

PERTH, FRIDAY, 16 JULY 2021 No. 125

SPECIAL

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

© STATE OF WESTERN AUSTRALIA

PLANNING AND DEVELOPMENT ACT 2005

STATE PLANNING POLICY 2.4

PLANNING FOR BASIC RAW MATERIALS

July 2021

PREPARED UNDER PART THREE OF THE *PLANNING AND
DEVELOPMENT ACT 2005* BY THE WESTERN AUSTRALIAN
PLANNING COMMISSION.

PLANNING AND DEVELOPMENT ACT 2005

STATE PLANNING POLICY 2.4

PLANNING FOR BASIC RAW MATERIALS

TABLE OF CONTENTS

- 1.0 Citation
- 2.0 Policy intent
- 3.0 Basic Raw Materials (BRM) in Western Australia
- 3.1 Supply categories for BRM
- 4.0 Application of this policy
- 4.1 BRM resources mapping
- 4.2 Policy exemptions
- 5.0 Policy objectives
- 6.0 Policy measures
- 6.1 Higher order strategic planning instruments
- 6.2 Local planning instruments
- 6.3 Subdivision and development
- 6.4 Development within Significant Geological Supply or Extraction Sites
- 6.5 Development approval and management plans

APPENDIX 1—DEFINITIONS

PLANNING AND DEVELOPMENT ACT 2005

STATE PLANNING POLICY 2.4

PLANNING FOR BASIC RAW MATERIALS**1.0 CITATION**

This is a State Planning Policy made under Part 3 of the *Planning and Development Act 2005*. The policy may be cited as *State Planning Policy 2.4 Planning for Basic Raw Materials* (SPP 2.4).

2.0 POLICY INTENT

To ensure basic raw materials (BRM) and extractive industries matters are considered during planning and development decision-making, to facilitate the responsible extraction and use of the State's BRM resources.

3.0 BASIC RAW MATERIALS IN WESTERN AUSTRALIA

BRM are a finite resource and their efficient use is required to ensure an ongoing supply to support economic development in Western Australia.

Essential for the construction of buildings, roads, other infrastructure and agricultural production, for the purposes of this policy BRM are—

- sand (including silica sand)
- clay
- hard rock (including dimension stone)
- limestone (including metallurgical limestone)
- agricultural lime
- gravel
- gypsum
- other construction and road building materials
- materials which may substitute BRM.

The extraction of BRM on freehold land is recognised as an extractive industry under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Extractive industry proposals on freehold land require development approval from the relevant local government.

Extractive industry proposals on Crown Land are regulated under the *Mining Act 1978* and require a granted mining tenement.

3.1 Supply categories for Basic Raw Materials

This policy recognises the following site categories for BRM—

- Significant Geological Supplies (SGS)—are identified as the highest priority extraction areas for BRM. SGS are BRM identified by the Department of Mines, Industry Regulation and Safety (DMIRS) that represent strategic, long-term supplies of BRM requiring protection.
- Extraction Sites (ES)—comprise all commercial sites from which BRM are extracted, and quarries. These may overlap with SGS areas. ES may include future, proposed, approved and operating commercial extractive industries under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Local Government Act 1995*, the *Mining Act 1978* or a combination of these Acts.

The identification of BRM under these categories does not obligate the landowner to extract these resources, nor that government approvals for extraction is guaranteed.

4.0 APPLICATION OF THIS POLICY

SPP 2.4 should be read in conjunction with the Planning for BRM guidelines (the BRM guidelines). This policy and BRM guidelines apply to the preparation and assessment of planning instruments, including region and local planning schemes; planning strategies, structure plans; subdivision and development proposals in Western Australia where—

- (a) proposals are over, or adjacent to, sites identified to contain BRM resources
- (b) significant volumes of fill may be required

- (c) approval is required for extractive industries under the *Planning and Development Act 2005*
- (d) extractive industry proposals are assessed under the *Mining Act 1987* and due regard is given to planning instruments by the decision-maker.

This policy is to be considered in conjunction with the interactive geological map GeoVIEW.WA, as well as other relevant legislation and policies as outlined in the associated BRM guidelines.

State Planning Policy 2.5 Rural Planning (SPP 2.5) addresses BRM matters on rural land. Until such time as SPP 2.5 is reviewed, where there is a conflict between SPP 2.5 and this policy in relation to BRM matters, this policy prevails to the extent of any inconsistency.

4.1 Basic raw materials resources mapping

This policy operates in association with the interactive geological map (GeoVIEW.WA) produced by DMIRS. The GeoVIEW.WA identifies—

- Significant Geological Supply (SGS) areas
- known, proposed, approved or operating extraction sites (ES)
- exclusion areas—known or proposed sites excluded from BRM extraction due to environmental values, resource conflicts or for land use planning reasons.

