

### 1 PURPOSE

To establish maintenance and replacement responsibilities for retaining walls located on or adjacent to Council maintained roads and private property.

### 2 OBJECTIVE

To document a consistent approach to determining the responsibility of Council with respect to retaining walls located on or adjacent to Council maintained roads.

### 3 SCOPE

The policy applies to retaining walls located on or adjacent to Council maintained roads.

### 4 POLICY

The determination of maintenance and replacement responsibilities for retaining walls on or adjacent to Council maintained roads is based on the following procedure:

#### 4.1 Retaining Walls that will be maintained by Council

- 4.1.1 Council will be fully responsible for maintenance and replacement of existing retaining walls within the Council maintained road.
- 4.1.2 A retaining wall will be considered to be within the Council maintained road, if the structure has been constructed either partially or fully within the Council maintained road boundary.
- 4.1.3 Where the retaining wall is located outside of the Council maintained road and the retaining wall is an integral part of the roadway, the costs associated with the maintenance and replacement of the retaining wall will be the responsibility of the Council.
- 4.1.4 A retaining wall is considered to be an integral part of the roadway, if it either:
  - a) directly supports the roadway, or
  - b) if the retaining wall prevents the embankment from encroaching onto the roadway and support cannot safely or cost effectively be provided by benching or battering the embankment.

#### 4.2 Retaining Walls that will not be maintained by Council

- 4.2.1 Where the whole of the retaining wall structure is located outside of the Council maintained road and is not an integral part of the road, the costs

## Retaining Walls

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Doc Controller: **General Manager**  
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associated with the maintenance and replacement of the retaining wall will be the responsibility of the property owner.

- 4.2.2 Council will not maintain nor replace landscaping features that have been installed within the Council maintained road and which only serve amenity purposes.

### 4.3 Replacement/Maintenance Work for Retaining Walls

- 4.3.1 The maintenance and replacement of retaining walls will be assessed in accordance with Council's Asset Management Policy and is subject to Council funding in each financial year.
- 4.3.2 Work priorities will consider the condition of the structure, size of the structure, risk, level of service and such issues.

### 4.4 Materials for Maintenance and Construction

- 4.4.1 Any maintenance of existing retaining walls will use similar materials as used in the initial construction of the wall.
- 4.4.2 For the construction of new retaining walls, Council will specify the preferred material to be used based on the most cost effective method to suit the location and size of the wall to be constructed.
- 4.4.3 If the retaining wall is located on or near a property boundary, Council will discuss the construction of the retaining wall with the property owner. The property owner will be able to request a different material for the construction of the wall and, if approval is obtained from Council, the property owner will be responsible for the difference in price between the Council preferred material and the owner's selected material.

### 4.5 Other Alternatives

- 4.5.1 Council may determine not to replace a retaining wall, but rather negotiate with the owner an alternative design solution.

### 4.6 Residents Replacing Retaining Walls

- 4.6.1 If a retaining wall is not replaced by Council, due to it still being in satisfactory condition or funds not being available, a resident may choose to replace the retaining wall at their own cost, subject to Council approval. The resident is responsible for obtaining and complying with all relevant approvals associated with the works.

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### 5 LEGISLATION

*Local Government (Highways) Act 1982.*  
*Highways Act 1951 (Section 9).*

### 6 RELATED DOCUMENTS

No related documents

### 7 OTHER REFERENCES

No other references

Policy Endorsement	
Responsibility:	It is the responsibility of the Director Works and Services to facilitate the implementation of this policy and review its content from time to time. It is the responsibility of the Governance Unit to maintain this policy in the corporate document framework.
Minute Reference:	Item AO308-17
Council Meeting Date:	12 December 2017
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous policy CP026 version 3.0 dated 27 January 2015 (Item AO011/15, 27 January 2015).
Date of Commencement:	13 December 2017
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )