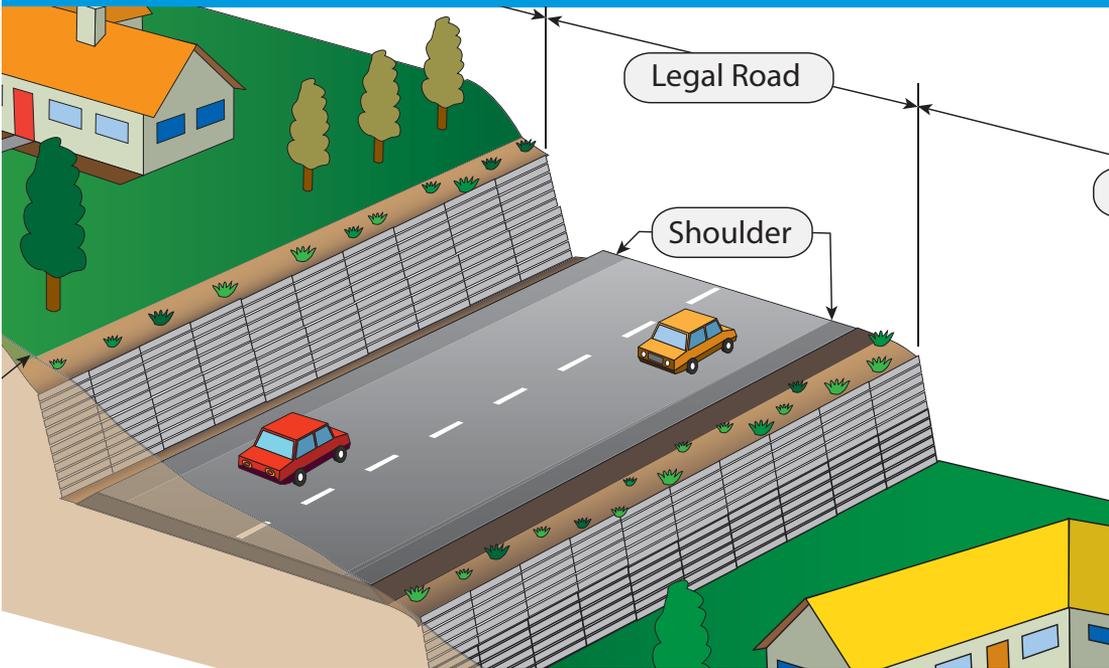


Determining responsibility for retaining walls



Determining Retaining Walls Responsibility

Dear resident,

Christchurch City Council is contacting property owners around the Port Hills and Lyttelton area, with assistance in determining responsibility for retaining walls.

Following the earthquakes the Council, along with Stronger Christchurch Infrastructure Rebuild Team (SCIRT), has worked on retaining walls which posed a danger to public safety or blocked public access routes. The next step we are taking is to determine who is responsible for less critical retaining walls. This will give clarity to residents about the responsibility for repairing them and what will happen next.

Once we know who has responsibility for a retaining wall, they can then make the necessary arrangements to get on with their reconstruction.

Determining responsibility for a retaining wall can be difficult and depends on a number of factors. These include where the wall is built and who benefits from the retaining wall.

In cases where the Council is responsible for retaining walls SCIRT will be responsible for their reconstruction and will inform households in the area of the wall(s) well in advance of any construction work.

In cases where home owners are responsible for a retaining wall, they will need to work with the Earthquake Commission and their insurer to determine who is responsible for funding the repair work.

All construction and repair work needs to have the appropriate regulatory consents before work begins.

To assist you with this process please refer to the frequently asked questions section on page 11 of this booklet.

You can also view this document online by visiting www.ccc.govt.nz/retainingwalls

If you require further information or assistance, please contact the Christchurch City Council Call Centre on 941 8999 or 0800 800 169.

