1.0 CITATION

This Local Planning Policy (Policy) has been prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 4.5: Subdivisional Retaining Walls (LPP 4.5).

2.0 INTRODUCTION

The purpose of this policy is to establish acceptable heights for retaining walls proposed under Section 170 of the Planning & Development Act WA 2005 (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.

3.0 OBJECTIVES

The objectives of this policy are to:

1. Enable the creation of appropriately graded or split level 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 visible from a public space (e.g. road reserve, recreation reserve) and/or abutting land in separate ownership by orienting road reserves to follow contours and screening with complementary landscaping;
6. Identify the City's minimum requirements for subdivisional retaining walls and promote a consistent approach; and
7. Enhance local character and add to 'sense of place'.

4.0 APPLICATION OF THIS POLICY

This policy applies to all retaining walls within the City of Wanneroo proposed as subdivisional works under Section 157 of 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

Section 157 of the Act specifies that subdivision approval is to be taken to be approval by the responsible authority under the planning scheme of the carrying out of works necessary to enable the subdivision of land that are shown on the plan of subdivision of required by the Commission to be carried out as a condition of approval of the plan of subdivision.

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.

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.

5.0 POLICY STATEMENT

The criteria and requirements set out in this Policy will be applied by the City of Wanneroo in the assessment and consideration of proposed structure plans, in providing advice and recommendations to the WAPC on subdivision of land, the assessment and consideration of development applications, and in the consideration of detailed engineering drawings and building permits.

5.1 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.

Retaining walls are to be constructed using concrete, brick or stone or other durable materials approved by the City. Twin-side (panel and post) will be supported where tree and vegetation retention can be better achieved through minimised soil disturbance and lateral clearance. Timber, metal and cement sheeting are not acceptable materials. Besser block will only be permitted where it's not visible from the public realm or adjacent properties.

5.2 Variations to Acceptable Standards

5.2.1 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.

5.2.2 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 3.1 above.

5.3 Unacceptable Retaining Walls

5.3.1 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.

5.4 Complementary Landscaping

5.4.1 Where the WAPC has imposed the condition for subdivisional retaining walls and complementary landscaping on a subdivision approval, the City shall require the developer to submit a landscaping plan together with the subdivisional retaining wall plans.

5.4.2 The landscaping plan will include any details of any financial contribution to the City, or where the developer implements the landscape works, agrees to establish and maintain the landscaping works for a minimum period of 2 years.

5.5 Implementation

5.5.1 At the Structure Plan assessment state, the City will require that the proponent suitably addresses the criteria and requirements of this policy.

5.5.2 Where subdivisional retaining walls are considered necessary, the City will recommend to the WAPC that, as a condition of its subdivision approval, the proponent is required to submit detailed engineering drawings of the proposed subdivisional retaining walls in accordance with this policy for the City's information.

5.5.3 Where subdivisional retaining walls are considered necessary, a Building Permit application will be required prior to construction commencing.

5.6 Implementation

5.6.1 Subdivisional retaining walls are the responsibility of the landowner whose land the retaining wall benefits. In this regard, the landowner is responsible for maintaining the subdivisional retaining wall in a good condition and so as to not allow the retaining wall to fall into a dangerous, dilapidated or unsightly state.

5.6.2 Where a subdivisional retaining wall has become damaged, dilapidated or in need of repair, the owner shall repair it with similar materials with which it was constructed (and approved).

5.6.3 A subdivisional retaining wall shall not be altered or replaced with materials other than which it was first constructed without prior approval of the City.

5.6.4 Where non-sacrificial graffiti protection has been applied to a subdivisional retaining wall and it is required to be repaired or replaced, the landowner must treat it with the same non sacrificial graffiti protection as part of the repair or replacement.

6.0 CONSULTATION

6.1 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 5.2.1 of this policy.

6.2 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.

6.3 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

6.4 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 5.2 and 5.3.

7.0 DEFINITIONS

For the purposes of this Planning Policy, the words and expressions of the policy have their normal and common meaning and as defined in the City of Wanneroo District Planning Scheme No. 2, unless the context otherwise requires or as defined below.

City means the City of Wanneroo

Complementary Landscaping means landscaping within the public open space reserve, drainage reserve, pedestrian access way or road reserve adjacent to the subdivisional retaining wall.

Height in relation to a subdivisional retaining wall shall mean the difference between the top 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.

Owner	Planning and Sustainability	**record**	26/208784
Implementation	24 July 2012	**Next Review**	15 June 2030
VERSION	**DECISION TO ADOPT/AMEND**		
1 - 12/31825	**COUNCIL RESOLUTION TO ADOPT ON 24 JULY 2012 (PS05-07/12)**		
2 - 19/337602	**COUNCIL RESOLUTION TO ADOPT ON 28 JULY 2020 (PS06-07/20)**		
3 - 26/208784*	**POLICY COMMITTEE REVIEW 15 JUNE 2026 (PRC ITEM 5.5)**		

TABLE 1 – SUBDIVISION RETAINING WALL HEIGHTS

	COLUMN – A	COLUMN – B	COLUMN - C
Location of proposed Retaining Wall	**Acceptable Maximum Heights (No Criteria)**	**Maximum Height Subject to Variation Criteria – (Refer Provision 3.0)**	**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 5.0)***