

No 6 Public Open Space & Contributions Policy

| | |
|-----------------------------|---|
| Purpose | To guide how public open space is provided, the location of public open space and the basis on which Council takes public open space or a cash contribution in lieu of it, in subdivision developments. |
| Department | Development Services |
| File No. | COU/0600 |
| Council Meeting Date | 17 December 2019 |
| Minute Number | 333.12.2019 |
| Next Review Date | Prior to the submission of a new planning scheme or amendment; or December 2024 |
| Review History | 172.04.0817 April 2008 283.09.1023 September 2010 |

POLICY

1 Definitions

Public Open Space - Land, as set aside from the subdivision of land, for a range of social and recreational purposes. Public Open Space is a valuable community asset that provides a range of personal, social, environmental and economic benefits including:

- Recreation and leisure;
- Linkages such as trails, riparian reserves, habitat corridors and beaches;
- Parks and playgrounds;
- Conservation for cultural heritage or ecological processes; and
- Spaces that enhance the social character of settlements for the enjoyment of the public.

2 Objectives

The objectives of this policy are to:

- 2.1 provide a consistent approach, as part of the subdivision process, to the consideration of public open space, or alternatively to the payment of cash in lieu of it;
- 2.2 assist residents and other stakeholders to understand how Council's public open space contributions are conceived and calculated;
- 2.3 guide the management of accumulated public open space cash contributions; and
- 2.4 accommodate exceptional situations that justify alternative methods where they do not affect the integrity of the policy.

3 Scope

In consultation with the Community, Council aims to develop and manage the public open space network in a strategic way to provide for a variety of uses that enhance the liveability goals of the local community, assist in maintaining native habitat, and increase visitor amenity and the value of visitor experiences.

This Policy applies to the General Manager and staff of Flinders Council who are responsible for the identification of the need for a Public Open Space contribution and for that administration of that contribution.

Council delegates its legislative authority to determine the contribution required in accordance with this policy, to the General Manager.

4 Policy

4.1 Transfer of Land for Public Open Space through Subdivision Process

Land to be provided to Council for the purposes of public open space should be identified within a development application proposal.

4.1.1 Land will transfer to Council at the time the plans are sealed. Where a development is staged, the transfer should be as part of the first stage. In circumstances where this is not possible, the subdivision approval should be conditioned to ensure that the staging of the public open space transfer is indicated on the approved staging plan.

4.1.2 Land to be used for stormwater management, including natural watercourses or land required for infrastructure should not be transferred as public open space.

4.1.3 A proposal for a boundary adjustment that does not create any additional allotments or increase residential density will not be required to transfer land for public open space under this policy.

4.2 Cash Contribution Required

In accordance with the provisions of Section 117 of The Act, Flinders Council may require a 5% cash contribution in lieu of a public open space land contribution of the parent title for all subdivisions. This will be based on the most recent valuation determined by the Valuer-General using the Valuer-General's indexation factor to more accurately reflect current values.

The in lieu cash contribution will be capped to a maximum amount payable equal to \$5,000 per allotment for any additional allotments created over and above the parent title.

4.2.1 Applicants submitting a plan of subdivision will be notified of the required contribution within 10 working days of their application being accepted.

4.2.2 The Council, or its delegate, will determine which of the following is most appropriate:

- a) a 5% contribution of land from the parent title that meets the principles of this policy;
or
- b) a cash contribution in lieu; or
- c) a combination of land and cash in lieu; or
- d) if any additional land is required.

4.3 Cash Contributions Received

All cash contributions received will be accounted for in a separate Trust Account pursuant to the requirements of the Act and be called the Flinders Council Public Open Space account.

The use of accumulated funds will preferably be directed towards the improvement, or maintenance of, existing assets and infrastructure of a public open space nature, to:

- a) Improve the access to and connectivity of public open space by identifying and including reserves, trails and tracks in the open space network;
- b) Identify and, where possible, incorporate into the open space system, access to beaches and reserved land where that access currently occurs on private land;
- c) Support greater public and private investment in appropriate infrastructure and services that benefit access, use and management of open space;
- d) Integrate the open space network with biodiversity and hazard management goals to enhance ecological processes, biodiversity conservation and adaption to and/or mitigation of, the predicted impacts of climate change;
- e) Promote cultural heritage and local character through provision of public open space;
- f) Where appropriate, develop multi-use sites.

4.4 Unique Circumstances

Acknowledging a situation may arise that may warrant a departure from the above, an Officer's report may be prepared that documents:

- a) why a departure is considered necessary;
- b) how the proposed alternative solution contributes to strategic objectives for open space in a Council policy or decision; and
- c) how the alternative solution will not create a precedent that undermines the integrity of the policy or its application.

4.4.1 The officer's report may be considered at the discretion and resolution of Council.

5 **Legislation**

Local Government (Building and Miscellaneous Provisions) Act 1993

5.1 The Act enables Council to:

- a) Require a subdivider to provide to Council, as public open space, up to 5% of the land being subdivided; or
- b) Require public open space in excess of the 5% contribution as a part of any subdivision proposal subject to appropriate compensation; or
- c) Condition the subdivider to provide up to 5% cash in lieu contribution of the value of the land being subdivided (less any area provided as public open space); or
- d) Refuse a subdivision if it is of the opinion that the proposal should be altered to include (or omit) public open space.



6 Responsibility

The responsibility for the operation of this policy rests with the General Manager. Advice on the appropriateness of land for strategic open space purposes will be obtained from the Development Services Department by referral of subdivision applications.

7 Approval

Council is to approve any expenditure of funds held under this Policy.