

POLICY NO.	TP.15
POLICY SUBJECT	Extractive Industry Policy
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1.0 Introduction

The extraction and supply of basic raw materials such as clay, gravel, sand, stone, minerals, and other building and road construction materials, is recognised by the Shire of Bridgetown-Greenbushes as an important contributor to the economic development of the Shire as well as being a critical component of the land development process. Extractive industries have the potential for incompatibility with other land uses, and of particular concern to sensitive land uses such as dwellings, tourist facility, and even some sensitive agricultural activities such as horticulture or viticulture located within the Shire.

The haulage of basic raw materials from extractive industry sites to their final destination can also affect the levels of service, efficiency and safety enjoyed by local road users as well as significantly impacting upon infrastructure maintenance and planning operations of the Shire. Additionally, rural based attractions may be reliant upon drawing visitors to a quiet environment for food, wine and cultural enjoyment. Noise, dust, visual and traffic impacts from operating extractive industries have the potential to adversely affect the enjoyment of these facilities.

In managing the location of extractive industries, the broad intent of the Shire is to facilitate extractive industries in appropriate locations where transport infrastructure is available or can be upgraded to adequately service the project, and where land use conflicts can be avoided or minimised through careful site planning and operational land use control.

2.0 Policy Statement

This Policy is made pursuant Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, also pursuant to Town Planning Scheme No. 3 (TPS3) and Town Planning Scheme No. 4 (TPS4), and is to be read in conjunction with Parts III and IV of TPS3 and TPS4, that deal with the land use and zoning provisions.

This Policy gives more detailed provisions on the Shire's requirements for development and management of extractive industry operations. This Policy has been prepared specifically to supersede TP.15 Extractive Industry Town Planning Scheme Policy, adopted by Council on 31 March 2005, and the repeal of the Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2002.

3.0 Natural Environment

The Shire of Bridgetown-Greenbushes has a complex set of natural resources or assets, identified in the Shire's Natural Environment Strategy that need to be protected including biodiversity, groundwater and surface water resources, agricultural lands,

remnant vegetation, conservation and productive forests, minerals and basic raw materials, air, climate and people, culture and infrastructure.

The Shire's Managing the Natural Environment Policy includes policy measures to protect important natural features such as water resources, soil and land, biodiversity, agriculture and the landscape. The Extractive Industry Policy has regard to the content of the Shire's Natural Environment Strategy and Managing the Natural Environment Policy, as well as the Stormwater Management Guidelines and Guidelines for the Construction of Dams.

4.0 Objectives

The objectives of this Policy are:

- (a) to facilitate the prudent use of basic raw materials, recognising that resources (clay, gravel, sand, stone, etc) are finite;
- (b) to protect and maintain, wherever reasonable, the existing landscape character, water resources, natural resources, general amenity of the Shire and productive agricultural land use by the appropriate location and operation of extractive industries;
- (c) to control and minimise the operational impact of extractive industry including, dust, sand drift, noise, vibration, water management, drainage and land clearing upon neighbouring land uses by the application of development standards, conditions of approval and operational requirements;
- (d) to ensure that extractive industries operate in an environmentally sustainable manner with appropriate development control, and do not have a detrimental impact on the ecological integrity of the environmental attributes of the site and surrounding area, during and at the completion of the extractive industry operations; and
- (e) to allow extractive industries in areas where the road infrastructure is compatible with the expected road usage resulting from the land use, or the road network can be upgraded by the proponent to meet appropriate standards prior to the use commencing.

5.0 Definitions and Exemptions

5.1 General Definitions

CEO means the Chief Executive Officer of the Shire of Bridgetown-Greenbushes.

District means the district of the Shire of Bridgetown-Greenbushes.

Infrastructure means any building, treatment works, screening device, tank or structure.

Person or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporated but does not include the local government.

School Bus Route means any public road utilised on a daily basis by a licensed school bus operator to transport children to and from an educational establishment registered by the Western Australian Department of Education.

Sensitive Land Use has the same meaning as in the Environmental Protection Authority – Guidance Statement No. 3, including dwellings and tourist facilities defined below.

Tourist Facility means a building or group of buildings and associated facilities and including other non-built facilities substantially used for the attraction, accommodation and servicing of tourists, and includes wineries and cellar door sales, food and rural produce tasting, and experiential attractions available to the general public.

Volume or quantity of extracted material is to be measured in 'bank' (ie. in-situ or in ground) cubic metres, with the term 'loose' referring to the extracted material.

5.2 Town Planning Scheme Provisions

Under Town Planning Scheme No. 3 (TPS3), applicable generally to the Bridgetown townsite, extractive industry *"Includes the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substances from the land, and also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto."*

Under Town Planning Scheme No. 4 (TPS4), applicable to the Shire generally beyond the Bridgetown townsite, extractive industry *"Means an industry which involves:*

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals or similar substance from the land, and also the storage, treatment or manufacture of products from those materials where extracted or on land adjacent thereto; or*
- (b) the production of salt by the evaporation of sea water."*

Extractive industry as a land use can only be considered within the 'Rural' zone under TPS3, and in the 'Rural 1', 'Rural 2', 'Rural 3' and 'Rural 4' zones under TPS4. Extractive industry is therefore prohibited from residential and commercial areas and person shall not undertake any extractive industry without development approval granted by the Shire under TPS3 or TPS4, unless exempt.

Although on site works have the potential to cause land use conflict and nuisance via noise, dust, visual amenity and drainage implications, perhaps the greatest conflict with nearby land owners generally occurs when the extracted material is transported off the site. The problem is exacerbated by the major demand for basic raw materials for subdivisional works and the transported material may have to pass through existing residential and special residential/rural areas to arrive at the development.

