

DAMS & WATER FEATURES

1. CITATION

This Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

This Policy may be cited as LPP No. 8 – Dams & Water Features.

2. INTRODUCTION

The construction of dams and water features (including associated clearing and site works) constitutes ‘development’ under the *Planning and Development Act 2005*. As such, development (planning) approval is required unless an exemption is provided through the provisions of the local planning scheme and/or local planning policy.

The purpose of this Policy is to detail acceptable development standards for dams and provide an exemption from development (planning) approval for proposed dams that meet these standards. This Policy also provides assessment criteria for dams that require approval.

3. DEFINITIONS

Terms used in this Policy are consistent with the Scheme, the Regulations and applicable State Planning Policies where relevant. This includes the following terms defined as per State Planning Policy 2.9:

A ‘dam’ is defined as *any artificial structure, barrier or levee, whether temporary or permanent, which does or could impound, divert or control water, silt, debris or liquid borne materials, together with its appurtenant (associated) works.*

Reference to a ‘dam’ in these policy provisions is taken to include any other artificially constructed water feature that is utilised to retain water within the landscape. The term ‘dam’ is preferred as it reflects the intent of this policy to avoid the development of other water features that are for an aesthetic rather than a productive purpose.

A ‘waterway’ is defined as *any river, creek, stream or brook, including its foreshore area or reserve, floodplain, estuary and inlet. This includes systems that flow permanently, for part of the year or occasionally; and parts of the waterway that have been artificially modified.*

A ‘wetland’ is defined as *an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, dampland and sumplands.*

Mapping prepared by the Department of Water & Environmental Regulation shall be referenced in defining where naturally occurring waterways and wetlands exist.

4. OBJECTIVES

The objectives of this policy are to:

- Ensure that water is managed sustainably and that productive and environmental uses are prioritised, discouraging dams and water features that are for aesthetic purposes.
- Ensure that the development of dams minimises potential impacts on the Shire's important visual landscapes.
- Ensure that the development of dams avoids interrupting natural ecosystems, maintains remnant vegetation and enables soil conservation.
- Encourage the uptake of water conservation measures as standard practice to improve the resilience of our residents and businesses.

5. DEVELOPMENT APPROVAL REQUIREMENTS

Deemed to Comply Proposals

Dams that meet the acceptable development standards outlined in Part 6 of this Policy are considered 'deemed to comply' and do not require planning approval, unless works are located in a heritage protected place.

Assessment Criteria

Dams proposed that exceed the acceptable development standards and/or dams proposed in any other zone will require development (planning) approval prior to construction and will be assessed on merit against the objectives at Part 4 of this Policy, the standards established at Part 6 of this Policy and the following assessment criteria:

- Objectives of the zone;
- Consistency with the approved land use/s;
- Association with a productive purpose such as an agricultural, horticultural and/or aquacultural production business, or other commercial or industrial application;
- Potential impact on the visual landscape values, streetscape and the amenity of neighbouring landowners, including the scale of dam development, ability to minimise visibility and surrounding context;
- The protection of environmental values including the retention of waterways, wetlands and remnant vegetation;
- Reasonableness of the proposal given the size and slope of the site, including potential alternative locations for development;
- Extent of variation proposed and ability to meet other applicable development standards;
- Management measures proposed to improve water quality outcomes;
- Measures proposed to promote the efficiency of water storage and use; and,
- Any other planning matters relevant to the site, as appropriate.

6. POLICY PROVISIONS

Dams proposed on a property within the Rural, Rural Smallholdings, Rural Residential, Rural Village or Residential zones that meet the following acceptable development standards do not require development (planning) approval:

6.1. ACCEPTABLE DEVELOPMENT STANDARDS

Zone	Minimum Lot Size	Maximum Surface Area	Maximum Wall Height	Minimum Lot Boundary Setback
Rural (lot >10ha)	10ha	1ha	4m	40m
Rural (lot <10ha)	1ha	500m ²	2.5m	20m
Rural Smallholdings (lot >10ha)	10ha	1ha	4m	40m
Rural Smallholdings (lot <10ha)	1ha	500m ²	2.5m	20m
Rural Residential Rural Village Residential	1ha	250m ²	1.5m	10m

Note: The maximum surface area refers to the peak water level of all dams (cumulatively) located on the site.

The minimum lot boundary setback is measured from the closest point of the dam, which may include the highest water level, base of dam wall, spillway, etc.

6.2. GENERAL REQUIREMENTS

- Dams are set back at least 40m from any naturally occurring waterway or wetland.
- Dams are set back a minimum of 40m from any effluent disposal system.
- Dams are located within an approved building envelope (where applicable).
- The property is not located within a gazetted, proclaimed or controlled water resource area.
- No clearing of remnant and/or riparian vegetation is proposed.
- Dams are to be designed so that all detained water is entirely within the property.
- Dam design is to include a constructed spillway, energy dissipation structure and return of overflow water to natural flow paths.
- Engineering certification is provided for any dam walls that exceed 2.0m above natural ground level.

Note: This policy does not take a position on the availability of water within a catchment area and the needs of other users within that catchment, including the amount of water necessary to sustain ecological systems. This is a matter that is assessed and managed by the Department of Water & Environmental Regulation via the use of gazetted, proclaimed or controlled water resource areas.

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LOCAL PLANNING POLICY
NO. 8 – DAMS & WATER FEATURES



The granting of development (planning) approval by the Shire for the construction of a dam (or exemption from this requirement under this policy) does not grant a landowner the right to take water from within a gazetted, proclaimed or controlled water resource area that is managed under State Government legislation.

Where the Shire receives a development application for a proposed dam that does not meet the exemption requirements outlined in this policy, the Shire may elect to:

- Request that the applicant prepare a hydrological assessment to demonstrate water sustainability within the local catchment area; and/or,*
- Refer the application to the State Government for advice.*

Applicants proposing substantial development are advised to contact the Department of Water & Environmental Regulation for more information before making application to the Shire for development (planning) approval.

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