

PURPOSE OF THIS POLICY

- To ensure land dedicated will not unreasonably burdened the Council or community by the maintenance of these lands.

Always read this policy in conjunction with the Related Procedures identified below.

Policy Statement	This sets out Council's policy for considering land proposed to be dedicated to Council.
Scope	This policy applies to all land proposed to be dedicated to Council.
Related Procedures	<ul style="list-style-type: none"> <i>Nil</i>
Related Documents	<ul style="list-style-type: none"> <i>Local Strategic Planning Statement (LSPS)</i> <i>Community Strategic Plan (CSP)</i> <i>Probity – Dealings with Council Owned Land Policy</i> <i>Corporate Property Policy</i> <i>Planning Agreements Policy</i>
Compliance Requirements	<ul style="list-style-type: none"> <i>Local Government Act 1993</i> <i>Environmental Planning & Assessment Act 1979</i>
Policy Owner	<i>Manager Sustainable Growth</i>
Adoption Date	
Next Review Date	<i>Every 3 years unless legislative requirement differs</i>

1. PRINCIPLES

- Achieve the objectives and directions of the Wollondilly Local Strategic Planning Statement (LSPS), and Wollondilly Community Strategic Plan (CSP).
- Provide certainty for Council, the community, and Developers.
- Improve planning process and built, environmental and economic outcomes.
- Ensure Developers deliver quality and timely infrastructure.
- Ensure Developers contribute towards the maintenance of the land they propose to dedicate to Council and funds are received to ensure a revenue stream has been established.

2. ROLES AND RESPONSIBILITIES

Role	Responsibility
COUNCILLORS	<ul style="list-style-type: none">Consider recommendations put to them in Council reports and other actions they exercise on behalf of the community.
CEO	<ul style="list-style-type: none">Ensure that staff, contractors, and consultants undertake required duties in accordance with this policy.
DIRECTORS & MANAGERS	<ul style="list-style-type: none">Ensure that this policy is adhered to and that sufficient resources are provided the implementation of the policy.
STAFF, CONTRACTORS & CONSULTANTS	<ul style="list-style-type: none">Perform required duties in accordance with the Policy.

3. MATTERS FOR CONSIDERATION

3.1 To ensure only suitable land is proposed to be dedicated to Council, after all infrastructure, facilities and embellishments have been completed, Any landowner, developer, agency, authority, or the like (referred to herein as the 'developer') must demonstrate full compliance with all Matters of Consideration:

- Compliance with the Principles of this Policy
- Land is zoned under the principle Environmental Planning Instrument for its intended use.
- That land is suitable for its intended use under State Environmental Planning Policy No. 55 – Remediation of Land
- The land is not burdened by caveats, restrictions, utility, transmission or other easements, or other constraints on title.
- The land dedication is consistent with the Wollondilly Local Strategic Planning Statement (LSPS), and Wollondilly Community Strategic Plan (CSP) and other applicable Council policies.
- The improvements on the land comply with the Building Code of Australia, Council's Design and Construction Specifications, and the Development Consent.
- Construction of all infrastructure is designed and installed/constructed with a view to minimise its maintenance.
- The land will meet the infrastructure need for which it is proposed both in the short and long term
- All trees on the land have been assessed for hazard and found satisfactory or removed or suitably isolated from public access.
- Access to Council's requirements is provided for vehicles and pedestrians where relevant
- The land and any infrastructure, facilities and embellishments do not give rise risk from natural and other hazards.
- The scale of the land dedication is appropriate to the location and the relevant population that will use it
- All improvements and/or embellishment works are completed prior to dedication to Council.

- All improvements are to be provided in accordance with Council's adopted standards or, in cases where no standards exist, at the standard determined by Council.
- 3.2 Notwithstanding adherence with any provisions in this Policy, Council is under no obligation to accept the dedication of land. Each offer will be considered on its own individual merits. Potential land dedications are to be identified as early as possible. Leaving offers to dedicate to during a development assessment may lead to the offer not being able to be supported.
 - 3.3 Planning Agreement made in accordance with Subdivision 2, Division 7.1 of the Environmental Planning and Assessment Act, 1979 and Council's Planning Agreement Policy. Fees will be determined based on Council's adopted Fees and Charges.
 - 3.4 The Developer accepts that the land will be dedicated at no cost to Council and (with the exception of an open space obligation identified in the Contributions Plan) no offset will be considered for the development.
 - 3.5 To ensure transparency, consistency and the community receives value for money, the valuing the Planning Agreement, embellishment or other works required to be completed on the land prior to dedication to Council will be the Attributable calculated in the same way as a similar item in the works schedules set out in the Contributions Plan.

4. ADDITIONAL REQUIREMENTS

In addition to the Matters for Consideration, the developer must demonstrate the proposed land dedication compliance with the additional matters that relate to each applicable type of land:

4.1 Requirements for Stormwater Management

Council encourages Developers to design stormwater management facilities on a catchment basis. In the case of land being dedicated for drainage or stormwater management purposes (ie: land required for the management of the quantity and/or quality of stormwater), funding should be provided to Council for the long-term maintenance of this land (Refer to Planning Agreements Policy). In determining the amount of the contribution payment refer to developer maintenance for how it is calculated.

