

LEEVE BANKS

1. STATEMENT OF POLICY INTENT

The intent of this policy is to provide details in relation to accessing levee banks and the limitations of any developments.

2. DEFINITIONS AND ABBREVIATIONS

Act	Local Government Act 1993 (NSW)
GM	General Manager
Regulations	Local Government (General) Regulations 2005 (NSW)
Inside Toe of Levee	Flood protected side of levee bank
Outside Toe of Levee	Flood liable or river side of levee bank
Easement	Right of access for specific purpose being construction and maintenance of the levee structure
Crest of Levee	Top of Levee
Adjacent Structure	Includes buildings and plantings such as trees and shrubs

3. POLICY

Aims

- (1) To ensure access to Council's registered levee banks at Wentworth for maintenance purposes.
- (2) To give Council and land owners a clear understanding of their rights, obligations and restrictions on use of land over which registered levee banks and easements are situated.

Policy

- (1) Levee bank easements are to be created on all of Council's registered levees.
- (2) The extent to the easement is to be:
 - Earth Levee – levee structure plus 1.5 metres either side of the levee structure
 - Concrete Levee – levee structure plus 1 metre either side of the levee structure.
- (3) Easements rights to be construction and maintenance of the levee only. No public access via private property. Council will support this position with appropriate wording on the easement transfer document and provision of public information.

Maintained by:	DSD	Date Adopted by Council:	15/12/2010
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Previous Effective Date	21/10/2009	Date for Review	15/12/2012
Other Reference:	N/A		
Application:	All staff		
Attachments:	Nil		

- (4) Access to levee for maintenance to be via the crest of the levee or within the easement either side of the levee. In times of flood access to the levee to be right of entry through the affected property.
- (5) No excavation, construction, plantings or work of any type will be permitted within the easements without the written permission of the General Manager or nominee.
- (6) If the Council proposes to remove, or directs the landowner to remove, any existing structure from within the easement so as to assist in their inspection, maintenance or rehabilitation of the levee bank, the Council undertakes to repair, replace and/or reinstate the structure so damaged or removed and any affected land at its own cost if the structure has been legally approved and authorised by the Council or other responsible authority.

Any consideration for the replacement of the structure will only be made by the Council if a development application is submitted to Council for consideration and in any case, the Council does not warrant that the structure will be approved.

- (7) Prior to the creation of levee bank easements any applications for permanent structures, excavations or filling on land on which a registered levee is constructed will be dealt with in accordance with this policy as if an easement had been created.

4. RESPONSIBILITY/ACCOUNTABILITY

The General Manager or his delegate is responsible for the maintenance of levees and is accountable for any approved developments associated with the levees.

5. RELATED DOCUMENTS

5.1. ASSOCIATED LEGISLATION

Local Government Act 1993 (NSW)
State Emergency and Rescue Management Act 1989

5.2. ASSOCIATED GOVERNMENT POLICY PROVISIONS

Nil.

5.3. ASSOCIATED COUNCIL DOCUMENTS

Nil.

6. POLICY STATUS

This policy was formally adopted by Council on 15 December 2010 and commenced operation on 15 December 2010. This policy replaces the previous version and takes into consideration NSW Department of Public Works "Urban

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Levee Bank Design/Construction Lessons Learnt Report” of June 2009 and Report “Wentworth Levee Easement Project”.

7. POLICY REVIEW

This policy may be amended at any time and must be reviewed at least two years since its adoption (or latest amendment).

8. AUTHORISATION

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Position: General Manager

Date: /...../.....

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