

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
30 January 2025 to 5 February 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
31/01/2025	P225061	165 (Lot 5) Yates Road, Margaret River	Building Envelope Variation
31/01/2025	P225064	70 (Lot 338) Firetail Rise, Karridale	Building Envelope Variation
31/01/2025	P225067	17 (Lot 17) Sequoia Court, Margaret River	Retrospective Outbuildings (Shed and Water Tank)
31/01/2025	P225071	1948 (Lot 4271) Brockman Highway, Courtenay	Holiday House
31/01/2025	P225072	17 (Lot 41) Town View Terrace, Margaret River	Holiday House Renewal
31/01/2025	P225073	55 (Lot 105) Mansfield Avenue, Margaret River	Holiday House Renewal
03/02/2025	P225074	13 (Lot 122) Lesuer Place, Gnarabup	Holiday House (Large)
04/02/2025	P225079	15A (Lot 2) Town View Terrace, Margaret River	Holiday House (Large)
04/02/2025	P225080	21 (Lot 31) Elva Street, Margaret River	Holiday House Renewal
05/02/2025	P225081	41 (Lot 72) Moondyne Ridge, Kudardup	Single House & Outbuildings (Shed, Water Tank & Sea Container)
05/02/2025	P225083	21 (Lot 512) Powderbark Way, Witchcliffe	Tree Clearing
05/02/2025	P225084	12 (Lot 77) Holly Place, Cowaramup	Carport
05/02/2025	P225085	351 (Lot 1001) Redgate Road, Witchcliffe	Outbuilding (Shed)
05/02/2025	P225086	Unit 2, 55 (Lot 2) Marmaduke Drive, Gnarabup	Holiday House
BUILDING			
30/01/2025	225070	1 (Lot 425) Coral Vine Cross, Cowaramup	Shed
30/01/2025	225071	10B (Lot 1) Walkington Avenue, Margaret River	Carport x 2
30/01/2025	225072	8 (Lot 92) Grunters Way, Gnarabup	Alteration of Garage to Bedroom
30/01/2025	225073	17 (Lot 17) Sequoia Court, Margaret River	Shed and Water Tank
30/01/2025	225074	21 (Lot 83) Turner Street, Augusta	Alteration Addition to Existing Dwelling
30/01/2025	225075	28 (Lot 203) Platanus Crescent, Margaret River	Single Dwelling and Garage
30/01/2025	225076	8 (Lot 42) Apsley Drive, Margaret River	Single Dwelling, Garage and Alfresco
30/01/2025	225077	21 (Lot 19) Mannitj Place, Witchcliffe	Staged - Earthworks, Slab and Brick Build Up
31/01/2025	225078	18 (Lot 171) Hereford Place, Margaret River	Ancillary Dwelling and Carport
31/01/2025	225079	4 (Lot 199) Frohawk Loop, Margaret River	Swimming Pool and Barrier Fence
31/01/2025	225080	23 (Lot 81) Kunzea Loop, Margaret River	Shed and Patio
31/01/2025	225081	2 (Lot 18) Mystic Way, Cowaramup	Single Dwelling
03/02/2025	225083	22 (Lot 134) Tall Trees Court, Cowaramup	Single Dwelling, Garage, Alfresco and Retaining Walls
03/02/2025	225084	125 (Lot 89) Ashton Street, Margaret River	Alteration Addition of Existing Shed to Studio, Patio and Carport
03/02/2025	225085	9 (Lot 22) Tallwood Loop, Witchcliffe	Watertank
04/02/2025	225086	25 (Lot 81) Turner Street, Augusta	Shed
04/02/2025	225087	12 (Lot 93) Nebbiolo Place, Margaret River	Single Dwelling and Retaining Wall
05/02/2025	225088	1 (Lot 609) Niblett Retreat, Margaret River	Shed & Carport
05/02/2025	225089	9 (Lot 99) Nebbiolo Place, Margaret River	Garage and Workshop
05/02/2025	225090	1 (Lot 165) Coldstream Grove, Margaret River	Single Dwelling, Garage and Alfresco
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
12/06/2024	P224397	4 (Lot 9) Oracle Vista, Cowaramup	Removal of Tree	Cancelled
25/10/2024	P224767	Lot 201 Bussell Highway, Kudardup	Dam	Approved
05/11/2024	P224803	22 (Lot 46) Freycinet Way, Gnarabup	Holiday House Renewal	Approved
08/11/2024	P224814	20 (Lot 8) Cypress Avenue, Margaret River	Building Envelope Modification and Outbuilding (Shed)	Approved
13/11/2024	P224829	48 (Lot 892) Wilderness Road, Margaret River	Holiday House (Renewal)	Approved
13/11/2024	P224833	9 (Strata Lot 2 of Lot 149) Grunters Way, Gnarabup	Holiday House (Renewal)	Approved
13/11/2024	P224835	6 (Lot 3) Loriini Lane, Cowaramup	Holiday House (Renewal)	Approved
21/11/2024	P224859	5 (Lot 3) Mopoke Place, Margaret River	Outbuilding (Shed)	Approved
04/12/2024	P224914	1 (Lot 14) Bettong Place, Witchcliffe	Outbuilding (Shed)	Approved
11/12/2024	P224938	Unit 5, 34 Town View Terrace, Margaret River	Holiday House	Cancelled
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
16/12/2024	P224984	Margaret River Skate Park - Wallcliffe Road, Margaret River	Local Law Permit to Operate - Long Board Lessons - Longboard Horizons	Approved
28/01/2025	P225059	Druids Hall Surrounds - 10418 Bussell Highway, Witchcliffe	Variation to Local Law Permit to Include 1 night Trading	Approved
24/01/2025	P225060	Rivermouth Car Park - Reserve 41545	Variation to Local Law Permit to Operate Mobile Food Business - La Loup	Approved
30/01/2025	P225075	Gnarabup Beach - Reserve 41545	Variation to Permit to Operate Nippers - 8 February and 8 March 2025	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
23/01/2025	P225050	Lot 449 Milyeannup Coast Road, Scott River	Earthworks	Refusal

