

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
20 March 2025 to 26 March 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
20/03/2025	P225210	38 (Lot 19) Formosa Street, Margaret River	Holiday House Renewal
20/03/2025	P225211	39 (Lot 11) Karrack Crescent, Witchcliffe	Holiday House
24/03/2025	P225216	6 (Lot 217) Dunham Loop, Margaret River	Single House
24/03/2025	P225217	6482 (Lot 1613) Caves Road, Margaret River	Holiday House (Large)
24/03/2025	P225218	30 (Lot 22) Offshore Crest, Margaret River	Chalets x2
24/03/2025	P225219	Unit 4, 16 (Strata Lot 4, Lot 10) Townview Terrace, Margaret River	Holiday House Renewal
24/03/2025	P225220	27-33 (Lot 295) Tunbridge Street, Margaret River	Outbuilding (Sea Container)
24/03/2025	P225221	37 (Lot 88) Wilderness Road, Margaret River	Outbuilding (Water Tanks x2)
25/03/2025	P225222	5 (Lot 1), 5A (Lot 2) & 5B (Lot 3) Town View Terrace, Margaret River	Holiday House Renewal
25/03/2025	P225223	119 (Lot 1923) Blain Road, Rosa Brook	Holiday House Renewal
BUILDING			
20/03/2025	225215	2 (Lot 215) Dunham Loop, Margaret River	Single Dwelling, Garage and Alfresco
20/03/2025	225216	160 (Lot 249) Brookfield Avenue, Margaret River	Single Dwelling, Garage and Alfresco
20/03/2025	225217	426 (Lot 1005) Hawkesford Place (Lot 79 Vintage Place), Margaret River Lifestyle Village	Single Dwelling, Carport and Alfresco
20/03/2025	225218	137 (Lot 18) Calkarri Drive, Augusta	Shed
20/03/2025	225219	3 (Lot 602) Truffle Circuit, Cowaramup	Swimming Pool and Barrier Fence
20/03/2025	225220	7 (Lot 34) Jersey Street, Cowaramup	Stage1Earthworks and Slab
20/03/2025	225221	16 (Lot 53) Tremandra Boulevard, Witchcliffe	Single Dwelling, Carport, Alfresco, Shed and Water Tank
21/03/2025	225222	9 (Lot 65) Thelma Street, Augusta	Shed
21/03/2025	225223	4 (Lot 9) Gnuraren Grove, Witchcliffe	Single Dwelling, Carport & Watertank x 2
21/03/2025	225224	26 (Lot 347) Firetail Rise, Karridale	Single Dwelling, Verandah, Watertanks x 2 and Shed
24/03/2025	225225	42 (Lot 40) Carnaby Crescent, Witchcliffe	Single Dwelling, Shed and Water Tank
24/03/2025	225226	5 (Lot 48) Groupthree Drive, Kudardup	Water Tank
24/03/2025	225227	3 (Lot 9) Irwin Street, Augusta	Single Dwelling, Garage and Balcony
24/03/2025	225228	1 (Lot 601) Truffle Circuit, Cowaramup	Shed
25/03/2025	225229	22 (Lot 521) Kurrajong Way, Witchcliffe	Shed
25/03/2025	225230	4 (Lot 125) Dunkley Close, Molloy Island	Carport
25/03/2025	225231	12 (Lot 153) Georgette Road, Gracetown	Shed
26/03/2025	225232	17 (Lot 404) Hasluck Street, Cowaramup	Stage 1 Earthworks and Slab for Gym
26/03/2025	225233	208 (Lot 12) Bullant Drive Forest Grove	Unauthorised Change of Use Farm Shed to Factory
26/03/2025	225234	15 (Lot 282) Coracina Avenue, Witchcliffe	Water Tank
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
23/07/2024	P224486	137 (Lot 18) Calkarri Drive, Augusta	Outbuilding (Shed and Water Tank)	Approved
13/11/2024	P224830	27 (Lot 641) Surfbreak Drive, Cowaramup	Outbuilding (Shed)	Approved
11/12/2024	P224936	45 (Lot 277) Sawmill Loop, Karridale	Outbuilding (Shed)	Approved
12/12/2024	P224939	Lot 910 Low Road, Rosa Glen	Single House	Approved
23/12/2024	P224994	11 (Strata Lot 1) (Lot 800) Irwin Street, Augusta	Alterations to Existing Dwelling	Approved
10/01/2025	P225011	110 (Lot 2) Albany Terrace, Augusta	Holiday House (Large)	Approved
10/01/2025	P225012	Unit 22, 20 (Strata Lot 22 of Lot 229) Riedle Drive, Gnarabup	Holiday House	Approved
15/01/2025	P225030	1 (Lot 73) Melody Circuit, Cowaramup	Shed (Outbuilding)	Approved
21/01/2025	P225043	Unit A, 168 (Lot 1) Kevill Road E, Margaret River	Outbuilding (Water Tank) Partially Outside Building Envelope	Approved
22/01/2025	P225047	160 (Lot 116) Railway Terrace, Margaret River	Outbuilding (Shed)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
27/01/2025	P225088	Reserve 22636, Cowaramup Adjacent to Basket Ball Courts	Amendment to Local Law Permit Trading Days - Hungry Brown Cow	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
23/12/2024	P224995	Lot 789 Burnside Road, Burnside	Soak Dam	Approve with conditions

