



Department of **Planning,
Lands and Heritage**



Draft State Planning Policy 2.4 **Basic Raw Materials Policy**

October 2018

*Prepared under Part Three of the Planning and Development Act 2005
by the Western Australian Planning Commission*

CONTENTS

Disclaimer

This document has been produced by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© Western Australian Planning Commission

Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Published September 2018

website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77

This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

click to follow

1.	CITATION	1		
2.	POLICY INTENT	1		
3.	BRM IN WESTERN AUSTRALIA	1		
3.1	Supply Categories for BRM	1		
3.2	BRM Resources Mapping	2		
4.	APPLICATION OF THIS POLICY	2		
4.1	Where this policy applies	2		
4.2	Policy exemptions	2		
4.3	When this policy should be applied.	2		
5.	POLICY OBJECTIVES	3		
6.	POLICY MEASURES	3		
6.1	Planning decisions	3		
6.2	Regional and sub-regional planning strategies	4		
6.3	Local planning strategies and schemes	4		
6.4	Protecting SGS areas and Extraction Sites through statutory buffers	4		
6.4.1	Where statutory buffers should apply	4		
6.4.2	How statutory buffers should be applied	4		
6.4.3	Compatibility of land uses within statutory buffers	4		
6.5	Subdivision and development within Significant Geological Supplies or Extraction sites	5		
6.6	Development, expansion and modification of an extractive industry	5		
6.7	Conditions of approval for BRM proposals	6		
6.8	Advice on environmental protection	6		
	APPENDIX 1: DEFINITIONS	7		
	APPENDIX 2: RELEVANT LEGISLATION AND POLICIES	9		



1 CITATION

This is a State Planning Policy made under Part 3 of the *Planning and Development Act 2005*. The policy may be cited as *State Planning Policy No 2.4: Basic Raw Materials (SPP 2.4)*.

This policy replaces *State Planning Policy No. 2.4: Basic Raw Materials (2000)* and the associated mapping plus the basic raw material (BRM) components of *State Planning Policy No. 2.5: Rural Planning (2016)*.

2 POLICY INTENT

Enable the responsible extraction of BRM, while ensuring the protection of people and the environment. Ensuring broad compatibility between land uses is essential to delivering this outcome.

3 BRM IN WESTERN AUSTRALIA

BRM are essential for the construction of buildings, roads, other infrastructure and also for agricultural production. In Western Australia BRM on freehold land are recognised as an extractive industry under the *Planning and Development Act 2005*. On freehold land local governments and the WAPC both issue planning approvals in collaboration. Extraction of BRM on Crown land is regulated under the *Mining Act 1978* and requires a granted mining tenement. Planning advice is commonly sought from the WAPC.

This policy recognises that BRM is a finite resource and promotes the importance of ensuring a continuing supply of BRM for extraction in support of regional development and agriculture.

Identification of BRM sites does not presume that extraction would have acceptable community amenity, health or environmental impacts nor that approval for extraction would be guaranteed.

3.1 Supply Categories for BRM

This policy identifies two supply categories for BRM:

- *Significant Geological Supplies (SGS)* - are identified as the highest priority extraction areas for BRM. SGS are BRM identified by the Department of Mines, Industry Regulation and Safety (DMIRS). They represent strategic, long-term supplies of BRM materials requiring protection.

The designation of an SGS area does not obligate a private landowner or State agency to extract these resources, nor does it presume that extraction would



be environmentally acceptable or that subsequent approvals for extraction or environmental approvals are guaranteed.

- *Extraction Sites (ES)* - comprise all commercial BRM Extraction Sites and BRM quarries used by government for infrastructure. These may overlap SGS areas. ES include proposed, approved and operating commercial (extractive) industries under the *Planning and Development Act 2005*, the *Local Government Act 1995*, the *Mining Act 1978* or a combination of these legislations.

3.2 BRM Resources Mapping

This policy operates in association with BRM resources mapping which may be updated over time.

BRM resources mapping in Perth and Peel identifies SGS areas, known, proposed, approved and operating ES and areas excluded from BRM extraction (exclusion areas) due to environmental values, resource conflicts or for planning reasons. The mapping in Perth and Peel provides a higher degree of certainty than other areas of Western Australia but still requires regulatory approvals. BRM Resources Mapping outside of Perth and Peel identifies SGS areas and may include known ES and unless assessed and approved have mainly been defined by the geological resource. For practical reasons, it is not intended for this mapping to include all ES, as these are administered by different agencies and in some cases can change within a short timeframe.

