

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
8 December to 14 December 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
08/12/2022	P222836	95 (Lot 134) Bussell Highway, Margaret River	Commercial Development (Restaurant, Exhibition Centre and Serviced Apartment)
08/12/2022	P222838	Lot 68 Tanah Marah Road, Bramley	Extractive Industry (Extension to Planning Approval P218026)
09/12/2022	P222841	6 (Lot 4) Chuditch, Gnarabup	Holiday House (Large) Renewal
12/12/2022	P222842	20 (Lot 13) Riedle Drive, Gnarabup	Holiday House Renewal
12/12/2022	P222843	6 (Lot 20) Sequoia Court, Margaret River	Holiday House (Large)
12/12/2022	P222844	26 (Lot 117) Georgette Road, Gracetown	Holiday House Renewal
12/12/2022	P222847	22 (Lot 12) Redgate Road, Witchcliffe	Local Development Plan
12/12/2022	P222848	Unit 11/20 (Strata Lot 11 of 229) Reidle Drive, Gnarabup	Holiday House Renewal
13/12/2022	P222849	41 (Lot 135) Clarke Road, Margaret River	Community Purpose (Transportable Office)
BUILDING			
08/12/2022	222638	5 (Lot 18) Mammoth Street, Witchcliffe	Shed
12/12/2022	222640	2 (Lot 104) Matthews Road, Augusta	Ancillary Dwelling and Shed
12/12/2022	222641	5 (Lot 63) Concerto Drive, Cowaramup	Shed
12/12/2022	222642	51 (Lot 41) Brookside Boulevard, Cowaramup	Carport
13/12/2022	222643	10533 (Lot 23) Caves Road, Margaret River	Ancillary Dwelling
13/12/2022	222644	8087 (Lot 323) Bussell Highway, Cowaramup	Conversion of Old Cheese Factory into Residential Home and demolition of some of existing, renovate and extension
14/12/2022	222645	Lot 121 Darch Road, Witchcliffe	Lean to Roof (Alterations and Additions proposed roof structure to crush pad)
14/12/2022	222646	6 (Lot 254) Felling Road, Karridale	Shed
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
22/07/2022	P222487	Lot 44 Cullen Road, Gracetown	Single House (Unauthorised Clearing Outside Building Envelope)	Approved
10/08/2022	P222537	Lot 2770 Warner Glen Road, Forest Grove	Agriculture Intensive (Vineyard)	Approved
01/09/2022	P222586	27, 29, & 31 (Lot 10, 11 & 150) Allnut Terrace, Augusta	8x Grouped Dwellings (2x Existing)	Approved
15/09/2022	P222624	51 (Lot 22) Baudin Drive, Gnarabup	Extension of Term to Planning Approval	Approved
06/10/2022	P222672	5 (Lot 401) Hasluck Street, Cowaramup	Extension of Term to Planning Approval P219011	Approved
07/10/2022	P222679	6 (Lot 314) Heppingstone View, Augusta	2x Group Dwellings	Approved
10/10/2022	P222681	5 (Lot 46) Chaudiere Place, Augusta	Holiday House Renewal	Approved
11/10/2022	P222687	Unit 25/20 (Lot 25) Riedle Drive, Gnarabup	Holiday House Renewal	Approved
11/10/2022	P222690	42 (Lot 155) Grunters Way, Gnarabup	Holiday House (Renewal)	Approved

12/10/2022	P222692	351 (Lot 1001) Redgate Road, Witchcliffe	Home Business and Outbuilding (Sea Container Development Outside of the Building Envelope)	Approved
25/10/2022	P222723	8 (Unit 1) Le Souef Street, Margaret River	Single House (Dwelling)	Approved
25/10/2022	P222724	76 (Lot 1) Ashton Street, Margaret River	Guest House (Renewal)	Approved
26/10/2022	P222727	11117 (Lot 3) Bussell Highway, Forest Grove	Extension of Term to Planning Approval P220446 (Development & Change of Use (Chalets, Camping Ground, Restaurant, Reception Centre, Single Dwelling & Managers Residence))	Approved
01/11/2022	P222730	Unit 3/20 (Strata Lot 3 of Lot 229) Riedle Drive, Gnarabup	Holiday House Renewal	Approved
03/11/2022	P222761	213 (Lot 74) Wilderness Road, Margaret River	Holiday House (Large) or Guest House Renewal	Approved
03/11/2022	P222763	8 (Lot 34) Bayview Drive, Gracetown	Holiday House Renewal	Approved
04/11/2022	P222766	271 (Lot 12) Yates Road, Margaret River	Holiday House Renewal	Approved
07/11/2022	P222773	450 (Lot 71) Kevill Road West, Margaret River	Home Business (Massage and Hyperbarics)	Approved
09/11/2022	P222782	8 (Lot 4) Formosa Street, Margaret River	Bed & Breakfast or Holiday House (Renewal)	Approved
17/11/2022	P222804	561 (Lot 11) Osmington Road, Bramley	Additions to Rural Industry/Brewery (Loading Bay Roof)	Approved
SUBDIVISIONS				
27/10/2022	P222747	Lot 13 Wedup Place, Witchcliffe	Survey Strata	Support subject to conditions
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
04/07/2022	P222455	453 (Lot 883) Burnside Road, Burnside	Agriculture Extensive (Land Clearing)	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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

