



DRAFT Policy:

**Recovery of Costs of Kerbing and
Guttering and Footpath Paving**

2023

V1.0

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council	Still Draft	Resolution No.	For Consultation Only
Document Owner	Executive Director Infrastructure and Development		
Document Development Officer	Executive Manager Civil Infrastructure		
Review Timeframe	4 Years		
Last Review Date:	March 2023	Next Scheduled Review Date	2027

A review of this procedure will be conducted *every four years* or if:

- There are legislative changes that affect requirements for Kerb and Channel installs,
- The need for a review is raised through Council's consultation process.

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.

Document History

Doc No.	Date Amended	Details/Comments e.g. Resolution No.
Original	March 2023	UINT/22/14749/
1.0	23 April 2023	Issued for initial councillor feedback
1.1	23 April 2023	Resolved to exhibit for public comment

Further Document Information and Relationships

Related Legislation*	<p><i>Local Government Act 1993 and General Regulation 2021</i></p> <p><i>Work Health and Safety Act 2011 and Regulation 2017</i></p> <p>Roads Act 1993, Section 217</p>
Related Policies	<p>Policy: Enterprise Risk Management Policy 2020</p> <p>Policy: Work Health and Safety 2019</p>
Related Procedures/ Protocols, Statements, documents	<ul style="list-style-type: none"> • Council's Pedestrian Access Mobility Plan • Council's Disability Inclusion Action Plan • Council's Capital Works Program • Council's Asset Management Strategy and Plans • Relevant Australian Standards • Statewide Mutual - Best Practice Manual - Footpaths (Nature strips, medians and shared paths) - August 2019

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1. Introduction

1.1. Objectives

The objective of this policy is to set out Council's requirements in respect to the setting and collection of co-contributions by owners of adjoining land for kerb and guttering construction and footpath paving construction.

1.2. Scope

This policy applies to the installation, by Council, of kerb and gutter as well as footpath paving construction in streets undertaken as part of Council's Annual Capital Works Program which forms part of the Delivery Program.

The new asset will be included in Council's Asset Management Plan and form part of Council's Integrated Planning and Reporting process to enable the improvements to the stormwater and footpath networks.

2. Policy Statement

1.3. Provision of Kerb & Gutter

Where Council carries out new kerb and guttering works in any public road, Council shall require contributions from the owners of all land adjoining the works subject to the following conditions:

- Contributions towards the cost of new kerb and guttering works in public roads shall be levied pursuant to Part 13, Division 3 of the Roads Act 1993, at a rate not exceeding 50% of the cost of the kerb and gutter or as it is set within Councils fees and charges, whichever is the lesser.
- Under this provision only the Kerb and Gutter components of any works are subject to the contribution and other works shall not levy a contribution. For clarity, in cases where kerb and gutter works are conducted with other concurrent activities such as for example road replacement or patching, the installation of drainage pits, inlets and pipes, etc, those other works shall not levy any contribution.
- The contribution rate of 50% of the cost shall apply for the frontage of the property and the contribution rate of 25% for a side frontage of a Corner Property.
- Where Council proposes to carry out kerb and guttering works in any public road, Council shall provide written notice to the owners of all land adjoining the works 28 days prior to the scheduled date of the commencement of such works, advising each owner of the fee contribution rate, the length of kerb and gutter proposed to be charged at the respective property, and the proposed timing of the project.
- Contributions towards the cost of kerb and guttering works in any public road, shall be levied at a lineal metre rate subject to the following conditions:
 - a) Where kerb and guttering is constructed the property boundary length will be used in the calculation of the owner's contribution.
 - b) The contributions will be based on the boundary frontage of the lot adjacent to the kerb and gutter works and be 50% of the cost or as per the set fee within Council's fees and charges whichever is the lesser.
 - c) The contributions for a side frontage of a corner property will be based at 25% of the cost or as per the set fee within Councils fees and charges whichever is the lesser.

- d) Schools, Industrial and Commercial properties will be charged for the total length of their frontages constructed.
- e) The contribution for any driveway/entry layback portion of the kerb and gutter shall be levied at the same rate as the rate which applies to the kerb and gutter regardless of the layback type which is installed.
- f) A discount of 20% of the contribution is to apply in cases where a piped gutter crossing or concrete dish crossing already exists and which was installed by Council at the owner's cost, or where Council had provided written approval for that work.

