

52.09

22/08/2014
VC118

STONE EXTRACTION AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose

To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.

52.09-1

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Application

These provisions apply to planning permit applications for:

- The use and development of land for stone extraction.
- The use and development of land within an extractive industry interest area.
- The use and development of land within 500 metres of stone extraction.

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Permit exemptions for stone extraction

A permit to use and develop land for stone extraction will not be required if the conditions in the table to Clause 52.08-1 are met.

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Application requirements

An application to use and develop land for stone extraction must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*.
- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*.
- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*.

These requirements do not apply to an application to use and develop land for stone extraction which is exempt from:

- The requirement to obtain a work plan under Section 77G of the *Mineral Resources (Sustainable Development) Act 1990*, or
- The provisions of the *Mineral Resources (Sustainable Development) Act 1990* under Section 5AA of that Act.

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Referral Requirements

Before deciding on any applications to use and develop land for stone extraction the Responsible Authority must refer the application to the referral authorities specified under Section 55 of the *Planning and Environment Act 1987*.

Unless the referral authority is the Roads Corporation, the referral requirements of Clause 52.09-4 do not apply to an application to use and develop land for stone extraction if a copy

of the work plan or a variation to an approved work plan was previously referred to the referral authority listed in Clause 66 under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

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Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, responsible authority must consider, as appropriate:

- The effect of the proposed stone extraction on any native flora and fauna on and near the land.
- The impact of the stone extraction operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the stone extraction operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the stone extraction operation to contain any resultant industrial emissions within the boundaries of the subject land in accordance with the Regulations associated with the *Mineral Resources (Sustainable Development) Act 1990* and other relevant regulations.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed stone extraction on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed stone extraction on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement issued under the *Mineral Resources (Sustainable Development) Act 1990*.

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Permit conditions for stone extraction

A permit for the use and development of land for stone extraction must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit for the use and development of land for stone extraction must include conditions which are consistent with the requirements specified in Clause 52.09-7.

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Requirements for the use and development of land for Stone extraction**Boundary setback**

Except with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of the land. This does not apply to driveways, drains, bund walls or landscaping.

Screen planting

Shrubs and trees must be planted and maintained to screen activity on the site to the satisfaction of the responsible authority.

Parking areas

Parking areas must be provided for employees' cars and all vehicles used on the site to the satisfaction of the responsible authority.

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Notice of an application

Notice of the kinds of application listed below must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05:

- An application to use or subdivide land or construct a building for Accommodation, Child care centre, Education centre or Hospital:
 - Within an Extractive Industry Interest Area.
 - On land which is within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.
- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

These requirements do not apply to an extension to buildings or works.