

<b>TITLE:</b>	Walkway and Lane Policy		
<b>DIVISION:</b>	Corporate Policy		
<b>ADOPTED BY:</b>	Council		
<b>DATE OF ADOPTION:</b>	21 April 2016	<b>DATE OF REVIEW:</b>	27 April 2020
<b>MOTION NUMBER:</b>	OC 87/16		
<b>POLICY NUMBER:</b>	CP000035		
<b>AUTHORISED:</b>	Chief Executive Officer		

## THIS POLICY APPLIES TO:

All employees of the Barkly Regional Council and Elected Members

## PREAMBLE

The aim of all policy is for Councillors to provide strategic input into the effective operational framework of the organisation under S.11 of the Local Government Act

## SUMMARY

The Walkways and Laneways Policy applies to walkways or laneways between adjacent blocks of residential or commercial land. It does not cover cycle paths, footpaths or paths through parks and other public land. The policy addresses the requirements for new walkways and procedures for dealing with requests for closure of walkways.

## OBJECTIVES

To provide a framework for Council to consider requests from residents for permanent or night time closures of walkways to address anti-social behaviour; and, guidance for developers in relation to development adjacent to new or existing walkways.

## BACKGROUND

A walkway is a narrow pedestrian thoroughfare under the care and control of Council between adjacent properties. They are generally designated as “Road Reserve” but may also be part of a park held in freehold title. The term does not include the “green belt” areas which are considered as parks and reserves. Walkways serve a useful purpose providing safe and convenient routes for pedestrians however anti-social behaviour can cause issues for abutting residents.

## POLICY STATEMENT

Council will provide and maintain a network of essential walkways within the municipality to facilitate the movement of pedestrians and cyclists to and between public facilities.

## Walkways in New Subdivisions/Developments

In the development of new subdivisions, pedestrian and cyclist movements should be provided within the road reserve network or dedicated open space areas. Narrow walkways or laneways between adjacent properties are to be discouraged due to their common association with anti-social behaviour and will generally not be approved. If a walkway or laneway has to be constructed to provide an essential linkage between open space areas (herein called "linkage") they must be a minimum 10m wide and incorporate a paved pathway with a minimum width of 3 metres. Irrigation must be provided to any planted areas. The pathway shall be lit to AS 1158.3 Category P2 with a pole height of 4.5 metres. Lighting shall be designed to minimise spillage into adjacent properties. A solid fence to a minimum of 2 metres high along the boundary of the linkage and residential or commercial land is to be installed by the developer. Linkages are to be designed taking into account *Crime Prevention through Environmental Design* (CPTED) Principles. Vehicular access to these linkages will be prevented by the use of bollards; Service vehicles will have access to the pathway through a lockable entrance.

With new developments or redevelopments adjacent to existing walkways, the developer is to install a solid fence to a minimum of 2 metres high, along the boundary and shall design the internal layout and structures to minimise the possible effects of any anti-social behaviour.

## Anti-social Behaviour and Walkways

Council recognises that antisocial activity can occur in walkways as well as in other locations and that those participating in this type of activity have used walkways as escape routes. Council recognises that this anti-social activity can impact directly on those living adjacent to walkways. The reasons for the anti-social behaviour can be very complex and are not necessarily caused by the presence of the walkway.

Addressing anti-social behaviour is a community issue that requires the involvement of all Northern Territory Government Agencies, community groups and organisations as well as individuals. There are a number of avenues that can be pursued by a local community to address a problem prior to consideration being given to close the walkway. Once Council permanently closes a walkway, the facility is lost to the community forever.

### Closing Walkways

Council has the power to permanently or temporarily close walkways, where they are road reserves under the *Local Government Act*, in accordance with the *Local Government (Road Opening & Closing) Regulations*.

### **This Policy deals with two types of closure requests:**

- (i) Permanent or temporary closure of a walkway to help address anti-social problems.
- (ii) Closure of a walkway where it is not deemed to be an essential corridor for pedestrian movements.

The purpose of walkways is to provide a pedestrian and cycle passageway between public facilities. Council has categorised walkways by assessing the impact a closure would have on pedestrian access to various types of public and private facilities such as shops, schools, bus stops etc.

