9.4.2 Filling and excavation code

9.4.2.1 Application

1. This code applies to:
    a. material change of use:
        i. that is accepted development (subject to requirements) or code assessable and for which the Filling and excavation code is identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column in a table of assessment in section 5.5 - Categories of development and assessment - Material change of use in Part 5 - Tables of assessment;
        ii. that is made impact assessment in a table of assessment in section 5.5 - Categories of development and assessment - Material change of use or section 5.9 - Categories of development and assessment - local plans in Part 5 - Tables of assessment;
    b. reconfiguring a lot:
        i. that is code assessable and for which the Filling and excavation code is identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column in Table 5.6.1 - Reconfiguring a lot in Part 5 - Tables of assessment;
        ii. that is impact assessable in Table 5.6.1 - Reconfiguring a lot in Part 5 - Tables of assessment;
    c. operational work that is accepted development (subject to requirements) and code assessable operational work - filling or excavation for which the Filling and excavation code is identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column in Table 5.8.1 - Operational work.
2. When using this code, reference should be made to section 5.3.2 - Determining the category of development and category of assessment and, where applicable, section 5.3.3 - Determining the 'assessment benchmarks for assessable development and requirements for accepted development' located in Part 5 - Tables of assessment.

9.4.2.2 Purpose

1. The purpose of the code is to protect premises, people and natural processes from adverse impacts associated with filling or excavation.
2. The purpose of the code will be achieved through the following overall outcomes:
    a. development protects:
        i. natural physical processes and ecosystems;
        ii. existing and planned infrastructure;
        iii. personal health and safety and premises;

iv. visual amenity.

9.4.2.3 Assessment benchmarks for assessable development and requirements for accepted development

Part A - Requirements for accepted development (subject to requirements) and assessment benchmarks for assessable development

Table 9.4.2.3.1 - Filling and excavation code: accepted development (subject to requirements) and assessable development

Performance outcomes	Acceptable outcomes	Comments
For accepted development (subject to requirements) and assessable development		
Protection of natural processes and ecosystems		
PO1 The discharge of sediments and pollutants from filling or excavation does not adversely affect a waterway or the stormwater network.	**AO1** The discharge of sediments and pollutants to a waterway or stormwater network complies with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**AO1 Complies.** The proposed earthworks will be undertaken with erosion and sediment control measures in place to prevent sediment and pollutants from entering the stormwater network or downstream waterways. Measures include sediment fencing, stabilised site access, protection of disturbed areas and ongoing inspection and maintenance during construction.
PO2 Topsoil and spoil stockpiled on the premises do not adversely affect natural processes and ecosystems.	**AO2** Topsoil and spoil is stockpiled to comply with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**AO2 Complies.** Topsoil, spoil and construction materials will be appropriately managed during construction. Stockpiles will be protected by sediment controls, kept clear of overland flow paths and will not be stored within the road reserve.
PO3 Filling is carried out using stable, solid and clean earth, free of organic and putrescible waste, rubbish and refuse material.	**AO3** Filling complies with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**AO3 Complies.** Filling will be undertaken using suitable stable and clean material and in accordance with the

		relevant Council requirements and accepted engineering standards.
Protection of existing and planned infrastructure		
PO4 Filling or excavation works do not adversely affect infrastructure, including any services.	**AO4** Filling or excavation works comply with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**AO4 Complies.** The proposed filling and excavation has been designed having regard to existing infrastructure across the site, including the sewer main traversing the western portion. Earthworks and retaining structures will be coordinated with existing services and detailed to maintain appropriate clearances and access requirements.
Protection and enhancement of personal health and safety and premises		
PO5 Filling or excavation works do not adversely affect personal health and safety.	**AO5** Filling or excavation works comply with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**PO5 Complies.** The proposed earthworks can be undertaken using conventional construction methods and will be subject to appropriate erosion, sediment and site safety controls. Retaining structures and disturbed areas will be designed and managed to provide a safe and stable development outcome.
Surface water flow		
PO6 Surface water drainage does not cause any of the following: a. ponding on any premises; or b. a hazard or adversely affect personal health and safety and premises; or c. diversion or concentration of flow from or onto adjoining premises or infrastructure.	**AO6** Surface water drainage complies with part 3.3 - Filling or excavation standards in Planning scheme policy 5 - Infrastructure.	**PO6 Complies.** Surface water will be managed through the proposed stormwater drainage system, including detention and water quality treatment measures, with discharge directed to the existing lawful point of discharge at the south-western boundary. The development also maintains existing overland flow pathways and avoids any material worsening of flood behaviour.

Batters		
PO7 A batter: a. does not adversely affect the natural physical processes and ecosystems; b. protects existing and planned infrastructure; c. is safe, stable and easily maintained; d. is landscaped to enhance visual amenity.	**AO7** A batter is designed and constructed to comply with the standards specified in 3.3.6 - Batters and retaining walls in Planning scheme policy 5 - Infrastructure.	**AO7 Complies.** Any batters associated with the proposed earthworks will be appropriately stabilised, protected from erosion and revegetated following completion of works. Erosion and sediment controls will be provided at the base of batters and maintained throughout construction.
Retaining walls		
PO8 A retaining wall: a. is not constructed of timber and is not located on existing or proposed lot boundaries, or movement networks; b. does not adversely affect the natural physical processes and ecosystems; c. is located to avoid conflict with adjoining premises; d. is located such that existing and planned infrastructure is not adversely affected; e. protects the visual amenity of adjoining premises or a public open space; f. is located within the premises that is being filled; g. is located within the premises that is cut and is designed to take any surcharge loading allowable on the uphill lot; h. is safe and stable; i. enables easy access for maintenance.	**AO8** A retaining wall is designed and constructed to comply with the standards specified in section 3.3.6.2 - Retaining walls in Planning scheme policy 5 - Infrastructure.	**AO8 Complies.** Retaining walls are proposed as concrete sleeper walls, or as otherwise detailed on the architectural and civil drawings. The walls will be located within the site, coordinated with existing services and designed and constructed in accordance with Council requirements to provide a safe, stable and maintainable outcome.
Filling of a dam		

PO9 The filling of a dam: a. does not adversely affect the natural physical processes and ecosystems; b. creates a safe and stable surface; c. is integrated into the landscape.	**AO9** The filling of a dam complies with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure.	**Not Applicable.** No filling of a dam is proposed as part of the development.