

**ITEM 8 POLICY REVIEW: PAVED FOOTPATH CONSTRUCTION**

The Paved Footpath Construction Policy has been reviewed. This report recommends endorsement of an updated Policy that reinforces the application of the Public Domain Technical Manual and reflects current supporting Policies.

**RECOMMENDATION**

The revised draft Paved Footpath Construction Policy be adopted

**REPORT AUTHORISATIONS**

Report of: Peter Nunn, Manager Infrastructure Strategy and Planning (Acting)  
 Authorised by: Mike Dowd, Director Infrastructure and Works - Connectivity Assets and Liveable City (Acting)

**ATTACHMENTS**

- 1 Draft Paved Footpath Construction Policy

**BACKGROUND**

The Paved Footpath Construction Policy was last endorsed by Council in December 2014. The Policy has been reviewed and updated to bring it up to date with respect to:

- 1 Reinforcing the need for Footpaths to be upgraded in accordance with Council’s Public Domain Technical Manual
- 2 Ensuring damages that result from development works are rectified by the developer
- 3 The need to align the Policy with the Civil Works Notification Policy

**PROPOSAL**

That the draft Paved Footpath Construction Policy be adopted.

This policy supports the rolling out of Council’s Infrastructure Delivery Program.

**CONSULTATION AND COMMUNICATION**

The draft Policy has been the subject of internal consultation with affected Divisions as follows:

- City Works and Services
- Governance and Information
- Development Assessment and Certification
- Community, Cultural and Economic Development including City Centre Management
- Project Delivery including Design and Technical Services

**PLANNING AND POLICY IMPACT**

This report contributes to the delivery of Wollongong 2022 under the objective 4.4 Our Local Council has the trust of the Community Our under Community Goal “We are a connected and engaged community”. It specifically delivers on the following:

| Community Strategic Plan  | Delivery Program 2012-2017   | Annual Plan 2017-18                                  |
|---|--|--|
| Strategy  | 5 Year Action  | Annual Deliverables                                  |
| 4.4.4 Policies are simplified to ensure transparency and efficiency | 4.4.4.1 Ensure Policies and Procedures are regularly reviewed, updated and promoted. | Conduct rolling review of Council’s Policy Register. |

## RISK ASSESSMENT

The application of conditions of consent involving the construction upgrade or replacement of footpaths by developers gives rise to two community based risks as follows:

- 1 Conditions of consent are currently issued requiring the construction, upgrading or reconstruction of footpaths to levels supplied by Council. The policy reinforces the requirement and responsibility for adjusting related infrastructure such as kerb & guttering, utility pits and road side furniture. This arrangement prevents Council having to urgently undertake a design and construction project to significantly adjust kerbing, roads and utilities before the developer can undertake the required footpath works. Adoption of the revised policy will continue to reduce this risk.
- 2 Community dissatisfaction with damaged and/or isolated sections of footpath that do not increase pedestrian connectivity with consequent requests to Council to construct the resulting “missing link”. Adoption of the reviewed policy, maintains the requirement for developers to reasonably construct footpath to the nearest point of the pathway network, public transport point or shopping precinct to decrease this risk.

## FINANCIAL IMPLICATIONS

The reviewed Policy does not have direct financial implications; however application of the Policy for the development consent process may impact on capital programs and budgets should developers seek to construct or replace footpaths out of sequence with Council’s program.

The Policy seeks to reduce this potential implication by clarifying the responsibility flow on infrastructure adjustments to be undertaken as a part of the required footpath works.

## CONCLUSION

The revised Paved Footpath Construction Policy allows Council to articulate a policy establishing the roles and responsibilities for the appropriate and equitable replacement, repair, upgrade and construction of footpath assets to improve pedestrian connectivity across the City.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

## BACKGROUND

Council is responsible for constructing and maintaining public roads, including associated pedestrian paths, throughout the Wollongong local government area. Within the resources which are available, Council endeavours to maintain a high standard of carriageways and pedestrian pavements as well as improving pedestrian connectivity.

Where damage occurs to the surface of Council's roads, including footpaths, and the responsible party can be identified, Council has an obligation on behalf of the public to recover the cost of rectification of the damage from the responsible party or have that party make good the damage.

Where development creates a need for a new pedestrian path or an upgrade to an existing one, Council will ensure that the development, either directly or through a Section 94 Developer Contribution, funds the required upgrade and minimises direct Council costs.

## OBJECTIVE

The main objectives of this policy are to –

- 1 Ensure that an equitable 'user pays' policy applies for the construction of paved footpaths in conjunction with new developments.
- 2 Ensure that an equitable 'user pays' policy applies for recovering the cost of rectification of footpaths that have been damaged in excess of normal wear and tear.
- 3 Make local roads more pedestrian friendly and improve pedestrian connectivity.
- 4 Develop strategies to ensure that Council's expenditures are equitably allocated.
- 5 Manage risks associated with and arising from footpath damage and connectivity.

## POLICY STATEMENT

Where new footpaths are required to be constructed as a result of development, full costs of construction of the footpaths are to be borne by the developer.

Where Council undertakes a program of constructing paved footpaths in residential areas, costs will be funded from Council's resources, with works undertaken on a risk management priority basis in accordance with the Asset Management Plan to ensure equitable distribution of improvement works.

