

The NSW Public Spaces Legacy Program

Program Guidelines
August 2020

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Acknowledgement

NSW Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to all Elders past, present and future.

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Contents

Introduction	3
Planning Reform Action Plan	4
Objectives of the NSW Public Spaces Legacy Program	4
Why high-quality public and open space?	5
Structure of Program & Eligibility	6
How to apply	8
Your application	8
Assessment criteria – accelerated planning	9
Assessment criteria – public and open space	10
Process	12
Timeframes – Nomination & Selection Process	13
Submission of applications	13
Program management	14







Introduction

Councils across NSW have achieved significant improvements in their planning assessment processes over recent years. This has been complemented by ongoing work in strategic planning such as the preparation of local strategic planning statements and the review of councils' Local Environmental Plans.

The economic impact of the COVID-19 pandemic creates an imperative to seek even greater speed in assessment, to ensure that good planning decisions can be made as quickly as possible. This will aid economic recovery by helping to unlock construction jobs, economic activity and broader public benefits. It will also provide confidence in the planning system by giving a definitive response on proposals as early as possible.

Further process improvements will require an allocation of resources to achieve faster assessment decisions.

The NSW Public Spaces Legacy Program recognises this resource impact by offering a financial incentive for councils that are responding to the COVID-19 pandemic by setting and achieving higher assessment performance targets in the short to medium term.

COVID-19 has shown the extent to which people value their public spaces, with half of people surveyed spending more time outdoors during the pandemic. This fund is about seizing the opportunity to build on that momentum and to create a positive public space legacy for our future.

As the COVID-19 period has demonstrated, access to quality open and public space is central to community and individual health and can be a driver of economic performance.

The NSW Public Spaces Legacy Program will provide long-term value by funding new and/or improved high-quality public and open spaces ensuring a legacy well beyond the COVID-19 economic recovery period.

Planning Reform Action Plan

The Government has recently announced a broad Planning Reform Action Plan to create a more timely, certain and transparent planning system. The Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects, implement the next stage of ePlanning, provide new resources for the NSW Land and Environment Court, reduce concurrence and referral cases between agencies, and review application fees with a link to speed of assessment.

This includes the Faster Assessments Program which will combine new resources with system improvements to slash assessment times. This involves a commitment by the NSW Government to reduce timeframes for:

- Rezoning decisions by 33 per cent;
- Decisions on development applications for larger, regionally significant projects by 25 per cent time; and
- Decisions on major projects of significance to the State by 17 per cent.

This measure will help to stimulate the economy by reducing developer holding costs, administrative costs around preparation of development applications and minimizing the time spent navigating the planning system.

Objectives of the NSW Public Spaces Legacy Program

The NSW Public Spaces Legacy Program will support the Planning Reform Action Plan by providing incentives and guidance to councils seeking to match the objectives of the Faster Assessments Program through their own local assessment acceleration program. The objectives of the NSW Public Spaces Legacy Program are to:

- improve development assessment speeds and planning proposals (rezoning);
- bring forward construction and the opportunity for jobs and economic activity in the short to medium term;
- support investment in the creation of high-quality public and open spaces to create a lasting community benefit; and
- address critical open space shortfalls and improve the quality of existing public and open spaces.

Why high-quality public and open space?

New South Wales has many well-loved public spaces, streets, parks, bushland areas, beaches, and waterways. These places contribute to making our communities attractive, healthy and liveable. The COVID-19 pandemic has made us realise how valuable these places are.

Public and open space contributes to the growth of healthy and sustainable communities by promoting access to nature, culture, sport and recreation. It improves a place's appeal to visitors and enhances quality of life. As our communities grow and change, it is essential that public spaces are accessible and that the open space network is planned, designed and delivered to ensure future community needs are met.

Public and open space is land that has been set aside from development to accommodate recreation or relief from the built environment. It can be used for purposes such as personal and social recreation, sport and physical activity, active transport corridors, waterway and riparian corridors, biodiversity and fauna conservation, and visual and landscape amenity. It includes natural areas and linkages, foreshore areas, parklands, sports grounds and courts, children's play spaces, public streets and linear walking, cycling, and equestrian tracks. These are integral to the character and life of urban areas. Open space can be categorised as local, district or regional open space and can be parklands, natural areas and foreshore areas.

High-quality public and open spaces are recognised through excellence in planning, design, community engagement and ensuring the community is able to get there, stay, and participate.



