



**GLAMORGAN
SPRING BAY
COUNCIL**

Glamorgan Spring Bay Council

Public Open Space Contributions Policy

Version [1.0]

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1 Introduction

1.1 Purpose

The purpose of this policy is to:

- a) Provide a strategic approach on Council's decisions regarding the provision of public open space in new subdivisions, and to clarify the process of determining when a cash in lieu contribution will be sought from subdivision developments.
- b) To provide guidance on how funds obtained through cash in lieu contributions will be utilised.

1.2 Scope

This policy applies to all applications for subdivision of land, and has been prepared with reference to the *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) and the Glamorgan Spring Bay Interim Planning Scheme 2015

1.3 Definitions

| | |
|--------------------------|--|
| Council | is Glamorgan Spring Bay Council |
| Improvement | is defined by the Act as '...landscaping, fencing and provision of playground equipment, walking paths, car parking, access and toilet facilities'. |
| Public Open Space | is defined by the Planning Scheme as 'space for public recreation or public gardens or for similar purposes'. |
| Subdivide: | means to divide the surface of a block of land by creating estates or interests giving separate rights of occupation otherwise than by – <ol style="list-style-type: none">a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building; orb) a lease of air space around or above a building; orc) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years; ord) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998 ; ore) an order adhering existing parcels of land. |

1.4 Objectives

- a) If a subdivision results in increased demand for public open space or an increase in demand upon existing open spaces, a subdivision developer will contribute to the provision of public open space commensurate with the increase in public open space demand likely to be created by their subdivision.
- b) Clear guidelines are established that assist the Council, private landowners and subdividers to understand the public open space contribution rationale and process.
- c) There is organisational consistency and equity in the assessment and application of conditions for public open space contributions.
- d) There is clarity around the circumstances under which Council will require a land contribution for public open space from a subdivision and when to a cash in lieu contribution will be sought instead.
- e) There is clear guidance on how the cash in lieu funds are managed and expended.

1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- Local Government Act 1993
- Land Use Planning and Approvals Act 1993
- Tasmanian Open Space Policy and Planning Framework

1.6 Policy Review and Update Cycle

This policy is to be reviewed initially in February 2022 and thereafter, every four years.

2 Policy

- 2.1 In considering any land subdivision proposal, the question of public open space will be assessed on the merits of each application. Generally, where the proposal generates an additional need for public open space, a contribution will be required by way of either:
- a) 5% of the area of the land being subdivided into new lots being allocated as public open space and transferred to Council's ownership; or
 - b) a cash-in-lieu contribution that is calculated in accordance with s117(2) of the Local Government (Buildings and Miscellaneous Provisions) Act 1993 (The 'Act').
- 2.2 A contribution of cash in lieu of open space will be required where:
- a) public open space exists within 500 metres walking distance of any lot and there is an opportunity to improve that open space
 - b) If the subdivided land is not able to provide a public open space component of substantial community benefit as considered against clause 2.3, or
 - c) it is impracticable to provide public open space as part of the subdivision.
- 2.3 Areas proposed to be set aside for public open space will be assessed in terms of:
- a) whether they are conveniently located for use by surrounding residents
 - b) whether they are of a size, shape and gradient suited to their proposed use
 - c) whether they allow for a reasonable level of safety and security for users and adjoining residents
 - d) whether they can be developed and maintained within Council's resources
 - e) whether they complement existing open space facilities
 - f) their ability to support a diversity of recreational activities
 - g) protection of environmental and/or visual values, and
 - h) potential connection to other open spaces and contribution to the recreational trails system throughout the municipality.
- 2.4 Recommendations for public open space and/or cash in lieu contributions will be supported by:
- a) an assessment of open space facilities in the locality
 - b) an indication as to how the open space or cash contribution will enhance open space facilities
 - c) appropriate consultation with the subdivider and any other interested parties, and
 - d) consultation with the Crown is compulsory in the case of proposed littoral or riparian reserves.
- 2.5 If land within a subdivision contains land that is of strategic importance in providing for the open space needs of the community and those needs can only be satisfied by requiring public open space to be provided in excess of 5% of the area of the land in the plan of subdivision, the Council may require an additional area (more than 5%) to be provided as public open space, subject to the payment of compensation in accordance with s116 of the Act.
- 2.6 The cash in lieu of land must be paid prior to the sealing of the Final Plan of Subdivision.
- a) If a land transfer is to occur, it must occur at the time of the sealing of the Final Plan, or in a staged subdivision, as part of the first stage
 - b) If this is not possible, the transfer is to occur as early as possible during the subdivision.
- 2.7 All monies received will be reserved by Council in the Public Open Space Contributions Account and interest earned on the account will be rolled over into that account.

- 2.8 Expenditure from the Public Open Space Contributions Account will be subject to a report to Council for consideration and determined by a resolution of Council.
- 2.9 The expenditure of cash in lieu funds will be in accordance with any adopted Council strategy or plan that has public open space objectives, or in order to meet any local public open space or recreational needs.
- a) The funds will be used for strategic land acquisition of public open space or capital improvement or renewal of public open space facilities or to augment or upgrade active recreation facilities, rather than for operational maintenance of existing infrastructure.
- 2.10 Land used for the following purposes is not to be transferred to Council for public open space:
- a) Stormwater drainage swales and natural water courses that would otherwise form part of the drainage within the subdivision
 - b) Above or below ground infrastructure that would limit the use of the land or landscaping treatments, and
 - c) Pedestrian footways or other kinds of ways dedicated under section 95 of *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- 2.11 The developer may be subject to weed management, rubbish clearing, erosion control, landscaping, rehabilitation, fence construction, access control or other land management requirements on the subject land, prior to transfer of the land to Council.

3 Implementation

Implementation of this Policy rests with the General Manager.

4 Attachments (if applicable)