



Town Planners, Advocates and Subdivision Designers

3 June 2026

Our Ref: CAT LUD DA

ABN 24 044 036 646

Chief Executive Officer
Shire of Harvey
102 Uduc Road
HARVEY WA 6220

ATTENTION: ELIZABETH EDWARDS

Dear Elizabeth

**RE: PROPOSED DEVELOPMENT APPLICATION FOR EXTENSION TO EXISTING EXTRACTIVE INDUSTRY AND CLEARING AND EXTRACTIVE INDUSTRY LICENCE:
LOT 5 LUDLOW ROAD, MYALUP**

We advise that we represent B & J Catalano Pty Ltd (**Catalano**), and lodge the following applications:

1. Development application seeking approval to extend the current extractive industry operations on Lot 5 Ludlow Road, Myalup (**Subject Site**), with this application seeking to approval as follows:
 - (a) To allow for clearing of 3.57 hectares of native vegetation within Lot 5; and
 - (b) To extend the existing extractive industry area within Lot 5 to include an addition 7.98 hectares within Lot 5; and
2. Application for an extractive industry licence on behalf of Catalano and extend the area to which the extractive industry licence applies on Lot 5 Ludlow Road, Myalup.

It is noted that the following fees are applicable to this development application and Extractive Industry Licence, in the event that the Shire seek payment of the extractive industry licence fee now in addition to the development application fee.

Description	Fee
Development Application Fee: Extractive Industry	\$739.00
Extractive Industry Licence Fee	\$1,753.00
Total Fee	\$2,048.00

We request that the Shire contact Peter Bennett of Catalano to arrange for payment of the relevant fees applicable. Peter Bennett can be contacted via phone on 0407 857 026 or a tax invoice can be emailed to Catalano via Peter Bennett at peterbennett@catalano.com.au .

Please find annexed the development application report, including the following attachments:

1. Development application forms and extractive industry licence form
2. Certificate of Title
3. Relevant Plans
4. Plans subject of this application
5. 2026 Environmental Management Plan
6. Current DWER licence and conditions

The development application report details where the responses are to the extractive industry checklist.

This amendment application is capable of approval and warrants approval, subject to implementation of the 2026 EMP. The amendment to the extractive industry licence warrants approval, subject to implementation of the 2026 EMP.

We respectfully request that the Shire approve the development application to clear vegetation and extend the approved area subject of extractive industry operations and approve the extractive industry licence to extend to include the area subject of this application.

We look forward to the Shire confirming acceptance of the application and favourable consideration of this proposal.

Should you require any further information, please do not hesitate to contact our office.

Yours sincerely

ALLERDING AND ASSOCIATES



AMANDA BUTTERWORTH
ASSOCIATE DIRECTOR

Encl:

Development application report, including the following attachments:

7. Development application forms and extractive industry licence form
8. Certificate of Title
9. Relevant Plans
10. Plans subject of this application
11. 2026 Environmental Management Plan
12. Current DWER licence and conditions

CC: Client

ANNEXURE 1

DEVELOPMENT APPLICATION REPORT

Extension to Existing Extractive Industry

Lot 5 Ludlow Road, Myalup

Shire of Harvey



Prepared for: B & J Catalano Pty Ltd

Prepared by: Allering and Associates

JUNE 2026



Allering
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TABLE 1: SITE DETAILS

TABLE 2: CLAUSE 67(2) MATTERS TO BE CONSIDERED

Document ID: CAT LUD GE/DA Report: Lot 5 Ludlow Road, Myalup						
Issue		Status	Prepared by:		Approved by:	
			Name	Initials	Name	Initials
1	14/5/26 DA to Council	LODGED	A Butterworth	AB	A Butterworth	AB
2	2/6/26	FINAL	A Butterworth	AB	A Butterworth	AB
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1.0 INTRODUCTION

We advise that we represent B & J Catalano Pty Ltd (**Catalano**), and lodge the following applications:

1. Development application seeking to extend the current extractive industry operations on Lot 5 Ludlow Road, Myalup (**Subject Site**), with this application seeking approval as follows:
 - (a) To allow for clearing of an additional 3.57 hectares of native vegetation within Lot 5; and
 - (b) To extend the existing extractive industry area to include an addition 7.98 hectares within Lot 5; and
2. Application for an extractive industry licence on behalf of Catalano and extend the area to which the extractive industry licence applies on Lot 5 Ludlow Road, Myalup.

Catalano have been operating the limestone extractive industry from Lot 4 and Lot 5 (the Subject Site) since 2009. An extractive industry licence exists for the Subject Site and Lot 4 Ludlow Road since 2021 allowing for extraction area of 12.7 hectares over the Subject Site and Lot 4 Ludlow Road. We also note that on 16 September 2025, the Shire of Harvey granted development approval for an extractive industry on Lots 4 and 5 (**2025 DA Approval**), with the extraction area approved being shown in Figure 3 of the report titled Extractive Industry Licence Application, with a total area for the extractive industry identified as 12.6 ha + 21.3 ha = 33.9 ha. Refer **Figure 3** of this report for the plan attached to the 2025 DA Approval. The 2025 DA Approval was subject to a number of conditions and subject to implementation being in accordance with the Environmental Management Plan: Lot 4 Ludlow Road, Myalup (**2025 EMP**).

This application seeks approval to clear vegetation and extend the extraction area from that shown in the 2025 DA Approval (**Figure 3** of this report) to include the additional 7.98 hectares as shown on the plans provided at **Figure 4** and **Attachment 4**.

In support of the application, please find attached:

1. At **Attachment 1**:
 - (a) Completed and signed Shire of Harvey Application for Development Approval;
 - (b) Completed and signed Greater Bunbury Region Scheme Application for Planning Approval;
 - (c) Completed and signed Shire of Harvey Application for Extractive Industry Licence;
2. At **Attachment 2**, a copy of the Certificate of Title for Lot 5, subject of the application;
3. At **Attachment 3**, plans relevant to this application;
4. At **Attachment 4**, plans showing the area subject of this application (development approval and extractive industry licence) including the 3.57ha of clearing of native vegetation proposed and extension to the extractive industry land use and activity to include the additional land of 7.98 hectares shown on this plan; and
5. At **Attachment 5**, a copy of, the updated Environmental Management Plan, dated May 2026 (**2026 EMP**) in regard to the area proposed to be cleared and used for extractive industry purposes, noting that the EMP includes the following updated management plans as well as other relevant information to this application including:

- (a) Water Management Plan;
- (b) Weed Management Plan;
- (c) Noise Management Plan;
- (d) Dust Management Plan;
- (e) Rehabilitation Management Plan;
- (f) Detailed and Targeted Flora and Vegetation Survey;
- (g) Basic Fauna and Targeted Black Cockatoo and Western Ringtail Possum Survey; and
- (h) *Phytophthora* Dieback and Extractive Industries Information Brochure; and

6. At **Attachment 6**, a copy of the current DWER licence.

Figure 1 is a location plan of the Subject Site. **Figure 2** is an aerial of the Subject Site.

2.0 BACKGROUND

Catalano have been operating the limestone extractive industry from Lot 4 and Lot 5 (the Subject Site) since 2009. An extractive industry licence exists for the Subject Site and Lot 4 Ludlow Road since 2021 allowing for extraction area of 12.7 hectares over the Subject Site and Lot 4 Ludlow Road. We also note that on 16 September 2025, the Shire of Harvey granted development approval for an extractive industry on Lots 4 and 5 (**2025 DA Approval**), with the extraction area approved being shown in Figure 3 of the report titled Extractive Industry Licence Application, with a total area for the extractive industry identified as 12.6 ha + 21.3 ha = 33.9 ha. The 2025 DA Approval was subject to a number of conditions and subject to implementation being in accordance with the Environmental Management Plan: Lot 4 Ludlow Road, Myalup (**2025 EMP**).

