

Responsible Directorate	Development Services
Responsible Business Unit/s	Statutory Planning
Responsible Officer	Manager Statutory Planning and Compliance
Affected Business Units	Statutory Planning and Compliance

Objectives

- To ensure that site works do not adversely impact on the amenity or environment of the locality in which such are being undertaken;
- To ensure that drainage is appropriately managed and site works do not detrimentally impact on the floodplain regime of the locality;
- To minimise environmental impacts on water resources and sensitive receiving environments; and
- To ensure visual impact is minimised on neighbouring properties and the streetscape.

Scope

This Policy applies to site works on land in all zones under Local Planning Scheme No.3 where the Residential Design Codes (R-Codes) do not apply.

Policy

Exemptions

Firstly, for the avoidance of doubt, the exemptions contained in this Policy (pursuant to Clause 61(1)(a) item 20) do not apply in the following circumstances:

- Fill that is not clean fill as defined in the *Landfill Waste Classification and Waste Definitions 1996*;
- Site works that will obstruct any established flow path, drain or drainage infrastructure;
- Site works that will be located in a floodplain or other environmentally sensitive area or sensitive receiving environment (i.e. wetland, dampland, local natural area, bush forever area, creek lines etc.); and/or
- Site works that would result in the removal of trees or other vegetation, including the likely damage caused by excessive fill being placed around existing trees or other vegetation.

Exempt Development:

1. The filling of land incidental to the use of a single house and where compliant with the setback requirements of Local Planning Scheme No. 3 (LPS3) or within an established building envelope and not higher than 1.2m above natural ground level;



2. The filling of land associated with a subdivision approval, which is exempt from the need to obtain development approval under Section 157 of the *Planning and Development Act 2005*; and
3. Cutting or filling, specifically top dressing, not incidental to a single house, where fill does not exceed 100mm above natural ground level and not greater than 1ha in area. For the avoidance of doubt, this exemption from development approval is only available once for the same portion of land.

General Provisions

1. The Shire will generally not support the filling or excavation of land which would substantially alter existing surface drainage patterns unless the application is part of a coordinated proposal to manage surface water runoff in a comprehensive and water sensitive manner.
2. The Shire will generally accept any consolidated, clean, coarse and clay free sand subject to certification being provided by a suitably qualified person, and where such filling is approved. Where clay content is driven as part of an amended soil application, detailed information should be provided that demonstrates how soil permeability will maintain accurate performance and not exacerbate offsite surface water flows.
3. The Shire does not support the filling of any land where:
 - 3.1 Fill material is contaminated, or comprises waste or disease pathogens (dieback) or does not conform to the Department of Water and Environment Regulation (DWER) definition of uncontaminated; and/or
 - 3.2 Fill material that contains acid sulphate soils, or has a potential for acid sulphate soil content.
4. A retaining wall or other type of soil retaining/stabilising method must be installed where the proposed finished level is more than 0.9m greater than the existing ground level, unless the land is battered at a grade of at least 1:3 (height:length).
5. When the filling of land creates earth embankments that are not proposed to be retained, the embankment must be suitably stabilised to prevent erosion. This includes stone pitching, vegetation, etc.
6. The Shire does not support any filling of wetlands, drains, damplands or other watercourses.
7. The filling of land shall not adversely impact on adjoining land, including through the unreasonable displacement of water to other parts of the floodplain.
8. The filling of land should be consistent with the visual amenity of the streetscape.

Table 1: Development Standards

An application for development approval for site works will be assessed against the requirements of Table 1, as follows:

- Proposals that fall entirely within the **acceptable development** will generally be supported;
- Proposals falling within **performance based** will be required to be accompanied by relevant management plans and technical reports;



- Proposals that fall within **unacceptable development** will generally not be supported.

Acceptable Development	Performance Based	Unacceptable Development
<u>Nature of Fill</u>		
<ul style="list-style-type: none"> Consolidated clean, coarse, clay free sand. No presence of timber or other biodegradable material. Certification of fill as clean or evidence of the commercial source. 	<ul style="list-style-type: none"> Uncontaminated fill (as defined by DWER) - further tests and certification will be required to be submitted. Contains a high clay content for phosphorous retention purposes, but maintains adequate permeability to not cause offsite surface water runoff. 	<ul style="list-style-type: none"> Unclean, suspect fill. Comprises waste. Contains contaminated material (i.e. Asbestos). Contains dieback. Contains acid sulphate soil. Unprocessed building rubble. A high clay content which causes offsite surface water runoff.
<u>Drainage</u>		
<ul style="list-style-type: none"> Site works maintain existing drainage patterns in the locality. Site works are setback a minimum of 1m from side lot boundaries (3m in the case of properties requiring firebreaks), Site works are setback a minimum of 2m from drainage easements and drainage infrastructure (creeks or informal flow paths). Site works are setback a minimum of 3m from front and rear boundaries. 	<ul style="list-style-type: none"> Site works have a minor impact on existing drainage patterns in the locality but is managed in a comprehensive manner. 	<ul style="list-style-type: none"> Site works significantly alters the existing drainage patterns causing off-site impacts.
<u>Environmental</u>		
<ul style="list-style-type: none"> Site works are set back adequately from environmental features including but not limited to 	<ul style="list-style-type: none"> Site works are located in proximity to environmental features such as watercourses, wetlands, 	<ul style="list-style-type: none"> Site works are located within or in close proximity to environmental features such as watercourses, wetlands, damplands, local natural



