

Retaining Walls Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development Approvals
Responsible Officer	Manager Development Approvals
Affected Business Unit/s	Development Approvals

PURPOSE

This policy aims to provide direction and clarity to developers and the community on the application of State Planning Policy 3.1 - Residential Design Codes (R-Codes) with regard to the design principles of elements 5.3.8 and 6.3.7 relating to retaining walls.

INTRODUCTION

The City of Bayswater contains a range of properties with varying site level gradients resultant of the natural topography of the land. Sites with steep gradients often require site works and retaining walls to accommodate development. Where an adjoining site has cut into the natural topography, this will increase the perceived height of any adjacent retaining proposed. As retaining walls are assessed on levels within the subject site only, any cut on an adjoining site is not factored into the height calculation. Due regard may be given to the overall impact of a retaining wall, however cut on an adjoining lot should generally not restrict reasonable development on a site which would otherwise be permitted.

The R-Codes currently permit retaining within 1.0m of a lot boundary up to 0.5m high as deemed-to-comply, however in many instances this is insufficient to address the site works reasonably required to accommodate development within the City. This policy provides clarification for developers and the community on the City's approach to handling development of a site requiring retaining walls greater than 0.5m high.

POLICY STATEMENT

This policy applies to all development within the City of Bayswater subject to elements 5.3.8 or 6.3.7 of the R-Codes. The policy in no way alters the deemed-to-comply requirements of elements 5.3.8 or 6.3.7, and is intended as a guide for consistent application of the associated design principles.

The respective design principles for elements 5.3.8 and 6.3.7 of the R-Codes state:

"P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1."

"P7 Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1."

Where a retaining wall in excess of 0.5m above the natural ground level (NGL; as defined in the R-Codes) is proposed within the primary street setback area or 1.0m of a lot boundary, the following approach shall be taken in consideration of the retaining walls against the design principles:

1. Retaining walls up to 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where at least one of the following requirements are met to the satisfaction of the City:

- 1.1 The retaining wall is no higher than the calculated average NGL of the site (refer to Appendix 1 - Calculation of Average Natural Ground Level); or
- 1.2 The applicant demonstrates servicing, drainage or vehicular access issues on site which cannot reasonably be addressed without retaining walls.
2. Retaining walls in excess of 1.0m above the NGL behind the primary street setback area and within 1.0m of a lot boundary shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 2.1 The retaining wall meets one of the requirements listed under clause 1; and
 - 2.2 Consultation is undertaken with all affected adjoining land owners in accordance with Part 4 of the R-Codes and no planning based objections are received.
3. Retaining walls within the primary street setback area shall be deemed as meeting the above design principles where all of the following requirements are met to the satisfaction of the City:
 - 3.1 Maximum height of 0.5m above the NGL within 1.0m of the street boundary;
 - 3.2 Additional retaining required beyond that in clause 3.1 shall be terraced with maximum wall heights of 1.0m, separated by a minimum distance of 1.0m measured perpendicular to the nearest street boundary (refer to Appendix 2 - Terracing);
 - 3.3 Sight line are compliant with the requirements in elements 5.2.5 and 6.2.3 of the R-Codes and landscaping is provided between all terraced retaining walls; and
 - 3.4 The maximum retaining wall height within the primary street setback area shall be no higher than the calculated average NGL.
4. Retaining walls not meeting the requirements of clauses 1, 2 and 3 will only be considered in exceptional circumstances of any unique factors affecting the development capability of the site.
5. Applications for retaining walls on vacant sites shall generally not be approved unless accompanied by plans for the future development of the site or required to address conditions of subdivision approval.
6. Retaining walls required to address conditions of subdivision approval do not require development approval under the local planning scheme (Section 157 of the Planning and Development Act 2005). Notwithstanding the above, drawings are required to be submitted to the City for approval detailing levels, drainage, nature of soil, and physical features as required in order address requirements of subdivision approval. The City will seek retaining wall heights in accordance with this policy where practical.
7. A 1.8m high screen shall be erected above any retaining walls 0.5m or higher above the NGL, behind the primary street setback and adjacent to a lot boundary.

