

## Purpose

Whilst Council has responsibility for the maintenance of footpaths and nature strips in the region, if Council was to maintain all Council owned footpaths and nature strips, the cost to Council, and thus ratepayers, would be excessive.

To keep the general rates as low as possible, Council relies on residents in urban and rural residential areas to maintain the footpath and nature strip adjacent to their property.

The maintenance of footpaths and nature strips is important as it improves the amenity of the area, removes potential nuisances and hazards and maintains pedestrian access.

Council's Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014 states that the occupier of the property adjacent to or adjoining a footpath must not allow a footpath to become overgrown or allow vegetation on a footpath to cause a nuisance or become unsightly, in the opinion of an Authorised Person.

The purpose of this policy is to:

- set out the respective responsibilities of both Council and residents in relation to the maintenance and mowing of nature strips;
- ensure the nature strips in the Whitsunday Regional Council area are kept in an aesthetically pleasing condition for pedestrian access and to ensure prevention of nuisances and preservation of visual amenity; and
- ensure the cost to Council of maintaining nature strips is minimised.

## Scope

This Policy applies to all urban and rural residential areas in the Whitsunday Regional Council area.

## Policy Statement

1.1 Council shall maintain;

- a) nature strips adjoining or within public reserve areas such as bushland, parks or gardens;
- b) nature strips adjoining or within Council owned or controlled land for which Council provides mowing (e.g. Council's Administration Centres); and
- c) constructed (e.g. formed concrete) footpaths.

1.2 If it is the opinion of an Authorised Person that the footpath or nature strip is not in good repair or the vegetation on the

footpath or nature strip, has become a nuisance, unsightly or a danger to any person or property, Council may issue a

Compliance Notice requiring the owner or occupier to undertake action pertaining to the footpath or nature strip to remedy

the nuisance, unsightly appearance or danger within the time specified on the notice where the owner or occupier through

neglect or an intentional act has contributed to the need for the works.

1.3 An owner or occupier of premises to whom a Compliance Notice is given, must comply with the Notice, unless the owner or

occupier has a reasonable explanation.

1.4 Council will determine the levels of service and intervention levels for maintaining footpaths and nature strips.

Request for assistance with maintaining a nature strip

1.5 Council may provide assistance for the maintenance of the footpath and/or nature strip where:

a) residents are not physically able to perform the maintenance of footpath/nature strip and are unable to afford a contractor;

or

b) where the footpath or nature strip extends beyond 15 metres from the property boundary in an urban or rural residential

area; or

c) where the resident believes maintenance of the footpath or nature strip is not possible (i.e. slope or gradient of land).

d) where the footpath or nature strip poses a risk or threat to the community or detracts from the amenity of the area.

1.6 Residents who require assistance due to the reasons stated in clause 1.5, may submit a Request to Maintain a

Footpath/Nature Strip Form ("Request Form"). Resident applying for assistance due to the reasons listed in clause 1.5(a) must

submit with their Request Form:

a) a medical certificate from a registered physician which states that the resident is unable to maintain their footpath or

nature strip due to medical reasons; and

b) a Statutory Declaration stating that the resident does not have the financial capacity to employ a contractor or

documentary support of their pensioner status.

c) Confirmation that a family member or friend is not able to perform work.

1.7 The resident making the request will receive response to their Request Form within Councils Policy timeframes.

1.8 Once a resident is recognised as requiring continued assistance with the maintenance of their footpath or nature strip, residents will be required to submit a new Request Form and associated documentary evidence on an annual basis. Residents will have to re-apply one month before the expiry of current agreement, if the resident requires any future assistance. If a resident's original medical certificate confirmed a permanent disability, the resident is not required to submit a new medical certificate but must submit a new Request Form and statutory declaration or evidence of pensioner status on an annual basis.

1.9 Upon receipt of a request for assistance, Council Officers shall consider whether the cost of providing the service to the resident is within budgetary constraints prior to undertaking the work.

1.10 Where Council has agreed to provide assistance in accordance with this Policy, Council shall maintain the footpath or nature strip to a level of service acceptable to the Council, not the resident.

## Applicable Legislation

Local Government Act 2009

Transport Operations (Road Use Management) Act 1995

Transport Operations (Road Use Management - Road Rules) Regulation 1999

Whitsunday Regional Council Local Law and Subordinate Local Law No. 1 (Administration) 2014

Whitsunday Regional Council Local Law and Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014

Footpath/Nature Strip Request Form

## Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

**Council** refers to the Whitsunday Regional Council

**Employee** refers to any employee, contractor, volunteer etc. of the Council

## Related Documents

[Please include any other policies, guidelines or forms that may be referenced in this policy]

## Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

# Footpath & Nature Strip Maintenance Policy

Infrastructure Services - Parks & Gardens

CORP\_18

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date		Next Review Date	
Responsible Officer(s)		Revokes	
Public Consultation: Yes / No			