



10. PROPERTY MANAGEMENT

Policy 10.5

FOOTPATH RESERVATIONS – WORKS REQUIREMENTS

Version 5

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OBJECTIVE

To outline permissible works that may be undertaken on footpaths by adjacent landowners.

POLICY

Prior to any works being conducted within the footpath reservation area, the following must be considered.

Guidelines

1. That where applicable, practical and reasonable, Council's standard footpath levels will be maintained. Those levels are as follows:
 - a. In areas where the footpath reservation is to be totally paved from the top of kerb to the adjacent boundary - cross fall to be 1 in 50 towards the kerb;
 - b. In areas where the footpath is unpaved or partially paved, cross fall from kerb to the adjacent boundaries is 1 in 35 towards the kerb.

Property owners carrying out works within the footpath reservation area are to ensure these levels are maintained. If development is such that levels and cross falls cannot be maintained, any deviation from the engineering standards listed in Clause 2 must be clearly identified through design and approved by Council in writing.

2. In conjunction with the requirements of Clause 1, new and reconstructed footpaths will be designed and constructed to a minimum standard that complies with the provisions of:
 - a. AS 1428 Part 1- *Design for Access and Mobility - General requirements for access – New building work*;
 - b. AS 1428 Part 4 – *Design for Access and Mobility: Means to assist the orientation of people with vision impairment: Tactile ground surface indicators*;
 - c. AS 1379 – *Australian Specification and Standard Supply of Concrete*
 - d. AS/NZS 4455.2 – *Masonry Units, Pavers, Flags and Segmental Retaining Wall Units – Part 2 Pavers and Flags*;
 - e. AS/NZS 4456 - *Masonry Units, Pavers, Flags and Segmental Retaining Wall Units – Methods of Test*;
 - f. Austroads Guide to Road Design, *Part 6A: Pedestrian and Cyclist Paths*
 - g. The technical requirements of the Concrete Masonry Association of Australia technical publications MA 57: *Guide to Specifying*, T45: *Design Guide for Residential Accessways and Roads*, and T46: *Detailing Guide*;
 - h. Lithgow City Council Guidelines for Civil Engineering Design and Construction for Development
 - i. Policy 10.18 – *Specification for the Construction of Driveways, Footpath / Gutter Crossings and Footpaving Policy*
3. Where approval is sought by an adjacent land occupier for embellishments to the adjacent footpaths, modifications will be considered for approval subject to compliance

with a reasonable standard of aesthetics, public safety and must be approved by Council, in writing.

4. Planting of street trees or other landscaping works requires approval from Council in all instances to verify the suitability of species, proposed location and compliance with engineering guidelines. Species chosen must be of low impact with regard to motorist sight distance and nearby asset disturbance and for Council's standard footpath width of 3.5 metres, the correct alignment for tree planting is one (1) metre behind face of kerb.
5. Where approved additional features/works are carried out on Council owned or controlled verges, the adjacent landowner must assume ongoing responsibility for their maintenance to a level of Council's satisfaction.
6. Should a resident install unapproved landscaping, street trees, footpaths or conduct any other work within the footpath reservation without written approval from Council, Council reserves the right to request remedial work be undertaken. Failure to comply with this direction gives Council the option to carry out the work and recover the cost from the property owner.
7. Where it is identified that a private access driveway has a grade that makes access difficult, addressing the issue is the responsibility of the property owner. Approval is required prior to conducting any improvements. An exception may be granted where the road crossfall is greater than 5% at the point of access to the driveway. In such cases, Council may install an 'asphalt wedge' or similar to improve accessibility.
8. Where it is identified that the sight distance of an existing property access does not meet applicable standards, property owners may wish to install a mirror or other sight distance improvement device. Council does not supply, install or maintain such devices. Application must be made to Council prior to a property owner installing any such devices in the road corridor or footpath reservation and each application must demonstrate the device will not negatively impact on road safety to be eligible for approval.

Conditions for Rural Residential Areas Only:

In rural areas, management of the road verge most often falls to the Council. To ensure efficiency of maintenance, a roadside slasher is used in these areas. Similarly, rural roads do not have kerb and guttering to convey stormwater. Instead, roadside table drains exist to carry stormwater away from private property. Many rural roads also feature threatened or protected species which be protected to maintain our environmental biodiversity. Lastly, our rural roads often carry traffic at higher speeds than their urban counterparts. Hence, the following conditions apply *in addition* to those referenced above.

1. Prior to any private works or embellishments occurring on a rural road, application must be made to the Council to consider the impact to environmental biodiversity, with reference to Council's Roadside Vegetation Management Plan, and compliance with the conditions of this policy.
2. Private works or embellishments occurring on a rural road are limited to grassing and installation of trees, to ensure Council's ongoing ability to maintain the reserve as required.

3. Private works or embellishments on rural roads is limited to the following:
 - a. Clearing and grassing of the verge;
 - b. Installation of trees being limited to roads with a speed limit of 80km/h or less, and spacings of no less than 7 metres from the road edge and no less than 10 metres apart; and
 - c. Must be of a suitable species to ensure no impact to adjacent civil infrastructure or utilities.
4. Any impacts to roadside drainage, including impacts to neighbouring properties and adjacent infrastructure, must be neutral or beneficial.
5. The adjacent property owner accepts all liability and maintenance responsibility for those features installed as part of their private works or embellishments.

Should property ownership change, or maintenance be otherwise lacking, with reasonable notice to the landowner, Council reserves the right to remove any offending trees within the road corridor.

Permits

1. A *Road Opening Permit* must be submitted prior to undertaking the following works within a footpath reservation:
 - Driveway construction
 - Works on nature strips
 - Service and utility works
 - Waste and shipping containers
 - Trenching and excavation
 - Works affecting pedestrian traffic
 - Works affecting vehicular traffic
 - Kerb alterations
2. All costs are to be borne by the applicant in line with Council's adopted Fees and Charges.
3. The permit format provides the applicant with the relevant minimum requirements for permit approval including traffic management, insurance details, contractor details, costs and other general requirements.
4. A permit is not required where the users of a road or the condition of a road are not affected. Such general uses include mowing a nature strip or cleaning a footpath.
5. The purposes of each permit are to
 - Ensure Council's assets are protected
 - Ensure the impact on the public is managed
 - Avoid conflict with other projects, events and activities.

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