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WESTERN AUSTRALIAN PLANNING COMMISSION

STATEMENT OF PLANNING POLICY No. 10

BASIC RAW MATERIALS

PREPARED UNDER SECTION 5AA OF THE TOWN PLANNING AND
DEVELOPMENT ACT 1928 (AS AMENDED) BY THE WESTERN AUSTRALIAN
PLANNING COMMISSION AND ISSUED WITH APPROVAL OF THE
MINISTER FOR PLANNING AND THE ADMINISTRATOR

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1. CITATION

This is a Statement of Planning Policy made under section 5AA of the *Town Planning and Development Act 1928*. The policy may be cited as *Statement of Planning Policy No 10: Basic Raw Materials*.

2. PURPOSE

This policy sets out the matters which are to be taken into account and given effect to by the Commission and local governments in considering zoning, subdivision and development applications for extractive industries (for the extraction of basic raw materials) and zoning, subdivision and development applications in the vicinity of identified basic raw material resource areas.

3. BACKGROUND**3.1 Basic Raw Materials**

Basic raw materials means sand (including silica sand), clay, hard rock, limestone (including metallurgical limestone) and gravel and other construction and road building materials. These materials are produced relatively cheaply, with the major cost being the transport to the construction site. A ready supply of basic raw materials close to established and developing parts of the metropolitan region is, therefore, essential in keeping down the costs of land development and contributing to affordable housing.

3.2 Availability

The availability of basic raw material resources close to Perth is declining as the City expands. Many sites which would otherwise be suitable occur in locations where planning and environmental impacts preclude or severely constrain extraction.

3.3 Previous Policies

3.3.1 The former State Planning Commission released the *Basic Raw Materials Policy Statement for the Perth Metropolitan Region* in 1992. This policy has been reviewed in the light of concerns that urban expansion together with increased conservation and protection of natural environments is reducing the availability of basic raw materials close to the sources of demand.

3.3.2 The report *Managing the Basic Raw Materials of Perth and the Outer Metropolitan Region (1996)* adopted and released by the Chamber of Commerce and Industry drew attention to the declining supply of basic raw materials particularly building sand, concrete sand, low grade limestone and plastic clays.

3.3.3 The *State Gravel Supply Strategy (1998)* has highlighted the difficulties of obtaining lateritic gravel supplies from the forested water catchments of the eastern metropolitan region which may place increasing pressures on industry and local government for the supply of manufactured gravel from hard rock quarries.

3.3.4 The Commission has reviewed and updated the *Basic Raw Materials Policy Statement for the Perth Metropolitan Area (1992)* as a Statement of Planning Policy in response to the increasing evidence that planning measures need to be taken to protect basic raw material resources within non-urban zones of the metropolitan region and in local governments districts abutting or close to the metropolitan region.

3.3.5 The policy is designed to facilitate the extraction of basic raw materials close to the major markets in the metropolitan region and to avoid sensitive development close to basic raw material resources which could otherwise inhibit extraction of the resource. The policy also recognises the importance of ensuring the extraction of basic raw materials occurs with minimum detriment to the local amenity and environment, including regionally significant vegetation identified in *Perth's Bushplan*, and in a manner which allows for future use and development consistent with long-term planning intentions for the area.

