



SHIRE OF JERRAMUNGUP LOCAL PLANNING POLICY NO 13 - EXTRACTIVE INDUSTRIES

1.0 BACKGROUND

Extractive Industries are permitted in the Rural zone under the Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme').

Council does not have the discretion to consider extractive industries in any other zone.

This Policy expands on and complements the existing Scheme requirements. It is important to note that any application will be assessed having regard for both the Shires Local Planning Scheme requirements and this Policy.

The existing Scheme requirements are not replicated or repeated in this Policy.

2.0 PURPOSE OF POLICY

This Policy will apply to all 'Rural' zoned land, and aims to clearly set out the requirements of the Shire of Jerramungup for applications for approval of an extractive industry.

3.0 POLICY BASIS

Clauses 2.2 and 2.4 of the Shire of Jerramungup Town Planning Scheme No. 2 ('the Scheme') provides for the preparation of Local Planning Policies. This Policy has been prepared in accordance with the Scheme.

4.0 POLICY OBJECTIVE

- To assist Council in determining applications for extractive industries by providing general guidelines, and outlining matters Council will have regard for in assessing applications.
- To protect and maintain the existing landscape character, native vegetation, productive agricultural uses and general amenity of the Shire.

- To assist the industry to establish extractive industries in appropriate locations where the road infrastructure is capable of servicing the use.
- To set out standard conditions that will be considered by Council in their assessment of extractive industry applications.
- To provide for appropriate 'buffers' between extractive industries and sensitive land uses.

5.0 POLICY STATEMENT

5.1 Shire of Jerramungup Local Planning Scheme No 2 ('the Scheme')

The Shires Scheme is a statutory document and contains provisions which are relative to all development, including extractive industries.

This Policy does not seek to replicate the Scheme requirements, however includes cross references to relevant clauses in the Scheme.

Extractive Industry is defined in the Scheme as:

“means an industry which involves the extraction, quarrying, or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products of those materials on, or adjacent to, the land from which the materials are being extracted but does not include industry – mining.”

5.2 Application Requirements

Where a new extractive industry is proposed, or an existing industry is to be increased in size over what was originally approved, planning approval is required prior to the industry commencing or extending.

Whilst the landuse of 'extractive industry' is permitted in the Rural zone under the Scheme, the development (including excavation) still requires planning approval.

Applicants need to lodge;

- A formal planning application to be signed by the owner of the land.
- A detailed written submission explaining the application, how the use will be managed, addressing relevant matters such as dust, noise, native vegetation and dieback disease and providing information in support of the proposal.
- Payment of a planning application fee.
- Detailed, accurate and scaled plans.

To ensure that applications include the information required for a formal and proper planning assessment, an application checklist is included as Attachment 1 to this Policy as a guide for applicants. Applicants should lodge the checklist with any application.

5.3 Advertising of Applications

Council has discretion to advertise any application for extractive industry through letters to adjacent and nearby landowners, letters to relevant authorities, newspaper advertising and / or a sign on site.

Whilst the need for advertising can be determined on a 'case by case' basis, this Policy recommends that all 'extractive industry' applications be advertised due to potential impact on amenity and application of buffers.

Advertising will be for a minimum of 14 days in accordance with Clause 9.4 of the Scheme.

The application may also be referred to relevant authorities in accordance with Clause 10.1 of the Scheme. The types of authorities that Council may liaise with include (but are not limited to);

- Environmental Protection Authority (EPA)
- Department of Environment and Conservation (DEC)
- Water Corporation (WC)
- Department of Water (DoW)
- Department of Mines and Petroleum (DMP)
- Department of Agriculture and Food WA (DAFWA)
- Main Roads (MRWA)
- Western Power (WP)
- Department of Indigenous Affairs (DIA).
- Tourism WA
- Any other authority Council considers relevant.

5.3.1 Example of cases for referral to an authority

- *EPA*

Any application which does not comply with the generic recommended buffers under the EPA '*Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses*' will be referred to the EPA for advice.

Any large proposal with potential for significant environmental impacts.

- *DEC*

Any application that proposes to clear remnant vegetation will be referred to the DEC for advice. A separate clearing permit from DEC may be required.

Any application that is a prescribed activity under the *Environmental Protection Regulations 1987*.

