

**SHIRE OF CHITTERING**

**TOWN PLANNING SCHEME NO. 6**

**Local Planning Policy  
No. 6**

**WATER SUPPLY AND DRAINAGE**

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LOCAL PLANNING POLICY No. 6  
WATER SUPPLY AND DRAINAGE**

**1. STATUTORY CONTEXT**

Town Planning Scheme (TPS) No. 6 makes direct reference to water courses, water supply and drainage works under clauses 5.8, 6.3, 8.2 and 9.2 of the Scheme.

The Shire of Chittering, as enabled under Part 2 of the Scheme, hereby makes this Local Planning Policy (LPP) regarding Water Supply and Drainage throughout the Shire of Chittering. Any LPP prepared under this Part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

An LPP is not part of the Scheme and shall not bind the Local Government in any respect of an application for planning approval but the Local Government shall have due regard to the provisions of any policy and the objectives that the policy is designed to achieve before making its decision.

This policy applies to all land within the Shire of Chittering and supersedes Statement of Planning Policy No. 6 Dams, Drains and Bridges, adopted 7/09/2000.

**2. DEFINITIONS**

The following are definitions that relate directly to the application of this policy:

*"Council"* means the Council of the Shire of Chittering.

*"Dams"* means both farm dams and gully dams, evaporation basins and sumps and includes constructed open water storage below ground level.

*"Depth"*, for the purpose of this policy, is measured from natural ground level.

*"Development"* has the same meaning as in the *Planning and Development Act 2005*.

*"Drains" and "Drainage"*, for the purpose of this policy, accommodate storm and ground water and exclude leach and effluent disposal drains;

*"Rural Zones"* means Rural Residential, Rural Retreat and Small Rural Holdings Zones in the Scheme;

*"Private"*, in relation to water supply works, excludes works of Licensed Water Providers.

*"Scheme"* means Shire of Chittering Town Planning Scheme No. 6.

**3. BACKGROUND**

Despite regular flooding in some parts, the Shire of Chittering is not well supplied with water resources. Only some of the Bindoon Townsite and adjoining areas have reticulated water from a Licensed Water Provider. The remainder of the Shire is reliant on catchment of rainwater and supply from bores. As the population of the Shire grows and there is an increasing demand for bores, the potential for conflict in water allocation and use is

becoming more obvious. There is also concern that production bores in road reserves may adversely impact on landscape values and interfere with future use of the reserves.

Drains, levees and contour banks are used for both dewatering and water collection. Dewatering involves the removal of unwanted water, such as from land subject to waterlogging and/or salinity, away from the affected land. The reverse occurs for a watershed where contour banking and the like is used for the catchment of surface water and the water is directed into storage dams or reservoirs. In both cases, a wider catchment or effect results over that of the natural landform.

With water export, the impacts of transferring saline water from one property can have adverse affects on downstream properties, as well as causing more salinity in the watercourses of the district. This results in loss of productivity for downstream uses and a threat to any remnant vegetation in the lower watercourse.

There are some properties in the Shire that need a substantial structure to cross a brook, river or steep gully, to access parts of the lot from the public road or from paddock to paddock. In many instances, these crossings take the form of bridges or earthen crossings with piped culverts. The concerns about structures of this sort relate to; firstly, the soundness of the structures to carry heavy loads, and; secondly, the impacts upon the flow of storm water. Crossing designs need to anticipate heavy loads such as trucks carrying building materials, stock, earth machinery and the like. The onus falls on the landowner and contractor to ensure that any construction is properly carried out.

The Departments of Water and Environment and Conservation regulate the taking of water under the *Rights in Water and Irrigation Act 1914* and *Environmental Protection Act 1986*. The current legislation allows a landowner to sink a bore or well into a surficial (shallow) aquifer and to collect and store surface water providing it does not significantly diminish the amount of water in a watercourse or wetland in a proclaimed surface water area. Permitted use of the collected water includes domestic, ordinary and stock purposes. Recent changes require licensing of dams in Proclaimed Areas. Approval is required from the Waters and Rivers Commission for deep bores, artesian bores and allocations to Licensed Water Providers.

In addition, the sinking of wells and bores, erection of windmills and tanks and the construction of drains, levees, dams, reservoirs or any excavations for the gaining and retention of water are all classed as development under the *Planning and Development Act 2005* and require approval under TPS No. 6, unless exempt.

For large surface water catchments for agricultural use, all applications for planning approval will be referred to the Departments of Water and Environment and Conservation to determine the impact on any watercourse or wetland. Council considers relevant catchment management plans and their recommendations prior to granting planning approval.

