

 <p>Serpentine Jarrahdale Shire</p>	<p>DRAFT LOCAL PLANNING POLICY NO. 34 Placement of Fill in Non-Urban Areas</p> <p>DRAFT VERSION: 2 UPDATED: 12 February 2013 FILE: SJ1115 TRIM: E13/709</p>
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1.0 Policy Objectives

The objectives of this Policy are to:

- *Ensure that the filling of land does not adversely impact on the amenity, environment or cultural features of the locality in which it is being undertaken;*
- *Minimise environmental impacts on water resources and vegetation;*
- *Ensure visual impact is minimised on neighbouring properties;*
- *Inform landowners, developers and the community on the important considerations associated with the placement of fill, while improving customer service;*
- *Ensure that applications for the filling of land are detailed in a consistent manner; and*
- *Detail the information requirements to be supplied by applicants at the development application stage.*

2.0 Background

The filling of land and the alteration of land levels falls within the definition of 'development' under the *Planning and Development Act 2005* and, as such, requires the development approval of the Shire under Town Planning Scheme No.2 (TPS2). Notwithstanding, this policy recognises certain exclusions of this policy which are detailed in section 3.0 *Policy Application*.

The following issues will be targeted in this Policy:

- Visual and sensory impacts on surrounding land;
- Potential impact on existing and future planned infrastructure;
- Likely effect on the stability of the land;
- Potential for the fill to alter drainage patterns or flood levels to the detriment of adjoining property owners or natural areas;
- Implications of changing land surface levels and its potential impact on adjoining or nearby property owners (including privacy, views);
- Impact on existing vegetation, particularly mature trees on the land, and the need for remediation and revegetation;
- The nature of the fill material and the potential for that material to contain water, nutrients and contaminated substances, acid sulphate or the potential for dieback infection;
- Geotechnical stability of the filled area;
- Measures taken to prevent erosion and the sedimentation of waterways; and
- Duration of the filling works and associated dust management issues.

This Policy aims to detail the Shire's policy position on the placement of fill, inform the assessment of development applications and provide clarity to landowners, developers and Shire staff.

It is the intent of this policy to ensure that all filling, embankments and sides of excavations shall be permanently stabilised and protected against erosion by wind and water and shall be capable of supporting any reasonable loads that may be exerted upon them from within the site or from any required support to adjoining ground.

3.0 Policy Application

- 3.1 This Policy applies to the filling of land in all zones under TPS2 and adopted structure plans.
- 3.2 The following cases are exempt from the need to acquire planning approval prior to the placement of fill:
- The filling of land associated with the construction of a single house;
 - The filling of land associated with a subdivision approval, which is exempt from the need to obtain development approval under Section 20D of the Act;
 - Fill within 2 metres of the eaves of the house is deemed to form part of the house, unless otherwise noted on the approved building licence application; and
 - Where fill is proposed to be 600mm high from pre-development ground level, extending to 1.5m from the eaves of an outbuilding.

4.0 Status

(a) **Relationship to Town Planning Scheme No.2**

This Policy is a planning policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No.2 (TPS2). Under Clause 9.2 of TPS2 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS2 relating to development applications.

(b) **Relationship to other State Planning/Development Control Policies (SPPs/DCPs)**

This policy has due regard to, and should be read in conjunction with the State Planning Policies. Of particular relevance to this Policy are:

- i) State Planning Policy No.1 – State Planning Framework.
- ii) State Planning Policy No.2 – Environment and Natural Resource
- iii) State Planning Policy No.2.5 – Agricultural and Rural Land Use Planning.

(c) **Relationship to other Local Planning Policies (LPPs)**

This policy has due regard to, and should be read in conjunction with the Shire's entire Local Planning Policy suite. Of particular relevance to this Policy are:

- i) Local Planning Policy No.1 (Local Policy Framework)
- ii) Local Planning Policy No.22 (Water Sensitive Urban Design);
- iii) Local Planning Policy No.18 (Subdivision Clearances); and
- iv) Local Planning Policy No.26 (Biodiversity Planning).

(d) **Other**

This Policy shall also be read in conjunction with the following:

- i. Western Australian Planning Commission's Planning Bulletin No.10 (January 1996) – 'Geotechnical Reports for Subdivisions'.