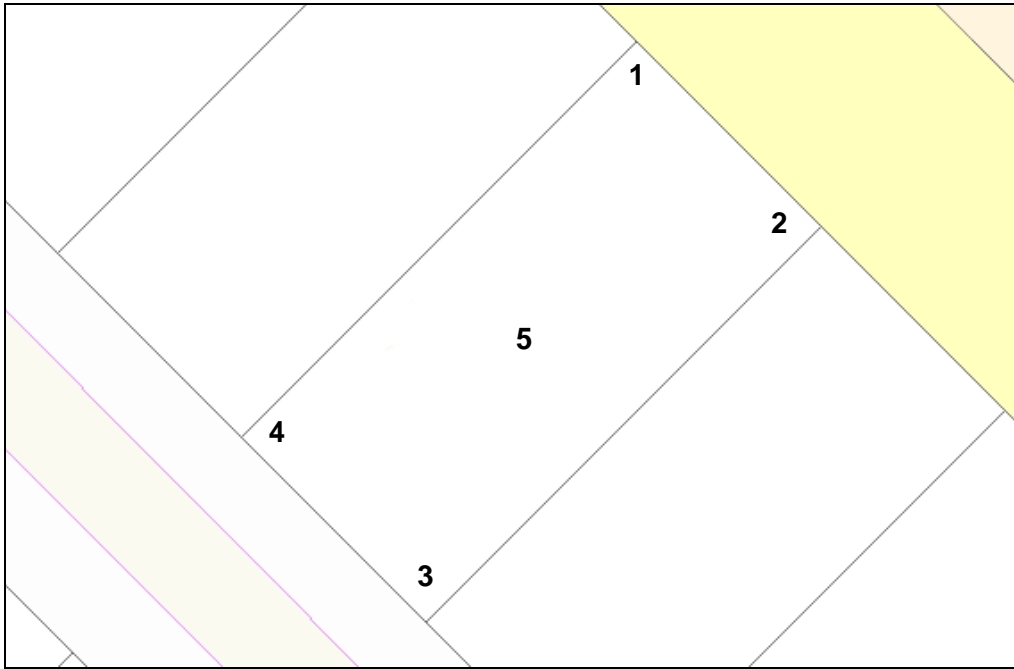
RELATED LEGISLATION

This policy is made pursuant to Part 7 of the R-Codes and adopted under the City of Bayswater's town planning scheme(s), in accordance with Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

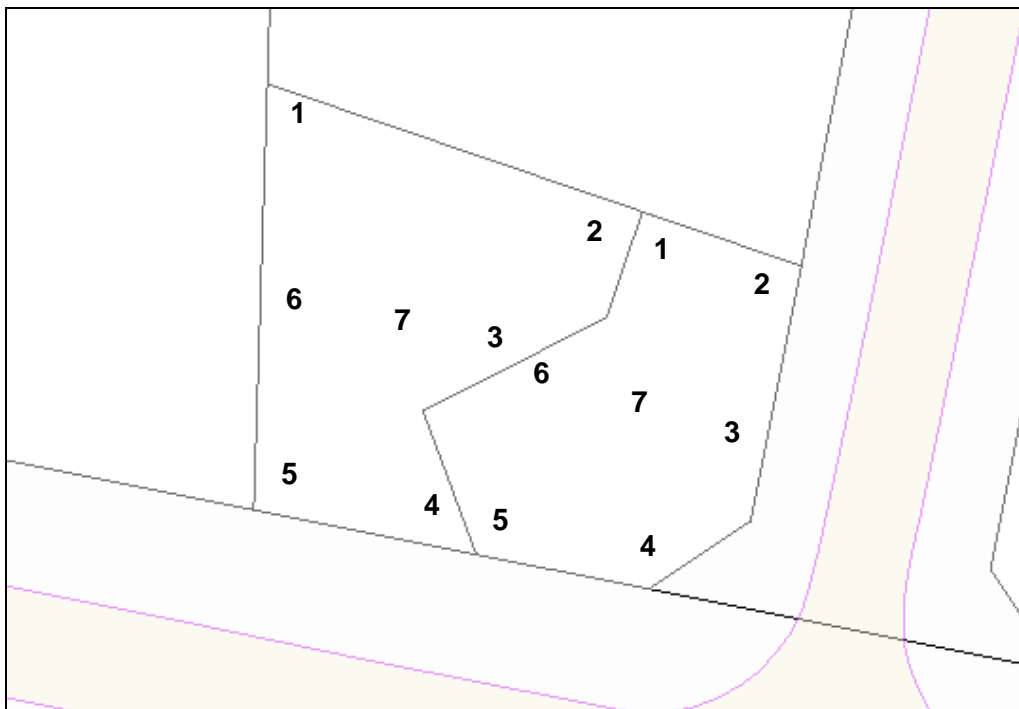
Relevant Delegations	TP-D01
Council Adoption	22 July 2003
Amended	28 April 2009
Amended	1 March 2016
Amended	17 July 2018

