

 <b>Kingborough</b>	<h1>Public Open Space Contribution Policy</h1>		<b>Policy Number 6.3</b>		
			LAST REVIEW January 2014	NEXT REVIEW January 2016	MINUTE REF
<b>POLICY STATEMENT:</b>	1.1 Kingborough Council is committed to providing suitable areas of public open space for community use. Such open space should aim to increase public access, encourage healthy lifestyle practices, create linkages between different activity nodes and conserve important cultural and natural environments.				
<b>OBJECTIVES:</b>	<div>2.1 To ensure that adequate provision is made for public open space that enables high quality outcomes and which benefits all residents and users.</div> <div>2.2 To ensure the provision of public open space provides for a range of multiple uses and a diverse range of activities, including connecting different public spaces, encouraging active neighbourhoods and tourism, and protecting natural values.</div> <div>2.3 To ensure that land developers contribute to the provision of public open space commensurate with the scale of development.</div> <div>2.4 To ensure that the provisions of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> are appropriately implemented with respect to the public open space being provided as part of the land subdivision process.</div>				
<b>SCOPE:</b>	3.1 This policy applies to all properties in the Kingborough municipal area.				
<b>PROCEDURE: (POLICY DETAIL)</b>	<div>4.1 In considering any land subdivision proposal, the need for public open space will be assessed on its merits and a contribution will be required by way of either:<div>(a) 5% of the area of the land being subdivided into new lots to be allocated as a public open space contribution; or</div><div>(b) a cash-in-lieu contribution that is equivalent to the value of part or all of the land being subdivided into new lots.</div></div> <div>4.2 A decision as to whether land or cash-in-lieu is provided will be dependent upon whether the proposed subdivision provides an opportunity to obtain land that meets the aims and objectives of this Policy. If the subdivided land is not able to provide a public open space component of substantial community benefit, then cash-in-lieu will be required.</div> <div>4.3 A boundary adjustment proposal, where no additional lots are created, shall not be subject to the 5% contribution.</div> <div>4.4 Where a subdivision is submitted in the form of a staged development, the public open space contributions can be paid proportionately.</div> <div>4.5 Where it is not appropriate that land be provided for public open space purposes within the proposed subdivision, then a 5% cash contribution is to be taken on the following basis:<div>(a) the cash contribution is to be based on the newly created additional lots, regardless of the zoning and or previous subdivisions;</div><div>(b) the calculation of the 5% cash contribution is to be based on the unimproved value of the additional lot or lots created and not the balance lot; and</div><div>(c) the lots created from a further subdivision of the subdivided lots and balance are required to also provide public open space contributions.</div></div> <div>4.6 The amount of the cash-in-lieu contribution shall be determined by either:<div>(a) a valuation from a qualified valuer as obtained by the subdivider; or</div></div>				

	<p>(b) the General Manager accepting a contribution calculated on the basis of the most recent government valuation. This is to be adjusted for inflation over time using the Valuer General's adjustment factor and any other mitigating factors deemed appropriate.</p> <p>4.7 All money received by way of contribution shall be reserved by Council in a separate account and recorded against the local area from which the funds were collected. These funds will in future only be expended within their respective local areas or where these local areas are seen to benefit from this expenditure.</p> <p>4.8 The expenditure of reserved public open space funds will be subject to a report to Council for consideration.</p>
<b>GUIDELINES:</b>	<p>5.1 <b>Provision of land</b></p> <p>Where land is provided, it shall be able to meet future community needs as identified within Council's open space strategies. The provision of public open space allows for a reasonable distribution of land able to be used for active and passive recreation. This includes smaller recreational areas within easy walking distance of residences, larger parks and playing fields, bushland areas, coastal or riparian reserves, recreational trails and walking links to local schools or shops.</p> <p>5.2 <b>Allocation of cash contribution</b></p> <p><b>Funds derived from cash-in-lieu</b> contributions are to be allocated in accordance with any adopted Council open space strategy or plan or in order to meet local public open space or recreational needs.</p>
<b>COMMUNICATION:</b>	<p>6.1 The policy will be placed on the Council website.</p>
<b>LEGISLATION:</b>	<p>7.1 The following legislative requirements should be considered in conjunction with this policy:</p> <ul style="list-style-type: none"> <li>▪ <i>Land Use Planning and Approvals Act 1993</i></li> <li>▪ <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i></li> <li>▪ <i>Kingborough Planning Scheme 2000</i> or subsequent scheme</li> </ul>
<b>DEFINITIONS:</b>	<p><b>public open space</b> is defined by the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> as 'space for public recreation or public gardens or for similar purposes'.</p>
<b>RELATED DOCUMENTS:</b>	<p>Kingborough Recreation and Open Space Strategy</p> <p>Kingborough Planning Scheme 2000</p> <p>Kingborough Council Strategic Plan</p>
<b>AUDIENCE</b>	<p>Councillors, employees, developers and public.</p>