



ATTACHMENTS

Development and Infrastructure Services Committee Meeting

6 December 2023

6.00pm

City of Albany Council Chambers

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City of Albany
Policy

Local Planning Policy 3.1: Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones

Document Approval			
Document Development Officer:		Document Owner:	
Manager Planning and Building		Executive Director Infrastructure, Development and Environment	
Document Control			
File Number - Document Type:	CM.STD.7 – Policy		
Document Reference Number:	#####		
Status of Document:	Council decision: Draft		
Quality Assurance:	Executive Management Team		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
0.1	Planning Officer	Draft for consideration by Council to advertise.	dd/mm/20yy
1.0	Manager Planning and Building	<i>Adopted by Council on dd/mm/20yy Report Item DISXXX.</i>	dd/mm/20yy

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Objectives

1. Encourage small-scale low impact tourism accommodation uses in rural areas, that are compatible with existing agricultural uses, enhances the rural tourism experience on existing farmland, creates additional opportunities to diversify agricultural activities and provides economic benefits to rural and regional communities.
2. To ensure that proposed incidental caravan park or tourist development uses are in appropriate locations, and compatible with the objectives of the applicable zone in accordance with City of Albany Local Planning Scheme No. 2 (LPS2).
3. Guide the implementation of land use and development provisions outlined under LPS2, that enable the ability to consider incidental Caravan Park (Nature Based Park) or Tourist Development land use proposals in the Rural and Priority Agriculture zones.
4. To provide further guidance on information required and the assessment of development applications for incidental caravan park or tourist development uses in the Rural or Priority Agriculture zone accordance with LPS2.
5. To ensure approved incidental caravan park or tourist development uses are appropriately managed and mitigate adverse impacts on neighbouring properties and the locality.

Scope

Inclusions

6. The policy is applicable to incidental Caravan Park and/or Tourist Development proposals on land within the Rural or Priority Agriculture zones, for the purposes of providing small scale low impact tourist accommodation.

Exclusions

7. Caravan Park or Tourist Development proposals on land in other zones to those outlined in Inclusions above, are not covered by this policy.
8. The following land uses are not covered by this policy:
 - Other forms of tourist accommodation such as hosted and unhosted short-term accommodation uses including Holiday House or Holiday Accommodation, Bed & Breakfast, Park Home Park, Hotel or Motel.
 - Other forms of short-term accommodation facilities provided on rural land that are not for the purposes of tourist accommodation, such as Workforce Accommodation
 - Incidental land uses that are not permitted in the Rural or Priority Agriculture zones, that may otherwise be associated with a Tourist Development or Caravan Park land use.

Policy Statement

9. Proposals for incidental Caravan Park and/or Tourist Development land uses within the Rural or Priority Agriculture zone shall demonstrate:
 - That the proposed development will be incidental to the principal use of the land for agricultural purposes; and
 - That the proposal satisfactorily meets the definition of low impact tourist development and:
 - is located within an area of high tourism value; or
 - forms part of an agritourism experience offered at the subject site; or
 - is in proximity to a nearby tourist attraction.

Land use compatibility

10. Applications for incidental Caravan Park use should generally meet the definition for 'nature based park' as outlined under the *Caravan Parks and Camping Grounds Regulations 1997*.
11. Caravan Park and Tourist Development are sensitive land uses and therefore proposals located on land zoned Rural or Priority Agriculture will be required to demonstrate:
 - Compatibility with existing predominant agricultural uses, ensuring the primacy of existing or expected agricultural uses is maintained, limiting any adverse effect on rural production activities

on the subject land or nearby land, and mitigates conflict between the existing and proposed uses; and

- That the land is suitable for the use, including scale, siting and design of the proposal, and that relevant environmental considerations and vulnerability to natural hazards (such as bushfire, flood or erosion) have been adequately addressed.

Siting, design and operation

12. Applications are required to demonstrate that the proposed development:
- Will result in the retention and enhancement of existing vegetation on the land;
 - Will not adversely affect the visual character of the property and surrounds;
 - Is located so as to avoid ridge lines, escarpments or visually exposed sites and situated where screening vegetation or landform can be utilised;
 - Is designed to minimise impacts on vegetation, waterway, wetlands, soil quality and existing land uses;
 - Siting to ensure minimal visual and other adverse impacts on environmentally sensitive areas, landscapes or places of cultural or historic significance.
 - Is of a scale and nature so as to be self-sustaining on the lot or demonstrating the ability to provide servicing without significant modifications to existing infrastructure.

13. In accordance with and in addition to the requirements under Schedules 5 and 6 of LPS2 and as per clauses 11-13 above, applications for Caravan Park or Tourist Development uses in the Rural and Priority Agriculture zones are to meet the following:
- Setback a minimum 50 metres from neighbouring property boundaries; and
 - Provision of screening vegetation to public roads and neighbouring property(s); and
 - The subject lot being equal to or greater than 5 ha; and
 - Cabins or chalets shall have a maximum of two bedrooms; and
 - Maximum limits for accommodation units and/or caravan/camping bays:

Lot size	Total no. of accommodation permitted	Accommodation type (total permitted per type)	
		Cabins/chalet units <i>(refer Schedule 5 of LPS2)</i>	Caravan/camping bays
>5-10 ha	5	5	4
>10-20 ha	8	8	8
>20 ha	15	8	10

14. Further to be above, applications are to demonstrate that all other applicable requirements of LPS2, state planning policy or relevant legislation have been addressed, including but not limited to:
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and associated Guidelines, including submission of required supporting documentation.
 - Environmental considerations such as:
 - Management of sewerage / on-site effluent disposal (where required)
 - Development on land subject to flooding; and
 - Minimum setbacks from water resources
 - Development and land use requirements where located within a Special Control Area
15. Materials and finishes of all proposed buildings and/or structures including cabins/chalets, shall be in keeping with the existing development on site and the rural amenity of the area. The use of natural materials and/or neutral colours and finishes is preferred, and the use of reflective building materials limited to circumstances where it is not able to be viewed from public roads or dwellings on adjoining properties.

16. In accordance with and in addition to the requirements outlined under Schedule 6 of LPS2, an incidental Caravan Park use are to provide the following facilities on-site at a minimum:
- Toilet and shower facilities that are environmentally responsible;
 - Provision of suitable ablutions for handwashing and dishwashing;
 - Potable water.
17. Further to clause 15 above, where the facilities are not proposed to be provided on-site, a management plan will be required to outline how occupants will be advised of the requirement to provide the amenities as part of their self-contained portable camping arrangement.
18. There are no specific requirements outlined under this policy for provision of dedicated recreational facilities or amenities as part of an incidental Caravan Park or Tourist Development proposal on land zoned Rural or Priority Agriculture. Applications that include dedicated recreational facilities and amenities (including associated buildings or structures) such as camp kitchens, BBQ shelters or shade structures associated with a proposed incidental Caravan Park and/or Tourist Development will be considered on a case-by-case basis, and will need to demonstrate that the development on its merits meets all other considerations and requirements outlined above.
19. Additional infrastructure or works to support the proposed development, such as the provision of formalised vehicle and trailer parking, sealed road access within and to the site will be identified on a case-by-case basis, based on the nature and scale of the development proposed, in accordance with the considerations and requirements above and informed by any relevant matters outlined under other applicable legislation including the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997*.
20. Provision of additional on-site accommodation, such as a Caretaker's Dwelling or on-site manager's accommodation, will not be supported as part of an application for an incidental Caravan Park and/or Tourist Development proposal, where it is to be provided solely for the purpose of managing the tourist accommodation proposal.

Management Plan

21. A management plan submitted as part of an application and shall outline the following:
- Confirmation of the amenities (potable water and toilets etc) that are proposed to be provided or not provided, and details of how these will be communicated to visitors, especially where not provided;
 - Traffic management, including vehicle access and proposed parking to support the development.
 - Waste management
 - Effluent and wastewater management
 - Vegetation screening
 - Site planning;
 - Environmental impact and sustainability;
 - Waste management;
 - Traffic management; and
 - Risk management, including reference to required supporting documentation in relation to bushfire.
22. The City of Albany has the discretion to apply additional management measures to be addressed by the plan, in order to adequately address and mitigate any concerns.

Development application requirements

23. To address matters outlined above, development applications for Caravan Parks and/or Tourist Development are to include the following plans and information:
- Scaled plans including the following:
 - Site plan showing the proposed location of the development, existing development (buildings and/or structures), vehicle access to the proposed development, distances between proposed and existing uses
 - Layout plan of the proposed development, including location of proposed caravan bays and/or chalets/cabins, and any associated infrastructure

- Elevation and floor plans of proposed buildings or structures, including chalets/cabins and amenities or facilities
 - Covering letter, outlining details of the proposed development, including:
 - Total number of accommodation units/bays
 - Approximate number of guests at full capacity
 - Summary outlining how the proposed development meets the requirements outlined above
 - A management plan for the operation of the development, in accordance with the above
 - Supporting bushfire documentation in accordance with SPP3.7 as outlined above.
24. Additional supporting information may be required to be provided to support the proposal, including but not limited to:
- Site and soil evaluation

Legislative and Strategic Context

25. The policy operates within the following framework of legislation.
- *Planning and Development Act 2005*
 - *Planning and Development (Local Planning Schemes) Regulations 2015*
 - *Caravan Parks and Camping Grounds Act 1995*
 - *Caravan Parks and Camping Grounds Regulations 1997*
 - Planning Policy 3.7 Planning in Bushfire Prone Areas
 - City of Albany Local Planning Scheme No.1

Review Position and Date

26. This policy was adopted on **XXXXXX**. This policy should be reviewed every two years, or earlier if required.

Associated Documents

27. Related strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy:
- Albany Local Planning Strategy 2019
 - State Planning Policy 2.5 Rural Planning
 - State Planning Policy 2.6 State Coastal Planning
 - State Planning Policy 2.9 Water Resources,
 - State Planning Policy 3.4 Natural Hazards and Disasters
 - State Planning Policy 4.1 Industrial Interface
 - Government Sewage Policy (as amended)
 - Department of Health's Guidelines for the Separation of Agricultural and Residential Land Uses
 - Department of Planning, Lands and Heritage Rural Planning Guidelines V3 (Dec 2016)
 - DPLH Tourism Planning Guidelines (2014)
 - DPLH Visual Landscape Planning in Western Australia Manual (2007)

Definitions

agritourism on-farm tourism experience offered at the subject property that may include, farm tours and/or demonstrations, farm to fork cooking classes, pick your own produce, educational experiences, historical or cultural experiences, or on-farm cafes or restaurants.

cabin means a dwelling forming part of a tourist development or caravan park that is —

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests

camping ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995*, means an area of land on which caravans, or caravans and camps, are situated for habitation

chalet means a dwelling forming part of a tourist development or caravan park that is —

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests

low impact tourist development is development predominantly of a tourist nature that has been designed in such a manner that it does not detract from the rural and natural amenity of the locality.

nature based park as defined under the *Caravan Parks and Camping Grounds Regulations 1996*, means a facility in an area that —

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and
- (b) has been predominantly formed by nature; and
- (c) has limited or controlled artificial light and noise intrusion.

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period;

tourist attraction include sites and places that people visit for pleasure and interest, usually whilst on holiday, and that may provide a unique cultural experience. For example national parks, beaches, urban or wilderness trails, places of historic interest or significance, botanical gardens, arts and culture facilities (museums, galleries), recreation or sporting facilities, food and wine regions, annual events or festivals, or places of cultural significance where tours or experiences are offered to visitors on country by traditional custodians.

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development.



EXISTING TREE - GREY ST WEST



GRANITE STONE TREE PIT



TREE GRATE



CHINESE ELM 'INSPIRE' - *Ulmus parvifolia*

- LEGEND**
- Stormwater
 - Water
 - Sewer
 - Gas
 - Underground Electrical
 - Overhead Electrical
 - Telstra
 - Trees
 - Bench Seats



PROPOSED STREET TREE LAYOUT - CONCEPT PLAN

GREY STREET EAST
PROPOSED RETURN TO TWO-WAY TRAFFIC





Existing Condition 2019



Perspective references Premier Hotel c1937

PROPOSED ROAD LAYOUT - PERSPECTIVE

GREY STREET EAST
 PROPOSED RETURN TO TWO-WAY TRAFFIC



City of Albany
Policy

Trading in Public Places

Document Approval			
Document Development Officer: Dylan Ashboth		Document Owner: Paul Camins	
Senior Planning Officer		Executive Director Infrastructure, Development and Environment	
Document Control			
File Number - Document Type:	CM.STD.7 – Policy		
Document Reference Number:	NP20117257		
Status of Document:	Council decision: Adopted.		
Quality Assurance:	Chief Executive Officer, Executive Management Team, Council Committee, and Council.		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
1.0	Manager Building & Health Services	Adoption Reference: OCM 15/09/2009 Report Item 13.5.1	15/09/2009
2.0	EDPDS	Executive Director Planning & Development Services (EDPDS). Revised: Minor formatting only.	29/12/2010
3.0	MPS	Revision Reference: OCM 23/05/2017 Resolution CCCS028. Synergy Ref: NP1767036	20/06/2017
4.0	MPBS	<ul style="list-style-type: none"> Adoption Reference: OCM 23/06/2020 Report Item DIS213 	23/06/2020
5.0	MPBS	Additions for clarification in brackets Section B and E	27 /07/2020
6.0	Senior Planning Officer	XXXX	XXXX

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Objective 4

Policy Statement **Error! Bookmark not defined.**

Scope **Error! Bookmark not defined.**

Legislative and Strategic Context..... **Error! Bookmark not defined.**

Review Position and Date **Error! Bookmark not defined.**

Associated Documents **Error! Bookmark not defined.**

Definitions **Error! Bookmark not defined.**

Policy Objectives

1. To protect the amenity and function of the City's public places and maintain priority use for community members.
2. To provide direction to City staff in the processing of applications for trading in public places, in accordance with the City of Albany's *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and/or *Local Government Property Local Law 2011*.
3. Encourage traders to operate in locations which support the activation of underutilised public places and enhancement of community activity.
4. Ensure traders operate in a manner that complements existing 'bricks and mortar' businesses and does not threaten the vibrancy of the Albany Central Business District (CBD) and retail centre.
5. To provide a clear set of controls for operators to trade under.

Policy Scope

Inclusions:

6. This policy applies to all public land within the City of Albany and all businesses and individuals seeking to use public land to operate a business or for financial gain.

Exclusions:

7. This Policy does not apply to privately owned land.

Policy Statement

A. Provisions applicable to all traders on public places

8. The City will consider the interests of the community above the interests of the individual for all applications to trade on public places under the management of the City of Albany.
9. In order for the City to consider any proposal to trade on public places to be in the interest of the community, the proposed use of public place must:
 - a) Enhance the experience of the public place.
 - b) Be consistent with long term city goals and/or objectives.
 - c) Not impact community enjoyment of the public place.
 - d) Not disrupt the operation of, or cause nuisance to, the public place.
 - e) Not impact on the existing or desired amenity of the public place.
 - f) Not impact on the intended use of the land.
 - g) Not compromise public safety.
 - h) Not compromise traffic flow, carparking or landscaping.
 - i) Not conflict with, or prejudice permanent businesses or other normal city functions in the immediate vicinity.
10. Given the wide variety of private uses that can be proposed on public places, the City reserves the right to identify additional matters not listed under provision 9 above. Where additional matters are identified, the applicant will be provided with an opportunity to address these, prior to final determination of the permit application.
11. The City of Albany reserves the right to absolute discretion to grant or refuse an application for the use of public places, in the community interest.

Advice: Any refusal to use public places should not be taken as precluding you from operating the proposed commercial venture, rather the commercial venture is unable to be supported on a public place.

12. Traders must ensure that the trading location is kept clean and tidy at all times. The permit holder is responsible for the disposal of all litter associated with the provision of the goods or services and the cleaning of the permit location.

Advice: No waste or litter shall be disposed of into the City of Albany rubbish bins. Traders must provide adequately sized bins for patrons' and business use and remove all rubbish from the approved location at the end of trade.

13. Wastewater, solid waste, litter or any other pollutant must not be placed or discharged on to the site or allowed to enter the stormwater drainage system.

Advice: Mobile food vehicles must have a holding tank for wastewater.

14. Traders shall depart from a trading location upon the direction of any person or body, authorised to carry out any works in the street, thoroughfare, local government property or public place in which the trader is situated.

15. Traders shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to an event, market, parade, thoroughfare works or any other contingency.

Advice: The City is under no obligation to relocate the trader should operations be impacted by the circumstances listed under provisions 13 and 14 above.

16. Traders shall not obstruct, cover, remove, relocate or modify trees or landscaping, public art, benches, bins, bus shelters, footpaths, roads or other City owned infrastructure.

17. Trading shall only take place in a suitable area with the City of Albany permission and where it does not cause a safety or nuisance concern or impact the existing or desired amenity of a place.

18. Traders may use public carparking areas subject to compliance with all relevant provisions of this Policy provided local carparking requirements (car parking numbers, appropriate vehicle manoeuvrability, vehicle access/egress etc.) are not impacted.

19. To ensure public safety, trading must be conducted in areas that are serviced by adequate lighting, should trading be proposed during hours of darkness.

