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| Policy Title: | CONSTRUCTED WATERBODY POLICY |
| Policy Subject: | Development |
| Policy No: | 4187192 v1 – CP061 |
| Directorate: | Development and Community |
| Department: | Planning and Growth |
| Section: | Strategic Land Use Planning |
| Responsible Officer: | Executive Manager, Planning and Growth – James Cockburn |
| Authorised by: | Director, Development and Community – Gerard Carlyon |
| Adopted Date: | 24/03/2021 |
| Review Date: | 24/03/2024 |
| Amended Date: | |
| Risk Assessment: | Low |

OBJECTIVE:

The objectives of this policy are to:

- Formalise Council's current approach which discourages constructed waterbodies as part of new development;
- Encourage the retention of natural flow paths and natural design; and
- Establish principles for Council to evaluate and decide on proposals for the creation of newly constructed waterbodies.

For the purpose of this policy:

- A constructed waterbody includes a re-purposed waterbody such as a farm dam or fill extraction pond; and
- Constructed waterbodies are not considered water treatment devices and as such, inflows must meet water quality objectives.

The policy applies to constructed waterbodies that are proposed to be privately managed as well as those proposed to be handed over to Council for management as public assets given environmental, management and reputational risks as well as community expectations.

POLICY:**Philosophy**

Constructed waterbodies are generally discouraged through the development application process due to numerous environmental and management issues associated with construction and ongoing maintenance.

A well-designed and sustainable waterbody can add value to the urban landscape. Constructed waterbodies are primarily created for their visual amenity; they can also provide wildlife habitat and allow the community to understand, experience and engage with the water cycle. However,

experience throughout Queensland, including Fraser Coast, has identified numerous problems with the sustainability of constructed waterbody systems.

The *Fraser Coast Waterbody Management Strategy 2021* has identified that the management, environmental and financial burden of managing and rectifying waterbodies, as well as satisfying community expectations, has been incurred by Council and resulted in inequitable, unsustainable and poor environmental outcomes.

In recognition of the high risks associated with constructed waterbodies, whether proposed to be retained in private or public ownership, Council discourages the creation of constructed waterbodies in urban settings.

Authorities & Responsibilities

| RESPONSIBILITIES SUMMARY | |
|---|---|
| Development Assessment Planners and Engineers | Assess constructed waterbody proposals against the Fraser Coast Planning Scheme and this policy; enter into Infrastructure Agreements for long term maintenance agreements. Ensure developers submit all design criteria, checklists, calculations and supporting information for constructed waterbodies, if approved, delivered through development and complete asset handover processes. |
| Infrastructure Services | Provide advice to Planning & Growth as part of an internal referral process. |
| Developers | Provide formal notification of intention to propose a constructed waterbody as part of pre-lodgement discussions or development application and demonstrate sustainable outcomes. |

Scope & Activities

Council discourages constructed waterbodies being proposed as part of development applications and will generally not approve their inclusion. Council acknowledges there may be some existing development approval rights and in those circumstances Council will require that Developers ensure that any constructed waterbodies that are to be handed over as Council assets meet sustainable design principles and include an appropriate maintenance period.

Council will only consider a constructed (including re-purposed) waterbody proposal in exceptional situations and where all the following criteria are met:

- Where it provides high community amenity, recreational values to support a mix of retail land uses with high density residential (high rise) development adjacent to the constructed waterbody. The extent of these land uses must justify the adoption of the constructed waterbody (i.e. if this land use represents a small area within a larger low to medium density residential development then the constructed waterbody will not be approved); and

- Where it satisfies hydrological, water quality, ecological, water balance, residence time, bird management, dispersive soil, asset management requirements and other items as identified by Council, in best practice design guidelines and/or as provided for in the Fraser Coast Planning Scheme; and
- Where stormwater runoff is treated to meet water quality objectives before entering the constructed waterbody; and
- If the constructed waterbody is proposed to be a contributed asset to Council, then an infrastructure agreement is reached between the developer and Council including the establishment of a non-trunk sinking fund which is funded by the developer to maintain the infrastructure associated with the constructed waterbody for a minimum period of 30 years. The agreement terms and value of the sinking fund must be to the satisfaction of Council.

Council has full discretion over the approval and acceptance of a proposed constructed (including re-purposed) waterbody noting, but not limited to, the following situations where it will not approve constructed waterbodies:

- Where Council is not satisfied the proposal can achieve sustainability; or
- Where the purpose is flood storage/conveyance and drainage. Preference is for naturalised waterways in this situation; or
- Where the purpose is gaining excavated material for earthworks or floodplain balance; or
- Retention or modification of existing farm dams or extractions ponds; or
- Where land use adjacent to the proposed constructed waterbody is low to medium residential and industrial.

HEAD OF POWER:

Local Government Act 2009

RELATED LEGISLATION:

Local Government Regulation 2012
Coastal Protection and Management Act 1995
Water Act 2000
Fisheries Act 1994

RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS, ETC):

Fraser Coast Waterbody Management Strategy (2021)
Fraser Coast Waterbody Management Framework Technical Report (2021)
Fraser Coast Regional Council's Corporate Plan 2018-2023
Fraser Coast Regional Council's Sustainability Charter's Implementation Plan
Draft Fraser Coast Regional Water Quality Strategy 2019
Aquatic Plant Management Policy
Management of Urban Lakeside Vegetation Policy

ATTACHMENT TO POLICY: Nil

DEFINITIONS:

| Item | Definition |
|-------------------------------------|--|
| <p>Constructed waterbody</p> | <p>Artificial channels, lakes or other bodies of water, as well as re-purposed waterbodies such as farm dams or fill extraction ponds. This includes those proposed as a private asset or intended to be dedicated to Council.</p> <p>This definition specifically excludes sedimentation basins, stormwater treatment wetlands, natural channel design solutions and water supply infrastructure.</p> |