



## TECHNICAL SERVICES

### APPLICATION FOR EXTRACTIVE INDUSTRY APPROVALS

#### INTRODUCTION

Proponents of extractive industry activities should note that there are several application processes both at Shire and State government levels required to be undertaken.

In summary those applications processes are:

#### **Shire of Capel**

##### *Town Planning Scheme No.7*

An application for Planning Consent is required to be lodged pursuant to this Scheme. It should be noted that extractive industries are not permitted in the "Rural" zone of the shire unless Council has granted planning consent. It should also be noted that Council may refuse to allow an extractive industry adjoining the Bussell and South Western Highways.

##### *Extractive Industries Local Law 2001*

An application for an extractive industry licence is required to be lodged pursuant to this local law. It is to be noted that the Town Planning Scheme application and this application will be progressed concurrently where possible. It is also to be noted that a prerequisite to this licence being issued is that Planning Consent must firstly be granted.

#### **State Government**

##### *Environmental Protection Act 1986*

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence. Clearing permit applications are available from the Department of Environment and Conservation.

##### *Greater Bunbury Region Scheme-2007*

In some cases an application maybe required to be submitted pursuant to the Greater Bunbury Region Scheme. Proponents will be advised of this need and in any event an application will not be required to be submitted until the Shire of Capel application processes have been commenced. In some instances the shire has delegated authority to assess these applications on behalf of the Western Australian Planning Commission.

## **STAGE 1 – DRAFT REPORT SUBMISSION ON PROPOSED EXTRACTION**

In order to assist the applicant to prepare the extractive industries applications to the standard required for assessment by both the Shire and other government departments, it is advised that the following information is required to be provided in a draft report:

### **(A) WRITTEN REPORT INCLUDING THE FOLLOWING INFORMATION:**

#### **Executive Summary**

#### **Part 1 – Existing Use Data**

- 1.0 Location, Area and Ownership of Property
- 2.0 Details of Applicant
- 3.0 Land use (including adjoining lots)
- 4.0 Physical Features
  - i.e. Topography
  - Vegetation
  - Soils
  - Drainage – water courses, etc
- 5.0 Existing Public Utilities and Services
  - i.e. Roads – standard of access
  - Water Supply
  - Telstra and Western Power
  - Drainage – On site or connection to Shire’s Drain/Drainage System
- 6.0 Crown Land and Reserves – size, reserve status, distance from subject land

#### **Part 2 – Town Planning Scheme No 7**

- 1.0 Existing Zoning (including adjoining lots)
- 2.0 Specific reference to scheme text provisions if applicable

#### **Part 3 – Shire and State Government Policies and Studies**

- e.g. State Planning Framework Policy (SPP No 8)  
State Planning Strategy  
Bunbury-Wellington Region Plan 1995  
Greater Bunbury Region Scheme 2007  
Shire of Capel Land Use Strategy 1999

#### **Part 4 – Environmental Requirements**

- e.g. Clearing permits  
Wetland implications

#### **Part 5 – Development Proposals**

- Description of all aspects of Proposed Extractive Industry  
e.g. Extraction proposal  
Rehabilitation proposal

#### **Part 6 – Conclusion**

- i.e. Reason for Council support to proposal

**(B) AN EXISTING CONTOUR AND FEATURE PLAN OF THE EXCAVATION SITE TO A SCALE OF BETWEEN 1:500 AND 1:2000 ON A1 SHEET SHOWING –**

- (i) the existing land contours based on the Australian Height Datum and plotted at 1 metre contour intervals extending beyond the extraction area by at least 40 metres
- (ii) the Lot number and area of the land on which the excavation site is to be located;
- (iii) the location and external surface dimensions of the existing and proposed excavation of the land, marked in stages no greater than 2 hectares in area which must not be within
  - 20 metres of property boundary
  - 40 metres of any dedicated public road reserve
  - 50 metres of any watercourse, wetland or swamp
- (iv) 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;
- (v) the location of buildings, treatment plant, tanks, bores and other improvements and developments existing on, approved for or proposed in respect of the land;
- (vi) 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;
- (vii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
- (viii) the location and description of existing fences, gates and warning signs around the land.