Advice: No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting.

20. Advertising signs are restricted to the location from which the business is conducted. No permanent signage will be permitted in a public place.

21. Associated fixtures such as table and chairs may be provided on site at the discretion of the City of Albany.

Advice:

- *Fixtures are to be of a temporary nature and removed from the site at the end of trade;*

- *Fixtures must not obstruct pedestrian flow or vehicular traffic.*
22. To apply for permission to operate as a trader within the City, the following documentation will be required:
- A completed Permit Application form, including proposed payment details;
 - A cover letter introducing the proposal and summarising the following details:
 - Proposed location (unless applying as an itinerant trader)
 - Details of goods/services sold
 - Expected hours of operation
 - Statement against the relevant provisions of this Policy (including how the application is consistent with community interest)
 - A Management Plan detailing the following information:
 - Details as to how amenity of the public place/s will be maintained
 - Details as to how the potential for public nuisance will be minimised.
 - Details on waste generation and method for ensuring location/s remains clean, tidy and free of litter
 - Details on the provision of power, water, gas or other servicing requirements.
 - Any other information deemed relevant by the City of Albany (Applicants are advised to discuss information requirements with the City of Albany as early as possible).
 - Details of the vehicle and trailer (if relevant) to be used in the proposed operation, as well as a site plan detailing where the vehicle/trailer will be stored when not in operation.
Advice: Please note the vehicle and trailer must be stored entirely within property boundaries (verge parking not permitted) and shall ensure sufficient on-site parking bays for any existing use of the site (as required under LPS1 or the R-Codes). If this is not possible at your residence, alternative parking locations should be explored.
 - Photographs and/or elevations of the trading vehicle depicting the external appearance of the vehicle (if relevant)
 - A copy of current public liability insurance to the value of \$10 million; and
 - If food is sold, a current copy of your *Food Act 2008* Certificate of Registration (noting the vehicles internal fit out must comply with the requirements of the *Food Regulations 2009*, applicable ASNZ Food Standards Codes and the City of Albany Health Local Laws) is required.

B. Trading - Approved Events and Markets:

23. Subject to approval from event holders:

- If your food business (registered food business and as a stall holder) is based within the City of Albany, no food stall approval is required to trade at an event or market.
- If your business is located outside of the City of Albany an Application for a Temporary Food Stall Approval will be required (unless proof of appropriate registration in another local government area is provided).

C. Trading – Approved Fixed Locations (Food):

24. The City of Albany has identified fixed trading locations where trading may be permitted only by the approved trader in accordance with their licence (refer to Annexure A).

25. Traders may also put forward an application to trade at a location not currently listed as a fixed location within Annexure A. The City will assess any location put forward in this manner against the objectives of this policy before granting approval.

Advice:

- *This process may require amendments to this Policy and/or determination at an Ordinary Council Meeting. Traders likely to experience time pressures are therefore encouraged to commence this process as soon as possible or apply for an existing fixed location.*
- *The City may make a determination as to whether a trading permit can be issue to the operator under the provisions of this policy before progressing with an application for a new fixed location.*

26. A fixed location trader licence may be issued for a maximum of two years, however a shorter term may be issued at the City's discretion (particularly for inexperienced operators).
27. A fixed trading location becomes available for reallocation if the trader ceases trading for a period of six months or advises that they wish to cease trading.
28. Unoccupied fixed locations remain available until a licence has been issued to a suitable operator in accordance with provision 32 below.
29. Annual fixed location trading fees will be set each year by Council through the budget process and fees may differ depending on the location/desirability of the site (as shown in Annexure A). The desirability rating is based on the proximity to the CBD, attractiveness of the locality and/or potential for passing trade.

Advice: Please contact the City of Albany Planning Department should you wish to discuss fees payable for individual sites that are listed in our Fees and Charges.

30. Fixed location trader licences will be determined at the discretion of the City, on their individual merit and against the following criteria:
- How will the operation benefit the community (i.e. authenticity, quality, unique culinary experience and celebrating local produce);
 - How will the operation enhance the experience of, and be relevant to the purpose of the public place;
 - Experience of the trader (e.g. food van or restaurant that is currently operating);
 - Relevant qualifications (e.g. barista certificate, qualified chef or baker etc)
 - Possession of a well-designed and well-maintained vehicle that is aesthetically pleasing and complies with the City's environmental health requirements.
 - Historic use of a specific location by the trader and existing patronage by the community.
 - Appropriateness of Management Plan provided by the trader.
 - Knowledge of food safety principles.
 - Marketing plan and social media presence.

Advice: The City will place a particularly high emphasis on benefits to the community in accordance with dot points one above. Given the prominence of the locations on offer, high quality, unique and/or authentic cuisine will be favoured. Operators proposing more standard fast food or café fare, may not be deemed suitable for certain locations.

31. City reserves the right to refuse an application for a fixed location licence should the application not successful demonstrate compliance with any or all of the above criteria, even if the proposed site is currently unoccupied.
32. Approval of a fixed location permit does not grant the permit holder exclusive rights to the permit area.

D. Trading – Approved Fixed Locations (Non-Food):

33. There is currently one non-food location, other than leased areas which is located within the Middleton Beach carpark (refer Annexure B).
34. The fixed location non-food trader licences will be determined at the discretion of the City, on individual merit and against the following criteria:
 - How will the operation benefit the community (i.e. to what extent will the operation address a particular need)
 - How will the operation enhance the experience of, and be relevant to the purpose of the public place
 - Impact on other similar business in the vicinity (are other operators offering similar goods/services nearby)
 - Experience of the trader (e.g. previous experience in similar operations);
 - Possession of a well-designed and well-maintained vehicle that is aesthetically pleasing and complies with the City’s environmental health requirements (if relevant).
 - Historic use of a specific location by the trader and existing patronage by the community.
 - Appropriateness of Management Plan provided by the street trader.
 - Marketing plan and social media presence.

E. Itinerant Traders

35. Traders may apply for a Permit to sell to the public by traveling from place to place throughout the City in accordance with this Policy.
36. Traders operating under this arrangement are precluded from selling within the Albany Central Business District (CBD), as indicated within Annexure C – Albany CBD: Itinerant Traders Exclusion Zone.
37. Trading is permitted in areas outside of the Albany CBD provided that:
 - It occurs a minimum of 200 metres away from any shop or other permit holder, offering a similar product for sale (except when the Trader has been invited onto a property by the property owner/occupier and is participating in an approved event such as a weekend market or sporting event); and
 - It occurs a minimum of 200 metres away from a school between the hours of 7.00am and 9.00am and 2:30pm and 4.00pm during school days; and
 - If less than 2km from the CBD, traders move on when all customers at a particular location have been serviced; or
 - If parked in a safe location within a public car parking area/space (complying with local parking restrictions) traders move on within the following maximum daily time limits:
 - 2 hours - Between 2km and 10km from the CBD
 - 4 hours - more than 10km from the CBD
38. Itinerant coffee vendors are permitted to temporarily locate on private property and sell goods in accordance clause 37 above (excluding final dot point – refers to public land) provided landowner approval has first been obtained.
39. The City may limit the number of itinerant food trader permits issued, if it is determined the operation of itinerant food vendors is causing undesired impacts to local amenity, the operation of existing bricks and mortar businesses, or any other issue considered relevant by the City.

F. Stallholders

40. Approval for stalls, other than stalls which are part of an approved market or extend the service area of an existing business onto the adjacent footpath, will be restricted to community associations only.
41. A stallholder proposing to operate a food stall, which will offer for sale to the public potentially hazardous food (e.g. sausage sizzles) is required to submit an application for approval (unless proof of appropriate registration is provided) to the City's Environmental Health team.
42. All food products that are not for immediate consumption must be labelled in accordance with the relevant food regulations.
43. Community associations will not be required to pay permit fees.

G. Alfresco-Dining

44. Operators of alfresco-dining areas are required to hold a permit under the provisions of the *Activities on Thoroughfares and Public Places and Trading Local Law*, where they are referred to as outdoor eating facilities.
45. Applications may only be submitted by proprietors of existing food premises who wish to extend their service area onto the adjacent footpath (generally) in front of their premises.
46. A proprietor granted approval to operate an alfresco dining area is required to indemnify the City in writing against any action taken against the City by a person injured or suffering loss due to the presence of the alfresco-dining area.
47. The boundaries of an approved alfresco-dining area are to be marked and maintained by the registered proprietor. Markers can be purchased from the City.
48. Tactile directional tiles, removable railings or planter boxes may be required by the City, at the business proprietor's expense, to provide delineation to a dining area for the visually impaired.
49. Tables and chairs used in the alfresco-dining area should be designed for commercial outdoor use – domestic furniture is not permitted.
50. All patrons and furniture must remain within the delineated boundaries of the alfresco-dining area. It is the responsibility of the permit holder to ensure this requirements is complied with at all times.

Advice: Patron behaviour in the alfresco area should be regularly monitored and controlled (if required).
51. Tables and chairs used in the alfresco-dining area must be located no closer than 600 millimetres from the adjacent kerb to allow passengers to alight from vehicles.
52. A minimum 1800mm unobstructed thoroughfare must be maintained for pedestrians at all times.

53. Tables, chairs and other furniture associated with the alfresco dining facility should generally be removable and stored inside the premises following the close of business. More permanent furniture can be explored subject to a development application and building permit (if required).
54. Operators must provide table service to patrons within an approved alfresco-dining area at all times.
55. No advertising signs, other than the logo or name of the outlet, will be permitted in an alfresco-dining area.
56. The City of Albany reserves the right to withdraw the alfresco dining permit at any time and for any reason, including non-compliance with the above requirements or permit conditions.

Advice: The applicant is encouraged to explore whether the additional seating capacity resulting from the alfresco-dining area will necessitate upgrades to existing sanitary facilities before proceeding with an alfresco-dining application.

H. Market Operators

57. Operators of markets on public land are required to hold a permit under the provisions of the Activities on Thoroughfares and Public Places and Trading Local Law.

Advice: Development Approval is required for a Market on private land. Please refer to the City of Albany Food Vans and Markets on Private Property Local Planning Policy.

58. Individual stalls, other than stalls selling food, are covered by the market operator's licence - individual licencing fees will not be charged.
59. Stallholders proposing to operate a food stall, which will offer for sale to the public potentially hazardous food (e.g. sausage sizzles) are required to be registered/hold registration under the provisions of the Food Act 2008.
60. All food products that are not for immediate consumption must be labelled in accordance with the relevant health regulations.

Legislative and Strategic Context

The City of Albany [Activities on Thoroughfares and Public Places and Trading Local Law 2011](#) and the [Local Government Property Local Law 2011](#) require street traders to obtain a licence for trading on public places.

This policy aims to provide direction and guidance for City officers assessing applications and to ensure equity for all commercial outlets.

Review Position and Date

This policy was adopted on 15 September 2009. This policy should be reviewed every two years, or earlier if required.

Associated Documents

Strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy:

- [Food Act 2008](#)
- [Food Regulations 2009](#)
- [Australia New Zealand Food Standards Code](#)
- *Activities on Thoroughfares and Public Places and Trading Local Law 2011*
- *Local Government Property Local Law 2011*
- *Environmental Protection (Noise) Regulations 1997*
- [National Competition Policy](#): *Noting Australia's National Reform Agenda is the successor program to the National Competition Policy. Clause 7 of the [Competition Principles Agreement](#) extended elements of the National Competition Policy reform agenda to local government.*

Definitions

Key terms and acronyms used in the policy, and their definitions:

Approved Location *means a location from which vendors can trade with City approval.*

Approved Event *means a City of Albany event or an event that has been approved under the City of Albany's event approval process.*

Community Association *means an organisation which can demonstrate that its objectives are charitable, benevolent, religious, cultural, educational, recreational or sporting.*

Distance from CBD *means the direct line distance from the nearest point of the CBD as identified in Annexure C: Albany CBD – Itinerant Traders Exclusion Zone.*

Food Stall *means a stall from which any perishable or potentially hazardous food, other than fruit or vegetables, is sold or offered for sale, unless approved by the City of Albany.*

Food Van *means any vehicle, caravan, trailer or other similar mobile structure selling or offering for sale any food and or drink (excluding alcoholic beverages).*

Itinerant Food Vendor *means a form of Street Trader who sells food from a vehicle parked temporarily on the road to customers who stop them or come to them while they are so parked.*

Market *means premises used for the display and sale of goods from stalls, food vans or similar by independent vendors.*

Potentially Hazardous Food *means all prepared or cooked food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, crustaceans, molluscs, gravy, cooked rice and pasta or ingredients capable of supporting the growth of infectious or toxigenic micro-organisms.*

Public Place *includes:*

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare is on private property; and*
 - (b) local government property;*
- but does not include premises on private property from which trading is lawfully conducted under a written law.*

Stall *means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire.*

Stallholder *means a person in charge of a stall.*

Trader means a businesses or individual seeking to use public land to operate a business or for financial gain.

Trader's Permit means a person who sells food, goods and/or services from a vehicle parked temporarily on the road/public place while they are parked.

Trading in Public Places refers to long-term or periodic occupation of City controlled land for the purposes of either selling or displaying goods or providing services to customers.

Annexures:

- **Annexure A:** Fixed Trading Locations
- **Annexure B:** Fixed Trading Locations – Goods and/or Services (other than food)
- **Annexure C:** Albany CBD – Itinerant Traders Exclusion Zone

Annexure A: Fixed Trading Locations

MIDDLETON BEACH	
Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Traders will not be permitted in this location during any community event approved by the City. 2. Traders to provide own power, gas and water supply unless alternative arrangements agreed to by the City of Albany. 3. Trading limited to between 7.00am and 6.00pm. 4. Traders limited to the service of ice creams, confectionery and drinks. 5. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours.



CENTENNIAL PARK

Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. Traders limited to the service of ice creams, confectionery, light meals and drinks. 5. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours.



LOWER KING

Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Vehicle circulation space should not be obstructed. 6. Trader to ensure no more than 1.5 bays are occupied by the trader and associated/incidental materials at all times. 7. Trading term may be limited to 3 months initially to trial the fixed location.



'SURFERS' BEACH MIDDLEON	
Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Trading limited to between 7.00am and 6.00pm. 3. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 4. Trader accepts risk of stray golf balls from adjacent golf course. 5. Trader responsible for ensuring gate remains closed outside of operating hours. 6. No towing vehicles (if relevant) permitted to park in this location. 7. Trader shall ensure adjacent footpath remains unobstructed at all times (includes customers queuing or eating and towing vehicles).



FOUNDATION PARK	
Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Trading limited to between 7.00am and 6.00pm 3. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 4. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business.



LAKE WEERLARA PARK	
Trading Term	2 Years
Desirability	B
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Trading limited to between 7.00am and 6.00pm. 3. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 4. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 5. Trader shall ensure adjacent footpath remains unobstructed at all times (includes customers queuing or eating and towing vehicles).



FORTS CARPARK	
Trading Term	2 Years
Desirability	B
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. Traders limited to the service of ice creams, confectionery, light meals and drinks. 5. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 6. Trading term may be limited to 3 months initially to trial the fixed location.



LAKESIDE PARK	
Trading Term	2 Years
Desirability	B
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Trading term may be limited to 3 months initially to trial the fixed location.



CHIPANA DRIVE PUBLIC CARPARK	
Trading Term	2 Years
Desirability	B
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Trading term may be limited to 3 months initially to trial the fixed location.

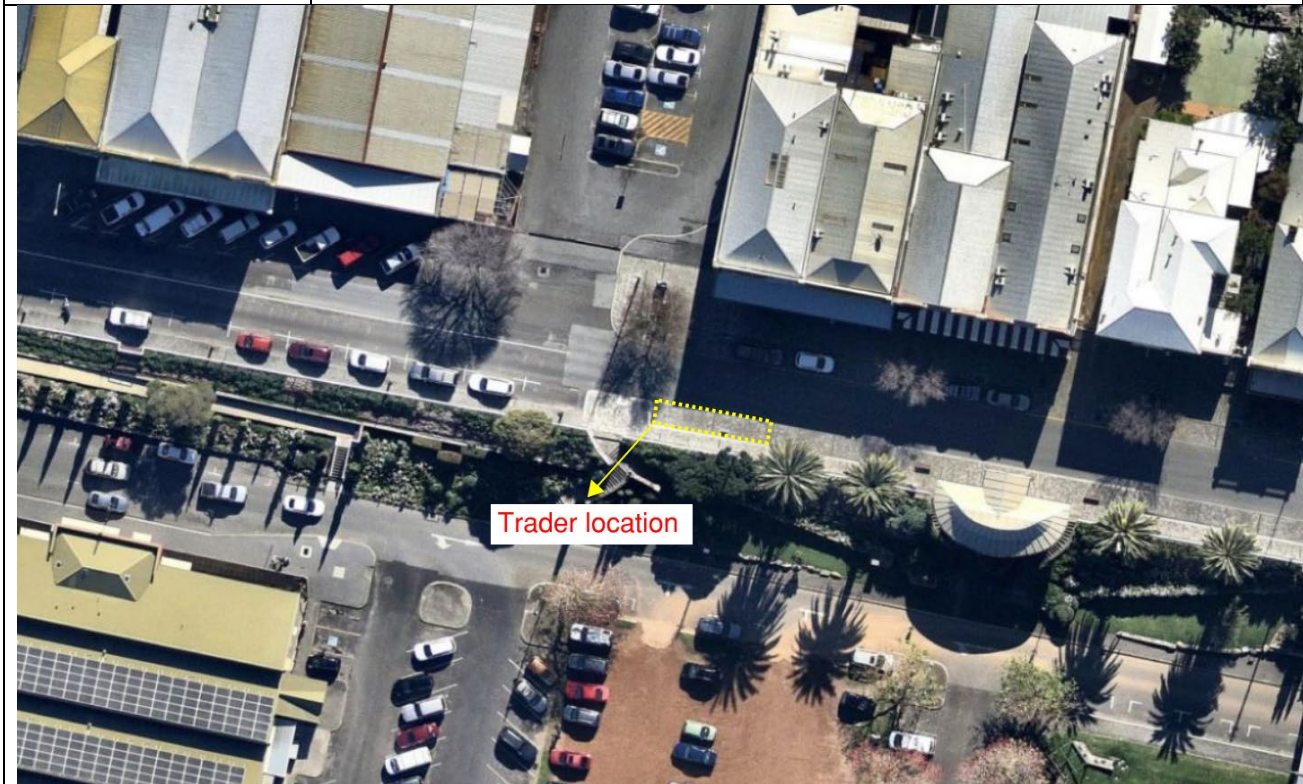


LOWER KING ROAD	
Trading Term	2 Years
Desirability	B
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Trading term may be limited to 3 months initially to trial the fixed location.



