

Riverbank protection

Policy, procedure, protocol	Policy
Document version	V 1.0
Date adopted by Council	26 February 2019
Minute number	15.001/19
File reference number	ECM 2307676
Due for review	November 2022
Documents superseded	
Related documents	
Author	Floodplain Coordinator
Section / Department	Water Cycle
Linkage to Our Community Plan	2 Infrastructure
Objective	2.1 We will have communities that are well serviced with appropriate infrastructure
Strategy	2.1.3 Provide strategic asset management planning

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1. Purpose

Rivers are continually migrating, with a number of factors governing the rate of movement. Two options exist: (1) allow the riverbanks to continue to erode, (2) or instigate protection works to halt this movement. This Policy explains the responsibilities of Council and private land owners as related to river bank erosion, erosion stabilisation and river bank protection.

2. Background

Many land owners in the Clarence Valley have private property boundaries that are adjacent to waterways, including both the tidal sections of the Clarence River Estuary and tributaries (the coastal zone), or the non-tidal freshwater reaches of the upper catchment.

Erosion is a natural response of river and creek banks to changes in other environmental factors, and is an inherent risk that must be assessed and accepted by land owners or land managers when purchasing property or establishing assets within the vicinity of waterways.

Riverbank erosion occurs in many locations, either through gradual undermining of banks, or following floods when serious bank scour or collapse can occur. Erosion can be exacerbated by human activity. This may relate to land based activity like construction or vegetation clearing, or on water activity, for example vessel use.

This policy does not override existing riverbank plans such as the Palmers Island Riverbank Management Plan.



Figure 1. Example of eroding riverbank without bank protection

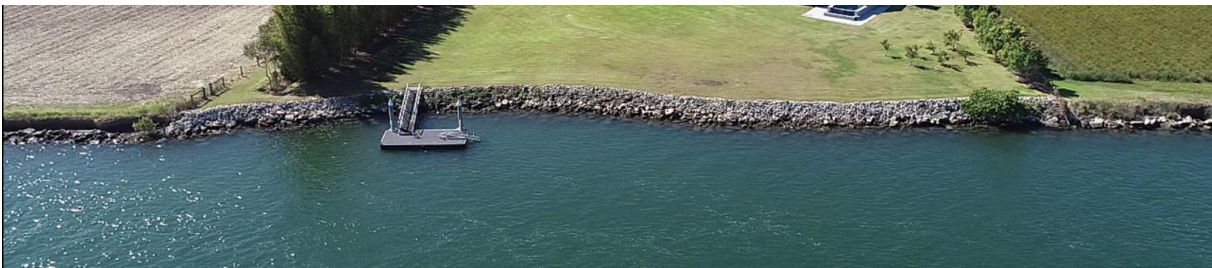
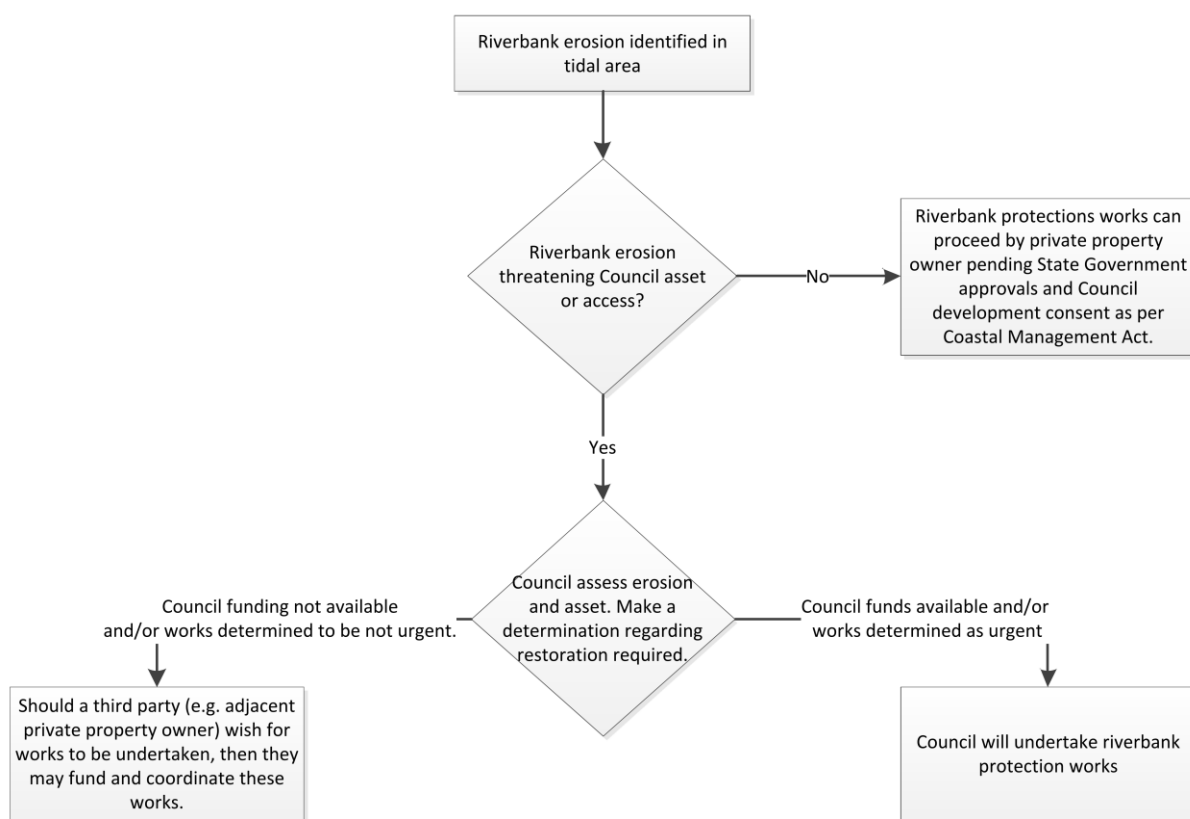


Figure 2. Example of rock armoring of riverbank (centre) adjacent to significantly eroded riverbank (left) and partially eroded riverbank (right)

3. Policy, protocol or procedure statement

The following flowchart is provided to supplement the written information.