- *MRWA*

Any application that involves development on land near a state controlled road, high traffic volumes, or proposes use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 ton) will be referred to MRWA for comment. If Council has any reservations over the proposed traffic route or potential traffic impact, it may also seek MRWA advice.

- *DoW*

Any application that involves land which is near or adjacent to a major river or a Public Drinking Water Source Area will be referred to the Department for Water for comment.

Any application proposing excavation less than 50 metres from any watercourse/ body will also be referred to DoW for comment.

- *Reserves and UCL*

Any application located near or adjacent to a reserve will be referred to the authority responsible for the care or control of the reserve for comment (eg if development is adjacent to reserve owned by Water Corporation or managed by the DEC, then it will be referred to that authority for advice). It should be noted that the DEC is responsible for managing some parcels of UCL in which case the same requirement applies.

5.4 Policy Requirements

5.4.1 Setbacks

The following setbacks will generally be applied to excavation areas/ pits;

- A minimum of 40 metres to any road or thoroughfare;
- A minimum of 20 metres to any property boundary in a different ownership;

- A minimum of 20 metres to any easement;
- A minimum of 50 metres to any water course or body (unless DoW recommends a different buffer).

5.4.2 Buffers

The EPA recommends generic buffers for extractive industries under the 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses'.

The recommended buffers are as follows;

Industry	Description of Industry	Buffer distance in metres
Clay extraction or processing	Mining, extraction or processing of clay	500-1000 depending on size
Extractive Industry – hard rock	quarrying (including blasting), crushing and screening	1000
sand and limestone extraction	no grinding or milling works	300-500, depending on size

The recommended EPA buffers will be applied unless the proponent lodges an environmental report justifying that a different buffer should be applied having regard for the specific location and local factors such as prevailing winds, native vegetation etc.

Typical separation distances range between 500 – 1000 metres between the extractive industry activities and any sensitive landuse. Where there is no specified buffer, a minimum of 500 metres shall be applied between any excavation area and a sensitive landuse or any tourist attraction/ accommodation.

Excavation areas are also to be a minimum of 200 metres from any dwelling located on the same (development) lot.

5.4.3 Pit area / rehabilitation

The Shire will generally restrict the area of open pit to 2 hectares. Larger pits may be considered for gravel extraction where the applicant can demonstrate that it will not have any detrimental impact on the environment or amenity of the area (by lodging detailed environmental management plans).

The Shire will generally require rehabilitation to be undertaken in stages and be ongoing for worked areas.

5.4.4 Road Usage

Council will need to determine whether the surrounding road network is adequate for proposed truck usage and movements, or whether upgrading of roads is required.

Conditions relating to upgrading or maintenance of roads may be considered on a 'case by case' basis having regard for proposed traffic movements and scale of development.

5.4.5 Term of Planning Approval

The term of planning approvals will generally be limited to 5 years for excavation unless otherwise approved in writing by the Shire.

5.5 Matters to be Considered by Council

Council will have regard for the objectives of the Rural zone, and normal planning considerations as listed under Clause 10.2 of the Scheme (such as this Local Planning Policy, landuse compatibility, amenity, traffic etc).

This Policy will complement the existing Scheme requirements. In considering any application, Council will have regard for the following matters;

5.5.1 Site Location and Broad Planning Considerations

It is important that each application be examined on its individual merit having regard for the existing landuses, topography of the land, and its specific location.

In examining whether the site is suitable for the proposed extraction landuse, Council will have regard for;

- i. Whether the proposed development is consistent with the objectives of the Rural zone;
- ii. Whether the access roads proposed are suitable for the volume of traffic and type of heavy proposed.
- iii. Whether the site is in a visually significant location such as on a ridge, adjacent to the coast or an estuary, close to a national park or nature reserve, visible from a major road, tourist destination, scenic route or tourist route*¹.
- iv. Landuse compatibility and operational issues.

**¹Clause 5.14 of the Scheme deals with 'Visual impact of landuse and development near the coast or along major tourist routes'.*

5.5.2 *Environmental Considerations*

Council will consider the following in assessing environmental related issues:

- Noise, dust and vibration abatement measures.
- Whether the site is located within 500 – 1000 metres of any sensitive landuses such as dwellings, proposed future residential / rural residential development areas, schools, hospitals or the like.
- Amenity of the local area.
- Proximity and buffers to wetlands and water courses.
- Whether the proposal includes clearing of significant remnant vegetation and the quality of vegetation.
- Visual impact and whether the development will be screened by retaining existing vegetation, or planting new vegetation.
- Drainage implications including surface and ground water impacts.
- Rehabilitation measures.
- Intended end use of the land and future planning for the area.
- Prevention of spread of dieback or other disease.
- Environmental management and measures proposed to be undertaken by the proponent to address environmental issues.