5.0 Interpretations

The following definitions relate directly to the application of this Policy:

'Placement of Fill' refers to the alteration of the existing land levels.

'Natural Ground Level' means the existing ground level of the land before any filling, excavation or building work has been undertaken.

'Watercourse' means any channel that acts as a conduit for water.

6.0 Delegation

- 6.1 Applications that comply in all respects with this Policy may be dealt with under delegated authority, pursuant to Clause 8.2 of TPS2.

7.0 Policy Statement

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- 7.1 The placement of fill within the Shire will not be permitted unless approved as a development application, unless stated otherwise in this Policy.
- 7.2 The level of information required by the Applicant will be determined by the level of risk associated with each individual fill application, in accordance with the Impact Significance Matrix provided in Schedule 1.
- 7.3 Justification for non-compliance with the Policy (moderate/high risk classifications) will be required upon submission of the development application, in accordance with Schedule 3 of this Policy.
- 7.4 Fill applications will be deemed high risk if any characteristics fall under the 'high impact' column.
- 7.5 Fill applications with a potentially high risk impact significance (in accordance with Schedule 1) will require referral to Council, and potentially additional external Government agencies and adjoining landowners.
- 7.6 Fill applications which do not fully comply with this Policy (moderate/high risk) but provide a rational and justifiable explanation for areas of non-compliance (through appropriate mitigation measures imposed) shall be determined by Council and assessed on individual merit.
- 7.7 Fill applications shall be deemed a moderate risk if one or more of its characteristics falls under the 'moderate impact' column (with no high risk characteristics), and may require referral to Council.
- 7.8 Low impact significance fill applications shall be dealt with under delegated authority, providing they fully comply with TPS2 and this Policy.
- 7.9 The Shire shall generally accept any consolidated, clean, coarse and clay free sand. Building rubble is also acceptable, where:
- It has been crushed prior to installation; and
 - It does not contain any contaminated material (eg. asbestos).
- 7.10 The Shire has a general presumption against filling the land where:
- Fill material is not clean, or comprises waste (including green waste);
 - Fill material that contains acid sulphate or has a potential for acid sulphate content; and/or
 - Fill material contains contaminated material (eg. asbestos) or dieback.
- 7.11 Where land proposed to be subdivided or developed is the subject of suspect fill, peat/clay or where the water table is of concern, the Shire may require a geotechnical report to certify that the land is suitable for the proposed development of the land, and the method of stormwater disposal. Refer to Schedule 2(d) for specific requirements for a geotechnical report.
- 7.12 The implementation and safety involved with the placement of fill shall be the responsibility of the individual Applicant.
- 8.0 Consultation Requirements**
- 8.1 Consultation with adjoining landowners/businesses shall be carried out in accordance with LPP27 Stakeholder Engagement in Land Use Planning.
- 8.2 Applications for filling of land shall be referred to the following Government agencies:
- The Water Corporation where the application involves the filling of or adjacent to a main drain and/or a water service pipeline;
 - The Department of Water and/or the Department of Environment and Conservation for comment where the application:
 - Involves any material other than clean sand; or

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- Involves the filling of any watercourse, wetland or designated flood related overland flow path;
 - Any development within the Peel-Harvey Catchment shall be referred to the Department of Water, Department of Environment and Conservation and Department of Agriculture and Food for comment.
- 8.3 Nothing within this policy shall limit the Shire's ability to seek comment from Government agencies where it sees fit.
- 8.4 Applications will be advertised to adjoining landowners where:
- The application is deemed High Impact, as defined and determined by Schedule 1;
 - The proposed finished level is more than 300mm above the existing ground level;
 - Where the fill is proposed to occur within the setback and is less than that outlined for development; and/or
 - In the opinion of Council, the proposal may significantly alter the drainage patterns of any adjoining property.
- 8.5 Applications shall not be referred across until the information requirements set out in Schedule 2 and 3 of this Policy have been addressed to the satisfaction of the assessing officer.
- 9.0 Implementation**
- 9.1 Implementation of Local Planning Policy No.34 shall be consistent with the attached Schedules and the Serpentine-Jarrahdale Shire Engineering Standards (Specifications).

