

Document Name	Document Version Number	Review Date
Contributions for Footpath/Kerb and Channel Construction Policy	1.0.3	October 2024
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10 November 2021	6059	Revised

Purpose

To detail Council's policy in respect to levying contributions payable by landowners of property abutting the construction of new footpaths/kerb and channel under the Roads Act 1993 and as a guide for the equitable distribution of costs between Council and landowners.

The Roads Act 1993 Section 217 provides for Council to recover a maximum of half of the cost of constructing paved footpaths and/or kerb and channel from the owners of properties with frontage to a public street. It does not apply to the renewal or repair of any footpaths or kerb and channel.

Scope

This Policy applies to land owners adjacent to the initial construction of all footpath/kerb and channel under Council's control, including but not limited to operational land, community land, nature strips, road corridors and public reserves etc. Pursuant to sections 217,218 and 219 of the Roads Act 1993.

Definitions

Footpaths – Also referred to as Footway, Pathway, Pavement and Path - Are defined as the work constructed for the specific purpose of conveying pedestrian traffic.

Kerb and Channel – Also referred to as Kerb, Guttering, Kerb and Gutter - Is defined as the civil works necessary to contain rainwater runoff to the road carriage way.

Policy Content

Proposed footpath/kerb and channel works are determined through Council's normal budgetary process. Once the proposed works are adopted by Council they are included in Council's Capital Works Program.

Determining the Levied Apportionment

Landowner Initiated Projects

Landowners will be responsible for the full cost (100%) of the project, unless otherwise approved by Council.

Council Initiated Projects

Contributions towards the cost of footpaths/kerb and channelling works in public roads shall be levied pursuant to Section 217 of the Roads Act 1993.

- The unit rate for footpaths/kerb and channel construction utilised for the determination of contributions levied are to be a uniform rate, irrespective of location, road class footpath/ kerb and channel form.

Kerb and Channel

- All properties with one frontage to a public road
 - Levied at 50% of cost of the frontage
- All properties with more than one frontage to a public road
 - Levied at 50% of cost of the frontage with street address plus
 - Levied at 25% of cost of all the other frontages

Footpaths 1.5 metres Wide

- All properties with one frontage to a public road
 - Levied at 50% of cost of the frontage
- All properties with more than one frontage to a public road
 - Levied at 50% of cost of the frontage with street address plus
 - Levied at 25% of cost of all the other frontages.

Footpaths Greater than 1.5 metres Wide, e.g. A Shared Path

- Contribution as per 1.5 metre width (As Above) with additional width at full cost to Council.

Reports to Council and Landowner Notification

1. Report One (1) is presented to Council to notify of the footpath/kerb and channel project and to advise of the proposed cost and apportionment for adjacent Landowners. Report 1 is normally provided to Council at its Ordinary Meeting held in July after the adoption of the Budget

Landowners will be notified of the proposed works following the adoption of the project by Council. This will allow time, minimum of four weeks, for any concerns the landowner may have prior to works commencing. - Letter One (1)

- Notification Includes but not limited to
 - Description of project
 - Location of project
 - Estimate of contributions
 - Information regarding payment process
 - Final date for comments.

2. Report Two (2) is presented to Council for consideration of any concerns raised from Landowners following their notification of apportioned contributions for the construction of the new footpath/kerb and channel. If concerns are raised further discussions will be held with the concerned Landowner/s to determine a resolution prior to the commencement of the project. If no concerns are raised the project will be recommended to Council to proceed with.

Notification will be given to Landowners indicating the commencement of works - Letter Two (2)

- Notification Includes but not limited to
 - Date of commencement
 - Estimated date of completion.

Notification will be given to Residents indicating the commencement of works - Letter Three (3)

- Notification Includes but not limited to
 - Date of commencement
 - Estimated date of completion.

3. Notification will be given to Landowners upon completion of works – Letter Four (4)

- Notification Includes but not limited to
 - Final cost of contribution
 - Information regarding payment arrangements
 - Invoice for contributions.

Payment

Landowners, on written application, may make application to pay their contribution by quarterly instalments over a period of a maximum of five years.

Non-compliance with notices issued under the Roads Act 1993 Section 219 renders landowners liable for legal action to recover unpaid contributions.

Links to Policy

Debt Recovery policy

Links to Procedure

ENG - Contributions for Footpath/Kerb and Channel Construction Procedure

Links to Forms

- Contributions for Footpath/Kerb and Channel - Construction Proposed - Notification - Letter 1
- Contributions for Footpath/Kerb and Channel - Construction Commencing – Landowner Notification - Letter 2
- Contributions for Footpath/Kerb and Channel - Construction Commencing – Resident Notification - Letter 3
- Contributions for Footpath/Kerb and Channel - Construction Completed - Invoicing - Letter 4
- Contributions for Footpath Kerb and Channel - Report 1
- Contributions for Footpath Kerb and Channel - Report 2.

References

Roads Act 1993 (Clauses 217, 218 and 219)

Responsibility

Director Engineering

Document Author

Director Engineering

Relevant Legislation

Roads Act 1993

Associated Records

- Council Fees and Charges
- Council Delivery Program
- Council Operational Plan.