

**15.2 POLICY 6.3 - PUBLIC OPEN SPACE CONTRIBUTION POLICY****File Number: 12.93****Author: Adriaan Stander, Strategic Planner****Authoriser: Tasha Tyler-Moore, Manager Development Services****Strategic Plan Reference**

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.  
Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities.

**1. PURPOSE**

- 1.1 The purpose of this report is to present the updated Public Open Space Contribution Policy 6.3 for Council approval and implementation.

**2. BACKGROUND**

- 2.1 The *Public Open Space Contribution Policy* was last reviewed in April 2019. The policy guides Council's decision-making in response to the relevant provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- 2.2 The *Local Government (Building and Miscellaneous Provisions) Act 1993* enables Council to require up to one-twentieth (5%) of any subdivision as public open space. This is on the basis that the future development of this land will increase the demand for public open space within the municipality. The legislation also provides Council with the alternative of requiring cash-in-lieu that is equivalent to 5% of the value of the subject land.
- 2.3 The policy provides guidelines for when Council will request a public open space contribution, whether through land or cash-in-lieu of that land; and how funds are held in trust for the acquisition or improvement of public open space land.
- 2.4 The policy operates in conjunction with the *Kingborough Open Space Strategy 2019*. The Strategy focuses specifically on Council owned or managed land but acknowledges that there are other public open space assets that are used by the Kingborough community such as beaches, school grounds and Crown reserves.
- 2.5 Attached to this report is a copy of the existing policy with track changes (attachment "A") and the proposed new policy (attachment "B").

**3. STATUTORY REQUIREMENTS**

- 3.1 Section 85(d) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* states that Council can refuse an application to subdivide land if it is of the opinion that the layout of the subdivision should be altered to include or omit (amongst other things) public open space.
- 3.2 Section 116 of the Act enables Council to require 5% of the whole area comprised in the plan of subdivision as public open space.
- 3.3 Section 117 of the Act enables Council to require a payment (equivalent to the amount in section 116) in lieu of the land being provided as this public open space.

- 3.4 Council's policy has no statutory status, but does indicate how Council will interpret these statutory provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. Other Councils have similar policies and it is relevant to note that local government should apply the legislation in a consistent manner.

#### 4. DISCUSSION

- 4.1 Most of the current policy has not been altered as it remains applicable and relevant, however the main changes are discussed below.

##### **Policy statement**

- 4.1.1 The policy statement has been broadened to make it clear that the intention is to facilitate a strategic approach to the provision of open space across Kingborough.

##### **Objectives**

- 4.1.2 The objectives of the policy have been changed to align with those of the *Kingborough Open Space Strategy 2019*.

##### **Scope**

- 4.1.3 The scope has been updated to clarify under what circumstances Council will be able to require public open space contributions. The changes will also ensure that the policy can be applied when the Tasmanian Planning Scheme becomes applicable to Kingborough.

##### **Procedure**

- 4.1.4 The two main changes in this section include:
- Council will be able to apply credits where a proposed lot(s) in a subdivision will not create additional demand for public open space.
  - Funds collected through the cash-in-lieu contributions will be able to be used for public open space projects outside the scope of the *Kingborough Open Space Strategy 2019* if endorsed by Council. This will allow for a greater deal of flexibility to apply funds where a new project has not been anticipated by the strategy.

##### **Public open space dedication guidelines (new section)**

- 4.1.5 The most significant change to the policy relates to the requirement to ensure that when land is dedicated to Council, it genuinely provides community benefit and supports active or passive recreation outcomes.
- 4.1.6 In addition to 4.1.5, a public open space land contribution will only be considered where one or more of the following apply:
- The land is identified in the *Kingborough Open Space Strategy 2019* (or subsequent versions);
  - The land adjoins or is nearby an existing public open space managed by Kingborough Council or another authority;

