

An aerial photograph of a coastal landscape, showing a mix of green fields, trees, and a body of water in the distance. The image is overlaid with a semi-transparent orange and red gradient. The text is positioned in the lower-left quadrant of the image.

# **Open Space, Sport and Recreation Plan**

## **Acquisition and Disposal of Open Space and Community Infrastructure**

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## About this document

This document is one of the series of reports prepared for the Open Space, Sport and Recreation Plan prepared for Waratah-Wynyard and Circular Head Councils.

Other documents in this series of issues papers include:

- Off-road Trails Issues Paper
- Camping Issues Paper
- Community Halls/ Meeting Places Issues Paper
- Public Toilets Issues Paper
- Occupancy Agreements, Usage and Fees and Charges Issues Paper

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- Staff from both Councils
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Waratah  
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## Issues raised in relation to acquisition and disposal of sites

During this plan's preparation several issues were discussed related to the acquisition and disposal of open space and community infrastructure. These were:

1. There is demand for a higher quality and combined community sporting precincts in Somerset and Wynyard and some existing sites cannot cost effectively be developed to provide shared development and use. The existing sites are some distance from the existing school, which is in need of additional sporting and community facilities.
2. There are some sporting sites that need investment and are in locations, which may have high value for housing. If they could be sold, then the proceeds of sale could fund the new development.
3. Some sites / and community infrastructure are not well used and they are costing the Councils more than the value they provide. Some are suggested for rationalise or disposal, however in some cases these are the only public asset in that hamlet.
4. There are some sites in the CH that were previously owned by Council which have been transferred to the community. Some of these are still used for community sport and freedom camping and the like. However, it was suggested that some are not being kept in a good condition and that the nature of use and pricing may not be consistent with other public facilities.

It is beneficial that some principles and strategies are developed to guide the future acquisition and disposal of open space and community infrastructure and where possible that there is some consistency between the policy of both Councils.

## Acquisition of open space

Typically, a combination of strategies may be employed to provide a fit for purpose open space or sport/ recreation facility where there currently isn't one.

There may be a need to strategically secure land in the long term in order to:

- Address gaps in the mix, supply and distribution of open space -as a priority for social / family recreation, sport and off-road trails, or in where an open space is not in a location or of a size suitable to provide a sustainable development
- Provide a specific open space where required for a specific purpose or facility,
- Service the needs of new residential or other development areas
- Provide space that secures a type of landscape setting not present (e.g. bushland)
- Meet the identified demand for outdoor recreation or sport by the most efficient and effective means
- Promote the shared use of open space and facilities
- Expand an existing site to make it fit-for-purpose
- Protect a site of significance (biological, cultural heritage or landscape character) or create continuous public land along a waterway or other corridor
- Prevent significant ramifications arising from the development of a parcel of land that would otherwise impact negatively on an existing reserve, off-road trail, or site of significance.

Strategies other than acquisition to address a gap or shortage may include other means of securing access to a site or facility including:

1. Expanding and or embellishing an existing open space to become fit-for-purpose for the desired function.
2. Securing access to, or across, another site by leasing a parcel of Crown or private land or utilising a closed road, easement or the verge of a road reserve for access



3. Extending an existing reserve through purchase / securing an adjoining parcel of land.
4. Work with the Crown or a school to develop or utilise an existing public site not in public use and/or Council management
5. Changing the use of an existing open space / community asset to replace an aging or unsustainable asset.
6. Acquiring a new parcel of land as an open space contribution, if the land is subject to a subdivision as a future residential commercial, or industrial development, for example.
7. Seeking the transfer of a surplus parcel of public land at no cost or disposal by other means where a transfer is not a viable option.

### Disposal of low value open space or community infrastructure

It is not uncommon for community infrastructure or open space to be assessed as having low community value. This likely because:

- A site may have been provided by a developer and was never fit for purpose or is over-servicing a specific area
- A site may be under developed, poorly maintained or both and not well promoted or used
- A site may be too small, or of an inappropriate nature to provide the function or scale of facility required in that location
- A facility or open space of that nature is no longer sustainable given the condition of the asset
- A facility is no longer required in that location because of the changing size or nature of the population.