STIRLING TERRACE EAST

Trading Term	2 Years
Desirability	C
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Trading limited to between 10pm and 3am on Friday and Saturday nights (inc. Sunday morning). 3. Trader to ensure queuing occurs on footpath and not on road. 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 6. Trading term may be limited to 3 months initially to trial the fixed location.



MIRA MAR	
Trading Term	2 Years
Desirability	C
Special Conditions	<p>7. Traders to provide own power, gas and water supply.</p> <p>8. Trading limited to between 7.00am and 6.00pm.</p> <p>9. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours.</p> <p>10. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business.</p> <p>11. Trading term may be limited to 3 months initially to trial the fixed location.</p>



SANDPATCH	
Trading Term	2 Years
Desirability	C
Special Conditions	<p>12. Traders to provide own power, gas and water supply.</p> <p>13. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business.</p> <p>14. Trading limited to between 7.00am and 6.00pm</p> <p>15. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours.</p>



NANARUP BEACH

Trading Term	2 Years
Desirability	C
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours.



GOODE BEACH	
Trading Term	2 Years
Desirability	C
Special Conditions	<ol style="list-style-type: none"> 1. Traders to provide own power, gas and water supply. 2. Traders to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. 3. Trading limited to between 7.00am and 6.00pm 4. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 5. Access track to the south is to remain unobstructed at all times.

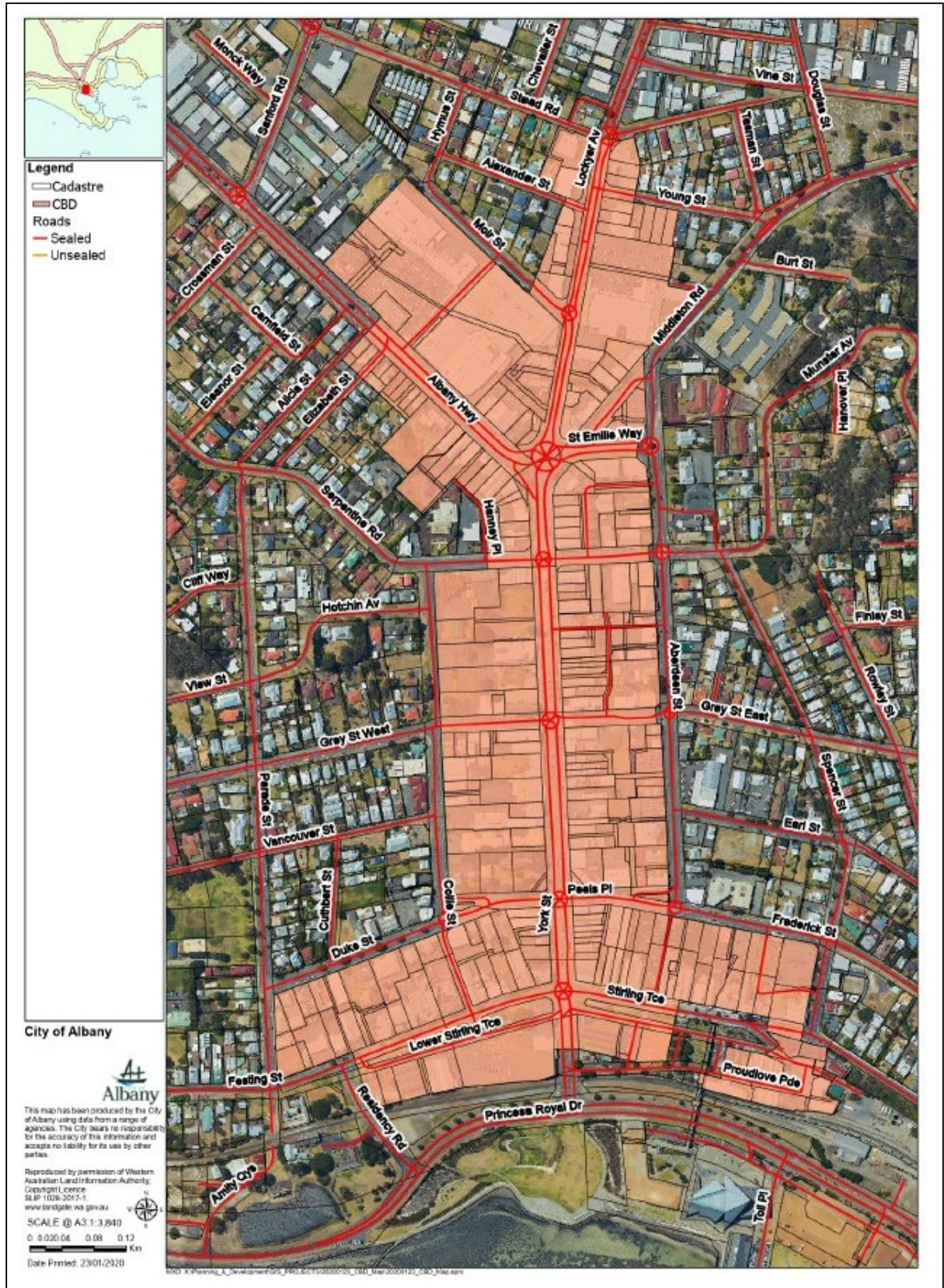


Annexure B: Fixed Trading Locations – Goods and/or Services (other than food)

MIDDLETON BEACH	
Trading Term	2 Years
Desirability	A
Special Conditions	<ol style="list-style-type: none"> 1. Trading limited to between 7.00am and 6.00pm. 2. No storage of vans, vehicles or associated trading infrastructure is permitted in this location outside of operating hours. 3. Trader to ensure no more than 1.5 bays are occupied by the trader and associated/incidental materials at all times. 4. Trader shall ensure adjacent footpath remains unobstructed at all times (includes customers queuing or eating and towing vehicles).



Annexure C: Albany CBD – Itinerant Traders Exclusion Zone



GREAT SOUTHERN LIME PARTNERSHIP

ABN: 47 614 073 910

PO Box 114
DENMARK WA 6333

14 July 2023

Mr. Tom Wenbourne
Senior Planning and Development Compliance Officer
City of Albany
102 North Rd
YAKAMIA WA 6331

Dear Tom,

RE: Great Southern Lime Development Application

Further to our recent discussions, I attach revised development application and attachments.

These requested variations to our Development Approval are to address the safety factors raised by DMIRS after their recent inspection, particularly, in relation to the safety factors surrounding the 18% gradient haul road to the pit.

DMIRS require the site operator to verify all equipment used onsite to be fit for purpose. The fact that the cartage contractors and farmers trucks, which are all owned by a third party, are beyond the scope of the pit operator to verify that they are maintained and designed for such gradients means they are categorised - not fit for purpose. This results in the request for the stockpile to be positioned at the base of the hill closer to the entrance off Lee Rd, which negates the need for the third party RAV4 road trains to ascend and descend the steep gradient to and from the pit. Instead, the contractor will use their own dump trucks to bring the material from the pit down to the revised stockpile area and be responsible for the fact that these vehicles, owned by the contractor, are fit for purpose and adequate safety precautions are installed to DMIRS satisfaction to accommodate this change in procedures as set out above.

This will require the smaller dump trucks to be utilised for 8 months of the year to establish the stockpile which would then be depleted over the 4 months January – April period of demand for the lime to the farmers.

We are also seeking for safety reasons, to increase from 3 hectares to 4 hectares the maximum area which is open in the pit for extraction and storage of extracted material. The experience of the operators is that 3 hectares is too small to operate the equipment safely.

The requested amendment to condition 17, addresses the need for flexibility in the daily movement of the material from the stockpile out of the site.

Condition 4 limits the movement of trucks to 6 days per week and condition 17 to 14 per day, equating to 84 truck movements over a 6-day working week.

The limit of 14 truck movements per day, has caused operational difficulties as it is not always possible to schedule exactly 14 truck movements per day. If there is a shortfall of truck movements on one day the shortfall cannot be made up.

For instance, January is a busy month for trucking companies carrying wheat and other grains. This limits the availability of trucks for lime transportation and affects scheduling to meet the daily limits of 14 trucks per day.

The amendment to condition 17 proposes that the daily movement over the haulage operation period (January - April) is an average of 14 truck movements per day.

The proposed amendment to condition 17 will not impact local residents as there will be no change to the total number of truck movements to and from the site over the haulage operation period (January – April).

The requested amendment to condition 43, gives more time for preparation and submission of the relevant reports following the change of the operation period to January - April. Further, this aligns the reporting dates with the reporting requirements of the extractive industry licence and the end of the financial year.

Please let me know if you require any further information to progress this application.

Regards

Graeme Robertson

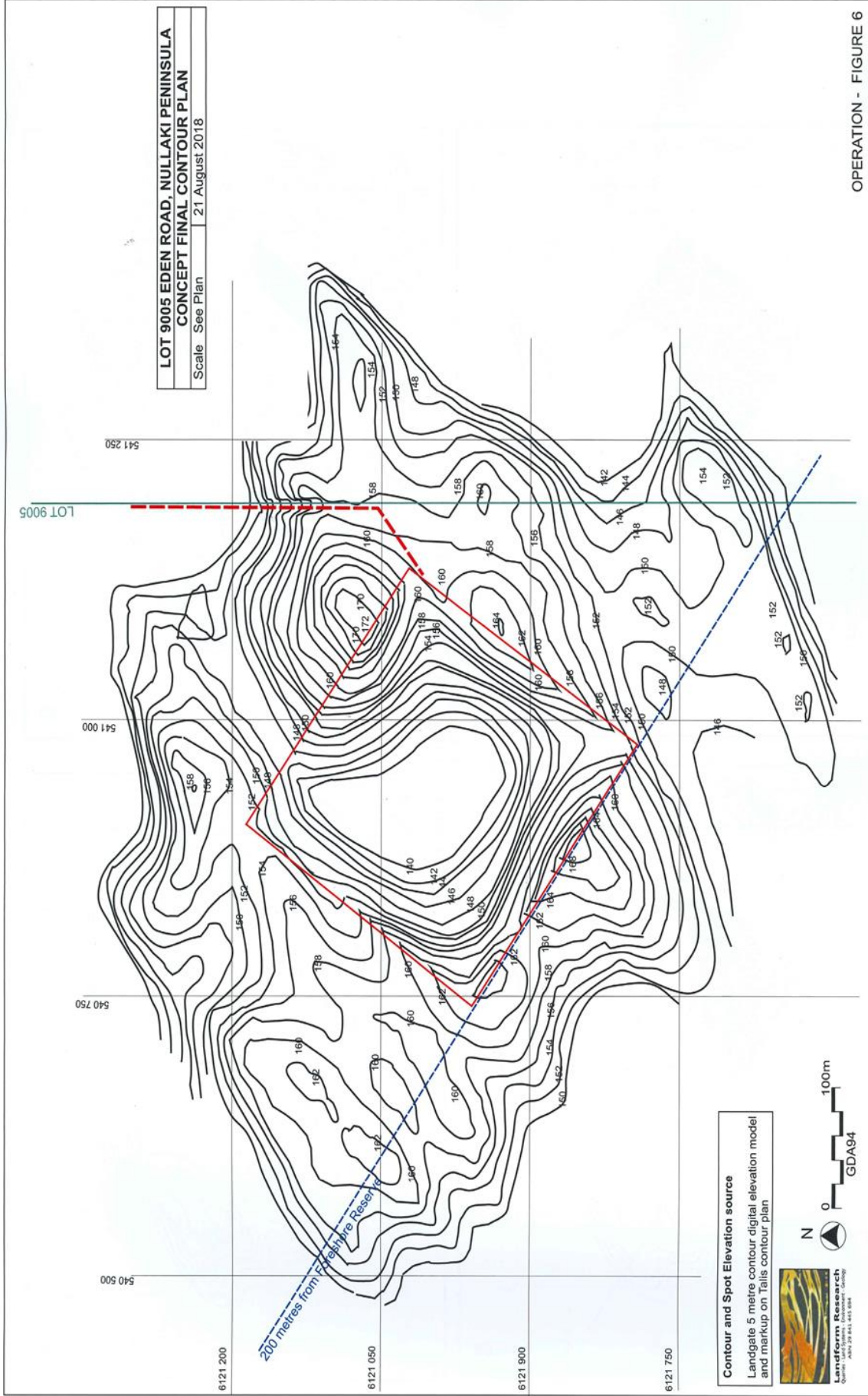
**DIRECTOR
GREAT SOUTHERN LIME**

Attachment 1

Description of proposed works and / or land use

The application seeks the approval of the City of Albany to amend conditions 2, 4, 17 and 43 of the Industry–Extractive (Agricultural Lime) at Lot 9005 Eden Road Nullaki WA 6330, to read as follows:

- 2 Excavation, storage and extraction activities shall be contained within areas A and B depicted on the site plan drawing number 21980-23A prepared by Harley Dykstra. Area A is the 8 hectare excavation, storage and extraction depicted in the Landform Research dated 21 August 2018 which is annexed to these conditions. The perimeter of Area A must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. A maximum of four (4) hectares of Area A will be open for excavation, extraction and operation activities at any one time.
- Area B is a three (3.0) hectare area for storage of screened extracted material and truck loading operations. A maximum of 50,000 tonnes of screened material shall be stored within two and half (2.5) hectares of Area B.
- Area C is an area of 2920m² to be used as a layby and a turning circle for trucks on the site.
- 4 Except as otherwise approved by the City of Albany the hours of operation of the extractive industry, shall be restricted to the hours of 7.00am – 5.00pm Monday to Friday and, 8.00am - 5.00pm Saturday with no operation of the extractive industry permitted on Sundays or public holidays. The movement of trucks for the haulage of extracted material out of the site shall be restricted to the period of 1 January to 30 April annually.
- 17 Extraction from the excavation site (Area A) shall not exceed 50,000 tonnes in any 12 months period and the haulage out of the site (Area B) for each haulage operation period (January – April) shall not exceed a daily average of 14 truck movements over each haulage operation period.
- 43 The applicant shall submit an annual compliance report to the City of Albany by 30 June each year. The annual compliance report shall include:
- (a) an internal compliance audit of all the development and licence approval conditions and Management Plan requirements undertaken by a suitably qualified person to the reasonable satisfaction of the City;
 - (b) details of all community complaints and complaint responses;
 - (c) annual tonnage of extracted material in the previous calendar year;
 - (d) log of cartage trucks to and from the site recorded on a daily basis during period of operation;
 - (e) other information reasonably requested by the City relevant to the management of any impact arising from the operation of the extractive industry.





**BOWMAN & PARTNERS
ENVIRONMENTAL**

ENVIRONMENTAL SCIENTISTS · INDEPENDENT VERIFIERS

PO Box 235 Subiaco, WA 6904
M: 0408 942 909
ABN: 11 159 736 777

Your Ref: Client Ref
Our Ref: GSL/004/2023

8th June 2023

Great Southern Lime Partnership
C/- Mr Graeme Robertson

By email to: gjrgroup@wn.com.au

Dear Graeme,

PROPOSED STOCKPILE AREA AT GSL NULLAKI OPERATIONS

I refer to your advice that the City of Albany wish to receive vegetation survey data for the area proposed for the establishment of a new stockpile area and truck turning bay at your Nullaki operations site.

I can confirm that I have submitted a Clearing Permit Application the Department of Water and Environmental Regulation, under your instructions. Within the application I provided the findings of vegetation flora and fauna habitat survey. I have extracted the relevant information and present this here, for submission to the City.

