

1. INTRODUCTION

The City of Armadale's residents and environment depend on adequate water flowing in watercourses to provide for agricultural production, gardens and to provide habitat for fauna. Some of the City residents use water from watercourses for drinking, although this is discouraged because the water quality of a watercourse flowing through multiple landholdings cannot be guaranteed to remain satisfactory for this purpose.

In Western Australia, water management is the responsibility of the Government of Western Australia. Access to water in watercourses is covered by the *Rights in Water and Irrigation Act 1914*. An owner of land in the City of Armadale that includes a watercourse (even if on a battleaxe leg) in most of the area covered by this policy has a 'riparian right' which means a right to water a non-commercial garden up to two hectares in area. This means that the subdivision of lots with watercourses creates a situation where many owners can replace a single owner with each owner having riparian rights.

The City is aware of concerns that several watercourses in the Darling Range are suffering from a lack of flow and it has been suggested that this is because of factors such as the number of landholders accessing water from the watercourse and climate change resulting in reduced runoff. The City therefore seeks to limit the number of new lots being created through subdivision with riparian rights.

There is no need for newly created lots to have access to a watercourse. Under Clause 4B.5.1 (a) of Town Planning Scheme No.4, no dwelling may be erected unless an adequate water supply is provided, and an adequate water supply can include a water tank of not less than 90,000L fed by a roof catchment of no less than 250m².

Minimising the number of lots with boundaries crossing watercourses, or where appropriate, locating watercourses in reserves is sound environmental planning as it:

- reduces the number of landholders with responsibility for watercourse management;
- minimises clearing of watercourses to provide for fencing and firebreaks across watercourses;
- minimises disturbances likely to have adverse water quality impacts; and
- minimises problems with flooding caused by debris stuck in fences.

2. APPLICATION OF POLICY

The policy applies to all subdivisions and Structure Plans in the Special Rural, Rural Living and General Rural zones that include a watercourse, whether intermittent or permanent.

3. POLICY OBJECTIVE

To minimise the number of newly created lots that gain riparian rights through subdivision and structure planning and ensure sound planning practices with respect to the pattern of subdivision over watercourses.

4. POLICY STATEMENT

- (i) Multiple battleaxe legs should not be created over watercourses. Structure Plans and subdivisions that need to provide access to multiple lots over watercourses are to provide access via a public road or laneway.
- (ii) Structure Plans and subdivisions are to be designed to minimise the number of lot boundaries crossing watercourses and the number of lots gaining riparian access.
- (iii) Where practical, Structure Plans and subdivisions should include watercourses in Parks and Recreation (Local) Reserves, but only if public access can or should be achieved along the length of the watercourse on both sides or an appropriate section of the watercourse. For watercourses that flow in response to rainfall events, inclusion of the watercourse in the road reserve may be considered.

D58/5/06 Development Services Committee 9 May 2006 - Adopted by Council 15 May 2006
D25/4/13 Development Services Committee 15 April 2013 - Adopted by Council 22 April 2013
D32/8/16 Development Services Committee 16 Aug 2016 - Adopted by Council 22 Aug 2016
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