

1.61 Upgrades and Maintenance of Watercourses and Drainage Channels

Policy Owner	Executive Director Infrastructure, Development and Environment
Responsible Officer	Senior Civil Engineering Officer
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Objective

To define the City of Albany's (the City) obligations and policy regarding the maintenance, improvement and rehabilitation of watercourses including Drainage Reserves and Channels.

This policy recognises that watercourses and drainage channels and their associated vegetation should be left in as undisturbed a state as possible unless extraordinary circumstances apply.

Notwithstanding this, the City recognises that there are instances in which the condition of watercourses may deteriorate as a result of erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, where there is an identifiable public interest it is recognised that maintenance and/or rehabilitation of these waterways may be required.

Scope

This policy applies to all City of Albany ratepayers, land managers, elected members, managers, employees, volunteers, responsible officers, contractors and subcontractors.

Policy Statements

A: Drainage Easements (Benefiting the City)

- **Maintenance** – The City may be responsible for the maintenance of its structures within private property where the City has acquired a drainage easement on such property.
- **Improvements** – All requests for improvements in the City's drainage easements within private property are to be received and assessed as to whether the work is of net benefit to the community and the environment and prioritised according to budget constraints. If a landholder benefits from the works, the landholder may be required to contribute to costs apportioned to the estimated benefit.
- If the work is required to facilitate the development of the land, then the works, if approved, will be at the owner's full cost.

B: Natural Watercourses within Private Land

- **Maintenance** – Property owners are responsible for maintaining watercourses within their property including those that have been altered from their natural state, through realignment, channel enlargement or filling etc.
- Maintenance activities should occur with care and consideration of the physical and ecological integrity of the watercourse and in accordance with relevant environmental legislation and guidelines.

- In general, only minor maintenance activities are permitted. Activities that include the destruction and removal of native vegetation and the modification of watercourses will require approval from the City as well as approval from the Department of Water and Environmental Regulation. Other permits may also be required to comply with State Legislation.
- Major maintenance work that is excavation, filling, diversion, scour protection, improvements and similar work, will require development consent including the necessary approvals from state government authorities.
- **Improvement and Rehabilitation** – Owners wishing to make improvements or to rehabilitate watercourses in private property are responsible for arranging and carrying out the work at their own cost.
- The owner will need to obtain development consent from the City, and other relevant state government authorities including environmental and cultural heritage aspects
- The City may determine that an easement is required for the improved watercourse in order to ensure drainage of a public road, in which case granting of the easement should be at no cost to the Council.

C: Floodplains

- The City identifies floodplains as natural seasonal wetland systems and will not provide drainage structures or maintenance to privately owned drainage structures within privately owned property.

D: Drainage infrastructure approved by the city within Public Reserves, Drainage Reserves, Public Road Reserves and City-owned land

- **Maintenance** – The City is responsible for the maintenance of watercourses and drainage channels in City-managed public land. Works will be conducted in accordance with conditions stipulated in any relevant environmental assessment or permit.
- **Improvements and Rehabilitation** – All requests for improvements and rehabilitation will be assessed to determine necessity, suitability and potential environmental impacts before being considered for allocations of funds in the City's Works Programs.

E: Inter-allotment Drainage Easements (Benefiting private property owners)

- **Maintenance, Improvements and Rehabilitation** - All works to drains in inter-allotment drainage easements within private property are the responsibility of property owners and users of the easement. These drains are 'private' drains and do not belong to the City.

F: Unapproved Drainage Works on Public Land

- Property owners are required to accept natural flows from adjoining properties and control and dispose of flows appropriately. If unapproved drainage works are carried out on public land, the City may remove the works and recover costs from the property owner who carried out the work.

G: Unapproved Drainage Works on Private Land

- If unapproved drainage is carried out on private land, the City may require the owner to remove the works at the owner's expense.
- **Maintenance** – where existing unapproved drainage infrastructure is located on privately owned land, the City will not maintain the infrastructure.

H: City of Albany's right to undertake works

- Whilst this policy outlines limits of responsibilities in maintaining watercourses and drainage channels in private land, it does not extinguish the right of the City to undertake works in these areas if the City believes there is a defined benefit to the community.
- This right is legislated in the *Local Government Act 1995*, Section 3.27 which confers rights on the City to undertake things on land that is not local government property as prescribed in Schedule 3.2.
- Schedule 3.2 - Particular things local governments can do on land even though it is not local government Section 3.727(1) states the City can:
 - Carry out works for the drainage of land.
 - Do earthworks or other works on land for the prevention or reducing flooding.

Legislative and Strategic Context

<p>Related Legislation:</p>	<p>(Legislation Name)</p> <p><i>Main Roads Act 1930 – Section 15B</i></p> <p><i>Water Management Act 2000</i></p> <p><i>Rights in Water Irrigation Act 1914</i></p> <p><i>Local Government Act 1995 – Schedule 3.2</i></p>	<p>(Relationship/Context)</p> <p>General functions of the Commissioner in relation to works relating to main roads and highways.</p> <p>To provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.</p> <p>Governs the management of water in western Australia and defines a watercourse to mean stream, creek, brook or river through which water flows.</p> <p>Schedule 3.2 – Particular things local government can do on land even though it is not local government property.</p>
<p>Related Policies (Council & Internal):</p>	<p>(Policy Name)</p> <p>Stormwater Management Strategy</p>	<p>(Relationship/Context)</p> <p>This Strategy describes the parameters and policy settings that the City seeks to adopt in its management of stormwater across the City of Albany-controlled lands.</p>

Review Position and Date

This policy is to be reviewed every three years.

Associated Documents

- Stormwater Management Strategy
- Subdivision and Development Guidelines
- Asset Management Plan –Part 3 Stormwater
- Planning and Development Act 2005, Sect.214
- Department of Water and Environmental Regulation www.water.wa.gov.au

Definitions

Key terms and acronyms used in the policy, and their definitions:

Term / Abbreviation	Definition
Drainage Easement	A legal restriction on the property title legally allows drainage through land and access to maintain said drainage. Defines the properties or parties burdened and benefiting from the drainage easement.
Drainage Reserve	A parcel of land that may or may not contain existing drainage infrastructure but has been designated as a Drainage Reserve to contain drainage infrastructure and which is publicly owned Crown land.
Watercourse	A stream of water whether perennial or intermittent, flowing in a depression of a natural channel or a natural channel artificially improved or in an artificial channel, which has changed the course of the stream.
Floodplain	Floodplains are broad areas of low flat land adjacent to the main floodway (flow path) of a river or creek. These areas can become swampy and inundated through seasonal groundwater rise or by rain or stormwater inflow.