

LEEVE BANK EASEMENTS

POLICY OBJECTIVE

This Official Policy aims to identify the obligations of Council, landowners and the public in relation to levee banks.

POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which: Clearly identify the obligations of Council, landowners and the public in relation to the registered levees throughout the Shire

1. POLICY COVERAGE

This policy applies to all areas of Council's operations is to deliver the opportunity for the creation of easements over the registered levee banks throughout the Shire with reference to the type of structure. In addition, this policy identifies the permitted uses of the land within the easement.

2. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

3. DEFINITIONS AND ABBREVIATIONS

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| 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 |
| Crest of Levee | Top of Levee |
| Easement | Right of access for specific purpose being construction and maintenance of the levee structure |

4. POLICY CONTENT

This policy is derived from five previous versions date 1989, 2000, 2001, 2009 and the current Policy CP36 dated 2010

5. RELATED DOCUMENTS & LEGISLATION

It is the policy of this council that:-

5.1 Council creates easements on all of Council's registered levees throughout the Shire

5.2 Identify the extent of the easement dependent upon the physical construction of the levee bank in line with the following:

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- i. Earth Levee – levee structure plus 1.5 metres adjacent to the inside toe of the levee and 1.5 metres adjacent to the outside toe of the levee.
ii. Concrete Levee – levee structure plus 1 metre either side of the levee structure
5.3 Nominate that the rights enabled by the easement creation is for construction and maintenance of the levee only.
5.4 Council is legally able to gain access to the levee for maintenance and construction via the crest 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
5.5 Restrict the public access through private property with physical barriers and signage. This position will be supported with appropriate wording on the easement transfer document and dissemination of public information.
5.6 Ensure that no excavation, construction, plantings or work of any type are carried out within the easements without the written consent of the General Manager or nominee.
5.7 Adhere to the levee bank audit carried out by the Department of Public Works identifying that permanent obstruction within the levee easement be removed within the annual operational budget.
5.8 Ensure boundary fences are provided with an unlocked gate in the fence on the crest of the levee. Such gate or gates are to be a minimum of 3.0m wide.
5.9 Remove the objects as identified within the levee bank audit and undertake associated remediation of the levee bank at the cost of Council.
5.10 Consider applications prior to the creation of levee bank easement for permanent structures, excavations or filling on land on which a registered levee is constructed in accordance with this policy as if an easement had been created.

ATTACHMENTS

Nil.

6. DOCUMENT APPROVAL

For Council Policies please use the following, otherwise delete

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 16 February 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council’s record management system and Reliansys.

Signed: [Signature]

1 April 2022

General Manager Wentworth Shire Council

Date