

## Dams – Building, Expanding or Altering Information Sheet

### Important Links

[Local Planning Scheme No. 21](#)

[Department of Water and Environmental Regulation - Water Licencing](#)

### Dam Definition

“Dam” means 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.

### Requirements for a Development Approval

A Development Application (DA) is required for a Dam (including expansion or alteration) if the development is:

- located in the Rural Residential zone;
- located in a Coastal Management or Wetland area and including any filling or draining of any land within a Wetland area;
- located on land within a Floodway area as identified on the Scheme map or on any other land identified as flood prone land on a map prepared or adopted by the local government or on other land which, in the opinion of the local government, may be subject to flooding;
- located in the Conservation, Rural Landscape or Bushland Protection zones;
- located on or over any land –
  - below the mean high water mark;
  - forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or
  - which has been reclaimed;
- located on a public road or unzoned land (shown uncoloured on the Scheme map);
- a dam that –
  - is associated with agriculture – intensive, tourist development or rural residential development; or
  - retards the flow of any surface water in a defined creek or artificially retards the source of a defined creek.

For further information regarding the process of lodging a Development Application and obtaining Planning Approval, please refer to the City website [How to I Apply](#), as well as the Dam [Development Checklist](#) for detailed submission requirements.

### DA Assessment Considerations

When assessing a DA for a Dam, the City will consider the following:

- Consistency with the Objectives of the zone;
- Any relevant Development Area Plan, Development Guide Plan, Structure Plan and/or Subdivision Guide Plan that relate to your property;

- The environmental impacts of the dam on local water resources and protected or threatened flora, fauna, or ecological communities;
- The visual or aesthetic impacts of the dam on the visual amenity and rural character of the locality;
- The size of the dam and how it relates to the capability and catchment of the site and the intended land use;
- The design and construction of the dam; and
- Advice from State Agencies and water licence requirements.

## Relevant City of Busselton Local Planning Scheme No. 21 Provisions

### 4.38 SPECIAL PROVISIONS RELATING TO THE RURAL RESIDENTIAL ZONE

- a) No dam or lake shall be developed unless development approval has been granted.
- b) No dams or lakes shall be developed unless they are shown on a Structure Plan, or in circumstances where the proposed dam or lake:
  - (i) will not adversely affect environmental flows within the catchment or downstream of the dam;
  - (ii) will only capture sufficient water to be used for domestic requirements, and/or, for the irrigation of a domestic garden, or for the purposes of a water supply to an approved land-use on the site;
  - (iii) is an off stream dam;
  - (iv) does not exceed a capacity of 1500 cubic metres or comprises a surface area greater than 500 square metres whichever is the lesser; and
  - (v) will not significantly or unreasonably diminish the flow of water for use by downstream users including the environment.

### 4.40 SPECIAL PROVISIONS RELATING TO THE BUSHLAND PROTECTION ZONE

In determining development approval for dams (including lakes) on any lot in the Bushland Protection zone, the local government shall ensure:

- a) that no riparian or other vegetation is required to be removed for the dam construction; and
- b) that the dam shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime.

## Other Approval Requirements

### Water Licence

All groundwater resources in the region are 'proclaimed.' Proclamation is a legal process that makes managing water resources the DWER responsibility and means DWER actively manage the water resource by using a system of licences. Within a 'proclaimed area', certain water users require a licence. Under the Rights in Water and Irrigation Act 1914, it is illegal to take water from a proclaimed watercourse or groundwater without a licence.

### Vegetation Removal

You may also need to obtain approval from the City and DWER if any native vegetation is required to be removed. Clearing of Native vegetation in some instances is prohibited unless the clearing is authorised by a permit obtained from the DWER 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.

Prior to applying to the City for development approval, it is important that you contact the DWER to determine if a water licence and/or clearing permit is required. If a water licence and/or clearing permit is required, it is recommended that you apply for and receive approval from DWER prior to lodging a development application with the City.

### **Enquiries**

Contact Planning and Development Services staff on (08) 9781 1731, email [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au), or in person at the City Administration Building during office hours, Monday – Friday.

**\*\*Disclaimer\*\***

*This information sheet is a guide only. Verification with original Local Laws, Acts, the City's Local Planning Scheme and other relevant documents is recommended for detailed references. The City of Busselton accepts no responsibility for errors or omissions.*