



## Policy No 2013-08

### Public Open Space Policy

Responsible Officers: DES Manager/Planner

For Review By: DES Manager/Planner

Due Date: 31/12/2018

Signed by: .....

A handwritten signature in blue ink, appearing to read 'D. Stupfield', is written over a dotted line.

Mayor

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General Manager

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Date

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Date

Adopted at Council Meeting:	17/09/2013
Amended at Council Meeting:	19/08/2015
Reviewed at Council Meeting	17/01/2017

**Purpose:**

1.1 The purpose of this policy is to:

- (a) Establish clear guidelines to assist Council in determining the provision of public open space or the payment of cash in lieu of public open space required at the time of subdivision;
- (b) Establish guidance for determining whether a contribution should be taken in the form of land or cash-in-lieu contribution; and
- (c) Provide a framework to assist Council in determining how monies derived from cash in lieu contributions should be held and disposed of within the Municipality.

**1. Objectives:**

2.1 The objectives of the policy that relate to the provision of public open space in the Municipality are:

- (a) To provide sufficient areas and diverse public open space to meet the recreation and amenity needs of the community;
- (b) To enhance tourism opportunities through the provision of quality open space facilities that are both safe and accessible;
- (c) To ensure financial resources are available to maintain and improve existing and future open space resources; and
- (d) To ensure there is a sound strategic basis to the public open space network.

**2. Scope:**

2.1 This policy applies to all applications to subdivide land that may result in increased residential development potential in the Central Highlands Municipality.

**3. Definitions:**

**public open space**

Means space for public recreation or public gardens or for similar purposes.

**valuation**

Valuation is based upon the unimproved value of the total land to be subdivided. This is to be determined by an independent registered Property Valuer.

## **5. Background**

5.1 This policy gives recognition to the Council's powers and obligations in relation to public open space under the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and related regulations. These provisions enable the Council to:-

- (a) To require a subdivision of land to provide Council up to 5% of the land being subdivided.
- (b) To require public open space in excess of the 5% contribution as a part of any subdivision proposal subject to appropriate compensation; or
- (c) To require the subdivider to make a contribution of cash-in-lieu of the provision of land either in part or whole.

## **6. Policy:**

6.1 Either a land contribution or cash in lieu contribution must be taken for the purposes of providing public open space where lots are created within the Village, Low Density Residential, Rural Living and Rural Resource Zones. Discretion lies with Council as to the preferred contribution method.

### **6.2 Assessment for the provision of a land contribution**

6.2.1 Public open space contributions shall be required for all land subdivided within the following zones;

- (a) Village, Low Density Residential, Rural Living;
- (b) Rural Resource (in cases defined under 6.2.3).

6.2.2 5% of the titled area of land to be subdivided is to be allocated for Public Open Space Contribution dedicated to the Council.

6.2.3 For subdivision occurring on Rural Resource Zone land (adjoining or only separated by a road) a Village, Low Density Residential or Rural Living Zone, or where Council is of the view that the subdivision is primarily for lifestyle purposes and the nature of the lots is such that

they may not fully accommodate recreational and open space needs of future residents.

- 6.2.4 A land contribution in the Rural Resource Zone may be requested on a merits based assessment by the Council to obtain land for the purposes of a riparian, foreshore or littoral reserve to assist in preservation of the environmental values attributed to these areas through improved land management.
- 6.2.5 A proposal for subdivision for the purposes of a boundary adjustment or consolidation of land in any Zone where no additional lots are being created shall not be subject to the Policy.
- 6.2.6 In cases where a contribution has previously been taken by Council on a site, a contribution will still be required if the number of lots is increasing.
- 6.2.7 In cases where a land contribution is provided and falls deficient of the required 5% land contribution, the remaining difference shall be requested as a cash-in-lieu contribution.

**6.3 Assessment for the provision of cash-in-lieu of Public Open Space**

- 6.3.1 As provided by Section 117(2) of the Act, a 5% cash-in-lieu contribution is to be accepted for subdivisions occurring within the Village, Low Density Residential, Rural Living and Rural Resource (adjoining or only separated by a road) Zones.
- 6.3.2 A proposal for subdivision for the purposes of a boundary adjustment or consolidation of land in any Zone where no additional lots are being created shall not be subject to the 5% cash-in-lieu contribution.

**4. Procedure:**

- 7.1 The applicable public open space contribution equates to 5% of the unimproved land value where no provision has been made for a land contribution.
- 7.2 Where no provision has been made for a land contribution, the subdivider must obtain a valuation report (at no cost to Council) for the unimproved value of the subdivision undertaken by an independent registered Property Valuer for the purposes of determining the cash-in-lieu of public open space contribution.

- 7.3 The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.
- 7.4 Where land is to be dedicated, this public open space must be transferred to the Central Highlands Council by Memorandum of Transfer submitted with the Final Plan of Survey at no cost to Council.

## **8 Utilisation of Public Open Space funds:**

- 8.1 Council must allocate the cash-in-lieu funds to a Public Open Space reserve fund to be used to further the strategic purchase or improvement of land(s) dedicated as public open space in the Municipality in accordance with Section 117(5) of the Act.