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Shire of Kalamunda

Planning Services Committee

# ATTACHMENTS

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2 August 2010





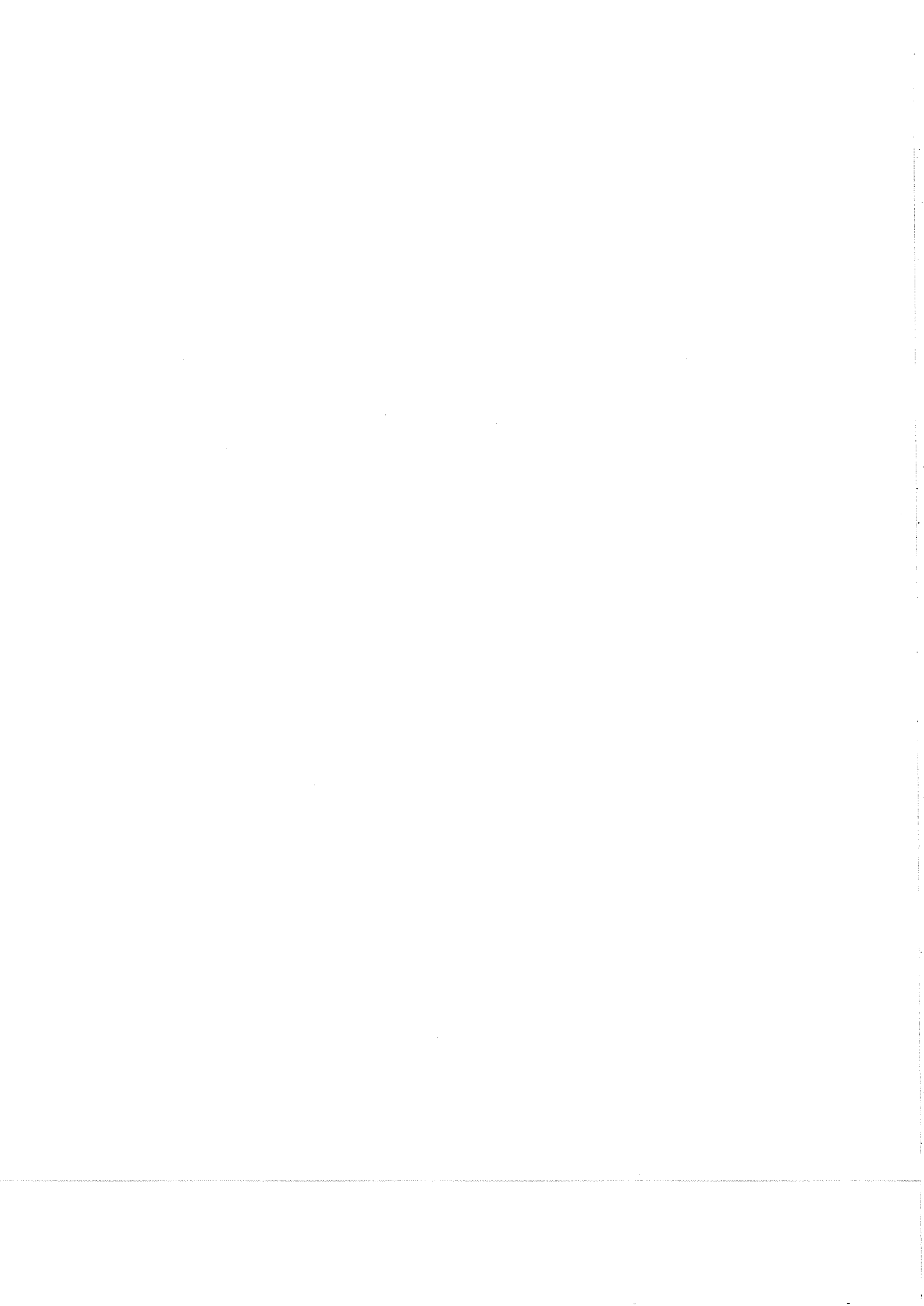
**Attachments**

**Page Number**

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52. Local Planning Scheme No. 3 - Text Amendment Relating to the Use of Front Setbacks in Commercial and Industrial Zones.....N/A



