

# EXTRACTIVE INDUSTRY

## LOCAL PLANNING POLICY



### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. OBJECTIVE

- 3.1 To detail the specific requirements and minimum standards for the establishment of an 'Extractive Industry' in the 'Rural' and 'Rural Smallholding' zones.
- 3.2 To set out matters which may be taken into account when considering applications for an extractive industry.
- 3.3 To ensure extractive industry occurs with minimal detriment to the local amenity and environment, and in a manner which allows for future use and development consistent with long-term planning intentions for the area.

### 4. POLICY STATEMENT

#### 4.1 Definition and Permissibility

- a. An 'Industry - Extractive' is defined within Local Planning Scheme No.3 as:

*"industry — extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw*

*materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes -*

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

- b. Within the ‘Rural Smallholdings’ and ‘Rural’ zones the land use of ‘Industry – Extractive’ is considered an ‘A’ use which means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the deemed provisions.
- c. The extraction of basic raw materials to a depth of 1m or less to be used for improvements the same farming property or for municipal purposes, including the building of roads, is exempt from obtaining planning consent.

#### **4.2 General Requirements / Considerations**

- a. Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour, visual intrusion or contamination.
- b. An extractive industry proposed within the Moresby Range as defined by the Moresby Range Management Strategy shall be assessed with regard for that development and the Moresby Range Management Plan.
- c. Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.
- d. Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.
- e. Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50m of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council’s existing Crossover Policy.
- f. Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.

- g. The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1km from the closest neighbouring residence upon which the Council may entertain extended operating times:

Monday to Saturday - 7.00 am to 6.00 pm  
Sundays and Public Holidays - no operations

- h. The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.
- i. For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.

#### **4.3 Application Requirements**

- a. Planning application form duly signed by the owner(s) of the property and relevant fee;
- b. Plans that have been drawn to scale and include:
  - i. A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, area of remnant vegetation, existing and proposed access and internal roads, existing buildings, proposed stock pile area and setback distances from property boundaries;
  - ii. A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;
  - iii. A rehabilitation plan for the area of extraction prepared in accordance with Department of Environment Regulation guidelines showing the re-contouring of the land and areas of re-planting.
- c. Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.
- d. A management plan containing:
  - i. the nature and estimated duration of the proposed excavation;
  - ii. the stages and the timing of the stages in which it is proposed to carry out the excavation;
  - iii. details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
  - iv. details of the depth and extent of the existing and proposed excavation of the site;
  - v. an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
  - vi. a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;

- vii. a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
  - viii. details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles (please note that the local government may require contributions towards the upgrade of roads);
  - ix. a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
  - x. details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
  - xi. a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
  - xii. a description of the measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997*;
  - xiii. a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
  - xiv. details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the clearing of existing vegetation; and
  - xv. a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.
- e. A rehabilitation and decommissioning plan indicating:
- i. the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
  - ii. whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
  - iii. how any face is to be made safe and batters sloped;
  - iv. the method by which topsoil is to be replaced and revegetated;
  - v. the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
  - vi. how rehabilitated areas are to be maintained; and
  - vii. the program for the removal of buildings, plant, waste and final site clean-up.

## 5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

*Planning & Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

Moresby Range Management Strategy

Moresby Range Management Plan

Visual Landscape Planning in Western Australia

*Adopted at the 19 February 2014 Ordinary Meeting of Council*