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	Tessa Ashworth
Disclosure of Interest	Nil
Assessment Level	Minor (Level 3 – Refusal Recommended)

Application Details

Address	Lot 449 Milyeannup Coast Road, Scott River			
Proposed Development	The proponent is seeking to access a stockpile of limestone located onsite for access tracks and fire breaks			
Zoning	Southern Ocean Foreshore Protection			
Lot Area	92.3ha			
Use Class and Permissibility	Use not listed			
Heritage/Aboriginal Sites	Nil			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input checked="" type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input checked="" type="checkbox"/>
Structure Plans/LDP's	None relevant			
Easements/Encumbrances	None			
Why is Development Approval Required?	No exemptions within the Southern Ocean Foreshore Protection Zone and Planning Approval is required for any development on this site pursuant to a previous stop work notice issued by the Shire.			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Background

The applicant, as one of the property owners, was successfully prosecuted by the Shire in 2024 for carrying out development without approval for the clearing of approximately 16ha of native vegetation on the site. Alongside this, the Department of Water and Environmental Regulation (DWER) took action by issuing the landowners with a Vegetation Conservation Notice (VCN) in 2023 which requires the remediation and revegetation of the cleared areas.

In the areas where clearing occurred, raw materials were extracted and stockpiled.

The landowners expressed their intention to upgrade access tracks and firebreaks using this stockpiled material. While they were unable to take the stockpiled material under the conditions of the VCN, they had appealed to DWER for an amendment to this limitation.

As removal of the stockpiled material would work against the complete rehabilitation of these areas in question, the Shire issued the owners with a Section 214 Stop Work notice in mid-2024, thereby requiring that a Development Application was submitted for any works at the site.

As a consequence of the above, the subject application has been lodged to access this stockpiled material.

Proposal

The purpose of the proposal is to enable access to stockpiled material to carry out maintenance works to tracks and firebreaks. This includes:

- Accessing stockpiled limestone material from 'Pit A' in the southeast of the site.
- Spread and compact limestone over existing tracks to make them trafficable for two-wheel drive vehicles, harvesting and firefighting appliances.
- Maintenance works to be within cleared areas
- Anticipated 100,000 cubic meters of limestone will be required.

Local Planning Scheme No.1

The subject lot is in the Southern Ocean Foreshore zone. The purpose of the Southern Ocean Foreshore Protection Zone provided at clause 4.2.1.3 of Local Planning Scheme No.1 is provided below:

To ensure that the sensitive area of coastline and its environs are protected from land uses and development that would have a deleterious effect on the integrity of existing landforms and ecosystems but to permit land uses which will maintain those characteristics.

The objectives of the Southern Ocean Foreshore Protection Zone are provided below:

- To encourage land uses and development which will result in the retention, and where practicable the enhancement of areas of existing natural vegetation and the establishment of compatible uses of existing cleared land; and*
- To protect against land uses and development and to oppose subdivision proposals that are likely to have a detrimental effect on the habitat and/or landscape qualities of the Southern Ocean Foreshore.*

The following development standards are included in local Planning Scheme No.1 for the Southern Ocean Foreshore Protection Zone:

- 4.14.1 *Consistent with the objective of this zone, development shall:*
- provide for the protection of remnant vegetation, where practicable;*
 - provide for the rehabilitation of cleared and degraded areas.*

Discussion

The applicant proposes to access material which was made available through unauthorised clearing, which under the VCN requires rehabilitation and prevents the use of the stockpiled material.

Feedback provided by DWER is that there is evidence of the seedbank being contained within the stockpiles on site. Redistribution of the seedbank over cleared areas is crucial to successful rehabilitation, distributing this stockpile across the site in alternative locations will run counter to this requirement.

The proposal will also prevent remedying the changes made to the landform through extraction to obtain the material subject of this application.

For these reasons, the proposal is not consistent with the objectives and development standards of the Southern Ocean Foreshore Protection Zone, and is recommended for refusal.

Determination

That the A/Manager Planning and Regulatory Services REFUSES 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 proposed Earthworks at Lot 449 Milyeannup Coast Road, Scott River for the following reasons:

1. The proposal is inconsistent with Clause 4.14.1(b) 'Development in the Southern Ocean Foreshore Protection Zone' of Local Planning Scheme No.1 in that the proposal will work against rehabilitation of cleared and degraded areas through distribution of the seed bank away from areas requiring rehabilitation.
2. The proposal is inconsistent with Clause 4.2.1.3(a) 'Objectives of the Southern Ocean Foreshore Protection Zone' of Local Planning Scheme No.1 as the proposal will not result in the retention and enhancement of areas of existing natural vegetation.
3. The proposal is inconsistent with Clause 4.2.1.3(b) 'Objectives of the Southern Ocean Foreshore Protection Zone' of Local Planning Scheme No.1 as the proposal will work against remedying the habitat and landscape qualities of the Southern Ocean Foreshore.