APPENDIX 1 - CALCULATION OF AVERAGE NATURAL GROUND LEVEL

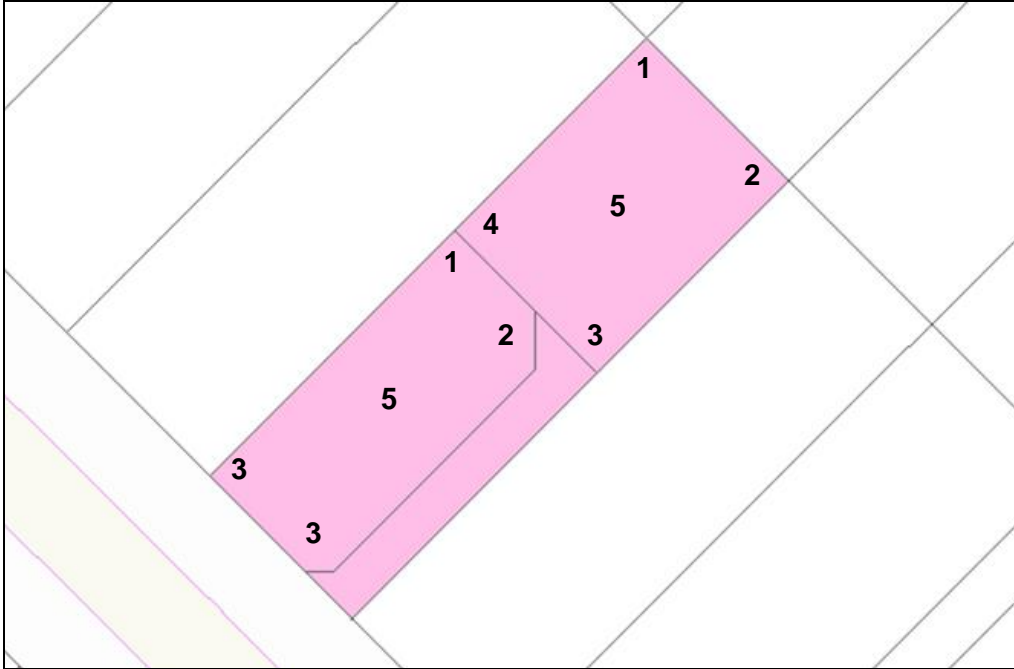
Regular (Rectangular) Lots - Average NGL for regular lots is calculated by averaging the NGL of five points indicated in the diagram above (four corners and centre). The levels of all points are added together, and divided by the total number of points (five in this instance) to provide the average.



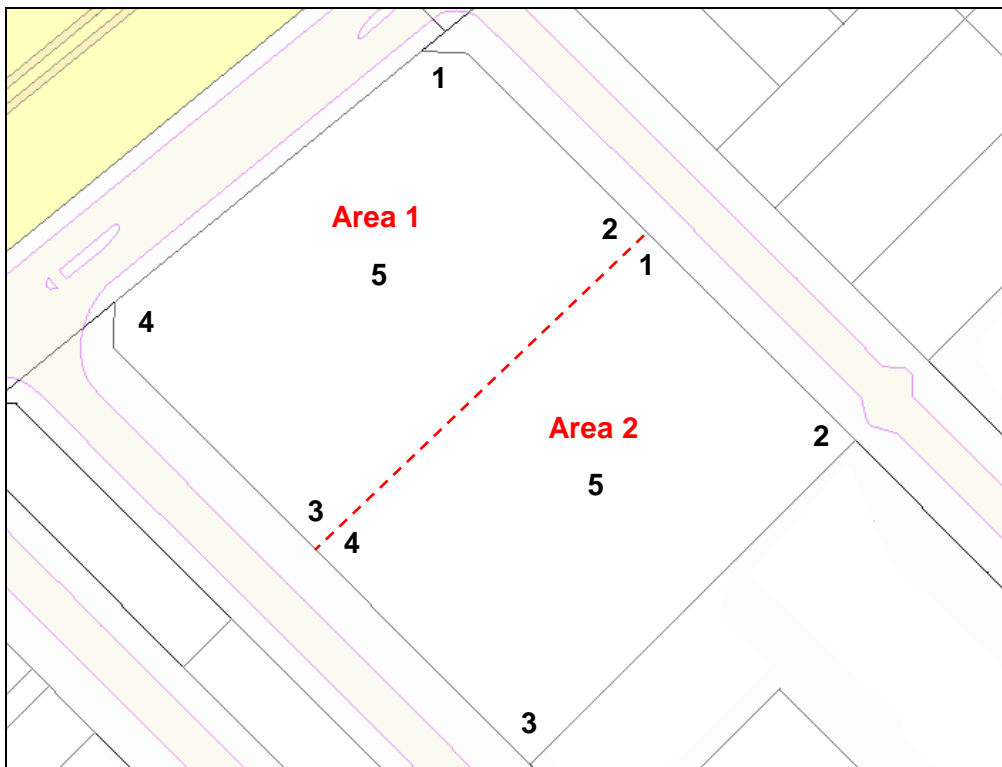
Irregular Lots - When calculating average NGL for an irregular lot there is no set method, however as a general rule it is recommended additional points are included to provide greater coverage across the lot. It is important to ensure the points are similarly spaced to prevent the average tending towards the level of a particular spot within the lot.