4 APPLICATION OF THIS POLICY

This policy provides the foundation for land use planning to address the sustainable management of BRM in Western Australia.

4.1 Where this policy applies

This policy applies across Western Australia to the:

- (a) preparation of high order strategic planning documents such as frameworks, region schemes and sub-regional structure plans;
- (b) preparation of local planning strategies and schemes, and corresponding local planning policies;
- (c) determination of applications by the Western Australian Planning Commission (WAPC), local governments and State Administrative Tribunal;
- (d) development applications for extractive industries where approval is required under the *Planning and Development Act 2005* and/or the *Local Government Act 1995*;
- (g) planning matters related to the extraction of basic raw materials on Crown land (national parks, State forests, other Crown reserves and unallocated Crown land).

The policy is to be considered in conjunction with strategic regional BRM mapping products and strategic planning documents and maps and should be read in conjunction with the Basic Raw Materials Guidelines. Additional legislative and policy requirements are outlined in Appendix 2.

4.2 Policy exemptions

This policy does not apply to:

- (a) mining that is in accordance with the *Mining Act 1978*, with the exception of BRM (as defined by this policy) on Crown land (as defined in the *Mining Act 1978*);
- (b) areas subject to State Agreement Acts;
- (c) the dredging of material from the bed of tidal waters under the *Mining Act 1978*;
- (d) existing planning and environmental approvals for BRM, and matters dealt with by other Acts.

4.3 When this policy should be applied

This policy is to be applied to planning decision-making for:

- (a) region schemes, improvement schemes, regional strategies or frameworks, sub-regional strategies, local planning strategies and schemes and structure plans, and to any amendments to these instruments, which include extractive industries or land that may be impacted by such proposals;
- (b) subdivision applications for land zoned or otherwise that may be adjacent to or impacted by extractive industries;
- (d) development applications for extractive industries or sensitive land uses that may be adversely impacted by existing BRM activities or off site impacts.

Guidance on appropriate scientific methods for determining the risk and extent of off- site impacts from BRM activities is not the subject of this policy. Planning decision-makers should seek advice from the relevant government agencies, as outlined in this policy, in relation to the appropriateness/acceptability of technical studies provided by proponents in support of planning proposals.



5. POLICY OBJECTIVES

The objectives of this policy are to:

- (a) provide guidance to facilitate the planning of BRM extraction from sites, where such extraction is considered appropriate on planning and environmental grounds;
- (b) protect BRM in SGS areas by avoiding encroachment from incompatible land uses and associated conflicts until the resources have been extracted;
- (c) ensure considerations relating to the extraction of BRM and the regional importance of the materials are taken into account in the early stages of the planning process including scheme amendments, planning strategies and structure plans;
- (d) support the efficient and sustainable use of BRM by ensuring land use planning and zoning decisions are cognisant of likely requirements for BRM in site preparation and construction recognising that BRM are finite resources;
- (e) prioritise the extraction and availability of BRM through the identification of sequential use sites and planned extraction and remediation as appropriate for the final intended land use;
- (f) ensure that the use and development of land for extraction of BRM, during or after extraction, avoids, minimises and mitigates detrimental impacts on the community and environment, including water resources and biodiversity values, while allowing for future use, consistent with long term planning.

6 POLICY MEASURES

Land use conflict should be considered at each stage of the planning framework. Strategic planning documents and planning schemes should address land use conflict and not defer its resolution or management to subdivision approval or development assessment stage, where mitigation options are limited and expectations may have been raised by previous decisions.

6.1 Planning decisions

In general, planning decisions that incorporate BRM, are impacted by or impact upon BRM operations need to comply with the following policy measures:

- (a) land use planning and development proposals should aim to minimise use of BRM by avoiding low lying areas that require large volumes of fill, by using different design and construction methods plus alternative earthwork strategies such as subsoil drainage;
- (b) SGS areas and existing ES should be the initial sources for BRM materials. In Perth and Peel, areas identified on mapping for BRM Exclusion should be avoided;
- (c) as far as practical the location of SGS areas and ES should focus on local sources to reduce transportation and manage related community, amenity, safety and environmental impacts;
- (d) SGS areas, and ES plus their buffers are not developed for other purposes until the resource is extracted, or unless proposed development is compatible with the extraction of the resource;

