

<b>Policy title</b>	Dedication of Land to Council
<b>Responsible manager(s)</b>	Divisional Manager, Strategic Services
<b>Contact officer(s)</b>	Land Use Planning Coordinator
<b>Directorate</b>	Planning and Sustainability Services
<b>Approval date</b>	22 November 2022
<b>Outcome area</b>	3 Our region of vibrant places and spaces
<b>Strategy</b>	3.1 Balance development between the needs of people, place and productivity
<b>Delivery Program</b>	3.1.3 Work in partnership to encourage and facilitate greater housing diversity and affordability
<b>Operation Plan</b>	3.1.3.1 Monitor the supply of and demand for residential land through the land monitor

### Purpose

This policy recognises that as a result of the subdivision or development of land, some land may need to be dedicated to Council in the form of public open space. The policy also recognises the need to ensure that land so dedicated is fit for purpose.

This public open space may be structured such as parks, playgrounds or shared pathway connections; or unstructured such as riparian corridors, drainage reserves, biodiversity areas or areas of cultural heritage significance. Riparian, drainage and habitat corridors provide important biodiversity links for the Shire.

Through the development of its Recreation and Open Space Strategy (ROSS), Council has undertaken a comprehensive review of recreational needs, facilities and spaces in the Eurobodalla Shire on the basis of local, district and regional community needs. The strategy forms the basis for this policy.

Land may be dedicated to Council in lieu of making a monetary contribution pursuant to Council's Local Infrastructure Contributions Plan 2012 (LICP), as part of a voluntary planning agreement (VPA), or land may be dedicated to Council free of cost.

### Policy aims

This policy aims to provide a clear rationale and assessment process for decisions regarding Council's acceptance of land proposed to be dedicated as public open space.

### Policy details

<b>1</b>	<b>Application</b> This policy applies to the dedication of private land to Council as public open space within the Eurobodalla Local Government Area.
<b>2</b>	<b>Legislation</b> Eurobodalla Shire Council will comply with the <a href="#">Environmental Planning and Assessment Act 1979</a> .
<b>3</b>	All subdivisions creating new lots and developments generating increased populations will contribute to an increased demand for public open space. This demand may be met by either the dedication of land to Council or the payment of a monetary contribution for the embellishment of existing open space or the purchase of other land to meet the strategic needs as identified in the ROSS. The objectives of this policy are as follows:

	<p>a) to set standards for the type, quality, nature and condition of land proposed to be dedicated;</p> <p>b) to ensure increased recreational, environmental and community value of public open space;</p> <p>c) to ensure maintenance of public open space is within Council's financial and operational capability;</p> <p>d) to ensure functionality and useability of public open space and/or drainage reserve.</p>
4	The dedication and acceptance of structured and unstructured land to Council must be in accordance with the Dedication of Land to Council Code of Practice.
5	It will be the responsibility of the proponent to demonstrate that any proposal to dedicate land to Council as public open space complies with this policy in particular with regard to demonstrating that the ongoing costs and activities for Council of management and maintaining the land will be minimal.
6	Every subdivision will be assessed on its merits and according to this policy as to the requirement for an area of public open space. There may however be unique circumstances that may give rise to variation or departure from the policy and this is at the discretion of and by formal determination of Council.
7	In most circumstances, private ownership and management of riparian corridors, drainage land, biodiversity land and areas of cultural and heritage significance results in acceptable management outcomes and is Council's preferred outcome. Only in exceptional circumstances will Council accept public ownership of these lands.

## Implementation

Requirements		Responsibility
1	<p><b>Code of Practice</b></p> <p>This policy will be implemented by following Council's Dedication of Land to Council Code of Practice, which specifies in detail the matters for consideration and procedures to be followed.</p>	Divisional Manager, Development Services
2	<p><b>Staff</b></p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
3	<p><b>Concerns</b></p> <p>Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
4	<p><b>Consultation</b></p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	Community, Arts and Recreation Services and Infrastructure Services Directorates

## Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages the dedication of land to Council.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

**Note:** *The next general local government election is expected to be held in September 2020.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

## Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

### *Related legislation and policies*

Name	Link
Dedication of Land to Council Code of Practice	<a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies">www.esc.nsw.gov.au/inside-council/council/council-policies</a>
Recreation and Open Space Strategy (ROSS) Local Infrastructure Contributions Plan Shared Path Strategy Development Contributions Plan	<a href="https://www.esc.nsw.gov.au/council/plans-and-reporting/plans-and-strategies">https://www.esc.nsw.gov.au/council/plans-and-reporting/plans-and-strategies</a>
South Coast Regional Conservation Plan	<a href="http://www.environment.nsw.gov.au/resources/biodiversity/101000scrcp.pdf">www.environment.nsw.gov.au/resources/biodiversity/101000scrcp.pdf</a>
Southern Rivers Catchment Action Plan	<a href="#">SRCMA CAP 2013 (windows.net)</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="#">Environmental Planning and Assessment Act 1979 No 203 - NSW Legislation</a>

### *Related external references*

Name	Link
Department of Planning and Infrastructure	<a href="http://www.planning.nsw.gov.au">www.planning.nsw.gov.au</a>

### *Change history*

Version	Approval date	Approved by	Minute No	File No	Change
1	24 Nov 2011	Council	11/130	E05.9314 E06.0381	Policy Adopted – report O11/86
2	23 Jul 2013	Council	13/172	E13.7095 E06.0381	Updated Template, review date, references and links; removed operational elements to Code of Practice – report O13/112

3	27 June 2017	Council	17/214	E16.0297 E06.0381	Reviewed and updated (start of new Council term)
4	22 November 2022	Council	22/313	S004- T00060	Reviewed and updated (start of new Council term) – report

*Internal use*

Responsible officer	Director, Planning & Sustainability Services			Approved by	Council
Minute	22/313	Report	GMR22/111	Effective date	22 November 2022
File	S004- T00060	Review date	22 November 2022	Pages	4