

Policy Title:	Local Planning Policy: Changes to Ground Level and Retaining Walls
Policy No.:	3.3
Previous Policy (No.):	Retaining Walls, Construction and Materials and when required (No. 59)
Date Adopted:	18 February 2003 (decision no. 47/03)
Date Last Reviewed:	22 January 2013 (Council Decision no. 15/13)
Legal Parent:	<u>Planning and Development Act 2005</u>
Legal Subsidiary:	City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.

PART A

1 PRELIMINARY

1.1 Citation

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: Changes to Ground Level and Retaining Walls (herein referred to as the “Local Planning Policy”).

1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 18 February 2003. The reviewed Local Planning Policy commenced operation on 25 April 2013.

1.3 Relationship to the Scheme and other Local Planning Policies

1.3.1 Pursuant to section 2.2 of the Scheme, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2 Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3 The provisions of this Local Planning Policy comprises of the Policy Text and Policy Maps. The Local Planning Policy is to be read in conjunction with the Scheme.

- Notes:
1. Land use and development within the Local Planning Policy Area is also subject to the Local Planning Scheme.
 2. A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.4 Relationship with Local Laws

- 1.4.1 This Local Planning Policy operates in conjunction with the Local Government's Local Laws in the regulation of development and the use of land within the Scheme Area.
- 1.4.2 Where a provision of the Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2 PURPOSE

The purpose and intent of this Local Planning Policy is to seek to ensure that changes to ground levels through the excavation or filling of land and the development of retaining walls do not adversely affect neighbouring properties or the natural landscape features and environmental values of a local area, and to ensure that material used in the filling of land is both geotechnically stable and environmentally sound.

3 OBJECTIVES

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for excavation, fill and/or retaining walls within the scheme area -

- (a) to protect the visual amenity and landscape character of a locality, in particular to that of adjoining properties and streetscapes;
- (b) to prevent adversely affecting local stormwater drainage or increasing the risk of flood hazard or flood damage to premises, or the flood storage and discharge capacity of land within a floodplain (flood way or flood fringe area).
- (c) to minimise the loss of visual privacy or solar access to other premises through overlooking or overshadowing of adjoining dwellings;
- (d) to limit excessive cutting and filling of sloping land and encourage dwelling designs that complements and are sympathetic to the natural topography;
- (e) to ensure that excavated material or materials used in the filling and retaining of land is geotechnically stable and environmentally safe;
- (f) to ensure that retaining walls are designed and constructed with sufficient strength to support any embankment together with any superimposed loads;
- (g) to ensure that the excavation or filling of land that is a contaminated site or contains acid sulfate soils does not result in environmental harm or damage to ecosystems, or harm to the health and safety of users and the general public; and
- (h) to minimise soil erosion through implementation of erosion and sediment control measures on all land disturbing activities to prevent the erosion and transportation of sediment through runoff from the site.

4 LOCAL PLANNING POLICY AREA

This Local Planning Policy applies to all land within the local government district of the City of Bunbury, and as such, the Local Planning Policy Area is the Scheme Area.

5 APPLICATION

- 5.1 With the exception to those aspects of development to which the Residential Design Codes apply, the provisions of this Local Planning Policy apply to all development and/or use of premises in the Scheme Area involving changes to ground level; including works associated with an application for subdivision approval or planning approval for development (building and site works) in the Local Planning Policy Area.
- 5.2 Subject to the Scheme, development for the purposes of excavation, fill and/or retaining walls shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme.
- 5.3 In considering an application for planning approval where a variation is proposed to one or more requirements prescribed under the Residential Design Codes and/or this Local Planning Policy, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), which has been undertaken by an appropriately qualified person or body at the applicant's expense, as part of any application for planning approval.

- Notes:
- Section 11 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.
 - Subject to the provisions of the Building Code of Australia, the Residential Design Codes and the Scheme - Table 5.1 below is a general guide to the permissibility and corresponding level of assessment of development (building and site works) involving changes to ground level. It is advised that proponents should first check exemptions for Building Permits under the Building Regulations 2012.

