

9.1 PETITION – ST PETERS BILLABONG

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA151757
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to table a Petition which has been received by the Council regarding the encroachment of residential properties on the bank of the St Peters Billabong.

BACKGROUND

A Petition has been lodged with the Council regarding the encroachment of residential properties on the bank of the St Peters Billabong which is Council land.

The Petition has been signed by a total of 100 people, including the Convenor of the petition.

Of the 100 signatories, 22 signatories do not reside within the City of Norwood Payneham & St Peters.

A copy of the petition is contained in **Attachment A**.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (i.e. the street addresses) have been redacted from the petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Goals contained in *CityPlan 2030* are:

Outcome 1: Social Equity

Objective 1.2: A people friendly, integrated and sustainable transport network.

Strategy:

1.2.4 Provide appropriate traffic management to enhance residential amenity.

DISCUSSION

The Petitioners are requesting that the Council undertake enforcement to protect the St Peters River Park and *direct landowners at their own expense to rectify the situation by:*

- 1. removing structures (e.g. fences) that have been illegally erected on public land;*
- 2. removing non-native landscaping that has occurred within the St Peters River Park and return it to native vegetation; and*
- 3. as part of the restoration, the landowners plant appropriate native plants to stabilise the banks.*

In addition, the petitioners are requesting that the Council *proceeds with the quantitative geotechnical survey proposed as part of the 2024-2025 Budget and implement the appropriate engineering solution to stabilise the bank. We request that in selecting the engineering solution that the preservation of the native flora and fauna is of the highest priority.*

There are 15 properties which share the boundary of the top bank of the Billabong. The Council is aware that there are a number of properties located on River Street, St Peters which have encroached onto the adjacent Council land (ie the top bank of the St Peters Billabong) and that the majority of these encroachments have been in place for a number of years.

Of the 15 properties which abut the top of the bank of the Billabong, 12 properties are encroaching onto Council land (ie the top of the bank of the Billabong) – noting that these encroachments could date back to 1920.

This is not surprising as research undertaken by Council staff has highlighted that in 1927, the property boundary was identified as “*the centre of the river*”.

In 1938, the area at the rear of these properties was purchased by the former Town of St Peters and declared ‘*Reserve Land*’. The property boundary was altered at that time to the “*top of bank*”.

Given the age of some of the dwellings in this location, it is, as stated above, not surprising therefore, that some properties do encroach onto this section of Council owned land, as the need for property owners to adjust their boundary fences to the updated boundary at that, time, may have been overlooked.

Whilst the encroachments do need to be addressed by this Council and can be resolved by various means (ie boundary realignments, licences/leases to occupy the land, etc), the **priority** for the Council at this time, is to address the issues associated with the potential erosion of the banks of the Billabong.

The cliffs over this section of the Billabong are steep and erosion of the cliff face is evident in some locations. The erosion of the cliff face, which has been assessed through work commissioned by the Council, has identified that the erosion has been caused by stormwater runoff which has eroded the upper soil layers and fluctuations of the Billabong water level progressively undermining the lower slope.

Progressive deterioration of the vertical faces has the potential to occur in the future which in turn, could impact on the crest of the embankment.

As previously advised, pedestrian access along the crest of the embankment is limited or non-existent in some sections, with uneven ground, overgrown areas, obstructions, etc. As such, it is considered that in the current condition, there is a safety risk to pedestrians, due to the very high potential for serious injury or worse from tripping and/or falling, which is exacerbated by the close vicinity of the steep embankment.

It is important to note that formal pedestrian access has not been established or maintained by the Council in this section of land (across the top bank of the Billabong), due to the steepness of the cliffs as this presents a safety hazard.

However, it would appear that an informal track has been established over time by people walking through this area – this access is however not authorised by the Council.

The Council has included funding as part of its draft 2024-2025 Budget for a geotechnical assessment to be undertaken to establish the extent of the problem and options to resolve any real or potential issues.

Once the extent of the erosion is established, the Council can then make an informed decision and determine a suitable treatment to control the rate of the erosion and communication and consultation will occur with the respective property owners.

In terms of the encroachment issues, the Council will address these matters with the affected property owners and a practical outcome will be sought.

RECOMMENDATION

That the Convenor of the petition be advised that the Council will consider the various issues associated with the St Peters Billabong, which includes the potential erosion of the top bank of the St Peters Billabong and the encroachment of private property onto the Council land, following the receipt and consideration of the geotechnical assessment of the St Peters Billabong.