

## Earthworks and retaining walls

This information sheet provides details about earthworks and works to provide associated structural support, such as retaining walls that can be undertaken and constructed on lots across NSW as either exempt development or complying development.

### Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)<sup>1</sup> before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)<sup>2</sup>.

**Exempt development** is minor building work that does not need planning or building approval. [Information sheet 1.1](#)<sup>3</sup> provides more information about exempt development.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)<sup>4</sup> provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

### Earthworks, retaining walls and structural support

**Earthworks** (excavation/cut and fill) and **structural supports** (including retaining walls and other forms of structural support) are types of development that can be undertaken as exempt development, or complying development under a relevant part of the policy.

Earthworks and structural supports must be structurally adequate and installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA).

Additional approval from the council may be required if trees or other vegetation are pruned or removed.

Earthworks and structural supports must:

- not be carried out, constructed or installed on or in a heritage item or a draft heritage item and if in a heritage conservation area and draft heritage conservation area, may be carried out only as exempt development and only when constructed or installed in the rear yard.
- not be carried out in an environmentally sensitive area, and
- be separated from any other retaining wall on the site horizontally by at least 2m (see diagram 1).

In addition the following requirements specify how earthworks and structural supports are to be constructed:

- Works must have adequate drainage and not redirect water or sediment onto an adjoining property.

<sup>1</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>2</sup> <http://www.planning.nsw.gov.au/exemptandcomplying>

<sup>3</sup>

<sup>4</sup> <http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

<http://www.planning.nsw.gov.au/exemptandcomplyingoverview>

- Be free of building and other demolition waste, and only contain virgin excavated natural material.

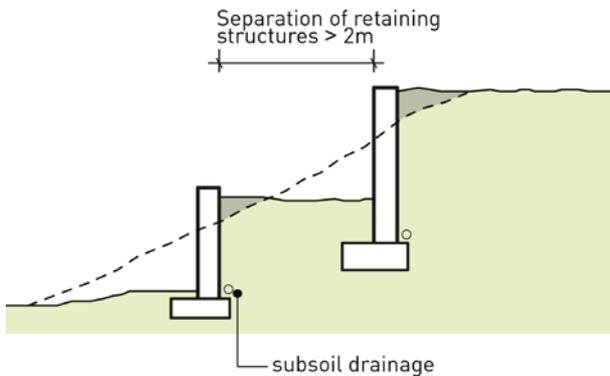


Figure 1: Separation distance between retaining walls and structural supports

### What are the standards for exempt development?

- The works must not be carried out, constructed or installed on a flood control lot.
- Earthworks and structural supports must not exceed 600mm above or below existing ground level.
- If the works are fill that is more than 150mm deep it must not occupy more than 25% of the lot.
- Works must be located at least 1m from any lot boundary, registered easement, sewer or water mains.
- Works must be located at least 40m from any natural water body.

### What are the standards for complying development?

Earthworks and structural supports that exceed 600mm above or below existing ground level may be approved by a private certifier as complying development. Standards for complying development ensure that any earthworks or structural supports:

- must not be located over a registered easement.

- within 1m of a side or rear boundary must not exceed more than 1m in height, and must not exceed 3m in height in any other location.
- more than 600mm above or below ground level are contained by a structural support.
- undertaken on acid sulfate soils, must not exceed more than 1m.

### Additional requirements for complying development in residential areas

Earthworks and structural supports have the potential to cause damage to properties and additional standards will apply when undertaking works which exceed the exempt development restrictions.

In residential areas, retaining walls and other forms of structural support may also require certification by a professional engineer if:

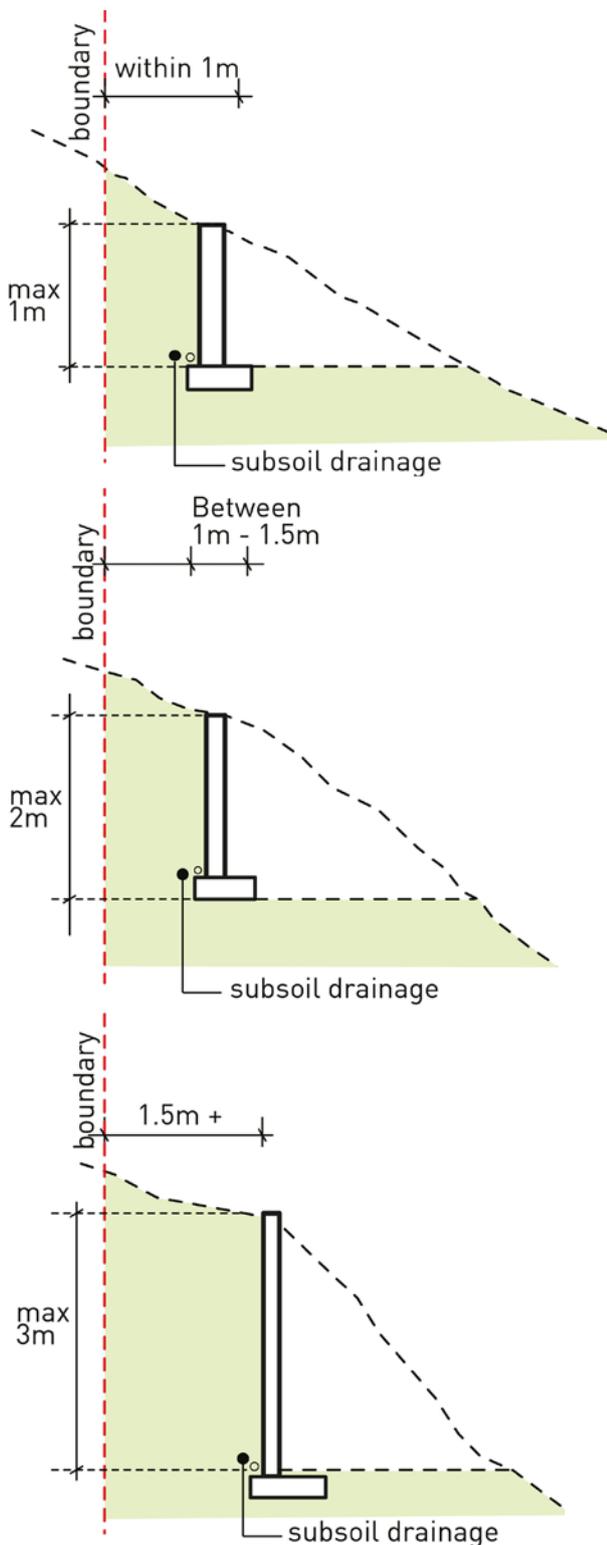
- more than 600mm above or below existing ground level and within 1m of a lot boundary, or
- more than 1m above or below existing ground level in any other location