- The land provides or improves connectivity (e.g. for pedestrians and cyclists) to other existing or prospective open space areas or public destinations;
  - The land provides or improves permeability through the site or surrounding area;
  - The land provides for a riparian reserve or habitat corridor;
  - The land enhances the general amenity and urban character of the area;
  - The land has special values (for example native flora, fauna, habitat, geomorphology, water catchment or cultural heritage values);
  - The land is strategically located to provide for a specific public facility (for example a playground or sport or recreational facility);
  - The land is suitable for the intended public open space purpose;
  - The land is not subject to unmanageable hazards; and/or
  - The land can be sustainably managed.
- 4.1.7 Land uses for the following purposes should not impact on the outcomes sought by 4.1.5 and 4.1.6:
- Stormwater drainage swales and natural water courses that would otherwise form part of the drainage within the subdivision; and
  - Above or below ground infrastructure that would limit the use of the land or landscaping treatments.
- 4.1.8 Land for pedestrian footways or other kinds of ways which are required to be dedicated to Council under section 95 of *the Local Government (Building and Miscellaneous Provisions) Act 1993* will be over and above the public open space requirement of section 116 of the Act and the planning scheme.

## 5. FINANCE

- 5.1 There will be no additional expenditure as a result of the proposed policy changes. Funds collected through open space contributions will be utilised to improve public open space or to acquire additional land for public open space purposes.

## 6. ENVIRONMENT

- 6.1 The protection of the environment is likely to be improved where it is included or adjoined by public open spaces.

## 7. COMMUNICATION AND CONSULTATION

- 7.1 If approved for implementation by Council, the amended policy would be provided to customers, displayed on Council's website and communicated to developers.

## 8. RISK

- 8.1 There are no expected risks in updating this policy.

**9. CONCLUSION**

- 9.1 It is considered that the proposed updated Public Open Space Contributions Policy 6.3 will result in better strategic outcomes for the municipality and broader benefit of the community.

**10. RECOMMENDATION**

That the amended Public Open Space Contribution Policy 6.3 be approved and implemented.

**ATTACHMENTS**

1. Existing Public Open Space Contribution Policy with track changes
2. Amended Public Open Space Contribution Policy

Public Copy

## EXISTING POLICY WITH TRACK CHANGES



Policy No:	6.3	Minute No: <span style="color: red;">C343/9-19TBA</span>
Approved by Council	<span style="color: red;">May/November 2021</span>	ECM File No: <span style="color: red;">12.93</span>
New Review Date:	<span style="color: red;">May 2021/November 2026</span>	Version: <span style="color: red;">4.0</span>
Responsible Officer:	Manager Development Services	

### Public Open Space Contribution Policy

#### 1. POLICY STATEMENTS

- 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 to spaces that, encourage healthy lifestyle ~~practices~~, create linkages between different activity nodes ~~and conserve important cultural and natural environments.~~
- 1.2 The purpose of this policy is to facilitate a strategic approach to the provision and development of a contemporary and well-planned open space network in Kingborough that meets community expectations.
- 1.1.3 The policy provides guidance to determine the conditions under which a public open space land contribution will be sought by Kingborough Council and when a cash in lieu contribution can be required. It also specifies how funds gathered from public open space cash in lieu contributions are to be held and used.

#### 2. DEFINITIONS

- 2.1 ~~public~~ Public Open Space is defined by the Local Government (Building and Miscellaneous Provisions) Act 1993 Act as 'space for public recreation or public gardens or for similar purposes' ~~purposes~~.
- 2.2 Improvement is defined by the Act as '...landscaping, fencing and provision of playground equipment, walking paths, car parking, access and toilet facilities'.
- 2.3 Planning Scheme – Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme.
- 2.4 Contribution means a public open space contribution, being a contribution paid by a developer as part of a subdivision. A contribution can include land or cash in lieu.

