



DEDICATION OF RIPARIAN CORRIDORS POLICY 1.18

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DIVISION: DEVELOPMENT & HEALTH

PILLAR: MANAGING URBAN GROWTH; ENVIRONMENTAL SYSTEMS

FILE / BINDER: Council Policies

OBJECTIVE:

To establish the terms and conditions upon which Council will consider proposals to accept dedication of riparian corridor land to Council.

BACKGROUND:

The land covered by riparian corridors form important natural links through residential and employment lands. They protect water quality for aquatic life, provide habitat for animals, help to improve air quality and moderate local climate conditions. There are a number of options for the use and ownership of this land.

Public ownership of riparian corridors should not be considered the only option for development. A range of options should be considered, including: private ownership in the rear yards of residential properties; private ownership on the site of an appropriate development, such as a function centre; private ownership on larger lots capable of being used for environmental activities. Where appropriate and subject to satisfactorily demonstrating public benefit, riparian corridor land may be considered as an extension to existing or planned public open space.

Historically, Section 94 of the Environmental Planning and Assessment Act (EP&A Act) has enabled levies to be charged on developments to fund the acquisition and embellishment of riparian corridors by Councils. This mechanism ensured the environmental outcomes of preserving riparian corridors were achieved through public ownership and ongoing management. Recent changes to the EP&A Act have meant that this is no longer possible.

As a result, achievement of good environmental outcomes is no longer certain and further, where the corridors are not retained in single ownership (i.e. the corridors are to be subdivided into residential lots), the environmental outcomes are even less likely to be achieved. New and innovative solutions are required to be found to secure the environmental benefits of riparian corridors. However, in some circumstances, it may be that public ownership is the only option that will ensure good environmental outcomes.

POLICY STATEMENT:

Camden Council encourages land owners and developers to find the best and most innovative use of riparian corridor land having regard to the particular circumstances of each case.

Camden Council may accept riparian corridor land as public open space only in accordance with the general terms and conditions outlined in this Policy and any additional terms and conditions negotiated with respect to each particular case.

Camden Council may accept riparian corridor land as public open space only where community and environmental benefits are adequately demonstrated, such as:

- Protection of significant environmental features of the land;
- Recognition of cultural landscapes;
- Retention of significant view lines;
- Use for an appropriate community purpose, such as a cycle/walkway, passive open space, environmental education, etc;
- Providing linkages between areas of open space that are unencumbered by the riparian corridor at regular intervals along the corridor.

Council will consider each request for transfer of riparian corridor land on a case by case basis. Council will make decisions on requests for transfer of riparian corridor land in a timely manner.

The onus will be on the proponent to demonstrate that any proposal to dedicate a riparian corridor to Council complies with this Policy, in particular with regard to demonstrating that the on-going costs and activities for Council of managing and maintaining the land will be minimal.

Council encourages proponents to consider use and ownership options for riparian corridor land early in planning stages for development of the land and to put any proposals for dedication of such land to Council in a timely manner to enable decisions to be made at the appropriate times.

RELEVANT LEGISLATION:	Environmental Planning and Assessment Act, 1979; Water Management Act, 2000
RELATED POLICIES:	Relevant Waterfront Land Strategies adopted from time to time.
DELEGATIONS:	N
SUSTAINABILITY ELEMENT:	Y
STAFF TRAINING REQUIRED?	N

NEXT REVIEW DATE: December 2012

PREVIOUS POLICY Nil

1. APPLICATION OF POLICY

This policy applies to all land identified as a riparian corridor.

2. DEFINITION OF RIPARIAN CORRIDOR

For the purposes of this policy, a riparian corridor is defined as waterfront land pursuant to the Water Management Act, 2000.

In the case of the Oran Park and Turner Road Precincts of the South West Growth Centre, a riparian corridor is defined as waterfront land pursuant to the Oran Park and Turner Road Waterfront Land Strategy, July 2009.

3. POLICY REQUIREMENTS

3.1 PROCESS

Proponents shall consult with Camden Council and the Department of Environment, Climate Change and Water with regard to the use, embellishment, ownership and management of land that contains riparian corridors. However, where a Waterfront Land Strategy has been approved for the land, the proponent need only consult with Camden Council.