- (e) sequential land use planning is strongly encouraged whereby extraction and appropriate rehabilitation can take place on a programmed basis in advance of longer term use and development;
- (f) sensitive zones and/or land uses may be approved only where it can be demonstrated there are no human health implications and they will not limit the existing or potential extraction of BRM from known SGS areas and ES;
- (g) where practicable, BRM extraction should be located such that synergistic and compatible activities can be facilitated within the buffer;
- (h) ensure consistency with land use zoning and conditions of approvals are not impeded;
- (i) where a BRM resource is located with native vegetation, clearing of the native vegetation is likely to require authorisation and/or protection of other environmental assets;
- (j) where a BRM resource is located in an area with significant biodiversity values, clearing may not be authorised or protection of environmental assets required through environmental offset;
- (k) BRM extraction proposed in a public drinking water source area will require achieving separation distances to the highest groundwater level to protect water quality. Separation distances and other management measures to protect water resources, should be addressed in quarry planning stage;
- (l) planning decision-makers are to have due regard to advice from environmental agencies and consider potential impacts on fragmentation and connectivity of remnant vegetation.



6.2 Regional and sub-regional planning strategies

Region schemes and regional and sub-regional strategic planning strategies should:

- (a) identify SGS areas and known ES along with an indicative separation distance or buffer;
- (b) where practical seek to avoid the zoning of land for development in low lying areas that require large volumes of fill; and
- (c) Identify BRM sites appropriate for sequential land use opportunities and development.

Region Scheme text can include further guidance for BRM use, including specific guidance or requirements for specified locations.

6.3 Local planning strategies and schemes

Local planning strategies and schemes should:

- (a) identify known BRM SGS areas, ES and other significant BRM resources as required;
- (b) seek to avoid urban and industrial zoning and development of land requiring large amounts of fill;
- (c) include provisions to identify and protect SGS areas and ES and known buffers or land suitable for providing appropriate separation distances;
- (d) avoid development of sensitive land uses within the separation distances or determined buffers identified for SGS and/or ES, and plan for compatible land uses;
- (e) where applicable, allow sequential land use on SGS and ES, including their corresponding separation distances or buffers following extraction to agreed levels and site remediation;

- (f) enable the extraction of BRM identified as SGS and ES, subject to analysis of environmental, water resources, infrastructure or planning constraints and subsequent approvals; and
- (g) permit land uses related to SGS and ES consistent with the model provisions in Schedule 1 of the "Planning and Development (Local Planning Schemes) Regulations 2015."

Local planning strategies and schemes should contain or be supported by such information as set out in the Basic Raw Materials Guidelines.

6.4 Protecting Significant Geological Supplies or Extraction Sites through statutory buffers

6.5.1 Where statutory buffers should apply

A statutory buffer should be designated for BRM where:

- (a) existing and approved SGS areas have been identified;
- (b) known ES for commercial extractive operations that may generate off-site impacts affecting community health and amenity; and
- (c) as determined by the Minister for Planning on advice from the WAPC.

6.4.2 How statutory buffers should be applied

Where a statutory buffer is required it should relate to planning scheme provisions and depending on the circumstances or surrounding land uses may take the form of a Special Control Area. Buffers for SGS areas and ES may be identified and reflected in other local planning instruments and mapping products.

6.4.3 Compatibility of land uses within statutory buffers

The following principles should be applied in planning decision-making involving land within a statutory buffer:

- (a) Special Control Area scheme provisions for statutory buffers should identify incompatible land uses within the buffer based on the nature of the impacts affecting the surrounding land. The following land uses should not be considered in statutory buffers:
 - i. sensitive land uses;
 - ii. land uses with off-site impacts or other requirements that may constrain the operations of the existing buffered BRM operations, or the future planned development/expansion of the BRM operations within a SGS site; and
 - iii. other land uses considered incompatible with the off-site impacts arising from BRM extraction.
- (b) local planning schemes should establish compatible land use zones and/or reserves in buffers, consistent with clause (a) and the strategic planning for the area;
- (c) statutory buffers should not affect a non-conforming use that was previously allowed under zoning regulations;



- (d) a notification on title pursuant to relevant legislation should be required where a subdivision (including strata title) or development is approved within a defined buffer area in order that prospective purchasers and successors in title are made aware of the existence of the buffer area and relevant factors affecting the use of the land;
- (e) for BRM sites with programmed extraction and known impacts statutory buffers may comprise a number of transitional areas (identified by separate Special Control Areas) to prescribe different levels of development control depending on the distance from the source of emissions and to promote a transition of compatible land use zones and/or reserves; and
- (f) protection zoning around a public drinking water source.