Table 5.1: Changes to Ground Level Permissibility and Assessment.

Height of Excavation / Fill	Level of Permissibility	Level of Assessment
Residential Uses:		
Up to 500 mm retaining wall where not associated with a building/structure.	Does not require planning approval or a building permit where associated with a single house in the Residential Zone. Otherwise requires planning approval but does not require a building permit.	Acceptable development.
Up to 500 mm retaining wall with an associated building/structure where retaining forms part of the building/structure.	Does not require planning approval for a single house in the Residential Zone, but does require a building permit. Otherwise requires planning approval and a building permit.	Acceptable development.

Height of Excavation / Fill	Level of Permissibility	Level of Assessment
Greater than 500 mm retaining wall.	Does not require planning approval for a single house in the Residential Zone, but does require a building permit. Otherwise requires planning approval and a building permit.	Codes assessment for discretionary approval in accordance with Part 3 - Codes approval process and Part 4 - Neighbour consultation of the Residential Design Codes (as amended).
Mixed Use and Non-residential Uses:		
Up to 500 mm retaining wall where not associated with a building/structure.	Requires planning approval and may require a building permit.	Impact assessment.
Up to 500 mm retaining wall with an associated building/structure where retaining forms part of the building/structure.	Requires planning approval and a building permit.	Impact assessment.
Greater than 500 mm retaining wall.	Requires planning approval and a building permit.	Impact assessment for discretionary approval in accordance with the provisions of section 9.4 of the Scheme (as amended).

5.4 Any changes to ground level are not permitted unless the Local Government has exercised its discretion by granting planning approval for development on land identified as having the following characteristics -

- (a) is located in a floodplain (flood way or flood fringe area) or flood levee bank buffer area; or
- (b) is flood affected or may increase the level of flood hazard to the subject lot/development site and other properties; or
- (c) involves changes to the hydrology/drainage patterns or stormwater management regime on a lot/development site; or
- (d) involves the use of suspect or non clean fill (waste materials) on a lot/development site; or
- (e) involves the excavation or fill of a suspect or known contaminated site; or
- (f) involves the excavation or fill of potential or actual acid sulfate soils; or
- (g) involves lowering of water table for infrastructure works or drainage construction.

5.5 Applications for planning approval to permit the development and/or use of land involving changes to ground level shall be referred to the responsible public authority for comment prior to making a determination, where -

- (a) the site is located within a floodplain or flood fringe area, or where excavation, fill and/or retaining walls may potentially adversely affect local drainage and/or flooding; or
- (b) the disturbance of potential or actual acid sulfate soils is proposed or may potentially occur.

The Local Government or other responsible public authority may require a Development Impact Statement, undertaken by an appropriately qualified person or body, to be prepared as part of any development application.

- Notes:
1. Development may be permitted in the flood fringe area subject to compliance with a specified minimum habitable floor level above the designated 1 in 100 year Average Recurrence Interval (ARI) flood level (i.e. the 1% Annual Exceedance Probability (AEP)), in order to provide adequate flood protection.
 2. Planning approvals granted by the Local Government for the development and use of land in a flood fringe area do not override any State or Commonwealth Legislation that may have effect over the subject land. It remains the responsibility of the applicants (landowner) to ensure that all relevant requirements are satisfied and approvals are obtained from the relevant authorities prior to the commencement of development.

