

What is a Dam?

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. This includes any of the following dams and any structure, excavation or other device designed to act either solely (or partly) as a nutrient stripping basin.

- Off or on-stream dams,
- Gully-wall dams,
- Turkey-nest dams,
- An excavated soak.

This does not include ornamental ponds or other water feature associated with landscaping and gardens.

What is Dam Construction?

Dam construction is any work involving the construction of a flow associated with a water course. This excludes any drainage works undertaken as part of an approved subdivision of land, or public works undertaken by the authority responsible for the management of the particular water course.

When does an exemption apply?

In all zones (excluding the Rural Residential zone), Development Approval is **not required** where the dam:

- Has been approved or does not require approval from any State Government agency or authority, and the external foot of the dam wall (and any other part of the dam, including the stored water) is further than 20m from the lot boundary.
- Complies with the following controls:
 - Where the Rights in Water and Irrigation Act 1914 applies, or when native vegetation is required to be removed, dams may not be constructed unless approval has been granted prior to works from the Department of Water and Environmental Regulation (DWER).
 - Where dams are proposed, they must not pond outside the lot boundary. All dams should have some mechanism for by-passing all flow (summer flow) in the watercourse, to meet downstream environmental requirements and that of riparian users.
 - Any overflows or spillways are not to discharge across roadways or public access ways so as to cause, or have the potential to cause, damage. Any works necessitating culverts or pipes under roadways or public access ways will require separate approval from the relevant road owner. (e.g. Shire, Main Roads or Department of Biodiversity Conservation and Attractions).

Development Approval **is required** where the following apply:

- As per the Shire's LPS7, if the dam is on a lot within any Stream Protection Area, as identified in an endorsed Structure Plan Area, the following provisions apply:
 - None of the following may occur without approval of the Department of Water and Environmental Regulation (DWER):
 - New dams, artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks.
 - The activities of stock are to be controlled so that erosion, pollution and vegetation degradation problems do not occur; and
 - No spraying (pesticide/herbicide), non-cultivation and non-nitrogenous fertiliser application is to occur within 50 metres from the water course.
 - Please note that these requirements do not prevent carrying out noxious weed control in accordance with Department of Primary Industries and Regional Development (Agriculture and Food) requirements.
- In the Rural Residential zone, dams may not be constructed (nor the flow of water artificially retarded unless) without prior approval of DWER.

DWER Contact Information

For additional resources and contact information, please refer to the following website:

→ www.dwer.wa.gov.au

Please note that the Department's Water Quality Protection Note No. 53 is relevant to the construction of a dam in any of the Scheme zones.

When is a Development Application required?

If your dam does not meet any of the exemptions above, then a Development Application must be lodged with the Shire for consideration and approval prior to the works commencing.

Once the Shire receives an application for a dam, the proposal may need to be referred to adjoining land owners and Government agencies, such as the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions. The statutory timeframe (i.e. the time it may take for the Shire to determine your application is 90 days).

The minimum details needed for applications to construct or alter a dam are:

- Completed application form and checklist (see the page linked below),
- Certificate of Title for the lot,
- Details of existing land uses and the proposed purpose for the dam,
- A scaled and dimensioned site plan showing:
 - All lot boundaries and setbacks to all lot boundaries,
 - Contours;
 - Existing vegetation and any proposed clearing;
 - Watercourses, dams, and wetlands;
 - North point and adjoining street names;
 - 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.
- A sectional plan showing the dam construction design, including:
 - Storage capacity 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.
- A detailed engineering design by a certified practitioner is required for any dam that has a horizontal dimension greater than 15m (water surface) and depth greater than 5m (taken from the top of the dam wall).

Additional Planning Information

For additional information relating to the Shire of Donnybrook Balingup Planning Services, please visit the following website and refer to the pages under Planning, as well as the Documents & Forms.

→ www.donnybrook-balingup.wa.gov.au