Excessive withdrawal of bore water and the detention or diversion of surface water can increase evaporation losses and reduce the flows in watercourses and wetlands. Even though State Government agencies may have no objections to the taking of surficial waters, the Council may refuse applications for taking of surface water, the installation of bores or the construction of drainage works in order to maintain environmental flows and conserve water resources.

This policy is to clarify the Scheme provisions in regard to the objectives, as well as to provide guidance to farmers, developers and landowners.

#### 4. OBJECTIVES

The objectives of this policy are:

*To ensure safe and healthy water supplies and drainage;*

*To minimise environmental impact on water resources and associated vegetation;*

*To avoid visual or aesthetic impact on landscape values from water works/development;*

*To prevent future land and water use conflicts;*

*To place minimal restrictions on farmers;*

*To clearly identify responsibilities for construction and use of water infrastructure.*

#### 5. POLICY STATEMENT

##### 5.1 Exemptions from Planning Consent Requirements

The following water supply and drainage works are exempt from the requirement for planning consent:

- a) Dams:
  - (i) located in the Agricultural Resource Zone, where
    - a. the total holding capacity of the structure is 4,000m<sup>2</sup> or less;
    - b. no trees are removed for construction;
    - c. the structure is located with a minimum setback of 100m from the nearest road and outside any setback area prescribed by the Scheme and LPP No. 18 - Setbacks;
    - d. the maximum water level is below the level of the crown of any road within 250m;
    - e. soil tests demonstrate absence of acid sulphate condition; and
    - f. if adjacent to a stream, water is only diverted during peak flows, as determined by the Department of Water in the event of dispute;
- b) Drains and levees:
  - (i) located in the Agricultural Resource Zone, where constructed as contour banks;
  - (ii) located in all zones, where not more than 100m in length and not more than 200mm deep;
- c) Watercourse crossings
  - (i) stock crossings, where managed to protect the waterway; and
  - (ii) vehicle crossings, where no trees have to be removed for construction;
- d) Bores and wells:
  - (i) located in the Agricultural Resource Zone - all bores and wells on private property for domestic and agricultural purposes, not being artesian or extending below the surficial aquifer; and
  - (ii) located in all other zones - a single bore or well on private property, for domestic purposes, not being artesian or extending below the surficial aquifer;
- e) Windmills:
  - (i) located in the Agricultural Resource Zone, where the total height of the structure is 15m or less;
- f) Water tanks:
  - (i) located in the Agricultural Resource Zone, where the tank is not elevated on a structure more than 1m above ground level;
  - (ii) tanks with a capacity of 10,000 litres or less.

## 5.2 Application Requirements

Further to the standard application requirements specified in Part 9 of TPS No. 6, an applicant for any water supply or drainage works other than specified in 5.1 above is to provide the following additional information, together with any licence or approval required by any statutory agency:

- a) Dams:
  - (i) the purpose of the works;
  - (ii) the catchment area;
  - (iii) any existing dam(s) within 100m, with size;
  - (iv) the capacity of the dam;
  - (v) a hydrological report where the storage capacity exceeds 4,000m<sup>3</sup>;
  - (vi) design by qualified engineer, if not an approved design as per Schedule 1, with a spillway to prevent failure in extreme rainfall events and a freeboard of 0.5m.
  - (vii) trees to be removed for construction, if any;
  - (viii) management plan for control of erosion/landscaping;
  - (ix) fencing to be provided, if any; and
  - (x) soil tests for acid sulphate condition;
- b) Drains and levees:
  - (i) the purpose of the works;
  - (ii) the catchment area;
  - (iii) any existing drain(s) or watercourses within the lot;
  - (iv) anticipated water quantity and quality of drainage and receival waters at discharge point;
  - (v) management plan for control of erosion, and;
  - (vi) fencing to be provided, if any;
- c) Watercourse crossings:
  - (i) the catchment area;
  - (ii) any existing crossings of the watercourse within the lot;
  - (iii) design of any structure, selection of pipe size, etc, by qualified engineer;
  - (iv) trees to be removed for construction, if any;
  - (v) management plan for control of erosion, and;
  - (vi) fencing to be provided, if any;
- d) Bores and wells:
  - (i) any existing bores and wells within 100m, with size and depth, where known;
  - (ii) size and structure of the bore, in the case of an exploratory bore;
  - (iii) the purpose of the bore and area to be served, in the case of a production bore, and
  - (iv) associated bores or wells to be sunk concurrently or sequentially;
- e) Windmills:
  - (i) an engineer's certificate where the structure is non-standard design; and
  - (ii) associated windmills to be erected concurrently or sequentially;
- f) Water tanks:
  - (i) the capacity of the water tank(s) provided; and
  - (ii) design by qualified engineer where a tank is elevated on a structure more than 1m above ground level;
- g) Reticulated water supply:
  - (i) the supply main to which the reticulated area is to connect; and
  - (ii) the extent of the reticulated area.

