



<b>Policy Title</b>	Footpath, Kerb and Road Verge Policy
<b>Policy Category</b>	Public
<b>Number &amp; Version</b>	SVC-ENG-PO-064
<b>Policy Owner</b>	Asset Planning and Design
<b>Approval by</b>	
<b>Effective date</b>	
<b>Date for review</b>	September 2020

### 1 STRATEGIC PURPOSE

Snowy Valleys Council (Council) recognises its role in providing services which promote safety and amenity for the community, whilst balancing these expectations within the resources available to Council.

### 2 POLICY STATEMENT

This footpath, kerb and road verge policy establishes guidelines for the management and administration of infrastructure within the road verge, extending to pedestrian ways, to ensure realisation of value and assurance in service delivery.

Council is required to define the limits of management and administration it will undertake on the assets within its road reserves for which it is the responsible authority. The objectives of this policy are to define:

- a) Extent of maintenance undertaken within road verges, kerb and footpath infrastructure
- b) Under its authority, administration and management of public road verge and infrastructure contained within the verge
- d) Contributions towards new construction for kerb and footpaths

This policy excludes consideration of driveways, of which are addressed within Council's *Road Management Policy*.

Application of this policy does not extend to public or private parties with authority to operate and maintain utility and telecommunications services in accordance with State and Federal legislation.

### 3 DEFINITIONS

**Road Verge** - section of road reserve from the shoulder of road to the property or lot boundary, may exist with developed infrastructure or unformed. Also known as Nature Strips.

**Footpath** - paved surfaces provided for passage of pedestrian either by foot, by bicycle or other means of pedestrian mobility

**Kerb and Gutter** - formed open concrete drains located on road shoulders for the purpose of collection and transport of stormwater to appropriate points of discharge

**Maintained Road** - a road that is included in Council's Road Register and maintained by Council.

## 4 CONTENT

### 4.1 Legislative Framework

- i. The primary legislation for management of infrastructure on road reserves is the Roads Act 1993 and the Civil Liabilities Act 2002
- ii. Council has no statutory duty to carry out construction or maintenance works on public road reserves
- iii. Council may require contribution from property owners towards the construction of new footpath or kerb infrastructure
- iv. Private parties may undertake work on Council road reserves subject to consent being given by Council including:
  - o Modification to existing civil infrastructure
  - o Establishment of gardens, sculptures or other modifications
- v. Council upholds a duty of care with relation to the infrastructure and services it provides

### 4.2 Management of Road Verges

- i. Council will employ a reactive approach to defects occurring on road verges on maintained roads recognised within Council's Roads Register, through response to complaints received
- ii. Maintenance Activities that Council will not undertake on road verges include:
  - o Mowing in front or adjacent to privately owned or operated properties
  - o Weeding, unless a declared noxious weed recognised within Council's weed eradication program
  - o General maintenance of private structures, gardens or sculptures within the road reserve
- iii. Maintenance activities within the road reserve involving mowing or upkeep of the road verge in a neat and tidy condition will not require consent from Council. Council will discourage, the planting under powerlines, near light poles and access points for utilities.
- iv. Dumping of rubbish within road verges is not permitted, including green waste
- v. Council makes the following provisions for garbage and recycling bins:
  - Placed on the kerbside facing the road and spaced at least 1 metre apart
  - Must not be placed near trees, signs, light poles, parked cars, driveways or hazardous locations
- vi. Council may elect to seek remedial action be undertaken to make good any damage undertaken by unauthorised work or dumping within the reserve
- vii. Council may undertake works to make good any damage caused by unauthorised works at the cost of the responsible land owner

### 4.3 Footpaths

- i. Council will maintain an asset register for all footpaths recognised as Council managed infrastructure
- ii. The register will be utilised to determine operational, maintenance and capital infrastructure requirements for the footpath network
- iii. Council will provide a maintained footpath network according to the footpath assets register, within the limit of funds available, as determined in Council's Operational Budget, *Long Term Financial Plan*, *Strategic Asset Management Plan* and *Transport Asset Management Plan*