4.2 Additional Requirements of Open Space

To ensure only suitable open space is proposed to be dedicated to Council, the developer must demonstrate compliance with the following matters:

- The land has an identified use and is fit for the community to use.
- The land is embellished without any significant hazards.
- All construction and landscaping are designed and installed/constructed with a view to provide quality and to minimise maintenance.
- This Land dedication is consistent with all Council's' relevant strategic plans
- The land is in an appropriate location and provides adequate connectivity with other similar land uses and with a population that will use it.
- Provide legal and physical access for the community through both vehicular and pedestrian modes
- The land meets need in the broader context of the total development, locality, and the Shire.
- All trees on the land have been assessed for hazard and found satisfactory or removed or suitably isolated from public access.
- This land is zoned for the applicable use for it to be dedicated as community land.

- Minimum usage area of 0.3ha – 0.5ha, excluding any encroachment from stormwater or other infrastructure or environmental areas. Minimum Width: 20m. Council may consider the dedication of smaller open spaces where they have particular strategic merit for recreation, cultural or other community uses or where the land may directly link a corridor and or land identified in a Strategy or Plan of Council.

4.3 Requirements for Asset Protection Zone (APZ) Land

To ensure only suitable APZs are proposed to be dedicated to Council, the developer must demonstrate compliance with the following matters:

- The APZ is located adjacent to a perimeter public road
- The APZs is located wholly within a new subdivision or development
- The RFS must have completed their assessment of the land and the land complies with the planning for bushfire protection standards is demonstrated.
- All development adjoining the APZ complies with the planning for bushfire protection standards.
- Construction of required improvements to allow unrestricted access to emergency services and the inclusion of a paths and share ways in incorporated to optimize public access.
- All works and embellishments have been completed in full prior to the land being dedicated to Council.
- Council will not consider APZs for private developments that encroach onto existing or proposed public land.

4.4 Environmental Land

Statement of Intent:

- a. That in the first instance wherever possible, environmental land within residential developments be owned and maintained by the NSW State Government.
- b. Where the NSW Government have notified Council or the Developer that the land will not be taken into its ownership, to ensure the ongoing management of the land's environmental values, Council will consider dedication of environmental land that complies with this policy.
- c. retention of environmental land in private and/or fragmented holdings within a residential development should be avoided unless strategic merit and maintenance of the environmental values into perpetuity can be demonstrated.

Policy:

To ensure only suitable Environmental land is proposed to be dedicated to Council, the developer must demonstrate compliance with the following matters:

- The land to be proposed to council is demonstrated to have environmental value to the community.
- Dedication of the land would not introduce a hazard that could become a liability to Council or potentially endanger the community.
- Where a Biobanking Agreement will apply to the land, Council will only consider dedication where the proposed Biobanking Agreement have been submitted to council for review of its terms and obligations and considered by Council, prior to an applications being submitted to the Minister.

- All future management actions for the site are clearly identified in a management plan (or the Biobanking Agreement) that has been reviewed and considered acceptable by Council.
- Where the Biobanking Agreement includes an arrangement for ongoing maintenance of the Biobanking land that is considered acceptable to Council. Clause 6.2 below or any other process deemed acceptable by council is used to calculate the required funding for management actions for this land. This funding arrangement is to be provided for through a Planning Agreement and/or included in the Biobanking Agreement.
- The developer must provide a Biobanking Agreement signed by the minister of environment/applicant and must be registered on the title of land prior to
- The developer has paid the Total Fund Deposit (TFD) into the Biobanking Trust Fund and has retired 100% of the biodiversity credits before Council's obligations under the Biobanking Agreement prior to dedication of the land.

5. MAINTENANCE

5.1 Maintenance Obligations

Year 1-5 - The developer will be solely responsible for maintaining those lands and all improvements thereon through an agreed council maintenance plan for years 1 to 5. There will be an inspection of the land 6 months prior to the proposed hand-over date to ensure the land will be suitable for Council to commence maintenance.

Years 6-35 - The developer will have provided funds adequate for maintaining these lands from years 6 to 35 inclusive.

5.2 Calculation of Maintenance Contribution

Paid to the Council at the time of dedication, all proposals to Council are to be supported by an Indicative Maintenance Cost Schedule. Council will use reference costs for determining the annual maintenance costs for routine or standards works. These costs may vary depending upon site conditions the requirements of the structure to be maintained and other relevant matters.

However, variations to this Cost Schedule will be at the sole discretion of Council. Not less than in the cost schedule. The cost schedule will be reviewed regularly by Council and adjusted if necessary.

The Maintenance contribution will be calculated as follows:

$$C = M \times 30$$

Where C is the contribution payable, M is the estimated average annual cost to maintain the land and 30 is the period in years maintenance contribution will be made to Council. The estimated annual cost shall be determined on the basis that all works will be undertaken by private contractors.

Policy provides an Indicative Cost Schedule that Council will use as its reference costs for determining the annual maintenance costs of OSD basins. These costs may vary depending upon site conditions the requirements of the structure to be maintained and other relevant matters. However, variations to this Cost Schedule will be at the sole discretion of Council. The cost schedule will be reviewed regularly by Council and adjusted if necessary.

The annual maintenance cost in year one of the calculation is the estimated average annual cost to maintain the land for environmental and hazard mitigation purposes. The estimated annual cost shall be determined by Council on the basis that all works will be undertaken by private contractors.

Payment of a monetary contribution for maintenance purposes, the contribution will be payable prior to the release of the first subdivision certificate for the development or prior to the transfer of the title of the land to Council, whichever occurs latest.

In accordance with Council's Planning Agreements Policy, the contribution towards administration of the Planning Agreement, calculated at the Per Lot rate will be required