If works are within 40m of a natural water body, the maximum depth of excavation is limited to 1m.

### Depth and separation

Excavation of certain depths must have a separation distance from a boundary in accordance with the following:

Distance from any boundary	Maximum depth of excavation
Up to 1m	1m
>1m to 1.5m	2m
>1.5m	3m



**Location and dimensions of fill**

Fill is limited to a maximum height of 1m above existing ground level.

Adding fill around a dwelling house is a practical measure that may be in the form of a level platform or podium to provide a suitable transition to the backyard or other outdoor areas. This fill is limited to, and must be contained by either:

- a retaining wall that does not extend more than 1.5m from any external wall of the dwelling house, or
- an unprotected sloping embankment or batter that does not extend more than 3m from the dwelling house and where the toe of the embankment or batter is more than 1m away from a side or rear boundary.

Figure 2: Depth and separation of excavation as complying development

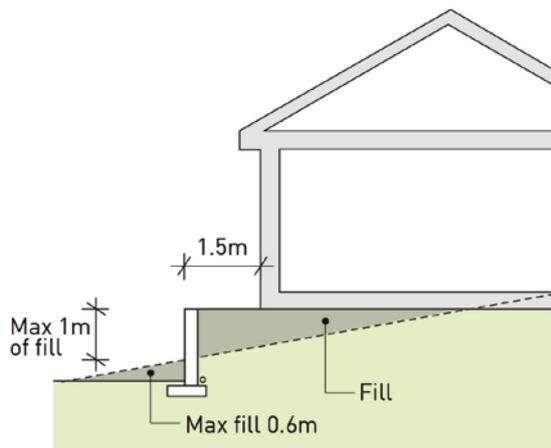


Figure 3: Fill for the purposes of locating a dwelling house on a podium using a retaining wall.

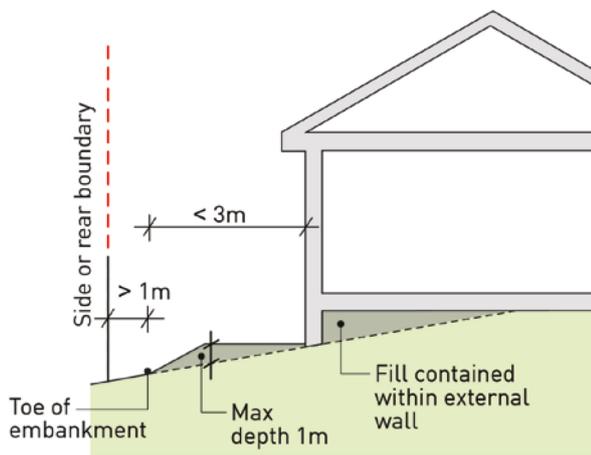


Figure 4: Fill to create a platform beside the dwelling house using an unprotected embankment

## Additional requirements for complying development in commercial and industrial areas

Additional standards for earthworks and structural supports are also required for commercial and industrial development, are that the works must:

- not be carried out on a lot that contains a dwelling house or that is a flood control lot
- not be carried out within 40m of a natural water body
- not result in more than 2m of fill being placed on a site.

If the development is either for a new, or additions to an existing commercial or industrial building that has a boundary adjoining a rail corridor, all works must be setback at least 3m from that boundary.

## Conditions of approval for complying development

All development must comply with the prescribed conditions contained in the EP&A Regulation 2000, and the standard conditions located in Schedule 7 of the policy. All works must also comply with the requirements of the Building Code of Australia.

## Further Information

For more information visit the [Exempt and Complying Development Policy website](http://www.planning.nsw.gov.au/exemptandcomplying)<sup>5</sup> or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](mailto:codes@planning.nsw.gov.au)<sup>6</sup>.

## Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](http://www.electronichousingcode.com.au/)<sup>7</sup> to find out if it is used by your local council or for more details.

<sup>5</sup> <http://www.planning.nsw.gov.au/exemptandcomplying>

<sup>6</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>7</sup> <http://www.electronichousingcode.com.au/>