

Land Dedication Policy

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1. Scope

- 1.1 This Policy applies to all land proposed to be dedicated to City of Parramatta Council (**Council**), including:
- (a) as part of a request to amend a planning instrument (such as a planning proposal), pursuant to Part 3 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**);
 - (b) as part of a development application made pursuant to Part 4 of the EP&A Act;
 - (c) offers of Planning Agreements made pursuant to Part 7 of the EP&A Act; or
 - (d) for reasons outside of the EP&A Act.
- 1.2 This Policy does not apply to the strategic acquisition of land by Council.

2. Purpose

- 2.1 This Policy provides a framework for managing the Dedication of Land to Council, to ensure the acceptance of such land is in the public interest. This Policy aims to ensure that only suitable land is dedicated to Council, which will provide quality infrastructure, opportunities, and services to meet diverse community needs and expectations.
- 2.2 This Policy sets out the criteria which Council must consider prior to accepting a proposed dedication of land, and the requirements which proponents must follow.

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2.3 This Policy further aims to ensure that in accepting dedicated land Council will not be unreasonably burdened due to any Remediation Work, ongoing maintenance costs, or management responsibilities as required, to ensure the land will deliver public benefit.

3. Policy

3.1 An acceptance of land in accordance with this Policy will be at the sole discretion of Council, and merit assessed on a case-by-case basis. In determining a proposal, Council will consider any applicable legislation, ministerial directions, and the practice notes issued by the NSW Government.

3.2 Land may be dedicated to Council in a staged fashion where it accords with an approved staging plan, or as set out by a formal written agreement between Council and the proponent.

3.3 Section 7.11 or 7.12 contribution credits will not be granted for any land dedicated to Council or to any improvements proposed upon the dedicated land, except where the land or portion of the land has been dedicated in accordance with the relevant development contributions plan (e.g. open space, cycleway, road, or drainage).

3.4 Land may be dedicated to Council for:

- (a) Community Land purposes (e.g. parks, playgrounds, and sporting fields);
- (b) Infrastructure Land purposes (e.g. to function as drainage reserves, roads, or detention basins); or
- (c) Environmental Land purposes (e.g. conservation or heritage).

3.5 For a land dedication proposal to be considered by Council, land, and any included infrastructure assets, must:

- (a) be fit-for-purpose and satisfactorily embellished in consultation with Council, and in accordance with the requirements of the relevant authorities;
- (b) be realistically valued, including, without limitation, any constraints imposed by easements and other restrictions on title. Notwithstanding, Council will not accept dedication of land that is heavily burdened by caveats, easements, and other constraints on title;
- (c) unless otherwise specified in a Section 7.11 or 7.12 contributions plan, be at no cost to Council; and

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- (d) be consistent with Council's strategic direction and best-practice, including Council's Community Infrastructure Strategy and the Government Architect NSW's Greener Places Infrastructure Framework.

3.5.1 Council may, at its discretion, modify or add to the general conditions set out in this Policy, having regard to the circumstances of each case.

3.5.2 Council may accept land dedicated for Environmental Land purposes if Council is satisfied that the following additional requirements are met:

- (a) Council will only accept Environmental Land where the land has significant environmental value and a long-term funding source is secured for its maintenance.
- (b) The ongoing use, management, and maintenance of Environmental Land that is to be dedicated to Council must be detailed in a draft plan of management (**POM**), prepared by a suitably qualified person, and lodged with Council for consideration, exhibition, and determination, prior to the dedication of the land to Council. All costs associated with the preparation of the draft POM are to be borne by the proponent. The draft POM is to conform to the requirements of the *Local Government Act 1993* (NSW) (**LG Act**).
- (c) Any Environmental Land proposed to be dedicated to Council must be designed, constructed, and maintained in accordance with:
 - (i) the relevant Vegetation Management Plan;
 - (ii) the *Parramatta Local Environmental Plan 2023* (NSW); and
 - (iii) all relevant conditions of development consent for works on the subject land.
- (d) Regard is had to appropriate proposed future adjoining land uses and associated impacts on the Environmental Land.

3.5.3 Council may accept land dedicated for Infrastructure Land or Community Land purposes if Council is satisfied that the following additional requirements are met:

- (a) The land has an identified use and is fit for the intended purpose.
- (b) In the case of land being dedicated for drainage or stormwater management purposes (e.g. 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.

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- (c) The land meets the infrastructure need for which it is proposed, both in the short and long term;
- (d) The land has adequate connectivity with other similar land uses and targeted residential catchments.
- (e) All trees on the land have been assessed for hazards and found satisfactory or have been made safe within, are removed from, or are suitably isolated from, public access.
- (f) The land meets the needs of a specific development, the locality, or the City of Parramatta local government area.