Yours sincerely

John Mackie – Unit Manager, Transport and Greenspace
Christchurch City Council



Information

Determining responsibility for retaining walls

Christchurch City Council is interested in determining who is responsible for retaining walls bordering public roads. Determining who is responsible for a particular retaining wall can be difficult; however, in general, if a retaining wall has been built within the legal boundaries of a road, it will be the responsibility of the Council. However, there are a number of exceptions to this:

1. A licence to occupy has been issued for a structure, in this case a retaining wall.

This is where the Council has given permission for a private asset, such as a retaining wall which supports private property, to occupy space within the legal boundaries of the road. This licence to occupy will specify responsibility for the retaining wall.

2. The retaining wall has been built within the legal boundaries of the road, but its purpose is to allow access to private property.

The Local Government Act 1974 allows the Council to determine which structures situated on legal roads it maintains and to what standard. In the case of retaining walls, bridges over open drains and driveways from the edge of the property to the formed road, the Council's policy is that it does not maintain access to private property. Retaining walls in these situations will be the responsibility of the property owner.

3. The retaining wall has been built within the legal boundaries of the road to increase the area of usable land, but no licence to occupy has been issued.

These will be the responsibility of the property owner to repair. This generally occurs where private property has been terraced by in-filling, building or extending an existing wall into the legal road. This may also involve houses, garages or platforms. However, there may be retaining walls in this situation that are the joint responsibility of the Council and the property owner.

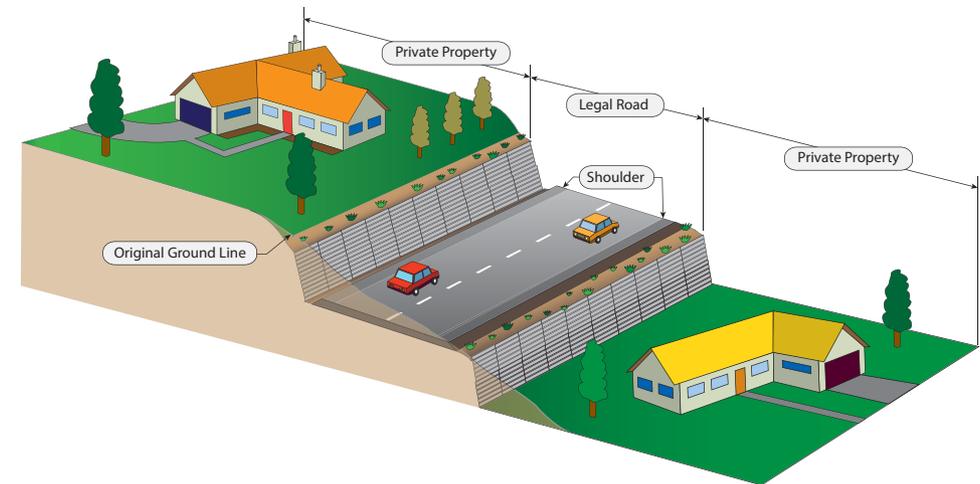
Regardless of the responsibility for the retaining wall and whom it is repaired by, all normal building or resource consents and licences to occupy will be required.

There are a number of retaining wall scenarios in existence in Christchurch. In this booklet you will find scenarios that have been used to illustrate how the Council determines responsibility for retaining walls associated with legal roads. Actual retaining walls may differ slightly from those illustrated in this booklet.

To view this document online, please go to www.ccc.govt.nz/retainingwalls

Scenario 1

Retaining walls on the boundary

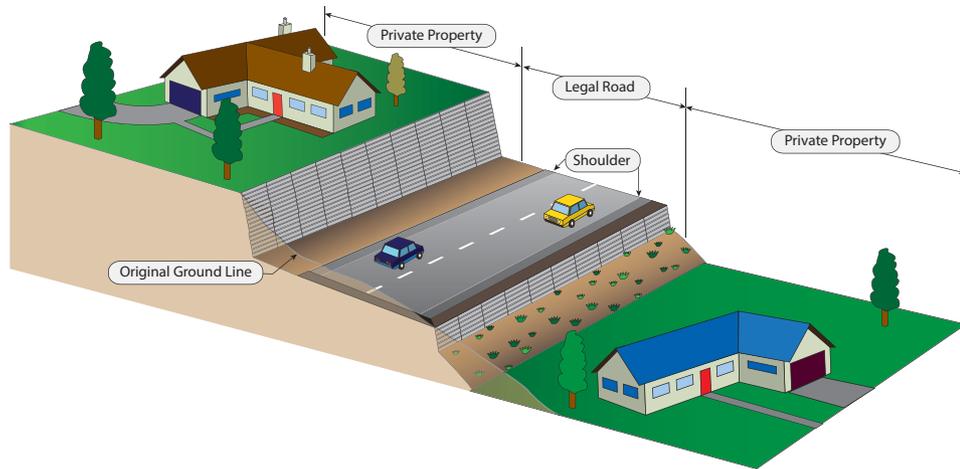


Being on the property boundary, responsibility is determined by who needed the wall for the construction of structures on their property.