SCHEDULE 1 – IMPACT SIGNIFICANCE GUIDELINES

Table 1, below, will assist in determining the significance of impacts associated with individual filling of land applications. Please note that this methodology should only be used as a guide and will need to be supported with site specific information.

Table 1: Impact Significance Matrix

Fill Characteristics	Impacts		
	<i>High Impact</i>	<i>Moderate Impact</i>	<i>Low Impact</i>
Nature of Fill	<ul style="list-style-type: none"> ▪ Unclean, suspect fill ▪ Peat/clay ▪ Comprises waste ▪ Contains contaminated material – eg. Asbestos ▪ Contains dieback ▪ Contains acid sulphate soil 	<ul style="list-style-type: none"> ▪ Potentially suspect fill (further tests required) 	<ul style="list-style-type: none"> ▪ Consolidated clean, coarse, clay free sand ▪ No presence of timber or other biodegradable material
Fill Size	<i>(Subject to Land Use Zone and Surrounding Context – assessed at Development Application Stage)</i>		
Fill Location	<i>(Subject to Land Use Zone and Surrounding Context – assessed at Development Application Stage)</i>		
Duration of Filling Works	<ul style="list-style-type: none"> ▪ Exceeds 4 weeks 	<ul style="list-style-type: none"> ▪ 2-4 weeks 	<ul style="list-style-type: none"> ▪ 1-2 weeks
Traffic Movements	<ul style="list-style-type: none"> ▪ Amenity impacts likely to be generated as a result of heavy traffic movements ▪ Large Road Trains being utilised frequently during fill process. 	<ul style="list-style-type: none"> ▪ Traffic movements are likely to be generated, however will generate a moderate impact on surrounding amenity 	<ul style="list-style-type: none"> ▪ Low/No impact on surrounding road network
Vegetation Clearing	<ul style="list-style-type: none"> ▪ High rate of clearing required ▪ No proposed relocation of mature trees ▪ Fill occurs within the dripline of existing vegetation 	<ul style="list-style-type: none"> ▪ Some trees cleared ▪ Removal and relocation of mature trees 	<ul style="list-style-type: none"> ▪ Low rate of clearing required ▪ Retains and protects mature trees ▪ Fill does not occur within the dripline of existing vegetation
Water Resources	<ul style="list-style-type: none"> ▪ High water table ▪ Within 40 metres of a watercourse 	<ul style="list-style-type: none"> ▪ Moderate water table 	<ul style="list-style-type: none"> ▪ Water table is not an issue ▪ No water is redirected into an adjoining property
Amenity Impacts	<ul style="list-style-type: none"> ▪ High visual impact on surrounding land (eg. Traffic movements, landscaping) 	<ul style="list-style-type: none"> ▪ Moderate visual impact on surrounding land 	<ul style="list-style-type: none"> ▪ Low/No visual impact on surrounding land
Sensory Impacts (eg. noise, dust, vibration)	<ul style="list-style-type: none"> ▪ High sensory impacts on adjoining/ surrounding allotments or environment 	<ul style="list-style-type: none"> ▪ Moderate sensory impact on adjoining/ surrounding allotments or environment 	<ul style="list-style-type: none"> ▪ Fill location isolated therefore low/no sensory impacts adjoining or surrounding allotments or environment
Environmental Impacts	<ul style="list-style-type: none"> ▪ Presence of valuable biodiversity features on fill site 	<ul style="list-style-type: none"> ▪ Demonstrated that impacts on environment will be mitigated 	<ul style="list-style-type: none"> ▪ Minimises impacts on surrounding natural environment
Risks to Health & Safety	<ul style="list-style-type: none"> ▪ Dust emissions are a risk to adjacent residents ▪ Fill contains asbestos 	<ul style="list-style-type: none"> ▪ Moderate risks to health and safety of surrounding residents 	<ul style="list-style-type: none"> ▪ Dust is controlled, therefore risks to health and safety are minimal

