

Retaining Walls

DOES THE DEVELOPMENT REQUIRE APPROVAL?

Retaining walls that retain a ground difference of more than one (1) metre do require Development Approval.

Retaining walls that do not retain a ground difference of more than one (1) metre, do not require Development Approval.

DEVELOPMENT FORMS AND LEAFLETS

Forms and leaflets are available on Council's website:

<http://www.mountgambier.sa.gov.au>

(Services – Regulatory)

LODGE MENT OF A DEVELOPMENT APPLICATION

Lodgement for development applications can be submitted electronically via email to:

da@mountgambier.sa.gov.au

As a minimum you are required to submit the information detailed below with your application.

☐ **Development Application Form**

☐ **Certificate of Title**

Titles can be obtained from the Lands Title Office, 1800 648 176 or www.landservices.sa.gov.au. OR can be obtained by Council to be included in your lodgement fee.

☐ **Electricity Declaration Form**

To be completed by or on behalf of the Applicant.

☐ **Construction Industry Training Board (CITB) levy**

Fee required for all work over \$40,000.

Payment made direct to www.citb.org.au

A copy of receipt to be given to Council with lodgement

☐ **Building Indemnity Insurance Certificate**

A copy of Insurance required for all domestic work over \$12,000.

☐ **Payment of Fees**

Application fees will be determined at the time of lodgement.

☐ **Site Plan (1 Copy)**

A site plan, drawn to a common scale between 1:100 and 1:500, showing all of the following:

- locations of the retaining wall in relation to all other buildings and fences on the property;

- the boundaries and dimensions of the site and any relevant easements;
- details of the material use;
- the approximate north point;
- the amount and location of the private open space to remain on the site;

The legislative requirements for retaining walls are not well understood by the housing sector (in particular). It is a common belief that a retaining wall less than 1 metre in height is not development.

This is **NOT** correct.

Building Work requires development approval. Building works is defined in the Development act 1993 - refer Attachment 1.

Development includes Building Work - refer Attachment 1.

Schedule 3 of the Development Regulations 1993 set out the circumstances where a retaining wall is **NOT** development (refer Attachment 2) and the important wording is:

"...which retains a difference in ground levels not exceeding one metre..."

This is not the same as a 'one metre high or less' retaining wall.

Retaining walls are typically used as a means to alter land form and as such adjoining lands can be affected. This issue is addressed in Regulation 75 of the Development Regulations 1993 (refer Attachment 3).

Regulation 75 refers to Schedule 15 of the Regulations (refer Attachment 4) and this is the crux of what needs to be looked at with retaining wall design.

In simple cases, Council may be prepared to accept a retaining wall design that does **not** impact on adjacent lands as depicted in Figure 1 of Schedule 15.

However, it is common practice for designers to 'terrace' the allotment to ensure that a series of retaining walls (each of which is not higher than 1 metre), hence, in their view, avoiding the need for appropriate engineering design.

This is an incorrect interpretation of Schedule 15 and will not be accepted by Council.

Simply put, if a retaining wall is designed such that a line drawn at 2:1 from the toe of the lowest retaining wall towards the soil being retained 'influences' an adjacent

allotment (refer to Figure 1 and Figure 2 of Schedule 15) or footing of an existing structure or another retaining wall on the same allotment (i.e. terraced land form) then this is 'development' as defined by the Development Act 1993 and is therefore subject to Council approval.

When this occurs, the Council will require a design prepared by a suitably qualified and experienced professional engineer. The professional engineer has the necessary skills to assess each site, consider likely future 'loadings' on the retaining wall, durability of materials of construction and will be able to determine an appropriate design. This information **must** be submitted with the application for Development Approval.

Building Code of Australia (BCA) Part 3.1.1 Excavation

The BCA also references excavations when they are adjacent to adjoining land and/or buildings. The BCA also references filling of land and building professionals should be aware of these provisions and apply them appropriately.

HOW LONG WILL THE DEVELOPMENT ASSESSMENT PROCESS TAKE?

Council is legislated under the Development Act 1993, to complete its assessment of an application within a prescribed amount of time. However, application processing times will depend on the nature and complexity of the development application.

Development application processing time can be affected by the information that you provide as part of your development application. If additional information is required in order for Council to undertake a thorough assessment of your application, Council will notify the applicant and not process the application until the requested information is received.

COUNCIL CONTACT DETAILS

Please contact the Operational Services with any other queries (08) 8721 2555 (Option 2) or email city@mountgambier.sa.gov.au.

The information contained here is a guide only. It is recommended that the advice and assistance of the Development Services Division be sought before undertaking any development.



Retaining Walls on the Boudary

Evacuations that affect adjoining properties

FIGURE 1

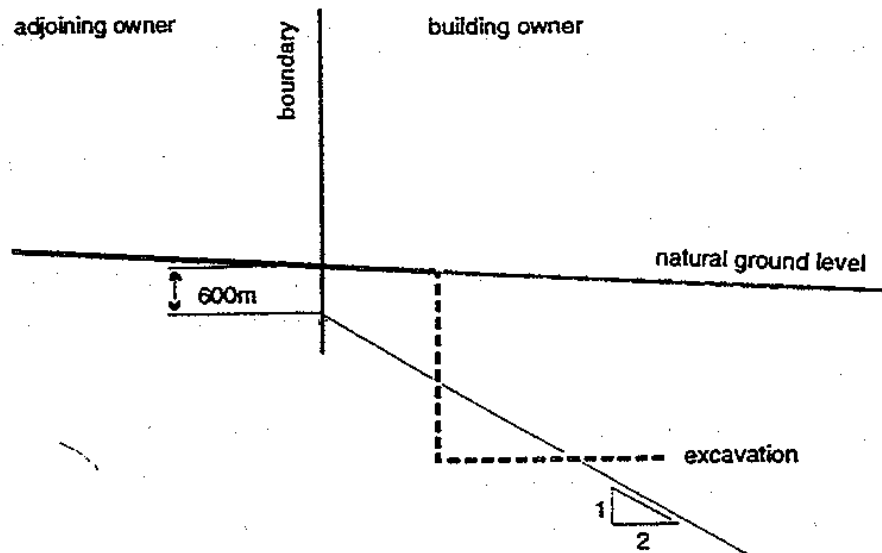


FIGURE 2