**POLICY REGISTER**

<b>Title:</b>	<b>Framework for Assessing Requests for Variations to the Number of Car Parking Bays – Local Planning Policy</b>		
<b>Policy No.:</b>	<b>DEV 41</b>		
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	Unknown
<b>Rationale</b>	To provide guidance to proponents and the Shire for considering requests for the reduction of the number of car bays prescribed under Local Planning Scheme No. 3.		
<b>Related Local Law</b>	Nil		
<b>Related Policies</b>	Nil		
<b>Legislation</b>	Local Planning Scheme No. 3		
<b>Conditions</b>	Nil		
	<p><b>POLICY</b></p> <p>Local Planning Scheme No. 3 allows the Shire to apply, at its discretion, a greater or lesser requirement for car parking bays than that stipulated as the minimum in Table 3 for any zone (except Residential) if:</p> <ol style="list-style-type: none"> <li>a) The circumstances of a development justify such variation and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by Table 3 of Local Planning Scheme No.3.</li> <li>b) it is necessary to increase the required number of car parking spaces in order to maintain desirable standards of safety, convenience and amenity, such extra car parking spaces as the Shire considers necessary shall be provided. In imposing such extra car parking requirements, the Shire shall explain the reasons for the increase to the owner of the lot.</li> <li>c) Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Shire may permit a reduction of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is agreement to the reciprocal use of some or all car parking bays.</li> <li>d) Where a proposed development is located adjacent to a constructed public car park, the Shire may, where it is satisfied there would be no lowering of safety, convenience and amenity standards, reduce the amount of required onsite car parking for that development by the amount which it considers the public car park serves the development.</li> </ol> <p>Where a request for the reduction of the number of car parking bays is received, the following principles will also be applied:</p> <ul style="list-style-type: none"> <li>• The applicant will need to provide advice from the prospective tenant as to their current and future parking needs.</li> <li>• The Shire will not consider on-street parking as part of the calculation of car parking bays for a development proposal.</li> <li>• The proximity of public parking areas will only be considered within District Centre zoned land.</li> </ul>		

- |  |                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|  | <ul style="list-style-type: none"><li>• Parking ratios under previous Planning Schemes are not relevant and are not a mitigating factor.</li><li>• A reduction in parking will only be determined by Council and not under delegation.</li><li>• A change in land use may invalidate the parking reduction.</li><li>• This Policy does not apply to developments considered under the Residential Design Codes.</li></ul> |
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**POLICY REGISTER**

<b>Title:</b>	<b>Caravan Park Proposals – Guidelines for Assessment</b>		
<b>Policy No.:</b>	<b>DEV5</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide guidelines for assessments on new caravan park proposals.
1.	The "Planning Guide for Caravan Parks" be noted by Council, and used to assist in assessment of any future applications for Caravan Park development, as well as assessment under the Caravan and Camp Ground Regulation and any relevant guidelines produces by Western Australian Planning Commission.
2.	In assessing re-zoning applications for a Caravan Park, Council may require cash in lieu for Public Open Space to be provided on a basis to be determined after consideration of each application.

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy PS 1.9
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**POLICY REGISTER**

<b>Title:</b>	<b>Delegation of Authority – Approval of Building Plans and Specifications</b>		
<b>Policy No.:</b>	<b>DEV8</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide delegation for approval of building plans and specifications.
Authority is delegated to the Manager Building Services to approve or refuse plans and specifications as permitted Local Government Act 1995, Part 5 s5.44 and the Local Government (Miscellaneous Provisions) Act 1960, Part XV, Division 2, s.374.	

