



## Local Planning Policy 23 – Retaining Wall and Filling of Land (LPP 23)

Management Procedure

Relevant Delegation

### Purpose

#### 1. Background:

This Policy has been prepared to provide an objective-based framework to streamline the assessment of development applications for retaining walls and filling of land in the City of Kalamunda (City) without adversely affecting the amenity of neighbouring properties or the natural landscape features and environmental values of the surrounding area.

#### 2. Application of the Policy

Unless exempted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, (Regulations) all proposed retaining walls and filling of land must be assessed in accordance with this Policy.

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*) (Act). 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 the relevant subdivision approval. The City will consider retaining wall heights and potential amenity impacts in accordance with the objectives of this policy.

#### 3. Statutory Authority / Legal Status

This Policy has been prepared in accordance with Schedule 2, Clause 3(1) of the Regulations and Part 7 of the Residential Design Codes of Western Australia (R Codes).

##### a) Relationship to Local Planning Scheme No.3.

The Policy has been prepared, advertised and adopted pursuant to Part 2 Local Planning Scheme No.3 (Scheme). The Policy augments and is to be read in conjunction with the provisions of the Scheme relating to development.

If there is a conflict between this Policy and LPS3, the Scheme prevails.

- b) Relationship to other state planning/ development control policies.

This Policy has due regard to and should be read in conjunction with the following state planning policies:

- i. State Planning Policy 1 – State Planning Framework.
- ii. State Planning Policy 7.3 – Residential Design Codes.
- iii. State Planning Policy 3.7 Planning in Bushfire Prone Areas.
- iv. State Operational Planning Policy - Liveable Neighbourhoods.

- c) This Policy must be read in conjunction with City of Kalamunda Local Planning Policies.

Local Planning Policies relevant to this policy are:

- i. Local Planning Policy 15 – Outbuildings and Sea Containers
- ii. Local Planning Policy 11 – Public Notification of Planning Proposals
- iii. Local Planning Policy 13 – Street Fencing, Wall and Gate Policy
- iv. Local Planning Policy 8 – Retention and Upgrade of Grouped Dwellings.
- v. Local Planning Policy 9– Dual Density Design

#### 4. Policy objectives

The objectives of this Policy are to:

- a) To ensure Retaining Walls and Filling of Land maintains the amenity and character of the areas where they are proposed;
- b) Minimise the impacts of retaining walls and fill on the natural environment and landscape; and
- c) To streamline the assessment process for Retaining Walls and Filling of Land.

#### 5. Definitions

**Natural ground level** – the levels on a site which precede the proposed development, excluding any site works unless approved by the decision maker or established as part of subdivision of the land preceding development.

**Wall height** – the vertical distance from the natural ground level at the boundary immediately adjacent to the retaining wall to the top of the retaining wall.

**Retaining wall** – means a wall constructed in brick, stone, concrete or limestone material designed to retain soil.

*Terracing – means the creation of one or more raised sections of earth with vertical or sloping sides and flat levels formed across a site.*

## **Policy Statement**

### **1. Development Approval**

A retaining wall is exempt from requiring development approval where it meets the following deemed to comply requirements:

- a) Is less than 0.5 metres in height; or
- b) If greater than 0.5 metres in height, is setback from the lot boundary in accordance with Clause 6.7 of the Explanatory Guidelines of the R Codes.

All retaining walls must be designed by a suitably qualified structural engineer.

Filling of land is considered 'development' (works) and requires development approval.

### **2. Existing Amenity**

Development Applications must demonstrate acceptable impact with regard to:

- a) Streetscape;
- b) Visual Privacy;
- c) Scale;
- d) Overshadowing; and
- e) Streetscape and Urban Design.

### **3. Wall Heights**

Development Applications must demonstrate acceptable impact with regard to:

- a) Building design consistent with the prevailing streetscape;
- b) Bulk and scale in the context of the development;
- c) Setbacks consistent with prevailing streetscape;
- d) Balance of cut and fill; and
- e) Walls consistent with elements 6.2 (a-d) of this policy must be terraced for any sections of retaining wall which exceed 1.0 metre in height from natural ground level.

### **4. Landscaping**

Development Applications must demonstrate acceptable design with regard to:

- a) Landscaping, a Landscape Plan is to be provided for consideration prior to determination;

- b) A minimum 1.0m landscaping strip adjoining the perimeter of any onsite parking area is to be provided; and
- c) Adjoining verge areas are required to be landscaped, reticulated and maintained to the satisfaction of the City.

5. **Fill Development Applications must demonstrate acceptable design with regard to:**

- a) Fill material must be clean, and solid earth/sand or clean inert material that is free of contaminants, organic material, putrescible or refuse matter, or any other deleterious matter.
- b) The type composition and source of fill material is to be geotechnically suitable, and any fill is to be adequately compacted to support the resultant development and land use; and
- c) Any changes to ground level through excavation or filling must not cause harm or damage to public health or the natural environment as a result of the contamination of land.

Adopted	17 December 2019 OCM 287/2019
Reviewed	
Next Review Date	