
AUTHORISATION	Adopted 24 July 2012
REVIEW	Biannual - Next scheduled review 2014.

Part 1

POLICY OPERATION

Policy Development

This policy has been prepared under the provisions of Section 8.11 of the City of Wanneroo District Planning Scheme No. 2 (DPS 2).

Background

This policy applies to all retaining walls within the City of Wanneroo proposed as subdivisional works under Section 157 of the Planning and Development Act 2005 (the Act) – *‘When approval of subdivision is deemed to be approval under planning scheme’*.

Section 157 of the Act specifies that works covered by a subdivision approval include those either:

- a) *shown on the plan of subdivision; or*
- b) *required by the Commission to be carried out as a condition of approval of the plan of subdivision*

Part 6.1.3(j) of DPS 2, specifies that Planning Approval is not required for *‘any development works required to be carried out as a condition of subdivision granted by the Commission’*.

Where the City’s approval is given to retaining walls in accordance with Section 157 of the Act, a separate planning approval under the scheme is not required. This process was tested and re-affirmed by the Minister for Planning on advice from the State Administrative Tribunal in relation to DR207 of 2010, where it was determined that a separate planning approval under the City’s scheme is not required for such subdivisional works.

Section 170 of the Act requires the subdivider to provide to the local government drawings and specifications for roads, artificial waterways, and such other information relating to levels, drainage, the nature of the soil and physical features as the local government requires. The City shall give consideration to proposed subdivision retaining wall height as part of the Section 170 process and in accordance with the provisions of this policy.

Application and Purpose

This policy applies to all retaining walls within the City of Wanneroo proposed as subdivisional works under Section 157 of the Planning and Development Act 2005 (the Act) – *‘When approval of subdivision is deemed to be approval under planning scheme’*.

The purpose of this policy is to establish acceptable heights for retaining walls proposed under section 170 of the Act to satisfy conditions of subdivision, including those relating to the coordination of ground levels and/or the filling of land associated with subdivision.

Objectives

The objectives of this policy are to:

1. Enable the creation of appropriately graded residential building sites that can be effectively serviced;
2. As far as practicable retain the natural topographic features of the locality by minimising the need to import or export large quantities of fill;
3. Minimise the need for large retaining walls as part of dwelling construction;
4. Coordinate subdivisional levels with adjoining landholdings, road reserves, natural features and public open space.
5. Minimise the height and impact of subdivisional retaining walls located on the boundary of land in separate (private) ownership;
6. Minimise the height of subdivisional retaining walls visible from a public space (road reserve, recreation reserve) and/or abutting land in separate ownership.

Other Legislation

Where a conflict exists between this policy and the terms, provisions and requirements of the Scheme, Agreed Structure Plan or Approved Detailed Area Plan, the terms of the respective Scheme, Structure Plan or Detailed Area Plan shall prevail.

Definitions

‘Height’ in relation to a subdivisional retaining wall shall mean the difference between the top of the wall, measured vertically from the lowest adjoining finished earthwork level.

‘Subdivisional Retaining Wall’ means a wall designed to retain soil in association with the subdivision of the land.

Part 2

Policy Provisions

1.0 Acceptable Standards

Retaining walls up to the maximum heights listed in Column – A of Table 1 (*Acceptable Maximum Heights*), are deemed acceptable and will be approved as part of subdivisional engineering drawings.

2.0 Variations to Acceptable Standards

2.1 The City may consider variations to the *Acceptable Maximum Heights* listed in Column – A of Table 1 up to the maximum heights prescribed by Column – B of Table 1 (*Height subject to Variation Criteria*), for the corresponding retaining wall location where in the City's opinion, the wall(s) is necessary to achieve and/or complies with the following criteria, as deemed applicable by the City:

- a) Facilitate the minimum standard required to service the proposed lots with sewer, power, water and other essential services to the specification and satisfaction of the relevant servicing authority and the City of Wanneroo;
- b) Retain the visual impression of the natural landform within the locality;
- c) Minimise the height of retaining walls as seen from the street or other public place, or from an adjoining property in separate ownership;
- d) Retain natural vegetation within proposed lots, abutting road reserves and public open space;
- e) Retaining walls consistent with an approved Structure Plan or Detailed Area Plan;
- f) Compatible with the character and consistency of other retaining walls within the subdivision area;
- g) Minimise the importation and exportation of fill to and from the site;
- h) Minimise the impact of any development likely to cause soil erosion or land degradation.

