

Scheme Provisions:

LPS #10

4.1 Zoning and Development Table 'Industry Extractive' A use in General Rural zone.

LPS #11

3.2 Zoning Table 'Industry Extractive' A use in Rural zone.

Other References:

Shire of Northampton Local Planning Scheme No. 10

Shire of Northampton Local Planning Scheme No. 11

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Northampton

Petroleum, Mining & Extractive Industries Policy

Special procedural considerations:

Applications are required to be advertised for a minimum period of 14 days pursuant to cl. 64 of the Deemed Provisions of the LPS Regulations.

1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Extractive Industry local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 OBJECTIVE

- 2.1 Outline the information to be provided by applicants when lodging an Application for Development Approval for Extractive Industry;
- 2.2 Set the advertising requirements to be followed prior to determining Extractive Industry applications;
- 2.3 Identify requirements in relation to the siting and operation of Extractive Industries;
- 2.4 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; and
- 2.5 Ensure Extractive Industry proposals occur without detrimentally impacting the environment, public safety, local amenity or the character and setting of the local area.

3.0 POLICY STATEMENT

3.1 Exemptions from the Policy

This policy does not apply to the following:

- a. The extraction of basic raw materials on Crown land (including reserves and pastoral leases), which are covered by the *Mining Act 1978*.
- b. The extraction of basic raw materials to a depth of no more than 1 m and an area of no more than 1 hectare where the material is to be used for improvements on the same property, municipal purposes or road construction.

3.2 Definitions

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” means in this Policy those uses that are sensitive to noise or other nuisances resulting from the extractive industry. Generally all forms of residential use, uses involving children such as kindergartens and schools and those involving doctors, hospitals and aged care facilities

3.3 Policy

3.3.1 Extractive industry will only be approved where the local government is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, vibration, dust, lightspill, odour, visual intrusion or contamination.

3.3.2 No extractive industry will be approved until such time as Council has received advice from the Department of Planning Lands and Heritage (Aboriginal Heritage), the Department of Water and Environment Regulation and the Department of Biodiversity, Conservation and Attractions in relation to heritage, flora/fauna and water issues respectively. An extractive industry will not be approved if there are substantiated objections from any of these agencies.

3.3.2 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 the local government shall consider existing and potential land-uses on adjoining and nearby properties.

3.3.3 The local government 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.

3.3.4 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 the local government), the local government 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. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy 6.6.

3.3.5 Where an extractive industry is being developed with or without direct access to a sealed road, the local government 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.

3.3.6 Extractive industry will only be approved where the local government is satisfied that the proposal will not negatively impact upon the local road network, including the provision of local bus services.

3.3.7 The local government 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 1000 metres 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.

3.3.8 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 development approval on an annual basis. For large scale mining operations an extended period of approval may be entertained by the local government, based on individual merit.

3.3.9 Proposals for extractive industry within the visually sensitive areas identified by the *Moresby Ranges Management Strategy 2009* will not be approved where the development may result in the reduction of environmental or visual landscape quality.

3.4 Application Requirements

Applications shall include the following information:

3.4.1 A plan of the excavation site to a scale of between 1:500 and 1:2,000 showing:

- a) Existing and proposed land contours plotted at 1m contour intervals;
- b) The land on which the excavation site is to be located;
- c) External surface dimensions of the land;
- d) Location and depth of the existing and proposed excavation of the land;
- e) Location of existing remnant vegetation;
- f) Setback distances of the extractive site to property boundaries and sensitive land uses (including dwellings and their associated outbuildings/structures within a 1000m radius;
- g) Setback distances of the extractive site to buildings contained on the Shire of Northampton Municipal Heritage Inventory within a 5000m radius;
- h) 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;
- i) Location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;

- j) Location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered easement or other encumbrances over or within a 1000m radius of the land;
- k) Location of all existing dams, watercourses, including but not limited to drains, sumps, wells, and bores on or adjacent to the land within a 1000m radius;
- l) Location and description of existing and proposed fences, gates and warning signs around the land; and
- m) Location and size of the areas proposed for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.