Clause 4.4.3 of TPS4 in relation to the 'Rural 3 – Blackwood Valley' zone states:

- (i) Within the zone development and use of land for an extractive industry will, in addition to conforming with the provisions of any by-law relating to extractive industry, require submission of a Notice of Intent as required under guidelines established by the Environmental Protection Authority and as a condition of granting its consent Council may require preparation of an Environmental Review and Management Programme.*
- (ii) In considering an application for Planning Consent for an extractive industry Council shall forward the Notice of Intent to the Environmental Protection Authority with a request that the Authority consider the application and advise Council if consent should be granted or if further environmental management procedures are necessary.*

Compliance with Clause 4.4.3 of TPS4 will be required prior to any approvals for extractive industry being granted where the subject land is within the ‘Rural 3 – Blackwood Valley’ zone. Notwithstanding the definition under the operative Town Planning Scheme and the following exemptions, this Policy recognises two types of extractive industry for ‘On Site Works’ and ‘Standard’ (for offsite carting of material), discussed below.

5.3 Extractive Industry – On Site Works

The classification of ‘Extractive Industry – On Site Works’ only applies where clay, gravel, sand, stone, etc, is extracted and the material used exclusively on the same property (including contiguous holdings in common ownership), for development such as housing, sheds, dam, etc. Where such contiguous holdings are either side of an unmade road reserve the ‘On Site Works’ classification applies, however where the road is constructed as a public road the ‘Standard’ classification will apply, most likely to be within the ‘Small Operation’ category.

‘On Site Works’ does not apply where material is extracted for use on an adjoining property held in different ownership (even if access from the source property to the adjacent property does not include a public road) and does not apply where material is extracted for works on an adjoining public road. Where a public road between contiguous holdings is constructed after an ‘On Site Works’ approval is obtained this approval will lapse and a new ‘Standard’ approval will be required if the extracted material is to be transported on or across this road.

This Policy recognises that the impacts of ‘On Site Works’ may be limited to the subject property, and accordingly basic application criteria and information is required, detailed further below. A maximum two year timeframe and straightforward compliance regime is to be imposed for ‘On Site Works.’

5.4 Extractive Industry - Standard

The classification of ‘Extractive Industry – Standard’ applies where clay, gravel, sand, stone, etc, is extracted and the material is transported outside of the property for use at another property or road reserve (noting exemptions below).

The Shire recognises that the scale of standard extractive industry operations can vary significantly in terms of the volume and timeframe for extraction of material, and the onsite and offsite implications are also variable. This Policy recognises three categories of ‘Standard’ extractive industry, listed below.

Category	Extraction Volume	Extraction Period
Small Operation	Less than 4,000m ³ per year	Up to five years
Medium Operation	4,000m ³ to 10,000m ³ per year	Up to ten years
Large Operation	More than 10,000m ³ per year	Up to ten years

Truck movements (both in and out) of approximately 20 trips per week would be expected for a small operation, approximately 50 trips per week expected for a medium operation, and substantially more than 50 trips per week expected for the large operation. The annual volume of onsite extraction for each category will influence the daily hours of operation and relevant impacts of noise, dust, etc.

Whilst the application requirements for the three categories of 'Extractive Industry - Standard' are similar, this Policy has been prepared and the categories set to simplify the application and ongoing compliance regimes, particularly for the small operation category.

5.5 Exemptions for Agricultural Activities

Clause 3.4.2(b) of TPS4 states:

"The Planning Consent of Council is not required for the following development of land zoned under this Scheme, except where required by a clause of Scheme:

- (a) development of land for purposes necessary and accepted for carrying out the normal practices of agriculture;*

The Shire is aware that many farmers within the district extract basic raw materials for use on their land such as gravel to re-sheet internal farm access roads, build dams, etc. The Shire is of the opinion that these works come under the classification of "agricultural practices" and are therefore exempt under Clause 3.4.2(b) of TPS 4 from having to obtain development approval.

This exemption also does not apply if the landowner wishes to extract material for significant development, such as housing or shed construction, for use of the material off the subject property (including adjoining and contiguous landholdings), or for sale of the material to a private party.

The exemption from having to obtain development approval for 'On Site Works' for agricultural practices relates to the agricultural use of the property and hence the zoning of the land is not strictly relevant. Properties in a 'Rural' zone not used for agricultural production cannot therefore claim this exemption. For example, the use of gravel for constructing or resurfacing a road to provide access solely to a tourist accommodation within an agricultural property, cannot be claimed for an exemption from having to obtain development approval for 'Extractive Industry – On Site Works'.

5.6 Exemptions for Overburden Removal

The Shire acknowledges that it is common when undertaking significant earthworks, such as constructing a dam or dwelling, overburden such as clay, rocks, etc, is stockpiled. The unwanted material is often transported offsite and can be sold for landfill, landscaping, etc. This practice is common on smaller residential properties to improve aesthetics and maximise space and common on rural land as a means to offset the costs of the significant earthworks.

Whilst this practice is considered reasonable the Shire is concerned that de facto extractive industry may be undertaken, under the guise of dam development for example, without the regulation applied to extractive industry. This unregulated practice can have a detrimental impact upon the local environment, amenity and road network, particularly where blasting, crushing and screening may be undertaken.

Noting the above, the transportation of up to a maximum volume of 500m³ of development overburden for sale and/or re-use is not defined as extractive industry, and development approval is therefore not required. Unless approval has been granted for development (ie. dwelling), the onus is on the landowner/contractor to prove to the Shire the legitimate source of the material (ie. dam construction).

If in the opinion of the CEO that the transportation of overburden is not legitimate, then no exemption is applicable and development approval will be required for extractive industry prior to the offsite transportation of any material.

5.7 Exemptions under other State legislation

This Policy does not apply to mineral extraction under the *Mining Act 1978*, the extraction of basic raw materials on Crown land vested for that purpose or where exempt under the *Public Works Act 1902*.

