



DEDICATION OF LAND
BURDENED BY
TRANSMISSION
EASEMENTS
POLICY 1.19

DEDICATION OF LAND BURDENED BY TRANSMISSION EASEMENTS POLICY

DIVISION: PLANNING & ENVIRONMENTAL SERVICES

BRANCH: STRATEGIC PLANNING

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 The land burdened by large power line easements can often be difficult to incorporate into an urban development, yet the provision of electricity is fundamental to allowing development to take place. There are a number of options for the use and ownership of this land.
- 1.2 Public ownership of land burdened by a transmission easement 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; use of major roadways; private ownership on larger lots capable of being farmed or grazed; relocation of the transmission easement. Where appropriate and subject to satisfactorily demonstrating public benefit, land burdened by a transmission easement may be considered as an extension to existing or planned public open space.
- 1.3 Land burdened by a transmission easement is constrained by that easement, but it is not unusable land. Historically, land burdened by transmission easements has been considered as left-over land and the potential use of the land has not been maximised to the fullest extent possible. Innovative approaches to the use of the land should be encouraged so that the land is not sterilised nor separated from the surrounding community.

2. OBJECTIVE

- 2.1 To establish the terms and conditions upon which Council will consider proposals to accept dedication of land burdened by transmission easements to Council.

3. SCOPE

- 3.1 This policy applies to all land burdened by a transmission easement, as defined in this Policy.

4. DEFINITIONS

- 4.1 For the purposes of this policy, a transmission easement is an easement that contains a major power line, such as a 132kV power line and above. Smaller transmission easements shall generally be planned to follow public roads and may, in isolated cases, cross public open space, but only where they do not interfere with the proposed use of that open space. However, this policy will also apply to these smaller transmission easements, where undergrounding or alignment with roads is not feasible or appropriate.

PART 2 - POLICY STATEMENT

5. POLICY STATEMENT

- 5.1 Camden Council encourages land owners and developers to find the best and most innovative use of land burdened by a transmission easement having regard to the particular circumstances of each case.
- 5.2 Camden Council may accept land burdened by transmission easements 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, and in accordance with the requirements of the relevant electricity authority.
- 5.3 Camden Council may accept land burdened by a transmission easement as public open space only where community and environmental benefits are adequately demonstrated, such as:
- Recognition of cultural landscapes;
 - Retention of significant view lines;
 - Protection of a significant environmental feature of the land;
 - Use for an appropriate community purpose, such as a cycle/walkway, a dog off-leash area, car parking, native plant nursery, community garden, etc;
 - Providing linkages between areas of open space that are unencumbered by the power easement at regular intervals along the easement corridor.
- 5.4 Council will consider each request for transfer of land burdened by a transmission easement on a case by case basis. Council will make decisions on requests for transfer of land burdened by a transmission easement in a timely manner and in concert with the authority benefiting from the easement.
- 5.5 The onus will be on the proponent to demonstrate that any proposal to dedicate land burdened by a transmission easement 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.
- 5.6 Council encourages proponents to consider use and ownership options for land burdened by transmission easements 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.

6. PROCESS

- 6.1 Proponents shall consult with Camden Council and the relevant energy companies with regard to the use, embellishment, ownership and management of land burdened by a transmission easement.

- 6.2 Possible uses and ownership of land burdened by transmission easements shall be identified at an early stage of planning for the land. Where land burdened by transmission easements is intended to be dedicated to Council as public open space or another public purpose, the Council and the relevant energy companies shall be consulted. Planned development of land adjoining transmission easements shall facilitate the possible uses and ownership identified.
- 6.3 Prior to development of land containing a transmission easement, the proponent shall put a proposal to Council in writing, identifying all land burdened by a transmission easement 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 be accompanied by advice from the energy company that it supports the intended use of the easement land and approve the proposed embellishments on the land. The proposal shall address the Policy Statement and the general terms and conditions and other requirements outlined below.
- 6.4 Council shall advise proponents in writing whether it will accept the proposed dedication of land burdened by a transmission easement and the terms and conditions upon which dedication will be accepted.

7. GENERAL TERMS AND CONDITIONS

- 7.1 The following terms and conditions will apply to all land burdened by a transmission easement that Camden Council accepts into public ownership:
- 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. car parking for a sports field, subject to the concurrence of the energy company).
 - The land will be additional to the normal open space requirements and will not be permitted to be used for the primary components of Section 94 facilities (i.e. not for sports fields or playgrounds, but it may be for car parking) and shall not reduce the total area of land to be dedicated under the plan.
 - Development adjoining the easement land must be designed in accordance with Safer by Design Principles (such as through the provision of perimeter roads, landscape design that maintains sight lines, lighting appropriate to the intended use and opportunities to provide passive surveillance).
 - 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 for the land. However, the land may be dedicated to Council at an earlier time, when it is agreed that the outcomes 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 easement corridor. Dedication

will not be accepted despite the above provisions, until the adjoining land has been developed.

- The land will be landscaped or otherwise embellished in consultation with Council and in accordance with the requirements of the relevant energy companies.
- The land will be landscaped in a manner that considers salinity impacts and minimises bushfire risk.
- The design of all embellishments must ensure minimal on-going maintenance and management costs.
- Drainage of the land is designed to Council's satisfaction and to ensure no detrimental impacts on any private property or useable open space land.

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

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

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

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

8. OTHER REQUIREMENTS

8.1 The ongoing use, management and maintenance of land burdened by transmission easements 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 relevant requirements of the Local Government Act.

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

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RELEVANT LEGISLATION: *Environmental Planning and Assessment Act 1979*

RELATED POLICIES AND PROCEDURES: Guidelines issued by the relevant electricity authority from time to time.

RELEVANT CAMDEN 2040 KEY DIRECTION AND OBJECTIVE: (eg. 6. Strong Local Leadership; 6.2 It is well governed)

RESPONSIBLE OFFICER: Director Planning & Environmental Services

APPROVALS: ELG, Council

NEXT REVIEW DATE: **July 2015**

RECORD KEEPING NOTES:

CONFIDENTIALITY/PRIVACY REQUIREMENTS: Publicly available document – available on Council's website.

HISTORY:

LAST REVIEW: February 2014 – re-formatted to comply with Uniform Policy Template. No changes to content.

PREVIOUS POLICY: 1.19 Dedication of Land Burdened by Easements Policy

ADOPTED: 8 December 2009

MINUTE: ORD301/09