



Peel Region Scheme

Strategic Minerals and Basic Raw Materials Resource Policy



WESTERN AUSTRALIAN
PLANNING COMMISSION

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1.0 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 for local construction, road building and agriculture.

1.2 The *State Planning Strategy* (WAPC, 1997) recommends mineral resources and basic raw materials should be protected 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 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.

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

- i) facilitate the extraction of resources; and
- ii) minimise the impact of extraction on surrounding land uses.

2.0 Background

2.1 The Strategic Minerals and Basic Raw Materials Resource Policy Areas are shown on Figure 1. The mapping and methodology used to define these Policy Areas are set out in the report *Strategic Resource Areas for the Peel Region Scheme* (WAPC, 1999).

2.2 The Policy Areas along Old Coast Road in Lake Clifton contain known limestone resources. All of the other Policy Areas contain known mineral sands resources. This policy applies to all of the Policy Areas, whether they contain limestone or mineral sands resources.

2.3 This policy applies to the management of land use and development to ensure that the present and future extraction of basic raw materials and mineral resources is not prejudiced.

2.4 In the context of this policy:

"Basic raw materials" means naturally occurring materials suitable for construction and agricultural purposes including but not necessarily restricted to sand, limesand, limestone, clay, gravel and hard rock.

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

Other definitions and terms used in this policy are contained in Appendix 1.

2.5 This policy should be read in conjunction with:

- i) Statement of Planning Policy No. 10 - Basic Raw Materials;
- ii) The Memorandum of Understanding, dated September 1998, regarding the consultation arrangements between the

- WAPC, Department for Planning and Infrastructure and the Department of Mineral and Petroleum Resources (DMPR);
- iii) Statement of Planning Policy No. 4 - State Industrial Buffer Policy;
 - iv) Statement of Planning Policy No. 2 - The Peel-Harvey Coastal Plain Catchment;
 - v) Peel Region Scheme Strategic Agricultural Resource Policy;
 - vi) Statement of Planning Policy No. 11 - Agricultural and Rural Land Use Planning Policy; and
 - vii) Subdivision of Rural Land Policy (DC 3.4).

3.0 Application

3.1 This policy applies to the Peel Region Scheme and amendments, local government town planning schemes and scheme amendments, and in the consideration of subdivision and development applications within the Peel Region Scheme area. More specifically, this policy applies to :

- i) land within the Policy Areas shown on Figure 1; and
- ii) land adjacent or in close proximity (generally 500 metres or less) to the Policy Areas shown on Figure 1, where the WAPC or the local government is of the opinion that the type or form of proposed land use or development would potentially be incompatible with or sensitive to mining activities or to extraction of basic raw materials within the Policy Areas, or vice versa.

4.0 Objectives

- 4.1** To identify land within the Peel 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 from being sterilised by 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 rehabilitation and, where appropriate, restoration of mining and extraction sites in a way which is consistent with the orderly and proper long-term use of the land.
- 4.5** To ensure considerations relating to the mining of mineral resources and extraction of basic raw materials of State and regional significance are taken into account in preparing amendments to the Peel Region Scheme, local government town planning schemes and scheme amendments, and in assessing subdivision and development applications.

5.0 Policy Statement

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



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

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

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 shall not prohibit mineral exploration, extraction of basic raw materials or mining of mineral resources within the Policy Areas. Where land within the Policy 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 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 or in close proximity to the Policy Areas where, following detailed investigations and consultations with the Department of Environmental Protection, the DMPR 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 Policy Areas. The acceptability of any proposed rezoning, subdivision or development within, adjacent or in close proximity to, the Policy Areas will be determined having regard to:

- i) advice received from DMPR in relation to the matters referred to in Clauses 6.1 and 7.3 of this policy; and
- ii) any other planning or environmental considerations, including policies of the WAPC and policies adopted by local governments under their town planning schemes.

5.8 In determining the acceptability of any proposed use or development of land within, adjacent or in close proximity to the Policy Areas, regard will also be given to advice received from the DMPR 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).

5.9 The extraction areas indicated on Figure 1 are subject to the provisions of Statement of Planning Policy No. 10 - Basic Raw Materials.

