

FILLING OR EXCAVATION CODE

1 Purpose of the Code

The purpose of this code is to ensure that excavation or filling occurs in a manner that does not:

- adversely affect the amenity of adjoining or nearby properties; or
- adversely affect the ecological values of the locality; or
- adversely affect the visual character of the locality; or
- impact on flooding of upstream, downstream or adjoining land; or
- increase the risk, or potential, for landslip to occur; or
- impact adversely on infrastructure or increase the risk of hazards; or
- divert, alter or concentrate local stormwater drainage in such a way that it causes or potentially causes a worsening of impacts onto upstream or downstream land; or
- increase the potential for environmental harm or a faster rate of corrosion of assets resulting from the disturbance of land that may host acid sulfate soils.

2 Application of the Code

This code applies to development defined as excavation or filling that may or may not be associated with other development that is code or impact assessable. It applies to:

- Excavation or filling exceeding one vertical metre in depth or height at any one point in relation to the natural ground level; or
- Excavating or otherwise removing 100m³ or more of soil or sediment¹ from land at or below 5 metres AHD where the natural ground level is below 20 metres AHD; or
- Filling of areas situated at or below 5 metres AHD with 500m³ or more of material with an average depth of 0.5 metres or greater; or
- Excavation or filling on Flood Prone Land or in a Waterway Corridor, other than top dressing that is less than 100mm in depth from the natural ground level and occurs infrequently over a period of years, or
- Excavation for the purpose of drainage on land at or below 5m AHD.

The 5 metre and 20 metre AHD levels are shown on Filling or Excavation Code Map 1 attached to this Code.

Filling or excavation in instances other than the above, therefore does not require an assessment against this code and is accordingly exempt from this code. Excavation or Filling exempt from this Code is instead assessed against the *Standard Building Regulation 1993* in accordance with Schedule 5 of the *Standard Building Regulation 1993*.

There are no Secondary Codes to this Code.

¹ As defined in *State Planning Policy 2/02 – Planning and Management Development involving Acid Sulfate Soils*.



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3 Definitions

There are no definitions specific to this Code.

4 Explanation

This code is used for the assessment of applications for excavation or filling above the thresholds mentioned in section 2. It is necessary to be aware that even where this code does not apply, the *Environmental Protection Act 1994* binds all persons to a duty of care to ensure that activities engaged in do not cause environmental harm. In areas where there is clear evidence of the presence of acid sulfate soil requiring very high levels of treatment if disturbed, excavating or otherwise removing any acid sulfate soil will require appropriate treatment to avoid causing environmental harm.

5 Performance Criteria and Acceptable Solutions

Performance Criteria		Acceptable Solutions	
P1 Excavation or filling does not adversely impact upon the stability of land.	A1	Excavation or Filling does not occur on the part of a site where the works are proposed to occur that has a slope greater than or equal to 15%.	
		<p><i>Note: On land with a slope greater 15% where excavation or filling are proposed to occur, the works do not cause or increase the risk of landslip occurring and are carried out in accordance with an approved geotechnical report prepared in accordance with Planning Scheme Policy No. 3 - Preparation of Geotechnical Reports.</i></p>	
P2 Excavation or filling does not adversely affect the amenity of adjoining or nearby properties.	A2.1	Dust from excavation or filling is managed to a standard or degree sufficient to ensure that no dust goes beyond the boundaries of the site.	
	A2.2	AND	
	A2.3	AND	
	A2.3	Excavation or filling does not cause or allow the ponding of water on the site or on any other adjoining land ² .	
P3 Excavation or filling does not adversely	A3.1	Excavation or filling does not result in the contamination of land or waterways ³ .	

² Regard is to be given to the *Guidelines To Minimise Mosquito And Biting Midge Problems In New Development Areas* produced by the Queensland Health Department, March 2002.

³ Excavation or filling is carried out in accordance with an approved management plan that addresses the management of the excavation or filling to prevent downstream environmental impacts on waterways. A



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Performance Criteria	Acceptable Solutions
<p>affect the environmental values of land or receiving waterways.</p>	<p>AND</p> <p>A3.2.1 The site is not on the Contaminated Land Register or the Environmental Management Register.</p> <p>A3.2.2 OR Excavation or filling is carried out in accordance with an approval from the relevant state government agency administering the register.</p>
<p>P4 Excavation or Filling is carried out in a manner that ensures that in areas that may host Acid Sulphate Soils;</p> <p>(a) there is no worsening of water quality or reduction in the ecological health of a sensitive receiving environment; and</p> <p>(b) environment ally sensitive areas are not detrimentally affected; and</p> <p>(c) assets are not subjected to an accelerated rate of corrosion caused by changes in water quality.</p>	<p>A4.1 The ground level where excavation is proposed is at or above 20 metres AHD</p> <p>OR</p> <p>A4.2 The ground level where filling is proposed is at or above 5 metres AHD</p> <p>OR</p> <p>A4.3 The ground level where excavation is proposed is below 20 metres AHD and;</p> <p>(i) excavation does not extend below 5 metres AHD, or</p> <p>(ii) excavation extends below 5 metres AHD and less than 100m³ only is to be excavated below 5 metres AHD.</p> <p>OR</p> <p>A4.4 The ground level where filling is proposed is below 5 metres AHD and;</p> <p>(i) less than 500m³ of filling is proposed; or</p> <p>(ii) the filling has an average depth less than 0.5 metres.</p> <p>OR</p> <p>A4.5.1 The ground level where excavation or filling is proposed is below 20 metres AHD and;</p> <p>(i) excavation extends below 5 metres AHD and 100m³ or more is to be excavated below 5 metres AHD; or</p> <p>(ii) filling below 5 metres AHD is equal to or greater than 500m³ and equal to or greater than an average depth of 0.5 metres.</p>

