Greater Bunbury Region Scheme

Strategic Minerals and Basic Raw Materials Resource Policy 2005

City of Bunbury and the Shires of Capel, Dardanup and Harvey
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## Contents

1. Introduction  
2. Background  
3. Application  
4. Objectives  
5. Policy statement  
6. Basalt extraction area and basalt extraction referral area  
7. Buffer areas  
8. Referral and applications  
9. Implementation  

**Figure 1 - Strategic Minerals and Basic Raw Materials Resource Policy map**
1. Introduction

1.1 Minerals and basic raw materials are important commodities for the Western Australian economy. Mining is the largest export industry in the State. It is a major source of employment and has a significant flow-on effect to other sectors of the economy, particularly manufacturing and resource processing. Basic raw materials are essential products for local construction, road building and agriculture.

1.2 The State Planning Strategy (WAPC, 1997) recommends protecting mineral resources and basic raw materials in regional planning schemes and, where basic raw materials have been identified in new residential areas, the sequential development of these areas should be encouraged.

1.3 This policy also has regard to the principles of Statement of Planning Policy 2.4: Basic Raw Materials which sets out matters to be taken into account by the WAPC and local governments in considering zoning, subdivisions and development applications for extractive industries, and in the vicinity of identified basic raw material resource areas.

1.4 The principal purpose of this policy is to ensure long-term security of access for minerals and basic raw materials and to achieve this through appropriate land use planning and control of development.

1.5 This policy identifies strategic mineral resources and basic raw materials in the Greater Bunbury Region Scheme area and responds to calls from the community, industry and government to:

- facilitate the timely extraction of resources;
- ensure that present and future extraction of basic raw materials and mineral resources are not prejudiced; and
- minimise the impact of extraction on surrounding land uses.

2. Background

2.1 The strategic mineral and basic raw materials resource policy areas are shown in figure 1. The mapping and methodology used to define these areas are set out in the report, Strategic Resource Areas for the Greater Bunbury Region Scheme (WAPC, 2000).

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

Minerals has the same meaning given to the term in the Mining Act 1978.

Extraction Area means an existing extractive industry 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.

2.3 This policy should be read in conjunction with:

- The Memorandum of Understanding, dated September 1998, regarding the consultation arrangements between the WAPC, Department for Planning and Infrastructure and the Department of Industry and Resources;
3. Application

3.1 This policy applies to:

- land within the policy areas and basalt extraction area\(^1\) shown in figure 1; and
- land adjacent to or in close proximity (generally 500 metres or less) to the policy areas shown in figure 1, where the WAPC or the local government is of the opinion that the type or form of the proposed land use or development would potentially be incompatible with or sensitive to mining activities or to the extraction of basic raw materials within the policy areas, or vice versa.

4. Objectives

4.1 To identify land within the Greater Bunbury Region Scheme area which contains mineral resources and basic raw materials of State or regional significance?

4.2 To prevent mineral resources and basic raw materials of State or regional significance being sterilised from incompatible development and land uses.

4.3 To encourage the mining of mineral resources and extraction of basic raw materials in accordance with acceptable environmental standards.

4.4 To promote the rehabilitation and restoration of mining and extraction sites, after works have been completed, in a way that is consistent with the long-term use of the land.

5. Policy statement

5.1 This policy will be taken into account by the WAPC in considering amendments to the Greater Bunbury Region Scheme and local government town planning schemes and scheme amendments, and in determining subdivision and development applications.

5.2 This policy should be taken into account by local governments in preparing town planning schemes and amendments, and in making decisions in regard to the use or development of land within, adjacent to, or in close proximity to, the policy areas.

5.3 Local governments should ensure town planning schemes and amendments are compatible with the objectives and specific requirements of this policy.

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\(^1\)Note: The proposed basalt extraction referral area will be revised in response to the findings of the Buffer Area Definition Study for the basalt quarries, which should be completed by 2006. In addition, it is proposed that an environmental management plan will be prepared by quarry operators to guide the quarry companies in:

- an agreed commitment to the impact boundaries of the quarry operations, and continual improvement and management of quarry activity impacts;
- recommended measures for controlling the effects on the local community;
- provision of a framework for a community consultation and engagement strategy and an outline of protocols for monitoring complaints; and
- the primary relationship of quarrying activities (noise and vibration), and also including the management of associated issues such as traffic, noise and dust.
5.4 The policy areas should be shown on town planning scheme maps (for example, as special control areas) or on maps adopted as policy under the town planning scheme.

5.5 Local government town planning schemes should not prohibit mineral exploration, extraction of basic raw materials or mining of mineral resources within the policy areas. Where land within the areas is zoned rural under the local government town planning schemes, the use ‘industry – extractive’ should be either P, D or A and ‘industry – mining should be a P use.

5.6 There is a presumption against rezonings, subdivisions and development which would result in the establishment of sensitive land uses on land within, adjacent to or in close proximity to the policy areas as this would potentially prejudice current or future mining of mineral resources or extraction of basic raw materials.

5.7 Notwithstanding clause 5.6 of this policy, consideration may be given to approving rezoning, subdivision or development within, adjacent to or in close proximity to the policy areas where, following detailed investigations and consultations with the Department of Environment, Department of Industry and Resources, and the Department for Planning and Infrastructure, it can be demonstrated that the proposed rezoning, subdivision or development would not prejudice current or future mining of mineral resources or extraction of basic raw materials within the areas. The acceptability of any proposed rezoning, subdivision or development

5.8 In determining the acceptability of any proposed use or development within, adjacent to or in close proximity to the policy areas, regard will also be given to advice received from the Department of Industry and Resources that the use or development is of a scale and type that will not prejudice current or future mining of mineral resources or extraction of basic raw materials (for example, a small rural shed).

