

SHIRE OF CUNDERDIN LOCAL PLANNING POLICY – CONSTRUCTION OF DAMS

BACKGROUND

For the purposes of this policy, a “dam” is defined as “...any man made structure or excavation designed and constructed to intercept, accumulate, and impound water flowing across through or under any land and includes an off-stream dam, an on- stream dam, a gully wall dam, a turkey nest dam, an excavated soak and any structure excavation or other device designed to act either solely or partly as a nutrient stripping basin.”

The construction of a dam is considered ‘development’ under the *Planning and Development Act 2005*.

PURPOSE

- To provide an appropriate regulatory framework for the construction and approval of dams in the Shire of Cunderdin.
- To ensure that dams are constructed and located in such a way as to minimise their impact on the amenity of the locality.
- To ensure the location and size of dams and water features minimises alterations to natural drainage and maintains environmental flows of the watercourse and catchment.
- To ensure dams and water features are constructed including appropriate construction and soil conservation techniques and their siting and construction minimises the potential for dam failure.
- To ensure the dam and water feature size is consistent with site capability and need.

SCOPE

Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for the preparation of local planning policies to apply generally or to a particular class or classes of matters and throughout the Scheme area or in one or more parts of the Scheme area.

This policy will apply to the construction of dams throughout the Scheme area (i.e. the whole of the Shire of Cunderdin).

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

POLICY PROVISIONS

Exempt Development

The construction of dams in Rural and Rural Smallholding Zones are exempt from development approval from the Shire of Cunderdin where the dam:

- (a) has been approved or does not require approval from any State Government agency or authority; and
- (b) the lower edge of the dam wall, and any other part of the dam including the stored water is further than 20 metres from all boundaries of the subject lot.

Development Requirements

Dams in the Residential Zone

Dams in the Residential zone will not be supported unless a quantifiable justification can be provided in support of the application.

Dams in the Rural Residential Zone

Dams in the Rural Residential zone will only be supported where the following criteria can be met:

- (a) the dam is setback a minimum of 20 metres from the boundaries of the subject lot;
- (b) the construction does not require the clearing of any riparian vegetation;
- (c) the construction is setback a minimum of 30m from any on-site effluent disposal system and/or any watercourse;
- (d) the wall height does not exceed 1 metre and the surface area does not exceed 25m²;
- (e) the construction is off-stream and ensures that natural flows are maintained within the watercourse at all times including during construction;
- (f) there is a demonstrated need for water storage associated with an agricultural use or for domestic purposes and will generally not be supported where they are solely for aesthetic purposes or on lots with an area of less than 2 hectares, where the scale of rural activities does not normally warrant the provision of a dam.

Application Requirements

Applicants shall provide the following information for assessment:

- Completed Development Application Form and Payment of Application Fee.
- Two (2) plans to scale and written information providing the following:
 - Site Details –
 - Site plan showing all boundaries, lot number, dimensions, contours, existing vegetation and any proposed clearing, watercourses, dams and wetlands, north point and street names.
 - Details of existing and surrounding land uses.
 - Proposal Details –
 - Details on dam design including soil types and storage capacity including surface area, depth and the maximum area to be inundated by ponded water, outlet/overflow treatment, batter slopes (to be no greater than 1:4), proposed landscaping and/or rehabilitation, silt management to watercourses.
 - Proposed purpose for the dam and water including annual water requirements, volumes of the water that will be impounded and estimates of irrigation water use, seepage losses, water required for dam health and estimated evaporative losses.
 - Contact details of the consulting engineer and earthmoving contractor and information on methods to be employed during construction to control water supply impacts, noise, dust and other impacts on roads and adjoining landowners.

Determination of development applications

An application for development approval may be approved; approved subject to conditions; or refused.

If a conditional development approval is granted, the following conditions and any other relevant conditions as determined by the Shire of Cunderdin may be imposed:

- The proponent shall provide engineering certification for the construction of the dam showing the design is adequate for the purpose and capacity of the dam and that construction has been completed in accordance with the approved design.
- The design shall incorporate a constructed spillway (including an energy dissipation structure) and shall return all excess water to the watercourse within the property boundary.
- The landowner shall ensure that natural flows are maintained within the watercourse at all times including during construction.
- Spillways shall be designed to cater for a 1 in 100 year storm event and shall ensure that the overflow is directed towards existing flow paths and does not concentrate stormwater flows onto any adjoining property or road etc.
- The construction, including any embankment or spillway, and water ponding shall achieve the relevant setbacks from property boundaries in accordance with the relevant scheme and policy requirements.

- The earthworks shall be completed within 3 months of the commencement date and within 3 months of the completion of the construction works any disturbed areas shall be recovered with the stockpiled topsoil and planted with grasses or other species to minimise erosion or dust emissions from the site.
- The proponent shall undertake those measures identified in the application to prevent sedimentation of the watercourse or existing dams downstream.
- All existing riparian or remnant vegetation outside the proposed construction areas shall be protected and measures shall be taken to prevent damage to this vegetation during dam construction.
- The landowner shall provide a bond to the value of \$5,000 prior to commencement of works to be held against satisfactory compliance with this development approval. The bond may be in the form of cash, cheque or bank guarantee and shall be paid into a trust account by the Shire for that purpose. Upon satisfactory completion of the conditions(s) and written request from the landowner, the monies shall be returned.
- Should any condition(s) remain incomplete for a period of 3 months from the completion of the construction works, Council may enter the site to complete or rectify any outstanding work and claim those monies expended against the bond.
- This approval does not allow for the pumping of water from a watercourse to replenish the dam.
- The Shire of Cunderdin advises that it accepts no liability for the effects of dam failure or liability for damage or losses on the subject property or on any adjacent or adjoining properties downstream. The owner of the dam may be liable for the cost of damage, including personal injury, property and stock loss or damage, loss of income and road and infrastructure repairs and restoration of the stream channel in the event of dam failure.