#### 3. OBJECTIVE

- 3.1 To ensure that adequate provision is made for public open space that enables high quality recreation outcomes that meet the needs of Kingborough's growing population in a manner that provides:
- enhanced scenic amenity and sense of place;
  - opportunities for residents and visitors to connect and engage with others (i.e. building social capital);
  - environmental management;
  - provision of recreational utility;
  - the encouragement of healthy lifestyle choices;
  - childhood development through quality, age-appropriate play opportunities;
  - the provision of informal and formal sporting opportunities;
  - alternative and active transport options; and
  - economic development, and which benefits all residents and users;



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~~3.1 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 protecting natural values.~~

3.2 To ensure that ~~land~~ developers contribute to the provision of public open space commensurate with the scale ~~and type~~ of ~~their~~ development.

~~3.3 To provide clarity around the circumstances under which Council will require a land contribution for public open space from a development and when a cash in lieu contribution will be required.~~

~~3.4 To provide clear guidelines to developers to understand the public open space contribution rationale and process.~~

~~3.5 To provide consistency and equity in the assessment and application of conditions for public open space contributions.~~

~~3.3.6~~ To ensure that the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993 ("the Act") are appropriately implemented with respect to the public open space being provided as part of the land subdivision process.

#### 4. SCOPE

~~4.1 This policy applies to applications for subdivision in Kingborough, where new lots are created, all properties in the Kingborough municipal area.~~

~~4.2 To clarify, the above-mentioned requirement does not apply to boundary adjustments where no new lots are created or subdivision for the development of public utilities.~~

~~4.3 Council has a head of power to acquire public open space land or cash in lieu from subdivisions, under the Local Government (Building and Miscellaneous Provisions) Act 1993 and also under the Kingborough Interim Planning Scheme 2015.~~

~~4.4 This head of power to acquire public open space land or cash in lieu from subdivisions will continue to exist under the Tasmanian Planning Scheme when it comes into force for Kingborough.~~

~~4.4.5~~ This policy shall be applied in accordance with the strategic outcomes sought in the *Kingborough Open Space Strategy 2019* (or subsequent versions).

#### 5. PROCEDURE (POLICY DETAIL)

~~5.1 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. Council will require a public open space contribution~~ by way of either:

- ~~A maximum of 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~~
- ~~a cash-in-lieu contribution that is calculated in accordance with s117(2) of the e Act.~~

~~This requirement applies regardless of zoning. A credit may be applied where a proposed lot(s) in a subdivision will not create additional demand for public open space.~~

5.2 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 this pPolicy policy and the public open space dedication guidelines provided in section 6.~~ If the ~~subdivided land development~~ is not able to provide a public open space component of substantial community benefit ~~and accordance with the guidelines~~, then cash-in-lieu will be required.





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5.3 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~~ Local Government (Building and Miscellaneous Provisions) Act 1993 Act.

~~5.4 Funds for the payment of compensation referred to in 5.3 may be from reserved funds referred to in 5.11 or from other revenue sources available to the Council.~~

~~5.5 A boundary adjustment proposal, where no additional lots are created, shall not be subject to the 5% contribution.~~

~~5.6~~ 5.4 Where a subdivision is submitted in the form of a staged development and a cash-in-lieu contribution is required, the public open space contribution may be paid proportionately in each stage, subject to a new valuation in accordance with 5.7(b) below.

~~5.7~~ 5.5 Where a cash-in-lieu contribution is required, the ~~subdivider-developer~~ will be required to provide a current valuation of the land calculated in accordance with ~~s116s117(2)~~ of the Local Government (Building and Miscellaneous Provisions) Act 1993 Act and including the following:

- The valuation is to be based on the whole area ~~comprised~~ in the plan of subdivision, regardless of zoning and/or previous subdivisions;
- The valuation is to relate to the unimproved value of the land at the date of lodgement of the proposal plan, or, if the date of payment of the contribution is more than 2 years after the date of the permit being issued, the unimproved value not more than 6 months prior to the payment;
- The valuation is to take into account the potential of the land for subdivision;
- The valuation is to take into account the risk of not obtaining a permit for subdivision as proposed (for example if the number of lots are reduced as part of the assessment process or by conditions of consent).