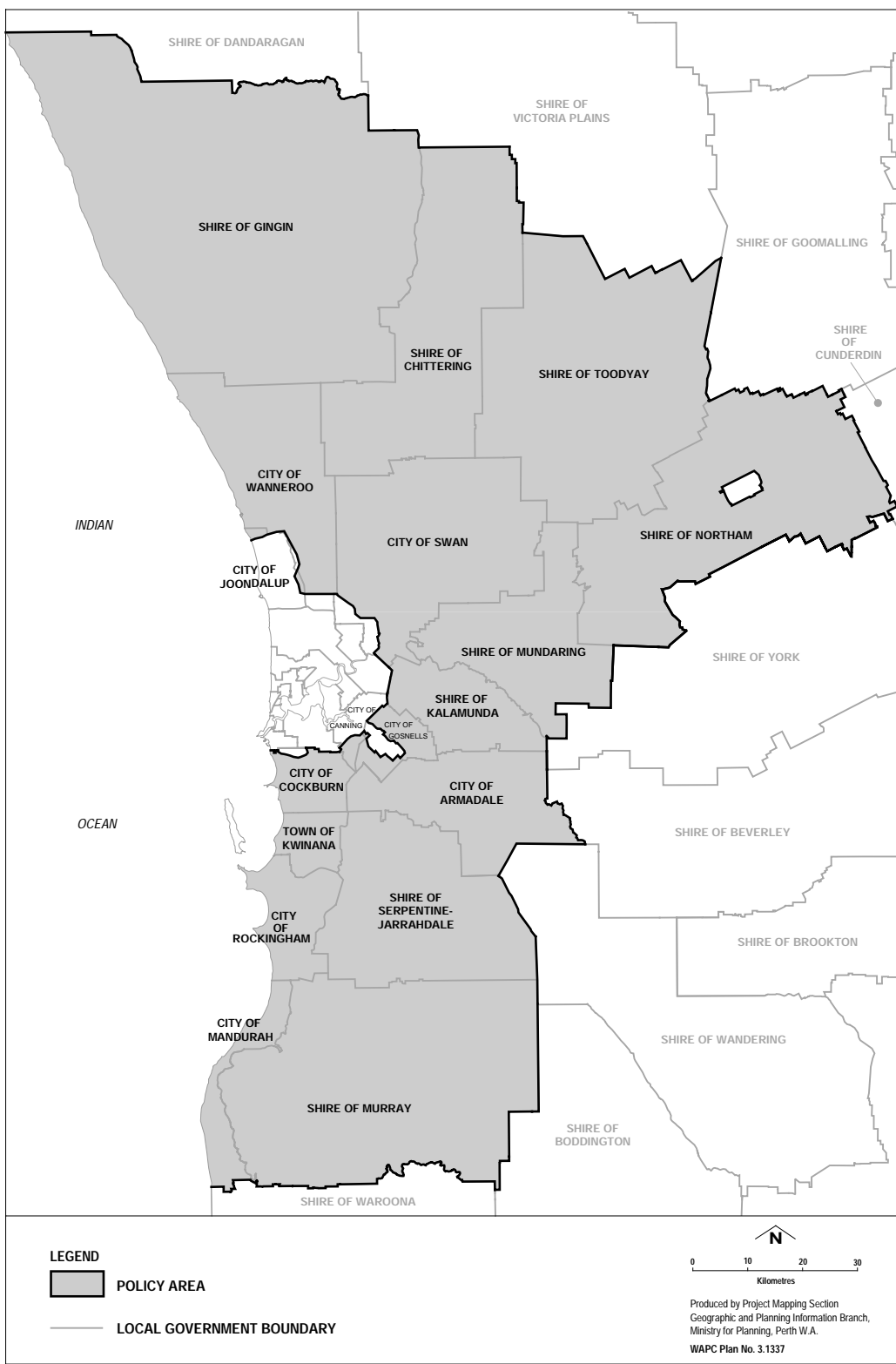
3.3.6 In identifying resource extraction areas this Policy does not remove the requirement of local government authorities or proponents to meet their obligations to identify environmental constraints that may determine the extent and/or manner in which a proposal can be implemented. Environmentally significant sites are likely to require referral to the Environmental Protection Authority.

