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WESTERN AUSTRALIAN PLANNING COMMISSION

STATEMENT OF PLANNING POLICY NO. 2.1

THE PEEL-HARVEY COASTAL PLAIN CATCHMENT

TOWN PLANNING AND DEVELOPMENT ACT 1928

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THE PEEL – HARVEY COASTAL PLAIN CATCHMENT

PREPARED UNDER SECTION 5AA SECTION 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 received 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 to 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 1938 (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.

- 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.

CONTENTS

1. Introduction
 2. Policy objectives
 3. Application of policy
 4. Definitions
 5. General policy provisions
 6. Specific policy provisions
 - 6.1 Residential and Special Residential areas with lot size up to 4000m² and tourist development
 - 6.2 Rural residential lots over 4000m²
 - 6.3 Recreational facilities (including golf courses, ovals and large grassed areas)
 - 6.4 Commercial development
 - 6.5 Industrial development
 - 6.6 Intensive agriculture
 7. Implementation through town planning schemes
- Appendix 1. Model town planning scheme text amendment

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.

- 5.1 Except in accordance with this policy, land shall not be rezoned for urban purposes (which includes special residential but not rural residential or special 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 the 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 watercourses, 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 EPDA. 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 fertilizer 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.

6.3.1 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.

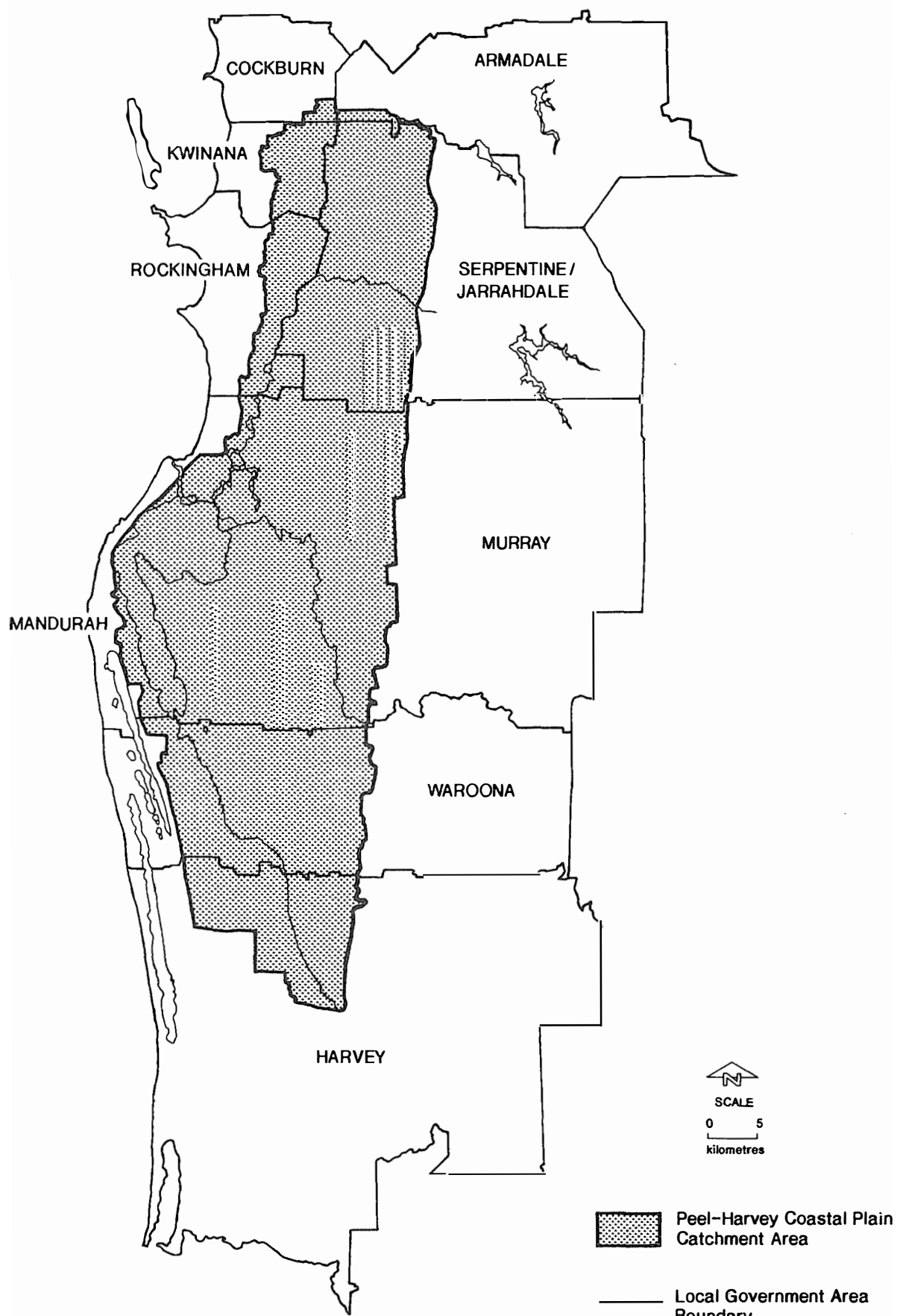
7.3 Town Planning schemes are to incorporate the salient provisions of this policy by using the model scheme text provisions set out in Appendix 1 and by the delineation of the Catchment boundaries on the scheme map.

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. 2.1, 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) 1991 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 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