3.6 Proponents are responsible for demonstrating that any proposal to dedicate land to Council complies with this Policy, particularly with regard to demonstrating that sufficient funds have been provided for ongoing management, and that the ongoing liability for Council will be minimal.

3.7 The following information must be provided when making a proposal to dedicate land to Council:

- (a) A detailed description of the land (e.g. size, dimensions).
- (b) The nature of the land (e.g. condition, access, slope, topography, land use zoning, current use).
- (c) Any encumbrances over the land (e.g. easements, covenants, environmental management plans).
- (d) Contaminated Land reports prepared by a suitably qualified person, and Site Audit Statements and reports prepared by a Site Auditor, and any additional relevant documentation requested by Council officers.
- (e) The intended purpose(s) of the land (i.e. as Infrastructure Land, Community Land, or Environmental Land).
- (f) Anticipated maintenance and/or improvement requirements, including asset renewal costs.
- (g) Valuation from a registered land valuer, providing evidence of the reasonable value of land.
- (h) A survey plan in PDF and AutoCAD DWG format, prepared by a registered surveyor, to a standard satisfactory for lodgment with NSW Land Registry Services.

3.7.1 The proponent is to do all things reasonably necessary to enable registration of the instrument giving effect to the Dedication of Land.

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3.7.2 Where the land is to be dedicated to Council as a public reserve or a drainage reserve, within the meaning of the LG Act, the:

- (a) plan of subdivision identifying the land should be marked with the words 'public reserve' or 'drainage reserve', respectively; or
- (b) transfer or conveyance to Council of the land should be identified as being for use as a public reserve or drainage reserve, respectively, consistent with the requirements pertaining to public reserves and drainage reserves in the LG Act, the *Conveyancing Act 1919* (NSW), and the Registrar-General's Guidelines.

3.7.3 Before any land is dedicated to Council, the proponent must provide Council with reasonable access to enter the site for the purposes of conducting any necessary inspections.

3.8 Land proposed to be dedicated must be suitably improved (where applicable) by the proponent to ensure it is fit-for-purpose, in consultation with Council, and in a manner that will ensure acceptable ongoing maintenance costs.

3.8.1 Improvements are to be made in accordance with Council's adopted standards and specifications as informed by Council or, in cases where no standards or specifications exist, to relevant industry or Australian standards, as agreed by Council.

3.8.2 Improvements must be satisfactorily completed by the proponent prior to the Dedication of Land, or funding for the required improvements must be provided.

3.8.3 Any proposed infrastructure and design options should seek to maximise the asset lifespan, demonstrated by overall lifecycle cost analysis.

3.9 Where it is agreed with Council that the proponent is to add assets to land proposed to be dedicated to Council, the following principles should be considered in procuring the assets, to ensure alignment with Council's standards:

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- (a) Seek to support Australian-owned suppliers and/or suppliers who manufacture in Australia, where doing so is appropriate and permissible by law, focusing on those locally and/or regionally.
- (b) Seek to support suppliers and industry groups that develop and/or apply innovative responses in relation to sustainability issues.
- (c) Utilise durable, robust, and low embodied carbon materials in the production of assets.
- (d) Incorporate sustainable design and specifications, and low carbon construction technologies in all infrastructure and building projects, including circular economy principles.

3.10 Contaminated Land

Unless otherwise agreed, Council will not accept Contaminated Land except where the land has been remediated to the standard that would allow the most sensitive permissible use to be undertaken on the land, without further remediation.

3.10.1 The following measures must be undertaken by the proponent to ensure only suitable land that is fit-for-purpose, is dedicated to Council.

- (a) A preliminary soil investigation must be conducted on land subject to a Planning Agreement, to evaluate the suitability of the land to be used or developed. The preliminary soil investigation must be conducted by a certified Contaminated Land Consultant under a certification scheme recognised by the NSW Environment Protection Authority (EPA), and in accordance with the NSW EPA's Guidelines for Consultants reporting on contaminated Land.
- (b) A detailed Contaminated Land site investigation must be conducted by a certified Contaminated Land Consultant under a certification scheme recognised by the NSW EPA and a draft and final report of the investigation must be supplied to Council.
- (c) Draft and final remediation action plans must be submitted to Council and a Site Auditor for approval, prior to commencement of remedial works. All remedial works must be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* (NSW).
- (d) A draft and final validation report must be submitted to Council stating that the objectives in the remediation action plan have been achieved and the land is remediated to a standard suitable for the proposed land use. A

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validation report, including monitoring results where applicable, is required to validate the completion and effectiveness of all Remediation Work for which consent has been provided by Council.

- (e) An ongoing environmental management plan must be provided to Council and implemented where contamination remains on site, and:
- (i) there is uncertainty as to its potential to migrate; and/or
 - (ii) there is uncertainty as to the effectiveness of the management measures implemented to contain the contamination following remediation and validation; and/or
 - (iii) monitoring and ongoing management forms part of the remediation strategy.

