

# Retaining Walls

FACT  
SHEET

## What is an exempt Retaining Wall?

A Retaining Wall is a form of structural support which is used to retain soil/earth/fill.

This common form of development may not require planning approval and can be considered as exempt development.

An exempt retaining wall development must meet all the relevant development standards set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP).

If the proposed retaining wall is not exempt, a planning approval is required by lodging an application.



Figure 1: Picture of a common type of retaining wall.

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.

### An exempt retaining wall must not be:

- on or in a heritage item or a draft heritage item;
- on a flood control lot; or
- in an environmentally sensitive area.

A retaining wall affected by any of the above will require planning approval.

To check if your land is affected by any of the above, you can access the Online Maps on this link: <https://eplanning.liverpool.nsw.gov.au/pages/lcc.maps/maps.aspx>

For a user guide to the E-Planning Portal, click on the link below:

<https://www.liverpool.nsw.gov.au/trim/documents?RecordNumber=248663.2019>

### What are the standards for a retaining wall exempt development?

- (a) not be a cut or fill of more than 600mm below or above ground level (existing), and
- (b) be located at least 1m from each lot boundary, and
- (c) if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and
- (d) be located at least 40m from a waterbody (natural), and
- (e) not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and
- (f) if it is a retaining wall or structural support for excavation or fill, or a combination of both—
  - (i) be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and
  - (ii) be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and
  - (iii) be located at least 1m from any registered easement, sewer main or water main, and
  - (iv) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (g) if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#), and
- (i) if the land is in a rural zone—not be fill of more than 100 cubic metres on each lot.

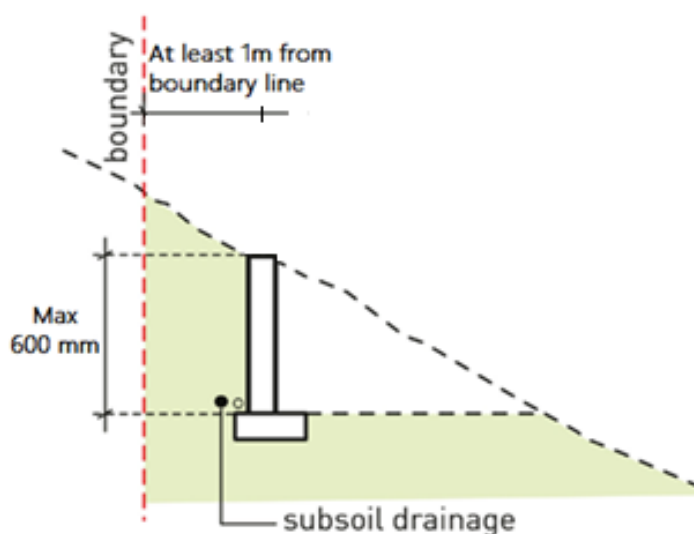


Figure 2: Diagram of an exempt retaining wall.

### What information is required for a Development Application?

- **Site Plan must:**
  - be to a scale of 1:100 or 1:200;
  - show the North Point;
  - show the site Reduced Levels (RL) according to the survey plan (AHD);
  - show any easement;
  - show the location and setbacks of all retaining walls;
  - show all affected structures on site and adjoining properties;
  - notate the retaining wall Reduced Levels (RLs) on the Top Of Wall (TOW) of the retaining wall(s);
  - notate the finished ground Reduced Level (RL) including any varying ground levels depicting cut and fill;
  - show the location of subsoil drainage lines and their connection to Council infrastructure; and
  - notate materials and other relevant notes, e.g. trees to removed/retained.
- **Elevation Plans must show:**
  - be to a scale of 1:100 or 1:200;
  - show any fence;
  - show dimensions;
  - notate the Reduced Level (RL) of the Top Of Walls (TOWs) of the retaining wall and the highest point of the fence (if any);
  - notate the Reduced Level (RL) of the ground level, whether filled/cut or natural; and
  - notate materials and other relevant notes.
- **Section detail plan must:**
  - be to a scale of 1:20 or larger if required;
  - show the location of the property boundary;
  - show the location and height of the dividing fence (if any);
  - notate the ground Reduced Level (RL) of the adjoining lot;
  - show the construction method of the wall (timber/masonry);
  - show the footing design relative to the boundary;
  - show the extent of backfill and free drainage material;
  - show the extent of land cut/fill;
  - show the stormwater subsoil drainage line cross-referencing the storm water layout; and
  - if fill is introduced to the site to level out the land, the Section Plans must show and notate the line of existing Natural Ground Level (NGL) and the new Ground Level (GL).

- **Statement of Environmental Effects (SEE)**
  - The Boundary fence must be constructed at 1.8m high from the lot with the higher ground level. Should the retaining wall and the cut/fill result in the increase of the overall height of the boundary fence, the Statement of Environmental Effects (SEE) must address the following:
    - solar access received by the subject property and the adjoining lot, particularly if the fence is north facing;
    - overlooking concerns to and from adjoining lots;
    - fence height from the higher side;
    - overall height from the lower side; and
    - all other relevant Development Control Plan requirements.
- **Owners Consent**
  - Council will only approve a retaining wall that involves work on adjacent land only if the adjacent land is included as part of the development site and the application is accompanied by the written owner's consent of that land owner. The carrying out of a work falls within the definition of 'development' under the Environmental Planning and Assessment Act 1979. 'Building work' includes a retaining wall and associated works.
- **The following is also required:**
  - Survey Plan (AHD);
  - Waste Management Plan;
  - Erosion and Sediment Control Plan;
  - Shadow Diagrams – may be required; and
  - Schedule of Colours.

## Who can I speak with for more information?

If you have any additional questions on how to use the ePlanning Portal you can contact Council's Customer Service. For any planning enquiries call 1300 36 2170 to speak to a Planner, or visit Council between 8:30am and Midday, Monday to Friday.

Additional features including Planning Certificates, Online Development Applications, CDC and FastTrack Applications can be accessed by registered users of the ePlanning Portal. To sign up visit the following link: <https://eplanning.liverpool.nsw.gov.au/Pages/Security/Login.aspx?action=register>