

2.8: DRAINAGE INFRASTRUCTURE DEVELOPMENT (LIVING STREAM)

Land Description	: Lot 1003 Plan 149445 Reserve 20788 Lockyer Avenue, Centennial Park and Lot 4 on Deposited Plan 202456 North Road, Albany
Proponent	: City of Albany Projects Team
Owner	: City of Albany
Business Entity Name	: Not applicable.
Attachments	: Copy of site plans, proposed works, Flora Survey and Vegetation Assessment, Clearing Permit, Comment from Department of Water, Department of Environment and Conservation.
Appendices	: Acid Sulfate Soils Management Plan, Centennial Park, Albany (Golder Associates Report No 127643009-004-R-Rev0).
Councillor Workstation	: City of Albany Town Planning Scheme 1A.
Responsible Officer(s)	: Executive Director Planning & Development Services (D Putland)

Maps and Diagrams:

Aboriginal Heritage Sites (DIA)



IN BRIEF

- The proposed works are a City of Albany project involving the restoration of an existing drain to a living stream drainage system.
- The works were started prior to obtaining planning scheme consent.
- Council decision is required for retrospective planning scheme consent.

RECOMMENDATION

ITEM 2.8 RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR SUTTON

THAT Council ISSUE a Notice of Planning Scheme Consent for Drainage Infrastructure Development (Living Stream) subject to the following conditions:

- i) **Design and construction of “living stream” to be in accordance with Department of Water guidelines;**

ADVICE: It is recommended that the “Guidelines for Managing Risks in Recreational Water” document, from the National Health and Medical Research Council be followed.

It is strongly recommended that silt arrestors be used to minimise sediment and silt flow into the Yakamia Creek and Oyster Harbour during construction.

- ii) **A suitably qualified engineer to certify the design drawings;**
- iii) **Monitoring and Reporting requirements as outlined in the Acid Sulfate Soil Management Plan (Golder Associates report number 127643009-004-R-Rev0) to be completed;**
- iv) **Management of the property being undertaken in such a manner as to prevent denudation, erosion or pollution of the environment;**
- v) **Clearing of the site to be in accordance with Clearing Permit issued 12 January 2012 (Area Permit Number 4739/1);**
- vi) **All landscaping and revegetation of the site to be in accordance with the restoration planting plan hereby approved and lodgement of a landscaping plan to the satisfaction of the City of Albany.**

ADVICE: It is recommended that Department of Indigenous Affairs be kept informed of all works at the site. Please be aware of all responsibilities and obligations under the Aboriginal Heritage Act 1972.

CARRIED 12-0

BACKGROUND

1. A living stream is a retrofitted stormwater conveyance channel that mimics the characteristics of a natural stream capable of safely conveying large flows. The ultimate aim is to create an attractive feature for passive recreation that will also encourage diverse habitat and restore environmental characteristics through native and indigenous plantings.
2. The objective of this proposal was to convert a severely degraded, weed bushland drain within the Centennial Park recreation and sporting precinct into a functioning ecosystem that serves as a haven for plants and animals as well as a place of reflection and learning for the people that visit. In addition to conveying storm water, the living stream system will also treat the stormwater using physical and biological processes, in the process creating diverse habitats for wildlife.
3. The project includes construction or modification of control weirs to control pond height, allowing water to enter a constructed stream reach that will incorporate pool and riffle sequences designed to incorporate a low flow channel, bankful profile and riparian bands. The stream reach will discharge into permanent pond/wetland areas that will overflow/outfall via a control weir into a headwall box culvert.
4. Riparian and associated local native vegetation will be restored over the reshaped stream bank and riparian band area. In addition, wetland species will be established to control bank and stream channel erosion.
5. The living stream project was undertaken by the City of Albany Major Projects team. As part of the preliminary design process, consultation took place with several Government Agencies and departments within the City of Albany.
6. A detailed Flora Survey and Vegetation Assessment was undertaken; restoration plans prepared; and an Acid Sulfate Management Plan prepared for the site.
7. After work had commenced on the site, it was noted that Planning Scheme Consent had not been granted.
8. Council's decision is required to grant retrospective Planning Scheme Consent.

DISCUSSION

9. The subject site is approximately 1 hectare in size and is part of two lots, both of which are reserved under Town Planning Scheme 1A for Parks and Recreation. Any development on land reserved under the Scheme requires Planning Scheme Consent.
10. Retrospective Planning Scheme Consent can be granted, in accordance with the *Planning & Development Act 2005* and at the discretion of Council.
11. The works were allowed to continue, under direction of the Chief Executive Officer and the Director of Planning & Development Services, prior to granting of planning scheme consent rather than ordering work to stop. This was justified particularly in light of the storm events that took place in mid June. The development of the stream has proved effective in controlling the excessive runoff and it was deemed to be more responsible and beneficial to the community and ratepayers to continue at that time.
12. The proposal has been through a consultation process with various Government agencies, initiated by the Projects team prior to detailed restoration plans being prepared.

