

# Public Open Space Contributions

## Policy

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**CENTRAL COAST COUNCIL**

PO Box 220 / DX 70506  
19 King Edward Street  
Ulverstone Tasmania 7315  
Tel 03 6429 8900  
Fax 03 6425 1224  
admin@centralcoast.tas.gov.au  
[www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au)

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## ***POLICY***

This Policy provides direction for the Council in the implementation of its powers and obligations in respect to public open space under the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993 (the Act)*. The Policy will specifically:

- (a) Provide a set of guidelines as to when the Council will request the provision of public open space contribution, whether through land or cash-in-lieu contributions, for subdivisions; and
- (b) Provide a set of guidelines for the use of funds held in trust for the acquisition or improvement of land for public open space.

## ***PURPOSE***

The investment made by Central Coast in public open space and recreation assets is significant, and this needs to be protected by good management. The purpose of this Policy is to ensure that public open space or cash-in-lieu taken as part of subdivision complies with the Central Coast Parks and Open Space Service and Asset Management Plan (2009) and the Central Coast Open Space Plan (2009).

## ***BACKGROUND***

The provision and maintenance of public open space in Central Coast is directed by the Central Coast Parks and Open Space Service and Asset Management Plan (2009) and the Central Coast Open Space Plan (2009).

Each of Central Coast's towns, villages and rural areas have different characteristics and open space/

recreational requirements. These need to be considered when planning for their future development.

In the planning of new residential areas both the Council and developers need to ensure the appropriate provision, location and design of public open space and recreation facilities.

Determining the function of public open space in residential areas needs to be made after a demand and supply assessment has been conducted.

The Council has an obligation and the power under the Act to manage the provision of public open space.

The Act enables the Council to:

- Require a subdivider of land to provide to Council up to 5% of the land being subdivided;
- Require public open space in excess of the 5% contribution as part of any subdivision proposal, subject to appropriate compensation;
- Require the subdivider to make a contribution of cash-in-lieu of the provision of land either in part or whole;
- Refuse a plan of subdivision where it considers that it should be altered to include public open space and where it requires consideration of littoral and riparian reserves;
- Hold in trust monies collected as cash-in-lieu contributions for public open space;
- Use monies collected only for the acquisition or improvement of land for public open space for the benefit of inhabitants of the municipal area.

## **STANDARDS (INCLUDING RELEVANT LEGISLATION)**

This Policy was developed in accordance with:

- Central Coast Council Strategic Plan (2009–2014);
- Central Coast Open Space Plan (2009)
- Central Coast Parks and Open Space Service and Asset Management Plan (2009)
- Central Coast Planning Scheme 2005
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- Cradle Coast Open Space Plan (2009).

## **OBJECTIVES**

The objectives of this Policy are to assist in achieving the Council's Asset Management Policy Statement:

*"Manage assets so they provide the desired level of service to meet the community's needs and expectations in a financially sustainable manner;*

- *Ensure that assets serve the community for current and future generations;*
- *Ensure that assets provide a level of service and risk the community is willing to support;*
- *Ensure the sustainable management of assets;*
- *Encourage and support the economic and social wellbeing of our municipal area; and*
- *Ensure that the needs for all internal and external stakeholders are considered."*

## **REVIEW**

This Policy will be reviewed every two years unless organisational and legislative changes require more frequent modifications.

## **RESPONSIBILITIES**

The *Land Use Planning Group Leader*, or Land Use Planning Officers are responsible for undertaking assessments of development applications for the subdivision of land. Where a proposal involves more than five lots, the *Asset Management Group Leader* is to provide advice on the public open space assessment of an application.

The *Director Corporate & Community Services* is responsible for administration of accumulated public open space funds.

The *Director Engineering Services* is responsible for making recommendations to Council concerning the use of accumulated public open space funds.

## **PRINCIPLES**

The principles to guide the implementation of this Policy include:

- irrespective of zoning, any residential subdivision of land will, or is likely to, increase the demand for provision of public open space;
- In considering the provision of land or a cash-in-lieu contribution for public open space, any requirement to make such contribution should only occur where the subdivision will result in an increase in residential density;

- The community's public open space needs may be realised through a number of means and based on the recreational use categories adopted in the Central Coast Open Space Plan;
- The provision of public open space needs to be considered in the context of local, district and regional recreational needs;
- Where a land contribution is sought, developers must ensure that applications reflect the Council's needs and minimum criteria as set out in the Central Coast Open Space Plan;
- Where sufficient public open space already exists in an area, a cash-in-lieu contribution should be required to provide for the provision or improvement of public open space of local, district or regional value;
- Every residential subdivision will be assessed under this Policy in respect to the demand for an area of public open space and/or a cash-in-lieu contribution;
- Any public open space contribution is to be consistent with the Central Coast Parks and Open Space Service and Asset Management Plan (2009) and the Central Coast Open Space Plan (2009).

walking paths, car parking areas and toilet facilities'.