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy BS 3.2
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**POLICY REGISTER**

<b>Title:</b>	<b>Delegation of Authority – Issue of Stop Work Orders</b>		
<b>Policy No.:</b>	<b>DEV11</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide delegation for issues of stop work orders.
1.	That the Manager Building Services be delegated authority in accordance with Section 5.44 of the Local Government Act 1995 to issue Stop Work Orders under Section 401A of the Local Government (Miscellaneous Provisions) Act 1960.
2.	A report detailing the background and reasons for the order shall be submitted to the next available meeting of the Planning Services Committee and Council.

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy BS 3.4
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## POLICY REGISTER

<b>Title:</b>	<b>Igloo/Tunnel House Applications – Guidelines for Assessment</b>		
<b>Policy No.:</b>	<b>DEV17</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide guidance for assessment of applications for igloos/tunnel housing.		
1.	Staff is delegated the authority to determine these applications, without reference to surrounding landowners on the basis of the following limitations.		
2.	Residential, Special Residential and Residential Bushland Zones		
	a)	Igloos are to be considered as part of the total outbuildings on site in terms of aggregate area permitted within the respective R-coding.	
	b)	Maximum height not more than 3 metres.	
	c)	Setback as per outbuilding requirements.	
	d)	Must be constructed to the rear of the existing dwelling.	
	e)	Shall not be used for commercial purposes.	
	f)	Planning consent not required but building licence required.	
3.	Other Zones		
	a)	The provisions listed in (2) above shall apply if the igloos	
		- are of a residential scale (non-commercial)	
		- do not exceed the aggregate length of 10m	
	b)	Planning consent and building licence required if the igloos	
		- are used for commercial activity such as horticultural and rural pursuits and/or associated other existing land uses;	
		- are in excess of 3 metres in height;	
		- aggregate length exceeds 10m	
	c)	In determining such application, staff shall have regard for	
		the visual and aesthetic impact of the proposal on the	environment;
		adequate screening/landscaping requirements	
		(OCM 16.12.1991)	

**POLICY REGISTER**

<b>Title:</b>	<b>Noise Attenuation for Buildings in the Proximity of Perth Airport</b>		
<b>Policy No.:</b>	<b>DEV18</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide guidelines as to provisions for properties that have the potential to be affected by aircraft noise from Perth Airport.
1.	As an interim measure, prior to the amendment to State legislation which will enable Certificate of Title endorsement of such matters, Council will take the following action:
2.	A notation be placed on Council's property rate record for land located within the 20 to 25 ANEC (or closer) to Perth Airport that the property may be subject to the effects of aircraft noise in the future.
3.	Notification be given to the prospective owners of land within the 20 to 25 ANEC (or closer) to Perth Airport at the time that a zoning certificate is issued that the property may be subject to the effects of aircraft noise in the future.
4.	Such notification to include that the aircraft noise referred to at 2 and 3 above relates to the future maximum capacity of Perth Airport, the timing of which is currently unknown.
5.	Such notification to include that measures may be taken at the owner's discretion, in the construction of buildings located in the 20-25 ANEC, which will attenuate future aircraft noise. These measures may include double glazed or extra thickness windows, ceiling insulation, solid core external doors with seals and mechanical ventilation. (OCM 22.4.91, 21.10.91)

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy PS 4.5
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**POLICY REGISTER**

<b>Title:</b>	<b>Refund of Building Licence Fees</b>		
<b>Policy No.:</b>	<b>DEV29</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide guidelines relating to the refund of building licence fees.
No refunds of licences be made other than statutory fees held in trust.	

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy BS 3.3
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## POLICY REGISTER

<b>Title:</b>	<b>Road Closure Procedures – Roads, Rights of Way and Pedestrian Access Ways</b>		
<b>Policy No.:</b>	<b>DEV31</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To outline the procedure in respect of a request or a proposal to close a road, (public or private) a Right of Way (public or private) or a Pedestrian Accessway.
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The following procedure shall be followed, in respect of a request or a proposal to close a road, (public or private) a Right of Way (public or private) or a Pedestrian Accessway.

1. Road or Right of Way - Formal Closure

(Closure of public or private road or r.o.w., under Section 288A or 287A of Local Government Act).

