

RETAINING WALLS

Retaining walls are a commonly used structure associated with development of land that has undulating, sloping or irregular topography. Generally, the purpose is to establish a flat platform for building or outdoor recreation.

What is a retaining wall?

A retaining wall is a structure to support or hold back earth. A retaining wall can be constructed wholly within one property or between properties where the ground is at different levels, and:

- provides structural support for the higher property,
- maintains the surface of the higher property at its present level,
- forms an essential part of the higher property, and
- prevents the movement of land between the higher and lower properties.

When is Council approval required for retaining walls?

Development consent is not required for construction of a retaining wall that is constructed fully in accordance the relevant provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ([SEPP Codes](#)).

Among the requirements for a retaining wall to be exempt development are that it must be no higher than 600 mm above existing ground and that it is located at least one metre from any property boundary. Tiered retaining walls can also be constructed where they are separated from each other by at least 2 metres (see **Figures 1 & 2**).

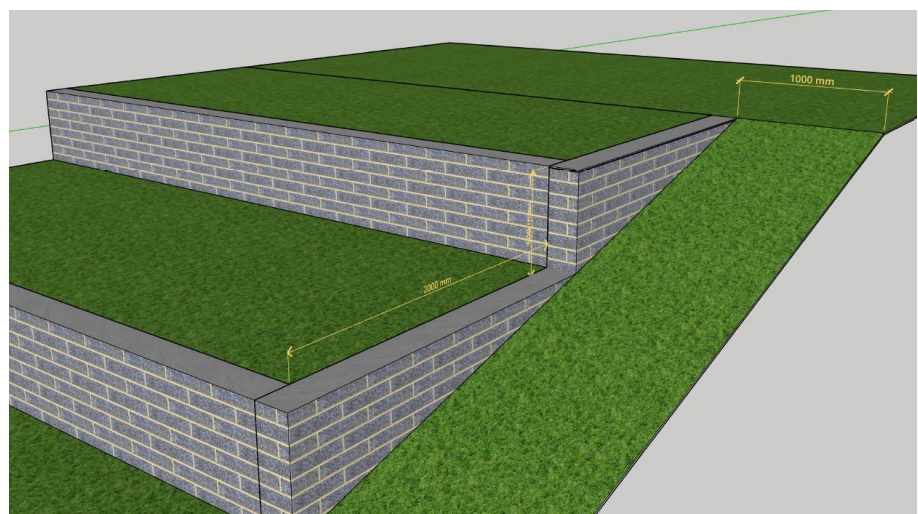


Figure 1 – Side setback distance and horizontal separation

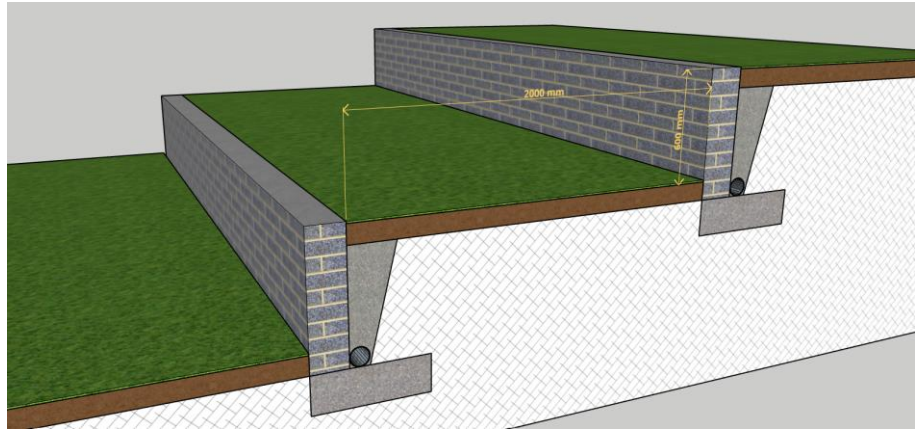


Figure 2 – Max. height and horizontal separation

Where not all of the exempt development provisions are satisfied, development consent is required before constructing. It may be possible for retaining walls to obtain approval under complying development provided that complying development is applicable to your land. This can be sought by obtaining a [planning certificate](#) via Council's website.

Alternatively, a development application for the retaining wall and earthworks can be submitted to Council via the [NSW Planning Portal](#).

The information required for lodgement for a development application can be found within the [DA Lodgement Checklist](#).

Dividing fences and retaining walls?

The *Dividing Fences Act 1991 (Act)* applies to retaining walls which provide support for a fence separating the land of adjoining owners.

Section 3(c) of the Act, defines a 'fence' as a structure, ditch or embankment, or a hedge or similar vegetative barrier, enclosing or bounding land, whether or not continuous or extending along the whole of the boundary separating the land of adjoining owners, and includes:

- any gate, cattlegrid or apparatus necessary for the operation of the fence
- any natural or artificial watercourse which separates the land of adjoining owners
- any foundation or support necessary for the support and maintenance of the fence.

but does not include a retaining wall (except as provided by paragraph c) or a wall which is part of a house, garage or other building

Where all elements of a retaining wall are contained within one property, the fence set on the boundary does not need to include the height of the retaining wall (see **Figure 3**). The

combination of retaining wall and fence must not exceed the height limit for dividing fences set out in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (see **Figure 4**).

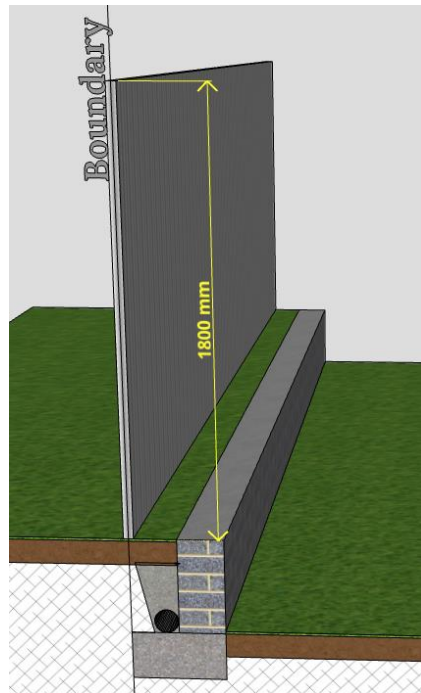


Figure 3 – Max. fence height where retaining wall is offset

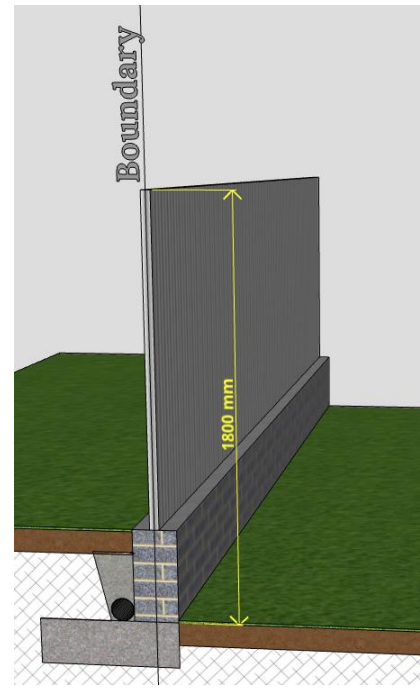


Figure 4 – Max. height for fence and retaining wall combination

Please see Council's [Dividing Fences Fact Sheet](#) for more information.

If any further enquiries arise, it is recommended that you book an appointment online with Council's [Duty Planner](#) or contact Council on (02) 4677 1100.