## **DTI:Planning Review**

**From:** Martin Godfrey

Sent: Wednesday, 14 December 2022 2:37 PM

**To:** DTI:Planning Review

Subject: Planning System Implementation Review - Reduction in accessibility of public footpaths caused

by new driveways/crossovers

**Attachments:** 2022-12-14 Reduction in accessibility of council footpaths caused by new driveways.docx

Dear Planning Review Panel

I am writing to highlight a reduction in accessibility that sometimes results from a development that includes a driveway requiring modifications to an existing public footpath. Below is an outline of the issue, the problems it creates for people with mobility issues and suggests how this may be avoided by a modification to the Planning and Design Code.

The Planning, Development and Infrastructure Act 2016 includes the following principle of good planning "built form and the public realm should be designed to be inclusive and accessible to people with differing needs and capabilities (including through the serious consideration of universal design practices)"; (Part 2, Division 1, 14,c, (iv)). When local councils lay new footpaths or renew existing footpaths they generally apply this principle subject the constraints imposed by topology and street furniture. Unfortunately this principle of good planning is frequently ignored when approving developments that include a driveway requiring modifications to an existing public footpath.

Australian Standard AS1428.1:2021 *Design for access and mobility, Part 1: General requirements for access — New building work* includes design parameters for walkways such as public footpaths. These design parameters include a maximum cross fall on a walkway of 2.5% (1:40) (slope at right angles to the direction of travel along the footpath). The reason cross fall is important is that a large cross fall causes mobility devices such as wheelchairs and walkers to steer down the slope rather than along the direction of travel. If the cross fall is too great it can cause a wheelchair user to lose control of the wheelchair as it veers down the slope of the cross fall.

Generally footpaths are laid with a cross fall less than 2.5%. Unfortunately when footpaths are modified for a new or modified driveway the footpath is often regraded to provide a uniform slope from the threshold of a garage/car port down to the kerb, ie for the convenience of the car user to the detriment of footpath users. Frequently the excuse given for the uniform slope down the driveway is to prevent grounding. However, usually the underlying cause is that at the property boundary the new driveway is at a different height to the existing public footpath, thus requiring modifications to the footpath. The attached document gives examples of developments where a new driveway has resulted in a footpath cross fall that exceeds the 2.5% specified in the Australian Standard for access and mobility.

Previously the approval of a development that included new or modified driveways was the responsibility of the local council. With the move of Development Approvals to Plan SA the situation is more complex, with Plan SA being responsible for approving developments on private land, and the local councils being responsible for approving the new or modified driveway on council land. This has resulted in a situation where it is unclear if changes to site levels need to be dealt with within the property or outside it on land owned by the local council.

At a recent meeting of Burnside Council's Access and Inclusion Community Advisory Group we discussed accessibility problems caused by new or modified driveways. Discussions identified that the approval process prioritises the needs of the person using the driveway over the needs of the public using the footpath. One of the participants in the meeting made the sensible suggestion that this should be reversed to prioritise the accessibility of the footpath, unless the developer can show just cause why the accessibility of the footpath should be compromised. One way of achieving this is to stipulate that at the boundary the driveway should be at the same site level as the existing public infrastructure, ie the footpath.

## Suggested solution

The current Planning and Design Code for residential properties has Deemed To Satisfy/Designated Performance clauses for driveways that include the following:

"Driveways and access points on sites with a frontage to a public road of 10m or less have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site." (DTS/DPF 19.3)

There are similar clauses for properties with a frontage greater than 10m and properties where the driveway serves several properties. It is suggested clauses such as these are modified to include the site level of a driveway at the boundary relative to existing public infrastructure such as footpaths eg.

"Driveways and access points on sites with a frontage to a public road of 10m or less

- (i) have a width between 3.0 and 3.2 metres measured at the property boundary
- (ii) and have a finished level at the property boundary that matches the existing footpath
- (iii) and are the only access point provided on the site."

## **Summary**

Some recent developments which included a driveway that require modifications to an existing public footpath, have resulted in the footpath becoming non-compliant with accessibility standards. In some situations the reduction in accessibility is so extreme that wheelchair users are forced to use the roadway as a safer route of travel. To avoid this situation it is suggested that the Planning and Design Code include a requirement for finished levels on driveways to match the existing footpath.

Kind regards Martin Godfrey