

Earthworks - Do You Need Approval?



Landowners may be required to get approval from Council before undertaking Earthworks, depending on the type and extent of works.

What are Earthworks?

Earthworks involve the excavation or filling of land.



When do Earthworks require approval?

Earthworks must meet all of the general, land-based and specific requirements that are specified in the *State Environmental Planning Policy (Exempt and Complying Development Codes)* to be Exempt Development (and not require approval). These requirements include, but are not limited to:

- Earthworks must not be carried out in environmentally sensitive areas such as coastal wetlands, littoral rainforest, land listed as being critical habitat for threatened species or on land affected by acid sulfate soils or flooding;
- Earthworks must not be carried out on land listed under the Heritage Act or land identified by an environmental planning instrument as

being of high Aboriginal cultural significance or high biodiversity significance;

- Earthworks must be for domestic purposes only and not involve the cutting or filling of land more than 600mm below or above existing ground level;
- Retaining walls must have adequate drainage lines behind them and earthworks must not redirect the flow of surface water onto an adjoining property;
- Earthworks must be located at least 50m from a natural waterbody and at least 1m from any registered easement, sewer main or water main;
- Earthworks must not occupy more than 50% of the landscaped area if the fill is more than 150mm deep; and
- Earthworks must not involve the removal of, or damage to vegetation which requires consent, unless that consent has been obtained.



What if my Earthworks don't meet the Exempt Development requirements?

If the Earthworks you are planning do not meet the requirements specified in the *State Environment Planning Policy (Exempt and Complying Development Codes)* then you must obtain approval from Council before undertaking any works.

What are the consequences of doing unapproved works?

If you undertake unapproved Earthworks you may be prosecuted and fined. You also risk damaging your property, your neighbor's property and the environment. You may be subject to additional fines if you damage other's property or the environment.



What are the environmental risks of Earthworks?

Earthworks undertaken that do not meet the legislative requirements can have serious environmental impacts such as:

- Changes to local drainage patterns and potentially causing flooding;
- Erosion of soil creating rills, tunnels and gullies;
- Pollution of nearby waterways with soil contaminants and mud;
- Damage to vegetation from changes in ground level and impacts on the root zone;
- Redirection of water onto neighbouring properties; and
- Encouragement of weed growth due to soil disturbance.

For further information about Earthworks, approval requirements and ways to protect your property from environmental damage, please contact your local Council.