<p>Cumulative Impacts</p>	<ul style="list-style-type: none"> ▪ Other fill/excavation occurring within close proximity (eg. adjoining properties) 	<ul style="list-style-type: none"> ▪ Other fill/excavation occurring within close proximity (eg. surrounding properties) 	<ul style="list-style-type: none"> ▪ No fill/excavation occurring within close proximity
<p>Residential/ Rural Residential Fill</p>	<ul style="list-style-type: none"> ▪ Top dressing exceeds 10mm restriction. ▪ Placement of fill is proposed for uses other than buildings pads and vehicle access. ▪ Natural surface hydrology is not proposed to be maintained. 	<ul style="list-style-type: none"> ▪ Top dressing exceeds 10mm restriction. 	<ul style="list-style-type: none"> ▪ Fill is limited to building pads and vehicle access only. ▪ Natural surface hydrology is maintained (eg. Inclusion of culverts). ▪ Fill is limited to top dressing to a maximum of 10mm for maintenance purposes and no additional top dressing is proposed.

SCHEDULE 2 – GENERAL APPLICATION REQUIREMENTS

All new filling applications shall require the proponent to submit a development application unless an exemption applies. The level of information required to support the application will be based on its potential impact significance as outlined in Schedule 1.

Applications lodged without a completed development application shall be deemed to be incomplete and will not be assessed by the Shire.

To ensure timely decision making, applications which require additional information to be submitted by the proponent (in accordance with Schedule 1 and 2) following submission of the development application should do so within sixty (60) days from Shire notification. If the proponent fails to submit during this time frame, the fill application will be assessed on its existing merit.

A development application for the filling of land shall include the following information:

(a) *A Development Application*, indicating:

- A scaled site plan showing existing ground levels, physical features of the site, watercourses, land use, buildings, significant vegetation (size, type, location) and existing contours;
- A scaled plan showing the proposed finished levels and extent of fill on site in relation to the property boundaries, watercourses and significant vegetation;
- A detailed description of the purpose of the fill, and the type and source of fill to be used;
- A detailed Geotechnical report detailing constraints of the site (if applicable); and
- A scaled plan (if required by Council) showing cross-sections of the proposed fill and batter in relation to existing ground levels.

(b) *A Hydrological Report* (if required), indicating:

- The pre-development scenario;
- The post-development scenario;
- Flood levels;
- Flood displacement impact;
- Impacts on surface drainage; and
- Impacts on water quality.

(c) *A Drainage Report* (if required), indicating:

- Where the filling of land (either incrementally or as a whole) would cause the proposed finished level to extend above the original existing ground level, the applicant shall submit an assessment of the impacts of the proposal on existing natural drainage patterns in the locality. The detail required in this report will be subject to the extent of fill proposed. This assessment shall be prepared by a suitably qualified engineering consultant and shall be submitted in addition to the information above.

(d) *A Geotechnical Report* (if required), involving:

- The evaluation of the physical suitability of land to sustain the proposed placement of fill associated with the subdividing of land and the subsequent development of the land.
- The evaluation of the geotechnical requirement of the filled soil to accommodate the purpose for which it is proposed.

- The report is to be submitted prior to approval of subdivisional design plans or a building licence, in order that any earthworks, including excavation, filling and compaction, can be covered by the design plans and specifications.

SCHEDULE 3 – ADDITIONAL INFORMATION REQUIRED

Table 2 (below) identifies additional information to be submitted by the proponent (where required) in addition to the minimum requirements in accordance with the Impact Assessment Guidelines provided in Schedule 1.

Table 2: Additional Information to be submitted by Proponent

Impact	Additional Information to be Submitted
High Impact	<ul style="list-style-type: none"> ▪ Comprehensive assessment by a Professional Engineer of the impacts of the proposal on existing natural drainage (if required). ▪ Comprehensive Hydro-geological or Geotechnical report from a qualified Engineer (if required). ▪ Comprehensive justification for non-compliance (whether it be environmental, social etc). ▪ Justification for high risk application (this includes any high risk elements – see Schedule 1). ▪ Extent of Road Upgrading required (if necessary). ▪ Preliminary flora and fauna assessment (if necessary).
Moderate Impact	<ul style="list-style-type: none"> ▪ Brief report of hydro-geological and/or geotechnical aspects (if required). ▪ Combined Location and Site Plan.
Low Impact	<ul style="list-style-type: none"> ▪ Combined Location and Site Plan supported by available or site specific land capability information.

The level of supporting information provided in Table 2 is a guide and will need to be considered against the fill characteristics primarily responsible for the impact significance.