	<b>COUNCIL POLICY</b>	<b>POLICY NUMBER</b>
	PUBLIC OPEN SPACE CONTRIBUTION	C013
<b>RESPONSIBLE OFFICER</b>	<b>COUNCIL APPROVAL DATE</b>	<b>REVIEW DATE</b>
General Manager	19 October 2011	October 2022

## 1.0 POLICY STATEMENT


- 1.1 All residential subdivisions and all rural subdivisions creating a sub-minimum lot for a proposed or future dwelling will be subject to a public open space contribution in accordance with Division 8 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

## 2.0 OBJECTIVE

- 2.1 To provide a rational and consistent basis for the levying of public open space contributions in accordance with Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.
- 2.2 To provide sufficient areas of public open space to meet the needs of the local population.
- 2.3 To ensure that public open space areas are located and designed for public safety and security.
- 2.4 To ensure that, where appropriate, subdividers contribute to the provision of suitable open space facilities in the locality.
- 2.5 To ensure that resources are available for developing or improving existing open space areas.
- 2.6 To ensure that, where appropriate, subdividers contribute to the provision of suitable open space facilities in the locality.
- 2.7 To provide an equitable distribution of open space for the whole community.

## 3.0 SCOPE

- 3.1 Where appropriate, open space contributions may be provided in the form of the dedication to Council of quality useable land with each application to be considered on its merits in accordance with the following criteria:
- (i) The existing provision of open space in the area;
  - (ii) The adequacy of the land for recreation purposes both in terms of location and size of the land; and
  - (iii) The ability to link with existing open space areas.
- 3.2 The 5% area of land or cash in lieu of land refers to the total area of new lots that create demand for additional open space and does not include the balance area.

	<b>COUNCIL POLICY</b>	<b>POLICY NUMBER</b>
	PUBLIC OPEN SPACE CONTRIBUTION	C013
<b>RESPONSIBLE OFFICER</b>	<b>COUNCIL APPROVAL DATE</b>	<b>REVIEW DATE</b>
General Manager	19 October 2011	October 2022

3.3 Rural subdivisions for a rural purpose (not including a sub-minimum lot for a proposed or future dwelling) and industrial, commercial, public utility and community purpose subdivisions will generally be exempted from the requirement to provide a public open space contribution.

3.4 Subdivision for the purpose of boundary adjustment or consolidation of titles will be exempted from the requirement to provide a public open space contribution.

#### 4.0 PROCEDURE

4.1 Where no provision has been made for public open space, the subdivider must submit a valuation report undertaken by an independent registered valuer for the purpose of determining the cash in lieu of public open space contribution.

4.2 The applicable public open space contribution equates to 5% of the unimproved land value where no provision has been made for public open space.

4.3 Where a cash contribution is required, the payment must be made prior to Council sealing the final plan of subdivision and Council must allocate the payment to a Public Open Space reserve fund.

4.4 Where land is to be dedicated, the final plan of subdivision must be accompanied by a Memorandum of Transfer to Tasman Council. This transfer is to be executed by the vendor, identifying the lots to be transferred and accompanied by the required Lands Titles Office and stamp duty fees and charges.

This policy was reviewed and approved at the ordinary Council meeting held on 24 October 2018, resolution number 07/10.2018/C.



Kim Hossack  
Acting General Manager

Policy Developed – October 2011

Policy Approved – October 2011

Policy reviewed – September 2014, June 2016, October 2018

#### Disclaimer

That this policy be read in conjunction with any or all other Council and/or Management Policies