This Policy does not apply for circumstances where the Shire, utilising the head of power conferred by section 3.27 of the *Local Government Act 1995*, elects to take basic raw materials such as clay, gravel, sand, stone or earth that in its opinion is required for the making or repairing of a thoroughfare, bridge, culvert, fence or gate.

The exemption overrides the requirements of the *Planning and Development Act 2005*. The Shire will not ‘take’ basic raw materials from an approved ‘On Site Works’ or ‘Standard’ extractive industry pit, but can ‘buy’ materials from a ‘Standard’ pit. The resource can however be taken by the Shire from outside of the approved area on the same property, with the agreement of the landowner, at the discretion of the CEO.

6.0 Application Requirements and Process

Given the likely scale and nature of operations, application criteria have been set for ‘On Site Works’ and for the small, medium and large operation categories of ‘Standard’ applications (see table below). Providing ‘Discretionary’ information is at the discretion of the CEO or Shire staff, not at the discretion of the applicant.

Extractive Industry Application Checklist (Key - C - Compulsory; D – Discretionary)				
Clause/Requirement	On Site Works	Standard – Small Operation	Standard – Medium Operation	Standard – Large Operation
6.1 Locality Plan	C	C	C	C
6.2 Site Plan	C	C	C	C
6.3 Survey Information	D	C	C	C
6.4 Works and Extraction	D	D	C	C

Plan				
6.5 Resource Haulage Plan and Traffic Impact Assessment	-	D	C	C
6.6 Decommissioning and Rehabilitation Plan	D	C	C	C
6.7 Community Impact Assessment	D	D	C	C
6.8 Landscape Impact Assessment	D	D	D	D
6.9 Environmental Impact Assessment	D	D	C	C
6.10 Noise and Vibration Assessment	D	D	D	D
6.11 Surface and Groundwater Assessment	D	D	C	C
6.12 Application Management Report	D	D	C	C

The following sections further explain the above requirements to assist applicants in preparing a comprehensive application, plus provides additional discussion on DER Works Approvals, Clearing Permits and link to the Basic Raw Materials Applicants' Checklist.

6.1 Locality Plan

A locality plan showing the whole of the Shire of Bridgetown-Greenbushes district and the location of the subject property, major transport routes, the Blackwood River, State Forest or Conservation Areas, and major infrastructure if applicable.

6.2 Site Plan

A plan of the proposed extraction site to a scale between 1:500 and 1:2000 showing the following:

- the external surface dimensions of the subject land;
- where required, the initial survey plan of the proposed extraction area showing 1 metre contour intervals, based on the Australian Height Datum, extended beyond the proposed excavation area by at least 40 metres;
- the surface area and depth of any former or current extraction areas;
- the surface area and depth of any proposed extraction areas, marked in stages no greater than 2 hectares in area, set back a minimum of 20 metres from a property boundary, 40 metres from a dedicated public road reserve, adjoining Crown land or from a watercourse, wetland or spring;
- the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
- the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
- the location of existing power lines, telecommunications infrastructure including telephone cables and any associated poles or pylons, sewers, pipelines,

- reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
- the location of all existing dams, watercourses, wetlands, springs, drains or sumps on or in proximity to the land;
 - the location and description of existing and proposed fences, gates and warning signs around the land; and
 - the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage.

6.3 Survey Information

For 'Standard' operations the initial survey plan is to be certified by a licensed surveyor at the time of application, a progressive survey after five years of extraction (where applicable) and a final survey plan at the cessation of extraction. Surveys for 'On Site Works' are at the discretion of the CEO.

The survey plans must be based on a datum peg established on the land related to a recognised point on the surface of a constructed public thoroughfare or such other land in the vicinity. All survey data supplied by an applicant shall comply with Australian Height Datum and Australian Map Grid standards.

The progressive and final surveys are needed to verifying the area and volume of extraction to ensure compliance with the approvals. The CEO reserves the right to require a progressive survey at any time where legitimate concerns are raised regarding the extent of extraction. Where an operator is found to have breached the progressive and final maximum approved areas and/or volumes of extraction, maximum penalties and/or infringements may be applied pursuant to the *Planning and Development Act 2005*.

6.4 Works and Extraction Plan

Details and supporting documents to address the following:

- surface area and volume of material proposed to be extracted;
- details of the depth and extent of the existing and proposed extraction of the site;
- an estimate of the depth and description of the nature and quantity of the overburden to be removed;
- the nature and estimated duration and stages of the proposed extraction, including the direction of any extraction works;
- details of the methods to be employed in the proposed extraction and any on site processing works;
- details on the machinery proposed to be used for excavation and any measures to be undertaken to ensure noise levels are minimised;
- a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled; and
- a description of any proposed buildings, water supply, treatment plant, tanks and other improvements.

Staged development of extraction operations is desirable to simplify site management, to minimise the area open at any one time (and thus the area exposed to wind and water erosion), and to permit progressive rehabilitation. Staging should be designed in such a way that excavation can progress through a site without

interference with stockpiles or overburden including topsoil and vegetation removed for use in later rehabilitation, or with any ongoing staged post extraction rehabilitation.

6.5 Resource Haulage Plan and Traffic Impact Assessment

The Shire will need to determine whether the surrounding road network is adequate for the proposed truck usage and movements based on road safety, levels of service, suitability of trucking routes and to identify any road upgrading that may be required for the safe operation of an extractive industry.

A full assessment is required for both medium and large operation categories of 'Standard' extractive industry. A Resource Haulage Plan will likely only be required for a small operation however a full traffic impact assessment may also be required at the discretion of the CEO (or delegated officer) and applicants should liaise with Shire staff to determine the need for the haulage plan and impact assessment.