Structure of Program & Eligibility

Funding is available to councils that can demonstrate a significant acceleration of their planning decision process between 1 September 2020 and 30 June 2021.

Councils can apply for an upper limit of funding as outlined in Table 1 – Funding Allocations, below. Councils have been categorised according to Australian Bureau of Statistics Classification of Local Government and Office of Local Government groupings, which is based on broad demographic variables including population, location, size and economy.

The funding for each council reflects the potential positive impact on local economies and job creation arising from their assessment program and—to a lesser extent—the likely cost of delivering public and open space upgrades. Additional funding is available to some councils that have been identified as having a significant shortfall in open space as determined in detailed analysis of open space provision by Department of Planning, Industry and Environment.

In order to maintain integrity in the reporting process, the program is available to the 68 councils across NSW that either are currently using or are mandated to use the ePlanning system.

To be eligible for funding, councils must:

1. Identify benchmark performance and opportunities to improve that performance; and
2. Commit to a local assessment acceleration program, including measurable targets, that achieve significant performance improvement; and
3. Be operating on the ePlanning platform – or mandated to adopt the ePlanning platform – at the commencement of the program.



Table 1 - Funding Allocations

OLG Category	Councils	Upper limit per council
Metropolitan developed councils (with open space shortfall)	Bayside Council, Burwood Council, Camden Council, Canterbury-Bankstown Council, Cumberland Council	\$5.5M
Metropolitan developed council	Blacktown City Council, Willoughby City Council, Council Of The City Of Sydney, The Hills Shire Council, Woollahra Municipal Council, Northern Beaches Council, Mosman Municipal Council, The Council Of The Municipality Of Hunters Hill, Waverley Council, Lane Cove Municipal Council, North Sydney Council, Inner West Council, Sutherland Shire Council, Ryde City Council, City Of Parramatta Council, Randwick City Council, Liverpool City Council, Strathfield Municipal Council, Fairfield City Council, Ku-Ring-Gai Council, City Of Canada Bay Council, Georges River Council	\$4.75M
Metropolitan fringe council	Wollondilly Shire Council, Central Coast Council, Blue Mountains City Council, Penrith City Council, Hawkesbury City Council, The Council Of The Shire Of Hornsby, Campbelltown City Council	\$4.0M
Regional city council	Coffs Harbour City Council, Cessnock City Council, Dubbo Regional Council, Maitland City Council, Clarence Valley Council, Shoalhaven City Council, Port Stephens Council, Tweed Shire Council, Byron Shire Council, Albury City Council, Port Macquarie-Hastings Council, Mid-Coast Council, Lake Macquarie City Council, Wingecarribee Shire Council, The Council Of The Municipality Of Kiama, Shellharbour City Council, Wollongong City Council, Armidale Regional Council, Newcastle City Council	\$3.0M
Large rural and Rural council	Cootamundra-Gundagai Regional Council, Snowy Valleys Council, Tenterfield Shire Council, Cowra Shire Council, Uralla Shire Council, Leeton Shire Council, Forbes Shire Council, Gunnedah Shire Council, Hilltops Council Kyogle Council, Upper Hunter Shire Council, Yass Valley Council, Glen Innes Severn Shire Council, Moree Plains Shire Council, Murrumbidgee Council	\$2M

Categories are based on the Australian Bureau of Statistics Australian Classification of Local Government Office of Local Government Groupings.

<https://yourcouncil.nsw.gov.au/wp-content/uploads/2018/05/Australian-Classification-of-Local-Government-and-LOG-group-numbers.pdf>

How to apply



1. Visit the website:

dpie.nsw.gov.au/publicspaceslegacy



2. Submit your completed application to:

publicspaceslegacy@planning.nsw.gov.au

Your application

Councils are encouraged to submit an application that demonstrates how it will meet four key requirements:

1. Substantially accelerate planning assessments between 1 September 2020 and 30 June 2021; and
2. Commit to completing regionally significant development applications that have been under assessment for more than 180 days by 31 December 2020; and
3. Further commit to delivering on housing and jobs growth, by:
 - for metropolitan councils, exhibiting updated local environmental plans to incorporate housing or employment supply for at least 6-10 years, by 30 June 2021; or
 - for regional councils, finalising local strategic planning statements by 30 September 2020; and
4. Commit to delivering rezonings that have been under assessment for more than 4 years, by 30 June 2021.

Nominations should include a brief description of a public or open space project or projects that can be delivered by 31 December 2022 and that will meet the assessment criteria – public and open space as outlined below.

