



PROJECT UPDATE

September 17, 2014

INACCURATE MEDIA STORY – MESSENGER

The Brown Hill Keswick Creek Stormwater Project would like to clarify a *Messenger* media report about “66 Mitcham and Unley residents to lose on average 240sqm of land under new Brown Hill Creek plan”.

Please note that this article (published online on 12/9/2014 and repeated in the *Messenger* print edition on 17/9/2014) is incorrect and misleading.

The *Messenger* has subsequently published a follow up story to more accurately convey the situation (published online on 15/9/2014), however it was unable to change its newspaper version which was already being printed ready for household distribution.

As a result, the Brown Hill Keswick Creek Stormwater Project – which is responsible for ongoing investigations to determine a feasible stormwater management solution for the upper Brown Hill Creek catchment – would like to clarify the situation.

Firstly, the project assures creek property owners along upper Brown Hill Creek that they will not “lose” any land as the original *Messenger* story falsely stated. No private property is being taken by the project nor will property owners have less access to or use of their property area than they currently enjoy.

So if property owners along upper Brown Hill Creek currently own a 1,000sqm block for example, they will still own a 1,000sqm block regardless of any easement or separate agreement entered into as part of the preferred creek capacity upgrade option.

For most property owners along upper Brown Hill Creek, increased creek capacity can be achieved without reducing the usable area of land as defined by the width of the existing creek banks. Where creek widening at the top of banks on private properties may be required, it would be by no more than about one metre in nearly all situations. Property owners would also be entitled to seek compensation for any adverse effect on land use or property value.

In light of the *Messenger’s* flawed report, the project would also like to reiterate that the choice of whether there is an easement or separate agreement with individual creek property owners is ultimately a decision for the property owner.

The difference between an easement and separate agreement is that if the property owner wants the state’s Natural Resources Management Board or their local council to retain responsibility for any creek works on their property then an easement would be required.

Note that an easement is unlikely to impose any more limitation on a property owner's access and use of the creek than already applies under legislation of the NRM and Development Acts. What an easement would do though is provide certainty over future maintenance of the length of creek over which creek capacity and rehabilitation works are carried out, and relieve the property owner of the responsibility and cost. If, however, a property owner would prefer to take responsibility for the care and maintenance of completed creek works they will be free to do so via a separate agreement.

During the forthcoming community consultation process to discuss the Part B Report's findings for proposed works for upper Brown Hill Creek – scheduled to commence in March next year – creek property owners will be invited to provide feedback on their preference for an easement or separate agreement if works are required on their property.

The project would also like to restate that creek capacity upgrade works and creek rehabilitation works are required along upper Brown Hill Creek at varying levels regardless of which project option is pursued. So whether a dam is established or not, creek upgrade and rehabilitation works are essential either way to help protect creek property owners, and those further downstream, from flooding.

The *Messenger* has also reported that a number of trees would need to be removed along upper Brown Hill Creek to facilitate creek capacity and rehabilitation works. The project would like to reassure residents that it will preserve as many trees along the creek environment as possible, although some trees will need to be removed as part of creek capacity upgrade works.

As for all Part B options, creek rehabilitation works will necessitate the removal of trees growing within the creek channel itself, however any trees that are removed would be replaced by more suitable species and be planted out of the actual creek channel so that the risk of creek blockages caused by fallen timber and other debris is avoided in future.

It is also important to note that most of the trees currently within the creek are of exotic or weed variety and the relatively small number that are classified as significant would be retained.