- a) Staff shall obtain relevant information from servicing authorities, to establish type and location of services in the road or r.o.w.
- b) Information from servicing authorities, together with advice from Manager Engineering Service relating to impact on traffic and affect on Council services, shall be incorporated into a report to be placed before Council via Planning Services Committee.
- c) Council will then consider whether or not to proceed with the closure, and to take the necessary action as required under the relevant legislation.
- d) In the event that Council decides to proceed with closure action, the following forms of advertising for public submissions shall take place.
  - i) Formal written advice will be forwarded to all abutting landowners, and all relevant servicing authorities.
  - ii) A notice will be placed in both the West Australian newspaper, and a local newspaper circulating in the subject area.
  - iii) Council shall consider whether or not a sign (or signs) is to be placed at the site of the proposed closure.
- e) Ongoing Council consideration, in respect of submissions or other relevant matters, shall be forwarded to Council via Planning Services Committee.

2. Road or Right of Way - Physical Closure

(Closure of public or private road or r.o.w. under Section 301(d), or 331B of the Local Government Act).

Except in the case of short-term closures for the purpose of carrying out works (under 301(d)) the following procedure shall apply.

- a) Staff shall obtain relevant information from servicing authorities, to establish type and location of services in the road or r.o.w.
- b) Information from servicing authorities, together with advice from Executive Manager Planning & Development Services relating to impact on surrounding land uses, shall be incorporated into a report to be placed before Council via General Services Committee.
- c) Council will then consider whether or not to proceed with the closure, and to take the

necessary action as required under the relevant legislation.

- d) In the event that Council decides to proceed with closure action, the following forms of advertising for public submissions shall take place.
- i) Formal written advice will be forwarded to all abutting landowners, and all relevant servicing authorities.
  - ii) A notice will be placed in both the West Australian newspaper, and a local newspaper circulating in the subject area.
  - iii) Council shall consider whether or not a sign (or signs) is to be placed at the site of the proposed closure.
- e) In the case of closures under Section 301(d), the tasks and functions of the Council shall continue to be carried out by Executive Manager Engineering Services in the normal course of duty.

3. Pedestrian Access Way Closure (Amended PBS 173/93 - October 1993)

- a) Staff is delegated the power to assess the application, taking into account the following factors:
- Services which exist in the PAW location;  
Location of the PAW in relation to other pedestrian access routes;  
Proximity and accessibility of facilities such as schools, shops, public transport routes/stops, other community facilities/activity points;  
Any other relevant factors.
- b) In the event of Staff refusing to support the application, Council members and the applicant shall be advised of Staff decision. Applicant also to be advised that upon request, the Staff decision can be reviewed by the Planning Services Committee and Council.
- c) In the event of Staff supporting the application, Council members and the applicant shall be advised of Staff decision, and Staff shall proceed with necessary action as required under the relevant legislation. The following forms of advertising for public submissions shall take place
- (i) Formal written advice will be forwarded to all abutting landowners, and all relevant servicing authorities.
  - (ii) A notice will be placed in both the West Australian newspaper and a local newspaper circulating in the subject area.
  - (iii) A sign (or signs) to be placed at the site of the proposed closure.
- d) Following close of the submission period the matter shall be referred to Planning Services Committee and Council.  
(OCM 18/10/93)

**CROSS REFERENCES (If any):**

Management Practice No.		Delegation No.:	
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**LEGAL REFERENCES**

Legislation:	
Local Law:	

## POLICY REGISTER

<b>Title:</b>	<b>Signs – Display of Portable Signs on Footpaths and in Public Places</b>		
<b>Policy No.:</b>	<b>DEV33</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	This Policy Statement shall apply to the placement of portable signs, on footpaths and public places. The purpose of these guidelines is to indicate to persons wishing to apply for approval for the display of portable signs within the Shire so that numbers, locations and appearance of the signs will not cause problems of obstruction or visual intrusion.
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A "portable sign" means a sign that is readily portable and is not affixed to the ground, a building, fence or any other structure.