- 5.6 In accordance with section 9.2 of the Scheme, the following information may be required by the Local Government as accompanying materials to be included as part of any application for planning approval for development on land involving changes to ground level -
- (a) provision of an Existing Site Analysis Plan and Proposed Development Site Plan, prepared by an appropriately qualified person or body, showing -
 - i. property boundaries of the lot/development site where filling and/or excavation is proposed;
 - ii. all existing or proposed built structures and their finished floor levels;
 - iii. existing contours and spot levels at all boundaries of the subject lot/development site and extending beyond the property boundary using Australian Height Datum (AHD), and shown at a height interval of 500 millimetres;
 - iv. proposed final contours (finished ground levels) and spot levels at all boundaries of the subject lot/development site;
 - v. cross sections through the fill and/or excavation area;
 - vi. details of any public infrastructure within or adjoining the site;
 - vii. location of easements on or adjoining the site; and
 - viii. overshadowing diagram in accordance with the Residential Design Codes.
 - (b) provision of a Geotechnical Report, prepared by an appropriately qualified consulting engineer, detailing -
 - i. substrata and its classification;
 - ii. extent and nature of site works proposed, including volumetric calculations of the proposed fill and/or excavated area;
 - iii. water table level;
 - iv. the sediment, dust & erosion control management plan;
 - v. the nature and source of fill material;
 - vi. details of proposed batter slope or retaining walls; and
 - vii. a Western Australian Planning Commission (WAPC) Acid Sulfate Soils Self-Assessment Form where required.
 - (c) extent and nature of any site contamination (including potential and actual acid sulfate soils).

6 EXEMPTIONS FROM PLANNING APPROVAL

Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of the Scheme, there are no other exemptions or exclusions permitted under the Scheme.

7 MEANING OF TERMS

7.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

- (a) in the Planning and Development Act 2005; or
- (b) if they are not defined in that Act -
 - i. in the Greater Bunbury Region Scheme (GBRS); or
 - ii. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7; or
 - iii. in the Residential Design Codes; or
 - iv. Building Code of Australia; or
 - v. in a relevant Australian Standard.

7.2 The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

“Floodplain” means the extent of flooding in an area in a 1 in 100 year ARI flood event for a particular watercourse, which includes the flood way and flood fringe areas.

“Flood way” means the area of land that would be affected by river flooding in a 1 in 100 year ARI flood event for a particular watercourse, where development and land uses should be limited to those that would not affect the flow of flood waters.

“Flood fringe” means the area of land that would be prone to flooding in a 1 in 100 year ARI flood event, where development would normally be permitted subject to a specified minimum habitable floor level above the relevant 1 in 100 year ARI flood level to provide adequate flood protection.

“Flood levee bank buffer area” means the land that would be prone to high velocity flood flows in the event of a breach of a flood levee bank, where development and land uses should be limited, and subject to minimum floor levels and setbacks from the levee.

“Height” means the vertical distance from the natural ground level to the top of the wall.

“Terrace” means a series of flat platforms (or steps) on the side of a hill, rising one above the other. The base of the terrace is taken to be the bottom of the lowest step with the top being the highest point of the highest step.

7.3 Notes, and instructions printed in italics, are not part of this Local Planning Policy.

PART B

8 GENERAL STANDARDS FOR LAND USE & DEVELOPMENT

8.1 Development of Excavation, Fill and/or Retaining Walls

The development for the purposes of excavation, fill and/or retaining walls is to be in accordance with the requirements of –

- (a) this Local Planning Policy: Changes to Ground Level and Retaining Walls; and
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations; and
- (c) the applicable zone provisions under the Scheme; and
- (d) relevant Special Control Area(s); and
- (e) relevant Local Planning Policies or Local Laws; and
- (f) applicable Australian Standards.

Note: Section “8 General Standards for Land Use & Development” of this Local Planning Policy sets out the prescriptive provisions by which all excavation, fill and/or retaining wall development proposals must be carried out as part of any land use and development within either or both the Scheme Area and Local Planning Policy Area.

8.2 Flood Mitigation

8.2.1 Planning approval for the development of land involving changes to ground level shall only be granted by the Local Government where it can be demonstrated that the resulting development and use of land will not adversely -

- (a) increase the number of premises at risk from flooding;
- (b) place residents, occupants or users at risk from potential flood hazard;
- (c) increase flood hazard to public accessways during a range of floods up to and including the designated flood; and
- (d) increase the flood duration, unless that increase is part of a flood mitigation strategy approved by the Local Government.

8.2.2 Where practicable, the development of premises involving any changes to ground level preserves the natural hydrology of the site by designing for minimal impact to the original landform, and must ensure that stormwater is managed on site and/or flood routing to an approved discharge point is provided to the satisfaction of the Local Government.

