

BOUNDARY WALLS IN RESIDENTIAL AREAS POLICY



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	Planning Manager
Affected Business Unit/s	Planning Services

PURPOSE:

To provide direction and clarity to developers and the community on the application of the Acceptable Development Provisions for residential development to be built with one(1) metre of a lot boundary pursuant to Clauses 6.3.2 and/or 7.1.4 of the Residential Design Codes 2008 (as amended).

OBJECTIVES:

- To expedite the determination of applications that comply with the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the Residential Design Codes 2008 (as amended).
- To enable affected adjoining landowners to comment on applications seeking variation(s) to the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the Residential Design Codes 2008 (as amended).

POLICY STATEMENT:

Clauses 6.3.2 and 7.1.4 of the Residential Design Codes 2008 (R Codes) detail Acceptable Development Provisions and Performance Criteria for walls built up to a lot boundary. All applications must comply with the Performance Criteria of the R Codes, and the Acceptable Development Provisions provides one straight-forward way of satisfying the Performance Criteria.

Clause 2.5.4 of the R Codes states that:

“A council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council’s planning scheme or a local planning policy”.

Development that complies with the Acceptable Development Provisions is therefore “as of right” and cannot be refused.

Notwithstanding this policy, the City strongly encourages applicants to communicate with and seek comments from affected adjoining landowners for all development proposals. Clear communication can potentially avert issues arising either during or post construction.

1. This policy applies to all residential development and associated structures built within one (1) metre of a lot boundary.
2. Wall(s) to be built within one (1) metre of a lot boundary do not require comments from affected adjoining landowner(s) where the wall(s) complies with the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the Residential Design Codes (R Codes).
3. Multiple walls to be built within one (1) metre of a lot boundary do not require comments from affected adjoining landowners where the walls comply with the height and length requirements of the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 as they adjoin each neighbouring lot.

4. The City will send a courtesy notification letter to adjoining affected landowner(s) following any approval of wall(s) compliant with the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes (as per Clauses 2 and 3 of this policy).
5. Any development that proposes variations to the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes requires a full set of signed plans (site plan, floor plan and elevations) and a signed statement of non-objection to the wall(s) from all of the affected adjoining landowner(s), (name printed and signed).
6. In the event the applicant is unable to obtain written comments from the adjoining affected landowner(s), the City will on request undertake:
 - (a) To advise the adjoining landowner(s) in writing by registered post:
 - (i) Of the proposed boundary wall(s).
 - (ii) That the landowner(s) have fourteen (14) day consultation period, from the date of the letter, to provide written comments on the proposed wall(s); and
 - (iii) That if no comments are received in writing within the fourteen (14) day consultation period, it will be assumed that they have no objection to the proposed boundary wall(s) and it will be approved accordingly.
7. Any objection to wall(s) to be built within one (1) metre of a lot boundary are to be made in writing and accompanied by detailed reasons for the objection.
8. Wall(s) to be built within one (1) metre of the boundary will be deemed to comply where:
 - (a) The wall(s) meet with the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes; or
 - (b) The wall(s) meet with the Performance Criteria of Clauses 6.3.2 and/or 7.1.4 of the R Codes and the affected adjoining landowner(s) has provided a signed statement of non-objection to the wall(s) and a full set of signed plans in accordance with Clause 5 of this policy or no response has been received from the adjoining landowner(s) in accordance with Clause 6 of this policy.
9. Objections are to be considered in the following way:
 - (a) If the wall(s) complies with the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes, the wall(s) will be approved under delegated authority as compliant development in accordance with Clause 2.5.4 of the R Codes (as amended).
 - (b) If the wall(s) proposes variations to the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes, the application will be approved under delegated authority where the City considers that the objection(s) can be satisfied by approval conditions, compliant revised plans and/or advice provided with an approval.
 - (c) Objections based on civil or non-planning related matters will not be considered and do not require referral to Council for consideration.
 - (d) If the wall(s) proposes variations to the Acceptable Development Provisions of Clauses 6.3.2 and/or 7.1.4 of the R Codes and the objection(s) cannot be satisfied by approval conditions, compliant revised plans and/or advice provided with an approval, the application will be referred to Council for determination pursuant to the Performance Criteria of Clauses 6.3.2 and/or 7.1.4 of the R Codes.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Clauses 2.5.4, 5.3, 6.3.2 and 7.1.4 of the Residential Design Codes 2008 (as amended)

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 September 2003
Reviewed / Modified	Date	23 November 2010
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	