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil.
Assessment Level	Major Level 3

Application Details

Address	Lot 789 Burnside Road, Burnside			
Proposed Development	Soak Dam			
Zoning	Priority Agriculture			
Lot Area	176,638.48sqm			
Use Class and Permissibility	Permitted			
Heritage/Aboriginal Sites	Nil			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input checked="" type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP's	None			
Easements/Encumbrances	None			
Why is Development Approval Required?	Location variation to LPS1 side setback & location within 30m of minor water way			

Site Image





Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners / 2km Radius (Non Rural use in Rural Zone) – 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Submission		
Government Agencies - DWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internal Shire Departments - Environment/Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any objections received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Internal Department Comments		
Environment/Sustainability Department		
Department Comments		Officer Comments
<p>No significant concerns regarding this matter.</p> <p>Recommended that an amended plan be provided for clarify that the setback of the toe of the earthworks batter along the western boundary, specifically whether it is 10 meters or 12 meters from the boundary, as these setbacks differ. This is important to ensure that spoil is not placed against the boundary line.</p> <p>Recommended Conditions:</p> <ul style="list-style-type: none">• Revegetation condition• Topsoil condition• Standard conditions regarding structural certification and survey of the completed dam (please refer to the dam conditions in the planning section of the conditions document)• Advice note regarding Acid Sulfate Soils (ASS)		<p>Noted.</p> <p>Officer has sought clarification from the applicant and an updated plan has been received.</p> <p>Recommended conditions to be adopted.</p>
External Agency Comments		
Department of Water and Environment Regulation (DWER)		
Department Comments		Officer Comments
<p>Initial Feedback</p> <p>Issue 1: Licensing requirements under the ‘Rights in Water and The subject property is located in the Cape to Cape North Surface Water Area and the Busselton-Capel Groundwater Area, as proclaimed under the RIWI Act.</p> <p>Advice was that a licence may be required depending on the quantity of water being taken.</p> <p>Issue 2: General dam advice Advice provided to refer the proponent to the Department’s Water Quality Protection (WQPN) Note 53 ‘Dam construction and operation in rural areas’ (September 2019), which provides for best practice measures to assist in protecting water quality.</p> <p>Issue 3: Acid sulfate soils An advice note was requested to be included in the determination on Acid Sulfate Soils, as the site the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface.</p>		<p>Issues 1 – 3 Noted. Issues raised by DWER were relayed to the applicant.</p>
Community Engagement		
Private Submitter 1		
Submitter	Submitter Comments	Officer Comments
	<p>We strongly object to the proposal that involves a setback of 10m from our eastern lot boundary for the following reasons:</p> <ol style="list-style-type: none">1. The proposed soak dam should be located a minimum of 20m side setback from the eastern lot boundary required by Local	<p>Comments of objection are noted – see below discussion for further officer comments and applicant</p>



	Planning Scheme No. 1 . 2. A setback variation will obstruct the natural flow of water into our dam downstream. The proposal will irreversibly alter the natural ground contours and negatively impact the water collection in our dam. 3. Our lot is zoned Priority Agriculture, dependency on water collection from our dam is critical for our operation and sustainability in future. 4. The proponent's property has an area of 17.6ha. There is no justification for any setback variation less than the Shire's Local Planning Scheme requirement. 5. The diagram below illustrates the proposal soak dam with a proposed reduced setback of 10m in lieu of 20m required by the Shire's Local Planning Scheme No. 1. 6. Please reject the proposal as proposed.	response to concerns raised by submitter.
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Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy Requirements

Local Planning Scheme No.1 – Schedule 9		
Standard	Required	Provided
Setback (Front - East)	30m	>30m – Complies
Setback (Side – North)	20m	~134m – Complies
Setback (Side – South)	20m	~192m – Complies
Setback (Rear - West)	20m	6.2m – Variation
Minor Water Course Setback	30m	10m – Variation

Discussion

Planning approval is sought for a soak dam with a capacity of 6,500KL that proposes a variation setback to the 20m minimum side setback and is within a 30m setback from a minor water course as required by *Local Planning Scheme No.1*.