In some instances, an alternative function of the space / and its use may be highly valued or it may be beneficial to relocate, or sell the asset (but not the land) as demand for the asset and the catchment population may wax and wane, and the demand for some community infrastructure may develop in the long term.

Some areas of marginal open space may however are possibly being over-serviced and result in ongoing additional maintenance cost to the Council. This is likely to be the case now where spaces rarely used are being mowed (for example verges in Waratah). These could be maintained differently, but may not be easily, or appropriately disposed off.

Having a low value asset does not necessarily suggest it is best to divest the land. As suggested above a combination of development or change in use, better maintenance, and promotion may enhance the return on investment. In addition, the sale of the asset may not be the best strategy because:

- Community expectations and knowledge of the benefits of open space, sport and recreation are increasing, and it is often difficult to replace open space, and costly to purchase land for a community facility is there is no public land
- Land prices are relatively low at present and will increase. Hence it may be easy to give a



way an asset that will increase in value, for limited return.

- Land is a valuable community resource that may be redeveloped, occupied for potentially good return until such time as it is required to suit new needs
- The sale of open space is not a good way of revenue raising especially for small capital projects – which may be more easily sought through grants.
- Relatively marginal or small open space areas is not likely to net a good return taking into account likely size, location, as well as the cost of assessment, clean up, remediating it/preparing it for sale, fencing it, decontamination, rezoning, valuing, plus legal and transfer fees, advertising and sale costs, may mean very little is recouped from a sale.
- If the space of low value was taken as an open space contribution during subdivision, it will need to be replaced.
- It is impossible to know what future change will occur in the population and what recreation activities will be required.
- The long-term future needs for the open space and community infrastructure in question, should be considered prior to any sale.
- If an asset that is not in good condition and isn't marketed, the full potential for use (and potential benefits) will not be known.

## Principles

1. The sale of open space or land with community infrastructure on it is not generally an effective way of revenue raising especially for small capital projects – which may be more easily sought through grants.
2. Before contemplating sale or transfer of community land:
  - Assets of low value should be promoted and users engaged to ascertain their current value and alternatives
  - Expressions of interest and potential commercial uses of sites should be explored
  - Options for gifting or relocation of the building should be considered preferable to the land.
3. Funds derived from the disposal of public open space should primarily be used for the acquisition of, and then secondarily the development or improvement of the open space network.
4. The disposal of public open space shall only be considered in cases where such disposal is demonstrably beneficial to the public open space network and the land for disposal is identified in an adopted open space strategy or equivalent.
5. Funds derived from the disposal of any public open space or community land should be added to a fund used for open space contributions (Open Space Development Fund), and the details of the nature of use of the fund and locality where spent should be recorded.
6. Funds derived from the disposal of public open space should be allocated and expended, consistent with community needs detailed in, and in accordance with, an adopted Strategy or Plan.
7. The expenditure of the Open Space Development Fund shall be reported to Council.
8. Transparent assessment criteria (as provided) should be used to assess



open space/ community infrastructure  
proposed for divestment

## Process

There is a legislated process that councils must use for the sale of public land identified for disposal. This process is summarised in 'Sale of Public Land Information Sheet' published by the Tasmania Department of Premier and Cabinet Local Government Division, March 2014.

The requirements of the Local Government Act 1993 and the Local Government (Building and Miscellaneous Provision) Act 1993 need to be met and implemented with respect to the disposal of public open space.

Where a community facility is deemed as not required, consideration should be given first to the relocation or lease or transfer of ownership, and alternative use, including commercial use of the building – before the divestment of the land is considered.

