

- Objectives:** Place
- Outcome:** 2.1 - A diverse, well planned built environment.
- Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

Purpose

1. 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.
2. Minimise environmental impacts on water resources and vegetation.
3. Ensure visual impact is minimised on neighbouring properties.
4. Inform landowners, developers and the community on the important considerations associated with the placement of fill, while improving customer service.
5. Ensure that applications for the filling of land are detailed in a consistent manner.
6. Detail the information requirements to be supplied by applicants at the development application stage.

Definitions

‘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.

Policy

1. This Policy applies to the filling of land in all zones under TPS2 and adopted structure plans. The following cases are exempt from the need to acquire planning approval prior to the placement of fill:
 - 1.1.1. The filling of land associated with the construction of a single house.
 - 1.1.2. 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.
 - 1.1.3. 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.
 - 1.1.4. Where fill is proposed to be 600mm high from pre-development ground level, extending to 1.5m from the eaves of an outbuilding.
2. Provisions
 1. The placement of fill within the Shire will not be permitted unless approved as a development application, unless stated otherwise in this Policy.
 - 2.1. 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.



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- 2.2. 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.
 - 2.3. Fill applications will be deemed high risk if any characteristics fall under the 'high impact' column.
 - 2.4. 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.
 - 2.5. 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.
 - 2.6. 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.
 - 2.7. Low impact significance fill applications shall be dealt with under delegated authority, providing they fully comply with TPS2 and this Policy.
 - 2.8. The Shire shall generally accept any consolidated, clean, coarse and clay free sand. Building rubble is also acceptable, where:
 - 2.8.1. It has been crushed prior to installation.
 - 2.8.2. It does not contain any contaminated material (eg asbestos).
 - 2.9. The Shire has a general presumption against filling the land where:
 - 2.9.1. Fill material is not clean, or comprises waste (including green waste).
 - 2.9.2. Fill material that contains acid sulphate or has a potential for acid sulphate content.
 - 2.9.3. Fill material contains contaminated material (eg asbestos) or dieback.
 - 2.10. 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.
 - 2.11. The implementation and safety involved with the placement of fill shall be the responsibility of the individual Applicant.



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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		
	High Impact	Moderate Impact	Low Impact
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	(Subject to Land Use Zone and Surrounding Context – assessed at Development Application Stage)		
Fill Location	(Subject to Land Use Zone and Surrounding Context – assessed at Development Application Stage)		
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 movement 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 tress 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.



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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 and 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
Cumulative Impacts	<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
Residential/ Rural Residential Fill	<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. 	<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

1. 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.
2. Applications lodged without a completed development application shall be deemed to be incomplete and will not be assessed by the Shire.
3. 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.
4. A development application for the filling of land shall include the following information:
 - 4.1. A Development Application, indicating:
 - 4.2. 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.
 - 4.3. A scaled plan showing the proposed finished levels and extent of fill on site in relation to the property boundaries, watercourses and significant vegetation.
 - 4.4. A detailed description of the purpose of the fill, and the type and source of fill to be used.
 - 4.5. A detailed Geotechnical report detailing constraints of the site (if applicable).
 - 4.6. A scaled plan (if required by Council) showing cross-sections of the proposed fill and batter in relation to existing ground levels.
5. A Hydrological Report (if required), indicating:
 - 5.1. The pre-development scenario.
 - 5.2. The post-development scenario.
 - 5.3. Flood levels.
 - 5.4. Flood displacement impact.
 - 5.5. Impacts on surface drainage.
 - 5.6. Impacts on water quality.
6. A Drainage Report (if required), indicating:
 - 6.1. 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.
7. A Geotechnical Report (if required), involving:
 - 7.1. 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.

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7.2. The evaluation of the geotechnical requirement of the filled soil to accommodate the purpose for which it is proposed.

7.3. 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

1. 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.



References

Name of Policy	Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas
Previous Policy	Local Planning Policy 34 – Placement of Fill in Non-Urban Areas
Date of Adoption and Resolution Number	23 July 2018 - OCM063/07/18
Review dates and Resolution Numbers	
Next review date	
Related documents	<p>Acts/Regulations <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Plans/Strategies Strategic Community Plan 2017 - 2027</p> <p>Policies</p> <p>References</p> <p>Delegations</p> <p>Work Procedures</p>

Note: changes to references may be made without the need to take the Policy to Council for review.