
W30. Water Courses – Piping of Water Courses

Title: Water Courses – Piping of Water Courses

Policy No: W30

Keywords: Channel, Pipe, Water

Responsible Officer: Divisional Manager – Civic and Urban Services

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Council's considered and adopted policy position with respect to the granting of an easement over any construction of a pipe or channel to contain a natural watercourse.

2. POLICY STATEMENT

That Council require an easement over any construction of a pipe or channel to contain a natural watercourse to be granted in favour of the future maintenance authority, i.e. Council or Sydney Water and that permission to pipe natural watercourses be subject to Council approval of the specifications and quality of the work.

(Confirmed 20.10.97)

3. PRINCIPLES

The principle underlying this policy is the promotion of public health, safety and convenience, and, more specifically, the promotion of an effective and efficient system of drainage in the interests of the residents of the Manly local government area as well as the wider public.

Council acknowledges that this policy, like all policies, must be applied flexibly having regard to the circumstances of the case.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all land in the Manly local government area where there is proposed any construction of a pipe or channel to contain a natural watercourse.

5. DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993, as well as section 4 of the Environmental Planning and Assessment Act 1979, for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval as required by legislation, generally every two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Manly Local Environmental Plan 2013

11. RELEVANT COUNCIL POLICIES

D100 Drainage Easements – Construction over Drainage Easements.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance