

ITEM 9 PROPOSED CHANNEL REHABILITATION SPRAY STREET THIRROUL

Stormwater channel works are required to assist with the flow of stormwater from Council's upstream stormwater network. These works are on private property and Council approval is required in accordance with Section 67 of the Local Government Act.

RECOMMENDATION

Council authorise the works described in this report pursuant to Section 67 of the Local Government Act.

REPORT AUTHORISATIONS

Report of: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)
Authorised by: Greg Doyle, General Manager (Acting)

ATTACHMENTS

- 1 Catchment Plan Spray Street Thirroul

BACKGROUND

While investigating longstanding nuisance flooding issues affecting multiple private properties at the intersection of McCauley Street and Station Street, Thirroul, Council officers identified that a length of creek located in private land must be excavated in order to restore function of the Council drainage system.

To alleviate the current flooding problem and address the risk presented by Council being unable to properly operate the public drainage system it is proposed that Council enter the private land, remove fill, and reinstate the creek to a condition which can be maintained by the private property owners.

Ordinarily, Council would not do this type of work as typically it is the responsibility of private land owners to maintain their own land, however there is a clear public benefit in this case to reinstate a properly functioning stormwater system.

Section 67, 2(b) of the Local Government Act, 1993 requires a resolution of Council to approve works to be carried out on private land without charging an approved fee or charges.

There is a stormwater easement over the property, however the easement was in favour of a deceased person and the rights and responsibilities for Council and private land owners are now unclear. As a way of resolving this ambiguity, it is proposed that Council undertake the works at no cost to the property owner under Section 67 provisions to restore the stormwater network and enter into an agreement with the property owner that future maintenance is their responsibility.

PROPOSAL

Recognising that this is an effectively unique situation and should not be considered as a precedent for any other decision, the following is recommended:

- 1 Council intervene to restore function to the Council drainage system in order to alleviate upstream flooding associated with water conveyed by the council stormwater system, allow for provision of drainage in Station Street, and improve flooding outcomes for other land which drains to the affected channel.
- 2 Council negotiate a scope of works in consultation with the owner of the affected land and secure conditional permission to execute that scope in the form of a "Permit to enter land and conduct works" and also enter into an agreement that Council will not be maintaining their land after an initial establishment period.

- 3 That this intervention be undertaken as a one off excavation of the channel to a level which services upstream and downstream bed levels and a restoration of the channel to a form similar to that observed downstream, and to a vegetation regime which will allow for ongoing maintenance by property owners to be achievable and comparable to maintenance requirements of other residential sites crossed by creeks.
- 4 After a period of maintenance to establish revegetation, maintenance responsibilities return to the land owner.

CONSULTATION AND COMMUNICATION

To date:

- 1 Consultation with surrounding properties affected by flooding.
- 2 Consultation with the owners of the land where the creek is filled.
- 3 Legal advice and technical advice.

Required if recommendations adopted:

- 1 Legal agreement with owners of the land in which the work is proposed to be undertaken identifying civil works to be done (by Council) as well as responsibility for ongoing maintenance (by owners).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2022 goal “We Value and Protect our Natural Environment”.

It specifically delivers on core business activities as detailed in the Stormwater Service Plan 2017-18.

RISK ASSESSMENT

It is anticipated that the works will alleviate the risks to properties located upstream of the proposed works.

FINANCIAL IMPLICATIONS

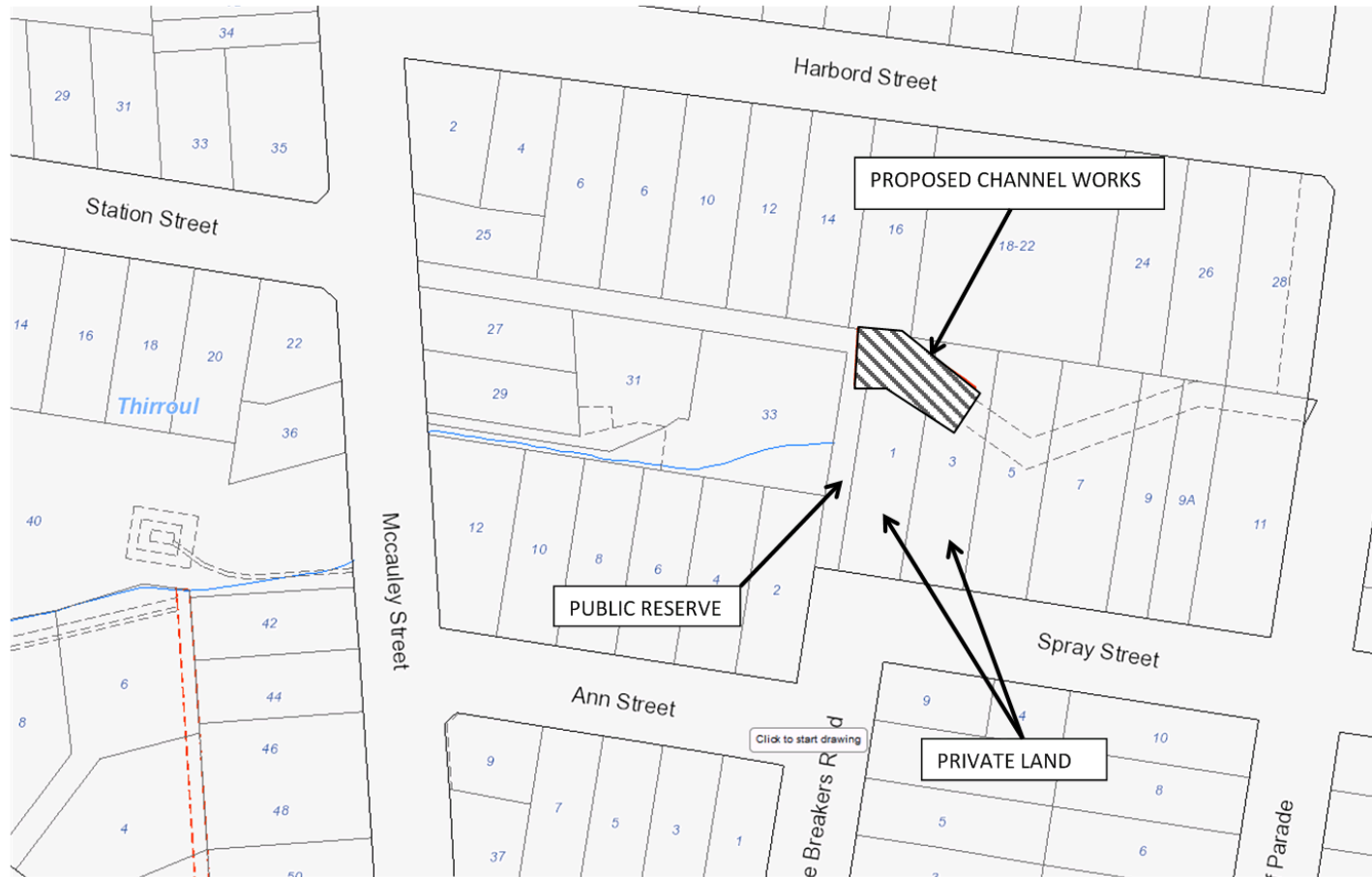
Cost to Council of approximately \$40,000 to \$60,000 depending on nature of the material to be removed. Both design and construction are recommended to be funded from existing operational budget allocation for urban drainage maintenance

CONCLUSION

Given the unique situation and the existing stormwater risks, it is recommended that council undertakes the works as a one off.



Proposed channel excavation works in Council reserve and private land. Numbered lines denote Council owned stormwater pipes.



Proposed channel excavation works in Council reserve and private land