A portable sign erected on footpaths or in public places within the Shire of Kalamunda shall:

1. Only advertise a product or service available within the boundaries of the land to which the sign abuts;
2. Not exceed a height of 1 metre measured above the level of the ground immediately below it;
3. Not exceed 0.6 square metres in area;
4. Placed so as not to cause interference or hazard to vehicular traffic or cause any interference or hazard to or impede pedestrians; and secured to prevent movement by wind;
5. Only be displayed during the hours of business each day;
6. Be of sound construction, maintained in good condition and all advertising be neatly written.
7. A person shall not erect more than one portable sign in relation to a business, shop or premises.
8. Shall not be with rotating or moving portions;
9. The owners of a portable sign shall agree to indemnify the Shire against any and all claims for compensation in respect to bodily injury (including death and illness) or damage to property (including loss of property) occurring as a result of an accident and / or happening in connection with the placement of a portable sign, and shall further agree to hold not less than \$5,000,000 public liability at all times.

### CROSS REFERENCES (If any):

Management Practice No.		Delegation No.:	
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### LEGAL REFERENCES

Legislation:	
Local Law:	

Notes:	Previously Policy BS 5.4
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## POLICY REGISTER

<b>Title:</b>	<b>Signs – General</b>		
<b>Policy No.:</b>	<b>DEV34</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	Council's general objective is to permit signs which accord with the Local Laws, but which do not create an adverse effect on the amenity of the relevant area, or on the Shire.
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These Policy Statements refer to the various types of signs including those in Council's Local Laws Relating to Signs, Hoardings and Bill Posting. They do not refer to street name signs erected by Council, or traffic signs erected by Council or others.

Council's general objective is to permit signs which accord with the Local Laws, but which do not create an adverse effect on the amenity of the relevant area, or on the Shire.

1. Election Signs

Election Signs for individual candidates are not to be erected in road reserves within the Shire.

2. Banner Signs

Council will not approve the erection of any banners across streets or highways in the Shire of Kalamunda.

3. Banner Signs on Stirk Park

i) Banner signs advising of coming events to take place on Stirk Park may be approved by staff on application subject to the following conditions:

- \* No banner sign advertising an event in any other location will be approved for display on Stirk Park or the road reserves surrounding the park.
- \* Only one banner sign will be approved for any event.
- \* Only one banner sign may be on display at any time.
- \* The banner sign may be erected no more than 14 days prior to the event and removed at the conclusion of the activity.
- \* Prospective users to be advised of prior bookings and approvals for banner signs to resolve possible conflict of dates and banner sign advertising.
- \* Any signs which do not comply with these requirements are to be removed. (OCM May 1993)

4. Removal, Return and Disposal of Unauthorised Signs (B 4.4)

i) When signs are removed by Council staff pursuant to Clause 6.5 of the Local Laws, the owners of such signs will be advised of the removal and impounding, and be advised that the sign may be collected within seven (7) days from the date of notification; fee for reclaiming the sign shall be \$25.

ii) Failure to comply with the requirements of 1. above will render the sign liable to disposal as provided for in the Local Laws.



5. Illuminated Signs (B 4.5)

- i) Illuminated signs which incorporate flashing lights or any form of cyclic illumination are considered by Council to have the potential for nuisance or disturbance to the surrounding area, and are therefore generally not favoured.
- ii) In dealing with any such application, Council will take particular note of the potential effect on the amenity of the surrounding area."

6. Advertising Signs On Reserves

- a) Signs are to comply with Council's Local Laws relating to Signs, Hoardings, and Bill Posting where appropriate. For example, maximum area of signs, height above ground etc.
- b) Signs are not to be painted directly onto Council buildings, but on removable panels fixed to buildings with minimal damage.
- c) Signs are to be removed from Council buildings and any repairs made at the expiry of the approved period or on request of Council and failure to remove will result in Council removing and carrying out any repairs at the club's cost.
- d) A sign licence to be issued for each sign and the appropriate fee paid.
- e) The number of signs on any one facility to be restricted to at least compliance with the Local Laws, ie. 6 metre separation.
- f) No advertising which is contrary to the spirit of Council's policies will be permitted, eg. smoking.
- g) Applications for approval to erect signs on reserves to be made through the Club concerned.
- h) Signs to be positioned so as to be directed to patrons of the reserve and not the general public.

