

POL-C-061 Filling of Land

1. PURPOSE

To provide guidelines for Council in determining development applications for filling of land within rural zones and development zones, and to inform the community of Council's requirements and expectations in respect of these applications.

2. DEFINITIONS

"Existing Ground Level" means the natural level(s) of the land prior to the fill being deposited on the site.

"Proposed Finished Level" means the new ground level(s) proposed to be created by the depositing of fill on the site.

"Watercourse" means a river, stream or creek as depicted on the attached Plans.

"Wetland" means an area of seasonal, intermittent or permanent waterlogged soils or inundated land with ecological attributed as depicted on the attached Plans.

3. OBJECTIVES

The objectives of this policy are to:

1. Ensure that applications for the filling of land are dealt with in a consistent manner;
2. Ensure that issues of amenity, drainage management, and environmental protection are given appropriate consideration in the development control process.

4. BACKGROUND

The filling of land and the alteration of land levels falls within the definition of 'development' under the Town Planning and Development Act, and, as such, requires the development approval of Council under Local Planning Scheme No. 17. The exception to this requirement is 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.

The alteration of land levels, even in a minor way, can significantly impact on surface drainage patterns, and may cause localised ponding in certain cases. It is not the intention of this policy to ensure that no alteration of surface drainage occurs as a result of land filling, but simply that this matter is considered as part of the development assessment process. There are also questions to be resolved regarding the quality and source of the fill material, impacts on visual amenity and the role of other government agencies in the decision making process.

5. APPLICATION

This Policy applies to the filling of land in the following zones under Local Planning Scheme No. 17:

- General Rural
- Swan Valley Rural
- Rural Living
- Landscape
- Resource

- Special Rural
- Rural Residential
- Residential Development
- Industrial Development

7. POLICY STATEMENT

- 6.1 All applications to fill land in rural zones and development zones should be justified in terms of the purpose of the fill. The purpose shall then be assessed against the purpose and intent of the zone within which the filling is proposed.
- 6.2 Where the proposed filling of land is justified on the basis of a future use or development, which requires further development approval, the Council will generally require that the fill application be considered as part of the application for the substantive development of the land, unless extenuating circumstances dictate dealing with the issues separately.
- 6.3 Council will have regard to the matters outlined under Local Planning Scheme No. 17 in determining applications, in addition to other matters to be considered in this policy.
- 6.4 Council 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.
- 6.5 A retaining wall or other type of soil retaining method must be installed where the proposed finished level is more than 1.5m greater than the existing ground level, unless the land is battered at a grade of at least 1:2 (height : length) for sand and clay and at least 1:4 for silt.
- 6.6 When the filling of land creates earth embankments (at a grade of 1:2 or greater) that are to be left exposed (not retained), the embankment must be stabilised by vegetation or other works approved by Council to prevent soil erosion.
- 7.7 There is a general presumption against filling of any wetland or watercourse, unless no objection to the proposal is received from the Water and Rivers Commission.
- 6.8 There is a general presumption against filling of land where the fill material is not clean fill, or comprises waste (including green waste), or rubble, unless no objection to the proposal is received from the Department of Environmental Protection.

7. ADMINISTRATION

- 7.1 Every application for filling land within rural zones and development zones shall include the following information:
- a) A scaled site plan showing existing ground levels, physical features of the site, land use, buildings, significant vegetation and existing contours.
 - b) A scaled plan showing the proposed finished levels and extent of fill on site in relation to property boundaries.
 - c) A detailed description of the reason for the fill, and the type and source of fill to be used.
 - d) Council may also require a scaled plan showing cross-sections of the proposed fill and batter in relation to existing ground levels.
- 7.2 Where the filling of any land (either incrementally or as a whole) would cause the proposed finished level to be more than 1.0m above the original existing ground level, the applicant shall submit a detailed assessment of the impacts of the proposal on existing natural drainage patterns in the locality. This assessment shall be

prepared by a suitably qualified engineering consultant and shall be submitted in addition to the information required by clause 8.1 above.

- 7.3 Applications for filling of land shall be referred to the Department of Water and Environmental Regulation for comment where the application:
- Involves any material other than clean sand; or
 - Involves the filling of any watercourse; or
 - Involves any land within the Swan River Floodplain as defined on floodplain mapping produced by the Commission.
- 7.4 Applications for filling of land shall be referred to adjoining landowners for comment where:
- a) the proposed finished level is more than 300mm above the existing ground level and:
 - in the General Rural or Landscape zones is closer than 30m to any property boundary;
 - in the Special Rural, Resource, Swan Valley Rural or Rural Living zones is closer than 15m to any property boundary;
 - in the Rural Residential, Residential Development or Industrial Development zones closer than 10m to any property boundary; or
 - b) in the opinion of Council, the proposal may significantly alter the drainage patterns of any adjoining property.
- 7.5 Where a development application is submitted for fill that has already occurred, it shall be treated in the same way as any other application under this policy, except that the application shall include a detailed assessment of the quantity of fill, fill material, and impact of the fill on existing natural drainage patterns in the locality. This assessment shall be prepared by a suitably qualified engineering consultant.
- 7.6 Council may impose conditions on any development approval for filling land, which may include but are not limited to the following:
- a) Topsoil to be removed and stockpiled on site and re-spread over the land once it has been filled;
 - b) Vegetation within the area to be filled shall be removed, relocated, or protected prior to the fill being deposited on the land;
 - c) Certification from a practicing structural engineer that the filling has been carried out in accordance with the approval granted and with the materials specified in the application;
 - d) Exposed earth embankments being stabilised by vegetation or other works approved by Council to prevent soil erosion, within a specified period of time.
 - e) Details and cross-sections of any retaining proposed.
- 7.7 Where the Council is not the agency responsible for making the final determination on an application to fill land, it will not generally refer the application to other government agencies unless it considers that the advice of those agencies is required prior to it making a recommendation on the proposal.

Document Control

Document Approvals:			
Version #	Council Adoption		
1.	Ordinary Meeting of Council 22 May 2002 - adopted policy.		
2.	Ordinary Meeting of Council 10 September 2014 - adopted policy.		
2.	Ordinary Meeting of Council 14/3/2018 - adopted policy.		
Document Responsibilities			
Custodian:	Manager Statutory Planning	Custodian Unit:	Statutory Planning
Document Management:			
Risk Rating:		Review Frequency:	Biennial
Next Review:	2020	ECM Ref:	1024110
Compliance Requirements:			
Legislation:			
Industry:			
Organisational:	Local Planning Scheme No. 17		
Strategic Community Plan:	N2.1 Enhance, preserve and protect local ecology and biodiversity of natural ecosystems		