4. APPLICATION OF THE POLICY**4.1 Local Governments**

This policy applies to the local governments shown in Figure 1. These include the following local governments with land zoned Rural in the Metropolitan Region Scheme (MRS):

City of Joondalup	City of Swan
City of Wanneroo	Shire of Kalamunda
Shire of Mundaring	City of Armadale
City of Gosnells	Town of Kwinana
City of Cockburn	Shire of Serpentine-Jarrahdale
City of Rockingham	

Policy Area for SPP No. 10



Local Governments Included in Policy

Figure 1

together with the following local governments outside but abutting the Metropolitan Region Scheme boundary:

Shire of Gingin	City of Mandurah
Shire of Chittering	Shire of Northam
Shire of Murray	Shire of Toodyay

4.2 **Extraction on Crown Land**

Extraction of basic raw materials on Crown Land (National Parks, State Forests and other Crown reserves) are subject to Section 24 of the *Mining Act, 1978*, and require the approvals of the relevant Ministers and Government authorities. Extraction in these areas is likely to be subject to assessment under Part 4 of the *Environmental Protection Act, 1986*.

5. **OBJECTIVES**

5.1 **The objectives of this policy**

- identify the location and extent of known basic raw material resources;
- protect Priority Resource Locations, Key Extraction Areas and Extraction Areas from being developed for incompatible land uses which could limit future exploitation;
- ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;
- provide a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.

6. **POLICY MEASURES**

6.1 **Policy Areas**

6.1.1 The policy identifies the following areas, as shown generally in Figure 2 and in greater detail in the Commission's *Resource Protection Working Plans of Perth Metropolitan Region and Outer Areas* and the *Inventory of Current Extractive Operations* (which plans and inventory may be amended by the Commission from time to time and are available upon request),—

- **Priority Resource Locations.** These are the locations of regionally significant resources which should be recognised for future basic raw materials extraction and not be constrained by incompatible uses or development.
- **Key Extraction Areas.** These are areas of recognised regional resources providing for the long term supply of basic raw materials. These areas should be protected in relevant town planning schemes.
- **Extraction Areas.** These are existing extractive industries operating under the *Mining Act 1978*, the *Local Government Act 1996*, a regional planning scheme or a town planning scheme. They should be protected in the short term but will eventually be replaced by other uses or reserves.

6.1.2 The Resource Protection Working Plans include an 'Environmental and Conservation Reference Chart' which is to assist in identifying possible environmental and conservation constraints to the extraction of basic raw materials from an area identified on the maps.

6.1.3 Any proposals within these areas considered to be environmentally significant need to be carefully reviewed and include detailed discussion of environmental values. Proposals in these areas are likely to be subject to environmental impact assessment and may be considered environmentally unacceptable.