7. Delegation of Authority in Respect of Application for Signs

Council delegate to the Manager Building Services the authority to approve applications for signs which comply with the provisions of Council's Sign Local -laws and Policy 4.  
(OCM - 17.7.89)

8. Signs on Council Buildings and Reserves

This Policy Statement relates to signs to be placed on Council buildings or reserves, which inform the public of applicable activities or uses. The following requirements shall apply:

- a) Professional signwriting and construction;
- b) Placed in a position to be visible by the target group;
- c) Designed with a symbol, unless use of words is necessary;
- d) Wording is to be simple, short and friendly;
- e) Is not to include "by order of", "Shire Clerk" or any person's name (unless this is required by law);
- f) Not to prohibit any activity unless by resolution of Council or a law;

- g) As a general guide one sign for each particular message;
- h) If more than one message is to be conveyed, the signs are to be displayed in a common area with a uniformity of size and design;
- i) Sign not to be approved unless justified because of usage/abuse;
- j) As a general guide the size of any sign should be no larger than a roadside speed sign;
- k) Signs for corporate sponsorship of sporting organisations are supported subject to approval and each application being generally in accord with the intent of the Signs Local Laws; (compliance with Policy B4.5)
- l) Display of signs promoting smoking or alcohol on Council reserves and buildings is not favoured;
- m) deleted - see B4.8

#### 9. Direction Signs

- i) This Policy Statement relates to "white on blue" and "white on brown" signs, erected by Council in road reserves (i.e. on a post or electricity pole, etc), for the purpose of directing the public to facilities.
- ii) Council will not grant approval for "white on blue" direction signs for individual businesses other than Doctors, Hospitals, and Caravan Parks.
- iii) A single "white on blue" direction sign with a message such as "Shopping Centre" or "Industrial Area", to be located near such a facility, may be approved.
- iv) Direction signs, ("white on blue"), for Council buildings or reserves are to be referred by to the Executive Manager for a decision.
- v) Direction signs, ("white on brown"), for places of Historic Interest, and places of genuine tourist interest within the Shire, are to be referred to the Manager Planning and Development Services for determination.

#### 10. Advertising Signs in Rural Zones

1. This Policy Statement applies to the Rural Agriculture, Rural Conservation, Rural Landscape Interest, Rural Living, Residential Bushland, Rural, Special Rural, Special Residential, and Urban Development Zones.
2. The following limitations shall generally apply:
  - (a) one sign, maximum area 1.5m<sup>2</sup>, may be permanently displayed on any lot;
  - (b) one temporary sign, maximum 5.0m<sup>2</sup>, may be displayed on any lot, provided that;
    - i) the subject matter of the sign is limited to a description of the property for the purpose of sale of the property, or
    - ii) the sign gives notice of a forthcoming event, and is removed within two weeks following the event.
3. Any message displayed shall be competently written in non-iridescent, non-irradiant materials, and may be illuminated from the front only.

4. Council may grant approval for signs not complying with the previous criteria of this Policy, but in such cases will have particular regard to
  - (a) the effect of the sign upon the amenity of the locality, and
  - (b) the effect on traffic in terms of free flow and safety.
6. In all cases referred to above, the relevant provisions of the Signs and Hoardings Local Law shall apply, including the necessity for submission of an application.

