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TOWN PLANNING AND DEVELOPMENT ACT 1928

STATEMENT OF PLANNING POLICY No. 2

**THE PEEL-HARVEY COASTAL
PLAIN CATCHMENT**

TOWN PLANNING AND DEVELOPMENT ACT 1928**STATEMENT OF PLANNING POLICY NO. 2****THE PEEL - HARVEY COASTAL PLAIN CATCHMENT**

PREPARED UNDER SECTION 5AA WITH THE APPROVAL OF THE MINISTER FOR PLANNING BY THE DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT AND APPROVED BY HIS EXCELLENCY THE GOVERNOR

BACKGROUND

1. The Peel-Harvey Estuarine System is an important regional resource of Western Australia. It has been placed on the Register of the National Estate. The Estuary is surrounded by a substantial population and investment in homes, tourist development, agriculture and infrastructure. The Estuary currently receives 70% -100% more phosphorus per year from the Peel-Harvey Coastal Plain Catchment than it can assimilate resulting in excessive seasonal growth of algae which degrades the estuarine system and creates a serious public nuisance. Clearing of vegetation in the catchment exacerbates the problem by resulting in a rise in the water table and increasing run-off, which requires artificial drainage. The replacement of native vegetation with land uses which result in increased nutrient application is a major contribution to increased nutrient pollution of the estuary. These developments have increased the surface drainage and nutrient loads into the Estuary.
2. In 1981, the State Government of the day resolved that:
Measures be taken to ensure that there is no significant increase of nutrients into the estuary from urban sources by requiring that all developments within 2 km are to include appropriate sewage disposal systems.'
3. Intensive studies undertaken over past years have attempted to find ways of improving the environmental quality of the estuary. Specifically a two stage Environmental Review and Management Programme and associated EPA Assessment Reports have resulted in a strategy to improve the condition of the estuary. This strategy includes the construction of the Dawesville Channel to improve flushing, and active catchment management to reduce nutrients entering the estuary. The strategy has been endorsed by Government and funding for its implementation has been committed.
4. In January 1989 a general moratorium on clearing and drainage proposed in the Stage 2 ERMP was set as a Ministerial Condition. These controls are to continue until the Minister for Environment is satisfied that these activities are be environmentally acceptable. In addition new potentially nutrient discharging industries are tightly regulated within the Catchment. These controls have had the effect of requiring the proponents of the ERMP (the Ministers for Transport, Agriculture and Waterways) to exercise control on clearing and drainage. Some flexibility has been permitted in the interpretation of these controls provided projects are designed to significantly reduce nutrient flows to the estuary.
5. Planning controls have not existed in the past over new market gardens which are likely to pollute ground and surface waters with fertilisers. No planning approval has been required to change from broad scale rural use to market gardening. The absence of this control led to the assumption that although Water Authority well licences are required such development could automatically take place. The EPA has the power to formally assess proposals for new market gardens under Part IV of the Environmental Protection Act when they are likely to cause significant pollution. This is an unsatisfactory way to achieve the environmentally sound location of such small proposals.
6. In October 1990 the Government resolved that a Statement of Planning Policy under Section 5AA of the Town Planning and Development Act 1928(as amended) be prepared to draw attention to the unacceptability of uses of specified types which are likely to result in pollution of surface or ground waters.

7. This policy statement should be read in conjunction with the following:-
- Policy No. DC 2.5 Special Residential Zones.
 - Policy No. DC 2.8 Town Planning Considerations in the Provision of Effluent Disposal.
 - Policy No. DC 3.4 Rural Land Use Planning Policy
 - Policy No. DC 6.3 Planning Considerations in the Metropolitan Region for sources of Public Water Supply and Sensitive Water Resource Areas.
 - Guidelines for the Preparation of a Local Rural Strategy.
 - Guidelines for Protecting Watercourse Reserves, Planning Bulletin 1/90.
 - The draft Peel Regional Plan.
 - The Catchment Management Plan for the Peel-Harvey Coastal Plain Catchment.
 - The Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.

The policy replaces Town Planning Board policy P.12, Subdivision in the vicinity of the Peel-Harvey Estuarine System.

STATEMENT OF PLANNING POLICY THE PEEL-HARVEY COASTAL PLAIN CATCHMENT.

