



Council Policy

Applying for an Extractive Industry Licence: A Guideline for Developers

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102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

Preamble

On 28th August 2000 the City of Albany Extractive Industries Local Law was published in the Government Gazette. This Local Law replaced the existing Shire and Town of Albany Local Laws relating to extractive industries, which were both over 15 years old, and considered outdated.

The purpose of the Local Law is to provide guidance for those developers who wish to extract various materials, predominantly gravel, sand and limestone, from below the surface of the land. It sets out what information should be submitted, and how Council should process such applications.

Throughout the advertising of the Local Law, comments were received from small-time developers who questioned the validity of Council's requirements (which included drainage plans, acoustic testing and surveyors certification) given the amount of material extracted. They wanted Council to recognise the difference between a minor extraction and a quarry, which may be in operation for several years. Council's Works and Services Department were also anticipating administrative delays with the Local Law, particularly when it came time to extract gravel to create or maintain local roads.

This Policy seeks to classify extractive industry applications into three (3) distinct classes, whereby Council's application requirements would differ according to class.

Extractive Industry Classification

In order to determine what level of information is required for an extractive industry application, a three class rating system has been developed ranging from Class 1 (small scale) to Class 3 (commercial). As stipulated in Table 1 below, a Class 3 extractive industry would require more information than a Class 1, as the potential impacts of the development are likely to be more profound. The criteria for each of the three classes are detailed below, along with common examples pertinent to each Class.

Class 1 – An application can be given a Class 1 rating where the following applies:

- The size of the extraction site is less than or equal to 7500m² or 0.75 hectares
- Maximum depth of excavation does not exceed 1.5 metres

Examples of a Class 1 Extractive Industry would include:

- The short term extraction of gravel or sand for localised construction purposes such as the maintenance of rural roads, and the construction of dwellings and driveways.

Class 2 – An application can be given a Class 2 rating where the following applies:

- The size of the extraction site is between 0.75 hectares and three (3) hectares
- Maximum depth of excavation does not exceed 3 metres

Example of a Class 2 Extractive Industry would include:

- The regular extraction of sand, gravel or limestone to supply the local market, predominantly for the local building industry. Many of the medium to large building companies have exclusive use of such extraction pits (either owned or leased), in order to construct driveways, and provide clean fill to housing sites across the Albany Region.

Class 3 – An application is given a Class 3 rating where the following applies:

- All others which are greater than three (3) hectares in size or 3 metres in depth

Example of a Class 3 Extractive Industry would include:

- The full time extraction of sand, gravel or limestone for the purposes of supplying the local, state and international markets. A classic example would be a large lime quarry, which is likely to excavate to a depth in excess of 10-15 metres, and be open for several years depending on the level of resource.

General Development Requirements

Notwithstanding the specific requirements as detailed within Table One, the following general requirements shall apply to all extractive industry proposals:

- No excavation is to occur within 200 metres of a residence not located on the subject property;
- Buffers in accordance with DEP requirements to be accommodated within the boundaries of the subject property;
- The proposed pit is to be setback a minimum of 40 metres from any public road;
- No excavation is to occur within 50 metres of a water course or body;
- No more than 20 percent of the proposed pit area is to consist of remnant vegetation, and should vegetation be affected, this area should not represent the only significant stand of vegetation on the site;
- Any extractive industry should not be located within Visual Management Area A of the City of Albany Local Rural Strategy (or any other document which supersedes it), unless the site is adequately screened from major vantage points (ie. from regional and district roads);
- Class 1 and 2 industries are to provide a written statement verifying that they have complied with all conditions of their planning scheme consent at the time of annual renewal. Class 2 industries may be asked to comply with the Local Law requirements applying to Class 3 operations in regards to annual renewal requirements; at the time of licence approval where the type or size of operation dictates a higher level of monitoring is required.

Information applicable to each Class

The following Table (Table 1) dictates what information is required for each extractive industry class. Before applying this table, the application should be classed as a Class 1, 2 or 3 application as outlined above.

Table 1

Information required when applying for an Extractive Industry Licence – (Class 1 – 3)

Key – ‘X’ = not required, ‘√’ = required, & ‘D’ = subject to detail (see notes)

Information Type	Class 1	Class 2	Class 3
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			
(i) The existing and proposed land contours based on the Australian Height Datum and plotted at 1m contour intervals.	X	√	√
(ii) Description of Land which the extractive industry site is to be located.	√	√	√
(iii) The external surface dimensions of the land.	√	√	√
(iv) The location and depth of the existing and proposed excavation of the land.	√	√	√
(v) The 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.	√	√	√
(vi) The location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land.	√	√	√
(vii) The location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land.	√	√	√
(viii) The location of all existing dams, watercourses, drains or sumps on or adjacent to the land.	D (only in vicinity of extraction site)	√	√

(ix)	The location and description of existing and proposed fences, gates and warning signs around the land.	X	D (only in vicinity of major road)	√
(x)	The location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.	X	√	√
(B) Three (3) copies of a works and excavation program containing:				
(i)	The nature and estimated duration of the proposed extraction for which the licence is applied.	√	√	√
(ii)	The stages and the timing of the stages in which it is proposed to carry out the extraction.	X	D (Only if extraction site is greater than 2 hectares)	√
(iii)	Details of the methods to be employed in the proposed excavation and a description of any on-site processing works.	√	√	√
(iv)	Details of the depth and extent of the existing and proposed excavation of the site.	√	√	√
(v)	An estimate of the depth of and the description of the nature and quantity of the overburden to be removed.	√	√	√
(vi)	A description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled.	√	√	√
(vii)	A description of the means of access to the excavation site and the types of thoroughfares to be constructed.	X	√	√
(viii)	Details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.	X	√	√
(ix)	A description of any proposed buildings, treatment plant, tanks and other improvements.	D (only in vicinity of extraction site)	√	√