The Resource Haulage Plan and Traffic Impact Assessment must show the main "local road" transport routes intended to be used for transport of the extracted material, in all directions from the site to the main arterial routes. The information can be included as part of the application report and is to include the following details:

- a description of the means of access to the extraction site, including swept path and sight distances;
- the types of internal or external thoroughfares to be constructed;
- details of the proposed type and number of trucks used for haulage;
- expected maximum number of trips per day (in and out) and average number of trips (in and out) per week (or over longer time period if use is proposed to be more intermittent);
- details on haulage routes, main destinations for extracted material (to allow determination of expected transport routes and assessment of implications thereto);
- details on existing road conditions including road widths, construction, speed limits, with regard to applicable Main Roads WA guidelines Austroads standards;
- details on road side vegetation and potential impacts of traffic movement, dust, etc;
- details on any self-imposed restrictions (eg. restricted transporting days or hours); and
- any recommended road upgrading or improvements including vegetation clearing required to accommodate traffic associated with transport of material, and ongoing maintenance regimes.

A full exemption to submittal of a Resource Haulage Plan and Traffic Impact Assessment will only be granted where the subject land directly fronts, and only has access and egress to the extraction site, via South Western Highway or Bridgetown-Boyup Brook Road. As these two roads are under the care and control of Main Roads Western Australia consultation with Main Roads WA is mandatory.

6.6 Decommissioning and Rehabilitation Plan

A post-extraction decommissioning and rehabilitation plan is to address the following:

- the objectives of rehabilitation having due regard to the nature of the surrounding area and the proposed end-use of the extraction site;
- proposed final land surface, future use (ie. grazing, re-vegetation);
- stockpiling and future use of resources, overburden, topsoil, etc;
- whether restoration and reinstatement of the extraction site is to be undertaken progressively or upon completion of extraction operations;
- the method by which topsoil is to be replaced and revegetated;
- the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- how rehabilitated areas are to be maintained and monitored, including weed and pest management measures to reduce the likelihood of colonisation of weed species and to protect rehabilitation planting;
- the removal of buildings, plant, waste and final site clean up; and
- how any extraction pit face is to be made safe and batters sloped.

Unless re-seeding with grasses or crops is proposed, revegetation should use local plant species suitable for the area with regard to soil type and drainage conditions. The rehabilitation plan must include determination of appropriate and available vegetation species; planting procedures and scheduling; and ongoing protection measures.

6.7 Community Impact Assessment

Details and supporting documents to address the following:

- impacts upon the local economy addressing employment opportunities and surrounding attractions;
- impacts upon community services, community health and local amenity and landscape values, including potential screening of the extraction area when viewed from adjoining properties or nearby thoroughfares;
- impacts upon the local transport network, in particular traffic conflict, school bus routes and pedestrian/cyclist safety (having regard to the Resource Haulage Plan and Traffic Impact Assessment unless exempt); and
- proximity to and impact upon any Aboriginal heritage sites and Post-European Settlement heritage sites (refer Municipal Inventory).

6.8 Landscape Impact Assessment

A detailed Landscape Impact Assessment may be required at the discretion of the CEO and must have regard to the proximity, elevation and visual exposure to public roads and sensitive land uses, based on the height of development (including stockpiles, earth bunds, fencing) and existing or proposed vegetation screening. Proposed measures must be detailed to screen the excavation area, stockpiles, etc, to minimise any adverse visual impacts from nearby residences, adjoining landholdings, thoroughfares, constructed road reserves and other areas.

6.9 Environmental Impact Assessment

Details and supporting documents must be provided to address the following:

- the extent of vegetation clearing (if any) required to accommodate works, proximity to and implications on State Forest or Conservation Areas and Clearing Permit(s) if required;
- details of the nature of native vegetation, shrubs and trees on the site and any adjoining properties including Crown land, and a description of measures to be taken to minimise the destruction of existing vegetation;
- details on the excavation area proximity to threatened flora and fauna habitat likely to be impacted by the proposed works and proposed measures to minimise potential impacts
- proposed measures to prevent ground pollution/contamination;
- measures to manage weeds and pathogens such as *Phytophthora dieback*, noting responsibilities under the *Biodiversity and Agricultural Management Act 2007* and DAFWA guidelines for extractive industries;
- drainage measures to protect the excavation or associated disturbed areas;
- measures to protect any sources of surface water (ie. watercourses, wetlands and springs) and sources of groundwater/aquifers, including proximity to public drinking water sources and major tributaries such as the Blackwood River;
- measures to minimise the impact of noise and vibration upon surrounding sensitive land uses, including measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997*;
- measures to minimise airborne pollution such as dust or sand drift, as a consequence of extraction activities and onsite and offsite vehicle movement, including details on the onsite or offsite supply of water if watering is proposed;
- measures to address fire and emergency management issues and dangers to the general public; and
- assessment of whether referral of the application to the Environmental Protection Authority (EPA) will be required for a Works Approval.

6.10 Noise and Vibration Assessment

A Noise and Vibration Assessment Report must be prepared in accordance with DER guidelines, and is to include assessment of noise and vibration buffer distances from nearby sensitive land uses. The Shire may exempt applicants from providing this report where an internal buffer (to EPA requirements) can be fully provided within the boundaries of subject land (including contiguous landholdings).

6.11 Surface and Groundwater Assessment

The maximum seasonal groundwater level must be established, where the term maximum means the highest historically observed and/or interpolated value, and not the average of a range. This information may be determined using existing known levels in close proximity or by requesting bore data from the Department of Water (DoW).

If a bore is in the vicinity of the excavation area, a hydro-geologist could use the data along with geological data of the excavation area and results from test holes to determine the maximum seasonal groundwater level.