6.5 Subdivision and development within Significant Geological Supplies or Extraction Sites

Subdivision and development within SGS areas and ES including corresponding separation distances or buffers, needs to be assessed in the context of the following considerations:

- (a) proposed or approved extraction of BRM resources;
- (b) restricting extraction of the resource until the area has been fully utilised and/or identified in Regional or Local Planning Strategies for a higher and better use;
- (c) the impact the proposal would have on current or future BRM extraction operations; and
- (d) increasing the number of people living, working or congregating within the area of the separation distance or buffer.

Any development within a separation distance or determined buffer of an ES should:

- (e) be consistent with relevant strategic planning documents detailing existing and future settlement patterns, and other relevant planning instruments
- (f) have regard for relevant documents such as EPA Guidance Statement No 3 - Separation Distances between Industrial and Sensitive Land Uses; SPP 2.7 Public drinking water source policy and Water Quality Protection Note no. 25: Land use compatibility tables for public drinking water source areas.

A development approval may require a 'notification on title' advising of the proximity and location of existing or potential future extractive industry activity and potential adverse impacts resulting from the activity.

6.6 Development, expansion and modification of an extractive industry

Extractive industry operations and related site rehabilitation, whether it is located within or outside SGS areas and ES should be managed to:

- (a) provide finished levels compatible with groundwater, infrastructure and engineering requirements for the intended long-term use, determined by reference to the Basic Raw Materials Guidelines and advice from relevant government authorities;
- (b) facilitate sequential land use by rehabilitating the land to a form or for a use which is compatible with the planned long-term development for the site and surrounding area;

- (c) avoid and mitigate conflicts with and detrimental effects on existing and future sensitive land uses and agricultural land in the surrounding areas (noise, dust, vibration, blasting and vehicular traffic);
- (d) avoid and mitigate transport related community and amenity impacts while operating in a safe manner. Depending on the size, number of truck movements, location and intended transport routes an operation may require a Transport Impact Assessment and Management Plan;
- (e) minimise detrimental impacts on any native flora and fauna or ecological/wildlife corridors including the fragmentation and connectivity of remnant vegetation;
- (f) minimise and mitigate detrimental impacts on landscape, surface drainage and surface water quality, public drinking water supply areas, sites of cultural and historic significance on and near the land, having regard to the likely impacts of any subsequent land use;
- (g) maintain groundwater quality, quantity and appropriate vertical separation between the highest groundwater table, during and post BRM, having regard for relevant DWER policy and guidance; and
- (h) provide appropriate horizontal separation between extraction and water supply infrastructure.

Determination of extraction finished levels should consider advice regarding hydrogeology, infrastructure and engineering requirements for the intended long-term use. All extractive industry proposals should also be determined in accordance with Commonwealth and State environmental approvals and land uses for *Perth and Peel at 3.5 million*.



6.7 Conditions of approval for BRM proposals

State and local government decision-makers may include detailed requirements, such as modifications and/or conditions on strategic planning proposals, subdivision and development applications, to achieve the policy measures set out above. On private land, local governments and the WAPC both issue planning approvals in collaboration.

6.8 Advice on environmental protection

Decisions on strategic planning proposals, subdivision and development applications should seek and have regard for advice from relevant State agencies to ensure landscape amenity, environmental protection, public drinking water source protection and biodiversity conservation values are considered where:

- (a) it is proposed to clear native vegetation and/or;
- (b) an area of particular value is identified for protection from BRM extraction, retention or is identified as unacceptable for BRM extraction under WAPC endorsed mapping under this policy and/or;
- (c) development abuts vegetated land managed by that authority.



APPENDIX 1: DEFINITIONS

The terms used in this policy complement those contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* Model Scheme Text. The following additional definitions apply within this policy:

Basic Raw Materials (BRM)

For the purpose of this policy, BRM include:

- sand (including silica sand¹);
- clay²;
- hard rock (including dimension stone);
- limestone (including metallurgical limestone);
- agricultural lime;
- gravel;
- gypsum;
- other construction, road building and materials;
- materials which may substitute BRM.