1.4. Provision of Footpath Paving Construction

Where Council carries out footpath paving works in any public road, Council shall require contributions from the owners of all land adjoining the works subject to the following:

- Contributions towards the cost of footpath paving works in public roads shall be levied pursuant to Part 13 of the Roads Act, 1993, in respect of all new work of that nature.
- The contribution rate shall be 50% of the cost of the work or that charge which is approved by Council and included in Council's annual fees and charges schedule whichever is the lesser.
- Under this provision only the footpath paving components of any works are subject to the contribution and other works shall not levy a contribution. For clarity, in cases where footpath paving works are conducted with other concurrent activities such as for example road replacement or patching, the installation of drainage pits, inlets and pipes, etc, those other works shall not levy any contribution.
- The owner of a property used solely for rural or residential purposes, whose frontage to the street is adjacent to footpath paving work shall not be charged a contribution towards the cost of the work. This clause does not apply to properties owned by the Crown which shall be charged.
- The owner of any other property which is not used solely for residential or rural purposes, and which is adjacent to footpath paving work, shall be charged a contribution for all frontages of that property over which the work is carried out. This clause also applies to properties owned by the Crown.
- Where Council proposes to carry out footpath paving works in any public road reserve, Council shall provide written notice to the owners of all land adjoining the works at least 28 days prior to the scheduled date of the commencement of such works, advising each owner of the fee contribution and the length of footpath paving proposed to be charged at the respective property, and the proposed timing of the project.
- Contributions towards the cost of footpath paving works in any public road, shall be levied at a square metre rate subject to the following conditions:
 - a) Where footpath paving is constructed the property boundary length will be used in the calculation of the owner's contribution.
 - b) The contributions will be based on the boundary frontage of the lot adjacent to the footpath paving works and be 50% of the cost or as per the set fee within Council's fees and charges whichever is the lesser.
 - c) The contribution for a side frontage of a Corner Property will be based at 25% of the cost or as per the set fee within Council's fees and charges whichever is the lesser.
 - d) Schools, Industrial and Commercial properties will be charged for the total length of their frontages constructed.

- e) The contribution towards the cost of footpath paving also applies for existing bitumen paving replacement works where no previous contribution has been paid.
- f) The contribution from the property owner may be used to supplement any grant funding received by Council.

3. Roles and Responsibilities of the Council

Council Officer	Roles and Responsibilities
General Manager	To lead staff in their understanding of and compliance with this policy.
Executive Directors, Council Officers within the Council Executive, and Managers of Business Units	<ul style="list-style-type: none"> • To implement and comply with this policy and the associated delegations. • To draft delegation assignments to positions for the General Manager's authorisation. • To communicate with delegates so that they understand and acknowledge acceptance of their delegations on an annual basis and on any occasion a Council officer is appointed to an acting or interim arrangement with delegated authority.
Manager Governance and Service Centre	<ul style="list-style-type: none"> • To provide advice on the interpretation of Delegations. • To facilitate annual staff-wide acknowledgement of delegations process. • To facilitate updates to the Register of Delegated Authority for Expenditure through Purchase Orders when notified of an appointment to a position or change to position. • To review delegations and update appropriately following changes in legislation. • To undertake adequate review of this policy.
Delegates	<ul style="list-style-type: none"> • To act in accordance with delegations and authorisations, position description, relevant legislation, policy and procedure as well as area of responsibility. • To understand and comply with delegations as delegated by the General Manager.

Definitions

- **Kerb and gutter:** Includes kerb only, upright kerb and gutter, rolled kerb and gutter and dished or V-drain gutters
- **Footpath paving:** Includes paving, concrete footpath paving and asphalt paving works
- **Crown Land / owned by the Crown:** Land owned by the State of New South Wales or Australian Federal Government
- **Roads Act Section 138:** to meet the requirements of the Roads Act Section 138 any Works & Structures to be privately constructed on a road reserve will need a Section 138 approval before works can commence.
- **Frontage** - The frontage of a property relates to the boundary which is adjacent to the street and which is mentioned in the property description registered by Council.
- **Corner Property** – A corner property relates to a property with multiple street boundaries attached to each other, one of which is the frontage as in (a) above.
- **Rear Boundary** - The rear boundary of a property relates to a single street boundary, which is not attached to another boundary as in (a) and (b) above.