## 5.3 Advertising of Application

Council is to refer any application for water supply and drainage works to government and other agencies and persons likely to be affected, in accord with Section 9.4 of TPS No. 6, where it is required to do so or any of the following apply:

- a) there is risk to health and safety;
- b) there is potential environmental impact on water resources and associated vegetation;
- c) there may be visual or aesthetic impact on landscape values; or
- d) future land use conflicts may occur.

#### 5.4 General Requirements

The following conditions apply to all water supply and drainage works, including those that do not require planning consent:

- a) Dams:
  - (i) are not to be located across a streamline (gully dam);
  - (ii) are to be located as required by LPP No. 18 - Setbacks;
  - (iii) are to be a minimum distance of 30m from any effluent disposal area;
  - (iv) are to have their outer walls stabilised by planting or other means;
- b) Drains and levees:
  - (i) are to be designed to prevent scouring and, as far as practicable, to dispose of stormwater on-site;
  - (ii) where necessary, are to discharge into natural drainage lines or basins; and
  - (iii) are not to discharge into road reserves;
- c) Watercourse crossings:
  - (i) are to be designed to accommodate a 1 in 20 year rainfall event;
  - (ii) are to have abutments stabilised by planting or other means; and
  - (iii) are to support a load limit of 12 tonnes per axle on culverts;
- d) Bores and wells:
  - (i) are to be located as required by LPP No. 18 – Setbacks;
- e) Windmills:
  - (i) are to be located as required by LPP No. 18 - Setbacks, unless otherwise approved;
- f) Water tanks:
  - (i) are to be located as required by LPP No. 18 - Setbacks;
  - (ii) are to be provided as follows:
    - a. buildings intended for residential use in areas without reticulated water supply – 120,000 litre capacity;
    - b. buildings intended for residential use in areas with reticulated water supply – 20,000 litre capacity;
    - c. other buildings – at the discretion of Council.
  - (iii) are to be provided to satisfy LPP No. 21 - Fire Management Plans;
- g) All works:
 

Where in the opinion of the Council at its absolute discretion land or water is considered degraded by any works or other cause whatsoever, a landowner or occupier may be ordered to restore the lot to its prior condition or undertake other remedial action as is considered appropriate.

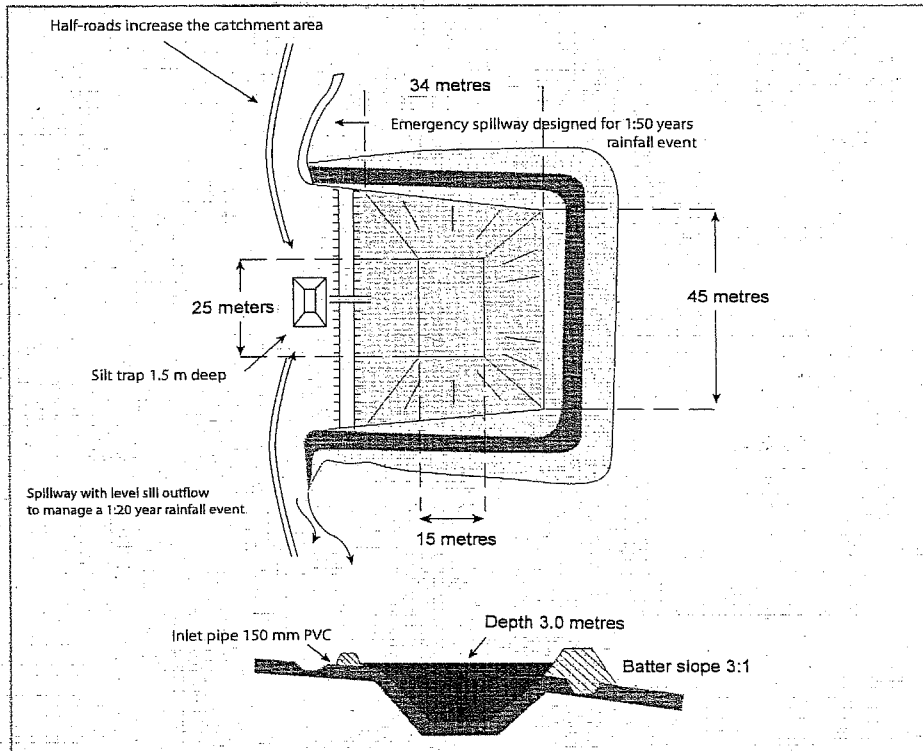
#### 5.5 Specific Requirements

The following conditions apply to specific water supply and drainage works:

