

Owners usually share the cost of a standard fence. This matter is under the jurisdiction of the Neighbourhood Disputes (Dividing Fences and Trees) Act. Neighbours should discuss the fence, how it will be built, and estimated costs for each party, and arrange an agreement. Where a fence is located inside the common boundary on one property, it is the property owner's responsibility.

Does your fence need a permit?

You will not need a permit if the fence is:

- associated with a dwelling house;
- less than two metres high from natural ground level (this includes combined fence and retaining wall) – refer to additional information for Corner Lots below
- built within the identified restrictions in the Queensland Development Code;
- not associated with a swimming pool (Note: a new pool and associated barrier require a building permit);
- not a part of a retaining wall;
- not interfering with the natural surface water run-off from adjoining properties.

You will require building approval for:

- a regulated pool fence;
- a fence that would be greater than two metres above the natural ground surface;
- a fence, screen, or retaining wall, or the combination of these greater than two metres above the natural ground surface.

Additional requirements for corner lots

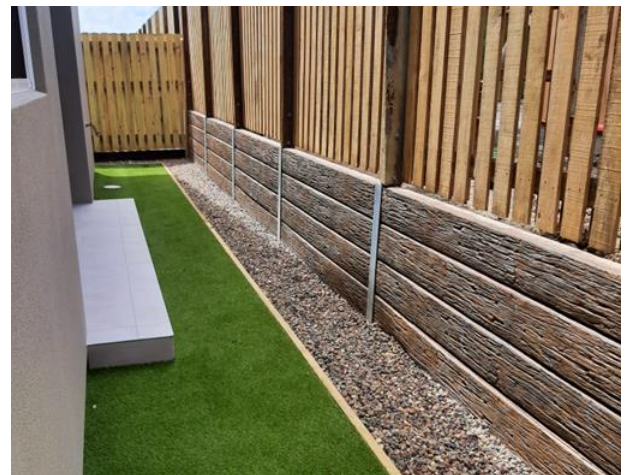
The maximum acceptable height is 2 metres for dividing fences and fences located on the road boundary:

- on the 9 m x 9m truncated corner the fence height may be a maximum of 2m high along the truncated section
- on the 6m radius curve of the corner, the fence must not be more than 1m in height.

Fencing Responsibilities

Disputes regarding dividing fences should be solved directly between neighbours. Where this is not possible you may wish to seek legal advice or mediation through dispute resolution. The Queensland Government provides information and paperwork regarding legal responsibilities as a fence owner, including a step-by-step consultation process and how to manage disputes.

Retaining walls constructed on or near common boundaries are often the cause of disputes between neighbours, particularly when the wall requires repair or replacement in the future. To avoid such disputes, it is always best practice to construct retaining walls (and their associated footings, drainage and backfill) entirely within your property.



Does your retaining wall need a permit?

An application for carrying out building works needs to be lodged and approval from a private building certifier for all retaining walls must be given unless it meets the requirements of “accepted development”.

Prior to building a retaining wall, the council recommends you seek the advice of a private building certifier and a civil/structural engineer. They can advise about any specific assessment requirements or approvals you may need.

Specific assessment requirements may include:

- siting restrictions
- height limitations
- construction details
- materials
- stormwater drainage

In certain circumstances, retaining walls may require additional approvals from other entities, such as council, water, sewer, or electricity infrastructure providers.

Do I need approval to repair or replace a retaining wall?

The need for an application to carry out building work for repairs or replacement of a retaining wall depends on the extent and type of repairs required.

The *Building Regulation 2021* allows for a percentage of the structural components of the wall to be repaired as “accepted development” and therefore does not require an application. Where the repairs exceed this threshold, you require an approval.

What are the stormwater drainage requirements for a new retaining wall?

Most retaining walls require a sub-soil drainage system to be provided behind the wall to relieve water pressure. A surface drain may also be necessary at the top and/or base of the retaining wall. All site drainage must be connected to a lawful point of discharge for stormwater to prevent nuisance and/or damage to adjoining properties.

What happens if there is a fence on top of a retaining wall needing replacement or repair?

This becomes a more complex issue and will depend on individual circumstances, such as:

- whether the fence relies on the retaining wall for structural support
- who is lawfully responsible for the construction and maintenance of the retaining wall
- who’s land the retaining wall is constructed on and who gains benefit from the wall
- whether the fence is located on the common property boundary, or
- whether the fence is also in need of repair or replacement at the same time as the retaining wall.

Where a fence does not form part of the structural component of the retaining wall, the fence becomes a civil matter that must be negotiated and resolved between neighbours. Council may take compliance action where a fence is creating an imminent hazard to people or property.

More information

This information is a guide only and is not intended as a substitute for consulting the relevant legislation or for obtaining professional advice.

Further information can be obtained from:

Queensland Development Code:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/Building/BuildingLawsCodes/QueenslandDevelopmentCode/Pages/QueenslandDevelopmentCodeCurrentParts.aspx>

National Construction Code (Building Code of Australia):

<https://www.abcb.gov.au/ncc-online/NCC>

Queensland Civil and Administrative Tribunal (dividing fence disputes):

<https://www.qcat.qld.gov.au/case-types/tree-and-fence-disputes/dividing-fence-disputes-process>

Building Act 1975:

<https://www.legislation.qld.gov.au/view/html/info/rce/current/act-1975-011>

Alternatively, contact your local builder, private building certifier or civil/structural engineer.