- iv. Council will consider requests for construction of new footpath on the basis of quadruple bottom line principles (social, economic, environmental, governance) to ensure the ongoing sustainability of the services provided to the community
- v. Council will seek contribution from owners of land adjacent to the construction of new footpath in accordance with the Roads Act 1993 No. 33 (s.217) on the basis of the following schedule

Situation	Contribution Policy
Direct Frontage	Length of the direct frontage to the street at 50% of the construction rate
Corner Blocks	Length of the direct frontage to the street at 50% plus the side street at 25% of the construction rate
Frontage to Cul-de-sac or curving road	Length of the direct frontage as a fraction of all other direct frontages adjacent to the curve alignment, multiplied by the length of the fronting section of path at 50% of the construction rate
Condition of Development Consent	Full Cost to Development
Footpath construction rate is the rate stated in Council's Fees and Charges Policy for the year of construction	

#### 4.4 Kerb and Gutter

- i. Council will maintain an asset register for all kerb and gutter recognised as Council managed infrastructure
- ii. The register will be utilised to determine operational, maintenance and capital infrastructure requirements for the kerb and gutter network
- iii. Council will provide a maintained kerb and gutter network according to the kerb and gutter assets register, within the limit of funds available, as determined in Council's Operational Budget, *Long Term Financial Plan*, *Strategic Asset Management Plan* and *Transport Asset Management Plan*
- iv. Council will consider requests for construction of new kerb and gutter on the basis of quadruple bottom line principles (social, economic, environmental, governance) to ensure the ongoing sustainability of the services provided to the community
- v. Council will seek contribution from owners of land adjacent to the construction of new kerb and gutter in accordance with the Roads Act 1993 No. 33 (s.217) on the basis of the following schedule

Situation	Contribution Policy
Direct Frontage	Length of the direct frontage to the street at 50% of the construction rate
Corner Blocks	Length of the direct frontage to the street at 50% plus the side street at 25% of the construction rate
Frontage to Cul-de-sac or curving road	Length of the direct frontage as a fraction of all other direct frontages adjacent to the curve alignment, multiplied by the length of the fronting section of path at 50% of the construction rate
Condition of Development Consent	Full Cost to Development
Kerb and gutter construction rate is the rate stated in Council's Fees and Charges Policy	

for the year of construction
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## 5 RESPONSIBILITIES /ACCOUNTABILITIES

### Mayor and Councillors

- To lead discussions with the community in the understanding of this policy and the policies intent
- To communicate the policy to the community
- To receive regular updates on its implementation

### General Manager and Directors

- To lead employees in their understanding of this policy and to monitor its relationships with other areas of council activity

### Division Managers

- To communicate, implement and comply with this policy and develop procedure frame work to facilitate the policies intention

### All Council Officials

- To implement this policy and related procedures
- To comply with this policy and consider its implications for related projects and programs

## 6 ASSOCIATED LEGISLATION

New South Wales Local Government Act 1993

Civil Liability Act 2002

Roads Act 1993

Roads Regulation 2008

## 7 ASSOCIATED COUNCIL DOCUMENTS

Roadside Vegetation Management Policy SVC – RDS – PO- 066

Roadside Vegetation Management Plan SVC – RDS – Pln – 004-01

## 8 HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
	Superseded	Asset Management Policy	TSC-ENG-PO-113-01 (former Tumbarumba Council Policy )		
	Superseded	Asset Management Policy	Info.02 version 1.1 (former Tumut Council Policy)		
	Superseded	Kerb and Gutter Policy	Roads.05 version 1.8 (former Tumut Council Policy)		
	Superseded	Terms of Payment for Kerbing and Guttering	TSC-ENG-PO-101 (former Tumbarumba Council Policy )		
	Superseded	Footpath, Cycleway and Shared Use Paths Infrastructure – Risk Management	TSC-RM-PO-051-02 (former Tumbarumba Council Policy )		
	Superseded	Maintenance of Footpath and Nature Strip(Roads Reserve) Areas Policy including procedure	TSC-ENV-PO-121-0 (former Tumbarumba Council Policy )		

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Adopted:  
Reviewed:

	Superseded	Footpath, Cycleways and Road Verge Policy (former Tumut Council Policy)	Roads.04 version 1.7 (former Tumbarumba Council Policy )		
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