



6. SHIRE OF MANJIMUP
LOCAL PLANNING POLICIES
6.1.9 Extractive Industries

6.1.9 EXTRACTIVE INDUSTRIES

1. Purpose

1.1. The purpose of this Policy is to:

- (i) Provide guidance in regard to applications for Industry – Extractives;
- (ii) Ensure applicants provide a sufficient level of information to facilitate assessment of the proposal, consistent with the size and period of the operation; and
- (iii) Ensure a consistent approach is taken whilst considering applications.

2. Objectives

2.1. The objectives of this Policy are to:

- (i) To protect the economic viability of farming areas within the Shire of Manjimup (the Shire).
- (ii) To retain the rural character of the area by preventing the operation of such activities in a manner detrimental to the amenity and/or environment of the area during or after extraction.
- (iii) To specify the minimum requirements to be included in any application for an extractive industry and guide applicants accordingly.
- (iv) To ensure that proposed haulage routes and road hierarchy are satisfactory to support an extractive industry without affecting the sustainability of the Shire's road assets.
- (v) To provide for the most appropriate siting and manner of operation of extractive industries to meet the varied need of the community.

3. Application of Policy

3.1. This Policy applies to all Priority Agriculture, General Agriculture, Rural Smallholdings, Industry and Future Development zoned land in the Shire. Extractive industries proposed in all other Scheme zones are not permitted, and applications will not be accepted.

3.2. The Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policy. If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

4. Policy Exclusions

4.1. This Policy excludes activities that constitute 'mining' under the *Mining Act 1978* and the extraction of basic raw materials on Crown land vested for that purpose.

5. Definitions

5.1. For the purposes of this Policy, the following definitions apply:

“**basic raw materials**” means sand, (including silica sand) clay, hard rock, limestone, (including metallurgical limestone) gravel and other construction and road building materials.

“**dam**” means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water features associated with landscaping and gardens.

“**Environmentally Sensitive Area**” means those areas where the land could be subject to restriction on the extraction of basic raw materials for an environmental or conservation reason.

“**major tourist route**” means those roads classified Primary Distributor, District Distributor and Tourist Roads by the Shire’s Road Hierarchy.

“**school bus route**” means any public road utilised on a daily basis by a licenced school bus operator to transport children to and from an educational establishment registered by the Western Australian Department of Education.

“**sensitive land use**” shall have the same meaning as contained within the EPA Guidelines for the Separation Distances between Industrial and Sensitive Land Uses.

6. Relationship to Relevant State Legislation

- 6.1. Notwithstanding the requirement for an approval to be obtained under the Scheme, approvals from Department of Water and Environment Regulation (DWER) and Main Roads Western Australia (MRWA) may also be required to be obtained prior to any works being undertaken.
- 6.2. DWER regulates the drainage of extractive industries, site rehabilitation and storage of hydrocarbons within surface water catchment areas and defined stream channels through the Rights in Water and Irrigation Act 1914. All proposals for industry – extractives will be referred to DWER as part of the planning application process.
- 6.3. The removal of native vegetation to facilitate an Industry – Extractive may require a permit from DWER under the *Environmental Protection Act 1986* (EP Act). If a clearing permit is exempt under the EP Act in a *Country Area Water and Supply Act 1946* (CAWS Act) controlled catchment, or if compensation has previously been paid to retain the subject vegetation a CAWS Act Clearing License is required from DWER.
- 6.4. A permit may also be required from Department of Biodiversity Conservation and Attractions (DBCA) for the removal or disturbance of Rare Flora and Fauna or Threatened Rare Flora and Fauna under the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulations 2018*.

6.5. DWER also advise that the potential creation of Acid Sulphate Soil from the disturbance of the soil and water table needs to be considered as part of the planning process of any proposed Industry - Extractive. To reduce the implications to the natural environment Applicants should seek the advice from DWER officer's in this instance.

6.6. 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.

6.7. Applications for Industry – Extractive's on freehold land are exempt from approval by the Department of Mines Industry Regulation and Safety (DMIRS). However, the DMIRS is to be notified of any Industry – Extractive on freehold land for the purposes of accurate record keeping.

7. Background

7.1. The Shire of Manjimup supports the establishment of Industry – Extractive's in an environmentally sensitive and sustainable manner. The supply of basic raw materials is recognised by the Shire as a significant contributor to the economic development of the local government area as being a critical element of the land development process.

7.2. The general intent of this Policy is to allow the Shire to enable Industry – Extractive's in suitable locations where transport infrastructure is available or can be upgraded satisfactorily to service the site and where visual, noise and dust impacts on sensitive land uses can be minimised through considered site planning and operational control.

