

NORTH BURNETT REGIONAL COUNCIL

Planning Scheme

Extractive industry

Info Sheet

This info sheet summarises the planning scheme assessment benchmarks for proposed extractive industries and introduces some other matters that an intending applicant or operator should consider.

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UNDERSTANDING EXTRACTIVE INDUSTRIES

The North Burnett Regional Planning Scheme sets out Council's assessment benchmarks for extractive industries.

What does 'extractive industry' mean?

The planning scheme defines 'Extractive industry; as—

Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.

The planning scheme also defines 'Extractive resources' as—

Naturally-occurring deposits of clay, gravel, sand, rock, soil, and turf, other than minerals under the Mineral Resources Act 1989, extracted for use in construction.

Some examples of extractive industries include—

- a hard rock quarry;
- extracting sand and gravel from a creek bed;
- crushing, screening and washing gravel;
- a turf farm.

Mining is not an extractive industry

The *Mineral Resources Act 1989* and *Petroleum and Gas (Production and Safety) Act 2004* regulates mining activity. Consequently it is not a matter in which the Council or its planning scheme has any jurisdiction.

APPROVALS

Is approval required?

Starting a new extractive industry, materially increasing the scale or intensity of an existing extractive industry, or recommencing an abandoned one is assessable development. It is necessary to lodge a development application with Council and obtain approval before commencing the use.

An extractive industry requires impact assessment in most circumstances—meaning that the application must undergo public notification. The one exception to this is when a site is in a *key resource and processing area* or *local resource and processing area*—only code assessment is then required. These resource and processing areas are shown on the planning scheme overlay maps Extractive Resources and Mining (OM-ER-01 to OM-ER-08).

Environmentally relevant activity

Prescribed environmentally relevant activities require an Environmental Authority (EA), a Queensland Government approval, before commencing. Obtaining an EA is a separate approval process to the development application under the planning scheme. (Extractive industry is ERA 16 under the *Environmental Protection Regulation 2008*.)

You should obtain advice from the Queensland Department of Environment and Heritage Protection.

Crushing and screening

Crushing or screening more than 5000 tonnes per annum is an environmentally relevant activity if carried out separately to the extraction. If crushing and screening is part of the operation of an extractive industry it is included in ERA 16, otherwise it is ERA 33.

You should obtain advice from the Queensland Department of Environment and Heritage Protection.

Do I still need an approval for a small operation?

The planning scheme does not distinguish between small or large operations. A development approval for a material change of use under the planning scheme would still be necessary even if extracting less than 5000 tonnes per annum. This is despite not requiring an approval under the *Environmental Protection Act 1994*.

Extensions to an extractive industry

Since extractive industries have required Council planning approval since at least the 1980s, any proposed extension or intensification would need to demonstrate that—

- the use commenced lawfully, and
- has continued to operate lawfully and had not been abandoned.

Here are some examples of where an approval would be required in relation to a current operation—

- expanding onto an adjoining lot
- a material increase in the production levels
- a material change in the way the use operates, such as commencing blasting, crushing, or screening.

Extracting for roadworks

A development approval will be necessary even if the material is to be used for road construction, whether on a State-controlled road or a local government road. Schedule 6 section 9 of the *Planning Regulation 2017* makes an exemption for operational work for ancillary works and encroachments (includes excavating, crushing and screening road construction material) authorised under the *Transport Infrastructure Act 1994* section 50.

Similar exemptions apply in relation to ERA aspects—

- extracting from a road reserve for roadworks
- when the extraction occurs at the place for constructing a road or railway there.

(See ERA 16 in the *Environmental Protection Regulation 2008*.)

Vegetation clearing referral

Vegetation clearing may require referral to the State Assessment and Referral Agency (SARA).

State transport referral

An extractive industry with an annual throughput of 10,000 tonnes or more requires referral to the State Assessment and Referral Agency (SARA) due to its potential impact on State transport infrastructure. The State may require the Council to refuse the application or impose conditions on an approval if there are significant impacts.



Assessment against the planning scheme

The Extractive industry code (section 9.3.3 of the planning scheme) contains the core assessment benchmarks Council would use to assess an application for extractive industry. The main objectives of the code are to—

- avoid or mitigate adverse environmental, public safety or amenity impacts;
- incorporate adequate separation areas;
- have appropriate haul routes;
- emissions such as noise, air, water, wastes avoid environmental harm;
- incorporate progressive rehabilitation of disturbed areas.

Here are some of the performance outcomes that an extractive industry should meet—

- ◇ efficient extraction with least environmental impact;
- ◇ protection of the natural environment;
- ◇ adequate buffering;
- ◇ public safety;
- ◇ appropriate access and transport routes;
- ◇ acceptable standard of visual amenity;
- ◇ an appealing and functional landscape form afterwards;
- ◇ buffering for noise, dust and visual impacts;
- ◇ safe operations;
- ◇ avoid adverse affect on groundwater and surface water;
- ◇ noise impacts do not affect amenity;
- ◇ rehabilitation done progressively to management plan;
- ◇ rehabilitation allows for suitable use afterwards.

THE APPLICATION

The development application should include the following—

- Form 1
- supporting information and material
- Council's lodgement fee.

Supporting material

The application should include the following—

- **plans and drawings**—site plan showing existing and proposed activities, buildings, works, plant, equipment, buffering, staging, parking, driveways; elevations of any proposed buildings;
- **description of the proposed operation**—including the machinery, number of employees, whether blasting or screening, methods of suppressing noise and dust etc
- **traffic impacts**—a description of the potential or likely traffic impacts (existing situation, number of likely vehicles, haul routes, and implications for safety and pavement life)—traffic impact assessment and other reports may be required;
- **other impacts**—a description of the environmental effects of the proposed development, such as on water courses, air quality, acoustic environment, and visual amenity.



Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

Encouraging economic development

The North Burnett Regional Council is a small rural local government but it is big on facilitating good economic development. That is why the planning scheme seeks to enable business growth and expansion while simultaneously creating and protecting the appeal of living in a *naturally beautiful* area. While the Council can encourage or enable good development projects it is up to locals to see opportunities and then to take the initiative.

Make contact with Council's Development Services staff to find out how to streamline your next development project.

Contact Us

Give us a call for more information about the planning scheme and making an application.

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