8.3 Changes to Ground Level in a Floodplain

8.3.1 Subject to planning approval, filling within a flood fringe area (i.e. below the designated 1 in 100 year ARI flood level or flood event) should be minimised. Development applications involving the filling of land within a flood way should not be approved where it is considered the development may constitute an obstruction to major river flows or may potentially increase flood levels of any land upstream or downstream of the premises.

- 8.3.2 Subject to site conditions, where filling is permitted within the flood fringe area, the level and location of all fill material is in accordance with the following -
- (a) land fill material is to be retained within the boundaries of the designated encroachment fill level, above which fill can be placed within a flood prone area, as indicated on the flood study maps prepared by the responsible public authority.
 - (b) landscaped embankments with fill slopes/batters at a gradient of no steeper than 1:4, with the toe of the batter not extending beyond the boundary of the flood fringe area;
 - (c) where cut/fill is prone to flood inundation or exposure to flood waters, the slope/batter/embankment is to be protected from erosion and scouring, and is to be designed and constructed under supervision and certified by an appropriately qualified person or body to the engineering standards specified by the Local Government and maintained by the land owner.
- 8.3.3 Where filling is permitted within the flood fringe area, development is required to be above the Recommended Minimum Finished Floor Level (as identified in the relevant flood studies and maps), in order to ensure that all new developments are free from flood risk.

Note: Refer to the Greater Bunbury Region Scheme Floodplain Management Policy 2005, which contains the relevant floodplain mapping and floodplain management strategies applicable to the defined floodplains.

8.4 Site Works

- 8.4.1 All works associated with subdivision and land development within the City of Bunbury shall comply with (or exceed) the minimum standards specified in the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development, Edition 2.1, and any subsequent updated versions.

Where appropriate, minimum standards should be encouraged to be exceeded, particularly where cost efficiencies and longevity of materials and infrastructure provide longer term economic advantage.

- 8.4.2 The underlying geology and soil strata of land must be suitable for the proposed development. All earthworks must be geotechnically stable and must not cause any risk to the geotechnical stability of the subject site and surrounding premises.
- 8.4.3 All fill material is to be solid clean earth/sand or be of a clean inert material that is free of contamination, organic, putrescible or refuse matter. The type, composition and source of fill material is to be geotechnically suitable, and any fill is to be adequately compacted to support the development and use of the land.
- 8.4.4 Any changes to ground level through excavation or filling must not cause harm or damage to public health or the natural environment as a result of the contamination of land.

Note: Sites known or suspected of site contaminations are required to be “classified” by the Department of Environment and Conservation in accordance with the *Contaminated Sites Act 2003*. Remediation may be required prior to development and/or use of land.

- 8.4.5 Development or use of land including excavation must not cause disturbance or exposure of potential or actual acid sulfate soils that may cause adverse impacts upon the natural and/or built environment.

Note: *Planning Bulletin 64/2009 Acid Sulfate Soils* provides advice and guidance on matters that should be taken into account prior to development of land that contains, or may contain, acid sulfate soils. The Department of Environment and Conservation also provides acid sulfate soil management guidelines.

- 8.4.6 Filling material is to be placed, stored and maintained entirely within the property boundary of the development site, unless alternative arrangements are agreed to in writing by the affected neighbouring property owner.
- 8.4.7 Development and site works associated with the filling and/or excavation of land is to ensure that:
- (a) the methods of stormwater runoff control and the design of any stormwater management system does not create a point source discharge to water bodies;
 - (b) adjacent properties, roadways, public open space or water bodies are protected against contamination, sedimentation and erosion; and
 - (c) adequate noise, vibration and dust control measures are implemented in order to prevent any significant impacts externally of the premises.
- 8.4.8 Where fill is in excess of 500 millimetres above natural ground level, the Local Government may require the installation of a subsoil drainage system that is connected to the municipal drainage system, in order to prevent any impact on adjacent properties to where filling occurs (i.e. ground water seepage). The approved subsoil drainage system is to be designed, constructed and maintained by the landowner to the satisfaction of the Local Government.