**(C) A PLAN OF THE FINISHED DEVELOPMENT OF THE EXCAVATION SITE TO A SCALE OF BETWEEN 1:500 AND 1:2000 ON A1 SHEET SHOWING –**

- (i) the proposed land contours with slopes no greater than 1:10 based on the Australian Height Datum and plotted at 1 metre contour intervals extending beyond the extraction area by at least 40 metres;
- (ii) the location and area of the existing and proposed excavation of the land, marked in stages no greater than 2 hectares in area which must not be within:
  - 20 metres of property boundary
  - 40 metres of any dedicated public road reserve
  - 50 metres of any watercourse, wetland or swamp
  - 2 metres from the known highest winter water table level
- (iii) 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;
- (iv) the location of buildings, treatment plant, tanks, bores and other improvements and developments existing on, approved for or proposed in respect of the land;

- (v) 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;
- (vi) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
- (vii) the location and description of existing and proposed fences, gates and warning signs around the land. The area must be securely fenced with warning signs not more than 200 metres apart;
- (viii) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (ix) The direction of the working face ensuring that only 1 stage is cleared at a time, followed by excavation and rehabilitation. The clearing of stage 3 should not occur until the recontouring of stage 1 is complete awaiting planting.
- (x) The location of all existing trees and vegetation and proposed areas and levels of revegetation.

#### **(D) A WORKS AND EXCAVATION PROGRAMME CONTAINING –**

- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
- (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
- (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 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;
- (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;
- (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
- (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- (xi) a description of the measures to be taken to minimise sand drift, 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;

(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;

(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; and

(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;

(xvi) a dieback assessment of the site and measures to be taken to prevent the spread of dieback or other disease;

**(E) A REHABILITATION AND DECOMMISSIONING PROGRAMME INDICATING -**

(i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;

(ii) soil management measures to be undertaken including soil removal, soil resspreading and soil stockpiling procedures;

(iii) how final contours shall be achieved and confirmed using survey equipment before spreading of topsoil;

(iv) weed and pest management measures to be undertaken to reduce the likelihood of colonisation of weed species and protect young plants from pests;

(v) seedbed preparation to ensure that the soil will be in a condition able to support rehabilitation

(vi) revegetation. Species should be local and suitable for the area with regard to soil type and drainage conditions. The plan should include;

- determination of appropriate revegetation species;
- identification of suitable suppliers;
- quality and timing of plant deliveries;
- planting procedures;
- planting schedule; and
- protection measures going to be utilized.

(vii) monitoring measures with specific indicators for monitoring the success of the rehabilitation that are consistent with the plans objectives;

(viii) the programme for the removal of buildings, plant, waste and final site clean up.

**(F) SURVEY INFORMATION INCLUDING -**

(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;

(ii) a certificate from a licensed surveyor certifying the correctness of the plans referred to in paragraph (B) and (C) and the datum peg.

All survey data supplied by an applicant shall comply with Australian Height Datum and Australian Map Grid standards.

**(G) CLEARING PERMIT -**

If native vegetation is to be removed, then a copy of the Application for a clearing permit which has been lodged with the Department of Environment and Conservation must be provided including the location plan. When the application has been assessed by the DEC and returned to the applicant, a full copy of the assessment must be supplied the Shire.

**(H) WATER TABLE LEVEL -**

The highest possible water table level under the extraction area must be established. This information may be determined using existing known water table levels in close proximity or by requesting data from the Department of Water who have monitoring bores throughout the state.

If data is available from a bore in the vicinity of the extraction area, a hydrogeologist could use the data along with geological data of the extraction area and results from a test hole to determine the highest possible water table level. In the absence of credible data being available, a number of monitoring bores should be established over the excavation area and monitored monthly over 2 seasons to establish the maximum water table.

A data request for bore information can be submitted by proponents to the Department of water at:

<http://www.water.wa.gov.au/Tools/Monitoring+and+data/default.aspx>

**STAGE 2 – DRAFT REPORT TO BE ACCOMPANIED WITH –**

**(I) COMPLETED AND SIGNED ORIGINAL EXTRACTIVE INDUSTRY LICENCE AND PLANNING CONSENT APPLICATION FORMS**

Photocopies and scanned copies are not acceptable

**(J) THE LICENCE AND PLANNING APPLICATION FEES SPECIFIED BY THE LOCAL GOVERNMENT FROM TIME TO TIME**

**(K) OWNERS CONSENT –**

the consent in writing to the application from the owner of the excavation site.