11. Temporary Advertising Signs.

This Policy Statement shall apply to temporary signs erected for a maximum period of two (2) weeks, and will permit the placement of such signs without the issue of a sign licence or approval stickers providing the following conditions are complied with:

1. Signs are not to be erected in a manner that they are likely to cause any obstruction or interference with persons using the road reserve (this includes footpath, verge and roadway), or in such a way as to create a traffic hazard.
2. Signs are not to be erected on either Roe Highway or Tonkin Highway.
3. Signs not to be placed in the vicinity of Stirk Park without the approval of the Executive Manager Residents' Services. Approval will only be granted for specific events at Stirk Park.
4. Signs are not to be erected within 50 metres of a road intersection.
5. Signs are not to be erected within 2 metres of the street kerb-line.
6. Signs are not to be located on a on a street traffic island or within the street median strip.
7. Signs must be free standing and anchored so as to prevent movement by the wind. Signs shall not be attached to any structure, service poles, trees or road furniture.
8. Signs must be removed at close of Fair, Exhibition, etc.
9. The organisers must accept responsibility for any claims arising out of the placing of the signs within the road reserve.
10. 'Home Open' signs are only to be displayed when the home is open.

Any signs that do not comply with the above mentioned conditions or by reason of content or appearance are considered to be unsuitable and will be removed.

**CROSS REFERENCES (If any):**

Management Practice No.		Delegation No.:	
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**LEGAL REFERENCES**

Legislation:	
Local Law:	

Notes:	Previously Policy BS 4.0
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**POLICY REGISTER**

<b>Title:</b>	<b>Stormwater Drainage – Subdivision Applications</b>		
<b>Policy No.:</b>	<b>DEV35</b>		
<b>Date Adopted:</b>	unknown	<b>Date Last Reviewed:</b>	unknown

<b>Objective:</b>	To provide guidelines for assessment of subdivision plans.
1.	As a matter of policy, Council require the construction of lot drainage on all subdivisions. Where in the opinion of the Manager Engineering Services or Manager Building Services, or Manager Health Services, subsoil drainage or open channel drainage is required to control water sheeting from higher land, as well as roof and paving catchment waters that are discharged as "point loads" and that the Manager Engineering Services refer all subdivisional road construction plans to the Manager Building Services and Manager Health Services when they are received so that appropriate lot drainage requirements can be suitably determined and incorporated within Council's Engineering approval.
2.	If a subdivision proposes earthworks which result in any retaining walls of greater height than 300mm, the relevant plans shall be forwarded to the Manager Planning Service for assessment. If retaining walls exceeding 300mm on a boundary with an existing lot, the matter shall be referred to the abutting landowner for comment. If objection is received, that matter shall be referred to Council for determination.

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Delegation No.:</b>	
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**LEGAL REFERENCES**

<b>Legislation:</b>	
<b>Local Law:</b>	

<b>Notes:</b>	Previously Policy PS 2.1
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## POLICY REGISTER

<b>Title:</b>	<b>Boundary Retaining Walls on Residential Land – Local Planning Policy</b>		
<b>Policy No.:</b>	<b>DEV40</b>		
<b>Date Adopted:</b>	18 August 2008	<b>Date Last Reviewed:</b>	

<b>Objective:</b>	<p>To set out the requirements for retaining walls which are built on, or close to, lot boundaries.</p> <p>This policy aims to preserve the sense of the natural topography of the site and locality, with a view to the protection of the streetscape and the amenity of the adjoining properties.</p>
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### Scope and Limitations

This policy relates to residential zoned land only.

For retaining walls in rural zoned land please contact the Shire's Building Services for specific advice.

### Background

The Residential Design Codes ('the Codes') are standards for the control of residential development throughout Western Australia. The Codes are produced by the Western Australian Planning Commission, under section 26 of the Planning and Development Act 2005.

For various types of residential development, such as walls on boundaries, the Codes set out **performance criteria**, and examples of **acceptable development** that comply with these criteria. The performance criteria represent the aim or objective, against which a proposed development is to be assessed.

Under clause 5.3.1 of the Codes, local governments are permitted to adopt local planning policies which vary or replace certain provisions of the Codes.

### Definitions

#### What is a retaining wall?

- If a building site cannot be maintained at a slope of less than 1:2, then a retaining wall is required to be installed to support the site. A retaining wall can be constructed of limestone, concrete, brick, stone or a composite of these materials.