13. A detailed Flora survey and Vegetation Assessment was carried out and the site condition deemed to be 'Degraded' (*basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management...*). There were a total of 8 local native species found to be occurring within the site, while the majority of the site comprised introduced herbaceous and grass species, along with large weed species.
14. A clearing permit was obtained on 12 January 2012 to clear 0.25 hectares within the subject site for the purpose of drainage.
15. An Acid Sulfate Soils Management Plan (ASSMP) was prepared by Golder Associates Pty Ltd on behalf of the City of Albany in April 2012. The ASSMP was prepared to mitigate or control any potential impact relating to the disturbance of acid sulphate soils associated with the reshaping of the swales on-site. These swales are intended to improve the visual amenity of the site while increasing storage capacity. The report documents disturbances likely and provides management options and procedures to be adopted. A copy of this report is included in the Appendices attached to this Council Agenda.

GOVERNMENT CONSULTATION

16. The application was forwarded to Department of Water, Department of Environment and Conservation and the Environmental Protection Authority for formal comment.
17. Department of Water (DOW) supports this project and the restoration of urban drains to waterways that provide multiple uses – conveyance of floodwaters, ecological function and passive recreation. The DOW is also undertaking drain restoration works on the Yakamia Creek and they anticipate that the living stream project will complement their work.
18. The Department of Environment and Conservation (DEC) supports the project and acknowledged that the City of Albany had provided them with the necessary Clearing Permit Decision Report, a Flora survey and Vegetation Assessment of the site and the restoration proposal.
19. The subject site is adjacent to Aboriginal Site 24418 – Yakamia Creek. The site has a status within the Aboriginal Sites Database of 'lodged', which means that it is yet to be finally determined whether there is a site in that location.
20. Correspondence has been received previously (in relation to drainage works at the corner of North Road and Sanford Road) from Department of Indigenous Affairs (DIA) stating the following: "*Given that the creek site has not been determined, and it is likely that the area of works has been previously disturbed, no heritage approvals will be required. However, in the event that during works Aboriginal cultural material or skeletal remains are discovered, please refer to the Department of Indigenous Affairs for advice*". Given that the current proposed works are in the same area, the advice was adopted for this project.
21. The project team has been working closely with local indigenous groups to include them in the ongoing planning and implementation of the project.

PUBLIC CONSULTATION / ENGAGEMENT

22. There is not a statutory requirement to seek public comment for this development; however, a public notice was placed in a local newspaper informing the community about the project.

STATUTORY IMPLICATIONS

23. Part II – Reserved Land in Town Planning Scheme 1A states :

- “2.1 Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme map;*
- 2.2 Except as otherwise provided in this part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for an obtaining the written approval of the Council;*
- 2.3 In giving its approval to carry out development the Council shall have regard to the ultimate purpose intended for the reserve...”*

The land is set aside for the purpose of Parks and Recreation. The reserve being Lot 1003 has a drainage easement registered over that lot.

24. Section 164 of the *Planning and Development Act 2005* states:

- (1) “A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out”.*

STRATEGIC IMPLICATIONS

25. This item relates to the following elements of the City of Albany Strategic Plan (2011 2021):

Key Focus Area

Lifestyle and Environment

Community Priority

A built environment for active lifestyles

Proposed Strategies

- *Review and improve drainage in sporting precincts and parks.*

POLICY IMPLICATIONS

26. The subject land is within the policy area of Policy no 7K. Centennial Park Redevelopment Area (City of Albany Local Planning Scheme No. 1A & 3 Policy Manual, LPP7 - Special Development control Areas (Non Residential)).

27. This policy has some guidelines for the location, height and form of development within the Centennial Park area. One of the objectives of the policy is *“to rationalise the use of, and improve the quality of, open space and sporting facilities in the City.”*

RISK IDENTIFICATION & MITIGATION

28. The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Public safety at risk due to exposed banks.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Banks designed and engineered to safety standards</i>
<i>If project not approved there could be a flood risk in times of extreme storm events.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Approve the development to avoid future flood damage.</i>
<i>Exposure of acid sulfate soils could impact on the Yakamia Creek due to disturbance of the site during development.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>All work to comply with monitoring and reporting requirements within Acid Sulfate Soil Management Plan prepared by Golder Associates Pty Ltd (report number 127643009-004-R-Rev0)</i>

FINANCIAL IMPLICATIONS

- 29. An application fee has been received for the development.
- 30. The development costs for the project have been met within Major Project's budget.

LEGAL IMPLICATIONS

- 31. There is a requirement that the City maintain an effective and efficient drainage system of which this drain forms part of the Yakamia drainage system.

ALTERNATE OPTIONS

- 32. If this development is not approved there is the likelihood of inefficient drainage system being maintained and the probability of future flooding and associated damage
- 33. If not approved, the site will be required to be returned to it's former, degraded state.

SUMMARY CONCLUSION

- 34. The living stream project is intended to improve on existing drainage infrastructure in such a way as to safely cope with increased water flow; allowing the design to incorporate a wetland system that will also create a passive recreational area to be enjoyed by the whole community.
- 35. Council is requested to grant retrospective Planning Consent to this application.

Consulted References	:	<i>Planning & Development Act 2005</i>
File Number (Name of Ward)	:	Frederickstown Ward
Previous Reference	:	N/A