~~5.8~~ 5.6 ~~Where if Council doubts that the valuation provided by the subdivider-developer is considered to not properly reflect the true value of the land, the Council reserves the right to seek its own valuation advice and, if necessary, refer the matter for determination as a disputed claim for compensation under the Land Acquisition Act 1993.~~

5.7 The officer's report supporting the decision making of a subdivision application must include a section as to how the relevant parts of the Act and this Policy are applied.

~~5.9 All money received by way of contribution shall be reserved by Council in a separate account. The expenditure of reserved public open space funds must be for the acquisition or improvement of land for public open space in accordance with s117(5) of the Local Government (Building and Miscellaneous Provisions) Act 1993 and have regard to the Kingborough Open Space Strategy 2019 (or subsequent version) or any other public open project endorsed by Council. Expenditure will be subject to a report to Council for consideration.~~

~~5.10 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 be expended within areas that will benefit from this expenditure in accordance with the Kingborough Open Space Strategy 2019 (or subsequent version).~~

5.8

~~5.11 The expenditure of reserved public open space funds must be for the acquisition or improvement of land for public open space in accordance with s117(5) of the Act and have~~



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~~regard to the Kingborough Open Space Strategy 2019 (or subsequent version). Expenditure will be subject to a report to Council for consideration~~

## ~~6. PUBLIC OPEN SPACE DEDICATION GUIDELINES~~GUIDELINES

### ~~7. Provision of land~~

#### ~~6.~~

~~6.1 In determining the size and location of a land contribution for public open space there must be a demonstrable community benefit that will support active or passive recreation outcomes.~~

~~6.2 In addition to 6.1, a public open space land contribution will only be considered where one or more of the following apply:~~

- ~~• The land is identified in the Kingborough Open Space Strategy 2019 (or subsequent versions);~~
- ~~• The land adjoins or is nearby an existing public open space managed by Kingborough Council or another authority;~~
- ~~• The land provides or improves connectivity (e.g. for pedestrians and cyclists) to other existing or prospective open space areas or public destinations;~~
- ~~• The land provides or improves permeability through the site or surrounding area;~~
- ~~• The land provides for a riparian reserve or habitat corridor;~~
- ~~• The land enhances the general amenity and urban character of the area;~~
- ~~• The land has special values (for example native flora, fauna, habitat, geomorphology, water catchment or cultural heritage values);~~
- ~~• The land is strategically located to provide for a specific public facility (for example a playground or sport or recreational facility);~~
- ~~• The land is suitable for the intended public open space purpose;~~
- ~~• The land is not subject to unmanageable hazards; and/or~~
- ~~• The land can be sustainably managed.~~

~~6.3 Land uses for the following purposes should not impact on the outcomes sought by 6.1 and 6.2~~

- ~~• Stormwater drainage swales and natural water courses that would otherwise form part of the drainage within the subdivision; and~~
- ~~• Above or below ground infrastructure that would limit the use of the land or landscaping treatments.~~

~~6.4 Land for pedestrian footways or other kinds of ways which are required to be dedicated to Council under section 95 of the Local Government (Building and Miscellaneous Provisions) Act 1993 will be over and above the public open space requirement of section 116 of the Act and the planning scheme.~~

~~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,~~





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~~bushland areas, coastal or riparian reserves, recreational trails and walking links to local schools or shops.~~

#### ~~Allocation of cash contribution~~

~~7.1 Funds derived from cash-in-lieu 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. The contributions may also be used for the improvement of land.~~

~~7.2~~

### **8.7. COMMUNICATION**

~~8.17.1~~ The policy will be placed on the Council website.

