

EXTRACTIVE INDUSTRIES FACT SHEET

This fact sheet has been prepared to assist with understanding the local government's requirements for extractive industry proposals in the Banana Shire. This fact sheet applies to minor quarry operations as well as larger proposals.

Definitions

Generally, activities involving extraction and processing of sand, gravel, clay, soil, rock and the like are defined as 'extractive industry'. The term 'extractive industry' is defined separately in both the Banana Shire Planning Scheme 2005 and the Taroom Shire Planning Scheme 2006. The definitions for each planning scheme are detailed below.

The Banana Shire Planning Scheme 2005 – **'Extractive industry'** means the use of premises for the extraction and processing of extractive resources to produce extractive materials and includes ancillary activities such as storage, loading, transport, administration and maintenance facilities. The term includes the importation onto the premises of other materials to be used as additives for blending with the extractive materials to modify products to achieve material specifications or to bind, stabilise or correct products.

Taroom Shire Planning Scheme 2006 – **'Extractive industry'** means "Premises" used for mining or an industrial activity involving:

- (1) the extraction of sand, gravel, clay, soil, rock, stone or any similar substance from land, whether or not any overburden is also extracted;
- (2) the rehabilitation of the land, and
- (3) the treatment including crushing or screening of that substance on, or on land abutting, the land from which that substance is extracted.

Material Change of Use

The start of a new 'extractive industry', the re-establishment of an abandoned extractive industry or an increase in the extraction area or volumes for an existing extractive industry use constitute a material change of use as defined under the *Sustainable Planning Act 2009*.

Is a Development Application required?

Extractive Industry proposals located in the Rural Zone are made impact assessable through the Banana and Taroom Planning Schemes. This means that a development application must be lodged and approved by Council prior to the commencement of the extractive industry use.

Environmentally Relevant Activities (ERA)

Environmentally Relevant Activities are generally industrial activities but can also include some agricultural activities.

Proposing an 'extractive industry' for which volumes greater than 5,000 tonnes will be extracted is defined as an Environmentally Relevant Activity (ERA).

What is a Concurrence ERA?

Prescribed ERAs are set out under Schedule 2 of the Environmental Protection Regulation 2008. The prescribed ERAs marked with a 'C', are known as concurrence ERAs, for example ERA 16 – Extractive and screening activities, and are dependent on the quantity of material extracted (thresholds).

A concurrence ERA requires a development application for a material change of use.

Prescribed ERAs – Extractive Activities

Threshold	ERA
Extracting, other than by dredging, in a year, the following quantity of material –	
(a) 5,000t to 100,000t	
(b) more than 100,000t but not more than 1,000,000t	C
(c) more than 1,000,000t	C

Environmental Authority

In Queensland, you need to apply for an Environmental Authority (EA) to perform an environmentally relevant activity (ERA). This is a separate process to a development application through Council. It is recommended that you contact the Department of Environment and Heritage Protection to determine the requirements for the EA component of your proposal. There will be separate processing fees for this agency as well as requirements for more detailed plans and reports.

Other types of development

Vegetation clearing

Clearing vegetation may require additional operational works applications and approval from Council and/or may trigger referral to the State Assessment and Referral Agency (SARA).

Screening and crushing

Screening and crushing are often associated with an extractive industry. When applying for an ERA for an extractive industry (ERA 16), this also includes the screening component of an operation. Screening includes washing, crushing, grinding, milling, sizing or separating material.

Common questions

What if the volume extracted is less than 5,000 tonnes per annum?

The volume of material proposed to be extracted will not affect the requirement to obtain a development permit for an extractive industry use under the Banana Shire or Taroom Shire Planning Scheme. All extractive industry that fits the description within the definitions, regardless of the amount extracted will require a development permit.

Extracting less than 5,000 tonnes per annum only removes the requirement under State legislation for an Environmental Authority which is a separate process under the *Environmental Protection Act 1994*.

What if the extractive industry is existing?

Planning approvals for extractive industry uses have been a requirement in both the former Taroom and former Banana Shire local government areas since at least the 1970s. The applicant will need to provide evidence if claiming an existing use right. In general, existing lawful uses are able to continue operating provided the use has not been abandoned or changed in a way that would trigger a material change of use i.e. increase in volume or area extracted.

What if it's linked to road construction?

An application for a material change of use will still be required even if the material is being removed for road construction for local government roads.

If I do not need an Environmental Authority do I still need an MCU application?

Yes, extracting less than 5,000 tonnes per annum only removes the requirement under State legislation for an Environmental Authority which is a separate process under the *Environmental Protection Act 1994*.

Making and lodging an application

Making an application

A well prepared application will consist of the following information:

- IDAS Form 1- Application details & IDAS Form 5 - Material change of use assessable against a planning scheme.
- The application fee. Please see Council's Fees and Charges 2014/2015.
- Mandatory supporting information & material (site plans, access locations, haul route, transport movements and site based management plans

Haul Routes

Extractive industry proposals will generally require examination of the potential impacts of haul trucks movements within the Shire. Council may request a Traffic Impact Assessment and other reports where haulage has an impact on Shire roads and residents adjoining haul routes.

Lodging an application with Council

Extractive Industries proposed in the Rural Zone are made impact assessable through the Banana and Taroom planning schemes. This means that a development application must be lodged and approved by Council prior to the commencement of the extractive industry use.

Referral Agencies

Your application may require referral to the State Assessment and Referral Agency (SARA). This will depend on the location of the proposal and additional aspects of the development (i.e. vegetation clearing, extraction volumes, proximity to Main Roads).

Getting advice

Readers are encouraged to contact Council and the relevant State agencies with accurate property information (real property description) or seek independent advice about the approvals process and preparation of a development application.

Department of Environment and Heritage Protection

Licensing and Permits
1300 130 372

Department of State Development, Infrastructure and Planning

Rockhampton Office
Visit: Level 3, 130 Victoria Parade,
Rockhampton
Post: PO Box 113, Rockhampton Qld 4700
Tel: 07 4938 6535

Disclaimer

The information in this factsheet is issued as a general guide intended to focus on the requirement to lodge a development application and the subsequent process for applying for a development approval. It should not be construed as a legal opinion about the matter or preliminary consent to carry out development under the *Sustainable Planning Act 2009*. The property you wish to develop may not be conducive to the type of development proposed or involve matters that are beyond the scope of this factsheet. Readers are encouraged to contact Council with accurate property information or seek independent advice about all planning and development related matters and the information contained in this document.

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