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1. INTRODUCTION

- 1.1 This policy is required to recognise the requirements of the Minister for the Environment in consultation with the Minister for Planning, and to ensure that land use changes within the Peel-Harvey Estuarine System likely to cause environmental damage to the estuary are brought under planning control and prevented. A major purpose of the policy is to ensure that landowners seek development approval prior to committing their investments, however it is not the purpose of the policy to require a new series of approvals for existing developments.
- 1.2 The policy will be implemented by reference to it in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992 and town planning schemes (in accordance with a model text amendment appended to the policy), and by its adoption by the State Planning Commission. It will also ensure that significant public investment being committed to the improvement of the environment via the Dawesville Channel is not jeopardised and that the area is carefully managed for sustainable agriculture. This policy provides guidance regarding planning requirements that will be expected to be in place before development can proceed.

2. POLICY OBJECTIVES

The objectives of this policy are:-

- To improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment.
- To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage.
- To balance environmental protection with the economic viability of the primary sector.
- To increase high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment.
- To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
- To prevent land uses likely to result in excessive nutrient export into the drainage system.

3. APPLICATION OF POLICY

This Policy applies to all residential, commercial, industrial, rural and recreation land uses, and public sector undertakings within that portion of the Catchment of the Peel-Harvey Estuarine System that lies on the Swan Coastal Plain of Western Australia and as defined generally on the attached plan (Figure 1), and specifically on Figure 2 'Boundary of the Peel-Harvey Coastal Plain Catchment'.

4. DEFINITIONS

Intensive agriculture

means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

- the production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts;
- the establishment and operation of plant and fruit nurseries;
- the development of land for irrigated fodder production and irrigated pasture (including turf farms);
- the development of land for the keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat, or fur production), and other livestock in feedlots;
- dairy milking sheds;
- the development of land for the keeping, rearing or fattening of other livestock above those stocking rates recommended by the Department of Agriculture in consultation with surrounding farmers for the applicable pasture type;
- aquaculture,

Aquaculture

means any fish farming operation for which a fish farm licence issued pursuant of the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1938 (as amended) is required.

5. GENERAL POLICY PROVISIONS

Development, including both material changes in land use and the construction of buildings, in the policy area should relate to land capability and suitability and specific management practices (such as effluent treatment, red mud amendment, revegetation, and stocking rates). Moreover some of the policy provisions are likely to be conservative and modifications are likely as knowledge improves and new technology becomes available.

- 5.1 Except in accordance with this policy, land shall not be rezoned for urban purposes (which includes special residential but not rural residential or special rural) unless certification is received from the Water Authority that arrangements have been made so that connection to an adequate sewerage service, or alternative system satisfactory to the EPA and Health Department, will be available to all lots in the subdivision.
- 5.2 Proponents shall ensure that proposed changes to land zonings take account of land capability/suitability criteria with regard to the net effect that such changes are likely to have on the nutrient load discharging from that catchment into the Peel-Harvey Estuarine System.
- 5.3 Land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System shall be managed to reduce or eliminate nutrient export from that land.
- 5.4 The retention and rehabilitation of existing remnant vegetation is to be encouraged. A catchment target of 50% of land area established to deep rooted perennial plants, preferably local indigenous species but including high water using and suitable exotic species, shall be attempted. Remnant vegetation shall be retained along water courses, or the margins shall be replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement.
- 5.5 Subdivision proposals shall make provision for a drainage system which maximises the consumption and retention of drainage on site. Biological wetland filters, or other means of drainage water retention or treatment approved by the EPA, will need to be incorporated into the drainage design possibly by amendment of the soils in drainage basins or by the provision of wetland filters with nutrient retentive soil amendments in accordance with drainage management to the satisfaction of the State Planning Commission and the EPA. Conservation reserves are not appropriate as biological wetland filters. Development near conservation reserves may require special constraints to protect and preserve them.
- 5.6 Open space recreation areas should be carefully designed to retain native vegetation and water, and plant with water using vegetation to minimise the need to apply fertiliser and water. The treatment of open space soils with nutrient retentive soil amendment should be undertaken where phosphorus retention is low and the necessity for this soil amendment should be identified in nutrient management plans prepared by developers. Drainage should be designed to retain nutrients on site in most years; direct drainage off-site will not be permitted unless to the satisfaction of local government.
- 5.7 The Commission may consider, upon the advice of the Water Authority, the Health Department and the EPA, small-scale subdivisional developments with alternative wastewater treatment and effluent disposal systems for evaluative purposes. The onus of proof will rest with the subdivider to provide sufficient technical and engineering evidence that alternative systems or site modifications remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area.
- 5.8 Local Government is responsible for the supervision and management of alternative effluent systems, particularly Aerated Treatment Units (ATUs).
- 5.9 Approvals will be required from the Water Authority with regard to water supply from bores, wells, rivers in proclaimed water management areas and WAWA drains and for connection of private and local authority drains to WAWA drains. The limited availability of water may constrain some types of development.