(x)	Details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained.	X	√	√
(xi)	A description of the measures to be taken to minimise dust nuisance, erosion, watercourse siltation and dangers to the general public.	√	√	√
(xii)	A description of the measures to be taken to comply with the Environmental Protection Noise Regulations 1997.	X	D (Applicable where a residence is within 300m of extraction site)	√
(xiii)	A description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land.	X	D (applicable where remnant vegetation and water-courses are found on the property)	√
(xiv)	Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation.	D (Applicable if remnant vegetation will be affected by the proposed excavation site)	√	√
(xv)	A description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.	√	√	√
(C) Three (3) copies of a rehabilitation and decommissioning program indicating:				
(i)	The objectives of the program, having due regard to the nature of the surrounding area and proposed end-use of the excavation site.	√	√	√

(ii)	Whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations.	√	√	√
(iii)	How each face is to be made safe and batters sloped.	X	√	√
(xvi)	The method by which topsoil is to be replaced and revegetated.	√	√	√
(xvii)	The number and type of trees and shrubs to be planted and other landscaping features to be developed.	D (only applicable where remnant vegetation has been cleared)	√	√
(xviii)	How rehabilitated areas are to be maintained.	√	√	√
(xix)	The program for the removal of buildings, plant, waste and final site cleanup	X	√	√
(D) Evidence of Datum Peg / Surveyors Certificate				
(i)	Evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity.	D (only if access onto public thoroughfare is from a major road, or where sight distances may be compromised)	√	√
(ii)	A certificate from a licenced surveyor certifying the correctness of: (a) the approved excavation site plan; (b) the datum peg and related point referred to in D(i); and (c) pegs to mark external boundary of extraction area.	X	D (when pit area is in excess of 2 hectares)	√
(iii)	Copies of all land use planning approvals required under any planning legislation.	√	√	√
(iv)	The consent in writing to the application from the owner of the excavation site.	√	√	√

(v)	Evidence that a notice of clearing has been given to the Commissioner of Soil and Land Conservation if that is required under regulation 4 of the Soil and Land Conservation Regulations 1992.	X	D (only if clearing of vegetation required)	D (only if clearing of vegetation required)
(vi)	The licence application fee specified by the local government from time to time.	√	√	√

Submitting an Application

For those applications identified as being Class 1, the attached application form (Attachment 1) should be submitted by the applicant, along with an application for Planning Scheme Consent, to expedite the approval process.

Alternatively those applications which are identified as being Class 2 or 3, should address the above criteria as stipulated in the above Table (Table 1), in addition to submitting an application for Planning Scheme Consent. If the above information is not submitted, a decision on the application may be deferred. Where a requirement is discretionary ('D') as indicated in Table 1, the applicant is required to establish whether the requirement is relevant to the application.

Use of Policy

This Policy further clarifies the application procedures required for extractive industries as set out in the City of Albany Extractive Industries Local Law. This Policy should be read in conjunction with the Local Law and General Policies 55 & 56 of the City of Albany Local Rural Strategy.

Application Form – Class 1 Extractive Industry Application

<p>1. Description of Land: Lot _____, Location _____, Street _____, Locality _____</p> <p>2. Description of Proposal:</p> <p>(a) Pit Size _____ ha;</p> <p>(b) Material to be extracted (please circle) – gravel, sand, limestone, other _____;</p> <p>(c) Distance to nearest dwelling (approx. in metres) - _____ m;</p> <p>(d) Distance to nearest watercourse / wetlands / dams (approx. in metres) - _____ m; If within 100 metres please state what measures you intend to use to protect this watercourse _____;</p> <p>(e) Will any clearing be required under the proposal? (please circle) YES or NO; If YES how much of the proposed site is to be cleared? _____ ha;</p> <p>(f) Approximate duration of the proposed extraction _____;</p> <p>(g) Do you plan to undertake any on-site processing works (please circle) YES or NO; If YES please provide details _____;</p> <p>(h) The approximate depth of extraction shall be _____ m;</p> <p>(i) What type of equipment will be used? _____;</p> <p>(j) Will the excavation site be visible from any major road? (please circle) YES or NO; If YES please provide details _____;</p> <p>3. Commitment from Owner (Rehabilitation):</p> <p>(a) I shall restore and rehabilitate the excavation site (please circle) – ‘progressively’ or ‘on completion of works’. If progressively please provide details _____;</p> <p>(b) What method will be used to replace topsoil? (please explain) _____;</p> <p>(c) How many trees and shrubs are to be planted as part of the rehabilitation program _____;</p> <p>(d) How will rehabilitated areas be maintained? (please explain) _____;</p>	<p>4. Site Plan</p> <p>Please ensure the following is shown:</p> <ul style="list-style-type: none"> • Scaled Plan; • Setbacks from lot boundaries; • Setbacks from buildings, watercourses etc where appropriate; • Location of any remnant vegetation; • Boundaries and size of excavation site; • Description of topography. <p style="text-align: center; font-weight: bold; margin-top: 20px;">ATTACH SITE PLAN HERE OR AFFIX TO THIS FORM</p> <p>I _____ the owner of the subject land advise that the information contained on this form is correct to the best of my knowledge. I will also endeavor to ensure that rehabilitation of the pit will be undertaken in accordance with my commitment as detailed in Section 3.</p> <p>Signed _____ Date _____</p>
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