
PROTOCOL



MAINTENANCE OF FOOTPATH & NATURE STRIP (ROAD RESERVE) AREAS

STATUS:	ADOPTED
APPROVED BY GoO:	07/07/09
ADOPTED BY EMT:	18/02/10
TRIM REF.:	F02139
ISSUED BY:	Assets
ENQUIRIES:	Manager, Operations

OBJECTIVES

To set out the circumstances under which BMCC will actively manage areas on or around footpaths and nature strips (road reserves).

SCOPE

This document applies to all areas on Council road reserves, both formed and unformed. It includes all areas on public road reserves that extend from the edge of road seal, drainage invert, or back of kerb, to the adjacent property boundary. It aims to set out the limits of Council maintenance in these areas. It does not apply to the activities of other organisations that have an interest in the road reserve (e.g. Integral Energy, Sydney Water, Telstra, AGL etc), or vegetation subject to management by other public authorities (e.g. the activities of Integral Energy under the Electricity Supply Act 1995). Where trees or vegetation are involved, this document should be read in conjunction with the protocol concerning Trees And Vegetation On, Or Affecting, Public Land. This protocol does not cover issues relating to street drainage, or matters that involve the presence of noxious weeds.

BACKGROUND

BMCC is the Roads Authority for local roads under the Roads Act 1993 and has default responsibility for most road reserves in the LGA, excepting some small areas adjoining nominated State Roads. Road reserves contain numerous assets such as footpaths, bus shelters and street trees, along with access points to private properties. A hierarchy of maintenance has been developed to allow decision making to occur regarding the maintenance of road reserves, which principally involves mowing and slashing of vegetation.

PROTOCOL STATEMENT

Management of road reserves in the Blue Mountains LGA will be guided by the procedures outlined below. In cases where a specific situation is not covered by the documented procedures, the matter is to be referred to the Program Leader, Transport and Recreation for determination. All other matters within the guidelines will be interpreted by the relevant officer within the Operations Branch or the Manager, Operations.

PROCEDURE

General

All requests relating to the maintenance of Council managed road reserves require assessment by an appropriate officer. Depending on the location and nature of the issue, inspection may be by Council's Asset Inspector, Public Lands Tree Officer, Bushfire Technical Officer, or other authorised Council officer. Subsequent actions will depend on the

assessment of the issues and guidance contained within this protocol. As a general rule, BMCC does not undertake maintenance on the road reserve except in specific circumstances, which are outlined below. It is noted that in the majority of cases, private property owners undertake their own minor maintenance, such as mowing, as part of their own property maintenance and out of a sense of civic pride. BMCC however does not expect or require property owners to perform such works on Council's road reserve.

Road reserves on unformed roads

Unformed roads represent roads that are shown as entities on the cadastre but which have not been constructed to Council standards and accepted as a council asset. Although many unformed roads have been cleared at some point in the past and are used for informal access by the public, they are not recognized or maintained as public roads by BMCC. As a result, no maintenance of a road reserve associated with an unformed road will be undertaken. Maintenance works may be undertaken on unformed roads if such work is necessary to rectify drainage issues or environmental damage.

Road reserves with formed footpaths

A formed footpath is defined as a footpath that has been deliberately constructed by the Council to allow pedestrian access. This includes footpaths constructed of concrete, asphalt, pavers or gravel. It does not include areas that may receive considerable pedestrian traffic but which have not been formally constructed. BMCC may conduct maintenance on the footpath and adjacent area to permit safe and unhindered passage by pedestrians. The definition of safe and unhindered passage does not extend to issues of appearance or presentation. Planned maintenance may include repairs to the footpath itself, mowing (in high profile areas such as town centres defined in the Town and Village Service Level Agreement), and pruning or removal of vegetation as required. Footpaths within designated town centres, and the areas around certain bus shelters, which are acknowledged as having a more significant public presentation value, will be subject to a higher level of service. Generally, in areas beyond the town centre boundaries, mowing or slashing will not form part of a routine program.

Road reserves without formed footpaths

Road reserves that have no formed footpath will generally not receive maintenance unless there is an issue relating to public safety or damage to assets. Removal of existing vegetation to permit pedestrian access will not be undertaken, although BMCC may take action where a previously accessible road reserve has been obstructed by the activities of adjoining property owners. Mowing for the purpose of improving the appearance of the road reserve will not be undertaken by the Council. Mowing in these areas is generally at the discretion of adjoining property owners, although as already noted, there is no expectation or requirement placed on property owners in this respect.

Issues relating to private driveway access

The maintenance of safe property access from the edge of the sealed road, drainage invert, or back of kerb (as applicable), to the adjacent property boundary, is the responsibility of the private property owner. BMCC will not undertake work at public expense on private driveways or pathways or surrounding areas for the purposes of maintaining or improving access to private property across the road reserve. BMCC will reinstate or repair driveway access to an appropriate level where Council works have affected an existing formed driveway. Where private works or private access arrangements have caused damage to a Council asset, works to reinstate the asset or remove an associated hazard will be at the expense of the private property owner.

Road reserve maintenance program

BMCC will undertake a cyclic routine maintenance program within nominated road reserves based on their location and profile. These locations are assessed and incorporated in the Road Reserves Service Level Agreement, and scheduled for mowing / slashing in the Works Request Register. Requests to amend or add to the list of locations on the program will be assessed according to the relative merits by the Manager, Operations or appropriate delegate.

Upgrading of road reserves

Any decision to improve the condition of a road reserve through the construction of new formed footpaths will take place through BMCC's Assets Branch, which will assess, prioritise and program works as applicable.

Presence of dangerous species

The alleged presence of dangerous species such as snakes does not provide a satisfactory reason of itself to undertake mowing or clearing of an unmaintained road reserve. It is noted that the Blue Mountains is home to many species of snakes, some of which are considered dangerous, and some of which are not. These become active in warmer months and are sometimes observed on public roads as they move from one area to another and come into the open. Their preferred habitats vary and their distribution is influenced by many factors beyond the control of BMCC. The cutting of grass on otherwise unmaintained road reserves is not held to have a measurable effect on the presence or absence of snakes in a locality and as such will not be deemed to provide sufficient reason to conduct maintenance.

Dumping of rubbish

Rubbish that is dumped on the road reserve outside of either the green waste chipping or bulky waste collection service timetable will be assessed by the relevant officer. Rubbish (including green waste) that is placed on the road reserve by an identified individual will result in the individual being asked to remove it at their own expense, followed by enforcement actions if necessary. BMCC may also elect to remove the waste and then recover the cost of disposal from the individual involved.

RELEVANT LEGISLATION AND GUIDELINES

Local Government Act 1993
Roads Act 1993

RELEVANT COUNCIL DOCUMENTS

Protocol: Trees And Vegetation On, Or Affecting, Public Land