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## EXTRACTIVE INDUSTRIES – ROAD MAINTENANCE CONTRIBUTION

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<b>Policy Owner:</b>	Planning Department
<b>Person Responsible:</b>	Manager Planning
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<b>Version:</b>	1

### Shire of York Town Planning Scheme No. 2

#### Local Planning Policy No. 9

#### 1. STATEMENT OF INTENT

This policy provides information and guidance on road maintenance contributions applicable to Extractive Industries that are developed on land within the Shire of York. The policy aims to ensure that road maintenance and repair costs to the Shire of York, attributed to vehicle movements from the operations of Extractive Industry, are accordingly borne by the Industry.

This policy, in keeping with the *Road Traffic Act 1974*, clarifies the liability and responsibility for maintenance of Shire of York roads due to heavy and extraordinary traffic.

#### 2. OBJECTIVES

- To ensure those portions of Shire of York controlled roads affected by the activities relating to Extractive Industries are maintained to a minimum acceptable standard at no extra burden of cost to Council.
- To prescribe an annual road maintenance contribution, applicable to all Extractive Industries within the Shire of York, for recovery of expenses towards maintenance and repair of roads due to heavy and/or extraordinary traffic associated with the operation of an Extractive Industry, in keeping with Sections 84 and 85 of the *Road Traffic Act 1974*.
- To ensure that the prescribed road maintenance contribution correlates with activity and usage of the Shire of York road network.

#### 3. INTERPRETATION

Extractive Industry means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining.

*Note: Definition is consistent with that of “Industry – Extractive” under the Shire of York Local Planning Scheme No. 2.*

Road means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

*Note: Definition is consistent with Road Traffic Act 1974.*

License means a license issued under the Shire of York Extractive Industries Local Law (as amended).

Licensee means the person named in the license as the licensee.

#### 4. STATUTORY POWER

This Local Planning Policy has been prepared in accordance with Clause 8.8 of the Shire of York Local Planning Scheme No. 2.

A Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes.

In considering an application for Planning Approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

Extractive industry proposals will need the relevant approvals and comply with the relevant legislation, policies and guidelines of other agencies including the Department of Mines and Petroleum, Environmental Protection Authority, Department of Environment and Conservation, and the Department of Water.

Planning applications may be referred to relevant government authorities or agencies during the assessment process.

#### 5. POLICY STATEMENT

##### Application of Policy

This policy applies to all Extractive Industry operations within the Shire of York.

##### Road Maintenance

Those portions of Shire of York controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of York at the licensee's cost.

To achieve this, the licensee shall pay an annual road maintenance contribution equivalent to an amount specified within the Shire of York's Annual Schedule of Fees and Charges, for expenses incurred by the Shire of York for the repair and maintenance of Council's roads.

The road maintenance contribution shall be based on the estimated tonnage of material to be transported to and from the Extractive Industry site.

The road maintenance contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works to the satisfaction of the Shire of York.

Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations. Thereafter, payment may be made on a quarterly basis.

A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of York by 31st July each year.

The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.

Road maintenance contributions for Extractive Industries within the Shire of York are applicable from the date of effect of this policy.

Note: These provisions are in addition to the requirements of the Shire of York Extractive Industry Local Law as amended. All applications are still required to satisfy the requirements of the Shire of York Extractive Industry Local Law as amended.