**(L) PROPONENT TO SUPPLY A LETTER OF UNDERSTANDING AGREEING TO MEET THE COST OF ADVERTISING**

Advertising includes advertising in local paper, Shire newsletter, placement on the Shire website, sign onsite, writing to adjoining/nearby landowners and also writing to the relevant government agencies. Costs incurred will be approximately \$500-\$600.

### **STAGE 3– SHIRE OFFICER’S ASSESSMENT**

Once all of the information required is formatted into a report and presented to the Shire, Shire officers will review the information ensuring that it complies with the current Council policies and has adequate content to allow assessment by the various government authorities. Shire officers will recommend any changes to the application for consideration by the applicant.

When the draft has been finalised, 3 hard copies and 10 CD ROM copies shall be submitted to the Shire.

### **STAGE 4 – ADVERTISING PROCESS**

The Shire will send letters to the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within thirty (30) days from the date of the letter, make representations in writing in respect of the proposed extractive industry.

The Shire will post the full application on the Shire of Capel website and have a hardcopy available for viewing at the Shire Administration Office.

The Shire will send a CD ROM copy of the application to the relevant authorities requesting recommendations to the proposal. The relevant authorities may include:

- Department of Environment and Conservation
- Department of Water
- Department of Mining and Energy
- Main Roads Western Australia
- Western Power
- Telstra
- Department of Indigenous Affairs
- Capel Land Conservation District Committee
- Environmental Protection Authority
- Department of Planning

The Shire will publish a notice in the South Western Times advising of the application and specifying that the public may, within thirty (30) days from the date of the publication make representations in writing in respect of proposed extractive industry.

The Shire will erect a sign in a prominent position on the land of the proposed site, specifying particulars of the proposed excavation and inviting objections or comments within thirty (30) days from the placement of the notice.

### **STAGE 5 – REPORT TO COUNCIL**

Once the advertising period has closed, all submissions received will be compiled and forwarded to the applicant for a response. Upon receiving the response, Shire officers will prepare a Council report to have the application for Extractive Industry Licence and Planning Consent considered by Council.

Council may refuse to consider an application which does not comply with the requirements set out in Stage 1.

The Council may, in respect of the applications

- (a) Refuse the application; or
- (b) Approve the application –
  - (i) Over the whole or part of the land in respect of which the application is made; and
  - (ii) On such terms and conditions, if any, as it sees fit.

Council may require further information from the applicants before it is prepared to make a determination of the application.

## **OTHER CONSIDERATIONS**

### **SECURITY FOR RESTORATION AND REINSTATEMENT**

For the purpose of ensuring that an excavation site is properly restored and reinstated, the local government may require that-

- (a) as a condition of a licence; or
- (b) before the issue of a licence,

the licensee shall give to the local government a bond or bank guarantee of a kind and in a form acceptable to the local government, for a sum determined by the local government from time to time. This security will be held by the local government for all areas which are disturbed until they are fully restored and reinstated and proved sustainable.

### **ROAD DETERIORATION PRESERVATION FUNDING FOR EXTRACTIVE INDUSTRIES**

The local government may require the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to the roads by heavy vehicles accessing the extraction site. The attached copy of the Road Deterioration Preservation Funding for Extractive Industries explains the agreement used by the Shire of Capel.

### **REQUIREMENTS OF A REHABILITATION PLAN FOR EXTRACTIVE INDUSTRIES**

This attached information sheet is designed to help applicants prepare rehabilitation plans to conform with current Shire expectations.

### **ACCESS TO HIGHWAYS AND MAIN ROADS**

If the approval of an extractive industry may increase the number and size of vehicles entering or exiting a highway or major road, upgrading of the intersection may be required including slip lanes and turning pockets. These upgrades would require Main Roads approval and the applicant would be financially liable for all construction costs.

### **ASSESSMENT FEES**

Attached is a copy of this financial years application fees schedule.

**NOTE: THE PARTICULARS OF THIS BROCHURE ARE SUPPLIED FOR INFORMATION ONLY.  
VERIFICATION OF THE INFORMATION CONTAINED HEREIN IS RECOMMENDED.**