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Footnote:

2The symbols P, D or A have the same meaning as given to the terms in clause 4.3.2 of the Town Planning Scheme Amendment Regulations 1999, Appendix B Model Scheme Text. The land use terms ‘industry – extractive’ and ‘industry – mining’ have the same meaning as in the Town Planning Scheme Amendment Regulations 1999, Appendix B Model Scheme Text (schedule 1).
6. Basalt extraction area and basalt extraction referral area

6.1 There is a presumption against rezonings, subdivisions, use and development which would result in the establishment of sensitive land uses on land within the basalt extraction area shown in figure 1, as this would potentially prejudice current or future extraction of basalt material from within the extraction area.

6.2 Within the basalt extraction referral area shown in figure 1, there is a presumption against the following which would potentially prejudice current or future extraction of basalt material from within the extraction area:

• rezoning of land which would result in the establishment of new or additional sensitive land uses in addition to what is already permitted under an existing zoning; and

• further subdivision, use or development, except where such subdivision, use or development is permitted under the current zoning of the land and complies with the relevant policies of the WAPC and policies adopted by local government under their town planning schemes.

6.3 Notwithstanding clauses 6.1 and 6.2 of this policy, consideration may be given to approving rezoning, subdivision, use or development within the basalt extraction and referral areas where, following detailed investigations and consultations with the Department of Environment, Department of Industry and Resources and the Department for Planning and Infrastructure, it can be demonstrated that the proposed rezoning, subdivision or development would not prejudice current or future extraction of basalt material from within the basalt extraction area. The acceptability of any proposed rezoning, subdivision or development within the basalt extraction and referral areas will be determined having regard to:

• advice received from the Department of Industry and Resources and/or Department of Environment in relation to the matters referred to in clauses 7.1, 8.1 and 8.2 of this policy; and

• any other planning or environmental considerations, including policies of the WAPC and policies adopted by local governments under their town planning schemes.

6.4 In determining the acceptability of any proposed use or development within the basalt extraction and referral areas, regard will also be given to advice received from the Department of Industry and Resources that the development is of a scale and type that will not prejudice current or future mining of mineral resources or extraction of basic raw materials (for example, a small rural shed).
7. Buffer areas

7.1 Sensitive uses, such as residential and rural residential uses should be separated from mining and extractive industries by buffers, to protect people from the likely adverse effects of truck traffic, noise, blasting, dust vibration and light spill. The buffers should be determined with regard to:

(i) the objectives, principles and criteria of Statement of Planning Policy No. 4.1 State Industrial Buffer Policy;

(ii) recommended buffer areas between particular extractive and mining operations and other land uses contained in relevant scientifically based studies;

(iii) environmentally acceptable standards for noise, dust and light spill (for example, noise limits required under the Environmental Protection (Noise) Regulations 1997);³

(iv) the ability of a mining or extractive industry operator to achieve and adhere to performance standards and best practice management for the mining industry, which are applicable to buffer area requirements;

(v) current or proposed mechanisms to ameliorate off-site impacts (for example, construction of bunds and/or provision of screen planting);

(vi) the nature and scale of any land use, subdivision and development proposals;

(vii) the nature, scale and timing of any current or future extractive or mining operations;

(viii) available mechanisms to secure land or restrict further development within potentially affected areas;

(ix) local topographical characteristics and climate conditions;

(x) existing or future settlement patterns; and

(xi) the cultural, environmental or heritage significance of any place or area that is of relevance in the determination of buffer areas.

8. Referral and applications

8.1 The WAPC and relevant local governments when preparing amendments to the Greater Bunbury Region Scheme, town planning schemes and scheme amendments to town planning schemes, that include land partly or wholly within, or adjacent to the policy areas, basalt extraction or basalt extraction referral areas, should consult and have due regard to the advice and recommendations of the Department of Industry and Resources.

8.2 The WAPC, prior to determining subdivision and development applications on land within, adjacent to, or in close proximity to the policy areas, will consult Department of Industry and Resources and have due regard to advice and recommendations, except where the Department of Industry and Resources has agreed that particular types of development in specific areas do not require referral.

³Environmental Protection (Noise) Regulations 1997 pursuant to section 123 of the Environmental Protection Act, 1986.
8.2.1 In providing advice on town planning schemes, amendments, subdivision and development applications, the Department of Industry and Resources will have regard to the following:

(i) the known extent, quality and quantity of the mineral resources or basic raw materials in the locality;

(ii) the potential impact on current or future mining or extractive operations;

(iii) measures which can be taken to ameliorate the potential impacts of the mining or extractive industry operations;

(iv) buffer areas required between mining or extractive operations and incompatible land uses;

(v) the proposed timing for the mining of mineral resources or extraction of basic raw materials; and

(vi) the possible importance of the mineral resources and basic raw materials to the State economy and regional and international markets.

9. Implementation

9.1 This policy will be implemented by the WAPC and relevant local governments, as applicable, through the:

• administration of the Greater Bunbury Region Scheme;

• administration of local government town planning schemes and advice provided to the Minister for Planning and Infrastructure regarding proposals to prepare or amend town planning schemes; and

• subdivision and development control processes.

9.2 The policy areas shown in figure 1 will be updated on a regular basis, in recognition of mineral resources or basic raw materials areas that have been mined or extracted and the identification of new mineral resources or basic raw materials considered to be of State or regional significance.

9.3 The WAPC will, after this policy has been in operation for a period of five years, or sooner if appropriate, undertake a review of this policy and amend it if necessary.
This map supersedes Figure 1 of the 2005 policy. Prior to the formal review of the policy text, this map is to be used in the context of the policy as if it were Figure 1. Where there are any inconsistencies, this map shall prevail over the text of the policy.