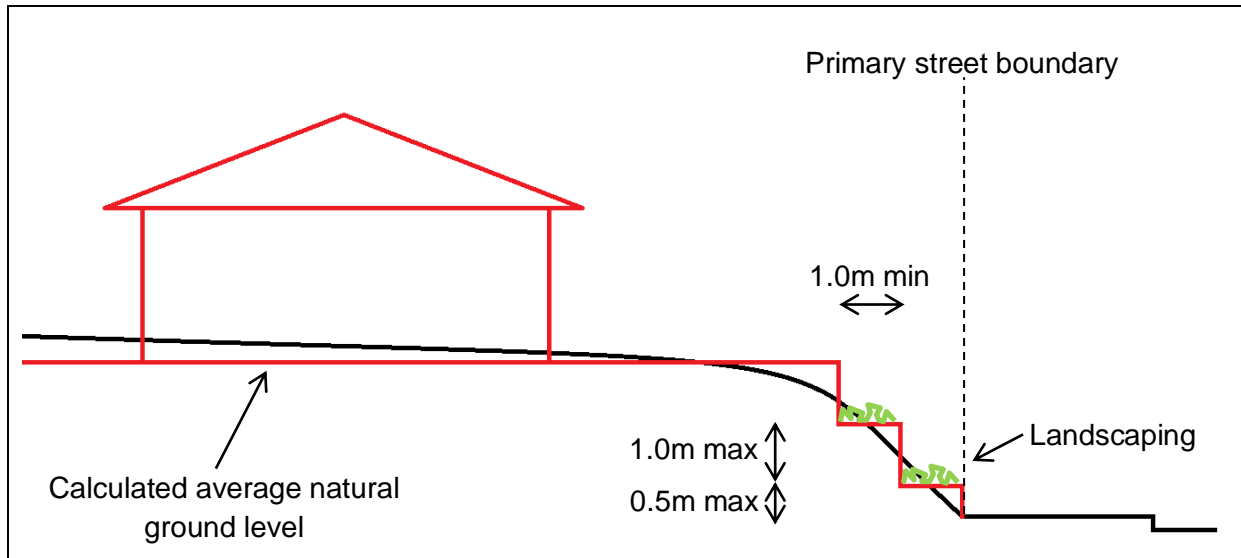
Survey-strata Lots - Average NGL for lots within a survey-strata subdivision shall be calculated separately for each individual survey-strata lot. Common property areas shall be provided at an appropriate level to facilitate servicing and access to associated lots.



Multiple Averages - At the discretion of the City, large lots or lots exhibiting significant NGL variation may utilise multiple averages when calculating average NGL. This approach is most suitable for large strata developments. A tiered series of finished ground levels may be achieved through individually calculating the average for separate areas of the lot. Where multiple averages are utilised, the separate areas shall typically be of a similar size.



APPENDIX 2 - TERRACING



Terracing will typically be required where there is considerable level difference between the primary street level and the average NGL. Required sight lines may not be obstructed by terraced retaining walls.

Where fencing is proposed within the street setback area above terraced retaining walls, the fence shall be visually permeable in compliance with element 5.2.4 and 6.2.2 of the R-Codes and maintain clear sightlines between the dwelling and the street to the satisfaction of the City.