Catalano have been operating the limestone pit on Lots 4 and 5 since 2009. The existing pit has a combined area is 34 hectares and is progressively being rehabilitated.

Figure 3 shows the existing area approved for the extractive industry operations.

This application simply seeks to extend the area subject of the extractive industry development approval and licence to include this additional land on Lot 5.

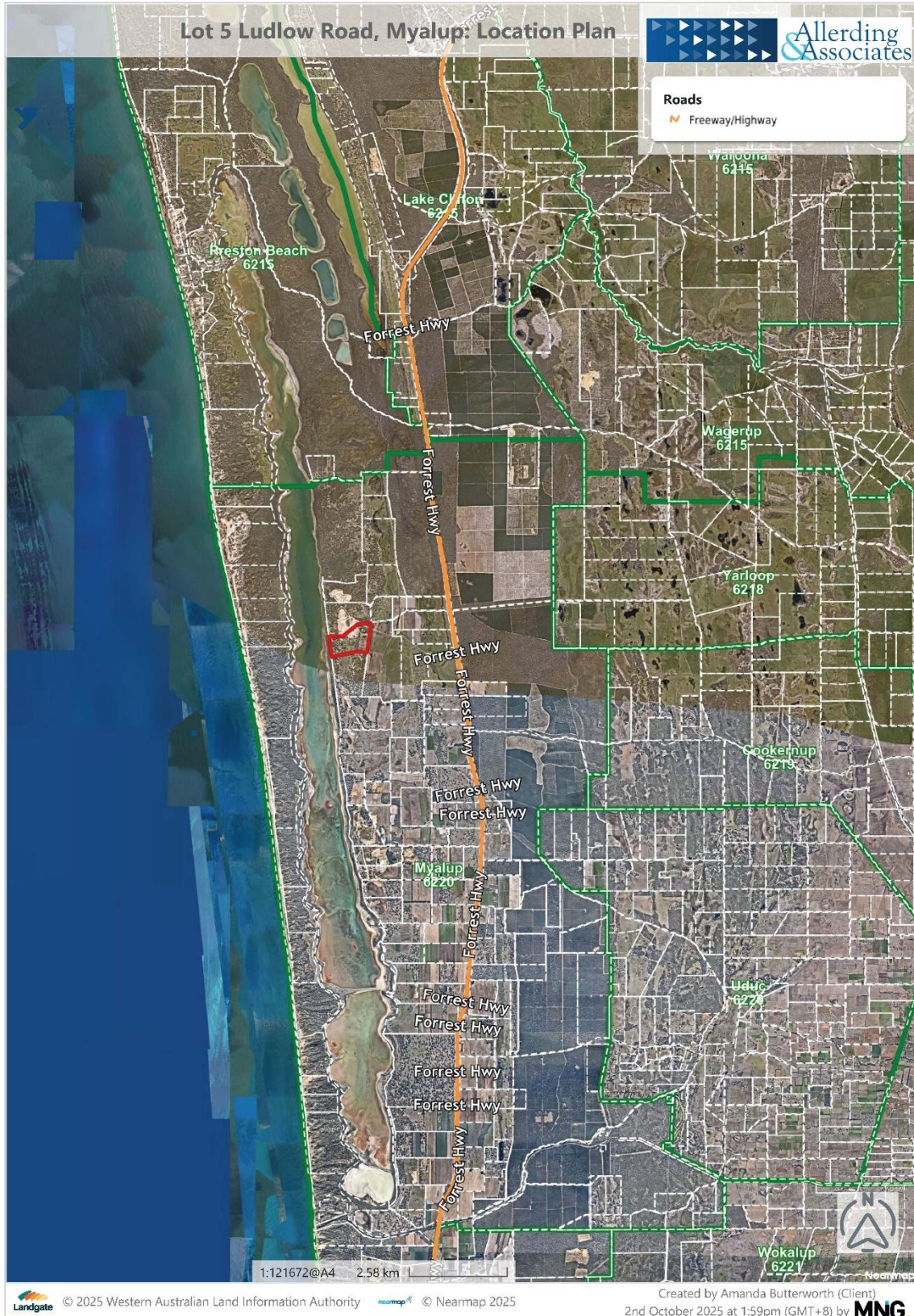


Figure 1: Location Plan



Figure 2: Aerial of Lot 5, also showing existing vehicle access

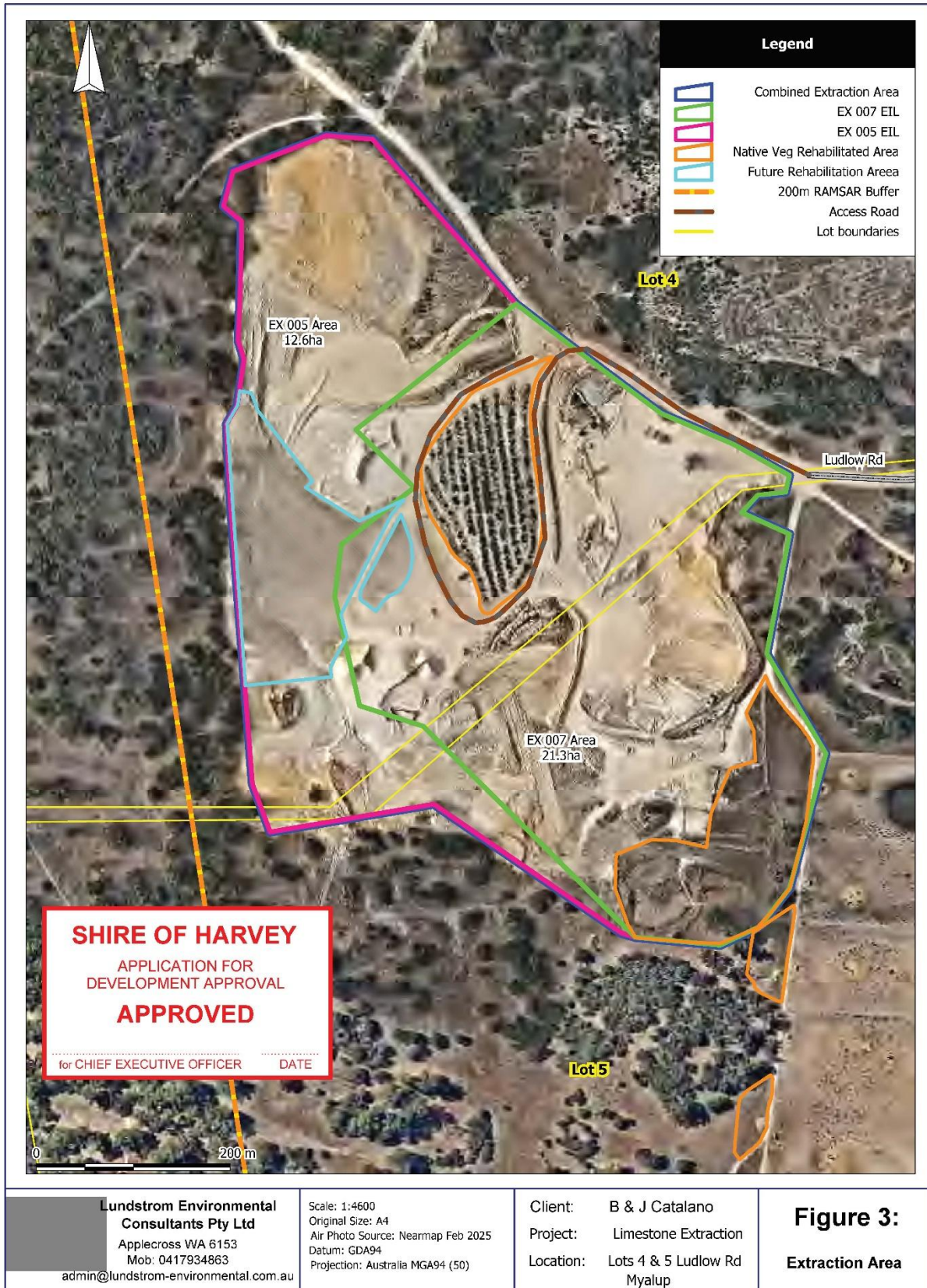


Figure 3: Approved Extraction Area under 2025 DA Approval

3.0 SITE DETAILS

The particulars of the subject site are described in **Table 1**.