1.0 Location and general characteristics of the land

Figure 1 presents the proposed clearing area and its surroundings and shows its relationship to the clearing area approved for Clearing Permit CPS 8392/1. The clearing area is marked over the vegetation map for the area which is the basis for vegetation descriptions provided later in the report.

The proposed clearing area comprises an approximate 3.29 ha parcel of land located within Lot 9005 Rock Cliff Circle Nullaki, which itself has an area of approximately 473.3287 ha. The stockpile area has an area of 3.0 ha whilst the truck turning area is 0.29 ha.

Lot 9005 is located some 12.5km to the south-east of the township of Denmark but within the City of Albany boundaries, within a large tract of native vegetation and agricultural land which presents a combined rural and natural landscape setting typical for the district.

Surrounding land uses include farming to the east, and rural living residences on 40 ha lots on

the Nullaki peninsula which presents as a very high limestone dune ridge, dune slopes and lowlands adjacent to Wilson inlet and is located to the west of the site. To the south of the site lies the steeply cliffed Southern Ocean shoreline and to the north lies a further extent of sand plain and the margins and water body of the Wilson Inlet.

2.0 Landforms Soils and Groundwater

The land and its locality lie within an extensive system of coastal limestone ridge terrain of Pleistocene age which forms a dominant element of the local coastal landforms and geology.

At the coast there is a very high dune system which is aligned on a north-west/south-east direction. The ridge in this area reaches maximum elevations of around 185 to 200 m AHD, is steeply cliffed at its ocean margin to the south-west, then to the north-east the ridge falls more gently to lowlands which comprise gently undulating sandplains with overlying low stature linear dunes.

The proposed clearing area is located on a flat section of lowland sandplain and dune terrain at an elevation of approximately 10m AHD.

At a district to regional scale, the soils on the site are described as Meerup Podzols over Calcareous Sand Phase (254NkMRp) which are podzols over calcareous sand typically associated with Banksia-Bullich-Yate woodland. A small area to the east is mapped as Meerup Podzols over Siliceous Sand Phase (254NkMRs) which are podzols in siliceous sand typically associated with Banksia-Bullich-Yate-Sheoak woodland (PVG Environmental 2017).

Site observations confirm that the surface soils comprise grey siliceous to calcareous sands with a thin organic layer at the surface. Whilst no specific soil profile investigation at this site has been conducted it is reasonable to infer that the sands extend for several meters depth and overlay either limestone or granitic basement sediments.

The surface soils are highly permeable and allow a large proportion of incident rainfall to infiltrate and recharge an underlying unconfined aquifer. A nearby wetland (about 100m to the north of the proposed truck turning area) suggests the water table of the unconfined aquifer is located around 3 to 4 m below ground level within the lower flatter parts of the proposed clearing area. Groundwater flow direction is inferred to be towards the north.

The water quality within the unconfined aquifer is likely to be fresh to slightly brackish.

3.0 Vegetation and Flora

The vegetation and flora of a transect located a short distance to the north of the proposed stockpile clearing area in equivalent terrain, and including the truck turning area was surveyed

by specialist botanists PGV Environmental in October 2019. (PGV Environmental, 2017).

The botanical information presented in this present report is based on the findings of the PGV report together with observations by this firm's personal inspection during February 2023 and on many earlier site inspections of the site and locality dating back to 2017.

Figure 1 presents an interpolation of the vegetation types in the local area based on the PGV mapping and its assignment of vegetation mapping units to vegetation patterns visible on the photography. This provides a key to mapping of the vegetation on the proposed clearing area site.

The PGV Environmental Flora and Vegetation survey was undertaken in accordance with the Detailed survey requirements contained in *EPA Technical Guidance: Flora and Vegetation Surveys* (EPA, 2016).

The survey included the following:

- Desktop search and review of the Department of Biodiversity, Conservation and Attractions (DBCA) Naturemap database;
- A search of the Commonwealth Government's Protected Matters Search Tool to identify species potentially occurring within the area that are protected under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*;
- Examination of historic and recent aerial photography and contour and soil maps to provisionally identify vegetation types and condition;
- Field survey using quadrats to record native and introduced species as well as a thorough site walkover of any areas of native vegetation;
- Recording of any significant plant species using a hand-held GPS;
- Description and mapping of vegetation types and vegetation condition; and
- Compilation of a flora list.

The relevant findings of this survey and analysis, as they apply to the proposed clearing area are summarized below.

Vegetation Complex

The vegetation on the site is part of the Owingup Complex. There is approximately 65.85% of the Owingup Complex remaining in the Shire of Denmark based on the pre-European extent with 39.81% of the entire vegetation complex in secure tenure (WALGA, 2018).

The retention and amount of the vegetation complex found at the site exceeds the 30% retention and 10% reservation targets (Commonwealth of Australia, 2001).

Threatened and Priority Ecological Communities

The vegetation types on the site are not representative of any Threatened or Priority Ecological Communities that occur in the Denmark-Albany area.

Flora

None of the species found within the site is a Threatened (Declared Rare) or Priority species;

Conclusions

The flora and vegetation survey of the Lee Road Reserve and proposed Emergency Access Track on Lot 9005 Rock Cliff Circle resulted in the following findings:

- A total of 93 species including 75 native and 18 introduced species were recorded on the emergency access track site which includes the proposed clearing area,
- None of the species is a Threatened (Declared Rare) or Priority species;
- Three vegetation mapping units were described and mapped for the proposed clearing area. The vegetation types nearly all contained Peppermint trees (*Agonis flexuosa*) at density of low open woodlands. *Leucopogon insularis*, *Bossiaea linophylla* and *Spyridium globulosum* were common shrub species. Dryland sedges were common as ground cover in the drier sites.
- The condition of the vegetation in proposed clearing area is representative of local vegetation condition) was all Very Good to Excellent;
- The amount remaining of the Owingup vegetation complex is above the EPA's target of 30% with greater than 30% in secure reserves; and
- The vegetation is not representative of any Threatened or Priority Ecological Communities that occur in the Denmark-Albany area.

The consistency of the vegetation types visible on the photography enables interpretation at the site-specific scale for the proposed clearing area.

Figure 1 transfers this analysis of vegetation types to the proposed clearing area. In this way it is possible to describe the vegetation within the proposed clearing area as having three elements.

- Vegetation mapping unit Af SH, a sedgeland of native species which dominates the proposed clearing area and is described in detail based on quadrat data in the PGV report, and,
- Vegetation mapping unit Af LOW, which is a low open to closed woodland of peppermint (*Agonis flexuosa*), with a native sedge and shrub understory which has a floristic species overlap with the surrounding sedgelands vegetation.

- Vegetation mapping unit BIFnLg, which is a low open woodland of *Banksia littoralis* over *Finicia nodosal/Lepidosperma gladiatum* sedgland. There is a very small area of this vegetation mapping unit within the proposed truck turning bay area.

Each of these vegetation types is common and widespread in the locality, especially vegetation mapping unit Af LOW and AfSH, with BIFnLg being less common and focused on low lying areas, both within Lot 9005 and the Reserve 17464 to the east.

4.0 Habitats and Fauna

The site supports native vegetation and habits in good to excellent condition and is expected to support a fauna typical for the large expanses of sandplain which are predominant in this area.

Habits include low coastal shrublands and sedgelands to about 1m height over sandy soil substrate, together with stands of peppermint woodlands with a native flora understory.

There are no environmental characteristics of the site, or information in the published literature which indicates that the proposed site has any specific special values as a fauna habitat within itself and in the context of the surrounding environment.

The site is situated within a very large expanse of equivalent to identical fauna habitat, being coastal sandplain and dune terrain with low sedgelands, low coastal shrublands and low open woodlands.

At regional scale, using the vegetation complex type as a surrogate indicator of fauna habitat type, the Owingup Vegetation complex is widespread in the Shire of Denmark and remains at 65% extant and 38% in secure tenure.

It is reasonable to conclude that if there are any fauna species dependent upon Owingup vegetation complex type/habitat type, the fauna could not be reliant upon the proposed clearing area for maintenance because there are vast local areas which also support this habitat type.

At a local and district level, there is an extensive contiguous and continuous expanse of equivalent native vegetation of approximately 2 km width which extends for approximately 8km to the west along the Nullaki peninsula, and a similar distance to the east, within Reserve 17464.

This presence of this adjacent expanse of equivalent fauna habitat indicates that it is reasonable to conclude that no fauna species is reliant upon the habitats at the proposed clearing area for their survival.

Aurora Environmental (2016) prepared a Level 1 Fauna Survey of the locality and the mine pit and haulage road.

One species, the Assassin spider (*Zephyrarchaea mainii*), was identified as a possible species which could occur in the area.

Main's Assassin Spider favours Peppermint (*Agonis*) coastal habitats where it inhabits shaded, long unburnt groves with an understorey of sedges (*Lepidosperma*), grasses and 'wiry' herbs (Restionaceae). Its microhabitat within these Peppermint groves is the elevated leaf-litter layer which collects amongst the crowns of the understorey plants (Rix and Harvey, 2009).

Anecdotal evidence suggests that Lot 9005 was last burnt in 1994 but had been subject to repeated frequent burns at approximately 5-year intervals for decades before that, in order to encourage feed for sheep which were grazed in the area. This may explain why there is an almost complete absence of suspended leaf litter underneath stands of *Agonis flexuosa*.

The survey indicates that Main's Assassin Spider is unlikely to occur within the area proposed to be cleared as it contains very few peppermint trees and has been subjected to regular burning in previous decades, which has diminished the ability for elevated leaf litter habitat to develop and accumulate.

Concluding Comments

I trust this information meets the needs of the City and note that the PGV Environmental Survey work, upon which this analysis is based, was carried out in accordance with EPA guidelines for botanical survey.

Please advise me in the event that you require further information or clarification.

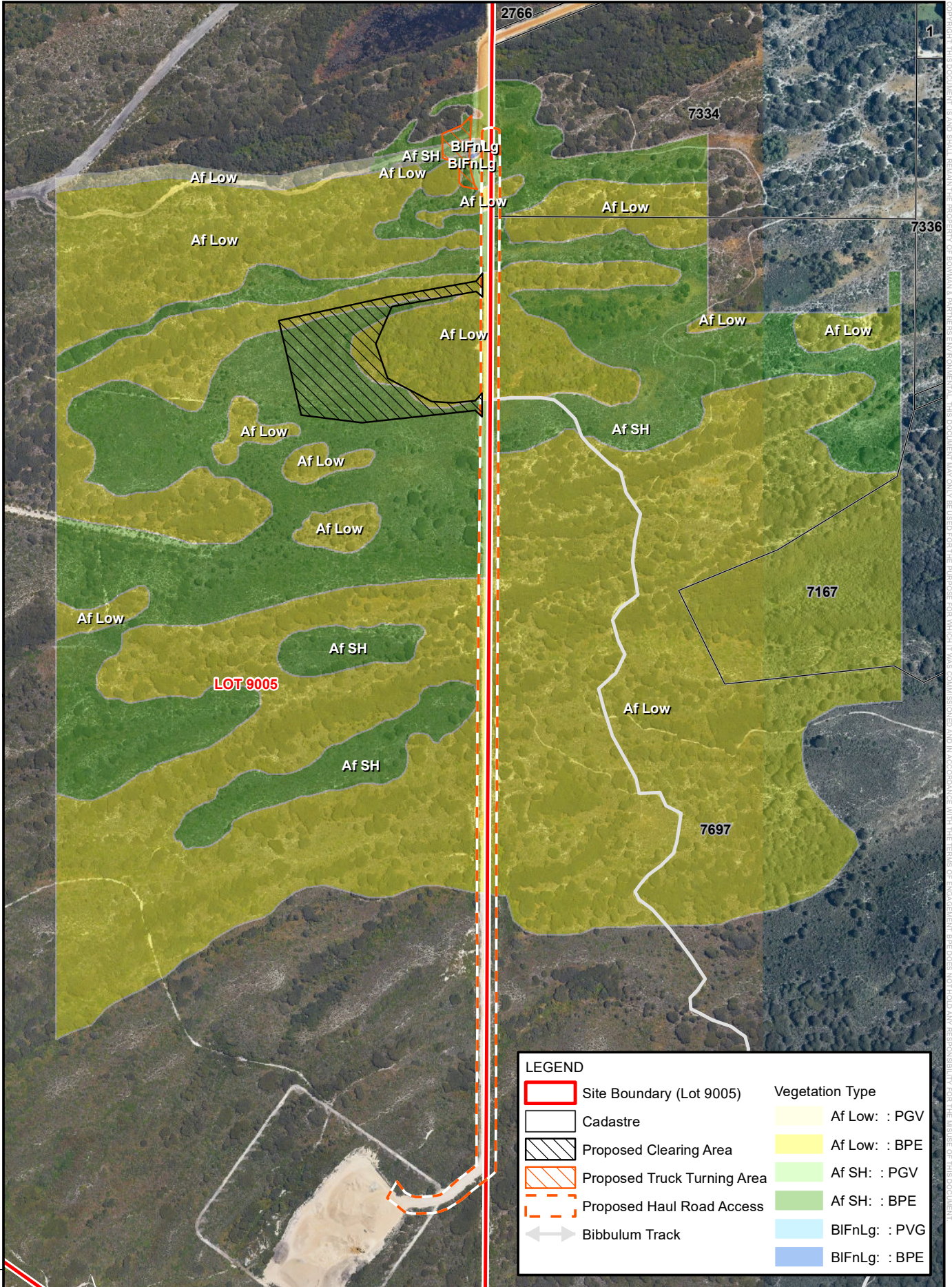
Yours sincerely,



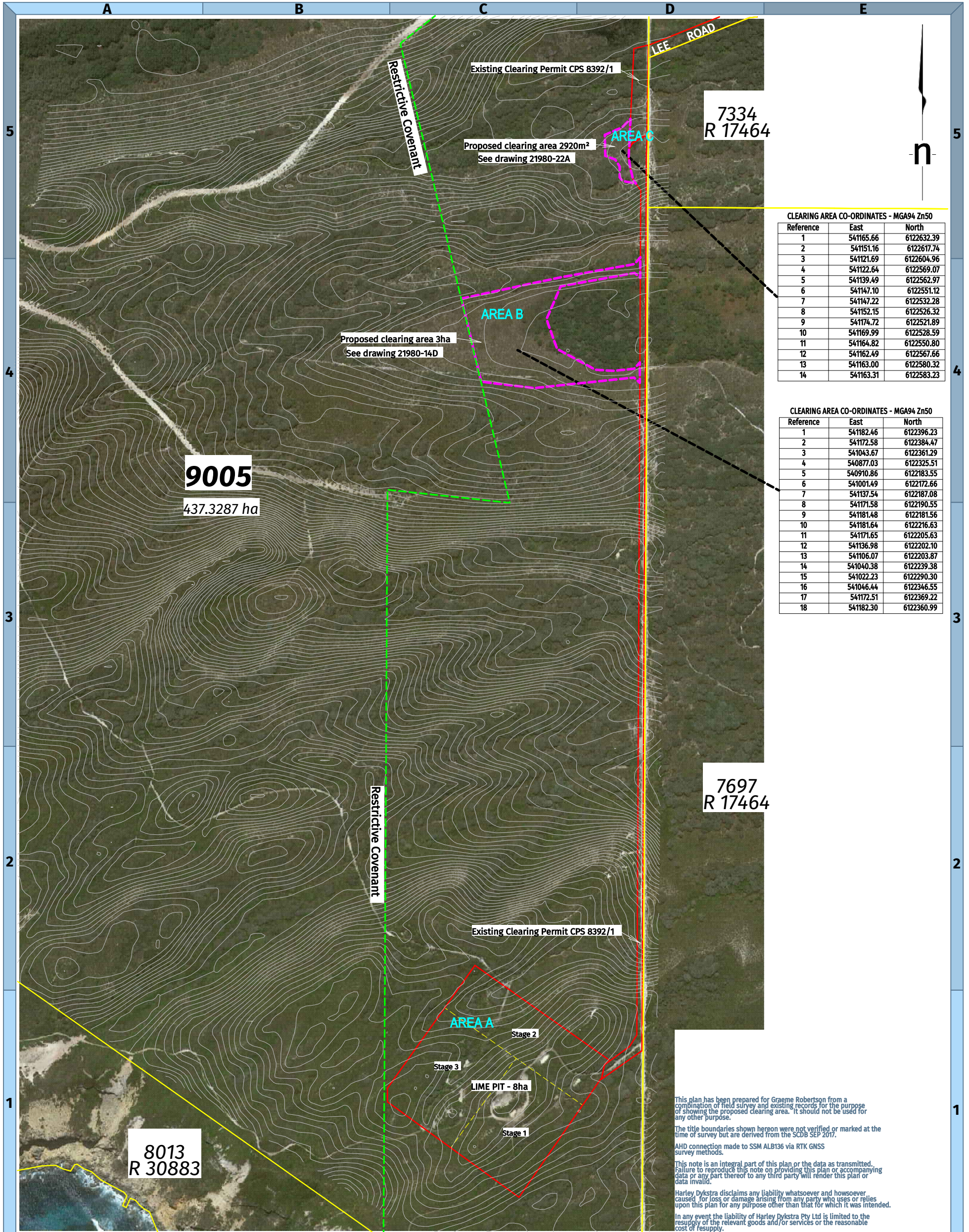
MARTIN BOWMAN

Director

Attachment: Vegetation Type and Proposed Clearing Area diagram.