3.10.2 A site audit will be required where Council reasonably believes that the information provided by the proponent may be incorrect or incomplete; wishes to verify whether the information provided by the proponent has adhered to applicable standards, procedures, and guidelines; or does not have the internal resources to conduct its own technical review. All costs associated with undertaking a site audit are to be borne by the proponent. As part of this process, the proponent must engage a Site Auditor to undertake an independent review of the site investigation, remediation action plan, validation reports and any proposed environmental management plan as per Council's Contaminated Land Policy, and submit a site audit report and Site Audit Statement to Council.

3.10.3 If the land requires remediation to make it suitable for the proposed use, the Remediation Work must be completed prior to the commencement of that use, and be undertaken at the expense of the proponent. All Remediation Work must occur in accordance with Council's Contaminated Land Policy, and any relevant conditions of consent associated with the development application for the site.

3.10.4 Prior to the transfer of any land to be used for the purposes of open space, the proponent must undertake the Remediation Work and provide to Council a Site Audit Statement from a Site Auditor, which certifies that the land is suitable for the proposed use as public open space. The land must be provided either unconditionally or subject to conditions, which are acceptable to Council.

3.10.5 The following documents must be considered when remediating land to be dedicated to Council:

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- (a) Council's Contaminated Land Policy.
- (b) Parramatta Development Control Plan 2023.
- (c) *National Environment Protection (Assessment of Site Contamination) Measure 1999 (Cth).*
- (d) NSW EPA, *Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme* (3rd edition, October 2017).
- (e) *State Environmental Planning Policy (Resilience and Hazards) 2021 (NSW).*

3.11 Maintenance

Council will only accept dedicated land if it is satisfied that adequate arrangements are in place to ensure the ongoing maintenance of the land and any improvements, in perpetuity. The design of all embellishments must ensure minimal and reasonable on-going maintenance management and renewal costs.

3.11.1 The proponent must prepare a maintenance plan/an asset renewal plan, which addresses the maintenance requirements and costs for any initial site works; lifecycle costs for infrastructure and other improvement; vegetation rehabilitation and weed removal for the dedicated land; and a proposal as to who will be responsible for these ongoing maintenance costs and obligations.

3.11.2 Unless otherwise agreed by Council, the proponent is to cover the maintenance costs of dedicated Environmental Land for a minimum of five years, or such period as is required to achieve the purposes for which the land was originally dedicated to Council; or to establish an alternative funding stream to support the ongoing maintenance costs.

3.11.3 Council may, at its discretion, negotiate ongoing operation and maintenance costs associated with any infrastructure that is part of a proposal to dedicate land to Council as part of the Planning Agreement process, for a fixed period of time.

3.12 If land is proposed to be dedicated as part of a Planning Agreement, the payment of Council's costs associated with the negotiation, preparation, advertising, and entering into of any Planning Agreement to facilitate the dedication of land to Council will be determined in accordance with Council's Voluntary Planning Agreements Policy.

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3.13 In all other circumstances, the proponent proposing to dedicate land to Council must pay or reimburse Council's costs associated with the Dedication of Land.

4. Delegation

4.1 There are Administrative and/or Legislative Delegations applicable to this Policy, which are provided for in Council's Delegations Manual.

5. Procedure

5.1 This Policy should be read in conjunction with all relevant land use plans, strategies, and policies.

5.2 Council's applicable Section 7.11 and 7.12 contributions plans will prevail over this Policy, to the extent of any inconsistency.

5.3 Council will nominate the VPA Officer to negotiate on behalf of Council any required Planning Agreements to facilitate land dedication, in accordance with Council's Voluntary Planning Agreements Policy, and in consultation with the Executive Team and other relevant stakeholders within the organisation.

5.4 Prior to the Dedication of Land to Council, all relevant internal departments will be required to inspect and approve works, assets, and design/construction standards, to ensure all proponent obligations have been completed to Council's requirements.

5.5 As part of the determination process, Council will assess the impact of any assets proposed to be dedicated to Council with the land, including any new assets to be installed as part of required site improvements, and the ongoing maintenance and operation costs of those assets. Council will undertake this assessment with a view to ensure that the burden of asset management costs is shared fairly between proponents seeking to dedicate land and Council. The following measures will be required to ensure prudent asset management in relation to land proposed to be dedicated to Council:

5.5.1 All proponents must complete an asset checklist, where specified by Council, prior to the lodgement of any development application.

5.5.2 All land and infrastructure assets that are to be dedicated to Council must be approved by Council's designated asset owner. This includes but is not limited to

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design drawings, details, cost estimates, construction plans and specifications. All design and construction documentation must be approved by Council's designated asset owner prior to the commencement of construction.