Where another party has caused damage to Council footpaths beyond what is considered normal wear and tear, Council will seek to recover the cost of the rectification or require rectification works be undertaken as a priority.

## POLICY REVIEW AND VARIATION

- 1 Council is to have the opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

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STATEMENT OF PROCEDURES

1 Where footpaths are reasonably required to be constructed or reconstructed as a result of development in order to deliver active transport connections for residents or workers, full costs of construction of the footpaths for at least the full frontage of the development and connecting to the nearest point of the pathway network, public transport point or shopping precinct are to be borne by the developer in accordance with the following:

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• New Development in a Commercial Centre where there is no existing footpath.</li> </ul>   | <p>Developer will be required to undertake footpath construction under Section 80A(1)(f) of the <i>Environmental Planning and Assessment Act relating to the imposition of conditions</i></p>   |
| <ul style="list-style-type: none"> <li>• New Development in Commercial Centre where the existing footpath is adequate but developer wants to improve standard.</li> </ul>         | <p>Developer to undertake entire footpath construction and/or reconstruction. The development consent will not however require the work to be undertaken pursuant to the <i>Environmental Planning and Assessment Act</i>.</p>  |
| <ul style="list-style-type: none"> <li>• New Development in Commercial Centre where existing footpath is adequate but will be inadequate to serve the new development.</li> </ul> | <p>Developer will be required to undertake footpath reconstruction and/or upgrade in accordance with Council's Public Domain Technical Manual under Section 80A(1)(f) <i>Environmental Planning and Assessment Act</i>.</p>   |
| <ul style="list-style-type: none"> <li>• New Development in an established residential area where there is no existing footpath.</li> </ul>                                       | <p>Developer will either:</p> <ul style="list-style-type: none"> <li>- be required to undertake work pursuant to Section 80A(1)(f) of the <i>Environmental Planning and Assessment Act</i>; or</li> <li>- provide a monetary contribution in accordance with the applicable Development Contributions Plan in place.</li> </ul> |

2 With respect to the required construction upgrade or reconstruction works to be undertaken by the Developer, the footpath work will include:

- a Any required adjustments to, or replacement of, service/utility pits or similar, including complying with current standards of management of asbestos containing materials (where applicable); and to achieve footpath levels that are derived from specified kerb levels provided by Council and the relevant Public Domain Technical Manual.
- b Construction or replacement of existing kerb and guttering, including adjustment or upgrades to kerb ramps, drainage pits and making good of the road pavement to match or transition, to achieve the kerb levels specified by Council. Kerb and guttering damaged due to construction work during development shall also be replaced.
- c In addition to approvals required under Section 138 of the Roads Act (via Council's Application to Open and/or Occupy Roadway or Footpath) the Developer is required to notify, in writing, residences and businesses within the construction zone or area of traffic management and, in the case of the Traffic Management plan, requiring restrictions to emergency access, emergency services at least one week prior to commencing construction.

3 The existing authorised improvements in the street will be recorded prior to construction commencing, to ensure reinstatement to the pre-existing standard following completion of construction. Any identified unauthorised improvements will be referred to the Regulation and Enforcement Division for action as appropriate.

4 For footpath works being undertaken by Council, owners of properties and residents/occupiers adjoining proposed footpath construction works are to be notified in writing of Council's intention to carry out the work as follows:

- a As a part of the design consultation process and within timeframes nominated within the Civil Works Notification Policy:
  - Informing of the proposed scope of the project and estimated time of construction.
  - Inviting them to nominate any additional works required on the basis of prepayment in accordance with the Fees and Charges fixed by Council, prior to the work being carried out.

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- Provide an opportunity to make comment on the proposed footpath.
  - b As part of the construction process, at least one week prior to the start of construction to inform of pending construction and any required access changes or restrictions.
- 5 Where new footpaths are to be constructed as a result of development:
- a The Manager Infrastructure Strategy and Planning is to be advised of this condition when Development Consent is granted;
  - b The developer is to be advised of the conditions pertaining to undertaking work on Council's footpaths; and
  - c The work is to be completed concurrently with the project.
- 6 In accordance with Section 102 of the Roads Act 1993, footpaths that are damaged (excluding normal wear and tear) as a result of development activities, the actions of property owners or road users, must be repaired or replaced to the contemporary standards for the damaged pavement. Where repairs are not undertaken, Council may undertake the necessary works and seek compensation for any costs incurred for managing site safety and repair works.

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COUNCIL POLICY

| SUMMARY SHEET  |  |
|--|--|
| Responsible Division   | Infrastructure Strategy and Planning   |
| Date adopted by Council  | [To be inserted by Corporate Governance]30 January 2018                        |
| Date of previous adoptions   | 15 December 2014, 6 November 2002, 15 April 1996<br>Council – 15 December 2014 |
| Date of next review  | January 2021   |
| Legislative or other requirement for review <b>DELETE THIS WHOLE ROW IF NOT APPLICABLE</b> | [List review timeframe and Act, policy or review requirement]                  |
| Responsible Manager  | Infrastructure Strategy Manager  |
| Authorised by  | Director Infrastructure and Works  |