New works are those works which create a new asset that did not previously exist, or works which upgrade or improve an existing asset beyond its existing capacity.

Public open space is defined by the *Local Government (Building and Miscellaneous Provisions) Act 1993* as 'space for public recreation or public gardens or for similar purposes'.

## ***PROCEDURE***

For all subdivision of land in Central Coast:

- 1 The Council will take a public open space contribution for any residential subdivision where new lots are created.
- 2 The taking of cash-in-lieu is to be the Council's preferred option for public open space contribution.
- 3 The public open space contribution will only be taken in land where:
  - (a) the Council identifies that there is deficiency of public open space in the vicinity of the land being subdivided;
  - (b) part of the land is suitable for public open space in terms of useable shape and area, topography, accessibility and safety for the public;
  - (c) there is a need to provide linkages with other open spaces and/or contribute to recreational trails; or

## ***DEFINITIONS***

Improvement is defined by the *Local Government (Building and Miscellaneous Provisions) Act 1993* as '...landscaping, fencing and the provision of playground equipment,

(d) it is required to preserve significant remnant habitat.

4 The Council will not require a contribution where a boundary adjustment is involved or no new lots are created.

The following procedures apply to determine the Council's public open space requirements for residential subdivisions:

*ASSESSMENT OF PUBLIC OPEN SPACE FOR RESIDENTIAL SUBDIVISIONS*

- For subdivision of less than five lots, the Land Use Planning Group is to undertake an assessment of the existing provision of public open space in the vicinity of the subdivision. The assessment is to be undertaken in accordance with the Council's Open Space Plan.
- For all residential subdivisions greater than five lots, the Asset Management Group Leader must be consulted for advice in respect to the public open space assessment;

Cash-in-lieu Contribution

- If the assessment determines that there is sufficient public open space provided in the vicinity of the development, and that there is no need to take land for public open space to either:
  - provide linkages with other open spaces and/or contribute to recreational trails;
  - preserve significant remnant habitat; or

– contribute to an identified district or regional open space need,

a cash-in-lieu contribution is to be taken from the developer. The contribution will be as follows:

- in the Residential Zone – 5% of the value of all new lots created; and
- in the Low Density Residential, Rural Living or Mixed Use Zone – 3% of the value of all new lots created.

Land Contribution

- Where it is determined that a land contribution is required, the Council will require the developer to provide suitable land of up to 5% of the value of the land being subdivided.
- The Council may take less than the permitted 5% of land if a lesser area of land complies with the Council's Open Space Plan.
- The Council may require a greater contribution of land than the 5% where it is required to comply with the Council's Open Space Plan. In such cases the additional land will be subject to purchase by the Council.
- If, following the public open space assessment the Land Use Planning Group determines that the layout of the subdivision plan should be altered to either include or omit an area of public open space, and the applicant refuses to do so, the

application is to be recommended for refusal under Section 85 of the Act.

#### *UTILISATION OF PUBLIC OPEN SPACE FUNDS*

- . The Council's Director Corporate & Community Services must ensure that:
  - monies collected by the Council as public open space contributions are accounted for separately to general revenue in the Public Open Space Reserve; and
  - funds are to be expended for new or improvement work relating to public open space as opposed to ongoing maintenance of open space or the funding of non-open space infrastructure.
- . When making a recommendations to the Council concerning the expenditure of public open space funds, the Council's Director Engineering Services is to follow these guidelines:
  - expenditure must meet the community's future recreational and open space needs;
- the distribution of public open space facilities must occur on an equitable basis across the broader community irrespective of where funds were collected;
- any new public open space facilities which are established must:
  - . have the capacity to support a diversity of recreational activities;
  - . allow for safety and security for users and adjoining residents; and
  - . be appropriately suited (size, shape, gradient and location) for the intended use.
- The Council's Service and Asset Management Plan identifies the estimated capital renewal expenditure required to provide an agreed level of service to the community over a 20 year period. This Plan must be taken into account when making public open space fund expenditure decisions.

Sandra Ayton  
GENERAL MANAGER