



Council Policy

Sloping Land

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1.0 Introduction

The topography and vegetation in Albany's urban area is an important part of Albany's character and its retention is encouraged. There are also environmental and economic benefits to retaining the natural landform, rather than clearing and benching sites. Steeply sloping sites do, however, pose specific challenges to development opportunities and land usage.

2.0 Issues

- Albany has numerous properties comprising steeply sloping land (greater than 10%). There is the desire (of developers) to create a level building site on which to build a house for the end consumer. In order to create a level building site on steeply sloping land, extensive cutting, filling occurs and the construction of retaining walls on property boundaries is required.
- Extensive cutting and filling of lots and the construction of large retaining walls has the potential to impact on the amenity of an area and add considerably to the cost of the land and/or the proposed development for the end consumer.
- The provision of excess fill on a property to obtain access to views or to increase property values has the potential to detrimentally impact upon the value of adjoining land parcels.
- Many landowners, builders and designers are seeking to place single level, project home designs, or excessively large house designs, onto land parcels that cannot accommodate the design without extensive earthworks.
- Building large retaining walls on the boundaries of an individual lot has the potential to create conflict between the neighbours and adversely affect the development potential of land parcels on either side of the retaining wall(s).
- In addition to the impact of the actual retaining wall, there is a requirement to place a fence on top of the wall to maintain privacy and safety for the person(s) living above that wall.

3.0 Objectives

- Encourage a philosophy that discourages the recontouring of land as being the preferred method of undertaking the development of sloping sites.
- Restrict excessive cutting and filling of steeply sloping land and encourage house design sympathetic (split level) to the natural topography.
- Reduce neighbour conflict by encouraging a reduction in the level of cutting and filling on development sites and the size of the retaining walls that need to be constructed along the common property boundary(s).
- Promote development that is sensitive to the natural topography and character of Albany.

- Promote housing designs which complement the slope of the land to reduce the building's bulk and visual impact.

4.0 Application

- This policy applies to those lots identified in Schedule 1 which have been created as part of a subdivision process and have a slope greater than 1:10;
- The policy also applies to those lots where a developer or a previous owner has recorded on the Certificate of Title for the land a restriction on the amount of cutting and filling that can take place on the lot.
- The provisions of this policy apply in addition to any other provisions contained within the City of Albany Planning Schemes 1A and 3, the Residential Design Codes (R-Codes) and the Building Code of Australia.
- This policy seeks to guide landowners, architects and staff at the City in preparing and assessing development proposals¹.

5.0 Development Requirements

5.1 General Requirements

Landowners or development proponents seeking to vary the requirements of this policy must demonstrate how the Policy Objectives are to be achieved as part of any application to development contrary to this policy.

5.2 Subdivision of Land

- Upon the subdivision of land, a developer may provide retaining walls up to a total maximum height of 2.0m along a property boundary to create a flat site for building construction.
- In regard to clause 5.2, the maximum extent of cutting or filling to be undertaken on the individual lot shall not exceed 1.0m at the property boundary.
- In addition to clauses 5.2 and 5.3, where the proposed retaining wall is to be constructed on the outer boundary of the subdivision area, and it abuts an existing developed land parcel, the subdivider shall consult with the adjoining landowner to ensure the amenity of the neighbour's property is not compromised, that any drainage issues are resolved prior to the construction of the retaining wall and any overlooking of the neighbouring property is adequately addressed.
- Where the slope of the land is greater than 1:10, the subdivider is encouraged to identify the affected lots on the plan of subdivision and request that Council add those lots into Schedule 1 of this policy.

¹ Landowners, architects and designers are encouraged to consult with the staff at the City of Albany prior to the preparation of site work plans, the design of retaining walls on property boundaries or the lodgement of designs with the City of Albany for Building Licence approval.

5.3 Retaining on Property Boundaries

The maximum height of a retaining wall on a neighbouring property boundary is to be no higher than 2.0m, with a maximum change in the height of the natural ground level being limited to 1.0m (refer to figs 1 and 2).

5.4 Retaining Within the Confines of the Lot

- Retaining within 4.0m of a neighbouring property boundary and the street frontage(s), is to be no higher than 2.0m, with a maximum change in the height of the natural ground level being limited to 1.0m (refer to fig 1).
- Beyond 4.0m of the boundaries, retaining is to be no higher than 3.0m, with a maximum change in the height of the natural ground level being limited to 1.5m (refer to figs 1 and 5).
- Where retaining is undertaken for the purpose of constructing a building, the external walls of the building should be designed as retaining walls and therefore contain the soil created by the cutting and filling (refer to figs 3 and 4).
- Minor retaining within the lot is acceptable to provide for discrete garden areas, open spaces and to accommodate vehicle movements within the site, provided clauses 5.6 - 5.9 are met.

5.3 Screening

Where limitations on cutting and filling produce a building located on a podium, the exposed underside of the building is to be screened utilising materials that compliment the remainder of the building (refer to fig 3) and demonstrate connectivity of the building to the site.

5.4 Neighbours

Where the retaining wall on a neighbouring property boundary is greater than 0.5m in height and/or does not meet the acceptable criteria for side setbacks as per the R-Codes, the applicant is to provide (on application) evidence of consultation with their neighbour and documentation demonstrating that the proposed retaining wall meets the current and future building objectives of both landowners. Where no agreement is obtained, Council will determine the proposal in accordance with the Performance Criteria specified in Part 2.5 of the Residential Design Codes.

5.5 Height Bonus

Where a house design meets the requirements of the policy, the maximum building heights identified in Clause 3.7.1 of the residential Design Codes 2002 (Category B) may be increased by 1.5 metres as follows.