6. SPECIFIC POLICY PROVISIONS

6.1 Residential and Special Residential zones with lot size up to 4000m² and tourist development.

6.1.1 All lots created in the Policy area for residential and tourist use are to be connected to a reticulated sewerage system unless exempted under the provisions of 5.7.

6.1.2 Existing vegetation should be retained except where there are defined building envelopes, approved utility requirements and firebreaks. Replanting should be encouraged - particularly along water courses and drains. Where lots do not have building envelopes, existing vegetation may be removed for the construction of approved buildings.

6.1.3 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed those recommended by the Department of Agriculture for the pasture type for the policy area.

6.2 Rural residential lots over 4000m²

6.2.1 Lots that are created in this category should only use conventional on-site effluent disposal if:

- a) factors such as slope, soil type, permeability, vegetation cover and system design have been addressed. (The onus of proof rests with the subdivider to justify that on-site disposal and/or any associated site modifications would be acceptable to remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area),
- b) environmental acceptability can be demonstrated to the EPA,
- c) at least a 2m vertical separation exists between the base of the leach drain and the highest known groundwater level or bedrock,
- d) there is at least 100m horizontal separation between the disposal system and the nearest water body, and
- e) the land unit is satisfactory for on-site disposal at a density of not more than one domestic system per hectare.

6.2.2 Development within public groundwater resource areas utilising on-site effluent disposal will require approval from the Water Authority of Western Australia. Disposal systems require Health Department approval.

6.2.3 Because of potential nitrate contamination of the groundwater, on-site effluent disposal will be limited to densities of no more than one effluent disposal system per 1 hectare unless specific investigation of the capacity of the local environment to absorb the effluent is undertaken and subject to alternative systems as set out in Clause 5.7.

6.2.4 Existing vegetation should be retained except where there are defined building envelopes, approved utility requirements and firebreaks. Where lots do not have defined building envelopes existing vegetation may be removed from an area of up to 1000m² for the construction of approved buildings except where special approval is granted for a greater area of clearing.

6.2.5 The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.

6.3 Recreational facilities (including golf courses, ovals and large grassed areas).

6.3.1 Local government authorities and landowners shall develop, in association with appropriate government departments, nutrient management plans which identify appropriate irrigation, fertilisation regimes and vegetation patterns.

- 6.4 Commercial development
- 6.4.1 New development must incorporate effluent management systems approved by the Health Department, the EPA and the Water Authority of Western Australia, or connect to an existing reticulated sewerage system if available.
- 6.5 Industrial development
- 6.5.1 Proposals to develop land for industry, where the industrial process would create liquid effluent, must include provision for connection to a reticulated sewerage system.
- 6.5.2 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some types of industrial development may require an impact assessment under Part IV of the Environmental Protection Act.
- 6.6 Intensive agriculture
- 6.6.1 Proposals to develop land for intensive agriculture will require formal development approval from the local government authority.
- 6.6.2 In considering applications for the use of land or a rezoning for intensive agriculture, a local authority shall take account of the environmental advice of the EPA and land suitability advice from the Department of Agriculture.
- 6.6.3 The responsible authority will take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary in considering the suitability of land for intensive agricultural use. Generally only land on the foothills of the Darling Scarp or deep yellow Spearwood soils on the Western edge of the catchment have suitable qualities to sustain intensive agriculture apart from such uses which rely on hydroponics and thereby do not result in contamination of groundwater or surface drainage, or include red mud, or other suitable soil amendment, at rates recommended by the Department of Agriculture.
- 6.6.4 Proposals which would provide additional direct drainage to the Estuary, its tributaries or Water Authority drainage systems will not be permitted without appropriate nutrient reduction measures.
- 6.6.5 Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge or falls within the list of scheduled premises under Part V of the Environmental Protection Act. Some intensive agricultural proposals may require environmental impact assessment under Part IV of the Environmental Protection Act.

