



## Planning Information Sheet

# PS05 – Dams/Soaks/Excavations

October 2010

A “dam’ is a man made structure built across a water course in order to control the flow of water and/or create a supply of water, or the excavation of an area for the purpose of water storage. It includes on-stream and off-stream and turkey nest dams, soaks and wells.

The construction of a dam is considered ‘development’ under the Planning and Development Act 2005, and planning approval from Council is generally required. This Information Sheet will assist you in preparing a planning application and guide you through the development application process.

### Is Planning Approval required?

You will require planning approval if:

- You are constructing a new dam, on or off the stream or excavating a soak which has not been excavated before; or
- You are expanding an existing soak or dam from it’s original size; or
- You have constructed a dam and have not obtained planning approval from Council.
- If you are cleaning out an existing dam or soak and NOT expanding it from its original size and it will be used for domestic uses or non-intensive stock watering, you are required to fill out a simple *information sheet* (see attachment 1) about your dam and provide the Shire with a copy of your exiting dam/s locations and the dimensions of the dam/s. Shire officers will conduct an assessment of this information and determine whether planning approval is required.

### How do I apply for planning approval?

You will need to complete a planning application form and complete the attached checklist, which will assist you in ensuring that all the required documentation is submitted with your application. Please note that the checklist requires the submission of a detailed statement, which should provide justification for any variations from the relevant Scheme, Policies and Strategy.

### What do I need to know?

Dams are prohibited on lots within the Rural-Residential Zone unless specific approval is granted by the local government following a period of public advertisement and, as appropriate, consultation with or approval by the Department of Water. Where constructed, dams shall be provided with ready access for fire tenders to enable easy refilling of water tanks for fire fighting purposes. All dams located on a watercourse must be provided with an overflow or by-pass to facilitate the passage of water through or past the dam to maintain supplies to the remainder of the watercourse.

### Do I need a water license?

In 2007 all surface water areas within the Shire of Augusta-Margaret River were proclaimed to enable better management of these water resources. All groundwater resources in the region are also proclaimed. Under the *Rights in Water and Irrigation Act 1914*, it is illegal to water from a watercourse or groundwater aquifer without a licence. Applications for water licenses are made through the regional offices of the Department of Water.

Through the proclamation process the Department of Water has set allocation limits for each creek line within the Shire, and will determine if there is sufficient water available in the system. This takes into consideration water requirements to maintain environmental flows in the creek line to maintain the ecological function of the system. If granted a water licence you will be given security over that water.

Prior to applying to the council for planning approval, it is important that you contact the regional office of the Department of Water (DoW) to determine if a water licence is required. If a water licence is required it is recommended that you apply for and receive your water licence from the DoW prior to lodging an application for planning approval.

<b>Department of Water</b>	
Contact:	South West Office Geographe-Capes District Office
	Phone 08-9726 4111 Fax 08-97264100 35-39 Mc Combe Rd, Bunbury WA 6231 PO Box 262, Bunbury, WA 6231
	Phone 08-97810188 Fax 08-97544335 72 Duchess Street, Busselton PO Box 269 Busselton WA 6280

#### **Is there anything else?**

You may also need to obtain approval from the Department of Environment and Conservation if any native vegetation will be removed. Clearing of Native vegetation is prohibited unless the clearing is authorised by a permit obtained from the Department of Environment & Conservation or is a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) of the *Environmental Protection Act 1986*.

<b>Department of Environment and Conservation(DEC)</b>	
Contact:	Bunbury Office Busselton Office
	Phone 08-9725 4351 Phone 08-9752 5555

**Note: Prior to lodging your application for planning approval you may wish to consider making an appointment with one of Council's Planning Officers to discuss the proposal. Please phone 9780 5228 for an appointment. Applications that do not comply with the relevant standards or contain insufficient information may be refused or take longer to process.**

**\*\* DISCLAIMER \*\***

This information sheet is a guide only. Verification with original Local Laws, Acts, Local Planning Scheme No. 1 and other relevant documents is recommended for detailed references. The Shire of Augusta Margaret River accepts no responsibility for errors or omissions.

**ATTACHMENT 1**

**INFORMATION SHEET FOR CLEANING OUT AN EXISTING DAM OR SOAK**

**LAND DESCRIPTION**

Lot No: \_\_\_\_\_ Street No : \_\_\_\_\_ Sussex Location No : \_\_\_\_\_

Street : \_\_\_\_\_ Locality/Town: \_\_\_\_\_

Plan/Diagram No: \_\_\_\_\_ Cert. Of Title Vol. : \_\_\_\_\_ Folio : \_\_\_\_\_

**APPLICANT DETAILS**

Submitted By: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature Of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**DETAILS OF ALL LANDOWNER/S**

Surname: \_\_\_\_\_ Given Names: \_\_\_\_\_

Address: \_\_\_\_\_

Phone : \_\_\_\_\_ Mobile : \_\_\_\_\_ Fax : \_\_\_\_\_

**Signatures Of All Landowner/s :** \_\_\_\_\_ **Date:** \_\_\_\_\_

Current number of dams on property: \_\_\_\_\_

Current size of dams on Property: \_\_\_\_\_

Have you noticed a decrease in the amount of water available ( in addition to the current lack of rainfall) within your catchment in the time that you have lived in the locality, an if so, why do you think this is occurring? (Optional)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE ATTACH:**

1. A copy of the site/property and the location of the dams/soaks.
2. The dimensions of the dams/soaks.
3. The approximate date of construction of the dams/soaks.
4. Previous dam/soak application approvals.

Please send information to: Shire of Augusta Margaret River, PO Box 61, Margaret River WA 6285

Attachment 2 (Converting Dams to Living springs)