8.5 Cut/Fill Batter & Retaining Walls

- 8.5.1 All cut/fill batters and retaining walls must be designed and constructed to ensure their geotechnical and structural stability in accordance with the Building Code of Australia, as amended.
- 8.5.2 Where an owner(s) of a lot proposes excavation works then that owner(s) must provide support for any adjoining lot/premises and superimposed loads, through the construction of a retaining wall wholly within the boundaries of the development site/lot.
- 8.5.3 Development is to be free draining and any changes to ground level must not:
- (a) cause ponding internally or externally of the premises; or
 - (b) impede natural drainage lines and overland flow paths, unless acceptable alternative paths are provided; or
 - (c) adversely impact on stormwater runoff, local drainage and flooding characteristics of any land upstream or downstream of the premises.
- 8.5.4 Filling and/or retaining to the highest level of a site will not be supported.
- 8.5.5 Excavation below natural ground level is not to be visually obtrusive and is to minimise any significant impacts on adjacent landowners.

Note: Significant excavations will require certified plans from a qualified structural engineer.

- 8.5.6 The toe of any cut and/or fill batter that is not retained must be located and stabilised entirely within the property boundary in a manner that ensures that adjoining properties are not impacted upon by stormwater and/or soil erosion.
- 8.5.7 The maximum height of any retaining wall located on the front boundary of a property is to be not more than 1.2 metres in height above natural ground level, as measured from the property boundary to the road reserve.
- 8.5.8 The minimum setback distance of any retaining wall located in the front setback area that is greater than 1.2 metres in height above natural ground level, as measured from the property boundary to the road reserve, is to be not less than 1.5 metres in distance from the property boundary to the road reserve.
- 8.5.9 Where it can be demonstrated that there is no impact on adjoining properties (i.e. overshadowing) retaining walls on side/rear property boundaries, behind the street/front setback area, are not to exceed a maximum height of 1.5 metres above natural ground level, as measured from the adjoining property boundary.
- 8.5.10 Fences located on top of retaining walls and/or cut/fill batters are to be visually permeable along the primary and secondary street frontages within the front setback line. Solid fencing is permitted behind the front setback line as outlined in Table 1 of the Residential Design Codes (primary and secondary streets).
- 8.5.11 In order to ensure that adequate sight lines are provided where practicable, all cut/fill batters and retaining walls located within the front setback area are truncated or reduced to no higher than 0.75 metres within 1.5 metres of where cut/fill batters and retaining walls adjoin vehicle access points, where a driveway meets a public street and where two streets intersect.

8.6 Building Design

Where sites have large slopes, consideration should be given to stepping the building down/up the slope rather than maintaining a single floor level.