7. IMPLEMENTATION THROUGH TOWN PLANNING SCHEMES

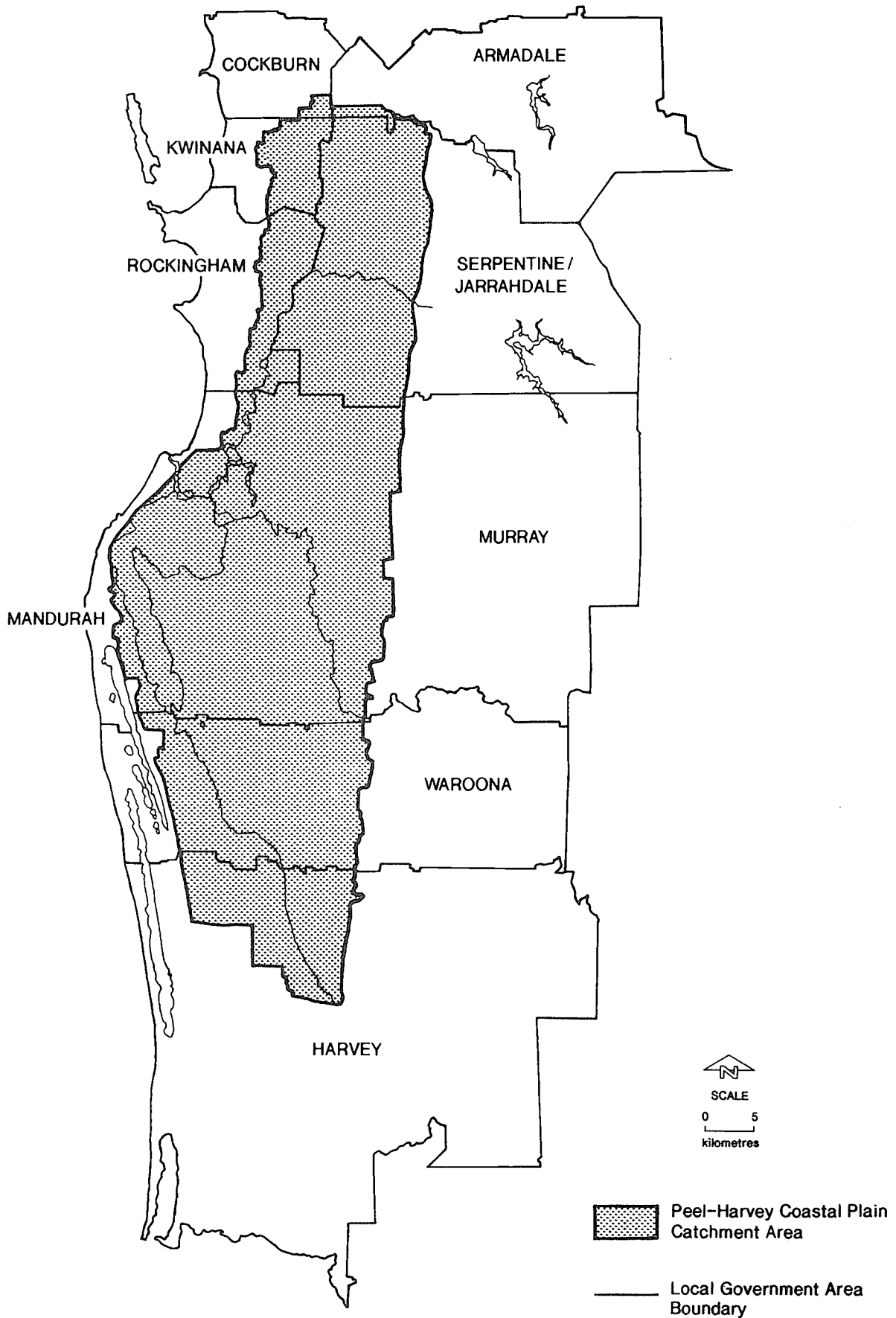
- 7.1 It is the Policy of the State Planning Commission that all town planning schemes operating within the Peel-Harvey Coastal Plain Catchment shall require development to be subject to the provisions of this Policy.
- 7.2 Town planning schemes should be amended to add 'Intensive Agriculture' and 'aquaculture' to the list of interpretations, or the definition should be amended to incorporate the expanded interpretation. This may require the amendment of existing interpretations to exclude the activities now defined within intensive agriculture. The use class table should be amended to include 'Intensive agriculture', cross-referenced with an 'AA' or 'X' in all Rural zones.
- 7.3 Town planning schemes are to incorporate the salient provisions of this policy by using the model scheme text provisions set out in Appendix 1 and by the delineation of the Catchment boundaries on the scheme map.