- The wall above the road is the Council's responsibility as the excavation was necessary for the road.
- The wall below the road is the private owner's responsibility as the excavation was part of the development of private property.

Scenario 2

Retaining walls away from the boundary

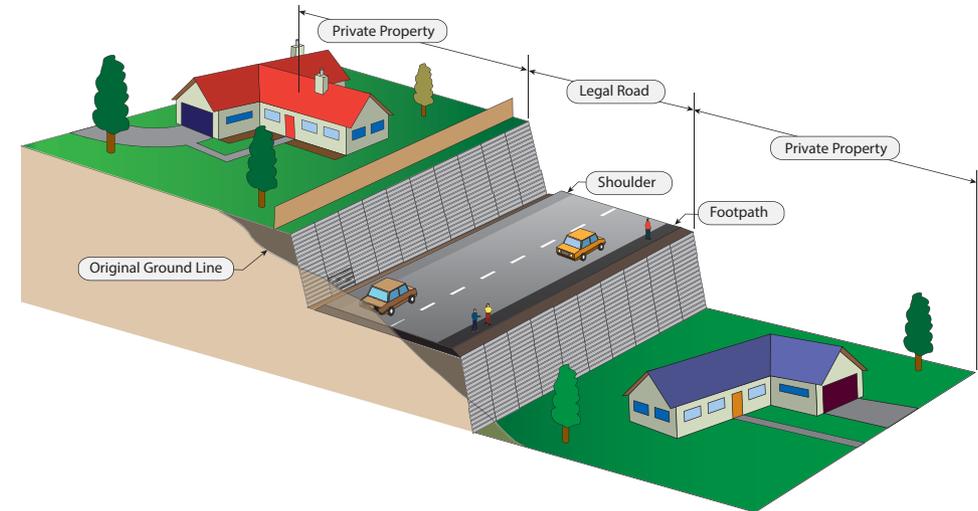


In cases where retaining walls are built on private property, responsibility sits with the property owner(s).

- The wall above the road is private as it is on private property.
- The wall below the road is the Council's responsibility as it is situated within the legal boundaries of the road and supports the road.

