

Extractive Industries

North Burnett Regional Council
Planning Scheme



UNDERSTANDING EXTRACTIVE INDUSTRIES

WHAT DOES 'EXTRACTIVE INDUSTRY' MEAN?

extractive industry means the use of premises for—
(a) extracting or processing extractive resources; and
(b) any related activities, including, for example transporting the resources to market

REGULATED DEFINITION

extractive resources means 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—

- hard rock quarry;
- extracting sand or gravel from a hill or 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* regulate mining activity. Consequently, it is not a matter in which the Council or its planning scheme has any jurisdiction.

This Information Sheet summarises the planning scheme assessment benchmarks for proposed extractive industries and introduces some matters an intending applicant/operator should consider.

LOOK AT WHAT'S INSIDE:

What is an extractive industry?

When is approval required?

What's an ERA?

Extracting for roadworks

Referrals

The application





APPROVALS

IS APPROVAL REQUIRED?

Starting a new extractive industry, materially increasing the scale and intensity of an extractive industry, or recommencing an abandoned use 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. Please refer to the planning scheme overlay maps Extractive Resources and Mining (OM-ER-01 to OM-ER-08) to identify these areas.

ENVIRONMENTALLY RELEVANT ACTIVITY (ERA)

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 2019*).

Further information and advice should be obtained from the Queensland Department of Environment and Science regarding ERA's.

CRUSHING AND SCREENING

Crushing or screening more than 5000 tonnes per annum is an ERA 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 an ERA 33.

Further information and advice should be obtained from the Queensland Department of Environment and Science in relation to this.

DO I STILL NEED 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.

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 used for road construction, whether on a State-controlled road or a local government road. Schedule 9 of the *Planning Regulation 2017* makes an exemption for operational work for ancillary works and encroachments (including excavating, crushing and screening road construction material) authorised under the *Transport Infrastructure Act 1994* s50. Similar exemptions apply in relation to ERA aspects, including—

- 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 2019*).

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.



THE APPLICATION

The development application should include—

- Form 1
- Supporting information and material
- Council's lodgment 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.

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.



ASSESSMENT AGAINST THE PLANNING SCHEME

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

- efficient extraction with the 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, 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 doe the suitable use afterwards.

OTHER INFORMATION SHEETS

- assessable development
- defined uses
- making an application
- overlays

FACILITATING GOOD ECONOMIC DEVELOPMENT

We have a long and proud history of development, prosperity and resilience. With readiness we also face challenges including distance, drought, flood and connectivity. Always receptive to new technology and new ideas, as the digital revolution continues to disrupt and expand economies around the world, North Burnett is gearing up to make the most of emerging opportunities.

The Council is committed to drive ongoing economic growth and innovation in North Burnett. North Burnett Regional Council aims to be an innovation leader – a destination for business, investment and skills.

Contact Us

Call us for more information about the planning scheme and making an application.



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