

## 36. ECO-INFO – FILLING OF RESIDENTIAL LAND

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Council has recently become aware of a number of instances of properties being filled without development consent from Council. This has raised a number of issues particularly the impact on the amenity of adjoining properties, altering of natural overland flow paths and impacts on infrastructure such as sewer mains and drainage easements.

The landscaping of the property should be considered at the initial design stage of the dwelling so that it can integrate with the dwelling and where necessary the benching of sites can be reduced or eliminated to prevent the need for further site works. In this regard, the use of a “drop edge beam” is preferred as the method for addressing sloping sites rather than using retention walls and fill. Council does not encourage the filling to the property boundaries to level a sloping block, however an application can be considered for some fill, if all of the relevant issues are addressed.

### COUNCIL POLICIES

Council currently has a policy of restricting cut and fill on building sites to a maximum of one metre cut and fill combined. It is important to note however, that this only applies to the construction of the dwelling and other restrictions apply to further development of the property. This does not include cuts retained by walls of the structure.

Generally fill can be placed on a property, to a maximum level of 100mm for one off purposes of top dressing and the filling of depressions, without the need for development consent from Council.

Any filling of land above this level requires development consent from Council so that all issues that are relevant to the proposal can be assessed. In addition, a retaining wall less than 600mm in height must meet criteria laid down in Council’s Development Control Plan 85 – Exempt Development and retaining walls over 600 mm in height require development consent and are to be designed by a Structural Engineer.

### INFORMATION TO BE SUBMITTED WITH A DEVELOPMENT APPLICATION

- Extent of filling of the property including the levels above the natural ground levels.
- Details of the source of the fill.

- The impact on infrastructure ie: sewer mains, manholes and drainage easements.
- Details of the proposed retaining walls including construction materials, drainage and a Structural Engineers design for walls over 600 mm in height. Any retaining walls that are visible from a street are to be masonry construction.
- The minimum certified design life of the retention method and material must be 50 years.
- Details on how the natural stormwater overland flow paths with not be altered by the placement of fill on the property and result in an increase of stormwater runoff onto adjoining properties.
- Where the fill is proposed to extend to the property boundaries details on the location and construction of the dividing fences is to be submitted. This information should address the aesthetics of the fence if it is constructed on top of a retaining wall and how it will integrate with fencing of adjoining properties that are not filled. Generally Council will not approve of a retaining wall with a fence upon it where it will exceed a height of 2.3 metres above the natural ground level.

### ENFORCEMENT

Should filling be undertaken without development consent Council has the authority under the Environmental Planning and Assessment Regulation 2000 to issue Penalty notices. This offence carries a fine of \$600.00 and/or the landowner can be required to remove the material.

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### INFORMATION

Anyone seeking further information concerning this Eco-Info Fact Sheet, please contact Council's Customer Service Centre on (02) 4350 5555.