

## **1. Introduction**

As part of the process for preparing a site for development, it is common that *Bulk Earthworks* are undertaken.

Given the strong winds experienced within the City, and through ineffective site management, there have been circumstances where *Bulk Earthworks* have generated airborne dust and windblown sand that has adversely impacted the amenity of nearby residents.

To ensure suitable outcomes, it is necessary that the City articulate the information required to support a *Bulk Earthworks* application for Planning Approval ('Development Application') and detail the information to be submitted prior to the commencement of works, including a Dust Management Plan.

## **2. Policy Application**

This Policy sets out the City's position in dealing with Development Applications to ensure that *Bulk Earthworks* are managed to achieve various outcomes, particularly the mitigation of off-site sand and dust movement.

*Bulk Earthworks* constitutes 'Development' under the *Planning and Development Act 2005* ('the Act') which requires Planning Approval pursuant to clause 6.1.1 of Town Planning Scheme No.2. *Bulk Earthworks*, following a Subdivision Approval being granted, is exempt from the requirement to obtain Planning Approval under Section 157 of the Act. In these instances, Engineering Approval is a pre-requisite to works being carried out where similar sand and dust management processes will be employed.

The City will consider Development Applications for *Bulk Earthworks* where the following applies:-

- an approved Local Structure Plan has been adopted by the City and endorsed by the Western Australian Planning Commission and where no Subdivision Approval has been granted; or
- a Local Structure Plan has not been adopted but the land is zoned 'Urban Deferred' or 'Urban' under the Metropolitan Region Scheme.

## **3. Policy Objective**

The objectives of the Policy seek to:-

- set out the statutory requirements under which the City considers Development Application for *Bulk Earthworks* to ensure that off-site sand and dust movement, and the nuisance it causes, is minimised;
- ensure appropriate measures are taken by those undertaking *Bulk Earthworks* to protect the health and amenity of adjacent residents;

- ensure that Development Applications for *Bulk Earthworks* are dealt with in a consistent manner;
- provide guidance on the process for determining what dust and sand drift mitigation measures are considered appropriate; and
- facilitate early development without prejudicing the environmental and heritage value of the land.

#### 4. Policy Statement

##### 4.1 Applications for Planning Approval

Development Applications for *Bulk Earthworks* shall be made on the form prescribed by the Council, signed by the landowner(s) and include the following information:-

- (i) An Environmental Assessment Report incorporating:-
  - (a) the location of works;
  - (b) a Feature Survey;
  - (c) the location and details of significant vegetation (or a valid 'Clearing Permit' in the event that one has been granted by the Department of Environment Regulation);
  - (d) a Fauna Survey and relocation plan (if applicable);
  - (e) the location of all wetland and waterways (including associated floodways) along with their buffers (including buffers from adjoining land); and
  - (f) a Desktop Heritage Review, both European and Aboriginal.
- (ii) A completed 'Site Classification Assessment Chart', as per the Department of Environment Regulation's '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated site remediation and other related activities*' ('DER Guidelines');
- (iii) The approved Local Water Management Strategy (if prepared with an adopted Local Structure Plan) or a Drainage Management Strategy/Plan (or similar) to demonstrate no adverse impacts on water courses or overland water flows;
- (iv) A Pre-works Geotechnical Report certifying that the land is physically capable of development or advising of the required remedial works. Where necessary, a preliminary Acid Sulphate Soil Investigation is to be included;
- (v) A Preliminary Site Investigation (if the site is known or suspected on being contaminated) and Fill Source Details;

- (vi) Earthworks Drawings (depicting existing and finished levels), including volumes of import/export material, any buffer areas, permanent or temporary water holding areas and fencing; and

Note: In situations where a Local Structure Plan has been approved, the levels within the 'Indicative Finished Levels Plan' and/or the LWMS should be used as a reference bearing in mind that final levels will be established through the subsequent subdivision and engineering stages. In the absence on an approved Structure Plan, the applicant should justify the proposed levels.

- (vii) An indicative Staging Plan.

The information required to accompany a Development Application will be influenced by the presence of an approved Local Structure Plan. Where an approved Local Structure Plan exists, the Technical Appendices lodged with the proposed Local Structure Plan can be used to satisfy some of the information requirements detailed above.

The City will consider applications to 'Stockpile Fill Material' as an interim measure, however, the Development Application is to contain the information detailed above over the area upon which the *Stockpile* is proposed to be located.

#### 4.2 Planning Approvals

The City has prepared a standard list of conditions to be imposed on Planning Approvals for *Bulk Earthworks*. The following requirements, and possibly others, are likely to be imposed as conditions of Planning Approval to be satisfied prior to the commencement of works:-

- (i) A Dust Management Plan (refer to section 4.2.1 below);
- (ii) A Traffic Management Plan, incorporating a truck schedule and access to the site plan. A Traffic Impact Statement may be required should the proposed routes impact on roads that service sensitive land uses;
- (iii) A Stockpile Management Plan detailing location, height, duration etc (in situations where a *Stockpile* is proposed to be established as part of broader bulk earthworks activities);
- (iv) A Noise and Vibration Management Plan demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997* and *AS 2436-2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*; and
- (v) Copies of any required water extraction Licences.

A Planning Approval to 'Stockpile Fill Material' will be granted for a specific period following which a fresh Development Application must be made (if the *Stockpile* is proposed to remain).

In issuing Planning Approval, the applicant will be made aware that the *Bulk Earthworks* levels should not be construed as final levels which will be established through the subsequent subdivision and engineering stages.

#### 4.2.1 Dust Management Plans

Dust Management Plans are to be prepared in accordance with the *DER Guidelines* and will be assessed against the following:-

- (i) site classification (in accordance with the *DER Guidelines*);
- (ii) type of wetting agents and proposed interval of use;
- (iii) what/if nearby roads will be swept clean of dust/sand and on what interval;
- (iv) the size of the area being worked at any one time;
- (v) type and location of any wind barrier fencing;
- (vi) what environmental monitoring will be undertaken, how many monitors and their location, what factors will be measured and the acceptable levels;
- (vii) further to point (vi) above, the mitigation response in the event that the 'acceptable levels' are exceeded; and
- (viii) proposed stabilising techniques and frequency they will be undertaken.

#### 5. Authority

This Planning Policy has been adopted by the Council under clause 8.9 of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the Council in respect of any application for planning approval, the Council 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.

#### 6. Interpretations

For the purposes of this Planning Policy, the following terms are defined:-

*Council means the Council of the City of Rockingham.*

*Bulk Earthworks means any works which alter the levels of a site through cutting and filling of material or importing fill material to the site, including soil remediation and pre-loading works.*

*Stockpile means the temporary aggregation of sand or soil material above the natural ground level or above the approved finished levels in circumstances where finished levels have been established.*

#### 7. Delegation

Applications for Planning Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to the Delegated Authority Register.

## **8. Adoption**

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 26th August 2014.