



# NAMBUCCA SHIRE COUNCIL DRAFT FOOTPATHS AND CYCLEWAYS RISK MANAGEMENT POLICY NO. ES03

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## *Our Vision*

Nambucca Valley ~ Living at its best

## *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

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### **1.0 Purpose**

Council has recognised that slips, trips and falls associated with footpaths and cycleways forms a significant percentage of public liability risk. This policy provides for the appropriate management of risks associated with Council's formed pathway and cycleway network.

Council has a duty of care to take reasonable measures within the limitations of its budget to manage the risks arising from defects on Council's formed footpaths and cycleway networks. It is accepted that the removal of all risk is not practically achievable. The Policy is based on a risk management approach to provide a systematic method of identification, evaluation and prioritisation of maintenance works on Council's footpath and cycleway network that will assist Council's decision making process.

The systems implemented by Council to provide the management of risks will be based on prioritising works within the limited budgets available to Council.

### **2.0 Policy Objective**

- To provide pedestrians and residents with a safe and assessable footpath/cycleway network.
- To utilise a footpath management system for maintenance and inspections that is efficient and sustainable within Council's current (and predicted) funding limitations with the appropriate levels of service to residents, visitors and the environment.
- Council's objective is to repair or remove hazards on footpaths and cycleways within the timeframes documented in Council's Footpath and Cycleway Maintenance Risk Management Procedures. These timeframes vary according to the risk assessment of the hazard, with high risks being remedied in shorter timeframes than medium or low risk hazards. This timeframe will be dependent on:
  - Assessed risk and priority;
  - Workforce work load;
  - Climatic conditions; and
  - Available funding.

### 3.0 Scope

This Policy applies to footpaths and cycleways that are surfaced with concrete, asphaltic concrete, bitumen seal or pavers. It does not apply to turfed, gravel surface, walking trails and unformed footpaths.

Council will aim to satisfy its duty of care by using a systematic, factual and repeatable approach to the inspection of footpaths as set out in the Statewide Mutual Best Practice Manual Footpaths Version 5.

The inspection program identifies all the known risks associated with footpaths and generally takes one of the following forms:

**Proactive scheduled inspections** - All footpath inspections are conducted at programmed frequencies determined in the Footpath Inspection Hierarchy. The program frequency for each particular section of footpath is determined based on the importance of the location and frequency of traffic for that area.

**Reactive Inspections** - Are undertaken based on complaints, requests and reports received via Council's Customer Service Request system.

**Authorised openings** - At times, public utility authorities and tradespeople are required to carry out footpath and road openings when new cables are to be laid or connections made to the service mains.

**Evaluations** - The identified hazard is evaluated for the severity of the hazard and the risk. The evaluation of the risk is rated in accordance with Council's Footpath Risk Rating Matrix. (Reference Guide "Easy Guide to Footpath Risk Rating" contained in the Statewide Mutual Best Practice Manual Footpaths Version 5.)

### 4.0 Background

Nambucca Shire Council has an extensive footpath and cycleway network to manage, consisting of approximately 57kms of footpaths and cycleways, both on and off-road. Council needs to manage these assets within the financial constraints and competing interests that are placed on Council.

The majority of the footpaths and cycleway are located within public road reserves and therefore fall under the legislative requirements of the Roads Act 1993, but a significant number of footpaths also exist on other public land for which Council is responsible.

Council has also recognised that potential hazards to pedestrians and cyclists result in public liability claims or injuries, and place a significant burden on the community. Council believes it should endeavour to manage the footpath and cycleway network to assist in minimising these potential hazards. This requires a risk management approach to determine the best use of limited resources.

#### Related legislation and documentation

- Local Government Act, (1999)
- Roads Act 1993
- Civil Liability Act 2002
- Risk management AS/NZS,ISO 31000.2009
- Statewide Mutual the Best Practice Manual Footpaths Version 5 (August 2014)
- Asset Management Plan (Concise) – Footpaths (Our Ref: 8542/2016)

## 5.0 Policy Statement

This policy is derived from the Statewide Mutual Best Practice Manual Footpaths Version 5 (August 2014) and provides guidelines for the management of Council's footpath and cycleway assets. The footpath network has been defined by three categories as follows:

CATEGORY A	CATEGORY B	CATEGORY C
High pedestrian usage (CBD areas)	Medium pedestrian usage (schools, age care)	Low pedestrian usage (residential areas)

The entire Council area is inspected every four (4) years, with high pedestrian areas inspected more regularly. Scheduled inspections are provided in the Footpath Asset Management Plan.

