

TEMORA SHIRE COUNCIL



TEMORA

The Friendly Shire

FOOTPATH / KERB & GUTTER CONTRIBUTIONS POLICY

ACTIVE

Review Details

ABOUT THIS RELEASE

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CODE NUMBER: EW 11
AUTHOR: Temora Shire Council
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REVIEW

Revision Date	Revision Description	Date approved by Council	General Managers Endorsement
	New Policy		GCL
October 2020	Reconstruction	17 November 2020	GCL
January 2023	Legal Framework	19 January 2023	GCL

PLANNED REVIEW

Planned Review Date	Revision Description	Review by
January 2025	Review	Engineering Asset Manager

1 POLICY AIM

To detail the means through which the Council can charge the owner of a property a contribution for the initial provision of kerb and gutter and/or concrete footpath adjacent to their property, in accordance with the below legislation.

2 LEGISLATION

- Roads Act 1993 (Section 217)
- Roads Act 1993 (Section 219)
- Local Government Act 1993

3 LEGAL FRAMEWORK

Temora Shire Council, as the roads authority can levy contributions from landowners, as stipulated in the *Roads Act 1993 – Section 217*:

- The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land;
- The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine;
- The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving an invoice upon completion of works;
- The payable amount invoiced is recoverable in accordance with Council's Debt Recovery Policy;
- This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space;

The owner of the land adjoining the public road where the kerb or footpath is to be constructed shall contribute to the Council a percentage value detailed in the table below with contribution amount applied as per Council's Schedule of Fees and Charges.

Type of Property	Contribution
All properties with one frontage to a public road on the street address frontage	50% of cost per lineal metre as outlined in Council's Schedule of Fees & Charges
All properties with one frontage to a public road on the non-street address frontage (<i>ie. side frontage</i>)	25% of cost per lineal metre for as outlined in Council's Schedule of Fees & Charges (generally considered a side frontage)
All properties with more than one frontage to a public road (<i>ie. corner block</i>)	50% of cost per lineal metre for property frontage with street address and 25% of cost per lineal metre for any other frontage as outlined in Council's Schedule of Fees & Charges
Note: Where an existing concrete footpath or driveways is installed this value is to be deducted from the frontage contribution value	

4 IMPLEMENTATION

Council will provide a written notice of determination to adjoining landholders detailing the proposed footpath construction and associated contribution fee required once funding for the project has been confirmed by council (for the council funded portion of each project).

In accordance with the *Roads Act 1993 – Section 219* recovery of costs incurred are able to be done as if they were an unpaid rate under the *Local Government Act, 1993*.