Scenario 3

Shared responsibility

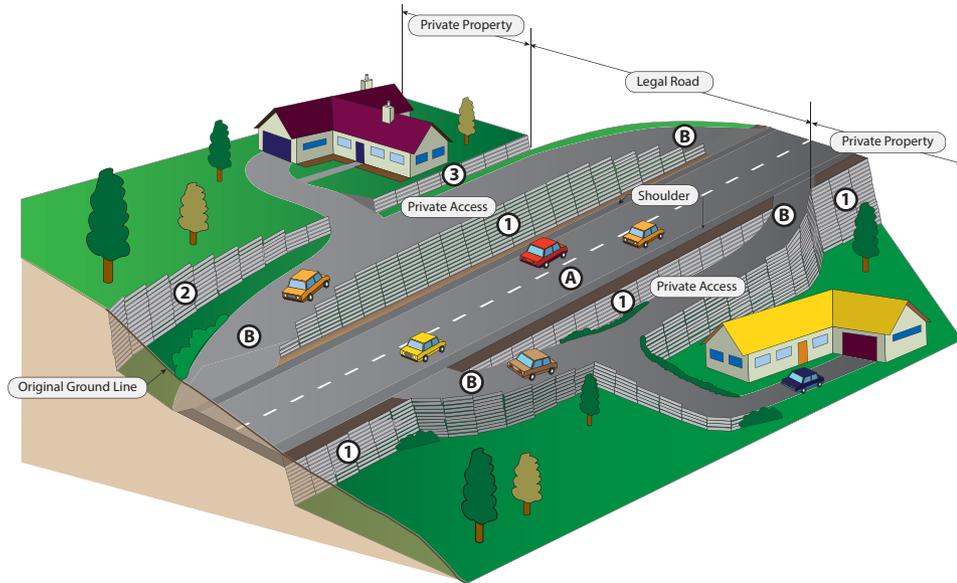


In cases where infill has been added to develop a property, responsibility sits with the person or party who benefits from the development. In the case of the house above the road in this example, responsibility is shared because the upper part of the retaining wall is needed to support infill used in developing the property.

- The wall above the road is shared. The Council would build or contribute to the lower section to retain the natural ground section, the upper section and any increased structural requirements to allow the height would be privately funded.
- The wall below the road would be the Council's responsibility, as fill has been added to allow extra asset space and the whole retaining wall is needed to support the road above.

Scenario 4a

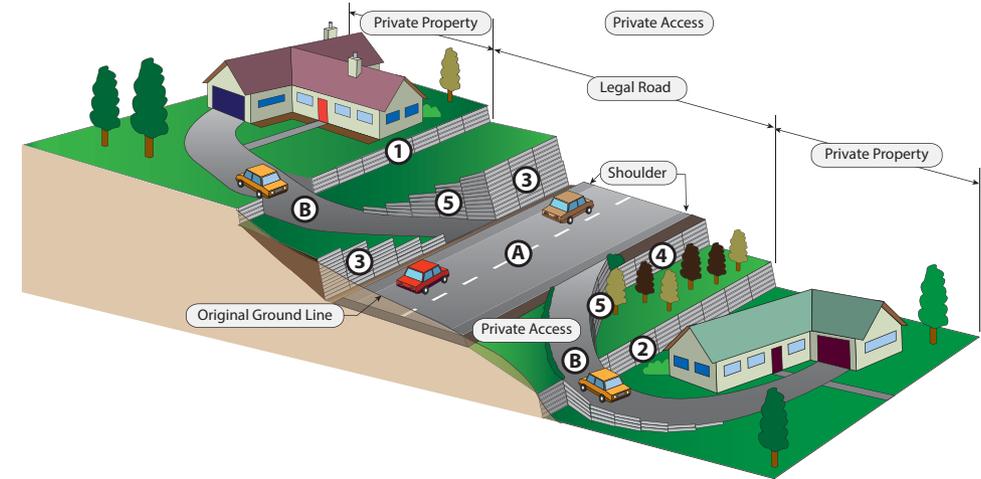
Retaining walls that enable private access (vehicle or pedestrian)



- The retaining walls (1) directly above and below the road (A) are there for the purpose of enabling/supporting private access – they directly benefit the property owner(s). Therefore, they are the responsibility of the property owner(s). The Council does not maintain the private access (B) even though it may be located in the road reserve.
- The upper property boundary retaining walls (2) and (3) are there for the purpose of enabling/supporting private access (B) – they directly benefit the property owner(s). Therefore, they are the responsibility of the property owner(s).
- In some cases, the retaining walls (1) directly above and below the road (A) may be a shared responsibility between the Council and the property owner(s). This is because the retaining wall above, despite supporting private access, is also required as the result of excavation for the legal road, and the wall below may be supporting fill (generally over 500 millimetres) to increase the road width as per Scenario 3.
- If the damage that occurs to a retaining wall adjacent to the road is such that it poses a significant risk to road users, the Council will do the necessary work to ensure the public's safety, but this will not take into account any work needed to provide or maintain the private access (B). Any Council works will include replacing anything damaged as a result of the repair, an example being a paved driveway.
- For retaining walls beyond the access points Scenario 1 applies.

