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1.0 ADOPTION

Version	Council Adoption	Item Number	Comment
1	11 November 2008	SC21	Draft for advertising
1	11 November 2008	SC21	Advertising concluded 12 December 2008 Final – no objections received
2	14 July 2009	SC88	Draft for advertising
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3	22 March 2011	SC212	Draft for advertising
3	22 March 2011	SC212	Advertising concluded 27 April 2011 Final – no objections received
3	1 July 2011	SC001	Draft for advertising
3	1 July 2011	SC001	Advertising concluded 1 August 2011 Final – no objections received
4	24 June 2014	TBA	Draft for advertising

2.0 PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.



It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The City encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

3.0 SCOPE

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.

4.0 OBJECTIVE

- 4.1 To encourage a philosophy that discourages the re-contouring of land as being the preferred method of undertaking development on sloping sites.
- 4.2 To restrict excessive cutting and filling of sloping land and encourage house design (split level) which complements, and is sympathetic to, the natural topography.
- 4.3 To reduce neighbour conflict by encouraging a reduction in the level of cutting and filling on development sites and the size of the retaining walls that need to be constructed along the common property boundary(s).
- 4.4 To reduce overlooking and privacy issues by clearly outlining the local government's position regarding the application of 'natural ground level' as defined in the Residential Design Codes.
- 4.5 To ensure that new subdivision and development is sensitive to the natural topography and character of Geraldton.
- 4.6 To reduce the visual impact of retaining walls and safeguard the amenity of existing developed (or established) areas.
- 4.7 To allow for retaining walls in areas where the existing streetscape is characterised by retaining walls.
- 4.8 To allow for a regional variation to the Residential Design Codes and provide additional Deemed-to-Comply Criteria for Design Element 5.3 – Site Planning and Design, specifically Part 5.3.8 – Retaining Walls.
- 4.9 To allow for a regional variation to the Residential Design Codes and provide additional Deemed-to-Comply Criteria for Design Element 5.3 – Site Planning and Design, specifically Part 5.3.7 – Site Works.

5.0 POLICY STATEMENT

5.1 Application of Policy

5.1.1 This policy applies to all 'residential' and 'rural-residential' land within the municipality.

5.1.2 This policy applies to land being retained (either above or below existing natural ground level).

5.2 Issues

5.2.1 Geraldton has a number of properties located on sloping land and large areas of 'greenfield' sites that comprise sloping land. These variations in topography make an important contribution to local character. There is the desire (primarily from developers) to create level building sites on which to build a house for the end consumer. In order to create a level building site on sloping land, cutting and filling occurs and the construction of retaining walls on property boundaries is required.

5.2.2 Extensive cutting and filling of lots and the construction of large retaining walls has the potential to detrimentally impact on the amenity of an area (especially in established areas) and add to the cost of the land and/or the proposed development for the end consumer.

5.2.3 The vast majority of landowners, builders and designers are entrenched in seeking to place single level, 'standard' project homes, or excessively large house designs, onto land parcels that cannot accommodate the design without extensive earthworks.

5.2.4 Building large retaining walls on the boundaries of an individual lot has the potential to create conflict between the neighbours and adversely affect the development potential and amenity of land parcels on either side of the retaining wall(s).

In addition to the impact from the actual retaining wall, there is a requirement to place a fence on top of the wall to maintain privacy and safety for the person(s) living above that wall.

5.2.5 Excessive fill and retaining has, and will increasingly, place a burden on basic raw materials, not only by the material needed for the fill but also the construction material (usually limestone) of the retaining wall itself. Any reduction in the extraction of natural resources will aid in environmental sustainability.

5.2.6 It is therefore desirable that development of land generally avoids major interference with the natural (or pre-existing) site levels, thereby preserving the natural topography.

5.3 Residential Design Codes – Retaining Walls (Part 5.3.8) & Site Works (Part 5.3.7)

5.3.1 a. Retaining walls greater than 0.5m will require a planning application.

In assessing applications the local government will take into consideration the objectives of the policy, the impact on the streetscape and general amenity of the area.

b. There is a general presumption against retaining walls (in excess of 1.0m) in established areas where there has been little (or no) retaining required for surrounding development.

c. In established areas that are predominantly characterised by retaining walls (eg. Wandina) consideration may be given to retaining walls generally up to 2.0m.

- 5.3.2 In new estates that have been provided with retaining walls there should be no need for further retaining and in any event if retaining is required it should not be higher than 0.5m.
- 5.3.3 Comments in writing should be provided from the affected neighbours, which includes agreement on the surface treatment and colour of the retaining wall, prior to the local government considering the application. Where an applicant has been unable to obtain written neighbour consent, the local government shall seek the comment of the affected property owner(s). Where no response is received within the specified timeframe, the local government may determine the application without a response and determine the surface treatment and colour of the retaining wall.

5.4 Retaining on Front & Secondary Street Boundaries

- 5.4.1 A planning application is required for all retaining walls above 0.5m in height along the front (ie. primary street) and/or secondary street boundaries.
- 5.4.2 Should a fence be constructed on top of a front and/or secondary street retaining wall, the height of the retaining wall will be included as part of the overall height of the fence for the purposes of determining compliance with clause 5.2.4 of the Residential Design Codes (ie. front walls and fences being visually permeable 1.2m above natural ground level).

5.5 Subdivision of Land

- 5.5.1 Where a retaining wall is to be constructed on the outer boundary of the subdivision area, and it abuts an existing land parcel or road reserve, then these walls are not deemed approved under a planning scheme as per Part 10, Division 3, section 157 (1) of the Planning & Development Act 2005.

In these instances the Residential Design Codes and this policy apply.

- 5.5.2 There is a general presumption against retaining walls greater than 2.0m.

5.6 Construction Materials & Surface Treatment

All retaining walls are to be constructed in approved materials and in accordance with the design by a practicing structural engineer. The owner(s) is required to liaise with the affected abutting property owners in order to ensure a mutually acceptable outcome is achieved in regard to the surface treatment and colour of the retaining wall. In the event of any dispute between neighbours, the surface treatment and colour will be as determined by the local government.

5.7 Natural Ground Level

- 5.7.1 'Natural Ground Level' is defined in the Residential Design Codes as:

'The levels on a site which precede the proposed development, excluding any site works unless approved by the council or established as part of subdivision of the land preceding development.'

However, it is not to be construed that an approval for a retaining wall or filling on a lot as part of any development is equivalent to an approval to alter the natural ground level. Therefore an approval for fill or retaining does not establish a new natural ground level and instead the ground level existing prior to the development will remain as the natural ground level.

5.7.2 At time of lodgement of a planning application for a retaining wall or filling a full topographical survey is required to be provided to the local government in order to establish the natural ground level of the site.

5.7.3 Whenever an application is made for approval of site works involving a retaining wall and filling which will raise the ground level of the site, the local government may impose the following condition:

“This approval cannot be relied on to operate as approval of site works modifying natural ground level. In the case of any further development on the site where natural ground level might be relevant, the development is to be proposed on the basis that natural ground level for the development is the natural ground level prior to filling as a consequence of this approval”.

6.0 REFERENCE

The City of Greater Geraldton Town Planning Scheme(s) and the Planning & Development Act 2005.

7.0 RESPONSIBILITIES

The Town Planning Services Team as per the Delegations Policy and Register and further authority is delegated to the Chief Executive Officer for the following:

- a. Approval of higher retaining walls (Clause 5.3.2 b & c and Clause 5.5.2).
- b. Approval of any retaining walls (Clause 5.3.3 & 5.4.1).
- c. Approval of construction materials, surface treatment and colour (Clause 5.6).