2.2 The City will refuse to grant its approval for retaining walls that are subject to but deemed to not comply with the requirements of provision 2.1 above.

3.0 Unacceptable Retaining Walls

Unless the City is satisfied that exceptional circumstances exist, the retaining walls described in Column – C of Table 1 (*Unacceptable Criteria*) will not be approved.

4.0 Consultation

4.1 Consultation with the affected abutting landowner shall be undertaken prior to the City's determination of any proposed retaining wall greater than 2.5m in height, which abuts a land in separate private ownerships but only if the City considers that the proposal satisfies provision 2.1 of this policy.

- 4.2 The subdivider may approach the affected abutting landowner and seek their written agreement to the proposed wall(s). If such written agreement is obtained, the original signed version shall be provided to the City and the City shall verify its authenticity howsoever it deems necessary.
- 4.3 Alternatively or additionally to any consultation undertaken in accordance with provision 4.2 the City may at its discretion carry out consultation with the affected abutting landowner by writing to them and providing a copy of the proposed retaining wall plan(s) for their information. A time period of not less than three weeks will be given to the abutting landowner to provide any comments to the City. Where no comments are received it will be taken that the affected abutting landowner has no objection.
- 4.4 In making its determination, the City will have due regard to all/any submission(s) or comment(s) received from the affected abutting landowner in response to consultation undertaken pursuant to provisions 4.2 and 4.3.

TABLE 1 – SUBDIVISION RETAINING WALL HEIGHTS

Location of proposed Retaining Wall	COLUMN – A Acceptable Maximum Heights (No Criteria)	COLUMN – B Maximum Height Subject to Variation Criteria – (Refer Provision 2.0)	COLUMN - C Unacceptable Criteria - Unless the City is satisfied that exceptional circumstances exist, the following retaining walls will not be approved
Abutting Private Land in Separate Ownership	1.5m	1.5m – 4.0m*	Walls greater than 4.0 metres in height. Walls greater than 1.5 metres in height that in the City’s opinion do not satisfy the applicable criteria for variations under Part 2.0 ‘Variations to Acceptable standards’ of this policy.
Abutting Public Open Space	1.5m	1.5m – 3.0m	Walls greater than 3.0 metres in height. Walls greater than 1.5 metres in height that in the City’s opinion do not satisfy the applicable criteria for variations under Part 2.0 ‘Variations to Acceptable standards’ of this policy.
Abutting Road Reserves	1.5m	1.5m - 3.0m	Walls greater than 3.0 metres in height. Walls greater than 1.5 metres in height that in the City’s opinion do not satisfy the applicable criteria for variations under Part 2.0 ‘Variations to Acceptable standards’ of this policy.
Abutting other public space areas (drainage reserves, community purpose sites etc)	1.5m	1.5m – 3.0m	Walls greater than 3.0 metres in height. Walls greater than 1.5 metres in height that in the City’s opinion do not satisfy the applicable criteria for variations under Part 2.0 ‘Variations to Acceptable standards’ of this policy.
Internal retaining walls on the common boundary (side or rear) of proposed lots within the same subdivision area	3.0m	3.0m - 4.0m	Walls greater than 4.0 metres in height. Walls greater than 3.0 metres and up to 4.0 metres in height that in the City’s opinion do not satisfy the applicable criteria for variations under Part 2.0 ‘Variations to Acceptable standards’ of this policy.

*** Note: Walls greater than 2.5m and up to 4.0m require consultation with the affected abutting landowner (Refer Provision 4.0)**