
Report of the General Manager - 25 October 2016

ITEM 6.5 Proposed Public Land Reclassification of Several Council-Owned Drainage Reserves - Amendment to Canterbury Local Environmental Plan 2012

AUTHOR Corporate Services

ISSUE

This report is seeking authority to proceed with the process of public land reclassification to operational land for the sites identified in the report.

RECOMMENDATION That -

1. In accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and Local Government Act, 1993, Council proceed to carry out the required public consultation process to reclassify the following properties from community to operational land;
 - 13A Denman Avenue, Wiley Park, Lot 106 in Deposited Plan 6480
 - 71A Denman Avenue, Wiley Park, Lot 107 in Deposited Plan 6480
 - 61A Beauchamp Street, Wiley Park, Lot 35 in Deposited Plan 10980
 - 66A Beauchamp Street, Wiley Park, Lot 36 in Deposited Plan 10980
 - 1a Calbina Road, Earlwood, Lot 110 in Deposited Plan 10987
 - 13a Ryrie Road, Earlwood, Lot 111 in Deposited Plan 10987
 - 44a Cornelia Street, Wiley Park, Lot 170 in Deposited Plan 7298
2. A further report be provided to Council at the conclusion of the public consultation process.

BACKGROUND

In accordance with the provisions of the former Canterbury Council's policy, all property assets were being reviewed to determine their civic usefulness and to identify those properties that may be surplus to needs. As a result of ongoing review and assessment, the parcels of drainage reserve land dealt with in this report were identified as being surplus to Council's needs.

- On 27 November 2014 and on the 25 June 2015 Council resolved to submit a total of seven drainage reserves for reclassification to operational.
- In May 2016, JBA Urban Planning Consultants prepared a Planning proposal to amend the Canterbury Local Environment Plan 2012 to effect the proposed reclassification.

- On the 12 July 2016 the Department of Planning and Environment issued a Gateway approval to proceed with the public exhibition of the proposed amendment to CLEP 2012.
- Finalisation of the proposed course of action will then facilitate Council being legally entitled to consider, when justified in the community interest, selling or licensing the properties to adjoining owners.

REPORT

This report is seeking authority to proceed with the process of public land reclassification, with the purpose being to thereby render this land operationally-classified so as its classification is then more consistent with its civic purpose and legal status. No consequential changes to the land's zoning are required in this instance.

The report concludes with a recommendation that the draft amendment to the Canterbury Local Environmental Plan be both publicly exhibited and the subject of a public hearing (in accordance with the relevant provisions of both the Local Government and Environmental Planning and Assessment Acts) and that a further report be presented to Council following the conclusion of these processes, for Council to determine if the reclassification proposal is then to proceed or be abandoned.

Description of Properties intended to be reclassified

The strategic review identified a number of community-classified, Council-owned drainage reserves that are surplus to needs (as being no longer necessary for Council to own for civic purposes) and therefore capable of being sold or licenced to adjoining owners. Those properties are as follows:

- 13A Denman Avenue, Wiley Park
- 71A Denman Avenue, Wiley Park
- 61A Beauchamp Street, Wiley Park
- 66A Beauchamp Street, Wiley Park
- 1 Calbina Road, Earlwood
- 13A Ryrie Road, Earlwood
- 44A Cornelia Street, Wiley Park

A more-detailed description of the locational context and characteristics of each appears below;

A summary of each drainage reserve is as follows;

- **Drainage Reserve: 13A Denman Avenue, Wiley Park**
The land is zoned R4 High Density and comprises a single parcel of land identified as Lot 106 in Deposited Plan 6480. The property has a total land area of 123.8 m².
- **Drainage Reserve: 71A Denman Avenue, Wiley Park**
The land is zoned R4 High Density and comprises a single parcel of land identified as Lot 107 in Deposited Plan 6480. The property has a total land area of 122.7 m².
- **Drainage Reserve: 61A Beauchamp Street, Wiley Park**
The land is zoned R3 Medium Density and comprises a single parcel of land identified as Lot 35 in Deposited Plan 10980. The property has a total land area of 206.65m².
- **Drainage Reserve: 66A Beauchamp Street, Wiley Park**
The land is zoned R3 Medium Density and comprises a single parcel of land identified as Lot 36 in Deposited Plan 10980. The property has a total land area of 255.96 m².
- **Drainage reserve: 1a Calbina Road, Earlwood**
This site comprises a single parcel of land identified as Lot 110 in Deposited Plan 10987 with a total land area of 1380 m2.

This drainage reserve adjoins 26 parcels of private land. A number of either current or former adjoining owners have, at some stage in the past, annexed (by fencing) the Council land to, and for use in conjunction with, their existing property.

- **Drainage reserve: 13a Ryrie Road, Earlwood**
This site comprises a single parcel of land identified as Lot 111 in Deposited Plan 10987 with a total land area of 840 m2. This drainage reserve adjoins 14 parcels of land. A number of either current or former adjoining owners have, at some stage in the past, annexed (by fencing) the Council land to, and for use in conjunction with, their existing property.
- **Drainage reserve: 44a Cornelia Street, Wiley Park**
This site comprises a single parcel of land identified as Lot 170 in Deposited Plan 7298 with a total land area of 102.2 m2.

Each of these properties no longer need to be owned in freehold by Council to continue to provide the civic function they have provided in the past, namely a course for the passage of stormwater throughout the various catchments across the City. Such function can continue to exist by creating a suitable easement on title to the land, in Council's favour.

Based on the above it is proposed to proceed to public exhibition. The initiation of the draft LEP, and the public notice thereby given to the community and nearby property owners by its public exhibition, is intended to obtain feedback from the community to enable Council to consider its strategic position relative to each property, with the benefit of that opinion.

At the conclusion of the public consultation, and the holding of a public hearing (chaired by a person that is independent of Council), a report will be submitted to Council on the outcome. With the benefit of a report from the Public Hearing Chairperson and details of any public submissions received with respect to the proposed reclassification. Following the conclusion of this process Council will then be in a position to determine whether or not to proceed with a request to the Minister for Planning to finalise (by Gazettal) the reclassification process.

POLICY IMPACT

There is no policy impact associated with this report.

FINANCIAL IMPACT OF RECOMMENDATIONS

The adoption of the report's recommendation will have no immediate implications for the budget. The actions recommended are administrative in nature and involve a process of public participation regarding the prospect of changing the status of land to facilitate greater discretion in the manner in which it can be dealt with by Council.

RECOMMENDATION That -

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ATTACHMENTS

Nil