

retaining walls



General Information

Retaining walls support soil where land levels have been changed through excavation or fill. Unlike dividing fences, retaining walls are generally not treated as shared structures unless both properties benefit from the wall.

Responsibility for a retaining wall usually depends on who changed the natural ground level.

This fact sheet provides general guidance only. Site conditions, engineering design, approvals, surveys, easements, and body corporate by-laws may affect responsibility.

Key Principles - General Rule

- If you cut the land, you retain the cut.
- If you fill the land, you retain the fill.
- Responsibility generally follows the benefit received from the retaining wall.

The natural ground level is the starting point when determining responsibility.

Shared Retaining Walls

Where both owners benefit from a retaining wall:

- costs are generally shared proportionally
- maintenance may also be shared proportionally
- owners should discuss plans before construction begins

Example

If:

- Owner A fills 250mm above natural ground, and
- Owner B excavates 750mm below natural ground,

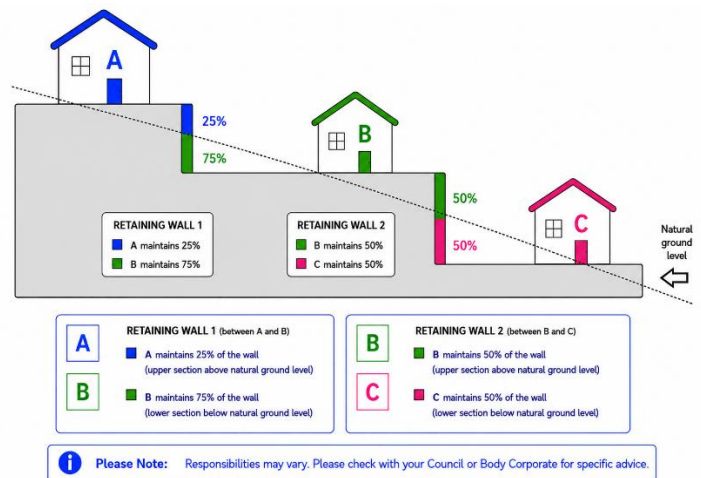
then:

- Owner A may be responsible for 25% of the wall
- Owner B may be responsible for 75% of the wall

Example 1

Shared Retaining Wall Between Two Properties

Where both owners have altered the natural ground level, responsibility is generally shared according to the amount of fill or excavation each owner created.



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Example 2

Existing Home Cuts the Land - New Home Fills the Land

Where an existing retaining wall already supports one property, and the neighbouring owner later fills their land, the owner adding the fill is generally responsible for:

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- the new retaining wall
- any engineering required
- protecting the integrity of the existing retaining wall

Shared Benefit Walls

Where both properties benefit from the wall, maintenance costs are generally shared proportionally.

Walls Benefiting One Property

Where only one property benefits from the wall, that owner is generally responsible for:

- repairs
- replacement
- ongoing maintenance

This responsibility usually continues with future owners of the property.

Boundary Position Rules

Shared Retaining Walls

A shared retaining wall:

- is usually located on the boundary
- benefits both properties
- may involve shared costs

Non-Shared Retaining Walls

Where only one property benefits:

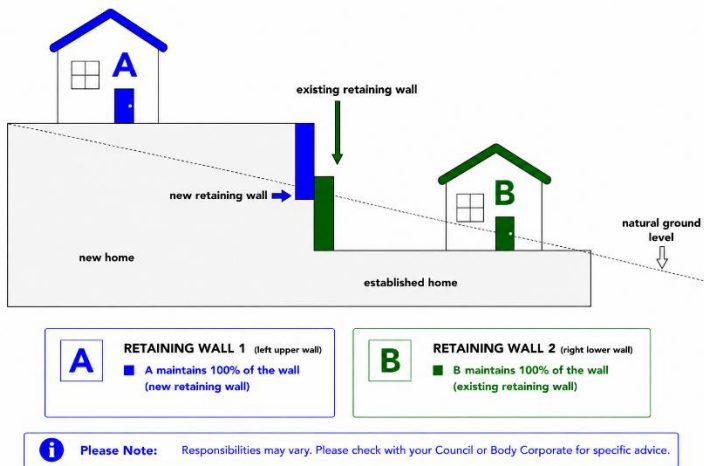
- the wall should remain fully within that property
- footings and drainage should also remain within the benefiting property
- that owner generally pays all construction and maintenance costs

Incorrect Wall Position

Sometimes retaining walls are constructed on the incorrect side of the boundary.

