

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

Objective

- Ensure that the filling of land does not adversely impact on the amenity or environment of the locality in which it is being undertaken;
- Ensure that drainage is appropriately managed;
- Minimise environmental impacts on water resources and vegetation; and
- Ensure visual impact is minimised on neighbouring properties and the streetscape.

Scope

This Policy applies to the filling of land in all zones under TPS2 where the lot size is 4000m² or greater.

Policy

The following cases are exempt from the need to acquire planning approval:

- The filling of land associated with the construction of a single house including on-site effluent disposal system;
- The filling of land incidental to the use of a single house and compliant with the Scheme and the deemed-to-comply requirements of the R-Codes;
- 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 2015*; and
- Top dressing not exceeding 100mm where not located in flood plain or an environmentally sensitive area.

Provisions

- 1.0 The Shire will generally not support the filling of land which would substantially alter existing surface drainage patterns unless the application is part of a co-ordinated proposal to manage surface water runoff in a comprehensive manner.



- 2.0 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.
- 3.0 The Shire does not support the filling of land where:
- 3.1 Fill material is contaminated, or comprises waste or disease pathogens (dieback).
- 3.2 Fill material that contains acid sulphate or has a potential for acid sulphate content.
- 4.0 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 1:2 (height:length).
- 5.0 When the filling of land creates earth embankments that are not to be retained, the embankment must be stabilised by vegetation or other works to prevent erosion.
- 6.0 The Shire does not support any filling of wetlands or watercourses.
- 7.0 The filling of land shall not adversely impact on adjoining land.
- 8.0 The filling of land should be consistent with the visual amenity of the streetscape.

Table 1: Development Standards

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 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; 	<ul style="list-style-type: none"> • Uncontaminated fill (as defined by DWER) - further tests and certification will be required to be submitted 	<ul style="list-style-type: none"> • Unclean, suspect fill • Comprises waste • Contains contaminated material – e.g. Asbestos • Contains dieback • Contains acid sulphate soil



<ul style="list-style-type: none">• Certification of fill as clean or evidence of the commercial source		
<u>Drainage</u>		
<ul style="list-style-type: none">• Fill maintains existing drainage patterns in the locality• Fill is set back a minimum of 1m from side lot boundaries and a minimum of 3m from front and rear boundaries	<ul style="list-style-type: none">• Fill has a minor impact on existing drainage patterns in the locality but is managed in a comprehensive manner	<ul style="list-style-type: none">• Fill significantly alters the existing drainage patterns



<u>Traffic</u>		
<p>1.1 Low/No impact on surrounding road network</p>	<ul style="list-style-type: none"> • Traffic movements are likely to be generated, however, will generate a moderate impact on surrounding amenity and can be mitigated through traffic management. 	<ul style="list-style-type: none"> • Adverse amenity impacts likely to be generated as a result of heavy traffic movements • Large road Trains being utilised frequently during fill process
<u>Environmental</u>		
<p>1.2 Fill is set back adequately from environmental features such as watercourses and wetlands</p>	<ul style="list-style-type: none"> • Fill is located in proximity to environmental features such as watercourses, wetlands and floodplains but it has been demonstrated that these will not be adversely impacted upon by the fill (management plans required) 	<ul style="list-style-type: none"> • Fill is located within or in close proximity to environmental features such as watercourses wetlands and floodplains. Insufficient justification has been provided to demonstrate their protection.
<ul style="list-style-type: none"> • No clearing required. • Fill does not occur within the dripline of existing vegetation. 	<ul style="list-style-type: none"> • Some vegetation cleared. • Protection of mature trees or provision of tree replacement (landscaping plan/flora fauna survey required). 	<p>1.3 High rate of clearing required.</p> <p>1.4 No proposed replacement planting</p> <p>1.5 Fill occurs within the dripline of existing vegetation.</p>
<u>Amenity</u>		
<p>1.6 No significant impact on the natural levels or landscape character of the area taking into account cumulative impacts</p>	<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



<p>1.7 Dust is controlled, therefore risks to health and safety are minimal</p>	<ul style="list-style-type: none"> Moderate risks to health and safety of surrounding residents. Management controls are required to be demonstrated (Dust Management Plan required) 	<ul style="list-style-type: none"> Dust emissions are a risk to adjacent residents.
<u>Purpose of Fill</u>		
<p>1.8 Fill required for the purposes of a permitted or approved land use</p>	<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

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

- 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 fill;
- Cross sections showing proposed fill and batter/retaining;
- Evidence of the commercial source or Certification of fill (where applicable); and
- Drainage Management Plan

Definitions

‘Placement of Fill’ Importing and depositing fill to alter land levels

‘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’ and ‘Uncontaminated Fill’ as defined under the Department of Water and Environment Regulation *Landfill Waste Classification and Waste Definitions (April 2018)*



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 #	