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A “dam” is defined under the [Local Planning Scheme no.1](#) (*click link, click on “all categories drop down list” and select Local Planning Scheme*) 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*.

Is Planning Approval required?

You will require planning approval if:

- You are constructing a new dam; or
- You are expanding an existing dam from its original size; or
- You have constructed a dam and have not obtained planning approval from the Shire. (The Local Planning Scheme no.1 makes provision for the retrospective approval of development that has commenced without first obtaining planning approval)

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 a permitted use class in the Priority Agriculture, General Agriculture and cluster Farm zones. Although permitted, the works component is not exempted from planning approval. Planning approval is thus required in the circumstances identified above.

Dams are a discretionary use in the Rural Residential zone and a number of other zones under Local Planning scheme no.1. “Discretionary” means dams are prohibited 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 extract 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 Shire 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.

Is there anything else?

You may also need to obtain approval from the Department Environment Regulation 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 Regulation 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*.

Note: Prior to lodging your application for planning approval you may wish to consider making an appointment with one of the Shire's Planning Officers to discuss the proposal. Please phone (08) 9780 5220 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.