LEGEND	
	Site Boundary (Lot 9005)
	Cadastre
	Proposed Clearing Area
	Proposed Truck Turning Area
	Proposed Haul Road Access
	Bibbulum Track
	Af Low: : PGV
	Af Low: : BPE
	Af SH: : PGV
	Af SH: : BPE
	BIFnLg: : PGV
	BIFnLg: : BPE



CLEARING AREA CO-ORDINATES - MGA94 Zn50

Reference	East	North
1	541165.66	6122632.39
2	541151.16	6122617.74
3	541121.69	6122604.96
4	541122.64	6122569.07
5	541139.49	6122562.97
6	541147.10	6122551.12
7	541147.22	6122532.28
8	541152.15	6122526.32
9	541174.72	6122521.89
10	541169.99	6122528.59
11	541164.82	6122550.80
12	541162.49	6122567.66
13	541163.00	6122580.32
14	541163.31	6122583.23

CLEARING AREA CO-ORDINATES - MGA94 Zn50

Reference	East	North
1	541182.46	6122396.23
2	541172.58	6122384.47
3	541043.67	6122361.29
4	540877.03	6122325.51
5	540910.86	6122183.55
6	541001.49	6122172.66
7	541137.54	6122187.08
8	541171.58	6122190.55
9	541181.48	6122181.56
10	541181.64	6122216.63
11	541171.65	6122205.63
12	541136.98	6122202.10
13	541106.07	6122203.87
14	541040.38	6122239.38
15	541022.23	6122290.30
16	541046.44	6122346.55
17	541172.51	6122369.22
18	541182.30	6122360.99

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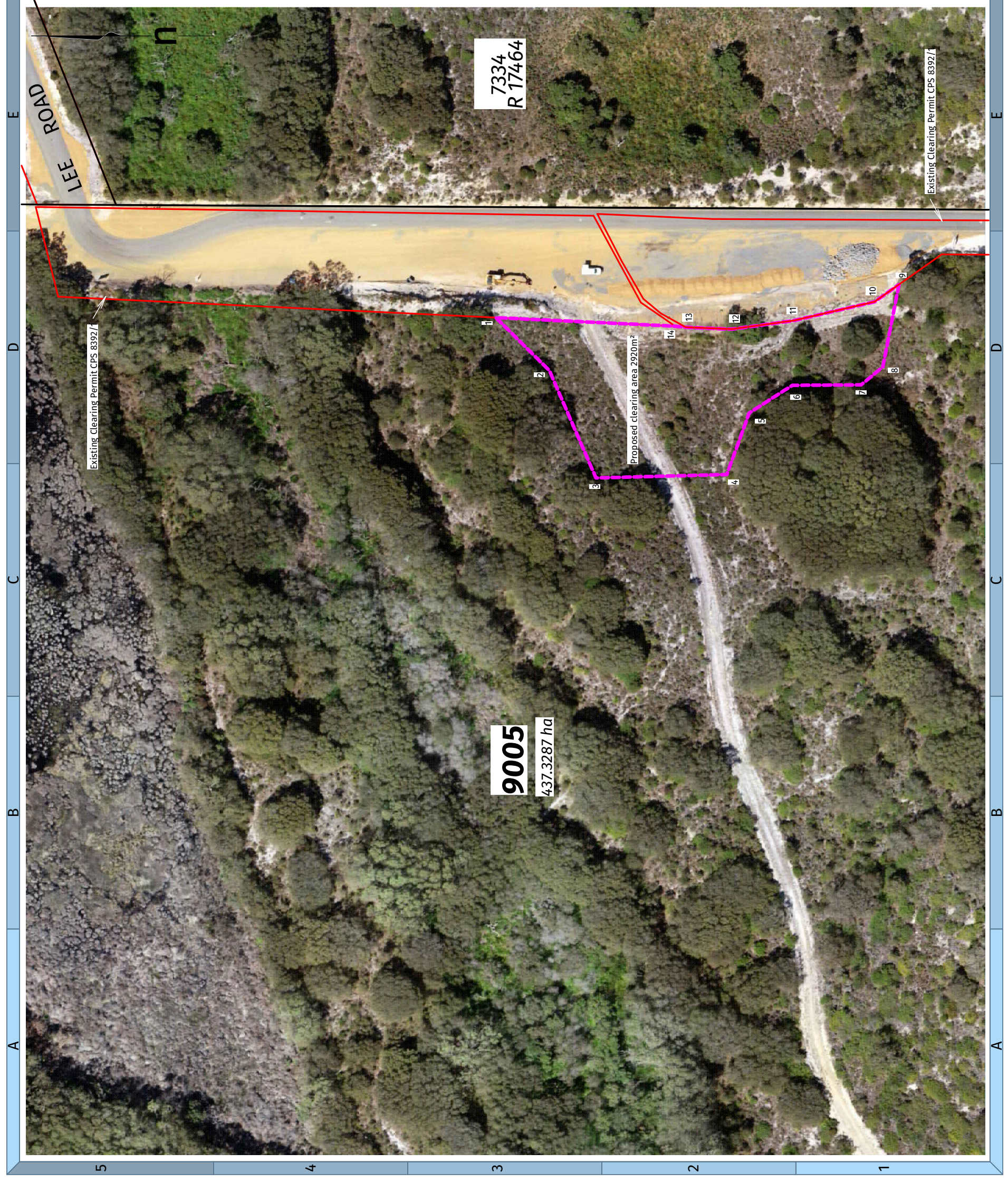
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B	Pit staging added	AJE 27-04-23
A	Original drawing	AJE 26-04-23
rev	details	approved date
survey	COMPILED	cad file 21980-23B.lcd
drawn	AJE 26-04-2023	checked SD 26-04-2023
horiz datum	MGA94	level datum AHD
scale at A3	all distances are in metres	
1: 6000	0 50 100 150	

NULLAKI LIME PIT PROPOSED CLEARING AREAS

client: **GRAEME ROBERTSON** drawing no: **21980-23B**

plan type: **PROPOSED CLEARING**

Harley Dykstra
 PLANNING & SURVEY SOLUTIONS



Harley Dykstra

PLANNING & SURVEY SOLUTIONS

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CLEARING AREA CO-ORDINATES - MGA94, Z150

Reference	East	North
1	541165.66	6122632.39
2	541151.16	6122677.74
3	541121.69	6122604.96
4	541122.64	6122569.07
5	541139.49	6122562.97
6	541147.10	6122551.12
7	541147.22	6122532.28
8	541152.15	6122526.32
9	541174.72	6122521.89
10	541169.99	6122528.59
11	541164.82	6122550.80
12	541162.49	6122567.66
13	541163.00	6122580.32
14	541163.31	6122583.23

rev	details	approved date
A	Original drawing	AJE 18-04-23

survey	cad file	approved date
AJE 20-02-2023	21980-22A.lcd	

drawn	checked
AJE 18-04-2023	SD 18-04-2023

horiz datum	level datum
MGA94	AHD

scale at A3
all distances are in metres

1 : 1000

plan type
PROPOSED CLEARING

client
GRAEME ROBERTSON

description
**NULLAKI LIME PIT
PROPOSED CLEARING
FOR LAYDOWN EXPANSION**

drawing no
21980-22A

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CLEARING AREA CO-ORDINATES - MGA94 Zn50		
Reference	East	North
1	541182.46	6723962.3
2	541172.38	6723844.7
3	541043.07	6723617.9
4	540877.03	6723255.0
5	540910.88	6721813.5
6	541011.49	6721702.88
7	541111.58	6721308.55
8	541171.58	6721308.55
9	541181.48	6721308.55
10	541181.64	6722161.63
11	541171.65	6722205.63
12	541136.98	6722205.10
13	541106.07	6722038.87
14	541040.38	6722293.38
15	541022.23	6722910.30
16	541046.44	6722445.55
17	541021.51	6722692.22
18	541182.30	6722809.97

D	Clearing area changed	AJE 12-04-23
C	Restrictive Covenant added	AJE 11-04-23
B	Contours modified	AJE 21-02-23
A	Original drawing	AJE 21-02-23

rev	details	approved date
survey	cad file	
	21980-14D.lcd	
drawn	checked	
	AJE 12-04-2023	SD 12-04-2023
horiz datum	level datum	
	MGA94 Zn50	AHD

scale at A3 all distances are in metres
1 : 2500
0 20 40 60

plan type
PROPOSED CLEARING

client
GRAEME ROBERTSON

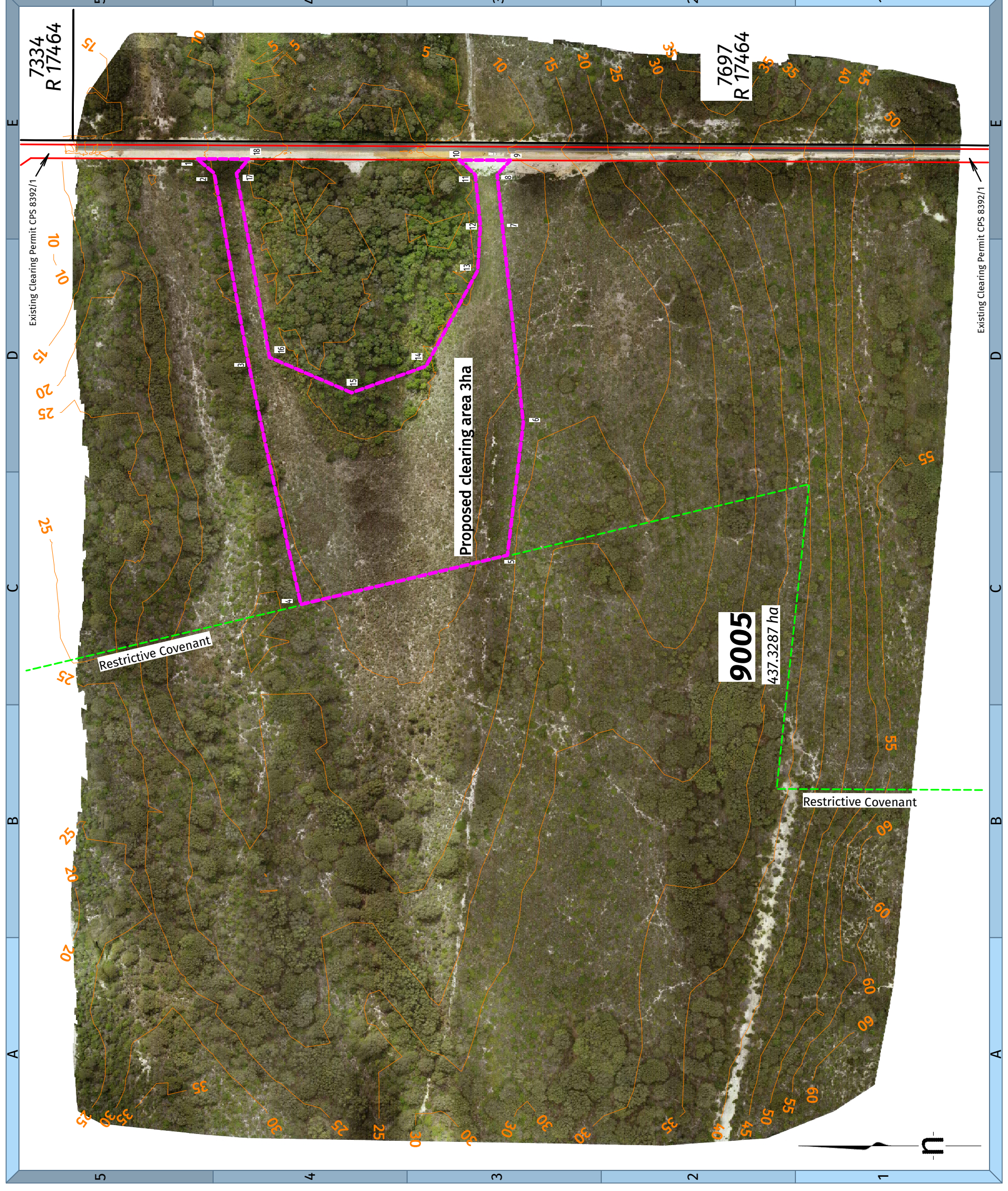
description
**NULLAKI LIME PIT
PROPOSED CLEARING
FOR STOCKPILE PAD**

drawing no
21980-14D

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9. THE CONTRACTOR SHALL PROVIDE THE SUPERINTENDENT AN AS CONSTRUCTED SURVEY OF FINISHED DEVELOPMENT LEVELS WITHIN THE EXTENT OF THE WORKS BOUNDARY. THE LEVELS SHOULD ACCURATELY DEFINE BATTERS, AND CHANGES IN GRADE. SURVEY SHALL BE SUPPLIED IN DIGITAL FORMAT (CAD AND PDF).

LEGEND

- PROPOSED STOCKPILE AREA
- 15m HIGH DIRT WINDROW
- PROPOSED 200mm GRAVEL PAVEMENT
- PROPOSED LIMESTONE STOCKPILE
- PROPOSED COMPACTED GRAVEL BERM FOR ON-ROAD / OFF-ROAD VEHICLE SEPARATION
- OFF-ROAD VEHICLE TRACK
- EXISTING ACCESS ROAD CHAINAGE
- DRAINAGE CHANNEL
- EDGE OF ACCESS ROAD BITUMEN

SITE PLAN
SCALE 1:2500

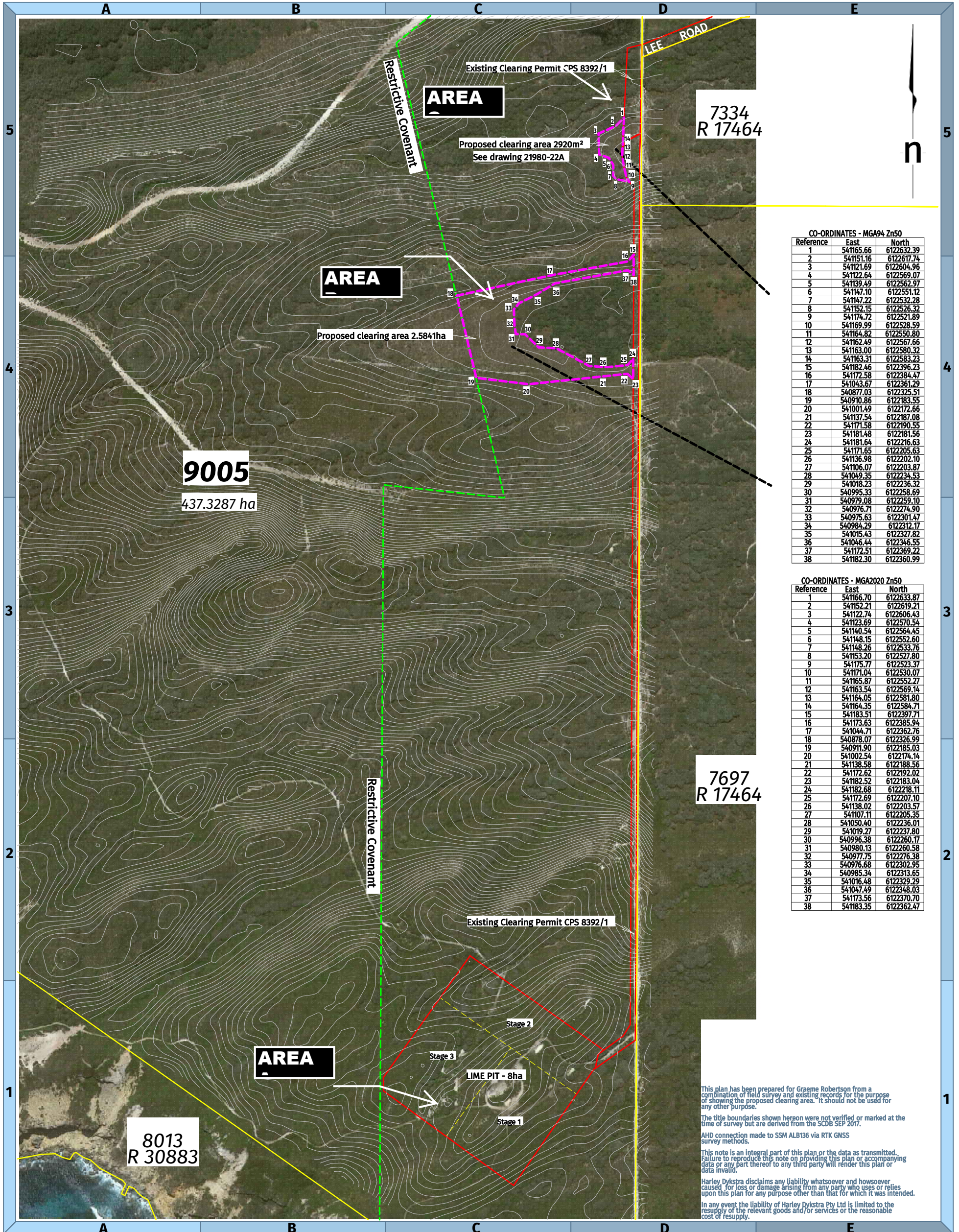
PROJECT: NULLAKI LIME PIT		CLIENT:	
TITLE: LIMESTONE STOCKPILE AND TRUCK TURNAROUND PLAN		DESIGNED: DN	
DRAWING NUMBER: 2530-01-300		DRAWN: DN	
ISSUE: B		CHECKED: JS	
APPROVED: J.SMALL		DATE:	

No.	DATE	DRAWN	APPROVED	AMENDMENT
B	17.07.23	DN	JS	SLURRY PIPE REMOVED.
A	03.07.23	DN	JS	ISSUED FOR REVIEW.