Top of External Wall (roof above)	7.5 metres
Top of External Wall (concealed roof)	8.5 metres

Top of pitched roof	10.5 metres
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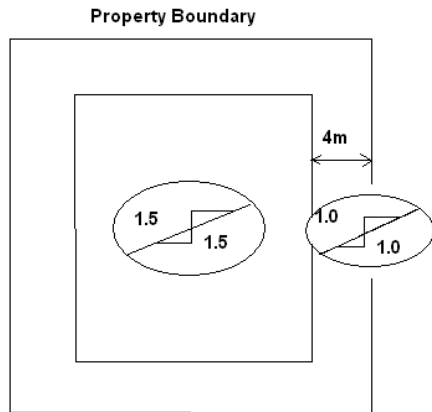
6.0 Definitions

Height Bonus: Height permitted (1.5m) over and above category “B” of the Residential Design Codes.

Neighbouring Property Boundary: A boundary that is common to two freehold lots that are shown on a Diagram of Survey and does not include a common boundary to a reserve vested in the Crown or to a road reservation.

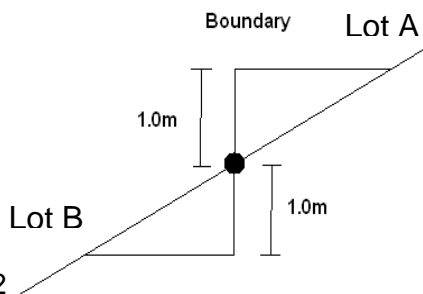
Split Level: (refer to Fig.5)

Figures



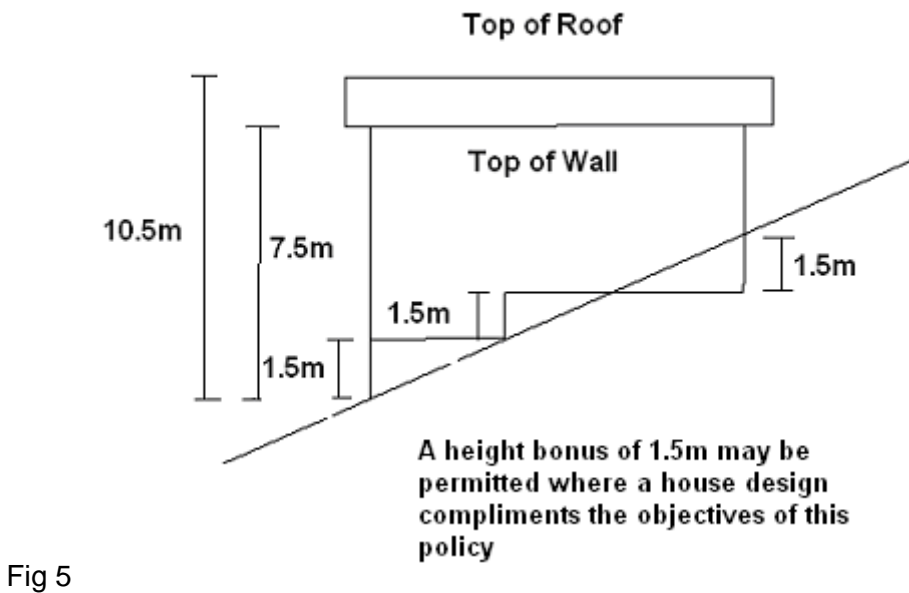
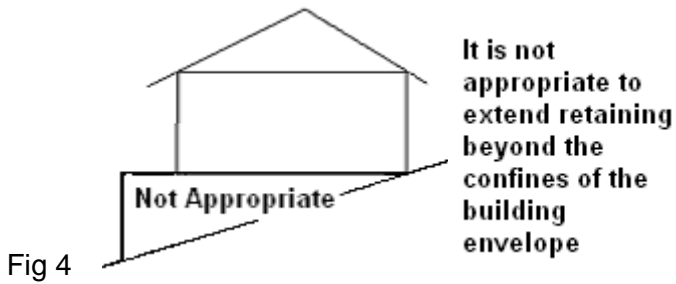
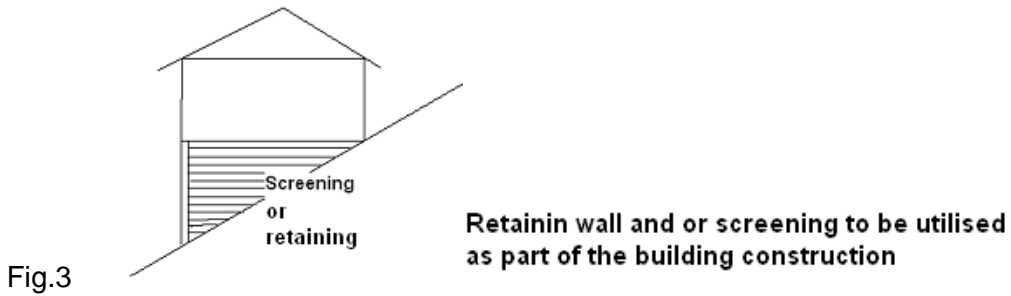
Maximum retaining permitted dependent on the location within or beyond 4.0m of the property boundaries.

Fig1



Maximum retaining permitted (either side of the natural ground level) at the boundary subject to neighbours comment.

Fig 2



Schedule 1

No	Locality	Lots
1	Bayonet Head	Proposed Lots 478-484 Berliner Street, 489-501 Culley Road, 506-515 White Place and 518-519 Cnr Tipping Road and Paul Terry Drive (as per subdivision #124643).
2	Spencer Park	Proposed Lots at Lot 103 Ulster Road (as per WAPC subdivision 243-07)