In the absence of credible data being available, a number of monitoring bores should be established over the excavation area and monitored monthly over two winter seasons to establish the maximum seasonal groundwater table. A data request for bore information can be submitted to the DoW via www.water.wa.gov.au.

6.12 Application Management Report

This Policy includes an Extractive Industry Application Management Report template (See Appendix) to assist proponents in preparing a comprehensive application to ensure compliance with relevant requirements and allow timely and thorough assessment.

For ‘On Site Works’ and ‘Standard – Small Operations’ applications, a part report is recommended addressing the required criteria listed in the above table. For the ‘Standard – Medium Operation’ and ‘Standard – Large Operation’ categories a full report is required addressing relevant criteria.

6.13 Works Approval (DER)

Under the *Environmental Protection Act 1986*, certain premises are required to hold a Works Approval to construct works, and a Licence or Registration to operate these works. Set out below is an extract from an Environmental Protection Authority (EPA) publication.

This information is provided as a guide only and any applicants proposing extractive industry operations involving processing works (screening, crushing, etc) are advised to contact the DER for clarification of reporting requirements.

Category Number	Description of Category	Production or Design Capacity
12	Screening, etc of material: premises (other than a premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50,000 tonnes or more per year.
70	Screening, etc of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	More than 5000 but less than 50,000 tonnes per year.

6.14 Clearing Permit

Any proposal to clear native vegetation for extractive industry requires the approval from the (WA) Department of Environment Regulation (DER), pursuant to the Environmental Protection Act 1986 and Environmental Protection (Clearing of Native Vegetation) Regulations 2004, noting the various exemptions do not apply to extractive industry.

Approval may also be required from the (Federal) Department of the Environment (DOE), pursuant to the Environmental Protection and Biodiversity Conservation Act. 1999.

In the event of an application being received that proposes clearing of native vegetation evidence of an application to the DER and/or DOE must be provided by the applicant.

6.15 Basic Raw Materials Applicants' Checklist

The WAPC released the Basic Raw Materials Applicants' Checklist which can be obtained via www.planning.wa.gov.au. The checklist includes information for proponents on necessary approvals, the role of different agencies, useful contacts, legislative requirements and relevant state planning policies.

Although extractive industry licences fall outside the *Mining Act 1978*, under the *Mines Safety and Inspection Act 1994* and *Mines Safety and Inspection Regulations 1995*, individuals and companies extracting any mineral or rock for commercial purposes (unless exempt) must obtain approval from the State Mining Engineer, which is undertaken by way of a Project Management Plan. Minerals can only be extracted under an extractive industry licence if the land is 'minerals to owner' otherwise minerals must be mined under the Mining Act.

Reference should be also made to the WAPC's State Planning Policy 2.5: Land Use Planning in Rural Areas in relation to basic raw materials.

7.0 Assessment and Determination

7.1 Community Consultation

An application for 'Extractive Industry - On Site Works' will be subject to consultation with adjoining landowners or public authorities where, in the opinion of the CEO (or delegated officer), that the proposal has the potential to impact upon the environment, amenity of adjoining properties or existing infrastructure.

An application for 'Extractive Industry – Standard' will be subject to compulsory adjoining landowner and community consultation in accordance with the Shire's operative local planning scheme and the Shire's Community Consultation Policy.

When advertising an application the Shire notices shall specify the particulars of the proposed extraction and invite comments within 21 days (or longer period at the discretion of the CEO), consisting of the following:

- a) notify all the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, and/or within an area determined by the CEO as likely to be affected by the proposed industry;
- b) notify every authority or person having control or jurisdiction over any land or infrastructure within 500 metres from the boundaries of the subject land, or within an area determined by the CEO as likely to be affected by the proposed industry;
- c) publish a notice in a local newspaper circulating in the area in which the proposed extraction site is located; and

- d) display a notice on the subject land in a prominent location and in proximity to the main entrance where practicable.

As stated above, the CEO has discretion to insist upon community consultation for 'On Site Works' applications pursuant to clause a) above, and may waive clauses b), c) and d) if deemed appropriate.

The Shire may consult with the following state agencies/service providers, particularly where the subject land adjoins Crown land, and if so additional copies of the report (printed or CD version) must be submitted upon request:

- Department of Aboriginal Affairs
- Department of Environment Regulation
- Department of Mines and Petroleum
- Department of Parks and Wildlife
- Department of Planning
- Department of Water
- Environmental Protection Authority
- Main Roads Western Australia
- Telstra
- Western Power
- NBN Co

7.2 Determination

Once the community consultation period (if needed) has closed, all submissions received will be compiled and a report prepared for the internal Development Control Unit or a report to Council for consideration.

Council or the CEO (or delegated officer) may then:

- defer a decision on the proposal where further information is required; or
- refuse to grant approval where an application does not comply with the requirements of the operative Town Planning Scheme Policy or due to considered detrimental impacts; or
- approve the application subject to reasonable conditions, if any.

7.3 Term of Development Approval

The maximum term of development approvals will be limited to the following timeframes:

On-Site Works	Maximum Two Years
Standard - Small Operation	Maximum Five Years
Standard - Medium Operation	Maximum Ten years
Standard - Large Operation	Maximum Ten years

7.4 Extraction Setbacks and Buffers

Unless otherwise determined, extractive areas and stockpiles (excluding visual or noise bunds) must comply with the following minimum setbacks, etc.

- 20 metres from the boundary of any land on which the extraction site is located;
- 20 metres from any land affected by a registered grant of easement;
- 40 metres from any thoroughfare or road reserve;
- 40 metres from the boundary of adjoining Crown land; and
- 40 metres from any watercourse, wetland or spring.

The proponent must peg the proposed perimeter of the extractive pit area prior to applying for development approval for the purpose of onsite inspection during the assessment process, including any consultation period(s).

