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INFORMATION SHEET EXTRACTIVE INDUSTRIES

What Is An Extractive Industry?

Extractive Industry involves the extraction of sand, gravel, clay, turf, soil, rock, stone minerals or similar materials from the land, with the intention of transporting the material off-site.

This information sheet predominantly deals with Extractive Industries on "Rural" Zoned land, however, such proposals can also be considered in a number of Industrial Zones (such as Special Industry, General Industry and Noxious Industry Zones).

What Approvals Will I Need?

Two approvals are required, one under the Town Planning framework and one under the Local Law framework.

- Town Planning Scheme Consent Approval (Town Planning Scheme 1A & Town Planning Scheme 3).**
Submission of a Planning Scheme Consent application is required for all Extractive Industry proposals. When assessing an application for an Extractive Industry, the proposal is assigned a Class rating based on the following criteria:

Class 1

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

Class 2

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

Class 3

- All others which are greater than 3 hectares in size or 3 metres in depth.

The level of information required is dependent on the Class rating applied to each application. A Class 1 Extractive Industry would require considerably less detail than Classes 2 or 3, and can be applied for on the attached Class 1 – Application Form.

For Classes 2 and 3, it is recommended that you view Council's Extractive Industry Policy. This Policy provides detailed information on what is required to lodge your Planning Scheme Consent.

To apply for an Extractive Industry – Planning Scheme Consent, you will need to supply the following:

- A completed Planning Scheme Consent Application Form;
- Supply 3 copies of a scaled site plan (see Planning Application requirements);
- Pay the prescribed application fee as well as the licence fee and bond as per 'Extractive Industries Local Law';
- Provide details (including lot and location numbers) of where the proposed Extractive Industry is to take place;
- Provide dimensions and contours of the land;
- Provide details on the location, area and depth (in relation to a datum point) of the existing and proposed excavation of the land;
- Provide details on the location of existing and proposed buildings and effluent disposal systems;
- Provide details on the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, or reserves;
- Provide details on the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
- Provide details on the location of existing and proposed fences, gates and warning signs around the land;
- Provide details on the location of areas proposed to be used for stock piling excavated material, treated material, overburden and soil storage on the land;
- Identify access and egress points;
- Identify the type of material which is to be extracted;
- State the days and hours during which any excavation work will be carried out (NB: Extraction will not be permitted on Sundays or Public Holidays or outside the hours of 7AM to 6PM);
- Describe the methods to be employed in the proposed excavation and a description of any on-site processing works (eg. blasting, crushing);
- Provide details on the depth of and description of how the topsoil will be removed and stockpiled;
- Identify 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;
- Identify the drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- Provide a description of measures taken to minimise dust nuisance and noise caused as a result of the excavation;
- Provide a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby roads or other areas;
- Identify whether restoration and reinstatement of the excavation site is going to be undertaken progressively or upon completion of the excavation;

2. Extractive Industry Licence (Local Law)

New Applications

An Extractive Industry Licence is required under the powers of the Local Government Act 1995. Application form attached. For further information on requirements for Extractive Industries, refer to the Extractive Industries Local Law 1999 attached.

Renewal Applications

Applications for Extractive License renewals are required to be submitted with the Local Authority at least 42 days before the date of expiry.

A letter will be sent to the Licence holder in the middle of October each year asking if renewal of the Licence is required. To apply and renew an Extractive Industry Licence, the licensee must submit:

- A copy of the current Planning Scheme Consent;
- Compliance with any conditions of the Planning Scheme Consent Approval, including payment of bond monies (see Local Law Application requirements).
- A plan and details showing the works, excavation and rehabilitation stages reached and any proposed changes;
- Provide a site plan showing area of extraction; and
- Pay a Licence fee.

(For further details, refer to clause 4.3.1 of the Local Laws).

Important

Both a Planning Scheme Consent Approval and an Extractive Industry Licence are required to be issued by Council prior to the commencement of any operation.

A new Planning Scheme Consent is required every five years as stated on the original Planning Scheme Consent and a Licence renewal is required every year.

Are There Any Special Requirements?

Notwithstanding the determining criteria for each Extractive Industry Class, 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;
- In accordance with Department of Environment requirements.
- Buffers are 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.

The Assessment Process

Once an application has been received, arrangements will be made for an advertisement to be placed once a week in a local newspaper (at the applicant's cost) for a three-week period, with the advertising period closing 21 days after the notice is first published.

A member of the Development Services Planning section will draft an advertisement for the applicant to take to either The Albany Advertiser or The Weekender.

Letters will also be sent to neighbours and in certain cases to surrounding landowners, who may be affected by the proposal asking for any comments. If the proposal fronts a major road then the application is referred to Main Roads for comment. Similarly, if the proposal is situated near any waterway or within a groundwater area the application is referred to the Albany Waterways Management Authority for comment.

Depending on the nature of any submissions received the application may be approved under delegation within the Development Services Planning Section or the application may need to go to Council for a decision.

More Information

Should you have any questions or require any further information, please contact a member of the Development Services Team by either phoning on 9841 9383, by email planning@albany.wa.gov.au or in person at the City Offices.

**** DISCLAIMER ****

This information sheet is a guide only. Verification with original Local Laws, Acts, Planning Schemes, and other relevant documents is recommended for detailed references. The City of Albany accepts no responsibility for errors or omissions.