Assessment criteria – accelerated planning

To be eligible for funding the council must make a commitment to accelerate its median assessment timeframe for development applications by 20% between 1 September 2020 and 30 June 2021. The improvement target is to be benchmarked against evidence of councils' assessment performance over the past 2-3 years.

Councils will be expected to identify in their submission, regionally significant development applications (to be determined by a regional panel), that have been in the planning system for more than 180 days and commit to their determination by 31 December 2020.

Councils will also be required to provide a project outline plan for accelerating rezoning decisions. The outline plan should show how the council will complete rezoning proposals that have been under assessment since July 2016 to help deliver the 33% reduction in rezoning timeframes. In metropolitan Sydney councils should show how they will update their local

environmental plans to ensure there is 6-10 years of housing or employment supply capacity, by 30 June 2021. For regional councils the application should identify how they will ensure the early delivery of their Local Strategic Planning Statement.

The Department of Planning, Industry and Environment will consider the strategic capacity of the council, the volume of DAs it considers and median assessment timeframes when reviewing the proposed targets. Councils can make representations to set performance targets lower than 20% or propose longer deadlines for decisions, where they can demonstrate that they have successfully undertaken an assessment acceleration program in recent years or can provide substantial justification for the proposed timeframes. Councils can provide evidence such as data of annual volume of DAs, annual median assessment timeframes and housing supply capacity.



Assessment criteria – public and open space

Funding will be provided for projects that deliver new or upgraded public and open spaces. The program will support the design and delivery of:

- Open spaces and parklands including regional and district open spaces and linear parklands; or
- Trails and strategic open space linkages including recreational improvements of riparian corridors and easements that contribute to the delivery of important corridors identified in Regional Plans or endorsed Local Strategic Planning Statements (for example, in Greater Sydney, the Green Grid); or
- Foreshore and riverfront precincts, including improvements for water-based recreation such as launching small watercraft, access to waterways for swimming, trails and picnic areas; or
- Civic plazas, town squares and main street precincts that improve connections between public space, promote walkability and greater accessibility; or
- Heritage works associated with any of the above

Project nominations should have strategic alignment to Government strategies such as:

- Council strategies, such as Local Strategic Planning Statements or other strategic documents such as open space and recreation strategies, urban design plans, town centres or economic strategies, active travel and transport plans.
- Long term open space network outcomes, such as the Sydney Green Grid, Council open space and recreation strategies etc that demonstrate a long-term change and benefit for the community.
- Inclusive play spaces aligned with the Everyone Can Play Guidelines.

Projects should support the delivery of the Premier's Priority of increasing access to quality green, open and public space and align with the principles of Greener Places.

Councils are encouraged to put forward projects that, ideally:

- increase social cohesion and recreational deficiencies in vulnerable communities;
- are in areas of known open space or recreational deficiencies;
- are of district or regional importance and deliver a significant open space legacy;
- create a broad range of community benefit including environmental and liveability outcomes;
- improve the quality of public and open space and enable safe and flexible use through embellishment works;
- fills in gaps in the open space network; and
- enable increased community access to public and open space.

Projects can include land acquisition for the purpose of creating new open space in areas where council has documented and published evidence of an existing deficiency in open space.

Councils are encouraged to submit projects that demonstrate innovative approaches to public or open spaces which increase community access, inclusivity and flexible use. Projects that will increase the diversity of recreational experiences and opportunities for communities will be well considered.

Design services will only be funded as part of the delivery of a project. Master planning or design services will not be funded in isolation.

Where projects are for the upgrade, extension or replacement of existing infrastructure applications will need to demonstrate how the project provides significant increase in benefit than is currently existing (i.e. improved economic, environmental or social benefits).



Projects must be undertaken on land that is freely and openly accessible to the public, and is Community Land and/or Crown Lands that are under the care, control and management of the council.

The following projects will not be eligible for funding under the NSW Public Spaces Legacy Program

- Projects outside of NSW
- Purchase of land for purposes other than open space creation
- Funding of personnel or staff positions
- Events, marketing, branding, advertising or product promotion
- Projects requiring ongoing funding from the NSW Government
- Retrospective funding to cover any project component that is already complete/underway
- Maintenance works
- Projects which are considered to be part of council's usual ongoing maintenance and management of a site (including ongoing reserve management, asset maintenance or replacement of existing infrastructure).
- Construction and planning of organised sporting facilities, including club houses and synthetic sports fields.
- Commercial operations and buildings, including club rooms.
- Road works including routine upgrading of footpaths, kerbs and car parks, with the exception of carparks that support the use and access to open space areas.
- Public art pieces as a singular project. Note public art that is integrated in to a wider public and open space project will be considered.
- Projects that require the public to pay a fee to access the site.