Where a community facility/ open space is deemed as not required, or alternatively required for acquisition, the potential for its use and the costs and benefits of use should be assessed prior to it being considered for purchase or divestment. Such an assessment should include:

- a) Condition of infrastructure
- b) Risk management
- c) Local history of the space and its provision i.e. whether the space may have been bequeathed, taken as part of subdivision, and what levels of community involvement there have been to development or management.
- d) Environmental hazards or other encumbrances including potential inundation, heritage or floodway overlays, potential impact of climate change.
- e) Condition and location of Services / easements
- f) Geotechnical issues
- g) Covenants, ownership, legal and planning issues
- h) The likelihood of the site being fit-for purpose as a specific type of open space

- i) The conceptual layout of any specific facilities required.
- j) Assessment of the location of the site and its distance to other community facilities / open space sites and whether it can or already provides connectively through a non-grid subdivision, school or community facility (e.g. a shopping centre etc.).
- k) Opportunities to extend or embellish this site if the value of the site has been assessed as low and this relates primarily to its size, or lack of development.
- l) The implications of selling the site including opportunity costs: i.e. loss of access through the neighbourhood / loss of legibility and permeability due to the design of the road network or subdivision layout in the local area, the loss of restorative values or the only public land and the loss of the ability to connect with future adjacent subdivisions or corridors.
- m) The likelihood of selling the site (cost of valuing, subdividing, advertising, and legal fees), and amount likely to be received. Consider likely encumbrances to and the ability to construct a dwelling on the site that will determine value and likely sale price.

The priority for land to be acquired other than through subdivision will be determined considering the following:

- a) Whether the land is part of a river or coastal foreshore not in public ownership.
- b) Whether land can be leased or accessed via other management arrangements in the short term rather than waiting until a development opportunity arises and whether the site can be taken as an open space contribution during subdivision
- c) The classification of the open space to be acquired (i.e. its function type, landscape setting and catchment) to ensure all parties are clear as to its future use.





- d) Whether the space meets multiple criteria, including one or more of the following:
- Located in an area where population will grow
  - Located where open space will decline as a result of other urban development
  - Whether the acquisition can more satisfactorily replace one or more separate Councils facilities that are not sustainable in separate location or in their current form.
  - In a locality identified as not well served with priority open space functions (i.e. without social / family recreation space within 500m, sport within 1km, or 800m for a district off-road trail)
  - Located in an area with little other public or incidental open space, (e.g. Crown land, school land, or undeveloped, vegetated land)
  - Located in a residential area or employment area
  - Capable of serving a district catchment
  - Capable of serving multiple open space function types in addition to that identified as the gap (i.e. trails, social / family recreation, sport, biodiversity)
  - Adding to an existing corridor for environmental and off-road trail purposes
  - Able to connect existing spaces along a waterway or other corridor, particularly if it leads to a significant space or river
  - Preserves valuable features (e.g. bushland, unique landscape quality)
  - Has no environmental constraints (e.g. encumbrances, contamination, noxious weeds, or infrastructure in need of repair etc.)?
  - Located where no other space serves similar opportunities on other public land (e.g. transport corridor, schools) within walking distance
- Where public access cannot be achieved another way (e.g. through lease of flood prone land).





## Assessment criteria

Decisions to dispose of public land should be considered and assessed against the following criteria:

1. Is the land proposed for disposal identified in an Open Space Strategy?
2. How will disposal affect public open space opportunities in the local area?
3. What contribution does the land current make to the public open space network?
4. Environmental, conservation or biodiversity values of significance.
5. Historical and cultural values of significance.
6. Impacts on adjacent land, including activities undertaken on adjacent land.
7. Any conditions attached to the land when it was purchased, acquired or gifted to Council.
8. Any encumbrances associated with the land (e.g. flood mitigation, drainage, easements, underground utilities etc).
9. Can the land be rezoned to be use (is it compatible with adjacent land use zones?
10. Will the benefits of disposing of the land outweigh the costs of retaining the land?
11. Is the net market return on the land sufficient to fund improvements to the public open space network?
12. Are there other issues identified by Council Policy?

## Directions

1. Adopt the recommended principles and proposed assessment criteria associated with the acquisition and disposal of public open space and community infrastructure.