MAINTENANCE OF URBAN WATERCOURSES ON PRIVATE PROPERTY

Introduction
This fact sheet has been prepared as a guide for private property owners considering undertaking the maintenance of urban watercourses located on their land to improve the flow of stormwater.

It applies to all watercourses (except for those where the channel is fully concrete lined or is a fully enclosed pipe channel) on land zoned residential or business under the Wollongong Local Environmental Plan 2009.

What About the Maintenance of a Channel that is Fully Concrete Lined or is a Fully Enclosed Pipe Channel on Private Property?
This fact sheet does not apply to a channel that is fully concrete lined or is a fully enclosed pipe channel on private property. The maintenance of a channel that is fully concrete lined or is a fully enclosed pipe channel on private property is the responsibility of the property owner(s).

If however, the fully concrete lined channel or fully enclosed pipe channel is located within a legally created Easement to Drain Water, or an Easement for Drainage of Water benefitting another party, for example Council, then this party is likely responsible for the maintenance of the channel and may enter upon your land for the purpose of maintaining the fully concrete lined channel or fully enclosed pipe channel.

If you are concerned about the maintenance of a drainage easement benefitting Council, you may contact Council’s Customer Service Centre on (02) 4227 7111.

Urban Watercourses and Flooding
Due to its location at the foot of the Illawarra Escarpment, Wollongong is particularly prone to flash flooding. As heavy rainfall occurs along the escarpment, runoff reaches watercourses very quickly.

Wollongong’s urban watercourses are important to convey stormwater. To ensure the flow of stormwater is not obstructed, and to reduce the risk of causing damage or nuisance to your own and/or other people’s properties, it is important watercourses are kept clear of rubbish and/or unauthorised or illegal human-made structures. Excess vegetation and weeds must also be managed.

Who is Responsible for Maintaining Watercourses on Private Property?
The maintenance of watercourses on private property is the responsibility of the property owner(s).

If however, the watercourse is located within a legally created Easement to Drain Water, or an Easement for Drainage of Water benefitting another party, for example Council, then this party is likely responsible for the maintenance of the watercourse and may enter upon your land for the purpose of maintaining the watercourse.

If you are concerned about the maintenance of a drainage easement benefitting Council, you may contact Council’s Customer Service Centre on (02) 4227 7111.

How do I Find out Whether the Watercourse on my Property is Located within an Easement to Drain Water or an Easement for Drainage of Water?
Check the Deposited Plan and the Section 88B Instrument (if applicable) for your property. These documents are available from NSW Land Registry Service www.nswlrs.com.au/ or phone 1300 052 637.

What Activities or Works Require an Approval and/or Permit?
If you intend to remove trees requiring a Tree Management Permit from Council, you will need to apply for such a Permit. For more details about Council’s Tree Management Permit and Tree Management Permit Policy visit www.wollongong.nsw.gov.au/services/household/trees/Pages/lodgeatmp.aspx.

In general, the following will require development consent from Council, including any necessary Controlled Activity Approval from DPI Water or a Dredging Permit from DPI Fisheries as required:

• the removal of trees requiring Council’s development consent (as detailed in Chapter E17: Preservation and Management of Trees and Vegetation of Wollongong Development Control Plan 2009);

• any works in locations that contain threatened species, or threatened ecological communities, or their habitats as listed under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994, or in Key Fish Habitat as mapped by DPI Fisheries;

• works, including excavation, scour protection and engineered bed or bank stabilisation works.

Before submitting a development application, you may wish to contact Council’s Duty Planning Officer on (02) 4227 7111 Monday to Friday between 9.00am and 1.00pm for specific advice on the information required to accompany the development application.
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FURTHER INFORMATION AND ADVICE

Aboriculturists, Tree Felling and Stump Removal.

Council recommends the use of qualified and experienced bush regenerators to remove priority weeds and qualified...

What Could Happen if I Don’t Get the Right Approval(s)/Permit(s)?

In general, the removal of rubbish, the removal of state and regional priority weeds, the removal of deposited vegetative...

What Maintenance Activities Do Not Require any Approval or Permit?

Other activities not requiring any approval or permit are those that:

• Do not require the disturbance of soil or disturbance to the bed or bank of the watercourse.
• Do not require native trees or vegetation to be removed or pruned.
• Are not located in areas that contain threatened species, or threatened ecological communities, or their habitats as listed under the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

Minor maintenance activities, however, must be carried out with care to maintain the physical and ecological integrity of the watercourse. These maintenance activities must not cause any greater disturbance to soil or vegetation than is necessary and appropriate erosion and sediment controls must be used (refer to Chapter E22: Soil Erosion and Sediment Control of Wollongong Development Control Plan 2009 as a guide). The removal of priority weeds or trees from a watercourse, for example may lead to erosion and scour of the bed and banks. To ensure bank stability, the poisoned cut stumps of trees are best retained.

In some situations, lantana for example may be holding the banks of the watercourse together, as well as providing habitat for native animals. Once the area is cleared of lantana, other weeds can invade. Revegetation with local native plants is essential to reduce the ability of lantana or other weed species from re-establishing. For a list of suitable plants for revegetation and the density at which they should be planted see Appendix 1 - Riparian Vegetation Rehabilitation Guidelines of Chapter E23: Riparian Land Management of Wollongong Development Control Plan 2009.

Council recommends the use of qualified and experienced bush regenerators to remove priority weeds and qualified and experienced arborists to remove trees (look in the Yellow Pages under Environmental Consultants and Services, Aboriculturists, Tree Felling and Stump Removal).

What Could Happen if I Don’t Get the Right Approval(s)/Permit(s)?

Council takes instances of unauthorised works very seriously. Depending on the circumstances, Council action may include the issuing of Penalty Notices, the issuing of Notices or Orders to restore the area and proceedings in the Local Court or Land and Environment Court. The Land and Environment Court can issue fines of up to $1.1 million.

FURTHER INFORMATION AND ADVICE

DPI Water – (02) 4224 9744 – www.water.nsw.gov.au
Wollongong City Council – (business hours) (02) 4227 7111 – www.wollongong.nsw.gov.au
Wollongong City Council’s on-line Planning and Constraint Map (contains information from Wollongong Local Environmental Plan 2009 including zoning, riparian corridors and riparian land) – www.wollongong.nsw.gov.au/development/maps/Pages/default.aspx
Priority Weeds List – weeds.dpi.nsw.gov.au