



## Levee Banks Policy

Application	Council staff, Landholders
Responsible Officer	Director Infrastructure Services
File No	CM:POL:CWP
Authorised by	Council
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Distribution	Internet / Intranet

### Purpose

The purpose of this policy is to provide a methodology for council access to levee banks and limit any activity causing levee damage in order to ensure the levees remain in a fit state to protect the community during flood events. Also 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.

### Definitions

Council:	Carrathool Shire Council
Act:	<i>Local Government Act 1993</i>
GM:	General Manager
Regulations:	Local Government (General) Regulations 2021
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

### Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

*Local Government Act 1993*

Local Government (General) Regulations 2021

*State Emergency and Rescue Management Act 1989*

### Policy statements

1. Levee bank easements are to be created on all of Council's registered levees.
2. Easements rights to be construction, maintenance and inspection 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.

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3. Access to levee for inspection and maintenance to be via a right of way usually over the driveway or 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.
4. 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.
5. 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.

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

### Revision Table

Minute /Date	Amendment Reason or Reference
1314/20.03.2012	
0658/15.04.2014	Reaffirmed
1056/20/08.2019	Change to reference and removal of policy statement 2 Review and amendment
0654/19.09.2023	Review

### Associated Documents

Easement Documentation

### Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.