management plan would be expected to include an Erosion and Sediment control plan prepared in accordance with Planning Scheme Policy No. 2 - Erosion and Sediment Control Plans.



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Performance Criteria	Acceptable Solutions
	<p>A4.5.2.1 AND Excavation or filling is only carried out where there is no potential for Acid Sulfate Soils to be located where the works are proposed.⁴</p> <p>A4.5.2.2 OR Excavation or filling is to be carried out where there is potential for Acid Sulfate Soils to be located and therefore as a result the excavation or filling is carried out in accordance with an approved Acid Sulfate Soil Management Plan.⁴</p>
<p>P5 Any development that involves the excavation or filling of land is carried out in such a way that 'no worsening' of floodwater levels or flows results.</p>	<p>A5 No Acceptable Solution specified.</p> <p><i>Note: No net worsening of floodwater levels or storage at any location, not otherwise approved, results from the excavation or filling. Excavation or filling on Flood Prone Land is carried out in accordance with an approved hydrology and hydraulics report, prepared by a suitably qualified person that demonstrates that any proposed excavation, filling or structure will not adversely affect flood levels or flows on the site, upstream of the site and downstream of the site i.e. no net loss in flood storage or increase in flood levels.</i></p>
<p>P6 Any development does not adversely affect the visual character of the locality and areas of high scenic amenity and visibility.</p> <p><i>Note: Areas of high scenic amenity and high visibility are the</i></p>	<p>A6 No Acceptable Solution specified.</p>

⁴ The potential for Acid Sulfate Soils is to be determined based on the results of an Acid Sulfate Soil Investigation Report prepared in accordance with sections 6, 7 and 8 of the *State Planning Policy 2/02 Guideline for Planning and Managing Development involving Acid Sulfate Soils* and submitted with the development application. When not a referral agency, the Council will seek advice from the Department of Natural Resources and Mines under section 3.2.7 of IPA. When satisfactory and prepared in accordance with the guideline, the report will be approved by Council with the development application. When an Acid Sulfate Soil Investigation Report identifies that there is potential for Acid Sulfate Soils, works can only occur if an Acid Sulfate Soil Management Plan is prepared in accordance with sections 9 and 10 of the *State Planning Policy 2/02 Guideline for Planning and Managing Development involving Acid Sulfate Soils* and submitted with the development application. When not a referral agency, the Council will seek advice from the Department of Natural Resources and Mines under section 3.2.7 of IPA. When satisfactory and prepared in accordance with the guideline, the report will be approved by Council with the development application.



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<p><i>Berserker Ranges, the Fitzroy River, the Botanical Gardens and other natural areas or locations.</i></p>	
<p>P7 Traffic generated by excavation or filling does not adversely impact on the amenity of the surrounding area.</p>	<p>A7.1 Haulage routes used for the transportation of fill to or from the site only use Major Streets as well as any Minor Street that is necessary to provide direct access to the site from the road network.</p> <p>A7.2 AND Truck movements generated by excavation or filling of a site do not exceed 20 truck movements per day.</p> <p>A7.3 AND Truck movements generated by excavation or filling of a site do not occur for longer than 4 weeks within any 3 month period.</p>
<p>P8 Excavation or Filling is carried out in a manner that will not; (a) damage, or result in damage to, existing infrastructure; or (b) compromise the safety of existing infrastructure⁵.</p>	<p>A8 In respect to Electricity Works, excavation or filling does not occur within;</p> <ul style="list-style-type: none"> (i) 10 metres of any tower, pole, foundation, ground anchorage or stay supporting electric lines or associated equipment; or (ii) 5 metres of a substation site boundary; or (iii) 2 metres of a padmount substation; or (iv) 1 metre of a padmount transformer or an underground cable <p>unless an approval from the owner of the Electricity Works is granted stating otherwise.</p>



⁵ Development involving excavation or filling on Land Contiguous to Electricity Works should be referred to the relevant electricity entity (likely to be Ergon Energy Corporation Limited) to ensure there will be no electrical hazard created by the proposed development, before any application is lodged with Council. Regard should be had to maintaining the minimum safety clearances specified in the *Electrical Safety Regulation 2002*.