



*Agriculturally rich - Naturally beautiful*

# COUNCIL POLICY

## PO167 Open Space Contributions

<b>Policy Number:</b>	PO167		
<b>Strategic Plan Objective</b>	2.7 Upgrade and beautification of open (recreation) spaces (e.g playgrounds, water parks, BBQ areas etc.)		
<b>Policy Owner:</b>	Director Development Services	<b>File Number:</b>	19/32506
<b>Responsible Officer:</b>	Director Development Services	<b>Minute Reference:</b>	140/2019 (12/06/2019)
<b>Date Adopted:</b>	12 June 2019	<b>Next Review Date:</b>	June 2022

### 1. POLICY OBJECTIVES

The purpose of this policy relates to the open space requirements associated with Development Applications for land divisions.

### 2. SCOPE

- 2.1 Open Space plays a vital role in Yorke Peninsula Council and its community. Open space benefits individuals and the environment by:
- providing leisure and recreation opportunities;
  - protecting and preserving biologically diverse habitats, fauna, and places of geological significance or sensitivity;
  - filtering stormwater and reducing run-off;
  - reducing greenhouse gases (vegetated open space);
  - creating an aesthetically pleasant environment; and
  - attracting new residents, businesses and tourists.
- 2.2 Council has under its ownership, care, control and management a considerable amount of open space land. Much of this land is dedicated as Community Land, over which there are Community Land Management Plans. Council also maintains a Community Land Register which is available to the public.
- 2.3 Council is mindful of its responsibilities under Section 33 and Section 50 of the Development Act 1993 with respect to open space requirements, particularly in relation to the open space contribution scheme.
- 2.4 Council shall ensure that appropriate open space is provided for when assessing Development Applications for land divisions.

### 3. DEFINITIONS

Open Space Contribution Fund	Financial contributions received by Council from developers. (Funds may be used by Council for purposes such as the development of existing recreational land or the acquisition of land for open space).
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Open Space Land	Land for the purpose of public recreational activities.
Community Land Register	Council document listing Community Land owned by or under Councils care and control.
Land Division	Process of altering the boundaries of a parcel of land to create additional allotments or redefining the boundaries (boundary realignment).

**4. POLICY STATEMENT**

- 4.1 In accordance with Section 50(10)(a) of the Development Act 1993, where Council has received open space contributions, the money shall be paid into Council’s Open Space Contributions Fund, and be applied by Council for the purpose of acquiring and/or developing land as open space.
- 4.2 The financial contributions received by Council shall as far as is practicable be used by Council within reasonable proximity to the respective land divisions to which the monies collected relate, subject to the Council’s discretion, to ensure that the money is used in the best interests of the Council area and its community.
- 4.3 As a guide, the Council’s Open Space Contributions Fund may be used by Council for such purposes as the acquisition of land for open space, for sporting and recreational pursuits, for the provision of new playground equipment, for the upgrading and/or replacement of existing playground equipment, and for other activities and purposes related to open space as identified by Council, and/or by sporting groups and the community.
- 4.4 Developers are required to provide open space when undertaking land divisions that create more than twenty (20) allotments, where one or more of the allotments is one hectare or less in area.
- 4.5 In accordance with Section 50(1) of the Development Act 1993, where a Development Application is proposing a land division creating more than twenty (20) allotments, and one or more of the allotments is less than one hectare in area, then Council will require that up to 12.5 per cent in area of the relevant area be vested in Council to be held as open space, or that the Applicant make the required financial contribution into Council’s Open Space Contributions Fund, or a combination of both, that land be vested in the Council together with an appropriate financial contribution.
- 4.6 Developers can nominate to address open space in their land division Development Applications, with it then being up to Council to accept or otherwise.

When addressing open space requirements, the following types of space will not qualify as open space:

- 4.6.1 boundary strips or buffer zones (unless large in area);
- 4.6.2 drainage areas for stormwater drainage that are less than 3,000m<sup>2</sup>; and road reserves.

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- 4.7 Developers are reminded that in addition to open space requirements, the Development Act requires the provision of land to address stormwater management objectives for a particular land division.
- 4.8 This Policy sets out various scenarios for land division Development Applications with respect to open space requirements, and how the Council will treat them.
- 4.9 If the Council is the relevant authority for a land division Development Application for more than 20 allotments (where one or more of those allotments is less than 1 hectare in area), the Council will either:
- 4.9.1 require up to 12.5% of the land being divided to be vested in the Council as open space; or
  - 4.9.2 require a once-only monetary contribution for each new allotment of less than 1 hectare in area; or
  - 4.9.3 require a combination of part land and part monetary contribution to develop land as open space in accordance with the prescribed formula, as contained in the Development Act;
- by imposing a land division condition to that effect.
- 4.10 Open space requirements may be staged in accordance with a staged Land Division.

### **5. COMPLAINTS**

Complaints can be made in writing to the Chief Executive Officer. All complaints will be investigated in accordance with Council's Complaints Policy - PO147 Complaints.

### **6. REVIEW**

This policy will be reviewed every three years and also as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

### **7. TRAINING**

Training needs will be reviewed as part of Council's Training Plan and as necessary in consideration of performance reviews, changes to legislation and relevant standards, codes and guidelines.

### **8. RELATED COUNCIL POLICIES AND DOCUMENTS**

R008 Community Land Management Register  
PO124 Asset Accounting policy  
PO147 Complaints Policy  
Associated Asset Management Plans

### **9. REFERENCES AND LEGISLATION**

Development Act 1993  
Development Regulations 2008

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### 10. COUNCIL DELEGATION

<b>Details of Delegation:</b>	Chief Executive Services
<b>Delegate:</b>	Director Development Services

### 11. VERSION HISTORY

<b>Archived Policy Name</b>	<b>Policy Number</b>	<b>Date Adopted</b>	<b>Last Reviewed</b>
(New Policy) PO167 Open Spaces Contribution	PO167	12/06/2019	(New Policy)