PART C

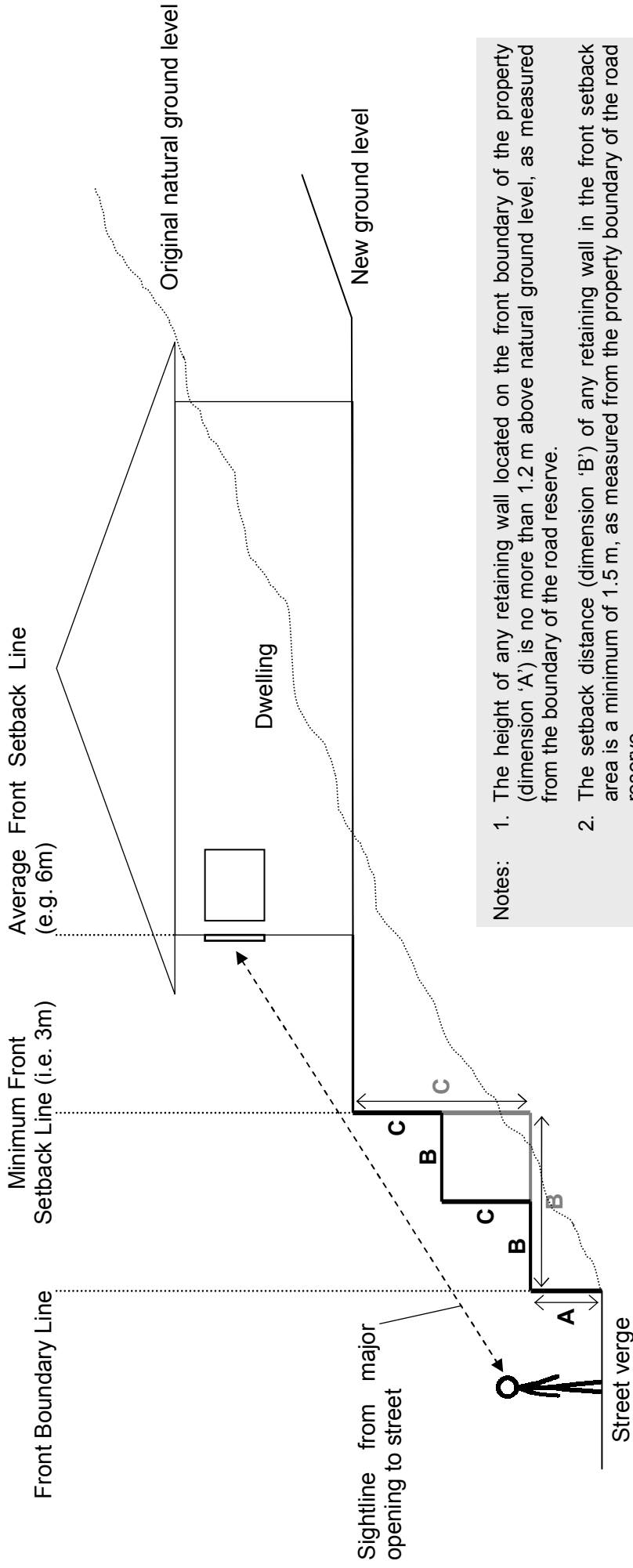
9 LAND USE & DEVELOPMENT REQUIREMENTS

The development and use of land for the purposes of changes to ground level and retaining walls is to be in accordance with the general requirements and standards for land use and development of the Scheme, and the following development requirements of this Local Planning Policy.

Performance Criteria	Acceptable Development
<p>Notes:</p> <p>1. Section 9 of this Local Planning Policy sets out the performance-based provisions by which any land use and development within the Scheme Area is regulated.</p> <p>2. Pursuant to Part 4 and Part 5 of the Scheme, development must meet the following Performance Criteria.</p> <p>3. Pursuant to Part 4 and Part 5 of the Scheme, development that complies with the following Acceptable Development is deemed to have met the relevant Performance Criteria.</p> <p>4. The Acceptable Development provisions illustrate one way of meeting the associated Performance Criteria.</p>	
<p>9.1 Retaining Wall Height in the Front Setback Area</p>	
<p>PC9.1 All cut/fill batters and retaining walls are designed, located and constructed in a manner that:</p> <ul style="list-style-type: none"> • ensures their geotechnical and structural stability; • preserves sightlines from major openings of the dwelling to the street; and • maintains and enhances the visual amenity of the subject site and the local area. 	<p>AD9.1.1 All cut/fill batters and retaining walls being designed, sited and constructed in accordance with the Residential Design Codes.</p> <p>AD9.1.2 Where the cut and/or fill is retained - all retaining walls in the front setback area are set back from the property boundary a minimum distance of 1.5 metres, in accordance with the following:</p> <p>(a) where the site is located within a residential zone or adjacent to a site in a residential zone, the retaining wall is stepped 1.5 metres for every 1.5 metres in height, and the terraces are landscaped (refer to Figure 9.1); or</p> <p>(b) where the site is located within a mixed use or non-residential zone, the retaining wall is stepped 1.5 metres for every 3 metres in height, and the terraces are landscaped (refer to Figure 9.2).</p> <p>AD9.1.3 Where the cut and/or fill is not retained - the toe of any cut/fill batter in the front setback area is set back from the property boundary a</p>