Table 1

Lot Number	Street Address	Plan	Volume	Folio
5	Ludlow Road, Myalup	P15419	1884	211

A copy of the Certificate of Title is included in **Attachment 2**.

4.0 PROPOSED DEVELOPMENT

Approval is sought to extend the area for the approved extractive industry on Lot 5 by an extra 7.98 hectares, noting that this application seeks approval for clearing of 3.57 hectares of native vegetation to enable the extension of the existing extractive industry area, for the purposes of extracting limestone.

Figure 4 shows the 7.98 hectare area that is subject of this application, noting that is proposed to clear of 3.57 hectares of native vegetation and extend the extractive industry approval to include the land shown in **Figure 4** and also provided in **Attachment 4**.

Consistent with the current approval and the approved Environmental Management Plan, this application proposes mining operations consist of the following:

1. For the active cell, a bulldozer will rip and blade material to a stock pile;
2. Excavation will be undertaken to a maximum depth of 6m AHD, unless otherwise approved by the Shire.
3. A mobile crushing and screening plant will be used on site, to crush and screen the limestone material, with trucks accessing the pit via Ludlow Road;
4. Excavation will continue until a level of 6m AHD has been reached;
5. The area will be ripped to alleviate compaction;
6. Batters of no more than 1:3 will be maintained throughout the operation;
7. The battered slopes will be stabilised to protect against erosion;
8. When the pit has been exhausted, topsoil stockpiles will be respread over the stabilised slopes and pit floors, following by surface ripping to alleviate compaction and promote seedling emergence.
9. Revegetation works involve sowing the pit floor to pasture grasses and stabilised batters with native vegetation informed by historical species occurrences within the area. Weed monitoring and maintenance will be implemented as required to support vegetation establishment.



Figure 4: Proposed expansion of extraction area and area to be cleared

All land not shown in **Figures 3 and 4** as approved and/or proposed extractive industry respectively, will remain in its current state including areas used for cattle grazing. All vegetation outside of the approved and proposed cleared area will be retained.

It is proposed to continue to utilise the existing site access and egress roads as detailed in the Environmental Management Plan accompanying the 16 September 2025 development approval, noting that access will be from Forrest Highway to Ludlow Road to the site. The existing access arrangements are shown in **Figure 2** and **Figure 5** which shows the access tracks utilised, which will continue to be used for the expanded operations. This is confirmed in Section 2.3 of the attached 2026 EMP at **Attachment 5**.

The estimated traffic to be generated remains unchanged from that detailed in the Environmental Management Plan accompanying the 16 September 2025 development approval, noting that access will be from Forrest Highway to Ludlow Road to the site, with an average of 14 truck trips per day, dependant upon demand.



Figure 5: Showing existing access tracks and area subject of the application (indicatively shown in a red border)

5.0 RESPONSE TO MATTERS DETAILED IN THE SHIRE OF HARVEY EXTRACTIVE INDUSTRY CHECKLIST

The following details responses to the matters detailed in the hire’s checklist

5.1 Works and Excavation Program

5.1.1 Nature of estimated duration of proposed extraction.

The expansion of existing extractive works (herein referred to as ‘the proposed expansion’) includes the following:

- The clearing of 3.57 ha of native vegetation.
- Over a 10 year period from the date of approval, the mining of approximately 150,000 tonnes per year of limestone to a depth of 6 m AHD, including crushing and screening onsite via mobile plant for approximately six weeks per annum. The total output of 150,000 tonnes per annum is over the total of Lots 4 and 5.
- Progressive rehabilitation of the site involving stabilising and recontouring landforms, followed by revegetation using pasture grasses and native species.

5.1.2 Stages and estimated timing of stages for proposed extraction

The staged approach allows rehabilitation works to commence prior to exhaustion of the entire limestone resource within the site boundary, thereby reducing the duration for which land remains clear of vegetation and reducing potential associated environmental impacts such as erosion and sedimentation, dust, and edge effects.

The extraction from the site will be staged with extraction occurring from the northern face of the extraction area progressing in a southerly direction. Refer to Table 5 of the Rehabilitation Management Plan (copy below) for timing of extraction, a copy of which is provided below.

Table 5: Indicative implementation schedule

Year	1				2				3				4				5				6				7			
Quarter	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Vegetation Clearing	✓																											
Topsoil removal and stockpiling	✓																											
Limestone extractive works		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Pre planting weed control			✓				✓				✓			✓			✓			✓			✓			✓		
Landform contouring and ripping																												
Topsoil spreading																												
Direct seeding and tubestock planting																												
Monitoring and reporting																												
Post-planting weed control																												
Infill planting (as required)																												

5.1.6 Details of existing vegetation and identification of proposed vegetation retention (and protection) and/or removal;

Refer to the Detailed and Targeted Flora and Vegetation Survey at Appendix F of the Environmental Management Plan and The Environmental Management Plan Sections 3.3, and 4.5.

5.1.7 Details of access to extraction site and types of thoroughfares to be constructed

It is proposed to retain and use the existing vehicle access to Ludlow Road. Refer to **Figure 2** showing the existing vehicle access.

It is proposed to continue to utilise the existing site access and egress roads as detailed in the Environmental Management Plan accompanying the 16 September 2025 development approval, noting that access will be from Forrest Highway to Ludlow Road to the site. The existing access arrangements are shown in **Figure 2** and **Figure 5** which shows the access tracks utilised, which will continue to be used for the expanded operations. This is confirmed in Section 2.3 of the attached 2026 EMP at **Attachment 5**. No new access is proposed.

5.1.8 Details of proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles

The estimated traffic to be generated remains unchanged from that detailed in the Environmental Management Plan accompanying the 16 September 2025 development approval, noting that access will be from Forrest Highway to Ludlow Road to the site, with an average of 14 truck trips per day, dependant upon demand. Refer Table 1 of the Environmental Report which is as follows:

Table 1: Approximate operational values for the proposed action

Operation work	Approximate value
Total annual limestone removal	150,000 tonnes
No. working days per month	24 days
Vehicle payloads	Standard rigid truck (14 tonnes) Single semi-loader (24 tonnes) Road trains (50 tonnes)
Proportional use	14 tonners (20 %), 24 tonners (30 %), 50 tonners (50 %)

5.1.9 Description of any proposed buildings, water supply, treatment plant, tanks and other improvements;

Nil.

5.1.10 Brief details of drainage conditions applicable to the land and methods by which the extraction site is to be kept drained

Refer Water Management Plan at Appendix A of the 2026 Environmental Management Plan.

5.1.11 Brief description of measures to be taken to minimise erosion, watercourse siltation, sand drift, dust, noise and other potential off site emissions;

Refer to:

- Refer Water Management Plan at Appendix A of the 2026 Environmental Management Plan;
- Refer Weed Management Plan at Appendix B of the 2026 Environmental Management Plan;
- Refer Noise Management Plan at Appendix C of the 2026 Environmental Management Plan; and
- Refer Dust Management Plan at Appendix D of the 2026 Environmental Management Plan.

5.1.12 Description of existing site environment and a report on the anticipated effect that proposed extraction will have on the environment in the vicinity of the land

Refer to the Environmental Management Plan.