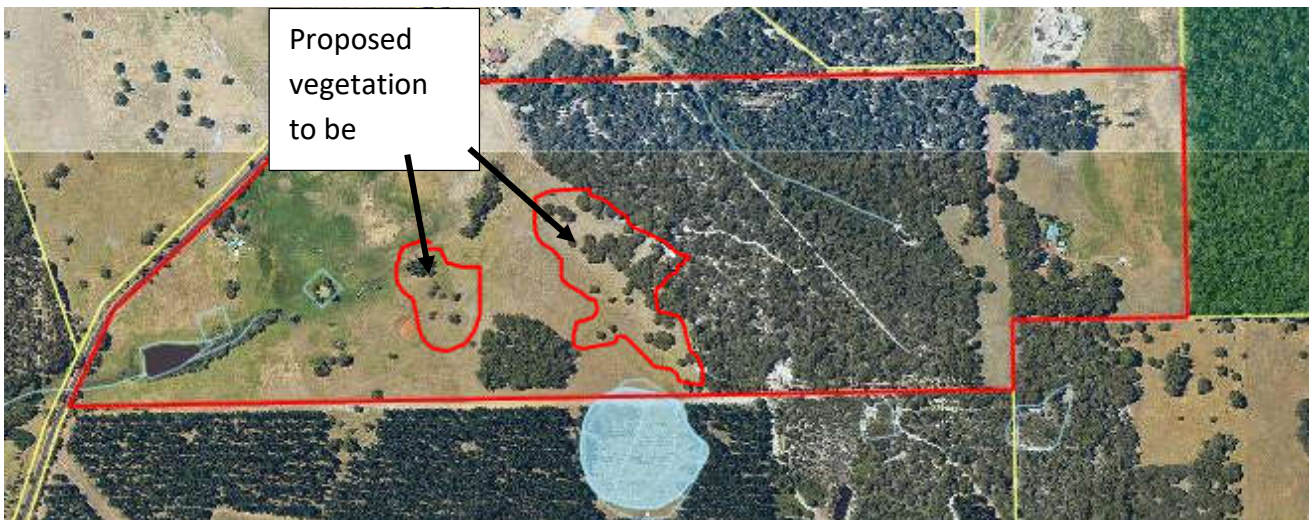
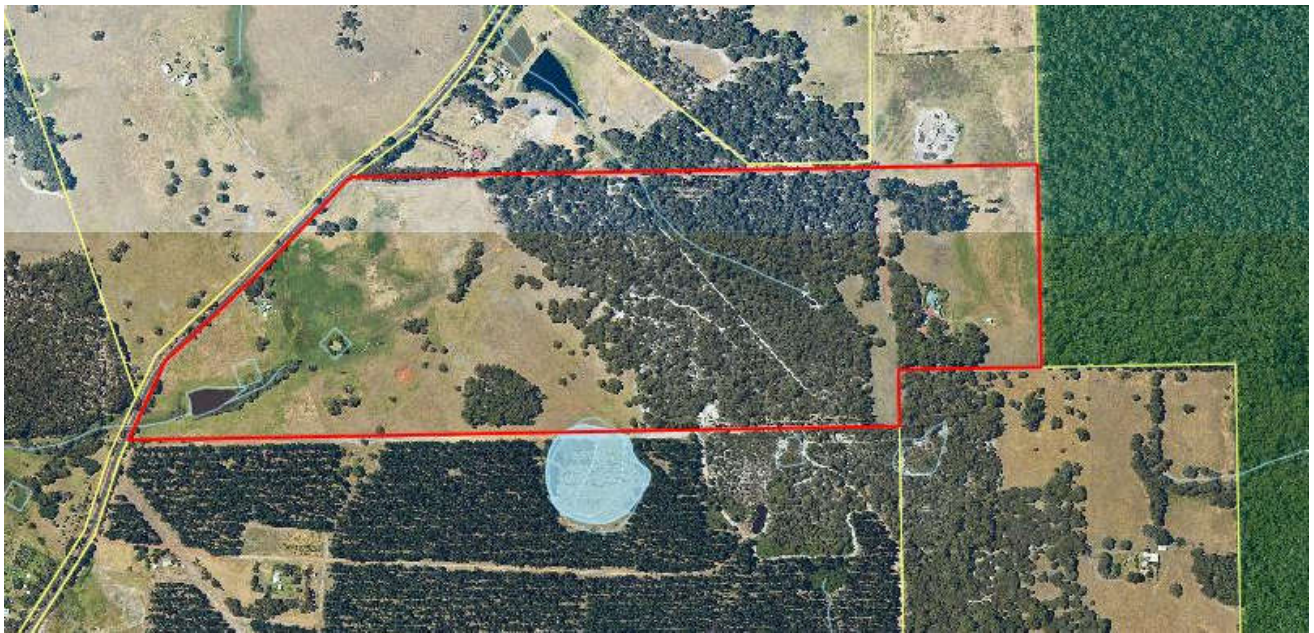
Proposed Agriculture Extensive (Land Clearing)
453 (Lot 883) Burnside Road Burnside

