

Building Information Sheet - Retaining Wall

What is a retaining wall?

A retaining wall is a wall or structure designed and constructed to support soil and a slope steeper than can naturally be supported. Retaining walls can be constructed using bricks, limestone or concrete blocks, post and panel, timber sleepers or stone pitching. A retaining wall is a class 10b structure.

Property Owner disputes

Disputes over the ownership and responsibility for retaining walls, particularly on older properties, can often be complex, as there may be limited or unclear historical documentation. The below general information may assist in navigating a retaining wall dispute:

Boundary Location

To determine whether a retaining wall lies wholly or partially on your property, or on the adjoining property, you may need to engage a licensed land surveyor to undertake a site or boundary survey. This is often the most reliable method for establishing ownership or shared responsibility.

Structural Integrity and Risk

If the retaining wall does not pose an immediate risk of failure, it is advisable to engage a private structural engineer. They can assess the wall's condition and provide a report on its structural integrity. This report will assist in determining whether remedial works are necessary and the urgency of those works.

Legal Responsibility and Proportionate Liability

Responsibility for repair or replacement may not rest solely with the owner of the land on which the wall is located, particularly if the wall retains or benefits an adjoining property. In such cases, the Magistrates Court may be required to determine proportionate liability, especially where the wall serves one property more significantly than the other.

Council's Role

The City's role is limited to ensuring compliance with relevant building legislation and assessing any formal applications for new or replacement structures. The City does not resolve civil disputes between neighbours regarding ownership or cost responsibilities. If an agreement cannot be reached between parties, legal advice or formal dispute resolution, such as through the Magistrates Court or the Department of Local Government, Industry Safety and Regulation may be appropriate.

Building Approvals

If repairs or replacement are necessary, please be aware that retaining walls over 0.5m in height, or those supporting other structures or land, may require development and/or building approval from the City. For further information, please contact the City's Building Services on 9394 5000 or via email at info@armadale.wa.gov.au.

Do I need a Building Permit?

Yes, a Building Permit is required for retaining walls over 0.5m in height. A retaining wall built on the boundary between two or more properties may require a building permit regardless of height. You must obtain a building permit from the City of Armadale prior to commencing any retaining wall.

Retaining walls will require to be setback as per the Residential Design Codes.

Please note, a Planning approval may be required for retaining wall before a building permit can be issued. For further information please contact the City on 9394 5000 or via email at info@armadale.wa.gov.au.

For more detailed information on how to apply, please visit <https://my.armadale.wa.gov.au/service/apply-for-building-approval>.

Do I need to be a registered builder?

No, you do not require a builder's registration to build a retaining wall.

What is a certified application?

A certified building permit application must be accompanied by a Certificate of Design Compliance BA3 form (CDC) issued by a registered, independent building surveyor. A certified application can be submitted for all residential and commercial structure types.

The City has up to 10 business days to assess a certified application, unless further information is required.

What is an uncertified application?

An uncertified application is submitted to the City for assessment against relevant building standards by one of the City's registered building surveyors. A CDC will be issued by the City. An uncertified application can only be submitted for class 1a and class 10 structures.

The City has up to 25 business days to assess an uncertified application, unless further information is required.

How long is my permit valid for?

A building permit issued by the City of Armadale is valid for two years from the date on which it was granted. If more time is required to complete the building works, you can make an application for an extension of time. To apply for an extension of time, please visit <https://my.armadale.wa.gov.au/service/apply-for-building-approval>.

What happens when I have completed my building works?

The nominated builder on the Building Permit must submit a Notice of Completion BA7 form to the City within seven days of completing the prescribed building works. To submit a Notice of Completion, please visit <https://my.armadale.wa.gov.au/service/apply-for-building-approval>.

Building Application Checklist - Retaining Wall

A completed application form <ul style="list-style-type: none"> A 'BA1 - Application for Building Permit - Certified' or 'BA2 - Application for Building Permit - Uncertified' form. Application form to be completed in full and signed by the nominated builder and applicant Application forms are available from the Department of Local Government, Industry Regulation and Safety's (LGIRS) website https://www.wa.gov.au/organisation/departments-of-local-government-industry-regulation-and-safety 	
Certificate of Design Compliance (certified application only) <ul style="list-style-type: none"> Issued by a registered building surveyor/practitioner 	
Payment of fees <ul style="list-style-type: none"> Refer to the City's 'Building Services Information Sheet - Fees & Charges' on the City's website https://my.armadale.wa.gov.au/service/apply-for-building-approval. 	
Construction Training Fund (CTF) Levy receipt <ul style="list-style-type: none"> Required for building works with a value greater than \$20,000 If the CTF levy is applicable, please visit https://ctf.wa.gov.au/levy to make payment Please provide a copy of your CTF levy payment receipt with your building application submission. 	
Site plan to scale (1:200) showing <ul style="list-style-type: none"> Location of the proposed retaining wall Location of all existing structures on the property (if applicable) Measurement from the boundaries to the proposed retaining wall Location of septic tanks and leach drains (if applicable) 	
Construction details to scale (1:100) showing <ul style="list-style-type: none"> Cross-section details 	
Structural Engineer's certification	
Approval from the City's Planning Department (if applicable)	

This information sheet is intended as a guide only. The City disclaims any liability for any damages sustained by a person acting on the basis of this information.

For further information contact **Building Services** on **9394 5000**.