5.1.13 Details of proposed screening of extraction site to minimising adverse visual impacts from nearby land and thoroughfares

Given this proposed extension to the existing extractive industry is further removed from the existing road network, the extraction area is unlikely to adversely affect the scenic value and visual amenity of the area due to the surrounding remnant vegetation and the natural undulation of the landscape. Once rehabilitated and the pasture and vegetation regrowth occurs, there will be little evidence that extraction has taken place.

Refer to Section 4.9 of the 2026 Environmental Management Plan which states:

The proposed extractive works are undertaken within the limestone pit, which ensures the natural undulation of the landscape screens the visual impact. The nearest main road, Forrest Highway, is located approximately 2 km east of the proposed extraction area. There is an existing buffer zone of native vegetation and ongoing revegetation works between Ludlow Road and the proposed expansion area which provides additional screening of the site.

Furthermore, rehabilitation works are currently ongoing within the historical extractive operation site and will commence within proposed expansion area when resources are exhausted.

5.2 Excavation Site Plan

Refer **Attachment 4** and **Attachment 5**: 2026 Environmental Management Plan Figures 1-2.

5.2.1 Existing contours

Refer Figure 2 in Appendix A: Water Management Plan within the 2026 Environmental Management Plan and Figure 3 within the 2026 Environmental Management Plan which provide Water Corporation contour information. **Attachment 3** provides surveyed contour information with the first plan providing contours of the pit to the north and the land subject of the application with the second contour plan shows contour information in relation to the land subject of this application.

5.2.2 Location of proposed extraction site in relation to overall property, including dimensions of property, existing extraction sites

Refer to the plans contained at **Attachment 3** and **Attachment 4** and **Attachment 5**: 2026 Environmental Management Plan Figures 1-2.

5.2.3 Setback between boundaries and proposed extraction area;

Refer **Attachment 3** Plans.

5.2.4 Existing and proposed land contours based on the Australian Height Datum and plotted at 1m contour intervals;

Refer Figure 2 in Appendix A: Water Management Plan within the 2026 Environmental Management Plan and Figure 3 within the 2026 Environmental Management Plan which provide Water Corporation contour information. **Attachment 3** provides surveyed contour information with the first plan providing contours of the pit to the north and the land subject of the application with the second contour plan shows contour information in relation to the land subject of this application.

5.2.5 Location and depth of existing and proposed extraction

The extraction will occur to a depth of 6m AHD, consistent with the existing extraction to the north.

The survey plan at **Attachment 3** shows the low point of the existing extractive industry and the 6m AHD contour at the base of the existing pit.

5.2.6 Location of existing and proposed thoroughfares or other means of vehicle access to and egress from land and to public thoroughfares in the vicinity;

It is proposed to retain and use the existing vehicle access to Ludlow Road. Refer to **Figure 2** showing the existing vehicle access.

It is proposed to continue to utilise the existing site access and egress roads as detailed in the Environmental Management Plan accompanying the 16 September 2025 development approval, noting that access will be from Forrest Highway to Ludlow Road to the site. The existing access arrangements are shown in **Figure 2** and **Figure 5** which shows the access tracks utilised, which will continue to be used for the expanded operations. This is confirmed in Section 2.3 of the attached 2026 EMP at **Attachment 5**. No new access is proposed.

5.2.7 Location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed;

Nil proposed.

5.2.8 Location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;

Refer to the Services Plan in **Attachment 3** showing the location of services. There is an existing High Voltage Power Line to the north of the area subject of this application. There are no services located within the land the subject of this application.

5.2.9 Location of all existing dams, watercourses, drains or sumps on or adjacent to the land;

Refer to **Attachment 4**: Plan with distances to boundaries, that also shows an existing dam on Lot 5. The area subject of this application is more than 250m from the dam on Lot 5.

5.2.10 Location and description of existing and proposed fences, gates and warning signs around the land;

The extraction area is securely fenced and this proposed extension to the extraction area will be similarly fenced. There is also existing rural fencing along Ludlow Road.

5.2.11 Location of existing vegetation proposed to be retained and/or removed;

Refer to the Detailed and Targeted Flora and Vegetation Survey at Appendix F of the Environmental Management Plan and the 2026 Environmental Management Plan Sections 3.3, and 4.5. Refer to Attachment 4 showing the land proposed to be cleared as part of this application.

5.2.12 Location of areas proposed to be used for stockpiling extracted material, treated material, overburden and soil storage on the land and elsewhere; and

As detailed in the Water Management Report:

Topsoil and other excavated materials will be stockpiled in designated areas, separated from active extraction zones and operational traffic routes. Topsoil will be stored separately and reapplied to rehabilitated areas.

The location of the stockpile is likely to be temporary, depending on the location of the area being excavated at the time. All stockpiles will be contained to the area subject of the current extractive industry approval or the land subject of this application.

5.2.13 Certification by licensed surveyor of correctness of plan.

Refer to **Attachment 3** for survey plans of Lots 4 and 5 including existing levels.

5.3 Rehabilitation Management and Monitoring Plan

Refer Appendix E of the 2026 Environmental Management Plan (**Attachment 5**).

5.4 Dust Management Plan

Refer Appendix D of the 2026 Environmental Management Plan (**Attachment 5**).

5.5 Noise Management Plan

Refer Appendix D of the 2026 Environmental Management Plan (**Attachment 5**).

5.6 Weed Management Plan

Refer Appendix C of the 2026 Environmental Management Plan (**Attachment 5**).

5.7 Water Management Plan

Refer Appendix A of the 2026 Environmental Management Plan (**Attachment 5**).

5.8 Dieback Management Plan

Refer Appendix H of the 2026 Environmental Management Plan (**Attachment 5**).

5.9 Environmental approval

A copy of the current DWER Licence is provided at **Attachment 6**.

6.0 CONSIDERATION UNDER THE STATE AND REGIONAL PLANNING FRAMEWORK

6.1 Greater Bunbury Region Scheme

The Subject Site is zoned Rural under the Greater Bunbury Region Scheme. It is noted that one of the aims of the Greater Bunbury Region Scheme includes:

- (h) *protect strategic minerals and basic raw materials of State and regional importance and provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.*

It is considered that approval of this application would be consistent with the aims and requirements of the Greater Bunbury Region Scheme.

6.2 State Planning Policy 2.4: Planning for Basic Raw Materials (SPP2.4)

The Policy intent of SPP2.4 is:

To ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State's BRM resources.

This application seeks approval to clear vegetation and expand the area approved to extract limestone (basic raw material), activities that will be undertaken in a responsible manner and in accordance with the attached Environmental Management Plan (**Attachment 5**). It is considered that approval of this application would be consistent with the policy intent of SPP2.4.

6.3 Basic Raw Materials: Demand and Supply Study for the Bunbury- Busselton Region 2012

The Basic Raw Materials: Demand and Supply Study for the Bunbury- Busselton Region 2012, produced by the Western Australian Planning Commission (WAPC) includes Map 6: Regionally significant Basic Raw Materials in the study area. Refer to **Figure 6** for an extract of the map, which identifies the Subject Site as containing regionally significant basic raw materials and specifically limestone.