Level 3


P222455; PTY/4934

REPORTING OFFICER : **Sophie Moscardini**
DISCLOSURE OF INTEREST : **Nil.**

General Information	
Lot Area	64.7ha
Zone	Priority Agriculture
Proposed Development	Development approval is sought for the removal of native vegetation which includes 1 – 2 ha of peppermint trees (4.3% of the total existing pasture) at the subject site. The vegetation removal is sought to allow further grazing for the cattle onsite. The removal of the vegetation will enable an additional 5 – 10 head of young stock to be grazed as a result of the extra capacity. Development approval is required for the removal of vegetation in accordance with clause 5.20 of the <i>Shire's Local Planning Scheme No.1.</i>
Permissible Use Class	
Heritage/Aboriginal Sites	Not an Aboriginal Heritage Site.
Encumbrance	Nil.
Date Received	04/07/2022



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Planning History			
P213475 – Outbuilding (approved 2 October 2013) P217430 – Land Clearing (approved December 2017). <ul style="list-style-type: none"> In 2017 clearing was granted for the following land. 			
			
P25386 - Second Dwelling (approved 3 November 2005) P2209 – Extractive Industry (approved 5 February 1994) P26200 – Section 40 (approved 3 June 2006)			
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Has a submission been received by Council?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
		No. received:	
Agency Comments		Officer Comment	
Department of Water and Environmental Regulation – A clearing permit is being assessed by DWER and is yet to be determined. The progress of the clearing permit will not be determined until such a time that the Local Government determines the application. Further to this DWER provided the following information on the 9 th of December 2022: <ul style="list-style-type: none"> The proposed clearing will result in a loss of native vegetation that is suitable for habitat for western ringtail possums, however not a significant habitat that will impact the conservation status of the species, however, impacts to individuals are likely to occur during the time of the clearing. The delegated officer considered that the applicant had committed to mitigating impacts by planting 97 peppermint trees to replace the 97 proposed trees to be cleared. Impacts to individuals of south-western brush tailed phascogale should they occupy the application area at the time of clearing. Impacts to habitat for south-western brush trailed phascogale is considered minimal. The potential introduction and spread of weeds into adjacent vegetation, which could impact on the quality of the adjacent vegetation and its habitat values. 		Noted. Despite the applicant committing to planting 97 trees to mitigate the impacts of tree removal, the impacts on fauna and loss of mature vegetation are not appropriate for further grazing land.	
Internal Department Comments		Officer Comments	
Environment/Sustainability Department –		The applicant provided additional details to support the proposed clearing which included the following.	