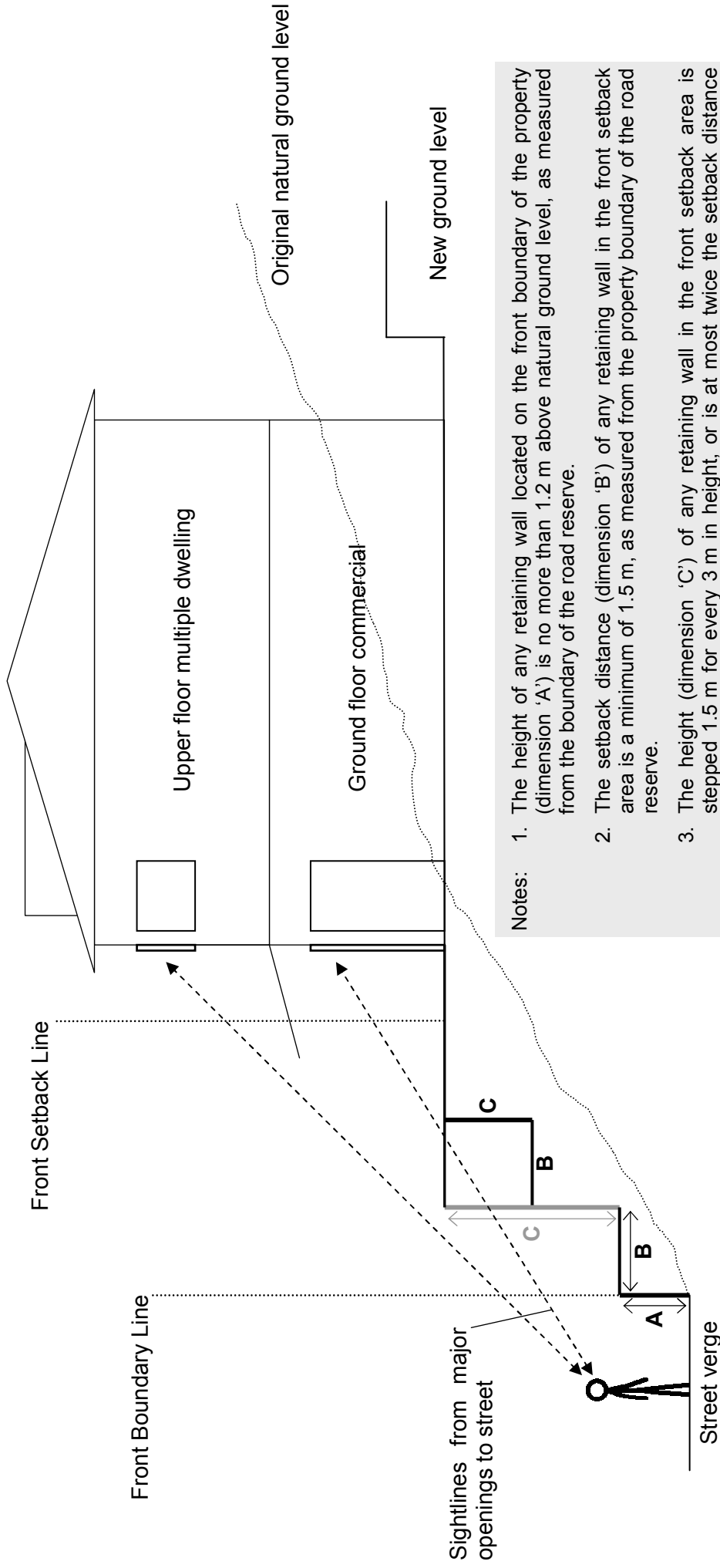
	<p>minimum distance of 1.5 metres, in accordance with the following:</p> <ul style="list-style-type: none">(a) where the site is located within a residential zone or adjacent to a site in a residential zone, batters along property boundaries are no steeper than 1 in 4 and are landscaped; or(b) where the site is located within a non-residential zone, the batters along property boundaries are no steeper than 1 in 2 and are landscaped.
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Figure 9.1: Example of Terracing in the Front Setback Area to a Residential Development.