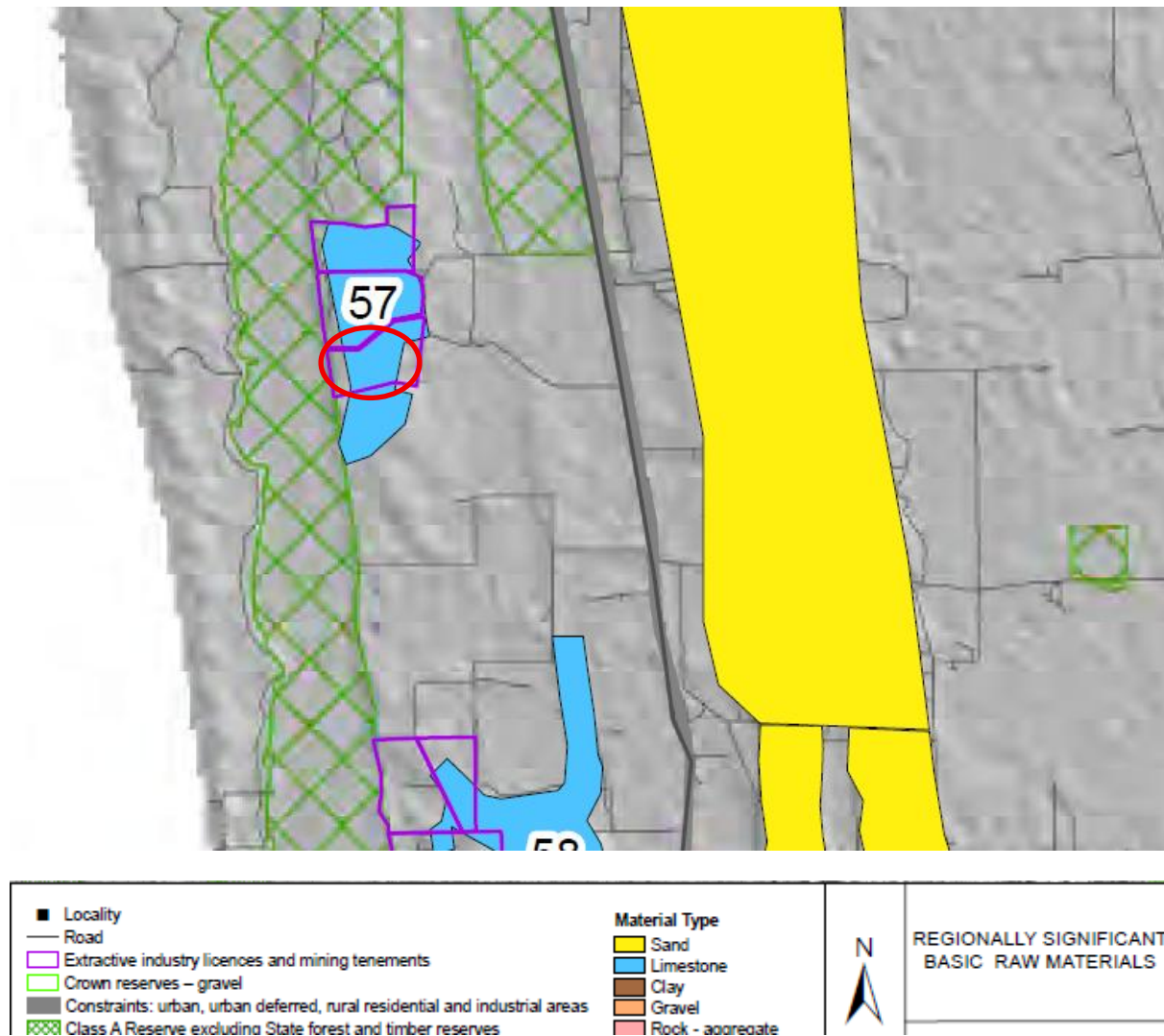


Figure 6: Regionally significant basic raw materials, Subject Site in red circle

6.4 State Planning Policy 3.7: Bushfire (SPP3.7)

Portions of Lot 5 and the land subject of the extension of the extractive industry area are identified as being within a bushfire prone area. Refer to **Figure 7** for bushfire prone mapping. Under Clause 4: Application of this policy, it states SPP3.7 applies where:

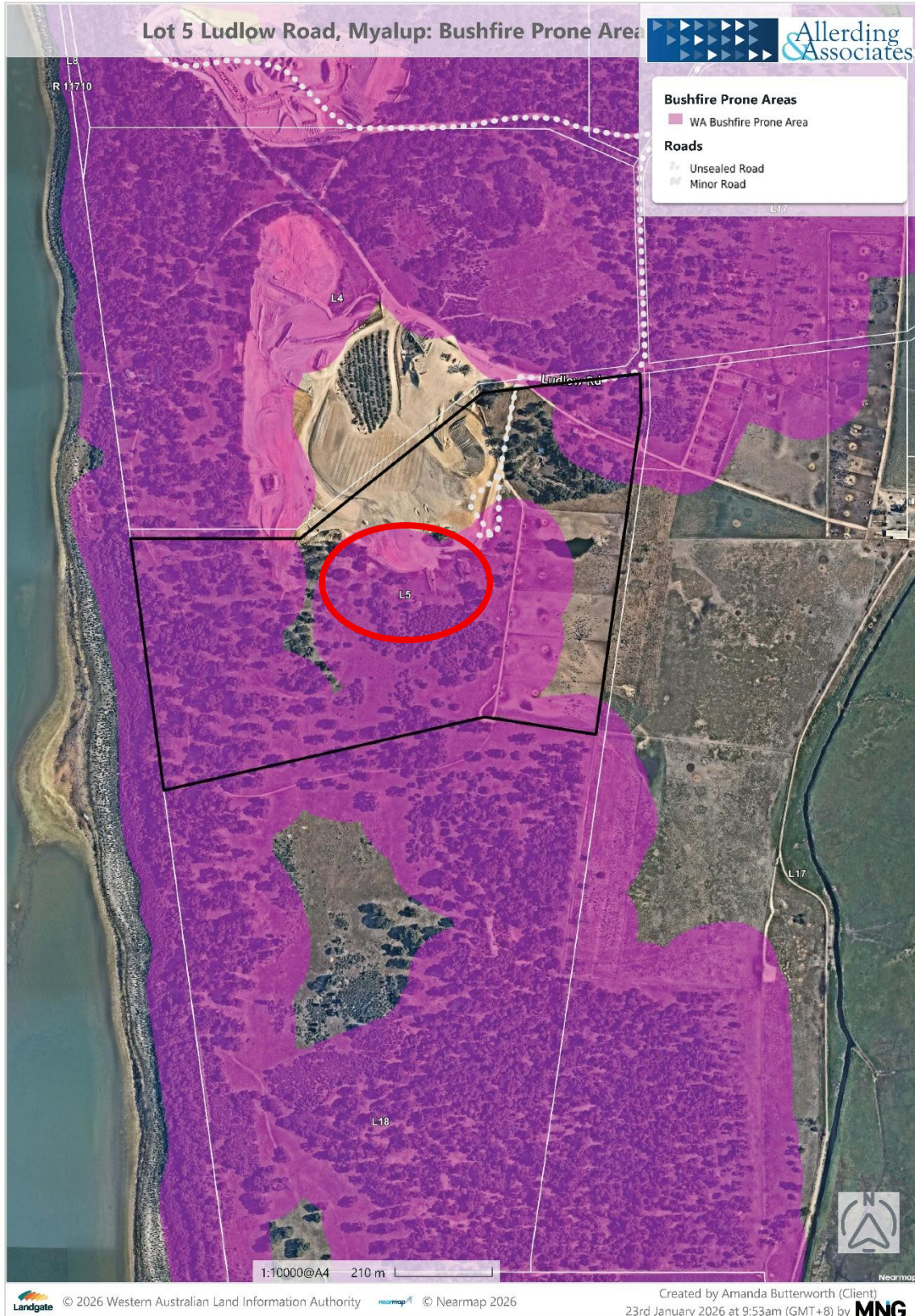


Figure 7: Bushfire prone land

A development application where the development site has a BAL rating above BAL-LOW where the application is for the construction of a habitable building ... which is not connected to a reticulated building and ... the building [is] ... for a vulnerable land use.

This application seeks approval to clear vegetation and extract limestone (basic raw material) over this expanded area and does not propose to construct any buildings and the threat of bushfire from this operation is considered low, therefore it is considered that application will not trigger the application of the policy.

7.0 CONSIDERATION UNDER THE LOCAL PLANNING FRAMEWORK

The following provides an assessment of this application under the relevant local planning framework.

