

3 February 2023
Shire of Capel
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Via email to: info@capel.wa.gov.au

SUBJECT: Shire of Capel Draft Local Planning Policy LPP6.2 Extractive Industries

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to provide comments to the Shire of Capel on the Draft Local Planning Policy LPP6.2 Extractive Industries.

CCAA is the peak industry body for the heavy construction materials industry in Australia including the cement, pre-mixed concrete and extractive industries. Our members operate cement distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout Western Australia. For your information, a list of CCAA members in Western Australia is provided in Appendix 1.

CCAA strongly supports efforts by Local Government to deliver a more flexible, responsive, consistent, streamlined, and contemporary planning system that enables a sustainable industry that can deliver the affordable supply of basic raw materials, building Western Australia's economy and creating jobs.

CCAA makes the following comments on the draft LPP 6.2:

Concrete and aggregates are essential to construction

- Concrete is the world's most widely used architectural medium, owing to its incredible versatility. As a building material it has a unique ability to be shaped and sculpted into anything from roads and footpaths to art sculptures, residential homes and skyscrapers.
- The heavy construction materials industry produces concrete and its constituent parts; sand, aggregate (crushed rock) and cement. The reliable and cost-effective supply to these markets is fundamental to sustainable growth.
- CCAA **recommends** that this Policy recognises that extractive industry is an essential local industry, supporting local jobs, on local projects in their local communities.

Concrete and aggregates are essential construction materials:

- Every Australian needs 8 tonnes per year of stone, sand and gravel to build the roads, houses and other infrastructure a modern economy relies on
- Every West Australian needs 3 tonnes of concrete per year to build the cities, towns and roads they rely on
- High rise buildings use up to 1,000 tonnes of aggregate per floor
- Highways use up to 14,000 tonnes of aggregate per kilometre
- An average new home uses 110 tonnes of aggregate and 50 m³ of concrete

Local Supply Meeting Future Demand

- The strategic significance of quality, local basic raw material (BRM) resources such as hard rock, sand, gravel limestone and clay becomes even more important when considered in the context of the existing and projected population growth targets outlined by State

Government for Bunbury Geographe. Growth targets up to 150,000 people (up from 80,000 people in 2011) were identified under the Greater Bunbury Strategy (2013) prepared by the Western Australian Planning Commission.

- Population scenarios have further increased in the Draft Sub-Regional Planning Strategy which anticipates aspirational targets of between 200,000 to 300,000 people to assist in decentralisation strategies from the Perth and Peel Regions. To accommodate these growth targets, production of significant quantities of well-located, affordable and accessible BRM will be essential.
- CCAA also notes the Shire's support for strategic BRM in its report to Council of 18 December 2019. The report reaffirms that it is the responsibility of all levels of Government to ensure that strategic economic resources are preserved for future generations.

Sustainable development

- The Policy should not just focus on the potential environmental impact of the proposed operation but in recognition of modern regulatory frameworks, consider the proposal in a triple bottom line, sustainable development framework, considering the economic, environmental, and social aspects of the proposal.
- CCAA **recommends** that the Introduction and Purpose to the Policy reference the economic benefit of the local supply of BRM to the economy of the Shire of Capel and surrounding areas, supplying critical materials for our daily lives. Note that current and future generations must continue to have access to the BRM needed to affordably build homes, hospitals, schools, roads and other infrastructure, including local council buildings and roads.
- Note that the Shire of Capel itself is a significant customer of BRMs and benefits from an affordable local supply, given the potentially significant transport costs incurred when sourcing BRM from distant quarries.
- CCAA **recommends** that an additional objective is added - To recognise and protect Basic Raw Materials and the operation of existing Extractive Industries to ensure the continuation of a sustainable supply of materials for the benefit of the local broader community and South West Region.

State Planning Policy

- The draft Policy must be consistent and use similar terminology to State Planning Policy 2.4 Planning for Basic Raw Materials. SPP 2.4 is the overarching Policy issued under the *Planning and Development Act 2005* which sits above a Policy issued under the *Local Government Act 1995*. For example, the term 'minimise or mitigate any adverse impact', as per SPP 2.4 should be used rather than many of the existing subjective and hard to define terms in the draft Policy.
- In addition, to align with State Planning Policies, the draft Policy must also recognise the importance of protecting, extracting and processing of BRM resources and not just provide provisions relating to the assessment of Development Approvals.
- Reference should be made to the importance of Significant Geological Supply (SGS) areas as outlined in SPP 2.4.
- Without consistency of policy, the subservient policy will not have the desired status during planning decision making.