APPENDIX 1

A town planning scheme shall refer to this policy in the following manner:

'THE PEEL-HARVEY COASTAL PLAIN CATCHMENT'

- 1.1 FOR THE PURPOSES OF THIS SCHEME THE PEEL-HARVEY COASTAL PLAIN CATCHMENT MEANS THE PEEL HARVEY COASTAL PLAIN CATCHMENT AS SET OUT IN STATE PLANNING COMMISSION STATEMENT OF PLANNING POLICY NO. 2, TOGETHER WITH ANY AMENDMENTS THERETO.
- 1.2 COUNCIL SHALL BE GUIDED BY THE OBJECTIVES AND POLICY STATEMENTS CONTAINED IN THE DRAFT ENVIRONMENTAL PROTECTION POLICY (PEEL-HARVEY ESTUARINE SYSTEM) 1992 AND THE PEEL-HARVEY COASTAL PLAIN CATCHMENT STATEMENT OF PLANNING POLICY, AS AMENDED, A COPY OF WHICH SHALL BE KEPT AND MADE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICES OF THE COUNCIL.
- 1.3 FOR THE PURPOSES OF THE DEFINITION OF DEVELOPMENT UNDER THE ACT 'INTENSIVE AGRICULTURE' SHALL BE DEEMED TO BE A MATERIAL CHANGE OF USE REQUIRING APPROVAL OF THE COUNCIL.
- 1.4 NOTWITHSTANDING ANY OTHER INTERPRETATION CONTAINED WITHIN THE SCHEME, INTENSIVE AGRICULTURE MEANS THE USE OF LAND FOR THE PURPOSES OF TRADE, COMMERCIAL REWARD OR GAIN, INCLUDING SUCH BUILDINGS AND EARTHWORKS, NORMALLY ASSOCIATED WITH THE FOLLOWING:
- THE PRODUCTION OF GRAPES, VEGETABLES, FLOWERS, EXOTIC AND NATIVE PLANTS, FRUIT AND NUTS;
 - THE ESTABLISHMENT AND OPERATION OF PLANT AND FRUIT NURSERIES;
 - THE DEVELOPMENT OF LAND FOR IRRIGATED FODDER PRODUCTION AND IRRIGATED PASTURE (INCLUDING TURF FARMS);
 - THE DEVELOPMENT OF LAND FOR THE KEEPING, REARING OR FATTENING OF PIGS, POULTRY (FOR EITHER EGG OR MEAT PRODUCTION), RABBITS (FOR EITHER MEAT, OR FUR PRODUCTION), AND OTHER LIVESTOCK IN FEEDLOTS;
 - DAIRY MILKING SHEDS;
 - THE DEVELOPMENT OF LAND FOR THE KEEPING, REARING OR FATTENING OF OTHER LIVESTOCK ABOVE THOSE STOCKING RATES RECOMMENDED BY THE DEPARTMENT OF AGRICULTURE FOR THE APPLICABLE PASTURE TYPE IN CONSULTATION WITH SURROUNDING FARMERS;
 - AQUACULTURE,
AQUACULTURE MEANS ANY FISH FARMING OPERATION FOR WHICH A FISH FARM LICENCE ISSUED PURSUANT OF THE PROVISIONS OF PART V OF THE FISHERIES ACT 1905 (AS AMENDED) AND THE FISHERIES REGULATIONS 1938 (AS AMENDED) IS REQUIRED.
- 1.5 IN CONSIDERING A PROPOSAL TO DEVELOP LAND FOR INTENSIVE AGRICULTURE THE COUNCIL SHALL:
- i. TAKE ACCOUNT OF SOIL TYPES, SLOPE AND GROUNDWATER FLOWS AND SURFACE WATER DRAINAGE AND PROXIMITY TO THE ESTUARY,
 - ii. TAKE ACCOUNT OF THE OBJECTIVES OF THE PEEL-HARVEY COASTAL PLAIN CATCHMENT STATEMENT OF PLANNING POLICY, AS AMENDED WITH RESPECT TO THE POTENTIAL IMPACT OF THE PROPOSAL ON THE ENVIRONMENT AND WATER QUALITY.
 - iii. SEEK ADVICE FROM THE DEPARTMENT OF AGRICULTURE AND ENVIRONMENTAL PROTECTION AUTHORITY AND TAKE ACCOUNT OF THAT ADVICE IN MAKING ITS DETERMINATION OR DEFER THE DECISION PENDING A FORMAL ASSESSMENT UNDER PART IV OF THE ENVIRONMENTAL PROTECTION ACT."



NOTE: Refer to Figure 2 for enlargement of Peel-Harvey Coastal Plain Catchment showing cadastral boundaries.

Figure 1 BOUNDARY OF THE PEEL-HARVEY COASTAL PLAIN CATCHMENT

