

Open Space Contributions Policy



Policy Number	POL-OPENCONTV1
File Number	3/POL/OPENCONT/2
Responsible Officer	Director – Development and Community Services
Adopted	17 March 2026
Last reviewed at Council Meeting	17 March 2026
Minute Number	C03-26/008
Due date of next Review	17 March 2030

1. Purpose

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

2. Definitions

- 2.1 **Open Space Contribution Fund** means 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.
- 2.2 **Open Space Land** means land used for the purpose of public recreational activities.
- 2.3 **Land Division** means the process of altering the boundaries of a parcel of land to create additional allotments or redefining the boundaries (boundary realignment).

3. Scope

- 3.1 Open space is an important asset for Mid Murray Council and the wider community. It provides a range of benefits, such as opportunities for leisure and recreation, conservation of ecosystems and protection of areas of geological, historical and environmental significance. Open space also plays a role in providing public access to the attractions of the Mid Murray region and has benefits to residents, businesses and visitors to the area.
- 3.2 Council has under its ownership, care, control and management a considerable amount of open space land. Much of this land is classified as Community Land and is subject to Community Land Management Plans. A Community Land Register, maintained by Council, is available to the public.
- 3.3 Council acknowledges its obligations under Section 198 of the *Planning, Development and Infrastructure Act 2016* regarding open space contributions and requirements. These obligations are considered when assessing Land Division Development Applications.
- 3.4 Council shall ensure that appropriate open space is provided for when assessing Development Applications for land divisions.

4. Policy

- 4.1 In accordance with Section 198(11)(a) of the *Planning, Development and Infrastructure Act 2016* where Council has received open space contributions, any open space contributions received by Council are placed into the Open Space Contributions Fund. The Fund is to be applied towards the purchase and/or development of land for 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 contributions collected relate to ensure that the money is used in the best interests of the Council area and its community, though Council retains discretion to allocate funds where they will provide the greatest community benefit.
- 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 street furniture, and for other activities and purposes related to open space as identified by Council, and/or by sporting groups and the community.
- 4.4 In accordance with Section 198(1) of the *Planning, Development and Infrastructure Act 2016* 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% 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. Alternatively, an arrangement of both a contribution of funds and vesting of land may be negotiated where practicable.
- 4.5 When addressing open space requirements land proposed must be open and accessible to the community and suitable to be used for recreational purposes. Land dedicated for open space must be suitable for the intended purpose and should be in a form consistent with the allotment layout of the area. Developers are reminded that in addition to open space requirements, the *Planning, Development and Infrastructure Act 2016* requires the provision of land to address stormwater management objectives for a particular land division.
- 4.6 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:
 - 4.6.1 require up to 12.5% of the land being divided to be vested in the Council as open space; or
 - 4.6.2 require a once-only monetary contribution for each new allotment of less than 1 hectare in area; or
 - 4.6.3 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 *Planning, Development and Infrastructure Act 2016*; by imposing a land division condition to that effect.
- 4.7 Open space requirements may be staged where the staging is in accordance with a staged Land Division.

5. Council Delegation

- 5.1 Pursuant to Section 44 of the *Local Government Act 1999*, Council delegates to the Chief Executive Officer authority to administer Council's policies.
- 5.2 This Policy will be implemented by the Chief Executive Officer or Director – Development and Community Services and managed in accordance with Council's Delegation Register.

6. Policy Responsibility

The Director – Development and Community Services is responsible for ensuring the proper operation of this Policy.

7. Availability/Accessibility

- 7.1 This Policy and Council's [Fees & Charges Register](#) are available to be downloaded free of charge from Council's website: www.mid-murray.sa.gov.au.
- 7.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

8. Legislative Framework / Other References

- 8.1 [Local Government Act 1999](#)
- 8.2 [Planning, Development and Infrastructure Act 2016](#)
- 8.3 [Planning, Development and Infrastructure \(General\) Regulations 2017](#)

9. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	17 March 2026	C03-26/008	Adopted