5.10 If the policy is inconsistent with Statement of Planning Policy No. 10 - Basic Raw Materials (SPP No. 10), then SPP No. 10 prevails over the policy to the extent of any inconsistency.

6.0 Buffer Areas

6.1 The WAPC, local governments, the DMPR and the Department of Environmental Protection, when preparing, making decisions or providing advice on town planning schemes and scheme amendments, or when determining subdivision or development applications, shall determine buffer areas between existing or future extractive or mining operations and incompatible land uses, based on the following principles:

- i) recommended buffer areas between particular extractive and mining operations and other land uses contained in relevant scientifically based studies;
- ii) environmentally acceptable standards for noise, dust, odour and light spill (for example, noise limits required under the Environmental Protection (Noise) Regulations 1997);
- iii) the ability of a mining or extractive industry operator to achieve and adhere to performance standards and best practice management for the mining industry that are applicable to buffer area requirements;
- iv) current or proposed mechanisms to ameliorate off-site impacts (for example, construction of bunds and/or provision of screen planting);
- v) the nature or scale of any land use, subdivision or development proposals;
- vi) the nature, scale or timing of any current or future extractive or mining operations;
- vii) available mechanisms to secure land or restrict further development within potentially affected areas;
- viii) local topography and climate conditions;
- ix) existing or future settlement patterns; and
- x) the cultural, environmental or heritage significance of any place or area that is of relevance in the determination of buffer areas.

7.0 Referral and Applications

7.1 The WAPC and relevant local governments, when preparing amendments to the Peel Region Scheme, town planning schemes and scheme amendments that include land partly or wholly within, or adjacent to the Policy Areas, shall consult the DMPR and have due regard to its advice and recommendations.

7.2 The WAPC, prior to determining subdivision and development applications on land within, adjacent, or in close proximity to the Policy Areas, shall consult and have due regard to the advice and recommendations of the DMPR, except where the DMPR has agreed that particular types of development in specific areas do not require referral.

7.3 In providing advice on town planning schemes, scheme amendments, subdivision and development applications the DMPR shall 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 of the planning proposal on current or future mining or extractive operations;



- iii) measures which can be taken to ameliorate the potential impacts of 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 or basic raw materials to the State economy and regional and international markets.

8.0 Implementation

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

- i) administration of the Peel Region Scheme;
- ii) 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
- iii) subdivision and development control processes.

8.2 The Policy Areas shown on 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.

8.3 The WAPC will, after this policy has been in operation for a period of five full years, or sooner if appropriate, undertake a review of this policy and, if necessary, amend it.

Appendix 1

Definitions

"D" means the symbol used in zoning tables in local government town planning schemes to indicate the particular types of land uses that may be permitted by local government, provided a planning application has been submitted. Local government may use its discretion to approve or refuse the application.

"Environmental Protection (Noise) Regulations 1997" means the Environmental Protection (Noise) Regulations 1997 made pursuant to Section 123 of the *Environmental Protection Act, 1986*.

"Extraction area" means an extraction area indicated on the Resources Protection Map which forms part of Statement of Planning Policy No. 10 - Basic Raw Materials.

"Industry - extractive" means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry - mining.

"Industry - mining" means land used commercially to extract minerals from the land.

"Local government" shall have the same meaning as given to the term in and for the purposes of the *Local Government Act 1995*.

"Peel Region Scheme - Strategic Agricultural Resource Policy" means the Peel Region Scheme Strategic Agricultural Resource Policy adopted by the Western Australian Planning Commission in July 2002.

"S" means the symbol used in zoning tables in local government town planning schemes indicating the particular types of land uses that may be permitted by local government, provided a planning application has been submitted and the Council has given notice to the public of the application. Local government may use its discretion to approve or refuse the application.

"State Planning Framework" means the Statement of Planning Policy No. 8 made under Section 5AA of the *Town Planning and Development Act, 1928 (as amended)* which sets out the State planning policies, strategies and guidelines of the State which apply to land use planning and development in Western Australia.

"State Planning Strategy" means the *State Planning Strategy* published by the WAPC, December 1997.

"Strategic Resource Areas for the Peel Region Scheme" means the report *Strategic Resource Areas for the Peel Region Scheme* prepared by Landvision (Land Use Planning and Development Consultants) for the WAPC, in March 1999.