7.1 Shire of Harvey Local Planning Scheme No. 2

Pursuant to the Shire of Harvey Local Planning Scheme No 2 (**LPS2**) The Subject Site is:

1. Zoned Priority Agriculture;
2. Within the following Special Control Areas:
 - (a) Special Control Area 2: Basic Raw Material; and
 - (b) Special Control Area 6: Landscape Protection Area.

Pursuant to Clause 16 of LPS2, the objectives of the Priority Agriculture zone are as follows:

- (a) *To identify land of State, regional or local significance for food production purposes.*
- (b) *To retain priority agriculture land for agricultural purpose.*
- (c) *To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.*

The purpose of this application is primarily to extension to the currently approved extractive industry area on Lot 5 and to seek approval to clear vegetation and extract limestone (basic raw material) over this expanded area and ultimately rehabilitate the land either for rehabilitation and/or pasture for grazing. Therefore, the application is consistent with the objectives of the Priority Agriculture zone.

Clause 17 of LPS2 contains Table 4 – Zoning Table. The land use remains unchanged from the 2025 development approval and is reasonably described as “Industry – Extractive” and is approved for use as “Extractive Industry”, noting that the Industry – Extractive land use is an “A” land use in the Priority Agriculture zone.

Clause 18 of LPS2 details that a designation of “A” in the zoning table:

means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.

Given the Subject Site is approved as an Extractive Industry, the land use is already approved and therefore it is only the works component that is considered as part of this application.

Part 5 of LPS2 and specifically clause 36 refers to special control areas and states that the purpose, objectives and additional provisions that apply to each special control area are detailed in Schedule 6 (refer to assessment below in relation to the relevant Special Control Area provisions).

Clause 38 details land use definitions, which includes the following in relation to industry- extractive:

industry — extractive *means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes:*

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;*
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration*

The land use of Extractive Industry already approved on the Subject site and the proposed works fit within the definition of an Extractive Industry.

Schedule 4 of LPS2 details additional site and development requirements, which are further detailed below, noting that Clause 34 of LPS2 gives the local government the discretion to approve a development application that does not comply with an additional site and/or development standard.

The following provides an assessment of the relevant matters under Schedule 4:

1. Clause 1 states that development shall be setback 20 metres from the front and rear boundaries and 10 metres from a side boundary. Refer to **Attachment 3** for a plan showing the distances of the site to the boundaries. Given that the extractive industry is a continuation from Lot 4, the extractive operations will have a nil setback to the common boundary with Lot 4 (to the north). The setbacks from other boundaries are compliant with the setback development standards. Refer to the plans at Attachment 3 showing the distances to the boundaries.
2. Clause 2 identifies that development shall be provided with a landscaping area with a minimum width of 1.5m along all property boundaries abutting a road reserve. As can be seen from Figure 2, the portion of Ludlow Road adjacent to the land subject of this application is unconstructed. The extension area to the extractive industry may not achieve a setback of 1.5m to unconstructed road reserve of Ludlow Road, but there is an extensive vegetation area between the constructed portion of Ludlow Road and the extraction area subject of this application. Further the extraction area will ultimately be revegetated, in accordance with the

rehabilitation measures detailed in an approved Environmental Management Plan (**Attachment 5**).

3. It is noted that Clause 4 details that parking requirements for an Industry Extractive land use is as determined by the local Government. As the proposed extension to the extraction area would not result in any additional, staff, no additional parking is considered necessary in the context of this application.
4. Clause 6 relates to vegetation protection. Clause 6 (4) details matters to be given due regard in relation to an application for clearing of native vegetation. We refer to Appendix F of the 2026 EMP (**Attachment 5**) which includes the detailed and Targeted Flora and Vegetation Survey. The assessment was completed to a 'detailed' survey standard in accordance with the Environmental Protection Authority's (EPA's) *Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA 2016). Ecoedge completed the detailed and targeted flora and vegetation assessment with surveys conducted during spring 2024 and 2025, during which the composition of vegetation and occurrences of conservation significant flora and vegetation were recorded. The following provides a summary of the findings:

- (a) No threatened flora species were recorded within the survey area during the field survey. One priority flora species, *Eucalyptus foecunda* subsp. *foecunda* (P4), was identified within the site. A total of 41 individuals were recorded as a single population associated with low mallee woodland on a limestone outcrop within vegetation unit **EffAffW**, which was assessed as being in 'degraded' condition;

- (b) One patch of Tuart woodland was recorded in the survey area, that meet the key diagnostics of the Tuart Woodlands and Forests of the SCP TEC PEC. This patch is consistent and expected as per the DBCA's Tuart woodland distribution mapping (DBCA 2018).

This patch was regarded as occurrences of the Federally listed critically endangered Tuart Woodland TEC and State P3 listed ecological community of the same name, as they met the DCCEEW (2019) TEC area and condition thresholds. This patch extended beyond the survey area and exceeded five hectares. The total area of the TEC PEC within the survey area is 7.57ha 4.15 ha in Degraded condition and 3.43 ha in a Completely Degraded condition.

- (c) The floristic analysis of quadrat MQ02 showed vegetation units EgAffW and EgW to be possible occurrences of the State priority 3 listed FCT 25 Southern *Eucalyptus gomphocephala* – *Agonis flexuosa* woodlands, however both these units were in a Completely Degraded condition, so they were therefore not considered to be an occurrence of the PEC.

Furthermore, the Detailed and Targeted Flora and Vegetation Survey at Appendix F of the 2026 EMP (**Attachment 5**), at Section 5.1.1 clearly states

No flora listed as Threatened under the Federal *EPBC Act* or under the State *BC Act* were found in the survey area.

A Basic Fauna and targeted Black Cockatoo and Western Ringtail Possum Survey was undertaken and a copy of that Survey is provided at Appendix G of the 2026 EMP (**Attachment 5**). The survey is attached as Appendix G. The findings of that Survey are summarised as follows:

Overall, the proposed quarry extension is expected to result in the loss of a small area of general fauna habitat of poor–moderate quality and lower-quality black cockatoo foraging area, with no direct impacts on breeding or roosting habitat for black cockatoos and/or WRP. Based on the current footprint and available guidance, significant impacts on Matters of National Environmental Significance are unlikely ...

And

All assessed areas of vegetation provide lower-quality foraging habitat, and the total potential impact area is well below EPBC Act referral thresholds for black cockatoo foraging.

Figure 8 identifies the Tuart woodland, which is a threatened ecological community. The yellow hatching on the plan denotes a 30 metre buffer to the existing Tuart trees. **Figure 8** demonstrates that:

- The vegetation within the area subject of this application is either degraded or completely degraded; and
- The land subject of the proposed extension to the extractive industry will not impact upon the threatened ecological community of the Tuarts nor the buffer to the Tuarts.

As outlined in Section 4.5 & 4.6.2 of the 2026 EMP (**Attachment 5**):

- Vegetation clearing will be completed in accordance with a Native Vegetation Clearing Permit issued by DWER, which will be obtained prior to the commencement of any clearing.
 - Management measures to mitigate impacts to adjacent vegetation include the installation and maintenance of demarcation fencing to clearing define the approved clearing extent, implementation of dust management measures (Section 4.1), and application of hygiene protocols to prevent the introduction or spread of weeds and dieback (Section 4.8).
 - Clearing will be completed in a uniform direction to stop the creation of vegetation islands during works allowing any ground dwelling fauna to disperse to nearby adjacent habitat.
 - An experienced ecologist will be present during the clearing of vegetation that is considered suitable and likely to support fauna to actively search for fauna for relocation. If encountered, these animals will be assisted to disperse to nearby vegetation or captured and released out of harm's way into nearby vegetation.
5. In relation to Clause 8 of Schedule 4, all vehicle access will via the existing access arrangements in place under the 2025 DA approval with an internal haulage road providing access to Ludlow Road and then to Forrest Highway. This is confirmed in Section 2.3 of the 2026 EMP (**Attachment 5**) which states as follows:

Access to the site will be via Ludlow Road, which is connected to Forrest Highway to the east. As the proposed expansion is directly adjacent to existing operations, the existing haulage and access tracks will be utilised to access the site, consistent with approved operations to the north (DAP217/25 and EX009).

