

# Retaining Walls

## What is a retaining wall?

A retaining wall is a wall or structure designed and constructed to support soil at a slope steeper than can be naturally supported.

## When is a retaining wall required?

Retaining walls are only required where there is a possibility of land being adversely affected by subsidence. Retaining walls may be required where there are varying levels of land and that land requires supporting at a steeper angle than the land can naturally support itself.

## Who is responsible for construction and maintenance of a retaining wall?

Owners of retaining walls are required to maintain their walls in a structurally sound manner.

The party who changes the lie of the land either by excavation or building up (fill) is responsible for building a retaining wall. If both neighbours have altered the lie of the land each neighbour will be responsible for the construction and maintenance of the retaining wall to the extent of their own alteration.

A dividing fence is not considered suitable for retaining soil.

## Retaining between mine and my neighbours property is collapsing. Who is responsible?

In some instances it may be difficult to determine who constructed a retaining wall and at what point in time. It can also be difficult to determine to what extent each property owner is liable for a collapsing retaining wall. Property owners should get their own independent legal advice.

The owner will be required to consult a practising structural engineer to determine what action, if any, is required to restore the structural integrity of the wall. The cost for the structural engineers' services is the responsibility of the owner.

## I need to build a retaining wall. Where is it required to be located?

Where retaining walls are required, it is preferred that retaining walls are built within the boundaries of the property where the land is proposed to be altered.

It is important to ensure that privacy is maintained when adding fill to a property. In most instances a 1.8 metres high dividing fence on top of a retaining wall is appropriate to prevent overlooking to an adjoining property. Where a retaining wall is not built next to a property boundary and is higher than 0.5 metres, an additional privacy screen of 1.6 metres may be required.

Retaining walls may only be built across boundaries where there is written agreement between the affected neighbours. Where the construction of a retaining wall encroaches across a boundary, a form BA20 must be completed and submitted with the building permit application.

If development (planning) approval is required, both land owners will need to sign the development (planning) application forms.

## Will I need a development (planning) application?

Retaining walls on a residential property are required to comply with the *Residential Design Codes (R-Codes)* and *Residential Development Local Planning Policy*. The *R-Codes* is a state planning document that applies development controls over all residential development in Western Australia.

Generally, retaining walls on a residential lot will require a development (planning) application where:

- Retaining is within the street setback area and has a height of more than 1 metre from natural ground level. This applies to retaining walls associated with fill and excavation.
- Retaining is within 1 – 1.5 metres of an adjoining property boundary (not being a street boundary) and has a height of more than 0.5 metres from natural ground level. This applies to retaining walls associated with fill only.
- Retaining and fill with a height of more than 0.5 metres from natural ground level that are within 7.5 metres of a property boundary and no screening is provided to prevent overlooking to an adjoining property.

Additional requirements may also apply if the property is located within a structure plan area.

Retaining walls to multiple dwellings, commercial developments or caravan parks will require a development (planning) application.

## How can I find out if I am in a structure plan area or access information on my property?

The City provides an online mapping system which can be used to confirm if a local structure plan applies to your property, lot sizes, dimensions and recent aerial imagery. Access Online Maps on the City's website at [joondalup.wa.gov.au](http://joondalup.wa.gov.au)

## How do I make a development (planning) application?

Generally, the following information will be required as part of a development (planning) application for a retaining wall on a residential site:

- Completed and signed Application for Development form;
- Completed and signed MRS Form 1 application form;
- Completed checklist – Development (Planning) Application checklist – Retaining Walls;
- Site plan and building elevations. Refer to the retaining wall checklist for information required on the plans;
- A cover letter providing details of the proposed development and written justification addressing any aspects of the development that required the City to undertake a performance assessment against the *R-Codes*, City policy or structure plan; and
- Payment of the development application fee in accordance with the City's Schedule of Fees and Charges.

Application forms, checklist and information on lodging an application are available on the City's website at [joondalup.wa.gov.au](http://joondalup.wa.gov.au)

It is also recommended that you speak to your neighbours that may be impacted by the retaining wall and have them sign the plans as a way of their consent to its development.

## Where can I view the R-Codes, structure plans and local planning policies?

The *R-Codes* are available for viewing at any of the City's libraries or online at the Department of Planning, Lands and Heritage at [dplh.wa.gov.au](http://dplh.wa.gov.au)

Structure Plans and Local Planning Policies are available online at [joondalup.wa.gov.au](http://joondalup.wa.gov.au). These documents are available in alternative formats upon request.

## Will I need a building permit?

A building permit is not required when the retaining wall complies with all of the following:

- The structure retains ground no more than 0.5 metres in height; and
- The structure isn't associated with other building work or with the protection of land adjoining the land on which the retaining wall is located; and
- The structure does not affect other land that requires consent.

## How do I make an application for a building permit?

The following information will be required as part of an application for a building permit.

Certified:

- Completed and signed BA1 Application for Building Permit – Certified.
- Completed and signed BA3 Certificate of Design Compliance.
- Completed and signed Certified Building Application Checklist.
- Payment of the building application fee in accordance with the City's Schedule of Fees and Charges.

Uncertified:

- Completed and signed BA2 – Application for Building Permit – Uncertified.
- Completed and signed Uncertified Building Application Checklist – Retaining Walls (Class 10b).
- Payment of the building application fee in accordance with the City's Schedule of Fees and Charges.

Applications for a building permit are to be submitted with payment of the application fee.

Application forms, building application checklists and information on lodging an application are available on the City's website at [joondalup.wa.gov.au](http://joondalup.wa.gov.au)

## Further information

Copies of the *R-Codes* are available for viewing at the City's Customer Service Centre, libraries or online via the Department of Planning, Lands and Heritage website at [dplh.wa.gov.au](http://dplh.wa.gov.au)

For further information please visit the City's website at [joondalup.wa.gov.au](http://joondalup.wa.gov.au), visit the City's Customer Service Centre, or contact the City's Building Services on **9400 4961** or Planning Services on **9400 4100** or email [info@joondalup.wa.gov.au](mailto:info@joondalup.wa.gov.au)