- 5.5.3 All construction plans and documentation must be prepared by suitably qualified engineers and architects.
- 5.5.4 Council must be provided with a reasonable period of time to review construction plans and documentation. All requested amendments must be satisfactorily addressed and clearly identified on plans and documentation, prior to Council consideration for approval.
- 5.5.5 Any asset handed over to Council must meet Council's specific construction requirements provided by Council's designated asset owner, in the first instance. If Council has not documented a specific construction requirement, the asset must comply with the relevant industry specification. If no Council specific construction requirement exists and no industry specification exists, the asset must conform with the relevant Australian Standard, as a minimum.
- 5.5.6 Council must inspect all assets at specified hold-points during construction and prior to taking ownership, to ensure delivery is in accordance with approved plans and specifications. Council has the right to identify non-compliant works and reject assets that are not constructed to an acceptable standard and are not built in-line with the approved design drawings and specifications. The proponent must rectify and/or replace any assets that have been rejected by Council at their cost and to a standard agreed with Council.
- 5.5.7 Council must be provided with reasonable notice prior to undertaking required inspections. All inspections will be at the cost of the proponent, with fees to be determined as appropriate, by Council.
- 5.5.8 The proponent must submit a reasonable security bond to Council, to guarantee the satisfactory delivery of works and maintenance obligations.
- 5.5.9 The proponent must provide evidence that procurement practices for any assets on the land have complied with the requirements set out in this Policy.

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5.5.10 The proponent must undertake an independent peer review of design documentation and construction works at their cost, where Council does not have the specialised skills to undertake such a review.

5.5.11 The proponent must engage suitably qualified specialists, at their cost, to oversee and certify construction works, where identified as necessary by Council. The proponent must submit work-as-executed drawings in PDF and AutoCAD DWG format to Council, after the construction.

6. Definitions

Community Land	Means land to be dedicated to Council for the purpose of community uses, including community halls, parks, active and passive recreational facilities, and other like purposes.
Contaminated Land	Means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.
Contaminated Land Consultant	Means individuals or corporations engaged to carry out the assessment, remediation, management, and validation of Contaminated Land.
Dedication of Land	Refers to the transfer in ownership of land to Council free of cost.
Environmental Land	Means land to be dedicated to Council for the purpose of environmental conservation, biodiversity, or cultural heritage purposes.
Infrastructure Land	Means land to be dedicated to Council for the purpose of infrastructure including roads, pedestrian pathways, drainage and stormwater management and treatment, parking, emergency management, administration facilities, community services facilities, depots and other like purposes.
Planning Agreement	Is a voluntary agreement or other arrangement between a planning authority (or two or more planning authorities) and a person (developer) who has sought a change to an environmental planning instrument or who has made, or

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	proposes to make, a development application, entered into pursuant to section 7.4 of the EP&A Act.
Site Auditor	Means any individual accredited as a site auditor by the NSW EPA under the <i>Contaminated Land Management Act 1997</i> (NSW).
Site Audit Statement	Refers to the written opinion by a Site Auditor, on an NSW EPA-approved form, of the essential findings of a site audit. It includes, where relevant, the Site Auditor's conclusions regarding the suitability of the site for its current or proposed use.
Remediation Work	Means a work in, on or under Contaminated Land, being work that: removes the cause of the contamination of the Land; disperses, destroys, reduces, mitigates, or contains the contamination of the land; and eliminates or reduces any hazard arising from the contamination of the land.
Vegetation Management Plan	Refers to a site-specific, best-practice guideline for restoration of Environmental Land, which is typically required as part of development consent or controlled activity approval under the <i>Water Management Act 2000</i> (NSW), and is prepared by a suitably qualified professional.
VPA Officer	Means a staff member appointed to negotiate and consider a proposed Planning Agreement on behalf of Council.

REFERENCES	<p><i>Conveyancing Act 1919</i> (NSW) <i>Contaminated Land Management Act 1997</i> (NSW) <i>Environmental Planning and Assessment Act 1979</i> (NSW) <i>Local Government Act 1993</i> (NSW) <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> (Cth) NSW Environment Protection Authority, <i>Consultants reporting on contaminated Land: Contaminated land guidelines</i> (5 May 2020) NSW Environment Protection Authority, <i>Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme</i> (3rd edition, October 2017) Parramatta Development Control Plan 2023 <i>Parramatta Local Environmental Plan 2023</i> (NSW)</p>
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	<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (NSW)</i> The Registrar General's Guidelines
ASSOCIATED POLICIES and STRATEGIES	Asset Management Policy Asset Management Strategy Community Infrastructure Strategy Contaminated Land Policy Land Acquisition and Disposal Policy Voluntary Planning Agreements Policy
ATTACHMENTS	Nil

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