Process

Applications will be assessed by an interagency assessment panel of NSW Government representatives, overseen by a probity advisor.

The panel will assess the proposed council acceleration programs against the mandatory criteria outlined above. If the performance targets meet the requirements, the council will be eligible for funding and will – subject to entering a funding agreement with the Department of Planning, Industry and Environment – be able to access the funding as outlined in Table 2 below.

Note that public and open space projects will be confirmed for funding eligibility against the assessment criteria – public and open space, prior to funding being transferred.

Council will report their performance against targets, in the prescribed form, monthly from 30 September 2020 to 30 July 2021. Performance will be monitored to the end of the performance monitoring period to confirm commitments have been reached. If targets are not reached at the end of either monitoring period, the funding agreement will expire.

Councils will be responsible for delivering the project within the budget set out in the funding agreement.

Prior to receiving the first round of funding under the program, the council will submit a detailed project proposal that details the project’s alignment with the assessment criteria above and the council’s capability to deliver the project including:

- evidence that the project will provide value for money and that the budget is realistic for the scale and impact of the project.
- clear strategies for engagement of the community, participants and stakeholders.
- a statement of technical ability and resources to effectively deliver the project, (including a project budget and risk assessment); and
- a schedule showing that the project will be complete by 31 December 2022.

Table 2 – Funding and Monitoring Milestones

Stage	% of allocation	Milestone
Planning & design	10%	After end of monitoring period 1 (1 September 2020 to 31 December 2020)
Construction & acquisition	50%	After end of monitoring period 2 (1 January 2021 to 30 June 2021)
Completion	40%	End of construction (prior to 31 December 2022)

Timeframes – Nomination & Selection Process

Table 3 - Program Schedule

Action	Date
Applications open	5 August 2020
Applications due	28 August 2020
Assessment acceleration monitoring period commences	1 September 2020
Participation agreements offered to shortlisted councils	14 September 2020
Participation agreements returned to DPIE	25 September 2020
Successful councils invited to submit detailed public and open space project proposals	1 February 2021
Funding agreements issued to participating councils. Detailed planning & design period for open space project(s) commences	1 March 2021
Construction commences (after)	1 August 2021
Construction complete	31 December 2022

Submission of applications

Applications are due by 28 August 2020.

Acknowledgement of receipt of application will be via return email.



Advice and guidance

The Department of Planning, Industry and Environment will provide an online briefing to councils in the week commencing 10 August.

The Department is also available to provide information to potential applicants on interpretation of these guidelines, including types of projects eligible for funding.

For inquiries or more information email: publicspaceslegacy@planning.nsw.gov.au

Program management

Councils are asked to nominate a project manager for each project and to notify the Department of any changes to the role. Councils are responsible for project management and budgetary control.

Payment of grants

Payment of grants will be subject to review of costs and the achievement of milestones as set out in the funding agreement and generally in accordance with Table 3 above.

Reporting and monitoring

As part of the Funding Agreement, the successful applicants will be required to submit project progress reports. Progress reports may include photographs and evidence of progress. The Department will also expect Councils to use ePlanning processes to track the delivery of development applications.

Project launch and promotion

A communication pack will be provided to grant recipients to provide approved key messages, branding, logos and multimedia to help you promote the project and Program and acknowledge the funding contribution.

It is a condition of grant funding that the Minister for Planning and Public Spaces, NSW Government and the Secretary, Department of Planning, Industry and Environment be:

- invited to attend any formal launch event (including commencement and completion ceremonies);
- advised four weeks prior to any formal event; and
- acknowledged for their contribution on all communications and media for the project.

Project completion

A final report is required at the completion of projects and is to be included with the submission of final payment claims.

This report should be accompanied by photographs and any other evidence of project completion. Councils will be required to collect data to help evaluate the fund, individual funded projects and community satisfaction.

Data requirements will be detailed in funding agreements and a reporting template provided.

Insurance requirements

Organisations applying for funding through this program must have a minimum public liability insurance cover of \$20 million.

We recommend, though it is not a condition of funding, that applicant organisations have personal accident and professional indemnity insurance. Organisations that employ staff must comply with the NSW *Workplace Injury Management and Workers Compensation Act 1998*.



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