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## Planning Scheme Policy 17 Open Space Contributions

*This policy only has effect for development approvals issued prior to the commencement of Caboolture ShirePlan Planning Scheme Policies PSP21B-G – Trunk Infrastructure Contributions on 29 October 2009.*

### 1.1 Purpose of the Policy

The purpose of this Planning Scheme Policy is to outline the criteria that Council will consider for the acceptance of land for park dedicated in satisfaction of Specific Outcome SO22 of the Reconfiguring a Lot Code. It also outlines Council's requirements for the calculation of a cash in lieu contribution for park as provided for by the Reconfiguring a Lot Code.

### 1.2 Requirements for Park Dedication

This section sets out the particular circumstances where Council will and will not require or accept the dedication of park in satisfaction of Specific Outcome SO22 of the Reconfiguring a Lot Code.

- (a) Where the property is located within the Rural Zone and where the smallest new lot is not less than 26.0 hectares, Council will not require a park dedication or a cash in lieu contribution to satisfy Specific Outcome SO22 of the Reconfiguring a Lot Code.
- (b) In any reconfiguration where the lot sizes of the new lots are less than 26.0 hectares in area, Council will require the dedication of a park area, the payment of a cash in lieu contribution or a combination of both to satisfy Specific Outcome SO22 of the Reconfiguring a Lot Code.
- (c) The area of park proposed to be dedicated will be assessed as the amount of park required for each development, and will be at the rate current at the time of the lodgement of each application, as specified in the Reconfiguring a Lot Code (currently 10% of the total site area) except as set out in (2)(g) below.
- (d) Where park dedications are required the minimum areas to be dedicated must not be less than the following:
  - (i) Rural Residential Reconfiguration – 1.0 hectare;
  - (ii) Residential Reconfiguration – 1000m<sup>2</sup>.
- (e) Where the areas are less than those specified in (2)(d)(i) or (2)(d)(ii) and these areas can be appended to adjacent parks or drainage reserves then Council may at its discretion accept the smaller park dedications.
- (f) Council may determine that a proposed park dedication does not satisfy Specific Outcome SO22 of the Reconfiguring a Lot Code if it has insufficient frontage to a constructed road as required by Probable Solution S22.3.
- (g) A park dedication will not be required where the application for reconfiguration comprises part of an overall reconfiguration of a total area of land as permitted by the ShirePlan in the land use zone in which the subject land is located and a park dedication has been provided "upfront" in the initial stage of the overall reconfiguration which:
  - (i) at the time of park dedication represented a fair average of the total land to be reconfigured;
  - (ii) contained an area that represented the minimum percentage of the total land to be reconfigured as required by the relevant statutory planning instruments that were in force at the time of the "upfront" park dedication; and
  - (iii) despite the foregoing, where such park dedication provided "upfront" did not at the time meet the full requirements for park dedication in accordance with the statutory planning instruments which were current at that time the dedication was effected a credit will be given on a pro rata basis for the area of land so dedicated. When reconfiguration of the land proceeds beyond the pro rata area of land credited an additional park dedication (or cash in lieu contribution) will be required under the Reconfiguring a Lot Code and this policy.

### 1.3 Cash in Lieu Contributions

This section set out the circumstances where Council will require the payment of a cash contribution in lieu of the dedication of park to satisfy Specific Outcome SO22 of the Reconfiguring a Lot Code and provides the basis for calculation of the amount of the contribution.

- (a) Council will require or accept a cash in lieu contribution for each new allotment created as follows:
  - (i) Where the areas proposed to be dedicated as park are less than those specified in (1.2)(d)(i) or (1.2)(d)(ii) and cannot be appended to an existing area as provided for in (1.2)(e) then the payment of a cash in lieu contribution as specified in this policy will be required.
  - (ii) Where the development is a Community Title Reconfiguration a contribution of \$1000 per lot shall be required. However, Council may approve a pro-rata reduction in this contribution amount in accordance with the ratio of actual garden and recreation space, provided both within the development (private and common) and external to the development (public recreation area/park dedication), to the minimum

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- area of public garden and recreation space required by the ShirePlan. Where a reduction is given pursuant to this section an absolute minimum contribution of \$200 per lot applies.
- (b) No cash contribution will apply if the development provides a park dedication either internal or external to the site in full satisfaction of Specific Outcome SO22 of the Reconfiguring a Lot Code.
  - (c) For a reconfiguration to separate land that is included in different Town Planning Zones a contribution of \$200 per extra allotment created shall apply.
  - (d) Where the property to be reconfigured was formed from the reconfiguration of a larger parcel of land in which the dedication of a park was required then the contribution rates specified in this policy shall apply per extra lot but may be reduced pro-rata in accordance with the ratio of actual percentage of land previously dedicated to the percentage of land required to be dedicated in accordance with the Reconfiguring a Lot Code.
  - (e) Where the amount of the contribution is reduced pursuant to section (1.3)(d) of this policy an absolute minimum contribution of \$200 per lot applies.

#### **1.4 Miscellaneous**

- (a) Council may accept a cash contribution in lieu of park dedication or any combination of park dedication and cash contribution which together is equivalent to the maximum requirement of the ShirePlan current at the time, where Council considers that a sufficient area of park exists in the vicinity of the proposed reconfiguration and that the cash contribution in lieu can be better utilised for park enhancement projects.
- (b) For the Reconfiguration of land in an Industrial Zone a park dedication and enhancement program to provide a combined equivalent park dedication will be accepted. In this case the park dedication shall be a minimum area of 750m<sup>2</sup> and the value of enhancement work is to be assessed as the appropriate pro-rata amount based on the ratio of the shortfall in land area dedication to area required in the ShirePlan. The value of the work is to be the cost of the work to complete the enhancements and as certified by the Developers Consultant and approved by the Manager, Planning and Strategy.

#### **1.5 Contribution Rates**

- (a) Where a monetary contribution is required, the following amounts shall apply:
  - Rural Residential Zone      \$3500 per lot
  - Other Zones                      \$3000 per lot

The rate of the monetary contribution shall be adjusted quarterly in line with consumer price index (CPI) fluctuations. For purposes of adjustment, Council will use the "All Groups Index Numbers for Brisbane" as determined by Australian Bureau of Statistics and apply the CPI adjustments to the adopted base rate.

#### **END NOTES**

(1) Changes adopted 8 September 2009. Explanatory note added to clarify that the policy only has effect for development approvals issued prior to the commencement of *Caboolture ShirePlan Planning Scheme Policies PSP21B-G – Trunk Infrastructure Contributions*. Effective from 29 October 2009.