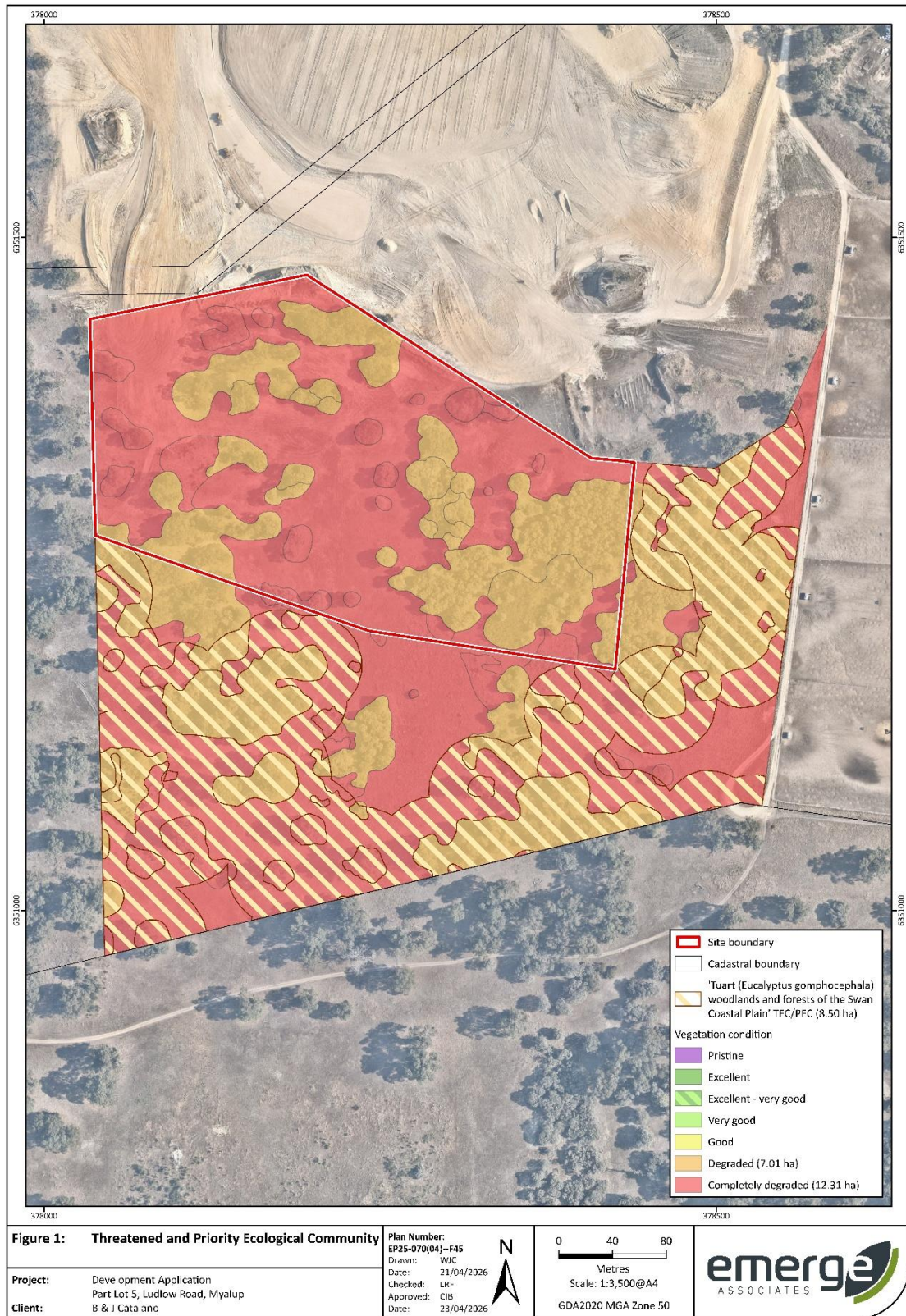


Figure 8: Threatened ecological community (TEC) shown hatched (TEC is outside application area)

6. Clause 9 of Schedule 4 details matters to be given regard to in excavation and filling of land. The impact of the excavation is dealt with in the 2026 EMP (**Attachment 5**). As outlined in Section 5.5 of the EMP, which states that excavation to 6 m AHD will maintain an approximate separation of 5.5 m from groundwater, significantly greater than the minimum required separation of 1 m. Further Section 3.3.1 of the 2026 EMP states as follows :

During mining operations, batters behind the active working face will be contoured to achieve a slope of no more than 1:3. This complies with the clause 7.4.(b). (1) of the Shire of Harvey's *Extractive Industries Local Law 2017* (SoH 2017), which states:

'ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the site is – limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition.'

The pit floor will be graded to an even surface to a height of 6 m in relation to the Australian Height Datum (m AHD) to prepare for even spreading of the overburden and topsoil.

7. Clause 21 of Schedule 4 identifies that a land capability assessment may be required for development applications within the Priority Agriculture zone. As this is an extension to an area that currently has approval for an extractive industry, it is considered that the submitted documentation and attached to the 2025 DA approval was sufficient in demonstrating that the proposal will not contribute to an increase in nutrient levels in surface or groundwater.

The Subject Site is within two Special Control Areas (**SCA**), the provisions of which are detailed in Schedule 6 of LPS2. The following provides an assessment of the proposal under Schedule 6 and more specifically SCA2 – Basic raw materials and SCA6 – Landscape Protection area.

The additional provisions of SCA2 – Basic raw materials relate to exempt development and are not applicable to this application. The application is consistent with the objectives in that the adoption of the measures detailed in the approved environmental management plan will ensure that the extractive industry operations are undertaken in accordance with acceptable environmental standards. Rehabilitation as outlined in the Rehabilitation Management Plan contained at Appendix E of the 2026 EMP will ensure that long term use of the land is possible after rehabilitation.

The additional provisions of SCA6 – landscape protection areas are noted and this application does seek approval for removal of native vegetation. Refer to the 2026 EMP and the detailed and targeted Flora and Vegetation Survey at Appendix F of the 2026 EMP at **Attachment 5** for an assessment of the vegetation to be removed. The Subject Site is approximate 2.8 kilometres from Forrest Highway, the closest sealed constructed public road.

The proposed extension to the extractive industry area is located approximately 400m from the edge of Lake Preston and approximately 3 kilometres from Forrest Highway. There is an existing vegetated buffer zone between the constructed unsealed portions of Ludlow Road and the proposed extended extraction area.

Given this proposed extension to the existing extractive industry is further removed from the existing road network, the extraction area is unlikely to adversely affect the scenic value and visual amenity of the area due to the surrounding remnant vegetation and the natural undulation of the landscape.

Once rehabilitated and the pasture and vegetation regrowth occurs, there will be little evidence that extraction has taken place.

7.2 Deemed Provisions

The following provides an assessment under the matters to be considered under clause 67 (2) of the Deemed provisions.