The soak dam is proposed on a 17.6ha priority agriculture zoned lot, which is predominantly agricultural pasture and grazing for non-intensive stock.

The proposed soak dam has been designed to provide a reliable and sustainable water supply for stock water, domestic use for a small orchard/lawn and firefighting. See below breakdown of requirements as provided by the applicant.



2.1 WATER REQUIREMENTS

The soak dam will provide water for a variety of purposes:

- **Stock Water:** Ensuring a steady supply of water for non-intensive livestock throughout the year.
- **Domestic Use:** Water for a small orchard and up to 0.1ha of lawn for a planned dwelling.
- **Firefighting:** The dam will act as a reliable water source for firefighting purposes, contributing to the property's overall fire resilience.

The minimum annual water requirements for the property (17ha) and the estimated storage capacity for the dam can be assumed as follows: (1,000KL = 1ML)

Stock water - total 15ha for stock	500 KL
Trees Orchard 1ha	2,000 KL
Lawn 0.2ha (for a dwelling development)	200KL
Firefighting	1,000 KL
Evaporation (600mm summer)	1,100 KL
Residual storage vol. (20%)	1500 KL
TOTAL Dam Storage & Use	6,500 KL

The dam is sized to fit the purpose of the above demand.

Currently, there is no water source located on the property and the site has no historic planning or building approvals.

Advertising

As outlined above, a submission was received in response to the proposal. The grounds for the submission are provided below:

Submitter Objection	Applicants Response	Officer Comments
1. The proposed soak dam should be located a minimum of 20m side setback from the eastern lot boundary required by Local Planning Scheme No.1.	The soak dam is located on top of the spring and will only capture groundwater (soak dam).	The variation to the side setback requirements are discussed further below.
2. Lack of justification for any setback variation less than the Shire's Local Planning Scheme requirement.	The neighbouring dam is a gully dam and will capture surface water runoff from the catchment. So there are two different water sources, and the soak dam will not negatively impact the surface water dam on the neighbouring property.	
3. A setback variation will obstruct the natural flow of water into neighbouring dam downstream. The proposal will irreversibly alter the natural ground contours and negatively impact the water collection down stream	However, every landowner has the right to take water from a water source for domestic use and non-intensive stock watering, and the proposed dam will not draw excessive water.	See further discussion on water allocation requirements below.
4. Property is zoned Priority Agriculture, dependency on water collection is critical to the operation and sustainability in future.	The catchment area of the soak dam is approximately 10 hectares and will yield 15 megalitres of surface water runoff. As mentioned above, the soak dam only yields groundwater, and all surface water	Both properties are zoned Priority Agriculture and Dams are a use that can be considered within the zones.



	entering the dam will continue to flow downstream via the soak dams overflow system, as shown on the plan, into the neighbouring surface water dam.	
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LPS1 - Setbacks

The proposed soak dam is located within 30m from a minor natural water course that flows intermittently, and is within the 20m side setback as set out in schedule 9 of the LSP1.

Justification for the size and location have been set out in the applicant's consultant report and reviewed by the Department of Water and Environment Regulation (DWER) and the Shire's Environment Officer.

The applicant/consultant has advised that the setback of the dam is unable to be modified to achieve compliance as its location has been selected based on being the lowest point of the site in order to make it easier to intercept the groundwater.

In terms of the impacts of the reduced setback from a visual perspective, the highest point of the top of the berm is 1.75m above NGL and only exceeds 1m above NGL for approximately 10m of the entire berm. For this reason, the visual impacts are considered minor.

Water Allocation and Supply

DWER made comment on the application with advice provided on licencing, dam construction and acid sulfate soils.

Further advice was sought from DWER to provide assessment on the location and water supply issues raised through the consultation process.

DWER confirmed that a bed and banks permit is required for the proposed on-stream soak dam, which has been subsequently been received and will be assessed in due course, including consideration of hydrological risks to the existing downstream water supply.