<p>The proposal aims to clear 1-2 hectares of peppermint trees at the subject site.</p> <p>Importance of peppermint trees as WRP habitat:</p> <ul style="list-style-type: none"> The Western Ringtail Possum (WRP) is a threatened species under State and Commonwealth legislation. In Western Australia the species is listed as Critically Endangered fauna under the Biodiversity Conservation Act 2016. Nationally it is listed as Critically Endangered under the Commonwealth Environment Protection and Biodiversity Act 1999, and internationally is on the IUCN Red List of Threatened Species as Critically Endangered. Recent research predicts there is a 92% likelihood that they will be extinct within 20 years if action to protect populations and their habitat isn't enacted immediately. Ringtails spend most of their time in trees (arboreal), particularly in the canopy of peppermint (<i>Agonis flexuosa</i>) woodland and eucalypt forests. One of the main threats to WRP is habitat destruction and fragmentation. The location of the peppermint trees proposed to be cleared is on high ground and near a watercourse. These land characteristics are generally where WRP are found. <p>Requirements:</p> <ul style="list-style-type: none"> The nature of the clearing proposed does not fall within one of the Native Clearing Regulations exemptions. A clearing permit from DWER is required for this type of clearing. A fauna report is required prior to undertaking clearing to determine the level of impact on the western ringtail possum population. As well as to determine whether trees contain hollows suitable for use by other fauna. Agricultural report required to justify the need for additional land clearing for cattle grazing. 	<ul style="list-style-type: none"> Approximately half of the subject site is covered in remnant vegetation that has been well preserved by the current property owners. Rates are charged for the property at an agricultural rate however less than half of the site is usable for agricultural use. <p>Although the proposed vegetation clearing will allow for increased cattle onsite which is consistent with the agricultural zoning of the site there are numerous concerns relating to the removal of vegetation which include the following:</p> <ul style="list-style-type: none"> DWER has provided no insight into the potential flora impacts as a result of the proposed clearing. The quality of the vegetation is good and therefore the poor quality of vegetation cannot be used as a justification The Shires Local Planning Strategy states the following in relation to clearing: <i>Whilst appropriate for the time, the cumulative impact of the removal of vegetation has resulted in the need to minimise clearing of any kind in the future.</i> <i>The clearing of vegetation will be subject to a hierarchy of protection mechanisms with the optimal outcome being protection, but with other options available such as the avoidance of impacts, mitigation or, if necessary, offsets.</i> <p>The strategy aims to limit all clearing with approval for clearing only granted in circumstances where it cannot be avoided. In this instance an increase in cattle onsite for grazing purposes is not deemed an unavoidable circumstance. Peppermint trees provide crucial WRP habitat and the location of the proposed trees in this instance being on high ground and within close proximity to a watercourse is generally where WRP are found.</p> <p>The site has previously been granted planning approval for clearing onsite and given the reasons above further clearing is not supported.</p>
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Assessment of Application		
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	√ No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	√ No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	√ No
R Codes		
Are R Codes applicable?	<input type="checkbox"/> Yes	√ No
Development Standards (Schedule 9)		
Are the development Standards applicable?	√ Yes	<input type="checkbox"/> No

Officer Comment	<p>Given the proposal is being considered for a clearing permit by DWER it is not eligible for an exemption under clause 5.20.1(v) which relates to the clearing of vegetation for farm management purposes.</p> <p>In accordance with clause 5.20.1(b) of the Scheme, when assessing a proposal to remove vegetation the Shire will take into account the quality and type of vegetation being removed.</p> <p><i>The local government will, when presented with an application to clear the land or an application to develop the land pursuant to the Scheme, have regard to the extent of clearing to be undertaken, the quality and type of vegetation to be removed and any re-vegetation carried out on the same land. The local government may impose conditions or make arrangements to retain some of the vegetation on the land or refuse the application if the removal of the vegetation, in the opinion of the local government, would result in a deleterious environmental, amenity or landscape impact.</i></p> <ul style="list-style-type: none"> • In this case the proposal includes the removal of 1 – 2ha of peppermint trees. • The vegetation proposed to be removed is in good condition. • Previously the shire has approved clearing on the site for the same purpose. • The site is not identified within any visual management areas, including landscape protection within the Shire's Local Planning Strategy 2036. • The additional clearing proposed is considered to result in a deleterious environmental impact due to the potential of WRP habitat.
Clause 67	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	No. Clearing to support further cattle grazing is not supported
In the opinion of the officer	
i. Are utility services available and adequate for the development?	N/A
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	No. Previous clearing has been approved over the site in December 2017. Further clearing is not supported given the negative environmental impact such clearing will cause. This includes loss of WRP habitat and good quality vegetation.
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A.
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	Yes. The proposal will have a negative impact on the environmental amenity of the locality.
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposal is considered to have a detrimental impact to the environment and is recommended for refusal on this basis.

OFFICER RECOMMENDATION

That the Coordinator Planning Services REFUSE TO 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 proposed Agriculture Extensive (Land Clearing) at 453 (Lot 883) Burnside Road Burnside for the following reasons:

REASONS FOR REFUSAL

1. The proposal is not consistent with the aims and provisions of Local Planning Scheme No. 1 applicable to the Priority Agricultural Zone, particularly Objectives (e) and (f) which are aimed at minimising the clearing of land.
2. The proposal is inconsistent with Clause 5.20.1(b) of Local Planning Scheme No. 1 as the proposed vegetation to be cleared is in good condition and its removal would result in a deleterious impact upon the environment.
3. The proposal is not consistent with the Shires Local Planning Strategy 2036. The Strategy seeks to minimise all clearing into the future where it can be avoided.
4. The proposal would result in clearing of vegetation known to be habitat for the critically endangered Western Ringtail Possum. The Shire are not prepared to support removal of important habitat which has been confirmed by the Department of Water and Environmental Regulation.