GeoVIEW.WA mapping provides more detail on the boundaries of SGS, ES and exclusion areas for the Perth and Peel regions than for other regions. Outside the Perth and Peel regions, SGS areas and known ES are identified by the presence of geological resources and mining tenements.

The BRM resource mapping will be updated over time. It is not possible to include all ES, due to constraints in accessing information, as well as the fact that some ES are only in operation for short periods of time, and their operation may commence and cease in between mapping updates.

4.2 Policy exemptions

This policy does *not* apply to—

- (a) mining matters in accordance with the *Mining Act 1978*
- (b) areas subject to State Agreement Acts
- (c) the dredging of material from the bed of tidal waters under the *Mining Act 1978*
- (d) extraction of BRM for public works as deemed necessary by local governments under the *Local Government Act 1995*.

5.0 POLICY OBJECTIVES

The objectives of this policy are to—

- (a) ensure BRM and its regional importance is considered at the earliest stages of the planning process;
- (b) protect BRM in SGS areas and ES by avoiding encroachment from incompatible land uses;
- (c) ensure BRM resources are used efficiently in land use planning and development;
- (d) identify BRM extraction opportunities through sequential land use without compromising the final intended land use; and
- (e) ensure the extraction of BRM avoids, minimises or mitigates any adverse impacts on the community, water resources and biodiversity values.

6.0 POLICY MEASURES

Planning decisions that impact on, or are impacted by, BRM operations should comply with the following measures.

6.1 Higher order strategic planning instruments

Higher order strategic planning documents such as region schemes, regional and sub-regional frameworks, their amendments, plus sub-regional and district structure plans should, where appropriate—

- (a) identify SGS areas as the primary sources for BRM and define known exclusion areas;
- (b) avoid and/or minimise the potential negative impacts on amenity and the environment arising from an extractive industry, when identifying areas for future growth;
- (c) avoid and/or minimise encroachment on identified BRM resources and extractive industry operations when identifying areas for future growth;
- (d) identify opportunities for the extraction of BRM from SGS areas followed by sequential urban or industrial development, where appropriate. There is a presumption against region scheme amendments until it is demonstrated how sequential land use will be achieved where a BRM resource has been identified; and
- (e) seek to locate new urban and industrial areas on land where the need for additional imported fill is minimised.

6.2 Local planning instruments

Local planning strategies, schemes and local structure plans (including any amendments to these documents) should, where appropriate—

- (a) identify SGS areas, their separation distances and establish transitional land uses and interface areas to—
 - i. protect known BRM SGS areas and ES from encroachment by incompatible land uses;
 - ii. avoid any health risks or amenity implications for adjacent land uses;

- (b) not compromise the extraction of resources on SGS areas and ES;
- (c) require an approved structure plan where future urban or industrial land is proposed for BRM extraction areas and sequential land use that demonstrates land staging and site remediation including identification of finished ground levels;
- (d) seek to locate new urban and industrial areas on land where the need for additional imported fill is minimised; and
- (e) require proposals for subdivision to minimise imported BRM for new urban and industrial areas.

6.3 Subdivision and development

Subdivision and development applications should demonstrate—

- (a) that land uses are compatible by avoiding sensitive land uses within SGS areas and/or extraction site separation distances as outlined in the EPAs *Guidance Statement No 3—Separation Distances between Industrial and Sensitive Land Uses*;
- (b) that transitional and interface land uses are compatible and should;
 - i. have due regard for existing and future settlement patterns as described in local planning instruments;
 - ii. have due regard for the existing BRM operations and consultation with land owners;
 - iii. have regard for relevant documents as outlined in the associated BRM guidelines;
 - iv. require a ‘notification on title’ advising of the proximity and location of existing or potential future extractive industry activity and potential adverse impacts resulting from the activity;
- (c) how subdivision and development of land will minimise imported fill through consideration of site-responsive design, bulk earthworks, drainage planning and alternative construction methods; and
- (d) the application of vertical separation distances to groundwater and other management measures to protect water resources where an extractive industry is proposed.

6.4 Development within Significant Geological Supply or Extraction Sites

Applications for development approval for activities not related to BRM extraction in SGS or ES areas should be assessed to determine whether—

- (a) a proposal will impact on current or future BRM extraction operations;
- (b) a subject site is identified in regional or sub-regional frameworks, sub-regional or local planning strategies for another purpose; and
- (c) development results in an increase in the number of people living, working or congregating within a defined separation distance.