Rehabilitation

- The draft Policy infers that quarries will only be rehabilitated to agricultural land or revegetated with native vegetation.
- The policy should be worded so as not to prefer these end land uses but also allow for innovative land uses that can be developed over the life of the operation which may not be defined in any real detail at the start of the operation. There are many extractive industries that have been developed to industrial or even urban land across the state as part of the desirable sequential land use planning.
- CCAA prefers to use the term 'repurposed' for post quarrying land use.
- This implies that quarrying is just a temporary land use as part of an ongoing sequential land use process and that post quarrying land use can be a whole range of uses. For example see the Victorian Government's quarry repurposing document [New Lives for Old Quarries](#).
- CCAA **recommends** that Purpose Point 4 is rephrased so as not indicate a bias towards agriculture or native vegetation end land use but allow for innovation and repurposing at the end of a quarry's life.

AD 1.1.2 Hours of Operation

- Hours of operation should be based upon the site-specific circumstances regarding the location of the quarry and the nature of its operations and how the quarry meets the required noise, traffic, etc requirements.
- The needs and consideration of the community should be catered for under the hours of operation. For example, in sensitive or high traffic situations it is often required for quarry materials to be supplied or construction works to be conducted outside peak traffic flow times to improve the safety of road users and reduce community impacts. An example of this could be the supply of sealing aggregates during night works for a high use road.
- The existing generic clause prescribing operating hours does not accommodate the variations that apply in respect to the breadth of Extractive Industry operations or the variable time of required supply to the construction sector. Provisions for some flexibility of hours of operation both on a permanent and temporary basis is required.

AD1.1.4.1 Extraction of material occurs from only one site per property at any one time.

- This condition is too prescriptive, extraction should be as per approved plan with operational aspects such as noise, dust etc adequately dealt with. Conditions should be focused on outcomes rather than limited by an arbitrary prescriptive condition.
- For example, on a number of sites within the South West Region there are two resources being extracted concurrently, such as gravel and sand, gravel and hard rock, two types of hard rock or yellow and white sand. The concurrent taking of two basic raw materials is not precluded by other policies such as SPP 2.4 under which the proposed policy will sit.
- Conditions should therefore be focused on outcomes and management rather than limited by an arbitrary prescriptive and generic condition.

PC 1.2 Environmental

- Extractive Industries are required to seek works approval and licencing from DWER under the *Environmental Protection Act Part (V)* where crushing, screening and washing is to take place, and under the Environmental Protection Clearing Regulations where native vegetation is

required to be removed, which takes into account those environmental aspects included in Element 1.2 of the draft Policy.

- DWER are resourced with the relevant experts who can conduct an assessment with a degree of industry knowledge and scientific expertise.
- It is not clear on what basis the Shire seeks to include these provisions as part of the planning assessment where this is already undertaken as part of the State led licensing and/or works approval component.
- It is however normal that the environmental material that forms part of the licencing application would be provided for the Shire's information as part of the planning approval to satisfy the Shire's requirement that environmental issues have been appropriately addressed.
- CCAA **recommends** that only complimentary conditions are placed on the Shire's planning and DWER works approval documents.

ADS 1.2.2 Dieback

- Reference should be made to the more recent *Best Practice [Guidelines for the Management of Phytophthora Dieback in the Basic Raw Materials Industries, 2021 - Dieback Management Group](#)*.

ADS 1.2.3 Water table

- DWER Water Quality Protection Note *WQPN 15 Basic raw materials extraction* enables separation of the operation to the water table down to 0.3 metres in rural land. Land to be used for urban or other uses normally requires a final separation of 2 metres. In Groundwater Protection Areas the separation distance can be 3 metres in State Government Policy. Reference should be made to Government policies on this issue rather than having an arbitrary, fixed number applicable in all situations.

AD1.2.4 Batter slopes

- The proposed batter slopes are too prescriptive and potentially limit resource recovery. The proposed batter slopes standards do not apply to hard rock which are likely to have steeper, stable batters than typical sand and gravel excavations. Further, not all end uses will be for agricultural purposes or for conservation/native vegetation.
- Reference should be made to the 2019 Department of Mines, Industry Regulations & Safety *Code of Practice: Ground Control for Western Australian Mining Operations* and similar documents available [here](#).

AD 1.2.5 Appendix 1 of this Policy

- Appendix 1 is not included in this Policy.
- CCAA can not provide any comment with respect to the Environmental Management Plan requirements at this stage.
- CCAA **recommends** that Appendix 1 is provided for public comment and the Policy is not finalised until this public comment is considered and incorporated into the final Policy document.

PC 1.3 Buffers

- The Policy should reference SPP 4.1 Industrial Interface (2022) rather than the outdated SPP 4.1 State Industrial Buffer Policy

- Buffer distances for each of the quarrying types should be the same as the *EPA Note Guidance 3 Separation Distances Between Industrial and Sensitive Land Uses*.
 - Quarry (no blasting) buffer distance should be 300 – 500m.
 - Sand and limestone extraction should be 300 – 500m.
- The EPA Separation Guidelines are generic and apply “to provide general guidance on separation distances in the absence of site- specific technical studies, or, where only an estimation of the area that could be subject to land use conflicts is required. The draft Policy should be consistent with the intention and provisions of the EPA Guidance.
- CCAA recommends that wording “requires a buffer distance of ...” is not consistent with the EPA Guidance and should be changed to “requires a generic buffer separation of”
- The intention of *EPA Note Guidance 3 Separation Distances Between Industrial and Sensitive Land Uses* was to protect strategic basic raw material resources, like SPP 2.4 and other planning policies. Reference to buffers should be broadened in the scope of the draft Policy to ensure that appropriate planning protection is provided to existing operations and Significant Geological Supply areas by preventing the encroachment of incompatible land uses within buffers adjacent to these operations or strategic resources.