### ~~8.2~~ LEGISLATION

### **8.**

~~8.38.1~~ The following legislative requirements should be considered in conjunction with this policy:

- *Land Use Planning and Approvals Act 1993*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*

~~Kingborough Interim Planning Scheme 2015 or subsequent scheme~~

### **9. RELATED DOCUMENTS**

*Kingborough Open Space Strategy 2019, or subsequent version.*

*Kingborough Interim Planning Scheme 2015 or subsequent scheme.*

*Kingborough Council Strategic Plan 2015-2025.*

### **10. AUDIENCE**

Councillors, Council Officers ~~Employees~~, developers and general public.

## UPDATED POLICY FOR APPROVAL



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# Public Open Space Contribution Policy

## 1. POLICY STATEMENTS

- 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 to spaces that, encourage healthy lifestyles, create linkages between different activity nodes.
- 1.2 The purpose of this policy is to facilitate a strategic approach to the provision and development of a contemporary and well-planned open space network in Kingborough that meets community expectations.
- 1.3 The policy provides guidance to determine the conditions under which a public open space land contribution will be sought by Kingborough Council and when a cash in lieu contribution can be required. It also specifies how funds gathered from public open space cash in lieu contributions are to be held and used.

## 2. DEFINITIONS

- 2.1 **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'.
- 2.2 **Improvement** is defined by the Act as '...landscaping, fencing and provision of playground equipment, walking paths, car parking, access and toilet facilities'.
- 2.3 **Planning Scheme** – *Kingborough Interim Planning Scheme 2015* or any subsequent planning scheme.
- 2.4 **Contribution** means a public open space contribution, being a contribution paid by a developer as part of a subdivision. A contribution can include land or cash in lieu.

## 3. OBJECTIVE

- 3.1 To ensure that adequate provision is made for public open space that enables high quality recreation outcomes that meet the needs of Kingborough's growing population in a manner that provides:
  - enhanced scenic amenity and sense of place;
  - opportunities for residents and visitors to connect and engage with others (i.e. building social capital);
  - environmental management;
  - provision of recreational utility;
  - the encouragement of healthy lifestyle choices;
  - childhood development through quality, age-appropriate play opportunities;
  - the provision of informal and formal sporting opportunities;
  - alternative and active transport options; and
  - economic development.
- 3.2 To ensure that developers contribute to the provision of public open space commensurate with the scale and type of their development.
- 3.3 To provide clarity around the circumstances under which Council will require a land contribution for public open space from a development and when a cash in lieu contribution will be required.



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- 3.4 To provide clear guidelines to developers to understand the public open space contribution rationale and process.
- 3.5 To provide consistency and equity in the assessment and application of conditions for public open space contributions.
- 3.6 To ensure that the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993 ("the Act") are appropriately implemented with respect to the public open space being provided as part of the land subdivision process.

#### 4. SCOPE

- 4.1 This policy applies to applications for subdivision in Kingborough, where new lots are created.
- 4.2 To clarify, the above-mentioned requirement does not apply to boundary adjustments where no new lots are created or subdivision for the development of public utilities.
- 4.3 Council has a head of power to acquire public open space land or cash in lieu from subdivisions, under the *Local Government (Building and Miscellaneous Provisions) Act 1993* and also under the *Kingborough Interim Planning Scheme 2015*.
- 4.4 This head of power to acquire public open space land or cash in lieu from subdivisions will continue to exist under the Tasmanian Planning Scheme when it comes into force for Kingborough.
- 4.5 This policy shall be applied in accordance with the strategic outcomes sought in the *Kingborough Open Space Strategy 2019* (or subsequent versions).

#### 5. PROCEDURE (POLICY DETAIL)

- 5.1 Council will require a public open space contribution by way of either:
  - a) A maximum of 5% of the area of the land 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 Act.

