

Planning Information Sheet

Extractive Industries

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PURPOSE OF THIS INFORMATION

This information sheet has been prepared to assist rural landowners who are considering or may be approached by private companies or contractors seeking to extract sand, gravel or other basic raw materials from their properties on a commercial basis for future development projects. Landowners should be aware of all relevant town planning and environmental considerations before proceeding with any works or entering into any formal agreements.

1. Town Planning Requirements

Under the terms of the Shire of West Arthur Local Planning Scheme No.2 the extraction and sale of basic raw materials for commercial purposes including sand, gravel, clay, limestone, hard rock and shale from any land classified 'Rural' zone requires the Shire's development approval prior to any works being undertaken.

The use of any 'Rural' zoned land for this purpose falls under the use class 'Industry-Extractive' which is defined in Local Planning Scheme No.2 as follows:

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

It is significant to note the Shire's development approval is not required for the extraction of basic raw materials by government agencies from privately owned 'Rural' zoned land in the Shire where these resources are used for public works related purposes (e.g. the construction or maintenance of public roads, infrastructure or community facilities).

If basic raw materials are proposed to be extracted and sold from any 'Rural' zoned land in the Shire for private commercial purposes (e.g. building construction including houses, commercial and industrial buildings, wind farms, solar farms and so on) a development application is required and must be approved by the Shire prior to the commencement of any extraction works.

A copy of the Shire's latest development application package that explains the relevant information requirements and process for lodgement of development applications is available on the Shire's website [Town Planning » Shire of West Arthur](#).

In addition to the Shire's usual information requirements all development applications for extractive industries must be supported by the following additional information to assist the Shire's assessment and final determination of the application:

- A detailed description of the proposed development including excavation details, estimated volumes of material to be extracted and the duration and staging of all proposed extraction works;
- Site description and analysis;
- Strategic and statutory planning requirements;
- Identification of key environmental values and those requiring protection;
- Minimum buffer separation distance requirements to sensitive land uses;
- Water supply requirements, availability and management;
- Dust and noise management measures;
- Potential visual impacts and proposed mitigation measures;
- Proposed transport routes, relevant restricted access vehicle ratings and site access details;
- Traffic impact assessment and traffic management plan;
- Sequential land use and a staging plan for the rehabilitation of the site for its intended long-term use once all extraction works have been completed; and
- Compliance with any other considerations of relevance as outlined in the Basic Raw Materials Guidelines published by the Western Australian Planning Commission.....[Planning fact sheets, manuals and guidelines](#).

It is important to note the establishment, extension or expansion of an extractive industry in the Shire without the local government's formal development approval is an offence under the *Planning and Development Act 2005*. A person who commits an offence under this Act may be liable to a fine of up to \$200 000 and, in the case of a continuing offence, a further fine of up to \$25 000 for each day during which the offence continues.

2. Road Use and Transport Impacts

When assessing a development application for an extractive industry the local government must ensure any local roads proposed to be used are suitable for increased heavy vehicle traffic, will not be damaged or give rise to any traffic safety concerns. Consultation with Main Roads WA may also be required. It is therefore expected all development applications will contain sufficient information demonstrating any extractive industry proposal will not have any negative impacts on the local road network or traffic safety. A traffic impact assessment and traffic management plan prepared by a suitably qualified traffic consultant may therefore be required in support of any development application.

When granting development approval, the local government may impose conditions requiring the following:

- Road upgrade works prior to the commencement of development and/or any remedial works that may be required in the event of any unforeseen or extraordinary damage to the local road network after development has commenced;
- Payment of a road maintenance contribution or bond;
- Restrictions on vehicle types and sizes as well as operating days and times;
- Implementation of suitable dust suppression measures; and
- Installation of road safety signage and/or the use of escort vehicles when considered necessary.

3. Environmental and Licensing Matters

Extractive industry operations that involve the extraction of 50,000 tonnes or more of basic raw materials are categorised as a 'Prescribed Premises' in Schedule 1 of the *Environmental Protection Regulations 1987*. An application to the Department of Water and Environmental Regulation for a works approval is therefore required pursuant to Part V, Division 3 of the *Environmental Protection Act 1986* and *Environmental Protection Regulations 1987*. Any queries relating to works approvals and licenses should be directed to the Department at info@dwer.wa.gov.au or 6364 7000.

If the clearing of any native vegetation is required to accommodate an extractive industry a Native Vegetation Clearing Permit may also be required under Part V, Division 2 of the *Environmental Protection Act 1986*. Information regarding Native Vegetation Clearing Permit application requirements are available via the following website link..... [Native vegetation clearing permits | Western Australian Government](#).

4. Landholder Responsibilities and Considerations

Landowners should:

- not allow extraction to commence until all required statutory approvals have been secured;
- ensure any private companies or contractors who plan to undertake extraction works hold adequate public liability insurance and any legal agreements clearly allocate liability and rehabilitation obligations;
- seek independent legal and financial advice before signing any legally binding agreement; and
- consider any potential implications for biosecurity, weed management and rehabilitation of the site following completion of all extraction works.

5. Who to Contact

If any rural landowner is considering the extraction and sale of basic raw materials from their land on a commercial basis please contact the Shire's Chief Executive Officer on 9736 2400 or ceo@westarthur.wa.gov.au for further information regarding the relevant approval requirements and key considerations that must be addressed.