

Document Control

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Administration of Contributory Footpath and Kerb & Gutter Schemes Policy	GOV.POL.0008.001	July 15
Date Adopted	Minute Number	Summary of Changes
16 October 2013	3592	Amendments & New Template

Purpose

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.

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.

Scope

This Policy shall apply to all Footpath and kerb & gutter construction under Council's control including but not limited to operational land, community land, nature-strips, road corridors and public reserves etc. Pursuant to clauses 217,218 and 219 of the Roads Act 1993.

Definitions

Nil, as at date adopted.

Policy Content

1. Scheme Initiation

Councillors, members of the public, residents within the area or Council officers may initiate the contributory scheme process. The final outcome of proposals will depend on compelling reasons relating to issues of safety, health or amenity.

1.1 Preliminary Consultation and Report

The Director Engineering shall prepare a preliminary report to Council which may address the following:

- Background information detailing the reason for the works;
- The need for the scheme taking into account matters of health, safety and amenity;
- Identifications of the likely beneficiaries of the scheme;
- Options for the scope, staging and funding of the scheme;
- Preliminary estimate, basis for apportionment;

Following initiation of a prospective scheme, the Director Engineering shall circulate information to the contributors that includes the following information:

- Preliminary estimates for total cost of the works,
- Method of apportionment of cost,
- Estimated cost to owner,
- Details of payment options in line with Council policy.

1.2 Capital Works Program

Following a resolution by Council to proceed with the scheme, the works shall be included in Council's Capital Works Program.

Proposed schemes included in the Capital Works Program shall be prioritised on the basis of risk, need and available funding. When a scheme's priority raises it to within Council's available budget, the scheme shall continue.

2. Detailed Scheme Preparation

Following Council's resolution to proceed with the Scheme, the final design, estimates and apportionment of costs shall be prepared. The officer responsible for the detailed preparation of the scheme shall maintain a high level of consultation with parties to be affected by the proposal.

3. Scheme Adoption

Following preparation of final costs and apportionment the scheme will be presented to the subsequent Council meeting 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:

- contain an outline of the proposed scheme; and
- set out the method of calculation of the estimated contribution.

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

- the name of the Council officer for contact in regard to individual enquiries;
- proposed timing for works to be carried out;
- further advice of Council's policy regarding payment options.

4. Scheme Finalisation

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.

5. Rules Governing The Levying Of Kerb And Gutter And Footway Construction Contributions

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

***NOTE: Landowners Are Not Required To Contribute To Replacement
Kerb And Guttering o Foot Paving.***

All properties be levied a contribution for kerb and gutter and footway construction in accordance with S 217 of the Roads Act on the following basis:-

- 50% of front boundary.
- 25% on all other boundaries.
- The payment options for Landowners affected by contributions to kerb & gutter and footway construction be in accordance with Council's adopted Debt Recovery Policy.
- That in respect of designated shared cycleway/footways, a contribution be levied on adjoining owners, at 50% of the rate for footways.
- Council confirm staff authority to levy kerb and gutter/footway contributions in accordance with this Policy.

Links to Policy

Nil, as at date adopted.

Links to Procedure

Nil, as at date adopted.

References

- Roads Act 1993 (Clauses 217, 218 & 219)

Responsibility

Director Engineering

Relevant Legislation

- Roads Act 1993
- Environment & Planning Act 1979
- AS/NZ ISO30100:2009 Risk Management principles & Guidelines

Associated Records

Nil, as at date adopted.