6.5 Development approval and management plans

Unless exempt, applications to establish, extend or expand an extractive industry require development approval under an applicable local planning scheme. Applications for development approval should be supported by a management plan that demonstrates—

- (a) site description and analysis;
 - (b) strategic and statutory planning requirements;
 - (c) identification of the environmental values and those requiring protection;
 - (d) that extractive industry operations are adhering to designated separation distances and will not impact or be impacted by sensitive land uses;
 - (e) proposed transport routes used and site access details;
 - (f) sequential land use and a staging plan for the rehabilitation of the site for its intended long-term use; and
 - (g) compliance with any other considerations as outlined in the BRM guidelines.
-

Appendix 1
DEFINITIONS

The terms used in this policy complement those contained in the *Planning and Development (Local Planning Schemes) Regulations 2015 Model Scheme Text*. The following additional definitions apply within this policy—

Basic raw materials (BRM)

For this policy, BRM means—

- sand (including silica sand¹)
- clay²
- hard rock (including dimension stone)
- limestone (including metallurgical limestone)
- agricultural lime
- gravel
- gypsum
- other construction and road building materials
- materials which may substitute BRM.

Crown land

Crown land means all land except—

- (a) land that has been reserved for or dedicated to any public purpose other than—
 - (i) land reserved for mining or commons;
 - (ii) land reserved and designated for public utility for any purpose under the *Land Administration Act 1997*;
- (b) land that has been lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown;
- (c) land that is subject to any lease granted by or on behalf of the Crown other than—
 - (i) a pastoral lease within the meaning of the *Land Administration Act 1997*, or a lease otherwise granted for grazing purposes only; or
 - (ii) a lease for timber purposes; or
 - (iii) a lease of Crown land for the use and benefit of the Aboriginal inhabitants;
- (d) land that is a townsite within the meaning of the *Land Administration Act 1997*.

Exclusion areas

Exclusion areas contain known BRM resources but are considered unfavourable for excavation. These areas are likely to have protected environmental values or are excluded for planning or infrastructure reasons. There is a presumption against approval of extraction in these locations.

Extraction sites (ES)

ES comprise all commercial extraction areas for BRM and BRM quarries used by government for infrastructure. ES include operating, approved and proposed commercial (extractive) industries under the *Planning and Development Act 2005*, the *Local Government Act 1995*, the *Mining Act 1978* or a combination of these legislations. They may occur wholly or partly within or outside of SGS areas. Where they occur outside of SGS areas, they provide important local supplies and in some cases, provide for a specific market niche over the short to medium term.

Industry—extractive

Means premises, other than premises used for mining operations, that are used for the extraction of BRM including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of BRM including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

Interface

A point where different types of land uses meet or are in close proximity.

Note: Planning needs to manage this interface in situations where conflict may arise from the activities from one land use that affects others. Therefore, land uses at the point of interface need to be compatible.

Rehabilitation

Refers to activities related to site restoration during or following BRM extraction activities. Rehabilitation will consider short-term requirements, the intended final (sequential) land use of the site and conditions placed on operations. This should consider landform and finished floor levels, groundwater protection, management of air and water erosion, and future infrastructure requirements.

Separation distances

A separation distance is the distance recommended by the Environmental Protection Authority (EPA) to separate a source of emissions from sensitive land uses. Separation distances are determined in accordance with the EPA *Guidance Statement No. 3—Separation Distances between Industrial and Sensitive Land Uses* and should guide the establishment of transitional land uses that ensure the protection of community health, safety and amenity.

The separation distance has been established as the shortest distance between the boundary of an impacting land use (such as industrial) and the boundary of a sensitive land use (residential, for example).

Separation distances provide protection to sensitive land uses from an impacting land use but also protect the impacting land use from encroachment of incompatible land uses.

Sensitive land use

Sensitive land uses comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres and generally exclude commercial or industrial premises.

Significant Geological Supplies (SGS)

SGS are BRM areas identified by the Department of Mines, Industry, Regulation and Safety (DMIRS) as having State significance due to the size of the resource, relative scarcity, demand and/or location near growth areas and transport routes.

Special Control Areas

Special control areas (SCA) are intended to control a type of development which does not generally occur within a zone or reserve. The control may apply to only part of a zone or reserve or may overlap zone and reserve boundaries.

Transitional land uses

Within the separation distance a series of transitioning land uses may be used to transition between the impacting land use (for example, emitting noise, vibration, dust, odour etc) and sensitive land use being separated. Transitional land uses should be compatible and/or synergistic with adjacent land uses. There may be multiple interfaces within the separation distance depending on the number of transitional land uses.

Transport impact assessment

A transport impact assessment (TIA) determines the types and level of transport-related impacts on the community and amenity that may be generated from development and necessary mitigation actions. TIA guidelines support transport planning information, the level of information required and the format in which it should be presented for consideration.

Endnotes:

¹ The *Mining Act 1978* covers silica, mineral and garnet sand on most land holdings – except certain pre-1899 land titles that hold Mineral to Owner rights.

² The *Mining Act 1978* covers kaolin, bentonite, attapulgite and montmorillonite clays on all land holdings.