3.4.2 A management plan containing:

- a) The nature and estimated duration of the proposed excavation;
- b) The stages and the timing of the stages in which it is proposed to carry out the excavation;
- c) Details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
- d) Details of the depth and extent of the existing and proposed excavation of the site;
- e) An estimate of the depth of and description of the nature and quantity of the overburden to be removed;
- f) Description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
- g) Description of the means of access to the excavation site and the types of thoroughfares to be constructed;
- h) Details of the proposed number and size of trucks entering and leaving the site each day, their maintenance and refuelling requirements and the route or routes to be taken by those vehicles (the local government may require contributions towards the upgrade of roads);
- i) Description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
- j) Details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- k) Description of the measures to be taken to minimise sand drift, dust nuisance, erosion, vibration abatement, watercourse siltation and dangers to the general public;
- l) Description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;
- m) Description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment, within a 1000m radius of the land, including ground water, flora and fauna and air quality;
- n) 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 the management of the remaining vegetation; and
- o) Description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.
- p) Management techniques to address potential conflict with surrounding landuses and protection of environment attributes, including reporting mechanisms for conflicts.

3.4.3 Additional information that may be required:

- a) Should Council determine that the proposed extractive industry has the potential to, or is likely to, create adjoining landowner impacts, such as noise, dust, vibration, lightspill, odour or environmental impacts, then further information may be required to support the development application, including but not limited to the following:
 - i. Baseline data to be provided for wind, noise, dust and/or environmental data at specified locations;
 - ii. Vibration abatement and control measure details; and
 - iii. Timing, frequency and duration of blasting/crushing/excavation activities;

- b) Additional information in relation to the storage of chemicals or other potential contaminants on site relevant to the extractive industry;
- c) A Visual Impact Assessment where the proposed extractive industry has the potential to, or is likely to, create visual intrusion impacts upon adjacent landholdings, major roads or places of heritage, cultural or landscape significance.
- d) Should the extractive industry be located within a radius of 5,000m from a place listed upon the Shire's Municipal Heritage Inventory, or 1,000m from a dwelling or other physical infrastructure, AND Council determines that the proposed extractive industry has the potential to, or is likely to, create physical or visual impacts upon that place/site, then further information may be required, as per the following:
 - i. A structural review of the heritage place (including associated buildings and heritage assets), dwelling or other physical structure to be undertaken prior to the commencement of the extractive industry;
 - ii. Ongoing structural reviews of those places to be undertaken so as to determine the level of impact (if any) of the extractive industry upon those places, with the frequency of those reviews to be determined by the local government, taking into account the type of extractive industry, the mechanism of impact and the distance of the works from the heritage place; and
 - iii. The requirement for the cessation of works, and the process for remediation, to restore those heritage places, should an impact or impacts be found and be attributed to the extractive industry operations.

3.4.4 A rehabilitation and decommissioning plan indicating:

- a) The objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
- b) Whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
- c) How any face is to be made safe and batters sloped;
- d) The method by which topsoil is to be replaced and revegetated;
- e) The numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- f) How rehabilitated areas are to be maintained; and
- g) The program for the removal of buildings, plant, waste and final site clean up.

3.5 Advertising and Consultation

3.5.1 Applications for an 'Extractive Industry' are required to be advertised for a minimum period of 14 days pursuant to the cl. 64, Part 8 of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Consultation for Planning Proposals Local Planning Policy*.

3.5.2 Consultation will also be undertaken with the following government agencies:

- Department of Mines and Petroleum;
- Department of Water and Environment Regulation;
- Department of Biodiversity, Conservation and Attractions; and
- Department Planning, Lands and Heritage, including Aboriginal Heritage.

3.6 Reference to other Agencies and their requirements

This Policy acts to complement the various state and federal government Acts, Regulations, and Policies that may apply to Extractive Industries, however does not override the regulations and/or requirements

of any other government agencies under separate legislation. The purpose of this Policy is not to duplicate the additional requirements and regulations of those agencies which are not under the control or authority of the Shire of Northampton, and it is the Applicant's responsibility to ensure that they act in accordance with those additional regulations and requirements.

4.0 RESPONSIBILITY	Chief Executive Officer and Principal Planner as per the Delegations Policy and Register.		
5.0 ADOPTION	19 October 2007	Advertising	Minute 10.7.2
	19 December 2007	Final Adoption	Minute 12.7.5
	V2 16 June 2014	Advertising / Final Adoption	Minute 6.8.1
	V3 20 July 2018	Advertising	Minute 7.9.3
	V4 19 October 2018	Amendments / Final Adoption	Minute 10.9.4