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CO-ORDINATES - MGA94 Zn50

Reference	East	North
1	541165.66	6122632.39
2	541151.16	6122617.74
3	541121.69	6122604.96
4	541122.64	6122569.07
5	541139.49	6122562.97
6	541147.10	6122551.12
7	541147.22	6122532.28
8	541152.15	6122526.32
9	541174.72	6122521.89
10	541169.99	6122528.59
11	541164.82	6122550.80
12	541162.49	6122567.66
13	541163.00	6122580.32
14	541163.31	6122583.23
15	541182.46	6122396.23
16	541172.58	6122384.47
17	541043.67	6122361.29
18	540877.03	6122325.51
19	540910.86	6122183.55
20	541001.49	6122172.66
21	541137.54	6122187.08
22	541171.58	6122190.55
23	541181.48	6122181.56
24	541181.64	6122216.63
25	541171.65	6122205.63
26	541136.98	6122202.10
27	541106.07	6122203.87
28	541049.35	6122234.53
29	541018.23	6122236.32
30	540995.33	6122258.69
31	540979.08	6122259.10
32	540976.71	6122274.90
33	540975.63	6122301.47
34	540984.29	6122312.17
35	541015.43	6122327.82
36	541046.44	6122346.55
37	541172.51	6122369.22
38	541182.30	6122360.99

CO-ORDINATES - MGA2020 Zn50

Reference	East	North
1	541166.70	6122633.87
2	541152.21	6122619.21
3	541122.74	6122606.43
4	541123.69	6122570.54
5	541140.54	6122564.45
6	541148.15	6122552.60
7	541148.26	6122533.76
8	541153.20	6122527.80
9	541175.77	6122523.37
10	541171.04	6122530.07
11	541165.87	6122552.27
12	541163.54	6122569.14
13	541164.05	6122581.80
14	541164.35	6122584.71
15	541183.51	6122397.71
16	541173.63	6122385.94
17	541044.71	6122362.76
18	540878.07	6122326.99
19	540911.90	6122185.03
20	541002.54	6122174.14
21	541138.58	6122188.56
22	541172.62	6122192.02
23	541182.52	6122183.04
24	541182.68	6122218.11
25	541172.69	6122207.10
26	541138.02	6122203.57
27	541107.11	6122205.35
28	541050.40	6122236.01
29	541019.27	6122237.80
30	540996.38	6122260.17
31	540980.13	6122260.58
32	540977.75	6122276.38
33	540976.68	6122302.95
34	540985.34	6122313.65
35	541016.48	6122329.29
36	541047.49	6122348.03
37	541173.56	6122370.70
38	541183.35	6122362.47

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C	Clearing area modified	AJE	11-10-23
B	Pit staging added	AJE	27-04-23
A	Original drawing	AJE	26-04-23
rev	details	approved	date
survey	COMPILED	cad file	21980-23C.lcd
drawn	AJE 26-04-2023	checked	SD 26-04-2023
horiz datum	MGA94	level datum	AHD
scale at A3	all distances are in metres		
1: 6000	0 50 100 150		

description

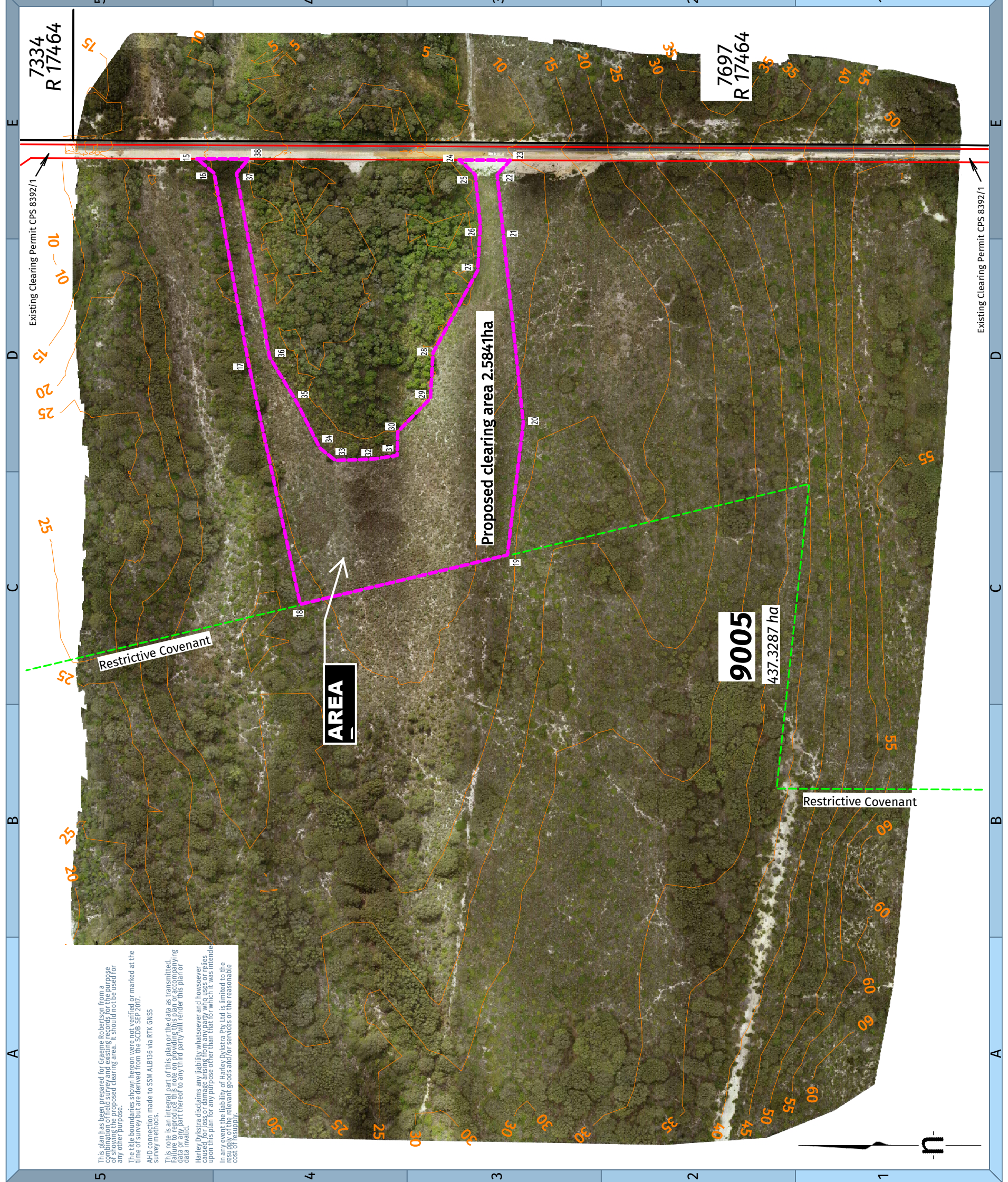
NULLAKI LIME PIT PROPOSED CLEARING AREAS

client: **GRAEME ROBERTSON** drawing no: **21980-23C**

plan type: **PROPOSED CLEARING**



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CO-ORDINATES - MGA94 Zn50

Reference	East	North
15	541892.44	6122396.23
16	541772.58	6122384.47
17	541892.44	6122384.47
18	541892.44	6122384.47
19	540910.88	612183.55
20	540004.49	612177.66
21	541327.54	612187.08
22	541892.44	612187.08
23	541892.44	612216.63
24	541772.58	612220.63
25	541327.54	612220.63
26	541327.54	612220.63
27	541327.54	612220.63
28	541049.35	612224.53
29	540168.23	612226.32
30	540995.33	612226.69
31	540995.33	612226.69
32	540995.33	612226.69
33	540995.33	612226.69
34	540995.33	612226.69
35	540995.33	612226.69
36	540995.33	612226.69
37	541772.58	612226.69
38	541892.44	612226.69

E	Clearing area changed	A/E 11-10-23
D	Clearing area changed	A/E 12-04-23
C	Restrictive Covenant added	A/E 11-04-23
B	Contours modified	A/E 21-02-23
A	Original drawing	A/E 21-02-23

rev	details	approved date
survey	cad file	
	A/E 20-02-2023	21980-14E.lcd
drawn	checked	
	A/E 12-04-2023	SD 12-04-2023
horiz datum	level datum	
	MGA94 Zn50	AHD
scale at A3	all distances are in metres	
	1 : 2500	0 20 40 60

plan type
PROPOSED CLEARING

client
GRAEME ROBERTSON

description
**NULLAKI LIME PIT
PROPOSED CLEARING
FOR STOCKPILE PAD**

drawing no
21980-14E

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CLEARING AREA CO-ORDINATES - MGA94, Z150

Reference	East	North
1	541165.66	6122632.39
2	541151.16	6122677.74
3	541121.69	6122604.96
4	541122.64	6122569.07
5	541139.49	6122562.97
6	541147.10	6122551.12
7	541147.22	6122532.28
8	541152.15	6122526.32
9	541174.72	6122521.89
10	541169.99	6122528.59
11	541164.82	6122550.80
12	541162.49	6122567.66
13	541163.00	6122580.32
14	541163.31	6122583.23

Original drawing	AJE 18-04-23	approved date
survey	AJE 20-02-2023	cad file
drawn	AJE 18-04-2023	checked
horiz datum	MGA94	level datum
		AHD

scale at A3
 1 : 1000
 0 10 20 30
 all distances are in metres

plan type
PROPOSED CLEARING
 client
GRAEME ROBERTSON

description
**NULLAKI LIME PIT
 PROPOSED CLEARING
 FOR LAYDOWN EXPANSION**

drawing no
21980-22A

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LEGEND

- PROPOSED STOCKPILE AREA
- 15m HIGH DIRT WINDROW
- PROPOSED 200mm GRAVEL PAVEMENT
- PROPOSED LIMESTONE STOCKPILE
- PROPOSED COMPACTED GRAVEL BERM FOR ON-ROAD / OFF-ROAD VEHICLE SEPARATION
- OFF-ROAD VEHICLE TRACK
- EXISTING ACCESS ROAD CHAINAGE
- DRAINAGE CHANNEL
- EDGE OF ACCESS ROAD BITUMEN

SITE PLAN
SCALE 1:2500

No.	DATE	DRAWN	APPROVED	AMENDMENT
F	17.10.23	DN	JS	TRUCK TURNAROUND UPDATED.
B	17.07.23	DN	JS	ISSUED FOR REVIEW.
A	03.07.23	DN	JS	SLURRY PIPE REMOVED.
C	18.08.23	DN	JS	TAPERS ADDED EACH SIDE OF TURNAROUND ENTRANCES
D	20.09.23	DN	JS	WINDROWS SHOWN WITH INTERMITTENT SPACING
E	16.10.23	DN	JS	TRUCK TURNAROUND TRAFFIC TO BE ANTI-CLOCKWISE

CLIENT	DESIGNED	CHECKED	APPROVED
	DN	JS	J.SMALL
	DN	JS	

PROJECT	TITLE	DRAWING NUMBER	ISSUE
NULLAKI LIME PIT	LIMESTONE STOCKPILE AND TRUCK TURNAROUND PLAN	2530-01-300	F

Level 12, 54-58, Market Street, West Perth WA 6005
 (08) 9252 3300 info@tabec.com.au www.tabec.com.au

Jurisdiction:	<i>Planning and Development Act 2005</i>
Application:	Review of a decision under a local planning scheme or region planning scheme
Parties:	Graeme Robertson (Applicant) City of Albany (Respondent)
Matter Number:	DR 354/2017
Application Lodged:	6 November 2017
Date of Decision:	10 January 2019
Decision of:	Deputy President, Judge Parry and Member Marie Connor
Outcome:	Application allowed

1. The application for review is allowed.
2. The decision of the City of Albany made on 26 September 2017 to refuse development approval for extractive industry at Lot 9005 Rock Cliff Circle/Eden Road, Nullaki is set aside and in its place a decision is substituted that development approval is granted subject to the conditions in Attachment A.



Attachment A

GENERAL

1. Except to the extent inconsistent with any other conditions set out hereunder, all development on the site shall comply with the Excavation and Rehabilitation Management Plan dated August 2018 and any subsequent amendments to that Management Plan as may be agreed in writing between the applicant and the City of Albany from time to time.
2. Excavation, storage and extraction activities shall be contained within an eight hectare area in the location depicted in the plan and entitled "Lot 9005 Eden Road, Nullaki Peninsula Concept Final Contour Plan" drawn by Landform Research dated 21 August 2018 which is annexed to these conditions. A maximum of three hectares will be open for extraction and storage of extracted material at any one time. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area.
3. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no further development shall be carried out without the further approval of City of Albany having first been sought and obtained.
4. Except as otherwise approved by the City of Albany, the hours of operation of the extractive industry, including the movement of trucks in or out of the site, shall be restricted to:
 - a. the period of 1 December to 31 March; and
 - b. the hours of 7.00am - 5.00pm Monday to Friday, and 8.00am - 5.00pm Saturday, with no operation of the extractive industry permitted on Sundays or Public Holidays.
5. The applicant shall ensure that the site is kept in a neat and tidy condition at all times. When vehicles and equipment are not in use they shall be located in such a manner as to minimise their view from outside the site to the reasonable satisfaction of the City of Albany.

ENVIRONMENTAL

6. The site shall be suitably rehabilitated and re-contoured on a per hectare basis, including re-battering of banks and reseeded and stabilising of former extraction areas, in accordance with the

Excavation and Rehabilitation Management Plan to the reasonable satisfaction of the City of Albany.

7. The applicant shall enter into a deed of agreement with the City of Albany providing for payment prior to commencement of operations of a refundable bond/bank guarantee of \$24,000 (calculated at \$3000.00 per hectare of excavation area) for remediation and rehabilitation work (if required) and authorising the City to enter onto the subject site to carry out rehabilitation and remediation works in the event of the applicant's failure to undertake such works in accordance with the Excavation and Rehabilitation Management Plan. The deed of agreement shall be prepared by the City's solicitors at the cost of the applicant.
8. The applicant shall control declared weeds throughout the site to the reasonable satisfaction of the City of Albany.
9. The excavation activities are to be restricted to a level no lower than 2 metres above the highest known water table.
10. The applicant shall not undertake any washing of excavated material on the development site.
11. Prior to the commencement of operations the applicant shall undertake and submit to the City of Albany a targeted Spring flora survey of the selected development area and the proposed access way/driveway to determine the presence of rare, endangered and/or threatened flora species. Should such species be identified the applicant shall prepare an alternative footprint that minimises visual impact and preserves the identified threatened flora, to the reasonable satisfaction of the City of Albany.

TRAFFIC AND ENGINEERING

12. The applicant shall submit a detailed design for the internal haul road for the approval of the City of Albany, acting reasonably. The design shall be accompanied by a Risk Management Plan which outlines residual road safety risks resulting from any applicable design constraints (e.g. width, grade) and the controls to manage these risks.
13. Prior to the commencement of operations the applicant shall submit a Traffic Management Plan for the approval of the City of Albany. The Traffic Management Plan shall address vehicle use and movements associated with the development both on site and off site and shall implement suitable operating procedures so as to ensure that trucks are not using the haulage route while the school bus is operating. The applicant shall comply, and shall ensure its contractors comply, with the Traffic Management Plan as approved by the City of Albany.

14. Prior to the commencement of haulage of limestone from the site the following upgrades to the road network shall be undertaken at the full cost to the applicant, to the reasonable satisfaction of the City of Albany:
- (a) Lower Denmark Road/Lake Saide Road intersection - widening of intersection to accommodate left turns for RAVs.
 - (b) Lake Saide Road SLK 0.0 - 2.75 - clear vegetation on the inside of curves.
 - (c) Lake Saide Road SLK 2.75 - 3.85 - widen to 7.6m.
 - (d) Lake Saide Road SLK 3.85 - 5.55 - widen to 5.8m with isolated narrow sections, restrict operating speeds to 40km/h. Clear vegetation for sight lines.
 - (e) Lake Saide Road/Browns Road intersection - widen intersection to accommodate RAV4 turning movements. Clear vegetation for sight lines.
 - (f) Browns Road SLK 0.0 - 0.47 - widen to 5.8m except for bridge, restrict operating speeds to 40km/h. Clear vegetation for sight lines.
 - (g) Browns Road/Lee Road intersection - widen intersection to accommodate RAV4 turning movements. Clear vegetation for sight lines.
 - (h) Lee Road SLK 0.0 to end of road - construct and widen to 5.8m, restrict operating speeds to 40km/h. Clear vegetation for sight lines.
 - (i) Sealing of the entire internal haulage road on the subject site using gravel to construct its shoulders and spreading topsoil on or applying spray sealing to the shoulders to encourage growth of vegetation on the shoulders.
15. Prior to the end second year of commercial operations, the applicant shall seal the following road sections in accordance with Austroads design guidelines and to the reasonable satisfaction of the City of Albany:
- (a) Lake Saide Road - SLK 2.75 to 5.55
 - (b) Browns Road - SLK 0.0 to 0.47
 - (c) Lee Road - SLK 0.0 to site boundary.