## 6.0 Treatment

**Temporary repairs** - Consist of using asphalt/cold mix to ramp the raised section of the concrete slab or to bridge over the damaged or raised section.

**Permanent repairs or rehabilitation** - Sections of footpath are programmed based on the category and rating from the scheduled inspections. Generally, full sections of the footpath are rehabilitated.

**Footpath slabs subject to tree growth** - Tree roots cause displacement of footpath slabs. It is necessary to try and prevent a continuation of the trip hazard from the tree roots as they continue to grow. Tree roots cannot be removed without consultation of the Green Space Coordinator. The slab directly over the roots and the slabs either side of the area are removed. All slabs are to be replaced with a suitable material (concrete or asphalt) to allow movement as the tree root continues to grow and can be more easily replaced as necessary.

**Footpath slabs subject to vehicular movement** - When footpath slabs have been damaged by vehicles, the footpath slabs are to be replaced as they constitute a trip hazard. Where driveways exist, the replacement will be in accordance with Council's Standard Drawing.

**Footpath slabs with minor displacements** - Where the displacement between footpath slabs is less than 20mm and the slabs are in good condition with no visible signs of cracking, it may be possible to grind the high slab using a concrete grinder until it matches the adjoining slab.

## 7.0 Responsibility

**Budgeting** - Council will assess, in formulating its annual footpath and cycleway budget (in the context of its overall budget), the appropriate allocation of funding to maintenance works in such a way as to generally achieve the best possible long term overall condition of the footpath and cycleway network.

Council will allocate human and financial resources in order to conduct inspections and assessments for the implementation of the policy and procedures within Council's budget constraints.

**Councillors** - Responsible for adopting the policy, allocation of funding towards resources, providing high level oversight of the delivery of the organisation's risk management strategy and delivery plan and maintaining accountability for financial sustainability to ensure that organisational resources are appropriately utilised to address the organisation's risk priorities.

**General Manager** - Has overall responsibility for the organisation's financial sustainability, developing the risk management strategy, plans and procedures and reporting on the status and effectiveness of risk management and to ensure that an allocation of funding is provided to the resources required for the provision and implementation of the delivery program.

**Assistant General Managers and Managers** - Will develop and address appropriate risk management for asset categories under their control and provide leadership in implementing and monitoring risk management principles across the organisation.

**Staff** - Responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training and instruction on how to implement the elements within the Code of Practice and are to have an understanding of risk management principles and the effect of the work undertaken to enhance or maintain the asset and mitigate risk.

## 8.0 History

Previous versions of this policy were based on the Statewide Mutual standard policy template for NSW Local Government. Statewide Mutual first produced the Best Practice Manual (Version 1) in 1997 in response to results of an audit undertaken in 1995 of members of the Statewide Mutual Liability Scheme to ascertain their level of activity in areas of risk that were traditionally causing liability exposures and claims. The Best Practice Manual has been reviewed at various times. Statewide Mutual has been subject to liability claims attributed to trips on footpaths on many occasions. Claims generally centre on complaints from, or injuries to, third parties due to trips or falls on footpaths or deficient maintenance.

A report was presented to Council on 7 September 2000 that identified the deficiencies in the footpath network resulting from a complete inspection. The inspection was undertaken by one person and took 14 weeks to complete. The report consists of some 280 pages of handwritten assessment and while each item is not individually costed, it is estimated that the cost of implementing all repairs will be in the range of \$200 000 to \$300 000.

Two matters arose from the results of the inspection:

- 1 Council can only provide a budget of this magnitude over a number of years.
- 2 Council cannot provide 14 weeks each year for inspections.

In recognition of the budget limitations, Council resolved the following:

- 1 That Council aims to set an annual budget of \$30 000 towards footpath maintenance subject to a review of funds available each year.
- 2 That Council recognises that the gradual improvement to footpath safety will take a regular program over many years, currently estimated at 10.
- 3 That Council inspections be once every 6 months and cover 25% of the footpath network.
- 4 That Council's insurance company be advised of Council's position outlined in 1, 2 and 3 above.

The insurance broker, Jardine Lloyd Thompson Pty Ltd., Coffs Harbour, was advised in a letter dated 28 September 2000. In addition to these statements, it is felt that Council needs to adopt a minimum standard of 'risk' by nominating a trip height that is considered 'low risk' and therefore receives the lowest priority. This is nominated at 0 to 10mm.

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