Possible uses and ownership of riparian corridor land shall be identified at an early stage of planning for the land. Where riparian corridor land is intended to be dedicated to Council as public open space or other public purpose, the Council shall be consulted. Planned development of land adjoining riparian corridors shall facilitate the possible uses and ownership identified.

Prior to the development of land containing a riparian corridor, the proponent shall put a proposal to Council in writing, identifying all riparian corridor land that is intended to be dedicated to Council. The proposal shall contain sufficient information to enable Council to make an informed decision about whether it will accept dedication of the land, including the nature of the land to be dedicated, the intended uses and embellishments of such land and the costs of maintaining such land into the future. The proposal shall address the Policy Statement and the general terms and conditions and other requirements outlined below.

Council shall advise proponents in writing whether it will accept the proposed dedication of riparian corridor land and the terms and conditions upon which dedication will be accepted.

3.2 GENERAL TERMS AND CONDITIONS

The following general terms and conditions will apply to all land affected by a riparian corridor that Camden Council accepts into public ownership:

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Adopted by Council: 8 December 2009

Minute No: ORD301/09

- No Section 94 credits will be granted relating to the land or to any embellishments proposed upon the land (unless a portion of the land is approved for a use associated with a Section 94 facility, eg. open space, cycle way, road crossing, drainage);
- Development adjoining the corridor must be designed in accordance with Safer by Design principles (such as through the provision of perimeter roads, landscape design that maintains sight lines and lighting appropriate to the intended use);
- The developer will pay for the maintenance costs of the land for a minimum period of five years from the date of practical completion of the embellishment works, or such longer period as is required to achieve the outcomes stated in the Vegetation Management Plan (VMP) for the land. However, the land may be dedicated to Council at an earlier time, when it is agreed that the outcomes stated in the (VMP) for the land have been achieved (but no less than 2 years from the commencement of the maintenance period) subject to the continued funding of the minimum 5 year maintenance period by the developer;
- The land will be dedicated in a staged fashion corresponding with the staging of development adjacent to the riparian corridor; dedication will not be accepted despite the above provisions, until the adjoining land has been developed.
- The land will be landscaped in a manner that considers salinity impacts and minimises bushfire risk; and
- The land will be landscaped or otherwise embellished in consultation with Council and in a manner that will ensure minimal on-going maintenance and management costs and in accordance with the requirements of an approved Vegetation Management Plan for the land.

Note: The subject land and any proposed embellishments must be provided at no cost to Council as negotiated through a Voluntary Planning Agreement (VPA) process.

Note: Council may modify or add to the above general terms and conditions having regard to the circumstances of each case.

Note: Council encourages innovative management and maintenance solutions, including offers of joint or developer-funded maintenance for an appropriate period post dedication of land.

Note: Acceptance of land in accordance with this policy will be at the sole discretion of Council.

3.3 OTHER REQUIREMENTS

The ongoing use, management and maintenance of riparian corridors to be dedicated to Council shall be detailed in a Draft Plan of Management (POM), prepared by a suitably qualified person or organisation 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 shall be borne by the proponent. The draft POM is to conform to the requirements of the Local Government Act, specifically Sections 36A to E and 36M (Natural Areas – Watercourse).

The proponent is to provide (in the approved Vegetation Management Plan and Draft Plan of Management for the land) a schedule of works with a cost estimates for all components of the works for the ongoing management and maintenance of the land.

Any riparian corridor proposed to be dedicated to Council must be designed, constructed and maintained in accordance with the relevant Vegetation Management Plan approved for the subject land and in accordance with all relevant conditions of development consent for works on the subject land.

In the case of the Oran Park and Turner Road Precincts, the riparian corridors must be designed and constructed in accordance with the Oran Park and Turner Road Waterfront Land Strategy, July 2009, the Oran Park and Turner Road Development Control Plans, any approved Vegetation Management Plan and all relevant conditions of development consent for works on the subject land.