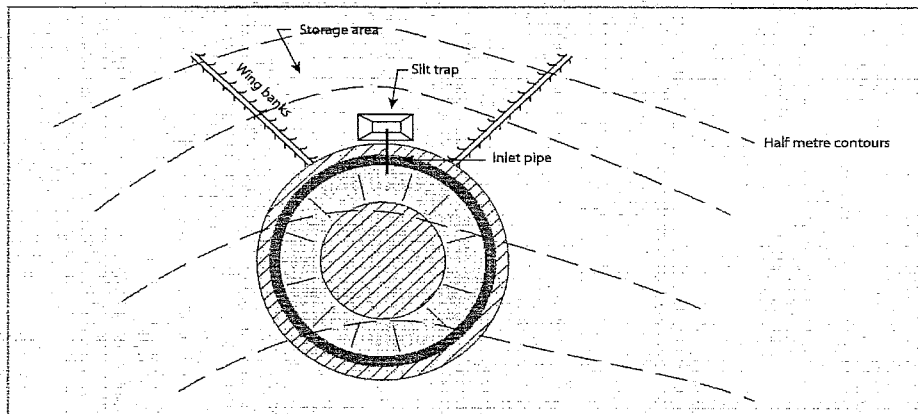
- a) Dams:
  - (i) in reserves, dams are not permitted to be constructed or water otherwise taken for private purposes;
  - (ii) in Townsite and Rural Zones
    - a. dams are not permitted to be constructed on privately owned lots with an area of less than 4.5ha;
    - b. where dams already exist or are permitted for public purposes such as drainage sumps, they are to be fenced;

- (iii) in Agricultural Resource Zones but not other zones, dams may be fed by water diverted from a natural watercourse during peak flows.
- b) Drains and levees:
  - (i) in Townsite and Rural Zones, at time of subdivision are to be accommodated within drainage reserves or easements on title, as required by LPP No. 32 – Development Plans;
- c) Bores and wells:
  - (i) in reserves private bores, wells and associated pipelines are not permitted; and
  - (ii) in Rural Zones where a planning approval is required there is to be a s.70A notification on title and submission of details to the Council, as per Schedule 2;
- d) Windmills:
  - (i) in Townsites are not permitted;
- e) Reticulated water supply:
  - (i) is to be provided to all lots within the Bindoon-Chittering Water Supply Operational Area;

Schedule 1: APPROVED DESIGN FOR DAMS WITH A STORAGE CAPACITY UP TO 4,000m<sup>3</sup>



Rectangular Dam



Circular Dam

Source: Department of Agriculture, *Farm Dams in Western Australia* by David Stanton, March 2005 Bulletin 4609, ISSN 1448-0352  
<http://www.agric.wa.gov.au/content/lwe/water/eng/bulletin4609.pdf>



**Schedule 2: CONDITIONS OF APPROVAL FOR INSTALLATION OF A BORE OR WELL**

The following conditions are to be included in any approval for the installation of a bore or well, other than for domestic or agricultural proposes:

1. There shall be a s.70A notification under the Transfer of Land Act 1893 lodged on the Certificate of Title of the property, the wording on Form N1, being as follows:

*Registered proprietors and prospective purchasers of the land described above are notified that bores/wells for the abstraction of groundwater from the surficial (shallow) aquifer may only support small scale development because the aquifer is generally very thin. An abstraction licence is required for a deep bore to access the Leederville-Parmelia aquifers. This is unlikely to be issued as the current water allocation is over the sustainable limit. Non-compliance with abstraction requirements will render the registered proprietor and/or the occupier of the land liable to prosecution. Caution: bore water should not be used for drinking purposes without regular testing against Department of Health standards. Further information may be obtained from the offices of the Shire of Chittering.*

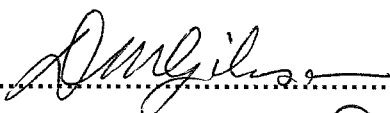
2. The contractor installing any bore/well is to submit to the Council:
  - (i) details of the type of bore/well, location and date of installation
  - (ii) logs showing soil strata, depth to water and total depth.

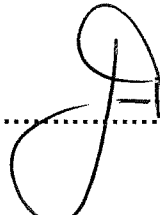
**ADOPTED FOR PRELIMINARY APPROVAL** by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 16<sup>th</sup> day of May 2007.

**READVERTISED WITH AMENDMENTS** by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 19<sup>th</sup> day of September 2007.

**ADOPTED FOR FINAL APPROVAL** by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 20 day of February 2008.

and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT..... 

CHIEF EXECUTIVE OFFICER..... 

Date: 22/7/09