The WAPC ‘Statement of Planning Policy 4.1 - State Industrial Buffers’ and Environmental Protection Authority (EPA) ‘Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Landuses’ promotes buffer distances between extractive industry works and sensitive land uses of between 500 metres to 1000 metres (depending on type of material being extracted and whether blasting works are proposed). Where there is no specified buffer, a minimum of 500 metres shall be applied between any excavation area and a sensitive land use including dwellings and tourist facilities.

In all cases proponents must provide the required buffer distance within the confines of their own land however if this cannot occur, the Shire will consider allowing the buffer distance to extend over adjoining land where it can be clearly shown that existing or future development of adjoining land will not be compromised. In this case the Noise and Vibration Assessment is required as part of the Environmental Management 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. For such applications referral of the application to affected adjoining owner(s) will be mandatory.

The Shire may require creation of earth bunds for visual or acoustic purposes, planting of screen vegetation, or an increase in setbacks. The maximum height of overburden mounds and stockpiles are to be no more than 3.0 metres, unless appropriately stabilised with a soil binding agent, while the maximum height of top soil mounds and stockpiles are to be no higher than 2.0 metres.

Applicants should also refer to the Department of Water’s South West Regional Guideline ‘Water resource considerations for extractive industries, June 2014.

7.5 Operator Obligations

An extractive industry operator shall:

- securely fence the excavation area and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- erect and maintain warning signs at each entry gate to the excavation area and along each of the boundaries of the area being excavated so that each sign-

- (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words “DANGER EXCAVATIONS KEEP OUT”;
- erect appropriate signage on the haulage route(s) in accordance with the applicable Australian Standard;
 - drain and keep drained any approved excavation so as to prevent the accumulation of water;
 - not intercept the water table and excavation is permitted only to a depth that is 0.3 metres higher than the maximum seasonal groundwater level, as agreed by DoW, noting that dewatering of the extraction area may require authorisation in areas proclaimed under the *Rights in Water and Irrigation Act 1914*;
 - maintain the maximum height of overburden mounds and stockpiles to no more than 3.0 metres and appropriately stabilised with a soil binding agent, and maintain the maximum height of top soil mounds and stockpiles to be no more than 2.0 metres;
 - undertake works, extraction and rehabilitate the excavation site in accordance with the terms and conditions of the approval;
 - advise the Shire of Bridgetown-Greenbushes in writing of any change in operator during the term of operation, providing contact details of the new operator and organise an onsite meeting with Shire staff to discuss the term of the approval; and the new operator shall not commence operation unless authorised by the Shire of Bridgetown-Greenbushes;
 - not remove any trees or shrubs from the land within 40 metres (or such lesser distance as may be approved in writing by the Shire) of the boundary with any thoroughfare, road reserve or boundary with adjoining Crown land, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation;
 - not undertake any excavation, processing or transporting of material or equipment within, to or from the site on:
 - a Sunday
 - a Public Holiday
 - before 7:30am and after 5:30pm Monday to Saturday,
 - on days of catastrophic, extreme or severe fire danger ratings,
 - on days where a harvest ban is declared;except that in the event of a fire, flood or other emergency, the operator may remove all or any vehicles, explosives, combustibles and equipment considered necessary to ensure public safety and safety of any personnel and equipment on the site; and
 - not store, or permit to be stored, any explosives or explosive devices on the site to which the approval applies, except with Department of Mines and Petroleum approval.

7.6 Blasting

An extractive industry operator shall not carry out or permit to be carried out any blasting in the course of excavating unless specific approval has been granted by the Shire of Bridgetown-Greenbushes and subject to the following:

- the blasting takes place only between the hours of 8.00am and 5.00pm, on Mondays to Fridays inclusive, and in compliance with any other reasonable

conditions imposed in the interests of the safety and protection of members of the public and of property within the district.

- the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant requirements of the Shire of Bridgetown-Greenbushes; and
- blasting may be permitted at other times at the discretion of the CEO and in consultation with surrounding affected landowners.

Where blasting did not form part of the original development approval for the extractive industry, an application for blasting will be accompanied by supplementary reports as determined by the CEO.

7.7 Rehabilitation

Rehabilitation is to be undertaken on an ongoing basis for worked areas. Any exhausted/worked areas in excess of 2 hectares need to be reshaped, ripped, topsoil re-spread, dry seeded and a dust suppressant applied to hold the soils in place until the first rains occur.

For the purpose of ensuring that an excavation site is properly restored or reinstated the Shire will as a condition of approval require the payment of a rehabilitation bond, in accordance with the Shire's Schedule of Fees & Charges.

The proponent must give to the Shire a bond, bank guarantee or other acceptable security, prior to the commencement of operations. The bond will be held in trust pending the satisfactory rehabilitation of the excavation area and site in general, in accordance with the approved Rehabilitation and Decommissioning Plan.

Rehabilitation works are to be monitored and information reported to the Shire demonstrating the progress and success of rehabilitation for a two year period from the conclusion of rehabilitation.

Should the operator fail to carry out or complete the required rehabilitation works within the 60 days of the cessation of excavation, or longer period as agreed to by the Shire, the Shire may carry out or cause to be carried out or complete the required rehabilitation works. The Shire will then use the rehabilitation bond towards these costs, and recover any balance of costs directly from the proponent.

7.8 Transport

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, with the applicant to provide a Resource Haulage Plan and Traffic Impact Assessment. The Shire can elect to impose conditions relating to impact of haulage vehicles on public roads, such as:

- Upgrading of a road if the current standard is insufficient to cater for the expected volume and type of haulage vehicles;
- Time restrictions or communication regimes applicable to specific roads (eg. school bus routes);

- Prohibitions on the use of specific roads (if alternative routes exist).

The Shire may also require the applicant to assist with upgrading, maintenance and/or watering (for dust control) of the haulage route that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading arrangements and/or contributions will be determined on a case-by-case basis.