Council Asset Works in Tidal or Non-Tidal Areas (where works are funded and coordinated by Council)

Council may undertake erosion management works where erosion threatens public land, infrastructure or environmental assets. Council may also undertake works where erosion threatens access to each of these. Council’s response to riverbank erosion is guided in part by available funding and public safety. In some instances where funding is not available Council may implement other mitigation measures, such as signage and guideposts, to alert the community to the erosion hazard. A road reserve that is located on the riverbank which is not maintained by Council is not considered to be an asset Council would protect with riverbank works.

Council Asset Works in Tidal and Non-Tidal Areas (where works are funded and coordinated by private land owner)

In some instances, private land owners may wish to undertake maintenance or renewal works on existing Council riverbank protection assets. Council generally does not have any objection to such proposals so long as works are undertaken to Council standards. Works are not to proceed without consultation with Council. Council will provide advice on the relevant standards as it relates to each

individual location. Please note that Council may require removal of substandard work, and that penalties may apply for work undertaken without prior approval.

Private Asset Works in Tidal and Non-Tidal Areas

Where the objective of erosion management works is solely the protection of private property all works are the responsibility of the private land owner. Council may provide advice and assistance.

Where erosion stabilisation works are proposed on private land that will result in a significant environmental benefit, through improvements to either water quality or waterway habitat Council may provide financial and technical assistance to private land owners.

Council encourages retention and rehabilitation of existing native vegetation adjacent to waterways wherever possible.

Development Approval is required to be sought from Council by private land owners for any erosion management works proposed in tidal waters.

In non tidal areas these works are considered environmental protection works (not coastal protection works) and are generally permissible without Council consent.

4. Procedures

Council's Works in Tidal and Non-Tidal Areas (where works are funded and coordinated by Council)

Council undertakes rock protection works for the purpose of protecting our assets such as roads, watermains and levees. The State Environmental Planning Policy (SEPP) (Infrastructure) 2007 enables Council to undertake such works without development consent (Clause 129).

Council Works in Tidal and Non-Tidal Areas (where works are funded and coordinated by private land owner)

Council may provide written permission to the private land owner that Council allows the works to be undertaken to a Council asset by the private entity on Council's behalf. This letter may be used as evidence for some of the government departments listed in the below Procedures and may result in some permit exemptions (e.g. Controlled Activity Permit may not apply). It is the responsibility of the private entity to check required approvals.

Private Works in Tidal and Non-Tidal Areas

Under the Coastal Management Act and SEPP Development Approval from Council is required for a private land owner to undertake riverbank protection works adjacent to tidal waters. Under the SEPP, Council can only grant development approval if the applicant can demonstrate that there is no increase in the risk of riverbank erosion adjacent to the works. Although no Council consent is required for works in non tidal waters the below referrals may still be necessary.

Applicants should liaise with **NSW Department of Industry** (Crown Lands & Water Division) to determine whether they own part/all of the river bed where the works are proposed and what their

requirements for making the DA may be. The Department of Industry will also be able to inform applicants whether the Crown Land is subject to a native title determination and if so the implications for this proposal .

As part of processing a DA Council may refer the DA to various NSW Government agencies for comment. Hence, it will be of benefit for applicants to liaise with these agencies before preparing a design for the works so that you can incorporate any requirements they have. The various other NSW Government agencies that may need to be consulted prior to submitting the DA include:

- When working within 40m of the high bank of a natural creek or river a permit is required under Controlled Activity Provisions of the Water Management Act 2000, administered by **NSW Office of Water**.
- If proposal includes water supply (dams) and drainage works under the Water Management Act 2000 you must consult with **NSW Office of Water**.
- If proposal involves damaging native vegetation a permit is required under Local Land Services Act 2013, administered by **NSW Local Land Services**
- A permit may be required under the Biodiversity Conservation Act 2016 (administered by **NSW Office of Environment and Heritage**) if proposal involves removal/sale of native flora, removal/injury of native fauna or damage to habitat.
- If proposal involves damaging threatened species of flora or fauna or habitat under the Biodiversity Conservation Act 2016, you must consult with **NSW National Parks and Wildlife Service** (Threatened Species Unit). Endangered Ecological Communities can include Swamp Oak, Freshwater Wetlands, Swamp Sclerophyll, Coastal Saltmarsh, River Flat Eucalypt, Sub Tropical Eucalypt, and Littoral Rainforest.
- If proposal includes dredging/reclamation, fish passage, or damaging marine vegetation a permit is required under Fisheries Management Act 1994 from **NSW Department of Primary Industries**. The DPI define reclamation as the “placement of any material into a waterway, either temporarily or permanently”.
- It is recommended that **Roads and Maritime Services (Waterways)** are contacted to ensure the works don’t create navigation hazards.

It is recommended that notification also be provided to Clarence River Fishermen's Co-operative in case there are any professional fishing locations nearby.

5. Appeal/objections process

Council acknowledges that there may be some situations that do not fall neatly into the categories detailed in this policy, therefore private land owners who believe this is the case or feel there are extenuating circumstances can contact Council staff to have their unique situation brought before Council for determination.