6.2 **Local Planning Scheme Provisions**

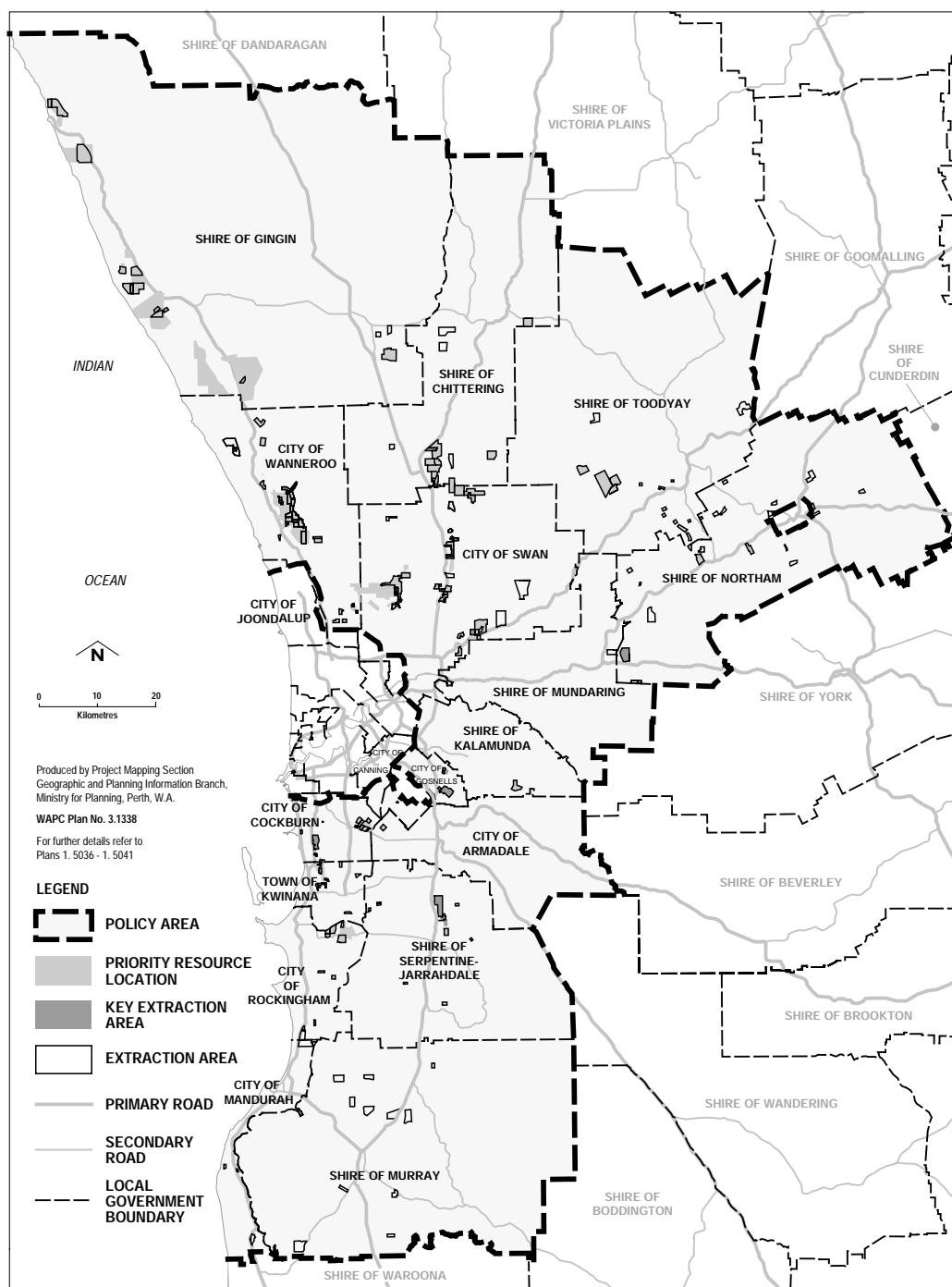
6.2.1 Proposals in local planning schemes, to prohibit extractive industries in zones that permit broad rural land uses (in future referred to as a Rural zone), will not be supported without adequate justification being provided. Extractive industry could also be a permitted use in other zones, subject to the location of these zones in relation to sensitive uses.

6.2.2 Where considered appropriate planning schemes should show the use "industry - extractive" as a P use, or a use that is permitted in the scheme, a D use, which is a use that is not permitted unless the local government has exercised its discretion by granting planning approval, or an A use, which is a use that is not permitted unless the local government has exercised its discretion after giving notice as outlined in clause 9.4 of the Model Scheme Text, in the Rural zone.

6.2.3 This policy does not preclude the extraction of basic raw materials on land which is not identified as a Priority Resource Location, Key Extraction Area or Extraction Area subject to the extraction proposal complying with planning and environmental requirements.

6.2.3 Key extraction areas should be protected by appropriate zones in town planning schemes, priority resource areas and extraction areas should be identified as a Special Control Area in local planning schemes. The Special Control Area should set out the appropriate land use and development controls, arrangements for the referral of applications where appropriate, and specify matters to be considered before deciding on a planning proposal. Suggested Special Control Area provisions are attached at Appendix 2.