Buffer

Buffers comprise of the strategic or statutory designation of land in which sensitive land uses are constrained or prohibited. The extent of a buffer depends on the following elements:

- the type and scale of the proposal
- Government policy on separation distance

- existing or potential requirement for environmental licensing and/or works approval
- industry-specific guidelines
- technical studies
- potential cumulative impacts
- amenity, visual impact
- environmental and topographic features
- cadastre
- the continuation and/or expansion of the land use in the context of surrounding land uses.

A buffer is measured from activity to activity, and does not necessarily relate to cadastral boundaries. A strategic buffer is one shown in a local planning scheme or other strategic planning document where there are land use planning controls that give effect to the buffer. Government policy on separation distances (defined below) is a consideration in determining a buffer.

Exclusion areas

Exclusion areas contain known BRM resources but are considered unfavourable for excavation. These areas are likely to have protected environmental values or are excluded for planning or infrastructure reasons.

Extraction Sites (ES)

Extraction Sites comprise all commercial extraction areas for BRM and BRM quarries used by government for infrastructure. ES include operating, approved and proposed commercial (extractive) industries under the *Planning and Development Act 2005*, the *Local*

Government Act 1995, the *Mining Act 1978* or a combination of these legislations. They may occur wholly or partly within or outside of SGS areas. Where they occur outside of Significant Geological Supplies they provide important local supplies and in some cases provide for a specific market niche over the short to medium term.

Fully utilised

A resource that has been fully or extracted to economically practical levels or has been extracted as per a sequential land use plan. Fully utilised can also apply to the availability of new information that demonstrates that the resource is no longer suited for its intended use.

Industry – extractive

Means premises, other than premises used for mining operations that are used for the extraction of basic raw materials including by means of ripping, blasting and may include facilities for any of the following purposes –

- (a) the processing of raw materials including crushing, screening, washing, sterilising, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

¹ The *Mining Act 1978* covers silica, mineral and garnet sand on most land holdings – except certain pre 1899 land titles that hold Mineral to Owner rights.

² The *Mining Act 1978* covers kaolin, bentonite, attapulgite and montmorillonite clays on all land holdings.



Rehabilitation

Activities related to site restoration during or following BRM extraction activities. Rehabilitation will take into account short-term requirements, the intended final (sequential) land use of the site and conditions placed on operations. This should consider land form and finished floor levels, groundwater protection, management of air and water erosion, and future infrastructure requirements. Where appropriate, environmental rehabilitation should maximise the return of biodiversity by reinstating self-sustaining and functional ecosystems based on local species.

Separation distances

As defined in Government environmental policy, a separation distance is a recommended distance necessary to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid impacts to human health and amenity. A separation distance is an important consideration in determining a buffer.

Vertical separation distances also apply to the finished floor level of a quarry and the allowable distance from the highest groundwater level as advised by the DWER.

Sensitive land use

Sensitive land uses comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres. Generally excludes commercial or industrial premises.

Significant Geological Supplies (SGS)

BRM areas identified by DMIRS as having State significance due to the size of the resource, relative scarcity, demand and/or location near growth areas and transport routes.

Special Control Areas

Special control areas (SCAs) are intended to control particular types or characteristics of development associated with a factor which does not generally coincide with a zones or reserve. The control may apply to only part of a zone or reserve or may overlap zone and reserve boundaries. Special control areas may also overlap each other where more than one issue applies to the land.

Transport Impact Assessment

A Transport Impact Assessment (TIA) determines the types and level of transport related impacts on the community and amenity that may be generated from development and necessary mitigation actions. TIA guidelines support transport planning information, the level of information required and the format in which it should be presented for consideration.

See: <https://www.dplh.wa.gov.au/publications/1197.aspx>



APPENDIX 2: RELEVANT LEGISLATION AND POLICIES

Various regulations and guidelines complement and overlap with the planning system, and some proposals require approvals by other decision-makers. Proponents should seek appropriate professional advice in this regard. This section outlines factors and approvals related only to proposals for BRM activities that may require consideration in planning decision-making. Compliance with other legislation should not be interpreted as approval by the WAPC under the *Planning and Development Act 2005*.

