

**52.09**

13/09/2010  
VC63

**EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS****Purpose**

To ensure that use and development of land for extractive industry 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**

19/01/2006  
VC37

**Application**

These provisions apply to:

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

**52.09-2**

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**Requirements****Cessation of use**

Permits for extractive industry 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.

**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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**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 extractive industry on any native flora and fauna on and near the land.

- The impact of the extractive industry operations on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the extractive industry operation on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the extractive industry 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 extractive industry on groundwater and quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a 'Work Authority' to be issued under the Mineral Resources (Sustainable Development) Act 1990.

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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 which 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.