This requirement applies regardless of zoning. A credit may be applied where a proposed lot(s) in a subdivision will not create additional demand for public open space.
- 5.2 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 objectives of this policy and the public open space dedication guidelines provided in section 6. If the development is not able to provide a public open space component of substantial community benefit and accordance with the guidelines, then cash-in-lieu will be required.
- 5.3 If 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, 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 *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- 5.4 Where a subdivision is submitted in the form of a staged development and a cash-in-lieu contribution is required, the public open space contribution may be paid proportionately in each stage, subject to a new valuation in accordance with 5.7(b) below.
- 5.5 Where a cash-in-lieu contribution is required, the developer will be required to provide a current valuation of the land calculated in accordance with s117(2) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and including the following:
  - a) The valuation is to be based on the whole area in the plan of subdivision, regardless



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- of zoning and/or previous subdivisions;
- b) The valuation is to relate to the unimproved value of the land at the date of lodgement of the proposal plan, or, if the date of payment of the contribution is more than 2 years after the date of the permit being issued, the unimproved value not more than 6 months prior to the payment;
  - c) The valuation is to take into account the potential of the land for subdivision;
  - d) The valuation is to take into account the risk of not obtaining a permit for subdivision as proposed (for example if the number of lots are reduced as part of the assessment process or by conditions of consent)
- 5.6 If Council doubts that the valuation provided by the developer properly reflects the true value of the land, Council reserves the right to seek its own valuation advice and, if necessary, refer the matter for determination as a disputed claim for compensation under the *Land Acquisition Act 1993*.
- 5.7 The officer's report supporting the decision making of a subdivision application must include a section as to how the relevant parts of the Act and this Policy are applied.
- 5.8 All money received by way of contribution shall be reserved by Council in a separate account. The expenditure of reserved public open space funds must be for the acquisition or improvement of land for public open space in accordance with s117(5) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and have regard to the *Kingborough Open Space Strategy 2019* (or subsequent version) or any other public open project endorsed by Council. Expenditure will be subject to a report to Council for consideration.
- 6. PUBLIC OPEN SPACE DEDICATION GUIDELINES**
- 6.1 In determining the size and location of a land contribution for public open space there must be a demonstrable community benefit that will support active or passive recreation outcomes.
- 6.2 In addition to 6.1, a public open space land contribution will only be considered where one or more of the following apply:
- The land is identified in the *Kingborough Open Space Strategy 2019* (or subsequent versions);
  - The land adjoins or is nearby an existing public open space managed by Kingborough Council or another authority;
  - The land provides or improves connectivity (e.g. for pedestrians and cyclists) to other existing or prospective open space areas or public destinations;
  - The land provides or improves permeability through the site or surrounding area;
  - The land provides for a riparian reserve or habitat corridor;
  - The land enhances the general amenity and urban character of the area;
  - The land has special values (for example native flora, fauna, habitat, geomorphology, water catchment or cultural heritage values);
  - The land is strategically located to provide for a specific public facility (for example a playground or sport or recreational facility);
  - The land is suitable for the intended public open space purpose;
  - The land is not subject to unmanageable hazards; and/or
  - The land can be sustainably managed.





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6.3 Land uses for the following purposes should not impact on the outcomes sought by 6.1 and 6.2:

- Stormwater drainage swales and natural water courses that would otherwise form part of the drainage within the subdivision; and
- Above or below ground infrastructure that would limit the use of the land or landscaping treatments.

6.4 Land for pedestrian footways or other kinds of ways which are required to be dedicated to Council under section 95 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* will be over and above the public open space requirement of section 116 of the Act and the planning scheme.

## 7. COMMUNICATION

7.1 The policy will be placed on the Council website.

## 8. LEGISLATION

8.1 The following legislative requirements should be considered in conjunction with this policy:

- *Land Use Planning and Approvals Act 1993*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*

## 9. RELATED DOCUMENTS

*Kingborough Open Space Strategy 2019*, or subsequent version.

*Kingborough Interim Planning Scheme 2015* or subsequent scheme.

*Kingborough Council Strategic Plan 2015-2025*.

## 10. AUDIENCE

Councillors, Council Officers, developers and general public.