

11/09/2026

Public Open Space Contribution

1. Purpose

This Policy provides a framework for Council to determine public open space requirements when land is subdivided.

2. Scope

This Policy applies to all applications for the subdivision of land within the municipality that result in the creation of new lots and increased demand for, or utilisation of, public open space. Boundary adjustments, consolidations and the creation of utility lots are excluded.

The objectives of this Policy are to ensure:

1. that public open space is provided where it provides maximum benefit for the community, having regard to the cost of its ongoing maintenance;
2. that the arrangement of ways and public open space provides for:
 - a. the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community; and
 - b. the adequate accommodation of pedestrian and cycling traffic;
3. that land with natural values is secured as littoral reserves and riparian reserves where this results in the best long-term management of those values; and
4. decisions about public open space provision are made as part of the assessment of a subdivision application.

3. Related Documents

Not applicable

4. Statutory Requirements

Acts	<i>Land Use Planning and Approvals Act 1993</i>
	<i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>
Regulations	Not applicable
Australian/ International Standards	Not applicable

5. Definitions

The **Act** means the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

cash in lieu of public open space means a monetary contribution calculated in accordance with section 117(2) of the Act, being an amount not exceeding five per cent of the improved value of the whole area comprised in the final plan, less any area provided for public open space and any littoral or riparian reserve created by the final plan [consistent with *Dourias MGH Pty Ltd v Clarence City Council* [2025] TASFC 10]

Council means Glenorchy City Council.

final plan means a final plan submitted to Council under the Act for the subdivision of land for which a permit has been granted under the *Land Use Planning and Approvals Act 1993*.

littoral or riparian reserve means an area with natural values that is up to 30 metres from the shore of the sea or the bank of a river, rivulet or lake.

Open Space Reserve account means a separate reserve bank account into which any cash provided in lieu of public open space is paid.

plan of subdivision means a plan submitted to Council for the purpose of a permit under the *Land Use Planning and Approvals Act 1993* in relation to subdivision of land.

Policy means this Policy.

public open space means land used for public recreation or public gardens or for similar purposes.

subdivision means –

- (a) the act of subdividing; or
- (b) the block of land subject to an act of subdividing.

6. Policy Statement

1. Council's responsibilities

This Policy provides the framework for Council to:

1. secure public open space or littoral or riparian reserves through the subdivision process in accordance with the Act;
2. provide applicants with clarity about Council's requirements for public open space, reserves and cash in lieu contributions;
3. encourage early consideration of potential for public open space and reserves during the subdivision process; and
4. guide decisions on the provision of land or cash in lieu contributions under the Act.

2. Determining whether public open space is required

Guiding principles

All subdivisions creating new lots will contribute to an increased demand for public open space, however some subdivisions, because of their location and/or purpose, will not increase demand significantly.

Where public open space is not proposed; is proposed but is less than five per cent of the

subdivision area; or what is proposed is not desired by Council, then a cash in lieu contribution will be required.

Every subdivision will be assessed on its merits and according to this Policy as to the requirement for an area of public open space and/or a cash in lieu contribution.

Public open space requirements

The provision of public open space or a contribution of cash in lieu will be required for all subdivision of land in all zones other than the Agriculture, Future Urban, Rural or Utilities zones, that results in increased demand or utilisation of public open space. It is generally anticipated that all subdivisions in other than the Agriculture, Future Urban, Rural or Utilities zones that result in the creation of new lots will increase the use or demand for public open space.

Public open space may be required if it is considered necessary to protect and/or provide public access to a significant natural or historic feature, or to preserve important habitat.

Areas proposed for public open space will be assessed having regard to:

1. accessibility and convenience for residents, including proximity to shops, community facilities, public transport and other public open spaces;
2. connectivity and permeability, including pedestrian linkages, connections to adjoining land, roads and ways, and contribution to the municipal trails network;
3. size, shape, gradient and suitability for a range of recreational activities and experiences;
4. safety, passive surveillance and opportunities to apply Crime Prevention Through Environmental Design (CPTED) principles;
5. protection and enhancement of environmental, cultural and visual values;
6. Council's capacity to develop, maintain and manage the land; and
7. consistency with relevant Council plans and strategies.

Cash in lieu contributions

Cash in lieu of open space will be required where:

1. suitable public open space is not provided, or what is proposed is not desired by Council;
2. provision of public open space is not practicable; or
3. the public open space proposed is less than five percent of the subdivision area.

The amount of cash contribution will be determined by a valuation undertaken by a suitably qualified and registered valuer appointed, or approved, by Council. The valuation is to be undertaken in accordance with section 117(2) of the Act and will be based on the improved value of the whole area comprised in the final plan, including any balance lot. The cost of the valuation will be borne by the subdivider.

Consistent with *Dourias MGH Pty Ltd v Clarence City Council* [2025] TASFC 10, the valuation is to reflect the value of the land on an after-subdivision basis, on the assumption that the subdivision has taken effect and the subdivided lots are available for individual sale. The relevant valuation date is the date on which the final plan is lodged with the Recorder of Titles for acceptance under section 94 of the Act, or such other date as may be required by law.

Cash in lieu of open space must be paid prior to the sealing of the final plan of subdivision.

Assessment and determination

All relevant Council departments will be involved in any pre-lodgement discussions where a subdivision may require public open space, littoral or riparian reserves, or a cash in lieu contribution.

Applicants must be advised that Council proposes to rely on section 85 of the Act to require public open space or a cash in lieu contribution.

Council will negotiate with the applicant to secure land for public open space or littoral or riparian reserves. If agreement cannot be reached Council may refuse the subdivision under section 85 of the Act.

Council may consult with the Crown where land is proposed for littoral or riparian reserves.

3. Standard of land at the time of transfer of ownership

Land provided within a subdivision for public open space, a littoral reserve or a riparian reserve must satisfy all the following at the time of the transfer of ownership:

1. the land must be free from declared weeds, rubbish, debris and contamination, or remediated to a standard suitable for its intended public open space use to the satisfaction of the Manager Sustainability and Environment; and
2. where subdivision works alter the natural surface of the land or impact native vegetation an approved landscaping plan is required. All works identified in the plan must be completed to the satisfaction of the Manager Sustainability & Environment before approval of the final plan.

4. Open Space Reserve account

Council will establish and maintain a separate Open Space Reserve account for cash contributions received in lieu of public open space.

The Manager Development is responsible for ensuring cash in lieu contributions are invoiced and received prior to the sealing of the final plan.

Expenditure from the Open Space Reserve account must:

1. be in accordance with a Council resolution; and
2. only be used for the acquisition, development and improvement of public open space as required by the Act.

7. Version Control

Version	V 2.0	Adopted	28 September 2026	Commencement date	29 September 2026
Minutes reference	Item 9.1			Review period	4 years from adoption
Previous versions	V 1.0 adopted 29 August 2022 (Council meeting, Item 7)				
Responsible Directorate	Infrastructure and Development		Controller	Manager Development	
ECM Document no	Policies by Directorate				