



RETAINING WALLS

Generally, house builders and some building companies do not construct retaining walls or landscaping, and this is often organised by you, the owner, after handover of a new home.

Is Approval From Council Required?

In some cases, a retaining wall can be constructed without Council approval, however, where the proposed retaining wall does not meet exempt development requirements, an application for approval will be required.

If the retaining wall is to be placed on the property boundary a Development Application (DA) and Construction Certificate (CC) must be approved prior to any works being carried out regardless of the height of the wall, or whether replacing an existing retaining wall damaged by failure or damage.

Exempt Development

Retaining walls and any earthworks may be constructed under Exempt Development (meaning no approval is required) on residential properties providing certain criteria are met. The general criteria of an exempt retaining wall include, but are not limited to, the following:

- The retaining wall and any earthworks has a maximum height of 600mm; and
- The retaining wall and any earthworks is located a minimum distance of 1m from all lot boundaries, any registered easements, a water main or a sewer main; and

- The retaining wall and any earthworks is separated from any other retaining wall or structural support (including footings of dwellings or similar) by at least 2m.

The remaining criteria for retaining walls and any earthworks constructed under Exempt Development are detailed in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which can be accessed at www.legislation.nsw.gov.au.

Retaining walls and any earthworks where approval is required

Where the proposed retaining wall and any earthworks does not meet all of the development standards of Exempt Development, a formal approval will be required. The application may be made through either completing a Development Application (DA) and Construction Certificate (CC) or a Complying Development Certificate (CDC). Plans will need to be submitted as part of this process (see Am I Ready to Lodge a Development Application).

Approved Retaining Walls

The Development approval for your dwelling may include approval for retaining walls to be constructed. Check the approved plans and documentation carefully. You may, for example, be required to obtain a separate Construction Certificate for the retaining walls and they may also need to be inspected by an engineer or certifier.

Retaining walls constructed on properties without approval (where approval was required), may result in Council pursuing regulatory action such as issuing Penalty Infringement Notices and/or serving Notices and Orders to have the wall/s demolished. It is strongly recommended that you ensure your retaining walls can be constructed as Exempt Development OR you obtain the necessary approvals before proceeding.

How do I Design a Retaining Wall?

The wall must be constructed wholly within property boundaries and must not be proposed along the centreline of the boundary. Design and plans of the retaining walls should be discussed with either a Licensed Builder, a Licensed Landscaper with the plan drawing/ preparation to be done by either an architect, draught person or a structural engineer (some engineers can provide suitable architectural drawings).

Is it Necessary to Discuss the Application with a Council Officer?

A Council officer can assist with any enquiries prior to formally preparing the application and accompanying documentation. No booking is necessary contact a council officer on 9843 0555 during business hours – Monday to Friday 8.30am to 4.30pm.

Am I Ready To Lodge A Development Application?

(When submitting a Development Application, Construction Certificate, Section 4.55 or even a Building Information Certificate for unauthorised works).

Where a formal approval is required, application may be made through either completing a Development Application (DA) and Construction Certificate (CC) or a Complying Development Certificate (CDC). Plans will need to be submitted as part of this process.

A Development Application must include a completed DA application form, Statement of Environmental Effects (Minor for retaining walls), Waste Management Plan, application checklist, Architectural plans and all supporting documentation on a USB or CD disk.

Architectural plans must be drawn to a recognised scale of 1:100, 1:200 or similar and include a site plan, elevations, section details and a drainage diagram for the proposal (the drainage plan must show the drainage behind the wall being connected to the stormwater/drainage system on the property).

The site plan must clearly indicate detailed information relating the height of the retaining wall to Australian Height Datum (AHD) including Bottom of Wall (BOW) and Top of Wall (TOW), this should be shown at the ends of the wall or at any intersections or changes of directions.

A Construction Certificate (refer to checklist on the form), is also required to accompany the Development Application. Customers that wish to use council services for the issue of the construction certificate, including all inspections and the occupation certificate, must also include building specifications (these can be notated on the architectural plans), engineers plans, a Sydney Water 'Tap In' approval (if the proposal is within the vicinity of Sydney Water infrastructure – Sewer and Water).

Fees

Submission of a Development Application, Construction Certificate or Complying Development Certificate must be accompanied by the appropriate development application fee. A Schedule of Fees and Charges can be obtained from Council's Customer Service Centre or from Council's website at www.thehills.nsw.gov.au

Further Information:

If you are unsure, please ask – time spent early may avoid delays later.

Customer Service Centre

3 Columbia Court, Norwest NSW 2153

Phone: 9843 0555

Hours: 8:30am to 4:30pm Monday to Friday