



**DATE ADOPTED: 26 SEPTEMBER 2023**

**VERSION: 6.0**

## **POLICY OBJECTIVES**

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

## **POLICY SCOPE**

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

## **POLICY STATEMENT**

### **Provision of Kerb & Gutter**

- Where Council carries out new kerb and guttering works in any public road, Council will require contributions from the owners of all land adjoining the works. Contributions towards the cost of new kerb and guttering works in public roads shall be levied pursuant to Part 13 of the Roads Act, 1993, at a rate of half cost for the kerb and gutter. The contribution rate of half cost shall be approved by Council and included in Council's annual Fees and Charges schedule.
- 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 prior to the scheduled date of the commencement of such works, advising them of the contribution rate, length of kerb and gutter proposed to be charged and 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:
  - The contributions will be based on the frontage of the lot adjacent to the kerb and gutter works.
  - Schools, Industrial and commercial properties will be charged for the total length of their frontages constructed.
  - Where kerb and guttering is constructed fronting properties with a residence or zoned residential, a maximum length of 25 metres will be used in the calculation of the owner's contribution.
  - A reduction of the contribution to be made for kerb and guttering contributions equivalent to the length of the crossing where piped gutter crossings and concrete dish crossings that have been installed by Council at owner's cost, or where Council has provided written approval for this work.



- Where a residential property has a dual street frontage and is currently incapable of being subdivided, the owner, having already contributed to kerb and guttering for one frontage, will not be required to make a further contribution when the other frontage is kerb and guttered.
- If a property is capable of being subdivided into additional residential lots, then the owner will be responsible for costs for the full frontages that kerb and gutter is provided.
- Where the kerb and guttering is provide to the frontage of land zoned rural and used for agricultural purposes and does not contain a dwelling, no charge will be levied.
- Where the kerb and guttering is provided and considered not to benefit the property, no charge will be levied. This will be subject to the approval of the Group Manager Infrastructure & Works and / or the General Manager.
- Council will levy charges for new kerb and gutter works to the adjoining land owner. It will be the owner's responsibility / discretion to recover any costs from benefiting parties where a right of way or right of access over that kerb and gutter exists.

### **Provision of Footpath Paving Construction**

- Where Council carries out footpath paving works in any public road, Council will require contributions from the owners of all land adjoining the works. 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 approved by Council and included in Council's annual Fees and Charges schedule.
- 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:
  - The owner of a property used solely for rural or residential purposes, whose frontage to the street is adjacent to footpath paving work, not be charged contribution towards the cost of the work. This clause does not apply to properties owned by the Crown.
  - The owner of any other property, including those not used solely for residential or rural purposes, adjacent to footpath paving work, be charged half cost contribution towards the work for all frontages over which the work is carried out. This clause applies to properties owned by the Crown.
  - The contribution towards the cost of footpath paving apply for existing bitumen paving replacement where no previous contribution has been paid.



## POLICY DEFINITIONS

<b>Kerb and gutter:</b>	Includes kerb only, upright kerb and gutter, rolled kerb and gutter and dished or V-drain gutters
<b>Footpath paving:</b>	Includes concrete footpath paving and asphalt works
<b>Crown Land / owned by the Crown:</b>	Land owned by the State of New South Wales or Australian Federal Government
<b>Roads Act Section 138</b>	To meet the requirements of the Roads Act Section 138 - Works & Structures
<b>Roads Act Part 13, Division 3</b>	For kerbing and guttering etc by roads authorities in accordance with Part 13, Division 3 of the Roads Act

## POLICY ADMINISTRATION

<b>BUSINESS GROUP:</b>	Infrastructure & Works
<b>RESPONSIBLE OFFICER:</b>	Group Manager Infrastructure & Works
<b>COUNCIL REFERENCE:</b>	
<b>POLICY REVIEW DATE:</b>	Three years from date of adoption
<b>FILE NUMBER:</b>	2/14 & 2/15
<b>RELEVANT LEGISLATION</b>	<ul style="list-style-type: none"> <li>Local Government Act 1993 (NSW)</li> <li>Roads Act 1993</li> </ul>
<b>RELATED POLICIES / PROCEDURES / PROTOCOLS</b>	<ul style="list-style-type: none"> <li>Debt Recovery Policy</li> <li>Hardship Policy</li> </ul>

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	22 September 1992	New policy adopted
2.0	27 March 2001	Policy reviewed
3.0	14 October 2014	Policy reviewed
4.0	24 October 2017	Policy reviewed
5.0	22 September 2020	Policy reviewed – adjustment of position title to align with structure
6.0	26 September 2023	Policy reviewed – minor changes made