#### Who is responsible for providing a retaining wall?

- Whoever changes the natural contour of the ground at the boundary, whether by cutting or filling, is responsible for the retention of that newly created embankment. If the retaining wall will be on the boundary and above the natural ground level, comment should be sought from the adjoining land owner with respect to the aesthetics of the wall.

### Policy

#### 1. Minimum requirements

- Retaining walls up to 500mm in height on side and/or rear boundaries, which do not abut a road or easement, are permitted 'as-of-right' in accordance with the Residential Design Codes.

- All retaining walls exceeding 500mm in height require a building licence, and are required to have the design endorsed (signed in ink) by an appropriately qualified Structural Engineer.
- All retaining walls greater than 500mm in height are to be setback in accordance with the requirements set out in the Residential Design Codes for a 'wall with a major opening' with a wall height of 2.4 metres; or are to be screened to a minimum height of 1.6 metres but not exceeding 1.8m, and setback in accordance with the requirements for a wall without major openings.
- Any retaining wall that abuts a street boundary or an easement on or off the property will require the following documentation to be submitted for approval -
  - a) A detailed site plan showing the levels of the top and bottom of the proposed retaining wall in relation to an assumed datum;
  - b) A survey of all services that are located within the road verge (contact Dial Before You Dig on 1100), to be documented on the submitted site plan;
  - c) All verge features, such as but not limited to verge trees, vehicular crossovers, electricity mounds, power poles, Telstra pits, sewers and/or stormwater disposal, are to be clearly and accurately shown on the site plan; and
  - d) If the property contains an easement or abuts an easement, the extent and type of easement.

## **2. Acceptable Variations within the Front Setback Area**

The following is deemed to comply with the Performance Criteria under clauses 6.3.3 and 6.6.1 of the Residential Design Codes –

- Retaining walls on the boundary may be up to 1.2 metres in height (above or below the natural ground level), unless abutting a front or side street boundary, or an easement.
- Written support signed by the adjoining owner(s) is required in the form of a letter or on the building plans, together with a completed Application for Codes Approval form and the applicable application fee paid.
- Fencing must be detailed on the application for consideration under the Residential Design Code provisions and the Shire's Fencing Local Law.

## **3. Acceptable Variations on a Side and/or Rear Boundary behind the Street Setback Line (but not abutting an easement)**

The following is deemed to comply with the Performance Criteria under clauses 6.3.3 and 6.6.1 of the Residential Design Codes –

- Walls may be up to 1.5 metres in height.
- Written support signed by the adjoining owner(s) is required in the form of a letter or on the building plans, together with a completed Application for Codes Approval form and the applicable application fee paid.
- If the property contains an easement or abuts an easement, the extent and type of easement must be shown on the submitted plans.

**Note: Variations outside of the above shall be determined by staff under delegation, however where an adjoining owner's comment is adverse, the application will be determined by Council.**

## **4. Privacy and overlooking**

Terraces and patio areas created at the top of retaining walls greater than 500mm in height must –

- comply with the boundary setbacks specified for a wall with major openings and a height of 2.4

metres in the Residential Design Codes; or

- be adequately screened to prevent overlooking of adjoining properties, and be setback in accordance with the requirements for a wall without major openings. Screening details must be provided as part of the building application for the retaining wall. A boundary wall or fence is considered an adequate screen if it is able to screen line of sight and is a minimum of 1.6 metres high.

**5. Location of Fences in Relation to Retaining Walls**

- Where retaining walls are located on the boundary, the boundary fence should be located on the higher side of the retaining wall.

**CROSS REFERENCES (If any):**

Management Practice No.		Delegation No.:	
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**LEGAL REFERENCES**

Legislation:	Local Planning Scheme 3 (LPS3), clause 2.2 – “the local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area and may amend or add to or rescind the Policy.”
	Residential Design Codes, as amended 29 April 2008
Local Law:	
Notes:	LPS3 text - Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme.