
Report of the General Manager - 6 December 2016

ITEM 6.2 Drainage Reserves Disposal Policy

AUTHOR Corporate Services

ISSUE

To consider Council's new Drainage Reserves Disposal Policy which will replace the two former Councils policies.

RECOMMENDATION That -

1. In principle, the Draft Drainage Reserves Disposal Policy be endorsed and placed on public exhibition.
2. A further report be submitted to Council to consider any submissions or alternatively, the Policy be adopted should no submissions be received.

BACKGROUND

As part of Council's ongoing review of policies of the former Canterbury and Bankstown Councils', a revised Drainage Reserves Disposal Policy has been drafted to replace the two existing policies and align relevant procedures to effectively administer the issue across the local government area.

Given the number of ongoing requests and matters currently awaiting its review, the Policy is being submitted for Council's consideration and proposed public exhibition for comment by the Community.

REPORT

Council has a significant number of drainage reserves situated throughout its local government area, sites which are largely no longer required for operational purposes. Given their size, issues around access, anti-social behaviour and poor amenity, a large number of them present a broad range of complex operational and/or maintenance issues for Council.

In certain cases, various reserves have been formally licensed to adjoining owners, in which case, the licensee is required to manage/maintain any issues with the site and provide Council access to the reserve, as required.

From time to time, Council receives requests from adjoining owners to acquire certain reserves with the view to create added private open space, facilitate the re-development of their property or simply eradicate any nuisances associated with the site.

As a result of some of the issues noted above, Council has proposed a considered approach to managing such requests, so as to ensure that it meets relevant legislative requirements and above all ensures appropriate transparency and overall good governance.

It should be noted this policy only addresses reserves which have been classified as “Operational Land” under the Local Government Act 1993. All drainage reserves which are classified as “Community Land” can only be assessed as part of Council’s broader Local Area Planning (LAP) and Local Environmental Planning (LEP) processes.

Attached is a Draft Policy, which largely reflects the former Council’s existing approach to managing the issue.

In essence, the policy outlines:

- the broader principles, regulations and approach to determining the disposal of Council owned drainage reserves throughout our local government area,
- the broader parameters and associated Strategies & Policies needed to be taken into consideration when determining whether a site may be sold, and
- provide a framework by which Council will be able to consistently assess each request and accordingly advise relevant adjoining owners of the process, as required.

In each case, a proposed sale must be approved by way of resolution of Council. It is intended that a specific report be periodically submitted to Council to consider such requests, as required.

Given the nature of the issue, it is proposed that the draft policy be publicly exhibited for comment and reported back to Council following this process, if required.

POLICY IMPACT

The Drainage Reserves Disposal Policy complies with legislative requirements for their disposal and supports Council’s commitment to good governance practices. The adoption of this Policy supersedes the previous policies adopted by the former Bankstown and Canterbury Councils.

FINANCIAL IMPACT OF RECOMMENDATIONS

This recommendation has no direct implications for the budget.

RECOMMENDATION That -

1. In principle, the Draft Drainage Reserves Disposal Policy be endorsed and placed on public exhibition.
2. A further report be submitted to Council to consider any submissions or alternatively, the Policy be adopted should no submissions be received.

ATTACHMENTS

- A. Drainage Reserves Disposal Policy