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.

5.5.2 *Traffic and Transport Considerations*

Council will consider the following in assessing transport related issues:

- Whether the site has access to major roads, and whether the existing roads to be used by trucks are in good condition.
- The proposed road haulage route and whether the use of any state controlled roads are proposed.
- Whether the application needs to be referred to Main Roads WA for advice based on the proposed traffic route, or due to any proposed use of Restricted Access Vehicles (larger than 19 metre semi-trailer, 42.5 ton).
- Size of trucks and number of truck movements.
- Ingress/egress to the operation site.
- Existence of other extractive industry or heavy haulage-associated use in the vicinity.
- Any comments or recommendations from Main Roads WA.

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 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled.

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.

6 STANDARD CONDITIONS

Conditions of approval shall be applied to developments as deemed appropriate by the Council. Conditions may be imposed for a number of reasons such as to minimise impact on amenity and / or adjacent landowners, ensure stabilisation of excavation areas and stockpiles, protect visual corridors and to ensure rehabilitation of the land occurs.

Council may impose one or more of the following conditions if relevant to the specific application;

1. The approval is valid for a period of 1-5 years from the date of issue and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued.
2. Those portions of public roads as are affected by the activities related to the approval shall be maintained to a 'pre-development' standard acceptable to Council at the applicants costs. A road maintenance contribution and / or bond may be payable to Council prior to commencement of works to ensure roads are maintained to satisfactory standards. The contribution may be applied at the discretion of Council. Such contributions are to be used for road upgrade where necessary as a result of the operation.
3. The applicant shall install and maintain road signs along transport routes warning other road users of trucks entering and using the public road system. Signs are to be to specification of the Shire in locations approved in writing by the Shire.
4. In order to minimise the amount of noise pollution, working hours within the excavation area / pit area and transportation of materials shall be restricted to the hours between 6.00am and 6.00pm Mondays to Fridays, 7.30am to 5.00pm Saturdays and excluding public holidays.

5. A management plan addressing dieback controls, dust and noise is to be compiled by a suitably qualified consultant / person and submitted to the Shire for separate written endorsement prior to commencement of any site work or an alternative time period agreed to in writing by the Shire.
6. The operation is to be conducted in accordance with the recommendations of a management plan approved by the Shire.
7. Necessary measures shall be taken to minimise the amount of dust pollution associated with the operation, such as dust suppression by watering and covering truck loads to the satisfaction of the Shire.
8. A Rehabilitation Plan is to be submitted and approved by the Shire in writing.
9. The maximum area to be worked at any time is 2ha, following which rehabilitation is to be completed before the next area can be excavated.
10. Topsoil is to be stockpiled and later spread out as part of the rehabilitation process.
11. The portions of land subject to extraction are to be rehabilitated (following each stage of extraction in accordance with a rehabilitation plan approved by the Shire in writing) to allow for future rural use and shall include;
 - Flattening the land;
 - Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
 - Forming stable battered banks not to be steeper than 1 in 5;
 - And revegetation using native trees, shrubs and groundcovers/ undergrowth.
12. The applicant to undertake adequate 3 year monitoring of completed rehabilitation areas to the satisfaction of the Chief Executive Officer.
13. All development shall be in accordance with the plans submitted as part of the application.
14. The installation of detention and silt/nutrient stripping ponds as appropriate to protect local waterways, prior to commencement or excavation.
15. Materials to be imported for rehabilitation or other purposes shall be certified free of dieback or any other plant diseases.

Footnotes:

Approval shall not in any way render the Shire of Jerramungup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant.

7 RELEVANT INFORMATION FOR APPLICANTS

The Western Australian Planning Commission (WAPC) has developed a 'Manual to guide and inform planning process for basic raw material extraction' which can be viewed on their website – www.planning.wa.gov.au

The manual includes information for both proponents and local governments on necessary approvals, the role of different agencies, useful contacts, legislative requirements and relevant state planning policies.

The information in the manual is not replicated in this Policy however some of the information has been utilised as basis for this Policy.