State environmental legislation

- (a) The Environmental Protection Authority (EPA) considers the environmental impacts of planning schemes and scheme amendments under Part IV, section 48A of the *Environmental Protection Act 1986*. Schemes and scheme amendments must be referred to the EPA prior to being advertised for public comment to determine if the scheme should be assessed or not, or is incapable of being made environmentally acceptable. Individual development proposals that are likely to have a significant effect on the environment are also required to be referred to the EPA under Part IV, section 38 of the *Environmental Protection Act 1986*.
- (b) The EPA's *Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses* provides advice on which land uses require separation, and recommends the appropriate separation distances. The guidance outlines the EPA's expectations on the application of separation

distances for schemes and scheme amendments in the environmental impacts assessment process. The guidance also supports strategic and statutory land use planning and development decisions by planning authorities where proposed land uses have the potential to adversely impact on human health and amenity.

- (c) In considering a clearing matter under Part V Division 2 of the EP Act the CEO shall have regard to any planning instrument, or other matter, that the CEO considers relevant.
- (d) Part V Division 3 of the *Environmental Protection Act 1986* makes it an offence to cause an emission or discharge from activities carried out on a prescribed premises unless a works approval or licence is held for the premises. Prescribed premises are listed in Schedule 1 of the *Environmental Protection Regulations 1987* and may include activities undertaken by extractive industries. See the Department of Water and Environmental Regulation (DWER's) policy *Guidance Statement: Land Use Planning 2015* to assess applications under Part V Division 3 of the *Environmental Protection Act 1986* concurrently with applications for planning approval and to make a determination once relevant planning decisions have been made.

Licences and works approvals may be granted subject to conditions to prevent, control, abate or mitigate pollution or environmental harm. Licences may be granted for up to 20 years, depending on the risk to public health and the environment posed

by the premises as well as the duration of other statutory approvals, including planning approvals. Any changes to operating prescribed premises that may alter emissions must seek a licence amendment.

Commonwealth environmental approvals

- (e) Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* approval is needed from the Commonwealth Minister for any proposal or action that has, will have, or is likely to have a significant impact on any of the matters of national environmental significance.

Water resources

- (f) DWER seeks to conserve, protect, manage and assess water resources and provide for the sustainable use and development of water resources under the *Water Agencies (Powers) Act 1984*, *Rights in Water and Irrigation Act 1914* and *Waterways Conservation Act 1976*. Water resource availability is informed by allocation plans and limits under the *Rights in Water and Irrigation Act 1914*.
- (g) If abstraction or dewatering is required to enable the extraction to occur, this could result in significant environmental effects (such as impacts on native vegetation, wetlands or waterways), the Department of Water and Environmental Regulation may need to refer the proposal to the Environmental Protection Authority under s38 of the *Environmental Protection Act 1986*.



- (h) Public drinking water source areas are defined by DWER and proclaimed as water reserves, catchment areas or underground water pollution control areas under the *Metropolitan Water Supply, Sewerage and Drainage Act 1909*, or water reserves or catchment areas under the *Country Areas Water Supply Act 1947*. Land use and development in public drinking water source areas is guided by the following documents:
- DWER Statewide Policy No 1 Policy guidelines for construction and silica sand mining in public drinking water source areas;
 - WAPC State Planning Policy 2.7: Public Drinking Water Source Policy : Public Drinking Water Source Policy;
 - WAPC State Planning Policy 2.2: Gngangara Groundwater Protection;
 - WAPC State Planning Policy 2.3: Jandakot Groundwater Protection; and
 - State Planning Policy: 2.9 Water Resources;
 - DWER Water Quality Protection Note no. 25: Land use compatibility tables for public drinking water source areas;
 - Sub-regional planning frameworks, region and local planning schemes.

While the Minister for Mines and Petroleum, the Warden or the Mining Registrar will take into account planning instruments when considering an application for a mining tenement, a planning instrument cannot operate to prohibit or affect the grant of such tenement.

- (j) Industries involving explosives and other dangerous goods, including extractive industries with potential off-site risks are regulated by the DMIRS under the *Dangerous Good Safety Act 2004* and the *Mines Safety and Inspection Act 1994*. Information on the types of goods and the critical qualities which require licensing are listed in the DMIRS's Safety Guidance Minimum separation distances between explosive facilities and various categories of incompatible land uses are provided in Australian Standard AS2187.1:1998 and the DMIRS's Dangerous Goods Safety Guidance Note – Storage of explosives.

State mining legislation

- (i) Where a planning proposal may be negatively impacted by a BRM mining operation undertaken through the *Mining Act 1978*, the planning decision-maker should seek advice from DMIRS regarding the risk and acceptability of potential offsite impacts.