



**muswellbrook  
shire council**

**Kerb and Gutter and Footpath  
Contributions Policy**

**Policy No. K10/1**

**Assembled by  
Neil Pope**

**Adopted By Council  
28 March, 2011  
Minute No. 479**

# KERB AND GUTTER AND FOOTPATH CONTRIBUTIONS POLICY K10/1

## POLICY OBJECTIVES

This Policy is intended as a procedural guide for the creation and implementation of all contributory projects for the construction of footpaths and kerb and gutter under the Roads Act 1993 and as a guide for the equitable distribution of costs between Council and owners of abutting properties.

## POLICY STATEMENT

The Council when constructing new kerb and gutter or footpath/cycleway, for the community within a public road, will require a contribution from the adjoining property owners along the side of the public road adjacent to the land.

The Roads Act 1993 provides for Council to recover a maximum of half of the cost of constructing paved footpaths and/or kerb and gutter from the owners of properties with frontage to a public street. It does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid.

The policy has been framed to ensure that Council is able to apply a contribution criteria and costing structure that is easily understood and equitable for all parties and that it is comprehensive enough to direct a course of action for the various situations that occur in relation to kerb and gutter construction and/or footpath paving/cycleway construction in as an equitable manner as possible.

Council will require the following contributions from landowners whose property is affected by construction of kerb and gutter and footway undertaken by the Council.

<b>Situation</b>	<b>Contribution Policy</b>
Council proposed kerbing and guttering	50% of front boundary (based on street address). 25% on all other boundaries and fronting kerb returns
Owner proposed kerbing and guttering	Full cost to the owner
Council proposed footpaths or cycleways (other than full width)	50% of the cost of the paved area of 1.2m of "normal" footpath width. (No extra charge where the proposed width exceeds 1.2m)
Council proposed full width footpaving (generally associated with commercial activities( various zones))	50% of the cost of the paved area
Owner proposed footpaths, footpaving or cycleways outside the adopted strategy	Generally not allowed; but if allowed, full cost to the owner
Owner proposed footpaths, footpaving or cycleways in conformance with the adopted strategy but beyond the current budget and priorities	Council to consider on merit on the basis of 50% of total project cost.
Driveway accesses	Refer to Policy F10/1
Condition of development	Full cost of proponent

## Notes and definitions:

**Kerb and Gutter** may include all profiles and also dish gutter where appropriate.

The **length** used in the calculations is the length of the property boundary, but not more than the actual length of the kerb and gutter, footpath or cycleway being constructed.

The **width** used in the calculation of footpath or cycleway construction (total construction width of shared footpath/cycleways is normally 2.5m) will be charged to property owners at an amount equal to the construction of 1.2m wide, which is considered as the footpath component.

**Full width** footpath pavement is generally in business zones. The term **full width** includes treatments that may include landscape/streetscape components, but the contribution only applies to the pavement components.

## Assessing the Application Based on Land Zoning

List of land zones where a contribution **is applicable** for Kerb and Guttering:

- Rural RU1 & RU5 (Primary Production, Rural and Village);
- Residential R1, R5, & RU5 (General Residential & Large Lot Residential & Village);
- Business B2 (Local Centre); and proposed Bulky Goods zone
- Industrial INL & IN2 (General Industrial and Light Industrial);
- Special Urban RE2 (Private Recreation);
- List of land zones where a contribution is applicable for Footpath Paving and Cycleway Construction:
  - Residential R1 & R5 (General Residential & Large Lot Residential);
  - Business B2 (Local Centre); and proposed Bulky Goods zone
  - Industrial INL & IN2 (General Industrial and Light Industrial);
  - Special Urban RE2 (Private Recreations);

### Credits

- It does not apply to the renewal or repair of any paving; or kerb or gutter in respect of which contributions have previously been paid.
- Where a concrete vehicular layback currently exists, a credit equal to the width of the layback by the current contribution rate will be given to the property. This credit allowance shall only apply where the concrete layback has been correctly constructed with Council approval.
- Where flagstone or sandstone kerb and gutters were previously constructed without contribution by property owners, contributions are to be levied for the construction of replacement kerb and gutter.

## LEGISLATION

Roads Act 1993, including to Clauses 217, 218, & 219

## PROCEDURE

- Works priorities are determined by Council on an annual basis.
- In the case of footpaths and cycleways, the priorities are guided by the current Walk and Cycle Plans.
- Following a resolution by Council to proceed with the scheme, the works shall be included in Council's Capital Works Program.
- Council will make every endeavour to notify property owners affected prior to commencing the work, and to provide details of work to be carried out and the approximate amount of contribution to be paid. In exceptional circumstances

when Council is unable to notify property owners prior to works and of costs, the owners are still liable to pay the contribution.

- Following preparation of final costs and apportionment the scheme will be presented to the Council for adoption.
- After adoption by Council, notice shall be given to all affected owners in accordance with Clause 217 of the Roads Act advising of the requirement to contribute.

The Notice shall:

1. Contain an outline of the proposed scheme; and
2. Set out the method of calculation of the estimated contribution.

In addition to the above statutory requirements the notice sent shall include:

1. The name of the Council officer for contact in regard to individual enquiries;
  2. Proposed timing for works to be carried out; and
  3. Further advice of Council's policy regarding payment options.
- On completion of works the actual cost is to be apportioned to owners on the same basis as used in the notice and invoices issued to owners.
  - If the final cost is greater than 10% above the estimated cost, costs are to be reported to Council for determination of the final charge prior to issue of invoices.
  - In the case of properties with strata title or community title the cost shall be shared equally between all strata title or community title holders.
  - The payment options for Landowners affected by contributions to kerb & gutter and footway construction be in accordance with Council's adopted Debt Recovery Policy

### **RELATED POLICIES**

That Council maintains consistency with Council's DCP and Policy F10/1 and other relevant policies including Council's Local Environmental Plan and Schedule of Fees and Charges for the current period.

### **Author**

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### **Date**

20 December 2010

### **REVIEW HISTORY:**

	<b><i>Current</i></b>	<b><i>Previous</i></b>	<b><i>Prior</i></b>	<b><i>Prior</i></b>
<b><i>Minute No:</i></b>	<b>479</b>			
<b><i>Meeting Date:</i></b>	<b>25/03/2011</b>			
<b><i>Review Date:</i></b>				
<b><i>Rescind Date:</i></b>				