Where an extractive industry has direct access to an unsealed road and based on the projected number of vehicle movements, to and from the site, the Shire may require a crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with a stormwater runoff being controlled. Where an extractive industry has direct access via a sealed road, a sealed crossover between the road surface and boundary will be required.

Upgrading of any crossover or road junction with a major road may be required, including slip lanes and turning pockets, to accommodate proposed haulage vehicles. Such upgrades would require approval from Main Roads WA and would be at the cost of the proponent.

7.9 Five Year Update

Where the term of an approved medium or large operation ‘Standard’ extractive industry exceeds five years, and the proponent wishes to continue extractive activities beyond that timeframe, the proponent must lodge a request with the Shire (three months prior) seeking approval to continue the operation and provide the following information to the Shire demonstrating compliance with the approval:

- fee as per the Shire’s Schedule of Fees and Charges;
- a survey plan and licensed surveyor’s certificate showing the contours of the excavation carried out to the date of that application, and the volume of material extracted, stockpiled and/or transported from the site; and
- details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes.

Upon receipt of the above information and following a compliance inspection, the Shire may approve the continued operation, and apply reasonable conditions for ongoing activities. The Shire reserves the right to instead refuse the request where warranted by serious non-compliance in the opinion of the CEO, and thereby suspend or cancel the approval. For a suspended operation the Shire will impose reasonable conditions of approval to bring the operation into compliance and in the case of cancellation the requirements of the ‘Cessation of Approval’ section are to be met.

7.10 Cancellation/Cessation of Approval

Where the carrying on of an extractive industry on the site permanently ceases or the term of approval expires or is cancelled, irrespective of the type or scale of operation or whether a new approval is to be sought, the proponent must lodge correspondence with the Shire and the following information demonstrating compliance with the approval:

- Fee as per the Shire’s Schedule of Fees and Charges

- A survey plan and licensed surveyor's certificate showing the contours of the excavation carried out to the date of that application, and the volume of material extracted, stockpiled and/or transported from the site.
- Details of the works, excavation and rehabilitation stages reached, and timing for completion of rehabilitation.

Upon receipt of the above information and following a compliance inspection, the Shire may impose reasonable conditions to ensure satisfactory rehabilitation of the excavation site, and so advise the proponent in writing, addressing the following:

- restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the Shire of Bridgetown-Greenbushes may subsequently agree in writing with the proponent;
- ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is -
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
- ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
- ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land or any stream, watercourse, wetland, springs or drain that is outside of the proposed excavation area, including any approved area for stockpiling excavated, treated, overburden or topsoil material;
- erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this approval.

7.11 Standard Conditions

Further to the above, conditions of approval shall be applied to extractive industry proposals as deemed appropriate by Shire staff under delegated authority or by Council. Conditions may be imposed for many reasons such as to minimise impact on amenity and/or adjacent landowners, ensure stabilisation of excavation areas and stockpiles, and to protect visual corridors and to ensure rehabilitation of the land.

In forming conditions, the Shire can rely upon decisions made by the State Administrative Tribunal, and in particular the Orders issued on 13 May 2011 in relation to Shire of Bridgetown-Greenbushes matters, addressing the following:

- Term of Approval
- Hours of Operation
- Excavation Areas and Rehabilitation
- Noise Management
- Vegetation Clearing
- Haulage Route and Upgrading (including contributions)
- Access and Crossover(s)
- Onsite and Offsite Airborne Pollution (Dust) Management
- Ground and Surface Water Management
- Weed and Pathogen (Dieback) Management
- Stormwater Management
- Bushfire and Emergency Management
- Ablution Facilities
- Fuel Storage and Hydrocarbon Spill Management
- Complaints and Reporting

More specifically the Shire of Bridgetown-Greenbushes may impose conditions relevant to the following:

- the orientation of the excavation to reduce visibility from other land;
- the appropriate siting of access thoroughfares, buildings and plant;
- the stockpiling of material;
- the approval of the number and size of trucks entering and leaving the site each day and maximum number per week, and the route or routes to be utilised by those trucks;
- the hours during which any excavation work may be carried out;
- the hours during which any processing plant associated with, or located on, the site may be operated;
- requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance;
- the depths below which a person shall not excavate, including the excavation depth above the maximum seasonal groundwater table;
- distances from adjoining land or thoroughfares within which a person must not excavate;
- the safety of persons employed at or visiting the excavation site;
- the control of dust and wind-blown material;
- the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- the prevention of the spread of pathogen diseases such as Phytophthora dieback;
- the drainage of the excavation site and the disposal of water;
- the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- requiring the proponent to furnish to the Shire surveyor's certificate at the five year update and cessation/cancellation of approval, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;

- requiring the proponent to enter into an agreement with the Shire of Bridgetown-Greenbushes by which it agrees to pay any extraordinary expenses incurred by the Shire in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the operator of the approval;
- requiring the operator to pay a rehabilitation bond for the life of the operation, accordance with the Shire’s Schedule of Fees and Charges, as a performance bond to ensure rehabilitation of the extraction area and other identified areas; and
- requiring the operator to have at all times a current public liability insurance policy taken out in the joint names of the operator and the Shire of Bridgetown-Greenbushes indemnifying the operator and the Shire of Bridgetown-Greenbushes for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations. The operator shall provide to the Shire of Bridgetown-Greenbushes a copy of the policy taken out prior to the commencement of operations.

7.15 Compliance and Monitoring

Applicants are advised that the CEO reserves the right to:

- undertake random monitoring from time to time during the operational life of extractive industry and during the rehabilitation phase;
- use a ‘call in’ power to require the submission of additional information where legitimate issues arise (ie. survey to confirm volumes of extraction, noise assessment report, traffic impact study, etc); and
- issue infringements, initiate compliance action or seek prosecution against the applicant, operator or landowner where a breach of the development approval or operative local planning scheme is substantiated.