16. The applicant shall not transport more than 20,000 tonnes of extracted material from the site in any 12 month period prior to undertaking the following further road upgrades:
 - (a) Lake Saide Road SLK 0.0 - 2.75 - widen seal to a minimum 6.0m and formation to 8.0m. Clear vegetation for sight lines.
 - (b) Lake Saide Road SLK 3.85-5.55-widen to 7.6m, seal, restrict operating speeds to 40km/h. Clear vegetation for sight lines.
17. Extraction from the excavation site shall not exceed 50,000 tonnes in any 12 month period. Laden truck movements from the site shall not exceed fourteen (14) per day.
18. Prior to commencement of operations, the applicant shall engage an accredited and suitably qualified independent expert to undertake, in consultation with Main Roads WA, a review of the load bearing capacity of Brown Roads Bridge for Restricted Access Vehicles, or vehicles with greater than standard axle loadings associated with the extractive industry use. The review shall be submitted to and approved by the City of Albany prior to commencement of operations. If the review requires upgrade works to be undertaken by the applicant, the upgrade works shall be undertaken to the reasonable satisfaction of the City of Albany prior to commencement of operations.
19. Where damage is caused to the road pavement and/or bitumen seal as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the reasonable satisfaction of the City of Albany.
20. The applicant shall liaise with school bus operator to establish a traffic schedule to avoid potential conflicts with school bus operations and document this in the Traffic Management Plan. No truck movements shall be undertaken during the times that the school bus services the area, unless otherwise agreed in writing by the City of Albany, acting reasonably.
21. At the completion of each stage of excavation, the landowner shall ensure that all excavation faces, non operational stockpiles and bund walls are safe and stable.
22. The crossover from Lee Road to the internal haul road is to be constructed in accordance with City of Albany standard industrial crossover specifications and to be located and maintained to the reasonable satisfaction of the City of Albany.

23. Turning radius of crossover to be of a size suitable for large trucks and the width of the crossover shall be sufficient to accommodate two trucks (one entering and one exiting the site) to the reasonable satisfaction of the City of Albany.
24. Any crossovers to residences or businesses along the proposed haulage route are to be formed and provided with 2 metres of bitumen, and the entire internal haulage road on the applicant's land shall be constructed using road base quality material and bitumen sealed.
25. A maximum speed limit of 20 kilometres per hour shall be applied to all internal roads, driveways and vehicle accessways and signs in this regard shall be displayed at the entrances to the site.
26. The applicant shall pay a contribution to road maintenance calculated in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads published by the Western Australian Local Government Association as amended from time to time.

HAZARDOUS CHEMICALS

27. No onsite fuel storage or major servicing of equipment shall take place on the site.
28. The applicant shall:
 - (a) implement measures to avoid the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons; and
 - (b) ensure that no chemicals or potential liquid contaminants are disposed of on site.

NOISE

29. All activity at the site is to comply with the *Environmental Protection (Noise) Regulations 1997* (WA). The applicant will undertake a noise compliance audit when operations commence to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* (WA), to the reasonable satisfaction of the City of Albany.
30. Standard high pitched reversing beepers are to be removed from all excavation vehicles used on the site and alternative warning measures such as flashing lights or broadband reversing alarms known as 'croakers' (subject to compliance with the relevant Australian Standard and any Worksafe codes) are to be fitted to these vehicles instead.

31. No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.

DUST

32. The developer shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the subject site by using where necessary appropriate dust suppression techniques including but not limited to the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environment and Conservation's dust management guidelines dated March 2011 and the City of Albany Prevention and Abatement of Sand Drift Local Law 2000.
33. Verification of the efficacy of the measures to control dust proposed in the Excavation and Management Plan submitted by the applicant will be subject to auditing as part of the annual Compliance Report and the City may require alternate actions if the measures prove ineffective.
34. The landowner shall ensure that all loads leaving the site are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.

FIRE RISK MANAGEMENT

35. A revised Bushfire Management Plan shall be submitted for approval of the City of Albany acting reasonably, prior to commencement of operations.
36. The Bushfire Management Plan as approved by the City of Albany shall be implemented to the reasonable satisfaction of the City of Albany.

TEMPORARY BUILDINGS/STRUCTURES

37. A building permit is to be obtained for the construction or placement of any permanent or temporary structures on site such as a site office where required under *Building Act 2011* (WA).
38. Any buildings/structures associated with the excavation activities such as a site office, toilet facilities or sea containers used for storage are to be located so that they are screened from view from outside the site to the reasonable satisfaction of the City.

STATUTORY REQUIREMENTS

39. If required, a licence from the Department in accordance with the *Environmental Protection Act 1986 (WA)* and *Environmental Protection Regulations 1987 (WA)* in respect of:
- (a) the site as a prescribed premises for quarrying operations; and
 - (b) the use of the crusher on the site for quarrying operations,
- must be obtained prior to the commencement of the quarrying or crushing operations on site.
40. The applicant shall comply with the relevant clauses and provisions of the City of Albany Local Laws relating to the Extractive Industries.
41. The applicant is to comply with the requirements of the *Environmental Protection Act 1986 (WA)* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)* prior to the clearing of any native vegetation.
42. Approval of the Commissioner of Main Roads under the *Road Traffic (Vehicles) Act 2012*, in consultation with the City of Albany, must be obtained prior to the use of Restricted Access Vehicles on any road accessing the site.

COMPLIANCE REPORT

43. The applicant shall submit an annual compliance report to the City of Albany by 30 May each year. The annual compliance report shall include:
- (a) an internal compliance audit of all the development and licence approval conditions and Management Plan requirements undertaken by a suitably qualified person to the reasonable satisfaction of the City;
 - (b) details of all community complaints and complaint responses;
 - (c) annual tonnage of extracted material in the previous calendar year;
 - (d) log of cartage trucks to and from the site recorded on a daily basis during period of operation; and
 - (e) other information reasonably requested by the City relevant to management of any impact arising from the operation of the extractive industry.

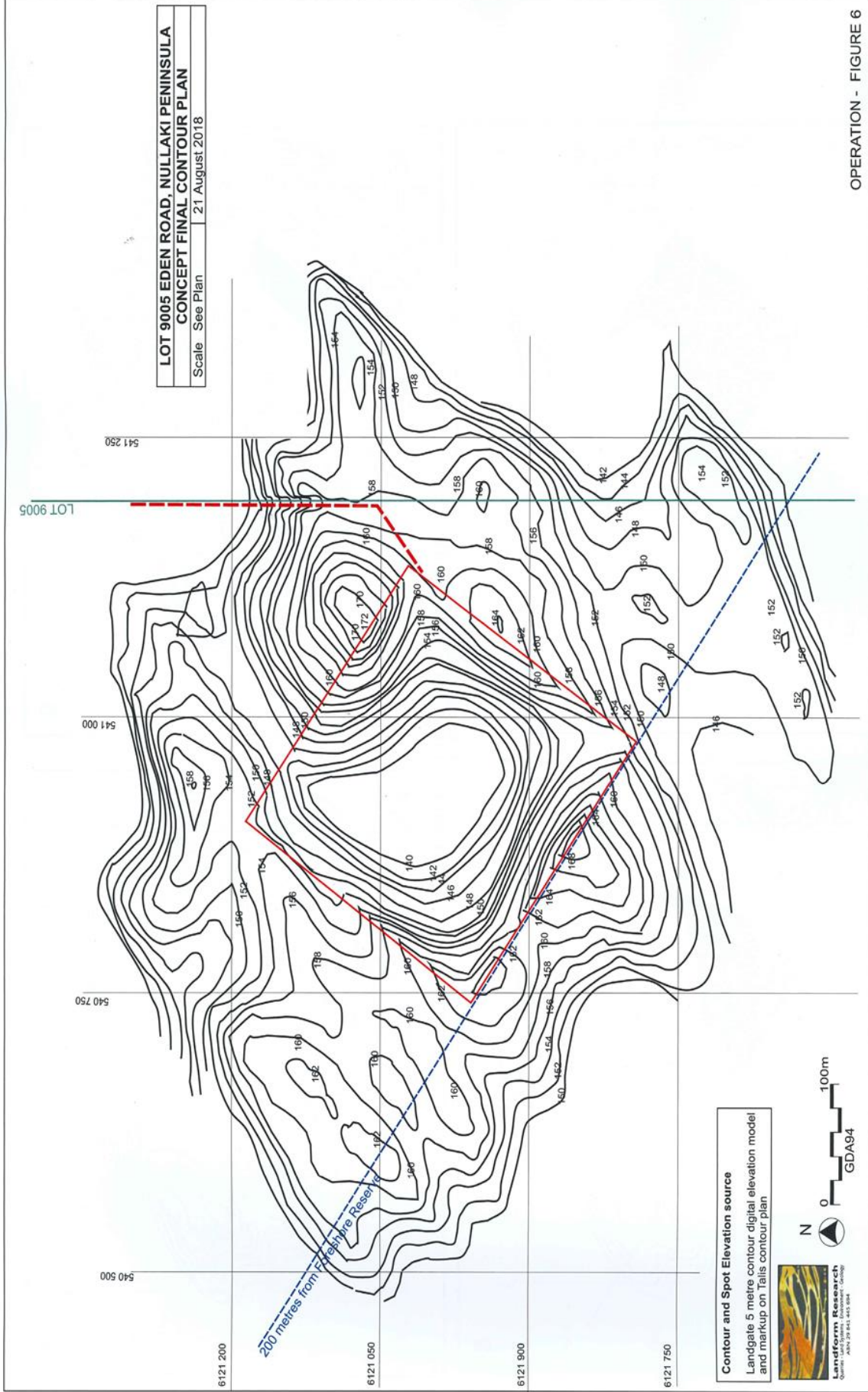
44. In the event the City:
- (a) is not satisfied with any audit contained in an annual compliance report; or
 - (b) receives a complaint from a member of the public indicating that the applicant has failed to adequately implement measures contained in a Management Plan,

then the City acting reasonably may by notice in writing require the applicant to take the action stipulated in the notice in order to ensure the approved Management Plans are complied with. The applicant shall promptly comply with any notice issued by the City pursuant to this condition.

EXPENDITURE BY APPLICANT TO MAINTAIN AND PROTECT ENVIRONMENTAL ATTRIBUTES OF THE NULLAKI PENINSULA

45. During the operation of the extractive industry, the operator shall spend 60 cents per tonne of limestone sold per financial year, up to a maximum of \$30,000, such funds to be used to maintain and protect the environmental attributes of the Nullaki Peninsula, including, but not limited to, maintaining:
- (a) the conservation values of the Nullaki Peninsula;
 - (b) the applicant's vermin proof fence;
 - (c) the five electronic gates providing property access for Lot owners within the Nullaki Peninsula from public roads through the vermin proof fence across three public roads;
 - (d) the proposed fire escape egress along the northern perimeter of Lot 9005; and
 - (e) strategic firebreaks across the Nullaki Peninsula.

The applicant shall include evidence of the allocation and expenditure of the funds in the annual compliance report required to be prepared in accordance with condition 43.



OPERATION - FIGURE 6

REPORT ITEM DIS376 REFERS

ObjectID	CreationDate	Comments
1	28/07/2023 8:22	The trucks are very loud going up and down the hill. I would NOT be in favour of relocation of the stockpile or any extension to the time frame for operations as this will drastically increase the noise pollution, which is impacting on our enjoyment of a rural and peaceful property. We can hear every single movement of any vehicle along the haul road, it echoes across the wetlands and is not pleasant. There are many kangaroos in the area and more vehicles will mean more get hit and killed. I also do not support the increase in the size of the mine as this will cause more dust to be blown around and increase the impact on native flora and fauna in the area which is supposed to be protected from this sort of activity.
2	15/08/2023 2:17	I would like to strongly object to Great Southern Lime Pty LTD's application for an amendment to conditions. It is our opinion that this would cause further environmental damage to the area adjacent to Jake Saddle and risk pollution to these fragile wetlands.
3	15/08/2023 2:30	As a full-time resident of the Nullaki Conservation Zone for the past 10 years I wish to lodge my objection to proposed changes in the conditions of operation of the repurposed Nullaki Lime Pit. I am opposed to any expansion of the pit, any new clearing for any reason, increased production, year-round operation, and any increase in truck traffic. I am grateful that the City of Albany strongly opposed the proponent's original application, only to be outdone by the ill-informed and/or deceived WA SMT. I assume the CoA will again oppose these changes, having made changes to the Local Planning Scheme since the first travesty was allowed to prevent further such activities. Open-pit mining has no place in a spot set aside for conservation of native flora and fauna, which recently has been demonstrated to include the Critically Endangered Western Ringtail Possum (ecologist confirmed), in several locations across the peninsula. Perhaps Mr Robertson should reflect on the true NATURE of the most worthwhile of his many property developments. I am strongly opposed to the above amendment of conditions for the following reasons: - harmful noise and air pollution across 12 months instead of 4 months of the year in what should have remained a conservation zone as originally declared by the Minister of Planning - dangerous disturbance, through noise, air and potential water pollution, to all wildlife within the area especially within the precious wetlands of Eungedup and the entire wetland complex that harbour over 150 different species of birds including the endangered Australasian Bittern and migratory shorebirds, waterbirds, passerines and raptors - dangerous disturbance to endangered western ring-tail possums that, like the bitterns, are protected under the Commonwealth EPBC laws - destruction of yet more natural bush every bit of which is vital to our planet's survival Please consider our precious and fast disappearing wildlife and be their voice in this decision. I urge you to take the side of nature and preserve this biodiversity hotspot for future generations. I support the application. We cannot stop every essential industry from continuing to satisfy small land holders lifestyle. The impact on flora and fauna on the peninsula has no more impact (probably less) than the land cleared for private dwellings and accompanying roadways, gardens and life's little luxuries like swimming pools and tennis courts. I object to any expansion of this development in this environmentally sensitive area. I object to further clearing of vegetation that is likely habitat for the endangered Western Ringtail Possum. 7 15/08/2023 22:35 An expansion of the great southern lime pit is desperately needed. I was recommended to use lime instead of superphosphate by the healthy estuaries program this year but could not access the required lime. 8 16/08/2023 0:08 As a resident using local roads for transport and recreation I oppose this mining development. It does not fit in with other land uses in our community and adversely impacts the lifestyles of residents and the local environment. The proposal to expand the operational conditions is neither necessary nor desirable. What work has been undertaken to rehabilitate areas where mining has already occurred? What environmental monitoring is being undertaken? As someone who has been involved in minisite revegetation and management over the last 23 years these are the questions I would like to hear the answers to. My observation of the proponents previous revegetation works show there is little regard for using appropriate local species, he has planted eucalypts and watties that do not belong in our native bushland on his access track. These have already become weeds in the adjacent City of Albany Lowlands Coastal Reserve. We don't need to increase the damage that has already occurred. Please reject all proposed extensions and alterations. 9 16/08/2023 0:14 Dear City of Albany Planners After reading the documents associated with the amendment request I support the approval of this request. I believe that the requested changes are reasonable. The City of Albany should support responsible use of land for extraction as the extracted resources (lime in this case) are important to local industries (primary production in this case). It is reasonable that the applicant have these changes approved in order to increase efficiency and the sustainability of the applicant's business model. Thank you for your consideration. 10 16/08/2023 1:39 We are opposed to any expansion of the Nullaki Lime Pit, both to the further clearing and the proposed extended operating hours. This Lime Pit is already a huge scar in an otherwise pristine environment and highly visible from the air. As you well know, this area is also home to some endangered species. All mining activities have a huge impact on our living and travelling conditions in this highly attractive tourist and agricultural Great Southern area. Thank you for keeping this in mind in your decisions. 11 16/08/2023 2:45 On behalf of the board of the Wilson Inlet Catchment Committee (WICC) I would like to express our concerns regarding this application. While WICC is supportive of the extractive lime industry in general, the proximity of the stockpiling and associated operations to the neighbouring Eungedup Wetlands has significant potential to impact on critically endangered Australasian Bitterns. Of which, there are only 150 (estimated) left in Western Australia (Birdlife WA) and up to 10% of those nest in a wetland (Birdlife WA) which is only 400 meters from the proposed stockpiling and loading area in this application. Bitterns are highly susceptible to disturbance and vibrations. Breeding is dependent on the males call being heard from September to December across long distances. WICC purchased the 104 hectare Eungedup Wetland in June 2022 after raising nearly \$600,000 from community donations to protect this wetland, the bitterns and approximately 110 other species of birds that call Eungedup home. The supplied environmental assessment states, "there are no special specific values ... in the context of the surrounding environment....". This is clearly not true. 12 16/08/2023 3:02 I strongly oppose this amendment to the lime pit. The change in the operating procedure for lime extraction is huge, going from a 4-month operation to year-round with all the commensurate increase of noise and dust as well as the destruction of more natural habitat due to the stockpiling of lime. The lime operations are immediately adjacent the Lowlands Reserve and close to the WICC's newly acquired Eungedup Wetlands Reserve. In addition the lime pit is within the Nullaki conservation zone declared by the Minister of Planning. This whole area is therefore highly sensitive and has significant conservation values including habitat for the endangered Australasian Bittern and the Ring-tailed Possum. Migratory shorebirds (Wood Sandpiper, Long-toed Stint and Sharp-tailed Sandpiper) visit the wetlands that are protected under international agreements. The planning and operation of the pit has been very poor, the design of the road with an 48% incline for heavily laden trucks is astonishing. The basic safety performance in terms of the trucking protocols, provision of PPE and radios has been completely lacking and calls into question the competence of those managing the operation. 13 16/08/2023 3:35 Regarding lime pit at Nullakai. I am totally against any expansion of the existing pit. Lot 9005 is zoned for conservation. The site to be cleared has peppermint trees which is home to the critically endangered ring tailed possum. Close to the site is the Eungedup wetlands home to a vulnerable species, the Australasian Bittern. Increased truck movements will disturb these very sensitive birds. The IUNC Red List for both these species is decreasing in population. Does the City of Albany really have such little value in these animals and their well being. Habitat loss is one of the major reasons for declines in the survival of fauna. Whether the fauna are common or endangered there is a whole unique eco system at the Nullakai that should not have more disturbance forced upon them. Extended excavation time, leading to increased production will create more traffic on road over a longer period which is not suited to this area. This can lead to more traffic incidents with the native fauna. Many locals and visitors travel this road to enjoy the beauty of the Nullakai beach or walk the Bibbulmun track. The CoA should be treating the environment we have not allowing more destruction. 14 16/08/2023 7:39 I am against any change to the operating conditions on the Nullaki Lime Pit for the following reasons - 1. The area to be cleared includes areas of Peppermint trees. These trees are both home and food for the critically endangered Ring Tailed have already lost extensive habitat through clearing for the Albany Ring Road and extension of the lime pit will put further pressure on this fast disappearing species. 2. The lime pit expansion is very close to the Eungedup wetlands which have recently been purchased in an effort to protect the Australasian Bittern. These birds are classified as endangered (population decreasing) are very shy and secretive. Noise from excavation and trucks may mean they will not breed. 15 16/08/2023 8:12 Attached