PC 1.4 Visual Impact

- Visual impact can be a contentious, problematic, subjective issue making it difficult for regulator and proponent to have a common understanding of what compliance looks like. To minimise confusion, CCAA **recommends** the following:
- Clause PC 1.4 is reworded to ‘Development does not cause an unwarranted negative impact on the surrounding visual amenity’.
- Clause AD 1.4.1 is reworded to ‘Development is to minimise impacts to visual amenity when viewed from major travel and tourist routes’.
- Existing approvals must not be prejudiced by the development of new major travel and tourist routes, subdivisions or dwellings that provide a new perspective on the visual amenity of an existing operation.

PC 1.5 Transport

- Traffic impacts of a proposal should be assessed against a Traffic Impact Assessment (TIA) report developed by the proponent.
- Reference should be made to the 2016 Western Australian Planning Commission (WAPC) *Transport Impact Assessment Guidelines* that have been prepared to assist land use planners and transport planning professionals to undertake and assess transport impact assessments of land use development proposals.
- Council should note that strategic geological resources may be limited in occurrence and not necessarily located adjacent to the existing RAV network. This should not make one proposal more or less acceptable but rather the proposal should be assessed against the traffic management aspects outlined in the TIA.
- Proponent contributions to road maintenance must not be mandatory but as appropriate, considering that vehicles from the proposal are not the only users of these public roads as is the intention under *the Road Traffic Act 1974* under which these provisions arise. The Act has the principle of road damage caused in proportion to any **additional** impacts that arise from the proposal and not all impacts. Any money provided to the local authority should be accounted for and must be spent on the subject section of road.

- Management of dust on public roads must also be as appropriate, recognising that vehicles from the proposal are not the only users of these public roads.

Approval Period

- The proposed length of 5 years for a Development Approval may well be sufficient for some short term and temporary (typically small scale sand or gravel) operations. However, for operations involving significant capital infrastructure, such as hard rock quarries, a longer approval period is required in order to provide sufficient surety for an operator due to the significant investment required and the size of the available resource.
- Recent approvals in WA have recognised that a tenure of at least 20 years for significant hard rock operations is suitable with shorter time frames often overturned by the State Administrative Tribunal. The Tribunal has recognised that the long term basic raw material resource needs to be protected for the life of the resource through the planning process, which is the intention of the State Planning Policies relating to basic raw materials. Shorter time frames may encourage nearby landowners to submit incompatible development applications within the quarry's buffer. This creates potential land use conflicts and unnecessary, costly and time-consuming assessment processes that must be dealt with by the local council, State and State Administrative Tribunal.
- CCAA **recommends** that this clause is either deleted or modified to take into account the significance of the resource.

The CCAA reiterates that certain basic raw materials are in short supply within the South West Region and that the Shire of Capel holds highly significant current and future basic raw material resources that must be protected for use within the local and regional communities. Note that CCAA is participating in the development of the DWER/South West Development Commission's South West Basic Raw Materials Strategy.

Western Australia's regulatory environment needs to be internationally competitive to continue to attract capital to invest into the state to ensure a sustainable and competitive heavy construction materials industry. This in turn facilitates Western Australia's productivity, housing affordability and lower infrastructure costs.

Yours sincerely



ROGER BUCKLEY

State Director Western Australia

APPENDIX 1

CEMENT CONCRETE & AGGREGATES AUSTRALIA

MEMBERSHIP

FOUNDATION MEMBERS

 <p>ADBRI Adbri Limited</p>	 <p>Boral Australia</p>	 <p>Cement Australia Pty Ltd</p>
 <p>Hanson HEIDELBERGCEMENTGroup Hanson Australia Pty Ltd</p>	 <p>Holcim Holcim (Australia) Pty Ltd</p>	

WESTERN AUSTRALIA

ORDINARY MEMBERS

<p>B&J Catalano Pty Ltd Flyash Australia Pty Ltd Fulton Hogan Industries Lime Industries Pty Ltd</p>	<p>Pilatti Bros Transport Ransberg Pty Ltd T/a WA Premix and WA Bluemetal Urban Resources Pty Ltd</p>	
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ASSOCIATE MEMBERS

<p>Concrete Colour Systems Concrete Waterproofing Manufacturing Pty Ltd T/a Xypex Australia</p>	<p>GCP Applied Technologies Sika Australia Pty Ltd Westrac</p>	
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