Filling and Excavation Code

1 Application
This Code will apply in assessing:
- a material change of use
- operational work for filling and excavation, where:
  - exceeding 100 vertical millimetres or more depth of top dressing in relation to ground level, on land to which the Waterway Code, Wetland Code and/or Acid Sulfate Soil Code applies, or
  - exceeding 1 vertical metre or more depth in relation to ground level, in all other circumstances.

This Code does not apply to filling or excavation where part of building work that is only subject to code assessment against the Building Regulation.

2 Using this Code
In using this Code reference should also be made to Section 1.1—How to use the Codes, at the front of this Chapter.

When this Code is listed in a level of assessment table in Chapter 3 or a Local Plan in Chapter 4 as an Applicable Code for code assessment or a Relevant Code for impact assessment:
- the Code is to be read as being the Purpose, Performance Criteria and Acceptable Solutions
- a Local Plan may include a Code that may vary or include additional Purposes, Performance Criteria or Acceptable Solutions.

3 Purpose
The purpose of this Code is to:
- ensure that filling and excavation does not adversely affect the visual character and amenity of the site and the surrounding area
- protect the environment through minimising the extent of filling and excavation
- ensure that filling does not adversely impact on flooding of upstream, downstream and adjoining land.

4 Performance Criteria and Acceptable Solutions
Any report or management plan required by the Acceptable Solutions in this section will use recognised and locally accepted data and design methodologies.

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<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
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<tbody>
<tr>
<td>P1 Filling or excavation must not impact adversely on visual amenity or the stability of land</td>
<td>A1.1 A retaining wall is set back at least half the height of the wall from any boundary of the site</td>
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<td>Note: retaining wall construction will also need to comply with the Building Regulation and embankment gradients will need to comply with the Building Regulation</td>
<td>A1.2 Retaining walls over 1.5m are stepped 0.75m for every 1.5m in height, terraced and landscaped</td>
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<td>A1.3 Retaining wall finishes that present to adjoining land are of a high quality appearance and compatible with surrounding development</td>
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| **P2** Filling or excavation must not result in any contamination of land or waters | A2.1 For filling, only clean fill is used  
A2.2 For excavation, no contaminated material is excavated, or acid sulfate soil or contaminant disturbed  
A2.3 For excavation or filling acid sulfate soils are not affected by changes to the site’s hydrology  
A2.4 The site is not on the contaminated land register |
| **P3** Filling or excavation must not directly, indirectly or cumulatively, cause any increase in flooding or drainage problems  
Earthworks within a Waterway Corridor are to be in accordance with the **Compensatory Earthworks Planning Scheme Policy** | A3.1 No filling or excavation is located:  
• in any waterway corridor as shown on the Planning Scheme Maps and defined in the definitions  
• within the waterway corridor or, if there is no waterway corridor, within the 100 year ARI extent  
• in any wetland as shown on the Planning Scheme Maps and defined in the definitions  
A3.2 Filling or excavation does not cause ponding on the site or on nearby land  
A3.3 Changes to flooding due to filling or excavation will not adversely affect the safety or use of any adjoining site and land upstream and downstream  
A3.4 Any changes to run–off characteristics resulting from filling for storm events, up to at least the 2 year ARI design storm, are minimised in an ecologically sensitive manner  
A3.5 Filling or excavation does not adversely affect the flow of water in any overland flow path  
Note: compliance with Acceptable Solutions A3.1 to A3.5 can be demonstrated through the submission of a report detailing:  
• calculations for flood modelling of the riparian zone, including ground cover, understorey and canopy vegetation  
• management strategies to prevent adverse flooding and minimise changes to run–off characteristics consistent with Council’s current Subdivision and Development Guidelines and Environmental Best Management Practice for Waterways and Wetlands 1996 |
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| **P4** Filling or excavation must not adversely affect environmental values in receiving waterways or wetlands  
*Note: for guidance on stormwater management refer to the Management of Urban Stormwater Quality Planning Scheme Policy* | **A4** Filling or excavation complies with the *Stormwater Management Code* and Council’s *Erosion and Sediment Control Standard* |
| **P5** Emissions of air pollutants from filling or excavation, particularly dust, must not have a significant environmental harm or nuisance impacts  
*Note: for guidance on the assessment of air quality, refer to the Air Quality Planning Scheme Policy* | **A5.1** No dust emissions extend beyond the boundary of the site  
**A5.2** No other air emissions, including odours, are detectable at the boundary of the site  
**A5.3** A management plan for control of dust and air emissions is prepared and implemented |
| **P6** Emissions of noise must not cause significant environmental harm or nuisance impacts  
*Note: for guidance on the assessment of noise impacts refer to the Noise Impact Assessment Planning Scheme Policy* | **A6.1** The total duration of filling or excavation operations does not exceed 4 weeks  
**A6.2** Filling or excavation operations occur only between 7am to 6pm Monday to Saturday |
| **P7** Traffic generated by filling or excavation must not impact on the amenity of the surrounding area | **P7.1** Haul routes used for transportation of fill to or from the site only use Major Roads  
**P7.2** Truck movements generated by filling or excavation do not exceed 20 truck movements per day  
**P7.3** Truck movements generated by filling or excavation do not occur for longer than 4 weeks |