Even where a wall crosses the boundary:

- responsibility may still follow the benefit received from the wall
- encroachment issues may arise
- legal or survey advice may be required



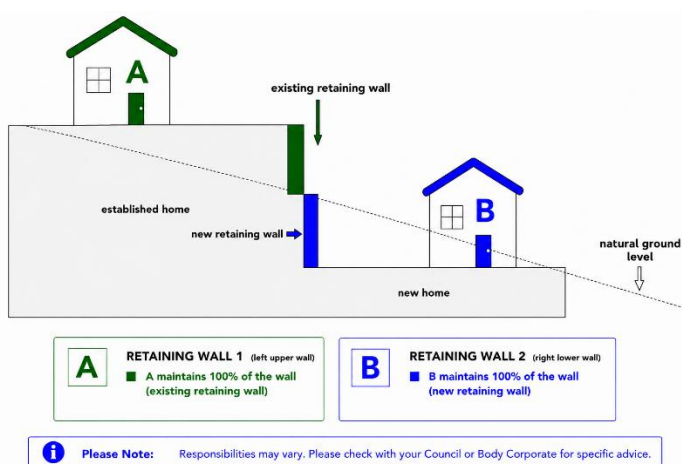
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Example 3

Existing Home Fills the Land - New Home Cuts the Land

Where an owner excavates beside an existing retaining wall, the owner carrying out the excavation is generally responsible for:

- the new retaining wall
- supporting the excavation
- protecting any neighbouring retaining structures

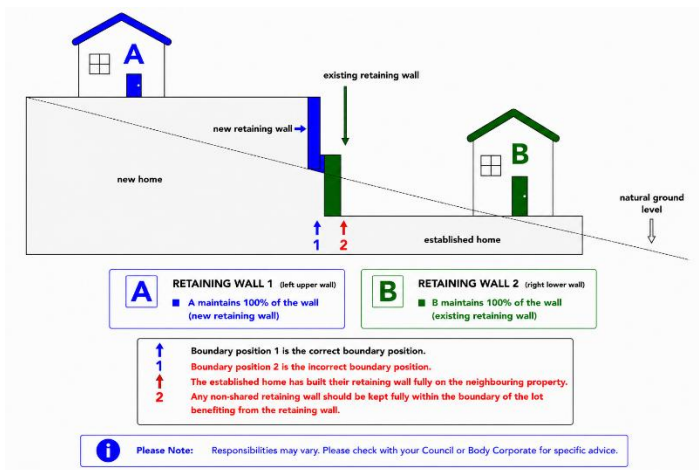


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Maintenance Responsibility

Responsibility for maintenance generally follows the benefit received from the retaining wall.

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Duty to Minimise Damage

Owners experiencing damage from a failing retaining wall should take reasonable steps to minimise further damage where possible.

Delaying repairs may increase damage and affect future claims or disputes.

Development Approval

Retaining wall construction or major repairs may require development approval.

Approval requirements can vary depending on:

- wall height
- engineering requirements
- drainage
- location
- local council rules

Owners should check with their local council before starting work.

Minor repairs using similar materials may not require formal approval.

The Role of Councils

Councils generally:

- assess development applications
- review engineering and compliance requirements
- ensure works meet applicable standards

Councils generally do not:

- determine cost sharing between neighbours
- decide ownership responsibility
- resolve private retaining wall disputes

Disclaimer

This fact sheet provides general information only and should not be relied upon as legal or engineering advice.

Responsibility for retaining walls can vary depending on:

- engineering design
- survey boundaries
- easements
- development approvals
- historical site changes
- body corporate by-laws
- court or tribunal decisions

Owners should seek independent advice where required.