Table 2

	Matters to be Considered	Comment
a)	<i>The aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other Local Planning Scheme operating within the Scheme area;</i>	Subject to implementation of the 2026 Environmental Management Plan, this application is generally consistent with the aims and provisions of the Scheme, is capable of approval and warrants approval.
b)	<i>The requirements of orderly and proper planning including any proposed Local Planning Scheme or Amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the Local Government is seriously considering adopting or approving;</i>	Subject to implementation of the 2026 Environmental Management Plan, approval of this application would be consistent with the requirements of orderly and proper planning. There are no known scheme amendments that would impact upon assessment of this application.
c)	<i>Any approved State Planning Policy;</i>	The relevant State Planning Policies have been addressed in this application. Subject to implementation of the 2026 Environmental Management Plan, this application is generally consistent with the requirements of any relevant State Planning Policy.
d)	<i>Any Environmental Protection Policy approved under the Environmental Protection Act 1986 section 31(d);</i>	The Extractive Industry operates under a DWER licence for Part Lots 2, 4 and 5. The operations have been consistent with the requirements of the relevant environmental legislation and in compliance with the 2025 EMP, and will continue to comply with this legislation.
e)	<i>Any Policy of the Commission;</i>	None known to be relevant to this application.
f)	<i>Any Policy of the State;</i>	None known to be relevant to this application.
fa)	<i>Any Local Planning Strategy for this Scheme endorsed by the Commission;</i>	Noting that the strategy requires identification of basic raw materials, the Subject Site is within SCA2 Basic Raw Materials. Subject to implementation of the 2026 Environmental Management Plan, this application is

	Matters to be Considered	Comment
		generally consistent with the Local Planning Strategy and is capable of approval and warrants approval.
g)	<i>Any Local Planning Policy for the Scheme area;</i>	None known to be relevant to this application.
h)	<i>Any Structure Plan or Local Development Plan that relates to the development;</i>	None known to be relevant to this application.
i)	<i>Any report of the review of the Local Planning Scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;</i>	None as the Scheme was gazetted in 2024.
j)	<i>In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;</i>	Not Applicable.
k)	<i>The built heritage conservation of any place that is of cultural significance;</i>	Not relevant to this application.
l)	<i>The effect of the proposal on the cultural heritage significance of the area in which the development is located;</i>	Not relevant to this application.
m)	<p><i>The compatibility of the development with its setting including:</i></p> <p><i>i. The compatibility of the development with the desired future character of its setting; and</i></p> <p><i>ii. The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p>	<p>The proposed extension to the extractive industry area sits alongside an existing approved extractive industry area, which is surrounded by grazing areas.</p> <p>The EPA Guidance Statement No 5 identifies that the buffer distance is assessed on a case by case basis. Noting that the existing approved extraction area is closer to the residence as compared to the proposed extension area, the separation is considered to be acceptable. The property containing the residence contains the existing extraction area and is owned by the landowner of Lot 5 (subject of this application).</p> <p>The following is an extract of the DWER licence report regarding the relationship of the dwelling on the site and the previously approved extractive industry area on Lot 5 (that is closer to the residence as compared to the land subject of this application):</p> <p><i>The most critical sensitive receptor to potential noise is considered to be the holiday cottage located around 360 m west of the pit, which is held by the landowner. Whether the landowner and the licence holder engaged</i></p>

	Matters to be Considered	Comment
		<p><i>into a private agreement is not considered by the Delegated Officer to be relevant in this case as the residence is within the authorised premises boundary. Thus, it would be considered that the holiday cottage, and the limestone pit are on the same 'premises', so that the assigned noise levels would not apply. For this reason, the cottage is not included in the risk assessment for this amendment.</i></p> <p><i>The next nearest sensitive residential receptors are about 1.5 km - 2 km to the west of the pits, therefore the Delegated Officer does not consider daily noise impacts (Monday-Saturday, 7am - 5pm) are possible at such a distance.</i></p> <p>Once the extraction activities are complete, the area will be rehabilitated in accordance with the approved rehabilitation plan.</p>
n)	<p><i>The amenity of the locality including the following:</i></p> <ul style="list-style-type: none"> <i>i. Environmental impacts of the development;</i> <i>ii. The character of the locality;</i> <i>iii. Social impacts of the development;</i> 	<p>The extension to the extraction area will not result in any greater amenity impact in that the proposed extension to the extractive industry area is further from the closest residence as compared to the approved extractive industry area.</p> <p>Refer to comment on the DWER licence report in point m) above.</p> <p>Once the extraction activities are complete, the area will be rehabilitated in accordance with the approved rehabilitation plan.</p>
o)	<p><i>The likely effects of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;</i></p>	<p>Implementation of the 2026 Environmental Management Plan aims to ensure that any impacts on the natural environment are minimised and mitigated.</p>
p)	<p><i>Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</i></p>	<p>The application proposes to clear vegetation that is identified as being degraded or completely degraded. As detailed in the 2026 Environmental Management plan at Attachment 5, and the associated Detailed and Targeted Flora and Vegetation Survey at Appendix F, at Section 5.1.1, it states:</p> <p><i>No flora listed as Threatened under the Federal EPBC Act or under the State BC Act were found in the survey area.</i></p> <p>The vegetation for which approval is being sought to clear is not identified as being a threatened ecological</p>

	Matters to be Considered	Comment
		<p>community and the proposed area subject of this application does not extend within a 30 metre buffer of the existing Tuart trees (TEC). Clearing of the vegetation is not deemed to be a controlled action under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p> <p>A separate clearing permit application has been lodged with the Department of Water and Environmental Regulation (DWER) for assessment and approval. In the event that offset areas are required to be planted, in addition to the rehabilitation proposed, these will be implemented in accordance with the requirements of DWER.</p>
q)	<p><i>The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk;</i></p>	<p>The land is suitable for use as an extractive industry, noting that as the application does not propose any new site office, the need for assessment under SPP3.7 is not triggered.</p>
r)	<p><i>The suitability of the land for the development taking into account the possible risk to human health or safety;</i></p>	<p>With implementation of the 2026 Environmental Management Plan, this application is not considered to raise any risk in regard to human health or safety.</p>
s)	<p><i>The adequacy of:</i></p> <ul style="list-style-type: none"> <i>i. The proposed means of access and egress from the site; and ;</i> <i>ii. Arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i> 	<p>The application proposes to continue to utilise the same vehicular access as the current 2025 approval with no change to vehicle numbers anticipated.</p>
t)	<p><i>The amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i></p>	<p>The application proposes to continue to utilise the same vehicular access as the current 2025 approval with no change to vehicle numbers anticipated.</p>
u)	<p><i>The availability and adequacy for the development of the following:</i></p> <ul style="list-style-type: none"> <i>i. Public transport services;</i> <i>ii. Public utility services;</i> <i>iii. Storage management and collection of waste;</i> <i>iv. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> <i>v. Access by older people and people with disability;</i> 	<p>Given the nature of the approved land use and that this application seeks approval for minor expansion of the extraction area, these matters are considered to be satisfactorily addressed where required.</p>

	Matters to be Considered	Comment
v)	<i>The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i>	None known.
w)	<i>The history of the site where the development is to be located;</i>	There is a current approval for extractive industry on this lot and this application seeks a minor extension to that approved area.
x)	<i>The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</i>	None known
y)	<i>Any submissions received on the Application;</i>	It is noted that the Shire will consider and give regard to any submissions, if the application is advertised.
za)	<i>The comments or submissions received from any authority consulted under Clause 66;</i>	It is noted that the Shire will consider and give regard to any comments from any authority consulted, if the application is advertised.
Zb)	<i>Any other planning considerations the Local Government considers appropriate.</i>	None known.

8.0 CONCLUSION

This application seeks approval to extend the area beyond that under the current Extractive Industry development approval dated 16 September 2025. Specifically, this application seeks approval for:

- (a) The clearing of 3.57 hectares of native vegetation within Lot 5 (as illustrated in Attachment 4); and
- (b) The extension of the existing extractive industry over an additional 7.98 hectares within Lot 5.

Further an amended Extractive Industry Licence is sought to include the land identified in this application.

This application is capable of approval and warrants approval, subject to implementation of the 2026 EMP.

We respectfully request that the Shire approve the development application and extractive industry licence to allow for an extension to the existing extractive industry.