Scenario 4b

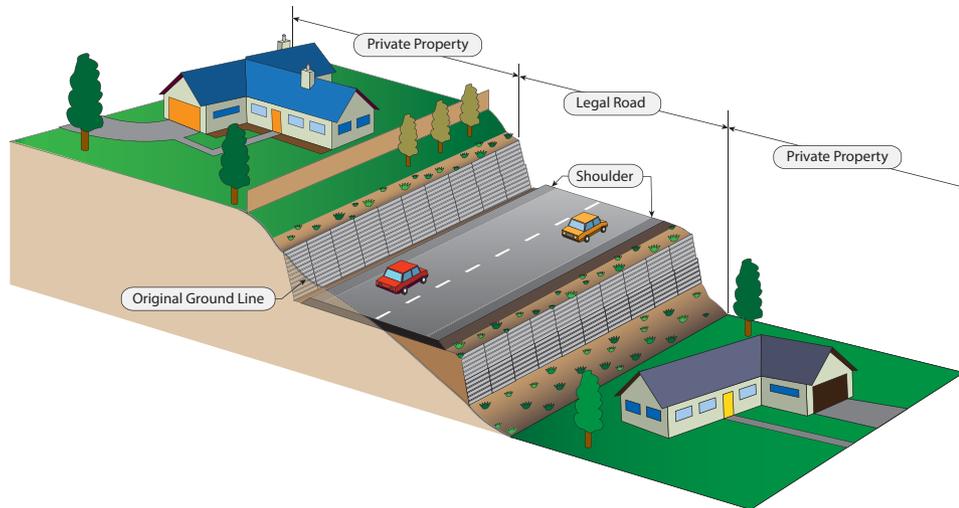
Retaining walls that enable private access (vehicle or pedestrian)



- The upper property boundary retaining wall (1) is there for the purpose of increasing usable private space. Therefore, it is the responsibility of the property owner(s).
- The lower property boundary retaining wall (2) is there for the purpose of supporting an excavation and Scenario 1 applies.
- For sections of retaining wall (3) directly above the road (A) not associated with the property access Scenario 1 applies.
- For sections of retaining wall (4) directly below the road (A) not associated with the property access Scenario 2 applies.
- The retaining walls (5) above and below the road that are for the purpose of enabling/supporting the private access (B) are the responsibility of the property owner(s). This includes sections of existing wall that may have been modified as part of the installation of the access. The Council does not maintain the private access even though it may be located within the legal boundary of the road.
- If the damage to a retaining wall adjacent to the road is such that it poses a significant risk to road users, the Council will do the necessary work to ensure the public's safety, but this will not take into account any work needed to provide or maintain the private access. Any Council works will include replacing anything damaged as a result of the repair, an example being a paved driveway.

Scenario 5

Retaining walls within the legal boundaries of the road



Walls within the legal boundaries of the road are on public property. If they do not benefit private parties they are the sole responsibility of the Council and the Council will repair them.

- Both walls are within the legal road boundaries and have no private benefit, and are therefore the Council's responsibility.
- The land above the upper wall has not been altered and the wall is to retain the road excavation.
- The lower wall is well within the legal road and no excavation has been done below the road.

Retaining wall responsibility frequently asked questions

1. What help or support is available to me?

Please contact Christchurch City Council Customer Call Centre on 941 8999 or 0800 800 169. Further support information available to residents can be found on page 14 and 15 of this booklet.

2. When is a retaining wall needed?

A retaining wall is used where there is not enough space for a natural slope.

3. How does a retaining wall work?

A retaining wall has to be designed to withstand the load behind it. In simple terms, a retaining wall has two 'loads' acting on it—a vertical load such as property, and a horizontal load from the weight of the soil behind the wall.

4. What effects do earthquakes have on a retaining wall?

Earthquakes place additional horizontal load on a retaining wall. In an earthquake the wall and the soil behind a wall moves horizontally back and forth. When the shaking stops, the wall comes to rest (i.e. stops moving) at a different time from the soil or load behind it. In simple terms the soil and the wall act as separate elements. If the horizontal load then exceeds the design capacity of the wall, it can fail (i.e. collapse in part or full).

5. If my wall is the responsibility of the Council, when will it be fixed?

SCIRT has prioritised the repair of retaining walls that have impacts on roads, underground services such as wastewater and water supply, or have a risk of failure that could cause public safety or access issues. Nearby residents and property owners will be advised well in advance of any work to rebuild a wall. You can also keep an eye on the SCIRT website (www.strongerchristchurch.govt.nz) for SCIRT's schedule of works, which set out the broad timeframes for the rebuilding of infrastructure throughout the city.