DER advised that their preliminary view based on the volume of the proposed soak and its intended use for domestic and non-intensive stock watering, soak design being below ground storage and not involving cutoff trench or clay core to seal off subsurface or stream flow and the downstream dam(s) being seasonally recharged by groundwater, means the risk to reliability of existing downstream supply from this proposal as low. It is noted that the scope of the intended take of water falls under stock and domestic exemption and is not subject to regulation.

Environment – revegetation

No clearing or environmental concerns have been raised during the assessment. The proposal seeks to include some rehabilitation to preserve the natural character of the landscape, with all construction-related spoil being levelled. It is proposed that topsoil will be spread over the embankment, followed by planting grass and ground cover vegetation to stabilise the soil and prevent erosion and dust. Reeds and rush species are proposed to be planted around the high water mark inside the soak dam. The revegetation will reduce the risk of silt being washed into the nearby creek lines. A landscaping condition for revegetation has been recommended by the Shire's Environmental planning officer.

Determination

That the Manager of Planning and Regulatory Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Soak Dam at Lot 789 Burnside Road, Burnside subject to compliance with the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plan P1 -P2 received by the Shire on the 23/12/2025
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of



this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.

3. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
4. Earthworks or modifications are only permitted in the area approved for development as shown on the approved plans.
5. The Dam/Soak shall be surveyed upon completion to confirm if its total storage capacity up to a maximum of 6,500KL. A copy of the survey shall be provided to the Shire and the Department of Water within three (3) months of final completion.
6. The Soak Dam's Berm is permitted up to a maximum height of 79.00mAHD.
7. The storage capacity of the Dam/Soak shall not exceed 6,500KL.
8. Following Dam/Soak construction, residual earthworks and spoil shall not be left closer to the setback area as indicated on the plans, between boundaries or stockpiled on site. Residual spoil from construction shall be respread or reused on the subject site in such a way as to not cause an adverse visual impact or a nuisance to neighbours.
9. The Dam shall be constructed to the specifications of a structural engineer. Evidence of certification of the Dam construction, by a structural engineer to verify its structural integrity, shall be submitted to the Shire upon practical completion of works.
10. When undertaking any earthworks, the following steps shall be taken to minimise the risk of introduction and spread of dieback/weeds:
 - a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area;
 - b) avoid the movement of soil in wet conditions;
 - c) ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
 - d) restrict the movement of machines and other vehicles to the limits of the areas to be disturbed.
11. When undertaking the Dam/Soak construction works, the following steps shall be taken to minimise the risk of erosion;
 - a) Use of shallow-rooted vegetation cover, such as endemic species of perennial shrubs or grasses on dam embankments.
 - b) Use of settling ponds or vegetation filters to improve the quality of any released water.
 - c) Dams to be built during the dry season to allow construction without stormwater disturbing the earthworks and causing turbidity.
12. Prior to commencement of works, a Sediment Management Plan for the Dam/Soak construction shall be prepared by the proponent to the satisfaction of the Shire. The approved Sediment Management Plan shall be implemented on site from commencement of works.
13. The Dam/Soak is to have provision to bypass any flows in low flow periods in the watercourse to downstream users by means of an under-wall pipe or other approved method.
14. Prior to the commencement of works, a landscaping plan shall be prepared and submitted to the satisfaction of the Shire by a suitably qualified and/or experienced consultant. The plan is to include fencing for the waterway to protect it from stock. Revegetation shall be substantially commenced within one year of this approval. The planting must demonstrate having survived over two summer seasons, and at a minimum of a 75% success rate for that which was originally proposed. The landscaping plan shall indicate the following:
 - a. the location of existing trees;
 - b. the location and species name of proposed plantings and quantity of each species to be planted;
 - c. any soil treatment or mulching;
 - d. the location of any fences;
 - e. details of any weed control and maintenance; and
 - f. utilise native plant species which naturally occur in the area (i.e. endemic plant species; local provenance



plant stock (Please refer to the recommendations within the Cape to Cape Landcare Companion)).

Advice Notes

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) The landowner is responsible for ensuring the structural integrity of the Dam at all times. Any issues arising from the Dam are the responsibility of the landowner.
- c) Please be advised that under the *Rights in Water and Irrigation Act 1914*, a permit must be gained from the Department of Water, prior to interfering with or obstructing, the bed and/or banks of any proclaimed watercourse.
- d) Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to the Department's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>
- e) The departments Water Quality Protection Note (WQPN) 53 '*Dam construction and operation in rural areas*' (September 2019) provides for best practice measures to assist in protecting water quality, to which the proponent may wish to refer to assist them in their proposal.