received in relation to Amendment C218 in Section 7 of my evidence.
98. **Comparisons of current open space contribution rates in similar comparable municipalities.** I address contribution rates in other municipalities in Section 5 of my evidence.

7. Response to submissions

99. I am able to provide a response to many of the matters raised in the 28 submissions received about Amendment C218. I have grouped themes and responses and indicated the relevant numbered submissions for each grouping.
100. **Theme. No objection.** Submission numbers 5, 8, 25.
101. Noted.
102. **Theme. Supports the amendment / contribution rate increase.** Submission 1, 2, 6, 12, 17.
103. Noted.
104. **Theme. Supports a contribution rate higher than 8.3 per cent.** Submission 4, 7, 10, 13, 14, 16, 21, 22, 23, 24.
105. Several submitters requested a higher contribution rate on the grounds that the 8.3 per cent rate will not be sufficient to support desired improvements in the municipal public open space network. I explain why the contribution rate is 8.3 per cent in my evidence. Refer to Section 3 of my evidence where I explain the basis and application of the rate and Section 4 of my evidence where I explain the actual rate calculation that results in the 8.3 per cent rate.
106. **Theme. Additional land for open space is needed.** Submission 1, 2, 4, 7, 10, 13, 14, 16, 20, 21, 22, 23, 24.
107. Several submitters emphasise the inadequacy of the current quantity of open space in Glen Eira and would like the Council to acquire additional land for open space. The revised contribution rate of 8.3 per cent would allow the Council to purchase a significant amount of land to expand the public open space network. Section 6 of the Strategy Refresh 2020 identifies approximate locations of this new open space.
108. **Theme. Opposes the higher contribution rate of 8.3 per cent.** Submission 3, 9, 18, 19, 26, 28.
109. Several submitters oppose the higher rate for a wide range of reasons. Where I am able to respond to individual issues, I do this in the responses under other themes.
110. **Theme. The contribution rate exceeds 5 per cent.** Submission 3.
111. The submission refers to the 5 per cent limit on a public open space contribution levy that is included in Section 18(1)(c) of the *Subdivision Act 1988*. In my opinion, Glen Eira appropriately uses the alternative that is available to it under Section 18A of the Act. *Requirement for public open space in planning scheme*. This requirement applies when a rate is scheduled in Clause 53.01 of the planning scheme. The planning scheme rate is not limited to 5 per cent.
112. **Theme. The contribution rate should meet 'need' and 'nexus' principles.** Submission 3,11.
113. Submission 3 refers to the need and nexus concepts that are broadly embodied in the criteria listed in Section 18(1A)(a)-(f) of the *Subdivision Act 1988*. The criteria are only used

when there is no contribution rate scheduled in the planning scheme, therefore they are not used in Glen Eira. I note that some of the criteria may be applicable when preparing a municipal-wide contribution rate and these are addressed in the Strategy Refresh 2020 as relevant.

114. **Theme. Council should provide for discretion / flexibility in applying the levy.** Submission 9, 11.
115. The submission refers to allowing Council to assess individual submissions in different ways according to relevant circumstances. I note that Glen Eira has not used a discretionary contribution rate for some years. A discretionary rate takes away the Council's ability to plan and implement a strategic municipal public open space program because it cannot predict with any accuracy what contribution income it will derive. A discretionary approach would also cost the Council additional time and resources to process subdivision applications if the open space requirement had to be individually assessed for each.
116. The contribution rate is assessed in accordance with statutory requirements. Council does not have the ability to introduce flexibility to alter these.
117. **Theme. The impacts of COVID-19 on population growth have not been considered.** Submission 3.
118. The submission refers to the potential effects of the pandemic on infrastructure provision. Refer to Section 2.3 of my evidence where I address this issue.
119. **Theme. Lack of strategic implementation / implementation plan.** Submission 9.
120. The submission suggests that the Council lacks a strategic basis, costings and implementation details. The Strategy Refresh 2020 contains the strategic basis for the revised contribution rate. Refer to Sections 3 and 4 of my evidence. The actions for individual precincts contained in Section 6 of the strategy form the implementation plan.
121. **Theme. Individual locations should not pay the higher contribution rate when they are in proximity to existing open space.** Submission 9.
122. The submission appears to support Council exercising its discretion when development is undertaken nearby existing open space. The use of the municipal-wide contribution rate has been chosen as it averages the costs to development across Glen Eira. It also recognises that occupants of new development use different types of open space and will usually venture beyond the closest reserve to meet their range of open space needs. Occupants benefit from investments in open space in other parts of the city as well as in their more immediate areas.
123. **Theme. Seeks drafting change to amendment and adopted Strategy Refresh 2020.** Submission 15.
124. The submission requests a change to text in Table 5-2 in the adopted Strategy Refresh 2020 and specifically the wording about the effects of development adjoining open space on the sunlight in that open space. The basis for this request is that the text is not included in the exhibited Clause 22.12.
125. For information, the relevant text from Table 5-2 has been included in Amendment 220, Clause 15.01-2L *Building design*. Council advised me that this would be a more appropriate location for this inclusion. The text under Policy Guidelines reads:

The development to result in no increase in overshadowing of any existing or proposed public open space from 10am to 3pm on 21 June beyond the shadow cast by a 9 metre high built form immediately adjoining the public open space, unless other overshadowing standards are specified elsewhere in this scheme.