6. If my wall is on public property, who will fix it?

The five SCIRT Delivery Teams will rebuild the walls: City Care, Downer, Fulton Hogan, McConnell Dowell and Fletcher.

In general, work in Lyttelton will be undertaken by City Care and Fulton Hogan; work in other areas of the Port Hills will be undertaken by Downer, McConnell Dowell and Fletcher. This will enable the Delivery Teams to establish themselves in the community and develop strong relationships. It will also minimise the number of laydown sites needed throughout the Port Hills.

7. I have private property (e.g. a garage) attached to a retaining wall that is on public property. What will happen to this when the wall is repaired?

During the design process SCIRT will undertake a site visit and investigations to identify any services, utilities and structures potentially affected by the retaining wall rebuild. We will be able to discuss any issues regarding these with you once we know the design of the wall. Each wall is unique and will be dealt with according to its individual circumstances.

8. What retaining walls are under construction on public property?

All SCIRT works underway are listed on the website at www.strongerchristchurch.govt.nz (search for “retaining walls”).

9. How long will it take to rebuild all the retaining walls situated on public property?

The SCIRT programme of works, including retaining walls, is expected to take around five years to complete.

10. How long does it take to rebuild a retaining wall?

Each wall is unique and construction times will vary depending on a number of factors such as access to the site, ground conditions, the height of the wall and services behind the wall e.g. water, wastewater, utilities. Some complex walls may take up to one year to rebuild, while others will be finished in a few months.

11. The Council is responsible for a retaining wall in poor repair on/near my property. Can you prioritise its repair?

SCIRT is only repairing earthquake-related damage. It is important that SCIRT consistently follows the prioritisation process put in place for the rebuild as this is in the best interests of the people of Christchurch. If a wall is deteriorating and poses a safety risk, please contact Christchurch City Council who will organise for temporary stabilisation until the permanent repair can occur.

12. I can't move back into my house until a retaining wall that is the responsibility of the Council is fixed, so will my wall be prioritised?

Higher priority will be given to those walls that pose risk to public safety, access, protection of services and properties.

13. If my wall is some way off being rebuilt, will you do any temporary or maintenance works?

If the wall is deteriorating and poses a safety risk, please contact Christchurch City Council who will organise for temporary stabilisation under its maintenance contracts until the permanent repair can occur. In most cases, once the retaining wall is repaired, and all safety issues resolved, the road will be reopened.

Support information

Christchurch City Council

www.ccc.govt.nz

This booklet can be viewed online at www.ccc.govt.nz/retainingwalls
porthillsretainingwalls@ccc.govt.nz
 0800 800 169 or 941 8999

Personal Support

- [Canterbury Support Line](http://www.msd.govt.nz) – www.msd.govt.nz and click ‘Canterbury earthquake support and assistance’ in the quick-links.
0800 777 846 or 04 916 3300 (Available between the hours of 9am and 11pm, 7 days a week)
- [Residential Advisory Service](http://www.advisory.org.nz) – The Residential Advisory Service provides free independent assistance to residential property owners
www.advisory.org.nz
info@advisory.org.nz
0800 777 299 or 03 379 7027

Financial Support

- [Red Cross – Pack and Move/Storage Grants](http://www.redcross.org.nz) – www.redcross.org.nz/Canterbury
 Renters, Homeowners and Independent Advice Grant applications forms are available on this webpage.
outreach@redcross.org.nz
eqgrants@redcross.org.nz
0800 REDCROSS (733 276)

CERA

- [CERA](http://www.cera.govt.nz) – www.cera.govt.nz
info@cera.govt.nz
0800 RING CERA (7464 2372)

EQC

- [EQC](http://www.eqc.govt.nz)
www.eqc.govt.nz
 Insert ‘Guide to settlement of Canterbury Flat Land Claims’ in the search box.
- [EQC – After you make a claim](http://www.eqc.govt.nz/claims/after-make-claim)
www.eqc.govt.nz/claims/after-make-claim
info@eqc.govt.nz
0800 DAMAGE (326 243)

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Transport and Greenspace Unit. City Environment

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