There are 3 categories:

- Category A Essential walkways that would impose a significant access impact on the community if closed
- Category B Walkways of less strategic value than essential walkways which could be considered for closure in some circumstances
- Category C Non-essential walkways that could be closed without a significant impact on the community

*These categories only apply to requests for permanent closure. Requests for night time only closure will be determined on social and other factors.*

### Request for Closure

Council will only consider closures on the basis of an application by one or more adjacent residents. Council will only consider permanent closure if one or more adjacent residents intend to purchase the entire length of the walkway and consolidate it into their lot(s).

### Request to Address Anti-social Issues

Council will not consider permanent closure of Category A walkways. Permanent closures will only be considered for Category B and C Walkways.

Temporary (night time) closures will only be considered for Category A and B walkways. Temporary (night time) closures will not be considered for Category C walkways.

When a request for a walkway closure to address anti-social concerns is received, the level and type of anti-social behaviour will need to be determined. Applicants will be requested to provide evidence of anti-social behaviour and will be asked to report all instances to the Police for an appropriate response, and then seek police advice in consultation with adjoining properties and user group, in formulating its decision.

Alternatives to closure should be explored. These include:

- The establishment of a local community group to address anti-social behaviour to address the issues at a local level
- Addressing the walkway environment to make it less attractive for loitering – for example, trimming overhanging trees and those obstructing lighting, lighting the walkways, night patrols, the installation of video surveillance cameras or other measures.

If community pressure, policing, lighting and other measures are ineffective then permanent (for Category B and C) or temporary night closures (for Category A and B) will be considered. Temporary closures would involve the erection of gates at each end of the walkway with opening and closing being carried out at pre-determined times by contractors or other approved persons.

## Lighting

Lighting is to be to Australian Standards unless directed otherwise by Council and be designed to minimise light spillage problems into adjacent properties. Priority would be given to Category A walkways. Lighting will not be installed in walkways closed at night except where such lighting is considered desirable by an identified group of stakeholders and the provision of funds for such lighting is provided by external funding sources. Demonstrated positive support from residents immediately affected by the lighting is also required.

Lighting effectiveness may be restricted by tree canopies and vandalism.

## Video Surveillance

Application of video surveillance techniques would need to be considered within Council's total approach to addressing antisocial behavior and security issues. Considerations include vandalism, appropriate signage, privacy issues, cost and funding.

## Public Consultation Process

### Permanent Closure

Upon request for permanent closure of a Category B or C walkway the applicant will be required to demonstrate strong local community support for the closure. This will normally be obtained through a petition for closure.

If, after considering the issues, Council approves the closure in principle, the general public will be invited to comment on the proposal during a 28 day period. A public notice will be placed in the *Tennant and District Times*, signs will be placed on the walkway, and details of the proposal will be made available at Council's Customer Service Desk at the Administration Centre, 41 Peko Road, Tennant Creek.

Depending on the level of public feedback, further public consultation may be required.

When Council finally determines the application, a public notice will be placed in the *Tennant and District Times*, advising of the outcome. Applicants and residents providing written submissions will receive written advice.

### Temporary (Night time) Closures

Upon request for a night closure of a walkway, and subject to Council's approval in principle, Council will go through a similar public consultation process to the permanent closure except that a 3-6 month trial will be conducted prior to any final decision being made.

Under current legislation, Temporary Closures can only be affected for a maximum period of 3 years. At the end of this period the process of public consultation will recommence.

### Non-essential Walkways

Council will consider closure and sale of non-essential walkways (Category C and if appropriate Category B) upon application by one or more adjacent residents. Council must comply with the *Local Government (Road Opening & Closing) Regulations*, where applicable. Applicants will need to cover all Council costs associated with the closure and title transfer. Land values will be determined by the Council.

Applicants will be required to determine community opinion and whether any service authority will object prior to making final application. There may be easements over the land and the applicant will need to resolve these issues.

Formal objections lodged during notification periods will be considered by Council.

Permanent closures require sale of the land and incorporation into an adjacent lot.

### **Access for People with a Special Need**

Council recognises that special needs may be identified from time to time that could change the importance of that walkway for residents. Council will consider issues of special need as they arise.

### **LEGISLATION, TERMINOLOGY AND REFERENCES**

Local Government (Road Opening & Closing) Regulations

### **IMPLEMENTATION AND DELEGATION**

The CEO has delegated authority to implement this policy

### **EVALUATION AND REVIEW**

This Policy is to be reviewed every four (4) years, and may be reviewed at other times at the discretion of Chief Executive Officer.