

# R-Codes – Retaining Walls

## Local Planning Policy

**VERSION 5**

December 2015

town planning services

| Version | Adoption                                | Comment                                                    |
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| 2       | 14 July 2009<br>Council Item SC088      | Final – No objections received during advertising.         |
| 3       | 22 March 2011<br>Council Item SC212     | Final – No objections received during advertising.         |
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## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No. 1 ('the Scheme'). It may be cited as the *R-Codes – Retaining Walls local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

## 2.0 BACKGROUND

*State Planning Policy 3.1 – Residential Design Codes (the R-Codes)* includes provisions for decision-makers to prepare local planning policies to alter certain development standards of the R-Codes where a specific local need arises. The R-Codes also acknowledge that applications with proposals which do not satisfy the deemed-to-comply provisions of the R-Codes may need to rely more specifically on local housing requirements and design objectives.

This policy provides local housing objectives and varies relevant deemed-to-comply provisions of the R-Codes to assist in their implementation. It should be read in conjunction with the R-Codes.

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.

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.

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.

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.

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. 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.

### 3.0 OBJECTIVES

- a) To provide further guidance on the design principles of the R-Codes for *Design Principle 5.3.7 – Site works* and *Design Principle 5.3.8 – Retaining walls*.
- b) To encourage a philosophy that discourages the re-contouring of land as being the preferred method of undertaking development on sloping sites.
- c) To restrict excessive cutting and filling of sloping land and encourage house design (e.g. split level) which complements, and is sympathetic to, the natural topography.
- d) 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 lot boundary(s).
- e) 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 R-Codes.
- f) To ensure that new subdivision and development is sensitive to the natural topography and character of Geraldton.
- g) To reduce the visual impact of retaining walls and safeguard the amenity of existing developed (or established) areas.
- h) To allow for retaining walls in areas where the existing streetscape is characterised by retaining walls.

### 4.0 POLICY MEASURES

#### 4.1 Application of Policy

This policy applies to all residential development governed by the R-Codes.

#### 4.2 Retaining Walls and Site Works

- 4.2.1 Retaining walls greater than 0.5m require a development 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.
- 4.2.2 There is a general presumption against retaining walls (in excess of 1m) in established areas where there has been little (or no) retaining required for surrounding development.
- 4.2.3 Where it can be demonstrated that established areas are predominantly characterised by retaining walls consideration may be given to retaining walls generally up to 2m.
- 4.2.4 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.

- 4.2.5 Evidence of consultation with adjoining properties (including written agreement on the location, height, surface treatment and colour of the retaining wall) should be provided with the development application. Where an applicant has been unable to obtain written agreement the local government will consult with adjoining properties. 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.

#### 4.3 Retaining on Primary and Secondary Street Boundaries

- 4.3.1 A planning application is required for all retaining walls above 0.5m in height along the primary and/or secondary street boundaries.
- 4.3.2 Should a fence be constructed on top of a primary and/or secondary street retaining wall, the overall height of the fence shall be measured from the primary and/or secondary street side.

#### 4.4 Subdivision of Land

- 4.4.1 Where a retaining wall is to be constructed on the existing lot or street boundary of the subdivision area then these walls are not considered to be approved works under a planning scheme as per *Part 10, Division 3, section 157 (1) of the Planning & Development Act 2005*. In these instances the R-Codes and this policy apply.
- 4.4.2 There is a general presumption against retaining walls greater than 2m.

#### 4.5 Construction Materials and Surface Treatment

All retaining walls are to be constructed in approved materials and in accordance with the design by a practicing structural engineer. Consultation with adjoining properties is required to try and 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, the surface treatment and colour will be as determined by the local government.

#### 4.6 Natural Ground Level

- 4.6.1 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.
- 4.6.2 Unless specifically stated in a development approval, an approval for a retaining wall or filling on a lot as part of any development application will not alter the natural ground level on a site. Therefore an approval for fill or retaining does not necessarily establish a new natural ground level and instead the ground level existing prior to the development will remain as the natural ground level.
- 4.6.3 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”.*

## 5.0 DEFINITIONS

Refer to *State Planning Policy 3.1 – Residential Design Codes (the R-Codes)*.