

Local Planning Policy 3.24: Determining Natural Ground Levels

ADOPTION DATE: 28 April 2020

LAST AMENDED DATE: N/A

AUTHORITY: *Planning and Development Act 2005*
Planning and Development (Local Planning Schemes) Regulations 2015

INTRODUCTION

This Policy has been adopted for the purpose of establishing natural ground levels land preceding development. The State Administrative Tribunal in Lee and City of Cockburn [2008] WASAT 268 determined that the natural ground level of a building site is its state existing at the date of the proposed development, as opposed to an artificially modified state. It is not always straightforward to determine the natural ground level of a site that has previously been developed, as such this Policy has been developed to assist applicants and the Town in how to determine the established natural ground level preceding development.

APPLICATION

This Policy operates pursuant to Clause 4 of the Deemed Provisions for Local Planning Schemes [Planning and Development (Local Planning Schemes) Regulations 2015] (Deemed Provisions). The Policy applies to all development in the Town of Cambridge.

OBJECTIVES

- Provide guidance on the method of determining natural ground levels preceding development;

DEFINITIONS

Natural Ground Level

- a) If the development is used for residential purposes, has the meaning given in the R-Codes; or
- b) If the development is used for purposes other than residential purposes, means the levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

PROVISIONS

1. Natural Ground Level Preceding Development

For the purpose of establishing the *natural ground level of a site*, 'the levels on a site which precede the proposed development' means the levels shown on the Department of Lands & Surveys 1975 Perth BG34 1:2000 series maps unless the Town determines that:

- 1.1 A particular district-wide survey level is more appropriate, in which case these levels are considered to be the level on a site preceding development; or

- 1.2 The site has a nominated lot level notated on a Local Development Plan, Outline Development Plan or Restrictive Covenant, in which case the nominated level is considered to be the level on a site preceding development; or
- 1.3 It can be proven by a licensed surveyor to the Town's satisfaction that the Department of Lands & Surveys 1975 Perth BG34 levels or other district-wide survey levels are not appropriate in a particular instance and other survey levels are more appropriate, in which case these levels will be considered to be the level on a site preceding development.

Adopted: 28 April 2020 (DV20.40)