Policy Area for SPP No. 10



Resource Protection Map

Figure 2

- 6.2.4 The Special Control Area provisions should, where appropriate, include extractive industry as the only Permitted ("P") use in key extraction areas and priority resource areas designated on the policy map.
- 6.3 **Relevant Considerations in Determining Applications**
- 6.3.1 Before determining an application for an extractive industry operation the Commission and/or local government should consider as appropriate:
- the significance of the resource in terms of its positioning in a priority resource location, key extraction area, or extraction area;
 - the effect of the proposed extractive industry on any native flora and fauna, the natural landscape, groundwater quality, quantity and use, surface drainage and surface water quality, and sites of cultural and historic significance on and near the land. An application in an environmentally significant area may require referral to the Department of Environmental Protection (refer to the Environmental and Conservation Reference Chart located on each of the Resource Protection Working Plans);
 - the effect of the proposed extractive industry on agricultural land;
 - the effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area having regard to existing and future uses;
 - the ability to rehabilitate the land to a form or for a use which is compatible with the long-term planning for the site and surrounding area;
 - the availability and suitability of road access;
 - the ability to stage the extraction operations to avoid conflicts with adjacent land uses.
- 6.3.2 Before determining an application for a sensitive land use, such as residential, rural-residential or a land use with a substantial residential or rural-residential component (refer to Appendix 1) within 1000 m of a basic raw materials extraction area, the Commission and/or local government must consider the following, as appropriate. An application in an environmentally significant area may require referral to the Department of Environmental Protection.
- the significance of the resource in terms of whether it is a key extraction area, priority resource area or extraction area;
 - the likely effects of vehicular traffic, noise, blasting, dust and vibration arising from the extractive industry on the proposed use or development.
- 6.3.3 There should be a presumption against the introduction of sensitive land uses which could be adversely affected by existing or potential future extractive industries unless appropriate measures can be taken to ameliorate the adverse impacts.
- 6.4 **Requirement for Management Plan**
- 6.4.1 Applications for extractive industry operations are to be accompanied by a management plan and report which:
- demonstrates that sensitive land uses within 1,000 m of the proposal will not be adversely affected by the extractive industry operations;
 - identifies appropriate buffer distances, these being distances required for extraction that are needed to buffer the impact of operations to adjacent land uses.
 - provides details of the proposed use, development and management of the site including the environmental and water resource management standards, quarry areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activity on the site;
 - describes arrangements for access to the site, including the roads which it proposes will provide the main vehicular access and likely traffic flows; and
 - sets out proposals for the progressive and ultimate rehabilitation of the site for its intended long-term use.
- In some cases, depending on the nature of the resource and the location, further information may be required.
- 6.5 **Sequential Land Use**
- 6.5.1 In order to facilitate the exploitation of basic raw materials whilst supporting future long-term development for urban and other purposes, sequential land use planning should be a requirement whereby extraction and rehabilitation can take place on a programmed basis in advance of longer-term use and development.
- 6.5.2 The Western Australian Planning Commission may favourably consider limited extraction operations on land reserved or proposed to be reserved in region schemes for State forest or other public purposes, where the purpose and values for which the land is reserved is not jeopardised.
- 6.6 **Other Relevant Approvals and Key Policies**
- 6.6.1 Extractive industry operations will need the relevant approvals of, and comply with relevant legislation, policies and guidelines of other agencies including the Department of Minerals and Energy, the Water and Rivers Commission, the Department of Conservation and Land

Management the National Parks and Nature Conservation Authority, the Lands and Forests Commission and the Environmental Protection Authority. Relevant policies and guidelines include, but are not limited to:

- Policy and Guidelines on *Construction and Silica Sand Mining in Public Drinking Water Source Areas (1999)* (Water and Rivers Commission)
- *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992*. (Department of Environmental Protection)
- *Environmental Protection (Gnangara Mound Crown Land) Policy 1992* (Department of Environmental Protection)
- Basic raw materials policies of the Land and Forests Commission and the National Parks and Nature Conservation Authority. (Department of Conservation and Land Management)
- Perth's Bushplan (Western Australian Planning Commission)
- The *Wetlands Conservation Policy for Western Australia (1997)*(Department of Conservation and Land Management)
- *Quarry Rehabilitation Guidelines (1990)* (Department of Minerals and Energy)
- *The State Industrial Buffer Policy (1997)* (Western Australian Planning Commission)
- Environmental Protection (Noise) regulations
- *Dust Control Guidelines (1990)*: guidelines for assessment and control of dust and wind-borne material for land development sites. (Department of Environmental Protection)
- *Land Development Sites and Impacts on Air Quality Guidelines(1999-Draft)* (Department of Environmental Protection)