Where an operator is found to have breached elements of the approval, such as the progressive and final maximum approved areas and/or volumes of extraction for example, maximum penalties and/or infringements may be applied pursuant to the *Planning and Development Act 2005*.

Appendix

Extractive Industry Application Management Report (Template)

1.0 Introduction

- 1.1 Applicant Details
- 1.2 Application Summary

2.0 Site Description and Surrounds

- 2.1 Property Description
 - 2.1.1 Property Details and Location
 - 2.1.2 Area(s)/Certificate of Title
 - 2.1.3 Ownership
 - 2.1.4 Existing Land Use
- 2.2 Physical Features
 - 2.2.1 Topography

- 2.2.2 Vegetation
- 2.2.3 Soils
- 2.2.4 Water (surface and groundwater)
- 2.3 Existing Infrastructure/Services
 - 2.3.1 Roads/Bridges
 - 2.3.2 Water
 - 2.3.3 Power
 - 2.3.4 Telecommunications
- 2.4 Surrounding Land
 - 2.4.1 Freehold
 - 2.4.2 Crown/Reserves
- 3.0 Legislation and Policies**
- 3.1 Town Planning Scheme
 - 3.1.1 Zoning
 - 3.1.2 Current Land Use
 - 3.1.3 Scheme Provisions
- 3.2 Shire of Bridgetown-Greenbushes Policies
 - 3.2.1 Extractive Industry Policy
 - 3.2.2 Environmental Policies
 - 3.2.3 Other Policies
- 3.3 State and Federal Legislation, Policies and Guides
 - 3.3.1 State Planning Policies
 - 3.3.2 Warren Blackwood Rural Strategy
 - 3.3.3 South West Framework
 - 3.3.4 Environmental Protection Authority Guidance Notes
- 4.0 Extraction Proposal**
- 4.1 Existing Site
 - 4.1.1 Land surface (contour survey)
 - 4.1.2 Previous activities (if applicable)
- 4.2 Proposed Works and Extraction Plan
 - 4.2.1 Material Extraction (Areas/Volumes/Method)
 - 4.2.2 Staging/Timing
 - 4.2.3 Operating Times
 - 4.2.4 Stockpiling (material)
 - 4.2.5 Blasting/Crushing/Screening
 - 4.2.6 Vegetation and Topsoil
- 4.3 Ancillary
 - 4.3.1 Equipment
 - 4.3.2 Onsite fuel storage/servicing
 - 4.3.3 Amenities/infrastructure
 - 4.3.4 Water Sources
- 4.4 Proposed Resource Haulage
 - 4.4.1 Access/egress
 - 4.4.2 Vehicle types/movements
 - 4.4.3 Haulage route/destinations/restrictions
 - 4.4.4 Road upgrading/maintenance
- 4.5 Proposed Decommission and Rehabilitation Plan

- 4.5.1 Proposed final contours
- 4.5.2 Rehabilitation

5.0 Community Impacts and Management

- 5.1 Economic Impacts
 - 5.1.1 Employment Opportunities
 - 5.1.2 Surrounding Attractions
- 5.2 Social Impacts
 - 5.2.1 Community Services
 - 5.2.2 Community Health
 - 5.2.3 Amenity/Visual Impact
- 5.3 Transport Impacts
 - 5.3.1 Traffic Conflict/School Bus Routes
 - 5.3.2 Pedestrian/Cyclist Safety
- 5.3 Heritage Impacts
 - 5.3.1 Aboriginal
 - 5.3.2 Post-Settlement

6.0 Environmental Impacts and Management

- 6.1 Flora and Fauna
 - 6.1.1 Vegetation/Habitat (onsite and offsite)
 - 6.1.2 Declared Rare Flora/Threatened Ecological Communities
 - 6.1.3 Clearing Permit (if applicable)
- 6.2 Ground Pollution/Contamination
 - 6.2.1 Hydrocarbons
 - 6.2.2 Silt
- 6.3 Weeds and Pathogens
 - 6.3.1 Environmental Weeds
 - 6.3.2 Pathogens (ie. dieback)
- 6.4 Water
 - 6.4.1 Drainage
 - 6.4.2 Surface Water (including wetlands)
 - 6.4.3 Groundwater (maximum seasonal groundwater table)
- 6.5 Noise and Vibration
 - 6.5.1 Buffers
 - 6.5.2 Sensitive Land Uses
- 6.6 Airborne Pollution
 - 6.6.1 Onsite (dust/odours)
 - 6.6.2 Offsite (along haulage route)
 - 6.6.3 Sensitive Land Uses
- 6.8 Bushfire and Emergencies
 - 6.8.1 Bushfire
 - 6.8.2 Flooding
 - 6.8.3 Miscellaneous
- 6.9 Environmental Protection Authority Referral

Figures

Figure 1 – Locality Plan

Figure 2 – Aerial Site Plan

Figure 3 – Site Plan / Stages of Extraction

Figure 4 – Final Land Surface

Appendices

- 1 - Development Application Form
- 2 - Surveyor's Certificate
- 3 - Dial Before You Dig Search
- 4 - Landscape Impact Assessment
- 5 - Resource Haulage Plan and Traffic Impact Assessment
- 6 - Flora and Fauna Assessment
- 7 - Clearing Permit
- 8 - Groundwater Assessment (Test Pit Photographs)
- 9 - Noise and Vibration Assessment
- 10 - Hydrocarbon Spill Management Plan
- 11 - Weed and Pathogen (Dieback) Management Plan
- 12 - Stormwater Management Plan
- 13 - Airborne Pollution (Dust) Management Plan
- 14 - Bushfire and Emergency Management Plan