

Retaining Walls and Site Works

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 when there are varying levels of land, and that land requires support 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 (cut) 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 of 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 1.8m high dividing fence on top of a retaining wall is appropriate to prevent overlooking to a neighbouring property. Where a retaining wall is not built next to a property boundary and is higher than 0.5m an additional privacy screen of 1.6m may be required.

Retaining walls may only be built across boundaries where there is an agreement between 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 a development (planning) application is also required, the land owners for both properties will need to sign the development (planning) application forms.

Will I need a development (planning) application?

Retaining walls and site works on a residential property will require a development (planning) application where it does not meet the requirements of the *Residential Design Codes*, the City's *Residential Development Local Planning Policy* (RDLPP), *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP) or structure plan (if applicable).

For a single house or grouped dwelling a development (planning) application is not required for your retaining walls and site works if it complies with the following:

- Retaining, fill and/or excavation between the street boundary and the street setback does not exceed the maximum heights for your R-Code density (see table 2 overleaf).
- Retaining and fill behind the street setback has a height and setback in accordance with table 1 overleaf.
- For excavation and associated retaining behind the street setback there is no restriction.

Additional requirements may apply if:

- Retaining and fill greater than 0.5m is within 7.5m of a side or rear boundary and no screening is provided to prevent overlooking into the neighbouring property (e.g., when a dividing fence is not built on top of the retaining wall). In these instances, screening is required to be 1.6m above the finished ground level and be of a permanently fixed, durable material.

- A street wall or fence is proposed above the retaining. Refer to the street walls and fences factsheet.
- The property is within a structure plan area.

How do I find out my R-Code density, if I am in a structure plan area or a Housing Opportunity Area (HOA)?

The City provides an online mapping system which can be used to confirm if a local structure plan applies to your property, if it has a dual-density code (i.e., located within a HOA), lot sizes, dimensions and recent aerial imagery. Access Online Maps on the City's website at joondalup.wa.gov.au.

How do I make a development (planning) application?

Generally, a development (planning) application requires application forms, building plans, a cover letter and application fee.

Please refer to the Development (Planning) Application Checklist: Retaining Walls and Street Fences for the specific requirements and how to lodge an application, available on the City's website joondalup.wa.gov.au

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

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 0.5m in height.
- 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.
- The structure does not affect land that requires consent.

How do I make an application for a building permit?

Building permit application forms, application checklists and information on lodging an application are available on the City's website at joondalup.wa.gov.au

Further information

For further information visit joondalup.wa.gov.au, via email info@joondalup.wa.gov.au or call **9400 4000**.

Visit the Customer Care desk during office hours **Monday - Friday, 8.30am - 5.00pm**.

Table 1

Height from Natural Ground Level	Minimum Setback to a Property Boundary
0.5m or less	0m
1m	1m
1.5m	1.5m
2m	2m
2.5m	2.5m
3m	3m

Table 2

R-Code Density	Street Setback	Maximum Height of Retaining Walls Excavation and/or Fill in the street setback
R20	Street the house faces: 6m, or the setback between the street and house, whichever is the lesser. Other streets (corner property): 1.5m	1m Any retaining and fill within 1.5m of where a driveway meets the street boundary shall be a maximum height of 0.75m.
R20/25* R20/30* R20/40* R20/60*	Street the house faces: 4m (2m for R20/60) Other streets (corner property): 2m	0.5m

*For lots with a dual-density code (e.g. R20/40) the requirements only apply if the property is developed at the higher density (e.g. R40). If your property has not been built to the higher density, refer to R20 requirements.