REPORT ITEM DIS376 REFERS

- 16 16/08/2023 10:03 To whom it may concern...
 Robertson Strikes Again!
 We OBJECT to the proposed changes to expand the size and use of the Nullikai Limepit.
 The current agreement was a bitter pill to swallow as we live on the route the lime trucks take as they enter and exit on Lake Sadle Road and we hear the airbrakes outside our home. I could have, well I actually did, as did many of Youngs' residents, predict that it wouldn't be long before Robertson would want more and more please dont give in to him and his demands, enough is enough. I believe the Nullikai should be left as pristine as it can.
- 17 16/08/2023 11:30 I totally object to the request to expand the size and use of the nullikai lime pit. It was always expected that this request would occur and using its operators failure to comply to safety is a poor excuse for the extension. The current use has affected my life due to increased noise of passing trucks and the knowledge our beautiful peninsula is being strategically removed by this operation for financial gain to the landowner who has no respect for the environment or local residents. It is essential the COA object this proposal in order to preserve our diminishing wetlands and not negatively affect our safety and peace any further. I live here to enjoy a relatively quiet life in a beautiful environment and Graham Robertson has done all he can to make money by decimating the area he claims to honour. If the COAs support this change it will eliminate any faith I have that it supports the ratepayers wishes. Please do not allow this to happen. I am strongly against the expansion of the Nullikai Lime Pit because as a wildlife rehabilitator one of my main species coming into care is the critically endangered ringtail possum...this area is vital for the survival of this species as they can not be moved to other areas as they are extremely territorial and as one of our most endangered species we should be doing all we can to secure their habitat. The area in question is also near a pristine wetland where there is threatened flora and also the home of many water birds and our long neck turtles which would all suffer if there was any leakage of oil, poisons etc into this eco system. I hope our pristine south coast countryside is taken into account besides the mighty dollar...once its gone it is gone forever.
- 19 17/08/2023 4:22 1. The environmental report from Bowman & Partners is cursory and fails to account for noise, dust, & runoff pollution to the adjacent Eungedup Wetland which is a stronghold of the endangered Australasian bittern. This application therefore will need to be referred to the Commonwealth under the EPBC Act.
 2. The gist of the report is that there is plenty of Owingup Vegetation complex still standing so this development is not a concern - "This (50) presence of this adjacent expanse of equivalent fauna habitat indicates that no fauna species is reliant upon the habitats at the proposed clearing area for their survival."
 3. Surveys were conducted in 2017-2019 so are 4 to 7 years old. An "inspection" took place in February 2023, which is when many flora and fauna species are unlikely to be present.
 4. While surveys of the proposed stockpile site failed to find any endangered species no consideration was made for adjacent lands and none for wetlands. The noise from this operation will interfere with the breeding of the ENDANGERED Australasian bittern in the Eungedup wetland. The proposed action is within 500m of the wetland and at a higher elevation.
 I am very concerned about the effect the lime pit will have on wildlife
 The precautionary principle must be applied
 For our environment & our children
 Our interdependence with nature means it's paramount to protect
 This is required to be referred to the EPBC because it is an action which will impact on the endangered Australasian Bittern. It is listed as of national importance.
 My wife and I have donated towards purchase of the Eungedup Wetland, which is being excellently upgraded by WICC. We do not wish to see this important development impacted by the proposed mining issues.
- 20 17/08/2023 4:23 I am writing to express my concern for the recent application for an extended working period, increased truck frequency, and land clearing of the lime pit near Eungedup Wetlands. Being such a unique environmental habitat and home to the endangered Australasian Bittern, it seems inappropriate and insensitive to allow the mine works to encroach on the reserve more than they already have. It has been made clear that the noise from machines, effect of lime on the pH levels in the surrounding soil and the clearing of land close to the reserve can only have a negative impact. While it is understood that lime is needed for the agricultural industry, choosing this particular site to expand operations would be unwise in the long term. I request that this application be denied for the sake of preserving valuable animal life and the general well-being of this unique part of the world.
 It is not needed.
 The facts you have are clear.
 This amendment should be rejected. The area concerned is very close to critical habitat for endangered Bitterns. This is where they breed and they are very vulnerable to disturbance like noise and vibration. Trucks hauling lime all year round is not acceptable and this may well trigger the EPBC Act. The proponent has a poor record of compliance with conditions, so they should not be allowed to make these changes.
 I strongly oppose these amendments because they are a threat to the survival of the Australasian Bittern (conversation status "Endangered") located on Eungedup Wetlands through interference to the habitat and the birds' ability to breed.
 The Australasian Bittern's habitat and ability to breed would be negatively impacted by the noise and dust of the proposed 12 months a year operation, stockpile of lime in a newly cleared area near the wetlands and increase in the number of trucks. The proposed amendments are 3 times the current intensity of mining. - 3 times what was originally approved - in a highly conservation worthy habitat.
 For the Australasian bitterns please do not approve these amendments
- 27 17/08/2023 8:14 I strongly oppose the increasing of length that this Lime pit can operate. There is a real danger through scientific studies, that the increased volume of trucks, vibrations and noise will be disastrous for the Australasian bittern.
 The approval for this Lime pit in the first place is an embarrassment for Albany's Conservation status.
- 28 17/08/2023 9:03 I am a former Denmark resident. I try to visit the south coast every year if possible. I also donated to the purchase of the Eungedup Wetlands and have an ongoing interest in preserving the habitat of the highly endangered bitterns and other native species there. Bitterns are exceptionally shy and reactive to noise. Machinery noise, particularly during their breeding season (Sept-Dec) reduces their capacity to breed successfully. Protecting the breeding grounds of this rare bird will repay City of Albany in tourism dollars I am sure and reduce the likelihood of adverse media attention. I understand and support the use of lime in agriculture. But careful and stringent regulations on further mining of lime near Eungedup are essential. Haulage tracks and stockpile should be as far from the wetlands as possible to prevent noise pollution and potential for water pH to be altered. Monitoring of all aspects of compliance is absolutely essential. Please weigh up the costs and benefits of the GSI application to extend their operations very carefully. Even the appearance of heavy haulage tracks and trucks near the wetlands is likely to affect tourism potential significantly. I am concerned that the proposed amendments will impact negatively on the breeding ability of the Australasian Bittern in nearby Eungedup wetlands. These birds are sensitive to noise and vibration- the amendments would result in too many vehicle movements, too close to the wetland. I urge the City of Albany to seek expert advice on the potential impact of these proposed amendments on the breeding habits of the Australasian Bittern of the Eungedup wetland.
 The proposed expansion to lime extraction on the Nullaki Peninsula will further impact the Eungedup wetland and the resident and migratory birds that use the wetland. We are opposed to any increase in extractive industry on the Nullaki Peninsula. I have attached a document outlining the main reasons for our opposition to this proposal. Please contact me if you do not receive the attachment.
 This wetland needs to be recognised for its own worth, as a breeding ground for the endangered Australasian Bittern, as an area of significant biodiversity and as a carbon sink.
 There are a large number of community members and extended-community members who have acknowledged its value and fund raised to purchase the land, not so that it becomes our property but so that we may be able to protect and preserve it. We are all part of this interconnected world and the flora and fauna that we live with deserve our protection and our respect.
 We believe that the environmental assessment is flawed as it states there are no specific special values such as flora and fauna habitat in the surrounding environment. I would sincerely question whether in fact an assessment has been carried out by a qualified assessor at all.
 I strongly reject all development applications to the Nullikai lime pit!
 To suggest they need 4 hectares instead of 3 because of safety concerns is completely false, they can simply make a smaller pile if that's their concern or is greed and money the only thought process by the developers.
 A huge amount of clearing has already taken place, there is no need for more.
 The truck movements has been the worst thing about this whole development, there has been ongoing safety issues, relating to speeding, and near misses when going around a blind corner to find a truck on the wrong side of the road as they need to cut the corners for the extra long double trailers to be kept on the road.
 there should be NO amendments made to condition 171 and for the developer to think there will be no impact to local residents shows how out of touch this development and the developers are to the ongoing issues and concerns.
 all of this development applications are to benefit the developers financially and has absolutely nothing to do with safety as stated
 I do not support the proposed amendments.
 I am concerned about the impact of the proposed activities on the Australasian Bitterns with nesting sites located 700 metres from the proposed stockpiling area.
 The environmental assessment is inadequate, including:
 -a failure to identify Eungedup wetlands as a sensitive receptor
 -failure to identify bittern nests within 700m
 -the botanical information is inadequate. A transect in the locality of the proposed clearing is not sufficient and insufficient details are provided.
 -The Bowman Report states that Aurora Environmental prepared a Level 1 Fauna survey of the haulage road, pit and locality in 2016. This is insufficient detail for the City to assess the relevance of the survey to the proposed cleared area.
 -The Bowman Report states that the area to be cleared includes peppermint woodlands which are habitat for the Western Ringtail possum, which are found in the Eungedup wetland, this should be included in the fauna assessment.
 - While the application is for stockpiling lime, the application does not include information about depth to groundwater or possible impacts from dust in the stockpile area.

- 34 17/08/2023 13:25 As a donor to the purchase of the Eungedup Wetlands I am deeply concerned about the proposal to expand the lime pit mining operations adjacent to the wetlands. The purpose of securing these wetlands was for conservation of important habitat for the critically endangered Australasian Bitterns. These exceptional rare birds are highly sensitive to noise as the call of the male is vital in its ability to attract a female. The proposal is for an expansion of mining from 4 months a year to all twelve months, which would not allow any quiet time for these birds. In addition, the proposed area to be cleared is right next to the wetlands risking the spread of lime into them and raising the pH of the soil and water. These wetlands were purchased because they were suitable healthy habitat, and much work is and has been going on to ensure this. We have just celebrated the purchase of this wetland, all by donation, and it would be a tragedy to see all this goodwill ignored for the sake of a small operation that does not need to operate at that locality. Please do not approve this expansion so that others may enjoy these wetlands and the Australasian Bitterns in the future.
- 35 17/08/2023 16:03 I am a night duty worker at the AHC
This would greatly impact my quality of life and working with a proposed site for dumping lime at the end of Lee rd just near our place and traffic for a proposed 8 months disturbing my sleep
I say a very strong no to this
Also the people of our area our community live here for peace and quiet and this disturbs out life style
And quality of life
- 36 18/08/2023 1:19 Please refer to the attachment, which contains my comments.
- 37 18/08/2023 4:11 I urge you not to allow mining next to a precious wildlife area which is being cared for largely by volunteers
- 38 18/08/2023 7:27 I hope that the CoA listens to the residents for once instead of the pit operator. I dont however hold much hope, due to past experience
- 39 18/08/2023 7:28 I oppose the requested change of conditions to Approval P21L6070 and ask that the City of Albany strenuously resist the considerable expansion of the mining operation implied by the outlined changes. Please take into account the following:
1. The initial approvals were based on the proponent's business case. Why have these changes been made some years after the initial assessment process? The proposal suggests that the proponent always had an intention to expand operations. If this is the case, it appears the initial proposals on which the earlier approvals were granted, were not lodged in good faith. The proponent has not met a number of the current conditions of approval.
 2. This proposal does not meet land use objectives as outlined in the CoA Local Planning Scheme.
 3. There are serious environmental risks in the proposed expansion, including to the Western Ringtail Possum population recorded in the area. Endangered Australasian Bitterns have also been recorded in the neighbouring Eungedup Wetlands and it is likely that expanded mining may seriously impact the birds' breeding.
 4. The safety issues identified by DMIRs are unlikely to be resolved by increasing the mined area.
- 40 18/08/2023 7:53 The City of Albany should not permit any amendments to the conditions applying to the limestone quarry operated by Mr G Robertson at Lot 9005 Eden Road, Nullak. The local community have demonstrated their commitment to nature conservation in general, and this area in particular, by supporting the purchase of the directly adjacent Eungedup Wetland. Further comments are attached.
- 41 18/08/2023 8:40 Mr. Robinson has proved that his interest is solely in his commercial development and has no interest in the wellbeing or safety of the local residents. His willingness to bypass local decisions in pursuit of his objectives is clear evidence of this being the case.
From his initial planning of this venture to the execution of modifying the local roads to suit HIS commercial interests, Mr. Robinson has shown great degree of forward thought and planning. This being the case, it would be unrealistic for him and his design team to overlook something as major as the access ramp to his quarry and the room required for stockpiling/truck loading activities being insufficient for this task.
The increase numbers to the truck movements also would have been forecast in his planning, and seeking to amend after conditions have been set will only benefit Mr. Robinsons commercial venture, while an increase of heavy vehicle movements will increase the risk of collisions, environmental damage to flora and fauna and the increased noise levels that will directly affect residents.
Please see attached document for full submission.
- 42 18/08/2023 8:48 Reference Number P21L60670
With regard to the planning proposal on Lot No 9005 Nullak, I take this opportunity to point out the obvious that this estate is an Environmental Estate, therefore I am in disbelief that the Proponent is seeking another planning approval to clear more land. The coast hills of this estate are fragile and should be protected from further clearing as there is already restrictions for other owners on this estate that are limited with how much they can clear. Iso, regardless of the demands from farmers for lime, the access roads to the lime pit are within Rural Lifestyle properties with some houses within 50 to 100 meters of the road edge, so Condition 17 should not be altered. Last summer trucks travelling past my property were noisy and travelling too fast and some using engine brakes, so an increase per day will impact my family and other residents. The speed limit should be lowered to 40km. The Proponent agreed to the previous terms and conditions to operate the Lime Pit set out by SAT, any amendments are due to poor planning on his behalf. To accommodate any changes to conditions now will lead to an unending stream of amendments in the future.
- 43 18/08/2023 8:59 See attachment
- 44 20/08/2023 7:12 The lime stockpile is only 700 metres from the Eungedup wetlands, which are an important population for the Australasian Bittern. Australasian Bitterns are listed as endangered under the Biodiversity Conservation Act 2016 (WA), Environmental Protection and Biodiversity Conservation Act 1999 (Australian Government) and the IUCN Red List.
Australasian Bitterns are highly sensitive to disturbance, noise and vibrations. Successful breeding is dependent on the male's call being heard by females during the breeding season across long distances (September to December).
It is not acceptable for dump trucks, excavators and road trains to operate 12 months a year, competing with Bittern calls.
The lime stockpile is highly likely to spread lime across the wetland, affecting pH, which is a risk to water quality, habitat and ecosystems.
The mine owner has a poor track record of abiding by their current conditions.
The local community donated considerable time and money to purchase the Eungedup wetlands. Please do not put them at risk.
Please work closely with the Wilson Inlet Catchment Committee, Department of Biodiversity, Conservation and Attractions and Birdlife Australia.
Please see attached submission.
- 45 20/08/2023 7:55