

Policy 3.09 Dedication of Public Land

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| Directorate | Assets and Operations |
| Responsible Officer | Director Assets and Operations |

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Under Review

1.1 Introduction

1.1.1 Scope

This policy applies to the dedicating of private land to Council such as public roads, drainage reserves, maintained public open spaces, public open spaces, natural areas, cultural heritage, bikeways or shared pathways within the Bega Valley Shire Council Local Government area.

1.1.2 Purpose

- To provide clear guidance to the circumstances through which Council will accept dedication of public land.
- Outline the assessment process for decisions regarding Council's acceptance or refusal of land proposed to be dedicated as Public Land.
- Ensure the community is not burdened by the inappropriate dedication of land to Council and subsequent maintenance, asset management requirements, risk or liabilities that result from this dedication.
- Generally as a result of subdivision or development of land, the developer may be required to, or seek to dedicate land to Council in the form of roads, drainage reserves or public open space to Council. This policy identifies the types of public land that Council will accept and the criteria that must be met for dedication to occur.
- Identify the circumstances when Council will accept land in lieu of a making a monetary contribution pursuant to Council's Section 94 Plan, as part of a voluntary planning agreement (VPA), or occasions where land may be dedicated to Council free of cost.

1.2 Definitions

| Word or Terminology | Description |
|---|--|
| Public Road | Any road under the control of Council or is dedicated to Council by way of subdivision |
| Drainage Reserves | Any reserve created for the purpose of receiving, directing and controlling public drainage. |
| Maintained Public Open Space | Parks, playgrounds, sportsgrounds or maintained foreshore reserves. |
| Natural Assets | Bushland, riparian areas, wetlands, habitat corridors, open coast or estuarine foreshores |
| Cultural Heritage | High value cultural heritage sites as determined by Local Aboriginal Lands Council's and OEH |
| Bikeway or shared path connections | Any bikeway or shared pathway routes as identified by Council's Bicycle Strategy and Transport Asset Management Plan |

1.3 Legislation

Environmental Planning and Assessment Act (1979)

1.4 Implementation

1.4.1 Policy Statement

The development of land that creates new residential lots through subdivision or other developments generating increased populations will contribute to an increased demand for public roads and 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 acquisition of other lands to meet strategic transport, community, environmental or recreational needs.

Bega Valley Shire Council will address the dedication of public land in a systematic manner by ensuring:

- All private land dedications are for essential infrastructure purposes or for high value, strategic environmental or recreational sites.
- The community is not unduly burdened by the dedication of private lands to Council.
- Maintenance of public lands is within Council's financial and operational capability.
- Increased recreational, environmental and community value of public open space.
- Functionality and useability of public open space.

1.5 Supporting documents

1.5.1 BVSC Procedures that relate to this Policy

| Procedure No.: | Procedure Name | External or Internal Procedure |
|----------------|--|--------------------------------|
| | There are no procedures that sit under this Policy | |

1.5.2 BVSC Policies that Relate to this Policy

| Policy No.: | Policy Name |
|-------------|-------------|
| | Nil |

Note: Policy details may change from time to time. To ensure you are viewing the most recent version please view Council's adopted Policies and Procedures on Council website: