

	<i>Land Division Open Space Policy</i> <i>Policy No. ENVPOL 16</i>	Version No:	1.0
		Responsible Officer/s	Director of Environmental Services
		Issued:	20 July 2009
		Next Review:	Aug 2019

1. Purpose

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 the District Council of Grant 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 Management Plan 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. Policy

- 3.1 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.
- 3.2 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.
- 3.3 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.

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- 3.4 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.
- 3.5 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.
- 3.6 Developers can nominate to address open space in their land division Development Applications, with it then being up to Council to accept or otherwise.
- 3.7 When addressing open space requirements, the following types of space will not qualify as open space:
- boundary strips or buffer zones (unless large in area);
 - drainage areas for stormwater drainage that are less than 3,000m²; and
 - road reserves.
- 3.8 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.
- 3.9 This Policy sets out various scenarios for land division Development Applications with respect to open space requirements, and how the Council will treat them.
- 3.10 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:
- require up to 12.5% of the land being divided to be vested in the Council as open space; or
 - require a once-only monetary contribution for each new allotment of less than 1 hectare in area; or
 - require a combination of part land and part money 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.
- 3.11 Open space requirements may be staged in accordance with a staged land Division.

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4. Further Information

This policy is available for inspection at the Council Offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website at www.dcgrant.sa.gov.au.

Council Offices, 324 Commercial Street West, Mount Gambier

Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell

Copies are available for purchase in accordance with Council's fees and charges register.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer.

For further information contact the Council Offices – Telephone (08) 87210444.

5. Responsibilities

The Director of Environmental Services and/or Development Manager are responsible for ensuring the requirements of this policy are met.

6. References:

State Legislation

Development Act 1993

Development Regulations 2008

7. Review

This Policy shall be reviewed by the District Council of Grant at minimum every four (4) years, within 12 months of a general election (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	20 July 2009	09195.1
Reviewed	7 October 2015	15127.7.5