Local Planning Policy 4.7 – Placement of Fill

<p>watercourses, wetlands, damplands, local natural areas, sensitive environmental areas and floodplains.</p> <ul style="list-style-type: none"> • No vegetation clearing is required. • Site works do not occur within the dripline of any existing vegetation. 	<p>damplands, local natural areas, sensitive environmental areas and floodplains but it has been demonstrated that these will not be adversely impacted upon by the fill (management plans required).</p> <ul style="list-style-type: none"> • Some vegetation cleared. • Protection of mature trees or provision of tree replacement (landscaping plan/flora fauna survey required). • Site works occurs within the dripline of existing vegetation. 	<p>areas, sensitive environmental areas and floodplains. Insufficient justification has been provided to demonstrate protection.</p> <ul style="list-style-type: none"> • High rate of clearing required. • No proposed replacement planting.
<p><u>Amenity</u></p>		
<ul style="list-style-type: none"> • No significant impact on the natural levels or landscape character of the area taking into account cumulative impacts. 	<ul style="list-style-type: none"> • Moderate visual impact on surrounding land and street that can be managed taking into account cumulative impacts (Landscaping Plan and street elevations are required). 	<ul style="list-style-type: none"> • High visual impact adversely impacting on surrounding land and the landscape character of the area taking into account cumulative impacts.
<ul style="list-style-type: none"> • Dust is controlled, therefore risks to health and safety are minimal. 	<ul style="list-style-type: none"> • Management controls are proposed for dust generating activities (Dust Management Plan required). 	<ul style="list-style-type: none"> • Dust emissions are a risk to adjacent residents.
<p><u>Purpose of Fill</u></p>		
<ul style="list-style-type: none"> • Fill required for the purposes of a permitted or approved land use. 	<ul style="list-style-type: none"> • Fill required for the purposes of a discretionary land use. 	<ul style="list-style-type: none"> • Fill used solely for storage purposes unrelated to an existing approved or permitted use on site. • Applications for fill that do not demonstrate a purpose/use.



Development Application Supporting Information

Notwithstanding the management plans required to demonstrate performance based proposals, the following information will be required for all applications for site works:

- A surveyed site plan drawn to scale showing existing and proposed ground levels, physical features of the site, watercourses, buildings, vegetation (size, type, location);
- Description of the purpose of the site works;
- Cross sections showing proposed site works and battering/retaining;
- Evidence of the commercial source or certification of fill (where applicable); and
- Drainage Management Plan.

Definitions

- **'Site Works'** means works that affect the ground level, whether by excavation or filling. This can include altering ground levels by depositing fill imported from an external source or by fill obtained on the site.
- **'Natural Ground Level'** means the existing ground level of the land before any filling, excavation or building work has been undertaken.
- **'Proposed Finished Level'** means the new ground level(s) proposed to be created by the depositing of fill on the site.
- **'Watercourse'** A river, stream or creek in which water flows in a natural channel, whether permanently or intermittently.
- **'Clean Fill'** means raw excavated natural material such as clay, gravel, sand, soil or rock fines that:
 - a) has been excavated or removed from the earth in areas that have not been subject to potentially contaminating land uses including industrial, commercial, mining or intensive agricultural activities; and
 - b) has not been processed except for the purposes of:
 - i. achieving desired particle size distribution; and/or
 - ii. removing naturally occurring organic materials such as roots; and
 - c) does not contain any acid sulfate soil; and
 - d) does not contain any other type of waste.
- **'Uncontaminated Fill'** as defined under the *Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)*.
- **'Top Dressing'** means the application of a layer of material (i.e sand, soil, compost) onto the surface of the land to improve soil health.

Relevant Policies/Council Documents

- Strategic Community Plan 2017 - 2027



Legislation/Local Law Requirements

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	