6.7 Planning Considerations

6.7.1 In determining planning proposals or applications for extractive industry, the Commission and local government may apply conditions which cover, but are not limited to, the following:

- minimise air, water, noise and visual pollution;
- stabilise excavations, stock piles and over-burden dumps;
- protect the amenity of adjacent land uses in the local community; and
- ensure the rehabilitation of the land is consistent with its long-term future use.

APPENDIX 1

DEFINITIONS

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

Commission means the Western Australian Planning Commission constituted under the *Western Australian Planning Commission Act 1985*.

Environmentally Significant Areas are those areas where the land could be subject to restriction on the extraction of basic raw materials for an environmental or conservation reason. (Refer to Environmental and Conservation Reference Chart on each of the Resource Protection Working Plans)

Industry - Extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials 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.

Industry - Mining means land used commercially to extract minerals from the land.

Land Use Table Definition.

'A' means that use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (of the Town Planning regulations);

'D' means that use is not permitted unless the local government has exercised its discretion by granting planning approval;

'P' means that use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

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

APPENDIX 2

BASIC RAW MATERIALS SPECIAL CONTROL AREA

MODEL PROVISIONS

1. Basic Raw Materials Special Control Area

The Basic Raw Materials Special Control Area is shown on the Scheme Map as:

- 1.1 **Priority resource locations.** These are the locations of regionally significant resources which should be recognised for future basic raw materials extraction and not constrained by incompatible uses or development.
- 1.2 **Key extraction areas.** These areas of recognised regional resources providing for the long term supply of basic raw materials. These areas should be protected in relevant town planning schemes.
- 1.3 **Extraction areas.** These are existing extractive industries operating under the *Mining Act 1978*, the *Local Government Act 1996*, a regional planning scheme or a town planning scheme. They should be protected in the short term but will eventually be replaced by other uses or reserve

2. Purpose

- 2.1 To implement *Statement of Planning Policy No. 10*
- 2.2 To identify areas where Basic Raw Materials resource and extraction areas need to be protected from incompatible land uses.
- 2.3 To ensure that future land development or rezoning recognises the need to protect the basic raw material resource and extraction areas.

3. Matters Relating to Application**3.1 Priority Resource Locations**

There will be a general presumption against the intrusion of proposed uses which are not compatible with extractive industry operations. The onus will be on the proponent of a new use to demonstrate that the use will be compatible

3.2 Key Extraction Areas

Non-compatible uses should be excluded from key extraction areas to ensure that the areas are available for the long term supply of basic raw materials. They should be protected by appropriate zones in relevant town planning schemes

3.3 Extraction Areas

These are existing extraction areas. Adjacent uses need to comply with buffer distance requirements set by the Department of Environmental Protection in accordance with the *WAPC Statement of Planning Policy No. 4, State Industrial Buffer Policy*.

4. Relevant Considerations

In considering any re-zoning request, development application, providing comment to the Commission on subdivision applications or for uses other than those related to basic raw materials, the Council will have regard to:

- *Statement of Planning Policy No. 10*
- Comment from the Department of Minerals and Energy.
- Whether any proposed change in land use, buildings or works would jeopardise the continued extraction of basic raw materials, taking into account the future life of the extraction area.
- The expansion of the nearest urban zone, and whether the future demand for development of land within this zone warrants the gradual phasing out of the extraction area.

5. Referral of Applications

Any re-zoning request or development application that effects a priority resource location, a key extraction area or an extraction area will be referred to the Western Australian Planning Commission for advice unless Council is satisfied that the scheme amendment application or development should be refused.

The Planning Commission may then refer the application to other relevant Government agencies prior to giving that advice.



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