8. Application Requirements

8.1. Applications seeking approval for an Industry - Extractive should in addition to the required completed application form, provide the following information:

a) A scaled site plan depicting:

-) the area depth and volume of extraction;
-) setback distances of the extractive site to property boundaries and sensitive land uses within a 1000m radius;
-) road frontages and access to the extraction site;
-) existing vegetation, dams and watercourses, and their setback distance from the extraction area;
-) the location and height of material and topsoil stockpiles; and
-) the location of any buildings or structures associated with the extraction proposal.

b) A detailed report describing the:

-) type(s) of material to be extracted;
-) method of extraction, including any on-site crushing and/or screening of material including rock breaking;
-) hours and days of operation;
-) maintenance of machinery or storage of chemicals and fuels on- site (if any);
-) estimated completion date including site rehabilitation;
-) type, number and size of trucks and machinery utilised;

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-) the proposed haulage route from the extraction along Shire or MRWA roads and material destinations;
 -) traffic management of roads (e.g. road warning signage);
 -) number of truck loads and equivalent movements per day/week; and
 -) noise and dust suppression measures.
- c) Where the location of an extractive industry will not comply with the recommended buffer distance as identified under the EPA Guidelines for the Separation Distances between Industrial and Sensitive Land Uses, a Dust and Noise Management Plans shall be prepared by a suitably qualified consultant.
- d) A detailed Drainage Management Plan prepared generally in accordance with Department of Water and Environmental Regulation's Water Quality Protection Note No 15 depicting the:
-) depth of the water table on the extraction site;
 -) location of sediment stripping ponds to accommodate run-off; and
 -) the flow of surface water across the extraction site;

Such a plan shall be prepared by a suitably qualified or experienced consultant.

- e) A detailed Site Rehabilitation Plan prepared generally in accordance with the Guidelines for Management and Rehabilitation of Basic Raw Material Pits (DWER 2008) describing the:
-) types of materials to be used;
 -) how and when the rehabilitation will be staged;
 -) re-contouring of the site; and
 -) vegetation species to be used on the extraction site.

Such a plan shall be prepared by a suitably qualified or experienced consultant.

8.2. Where an application seeks approval to an extractive industry is:

-) separated from adjacent dwellings by more than 1km; and
-) will operate for a period not exceeding 12 months; and
-) to be have an extraction area of not more than 1ha,

the requirement for a suitably qualified or experienced consultant to prepared a Dust, Noise, Drainage and Site Rehabilitation Plans shall be waived unless otherwise required by the DWER, a simplified version of each plan is still a requirement.

9. Advertising of Applications

9.1. Industry – Extractive applications are to be advertised in accordance with the requirements of the Scheme and Local Planning Policy LPS4 6.1.2 *Advertising of Planning Proposals*. In addition:

9.2. Technical advice is to be sought from the relevant government agencies as appropriate, including:

-) DWER;
-) MRWA;
-) DMIRS; and
-) Any other agency that may have an interest in the proposal.

9.3. Where Council believes the proposal raises significant environmental concerns, the proposal will be formally referred to the Environmental Protection Authority.

10. Application Assessment

10.1. In the determination of an Industry-Extractive application, the following aspects are to be considered:

Site Assessment

-) the natural landscape;
-) potential land use conflict;
-) flora and fauna;
-) site drainage, including discharge of sediment;
-) sites of cultural or historical significance;
-) the effect of the proposal on the agricultural use of the land both on site and the surrounding locality;
-) the effect on vehicular traffic and roads;
-) proximity to major tourist routes;
-) local amenity - noise, dust and hours of operation;
-) rehabilitation of the land
-) Buffers to adjacent land uses in accordance with *Guidance Note 33 - Separation Distances between Industrial and Sensitive Land Uses*; and
-) Comment of any relevant government agency.

Transport Assessment

Where considering the use of heavy vehicles, the following will form the basis of the assessment:

-) Proximity to and interaction with school bus routes;
-) Conditions and nature of roads being used;
-) Impact of higher traffic volumes on roads;
-) Size of trucks and number of truck movements
-) Access points to the operation of the site
-) Existence of any other Industry – Extractive or heavy haulage operation in the vicinity and the cumulative impact on the transport network.
-) Comment of MRWA.

The onus is on the applicant to demonstrate to Council that the proposal can satisfactorily meet these requirements.

11. Conditions of Approval

11.1. Council will apply conditions of approval as deemed necessary. Without limiting Council's discretion, conditions may be imposed in respect of the following matters:

-) The hours of operation during the summer months only (November to April) be 8:00 am to 6:00 pm Monday to Saturday and other times during the year the hours be 9:00 am to 5:00 pm;
-) Drainage of the excavation site;
-) Restoration and reinstatement of the excavation site and staging of such works to a maximum work area of 1 ha;
-) Minimum setbacks to streets and other property (30 metres unless otherwise approved);

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-) The effect of the proposal on the amenity of the locality by reason of the emission of dust, noise, vibration, waste production, smoke, odour or otherwise;
-) The effect of the proposal on the local road system and any negotiated contribution towards the maintenance thereof;
-) Traffic management, both on the site and proposed access routes if deemed necessary; and
-) The proposed operation is required to adhere to the Environmental Protection - Noise Regulations.

Administration

1. Determination of Applications

1.1. Industry – Extractives are considered an ‘A’ land use by the Scheme.

Regardless of Scheme and Policy consistency, all applications are to be determined at an Ordinary Meeting of Council in accordance clause 10.2 of the Scheme.

2. Applications Requiring Variation of Policy

2.1. Where an Application for Development Approval requires a variation to a provision of this Policy, the variation is to be considered by the local government in accordance with Part 10.2 of the Scheme.

3. Delegated authority is not to be exercised for the consideration Industry - Extractives.

ADOPTED – 8 July 2021

EFFECTIVE – 21 July 2021

NEXT DUE FOR REVIEW – July 2025

The Administration of this Policy is by the Development and Regulation Division.