- Notes:**
1. The height of any retaining wall located on the front boundary of the property (dimension 'A') is no more than 1.2 m above natural ground level, as measured from the boundary of the road reserve.
 2. The setback distance (dimension 'B') of any retaining wall in the front setback area is a minimum of 1.5 m, as measured from the property boundary of the road reserve.
 3. The height (dimension 'C') of any retaining wall in the front setback area is stepped 1.5 m for every 1.5 m in height, or is at least equal to the setback distance (dimension 'B'), as measured from the property boundary of the road reserve.
 4. The number of terraces is not limited.
 5. Fences constructed on retaining walls where located on the front boundary of the property, or within the setback area, are visually permeable from ground level in order to ensure preservation of sightlines from major openings of the dwelling to the street.

Figure 9.2: Example of Terracing in the Front Setback Area to a Mixed Use or Non-residential Development.



- Notes:
1. The height of any retaining wall located on the front boundary of the property (dimension 'A') is no more than 1.2 m above natural ground level, as measured from the boundary of the road reserve.
 2. The setback distance (dimension 'B') of any retaining wall in the front setback area is a minimum of 1.5 m, as measured from the property boundary of the road reserve.
 3. The height (dimension 'C') of any retaining wall in the front setback area is stepped 1.5 m for every 3 m in height, or is at most twice the setback distance (dimension 'B'), as measured from the property boundary of the road reserve.
 4. The number of terraces is not limited.
 5. Fences constructed on retaining walls where located on the front boundary of the property, or within the setback area, are visually permeable from ground level in order to ensure preservation of sightlines from major openings of the building (in particular dwellings) to the street.

PART D

10 VARIATION OF DEVELOPMENT REQUIREMENTS

- 9.1 Development in accordance with this Local Planning Policy is deemed to comply. However, alternative designs may be considered subject to demonstration that the proposed land use and/or development is in keeping with the purpose and objectives of this Local Planning Policy to the satisfaction of the Local Government.
- 10.2 In exercising any discretion the Local Government should ensure that the variation will not contravene the following provisions of the Scheme -
- (a) purpose & objectives of this Local Planning Policy;
 - (b) section 1.6 The Aims of the Scheme;
 - (c) section 4.2 Zone Objectives; and
 - (d) section 10.2 Matters to be Considered by Local Government.

11 DEVELOPMENT IMPACT STATEMENT (EXCAVATION, FILL AND RETAINING)

- 11.1 Where an application proposes a variation to one or more requirements of this Local Planning Policy, or is considered to have a significant impact on the existing conditions of a locality, the Local Government shall require a Development Impact Statement (Excavation, Fill and Retaining) to be submitted for assessment as part of an application for planning approval, unless the requirement has been waived by the Local Government.
- 11.2 The report is to be undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail in addition to the accompanying material specified in clause 5.6 of this Local Planning Policy to permit the Local Government to make a proper development assessment of any proposed variation as part of a planning application -
- (a) details of existing excavation, fill and/or retaining walls in the vicinity of the subject site;
 - (b) approved Acid Sulfate Soils Management Plan;
 - (c) relevant correspondence from the Department of Environment and Conservation; and
 - (d) any other relevant information requested by the Local Government.

12 NOTIFICATION & ADVERTISING

Where advertising is required to be undertaken or is deemed to be required by the Local Government, advertising will be undertaken in accordance with the provisions of section 9.4 of the Scheme.

13 IMPLEMENTATION & REVIEW

132.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes

allowance for this by enabling the Local Government to adopt local planning policies from time to time in order to address specific issues or a range of issues in a specific place.

A local planning policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the City's staff and Councillors can assess development proposals in a more consistent and transparent manner.

13.2 Policy Review

The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.

Map 1: Local Planning Policy Area

[refer to clause 4]

