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

APPLICATIONS RECEIVED

31/01/2025 P225061 165 (Lot 5) Yates Road, Margaret River Building Envelope Var 31/01/2025 P225067 17 (Lot 13) Sequoia Court, Margaret Retrospective Outbuilt 31/01/2025 P225071 1948 (Lot 42271) Brockman Highway, Courtenay Holiday House 31/01/2025 P225072 17 (Lot 17) Forum View Terrace, Margaret River Holiday House 31/01/2025 P225073 55 (Lot 105) Mansfield Avenue, Margaret River Holiday House Renew Holiday House Renew River 31/01/2025 P225073 15A (Lot 12) Lesuer Place, Gnarabup Holiday House Renew River 03/02/2025 P225080 21 (Lot 31) Elva Street, Margaret River Holiday House Renew Biolog/2025 03/02/2025 P225081 41 (Lot 72) Moondyne Ridge, Kudardup Single House & Outbuilt Water Tank & Sea Co 05/02/2025 P225084 12 (Lot 512) Powderbark Way, Witchcliffe Tree Clearing 05/02/2025 P225084 12 (Lot 77) Holly Place, Cowaramup Carport 05/02/2025 P225084 14 (Lot 72) Marmaduke Drive, Gnarabup Holiday House 0/01/2025 225070 1 (Lot 425) Grant Vine Cross, Cowaramup Shed 0/01/2025 </th <th></th> <th>Reference No.</th> <th>Address</th> <th>Proposal</th>		Reference No.	Address	Proposal
31/01/2025 P225064 70 (Lot 336) Firetali Rise, Karridale Building Envelope Var 31/01/2025 P225071 17 (Lot 17) Sequoia Court, Margaret River Retrospective Outbuilt Water Tank) 31/01/2025 P225071 1948 (Lot 427) 19 brockman Highway, Courtenay Holiday House 31/01/2025 P225072 17 (Lot 11) Town View Terrace, Margaret River Holiday House Renew River 31/01/2025 P225073 15 (Lot 12) Lesuer Place, Gnarabup Holiday House (Large Od/02/2025 04/02/2025 P225080 21 (Lot 31) Elva Street, Margaret River Holiday House Renew Water Tank & Sea Co 05/02/2025 P225081 41 (Lot 72) Moondyne Ridge, Kudardup Water Tank & Sea Co 05/02/2025 P225083 21 (Lot 512) Powderbark Way, Witchcliffe Tree Clearing 05/02/2025 P225086 Joi (Lot 425) Coral Vine Cross, Cowaramup Carport 2 00/12/2025 P225072 10 (Lot 425) Coral Vine Cross, Cowaramup Shed Carport x 2 00/12/2025 225072 8 (Lot 92) Grunters Way, Gnarabup Alteration of Garage to No1/2025 225072 01/12/205 225077 21 (Lot 43) Pitanus Crescent, Margaret River	2LANNING	P225061	165 (Lot 5) Yates Boad Margaret River	Building Envelope Variation
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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
SUBDIVISION	S			
Nil				
LOCAL LAW F	-			-
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		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

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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)

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Application Details

			II D	1
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	Protec	ction	
Lot Area	92.3ha			
Use Class and Permissibility	Use not listed			
Heritage/Aboriginal Sites	Nil			
Other Considerations	Visual Management Area		Sewerage Sensitive Area	\boxtimes
	Special Control Area		Watercourses/Rivers	
	Bushfire Prone Area	\boxtimes	Environmentally Sensitive	\boxtimes
			Areas	
Structure Plans/LDP's	None relevant			
Easements/Encumbrances	None			
Why is Development Approval	No exemptions within the Southern Ocean Foreshore Protection Zone			
Required?	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		\boxtimes
Government Agencies		\boxtimes
Internal Shire Departments		\boxtimes

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?		\boxtimes
Does the proposal involve any variations to Scheme Requirements?		\boxtimes
Does the proposal involve any variations to Policy Requirements?		\boxtimes
Other matters that require discretion (Vegetation Removal)		\boxtimes

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:

- (a) 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
- (b) 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:

- a) provide for the protection of remnant vegetation, where practicable;
- b) 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.