

POLICY:-	
Policy Title:	Kerb and Gutter Construction – Contribution by Property Owners
File Reference:	F10/618 - 08
Date Policy was adopted by Council initially:	19 April 2018
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Other Review Dates:	N/A
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PROCEDURES/GUIDELINES:-	
Date Procedure / guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy Developed by:	Assets & Risk Coordinator
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for Implementation:	Manager of Works
Responsibility for review of Policy:	Assets & Risk Coordinator

OBJECTIVE

The primary objective of the Kerb and Gutter Construction – Contribution by Owners Policy ("Policy") is to establish Council's position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their existing property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

INTRODUCTION

Council undertakes a program of capital upgrade works each year to reconstruct urban streets on a priority basis. This is a key element of Council's long-term asset management strategy for infrastructure. These works improve the quality of life and safety for residents and the community, as well as improving aesthetics and property values.

Section 217 of the Roads Act 1993 provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute and Upper Lachlan Shire Council requires up to half of the cost of providing kerb and guttering along the frontage of their property.

For new subdivisions and developments including infill development, the developer is required to provide and/or upgrade infrastructure (including kerb and gutter) to current standards at no up-front costs to the Council. This ensures appropriate infrastructure is provided for the development and these costs are not passed to the ratepayer.

POLICY OBJECTIVES

The objectives of this policy are to:

- Promote an integrated framework for dealing with the recovery of part costs from property owners towards the construction of kerb and gutter along their property frontage;
- Ensure consistency and fairness in the manner in which Council deals with property owners;
- Ensure compliance with industry practice of legislative compliance under the Roads Act 1993;
- Promote awareness of the requirements of the Act with respect to contributions for construction of new kerb and guttering from landowners;
- Take such steps as are appropriate to ensure community consultation is carried out in a fair and equitable manner; and
- Make Council's policies and requirements for Kerb and Gutter - Construction Contributions by Property Owners readily accessible and understandable to the public.

POLICY DETAILS

Application

1. This policy applies to infill urban subdivisions and/or developments. Council requires the developer to provide for fully constructed roads including the provision of kerb and guttering and appropriate drainage, as part of the development at no cost to the Council.
2. Many older areas of Council do not have kerb and guttering within their street. This is a result of the standard of infrastructure required at the time of subdivision, typically during the 1960s, 70s and 80s.
3. To address the deficiency in the urban road network, Council has a program of reconstructing urban roads, including the provision of kerb and guttering in existing residential areas, on a priority basis.
4. Section 217 of the Roads Act 1993 provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute half of the cost of providing kerb and guttering along the frontage of their property (based on a surveyors plan).

Legislation

Upper Lachlan Shire Council will comply with the [Roads Act 1993](#)

KEY RESPONSIBILITIES AND ACCOUNTABILITIES

Requirements		Responsibility
1	Landowner contribution Council is entitled to seek a contribution from the landowners of up to half the cost of the work associated with the provision of the kerb and gutter adjacent to their property. For a property with a single frontage, the landowner will be billed for half the costs as per the Roads Act 1933 (based on a surveyors plan)	Manager of Finance and Administration
2	Corner properties For corner properties, if the landowners were charged half the cost for both the front and side boundaries, this can result in a significant financial burden. Council will therefore only seek a contribution equivalent to half the cost for the front (or short) boundary and one quarter the cost for the side (or long) boundary.	Council officers
3	Existing kerb and gutter Council is not entitled to charge a contribution against the adjoining landowner for the replacement of existing kerb and gutter.	Council officers

4	Deferred payments for contributions The General Manager shall have delegated authority to approve an extension of time for the payment of a contribution for the provision of kerb and guttering where genuine hardship exists, subject to receipt of an application in writing from the affected parties.	General Manager
5	Contribution Calculation The applicable length of frontage will be calculated based on surveyor's plans with the cost payable per metre in accordance with Council's Current Schedule of Fees and Charges.	Council officers
6	Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers
7	Concerns Public concerns communicated to Council in relation to this Policy will be recorded in Council's records system and handled in accordance with Council's Service Delivery or Complaints Policy and Procedure. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers Public officer
8	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable

REVIEW

Council reserves the right to review, vary or revoke this Policy. A review of Council's Kerb and Gutter Construction – Contribution by Property Owners Policy will be undertaken every two years.

RELEVANT LEGISLATION

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulation 2005;
- Roads Act 1993
- Council's schedule of Fees and Charges
- Office of Local Government Rating and Revenue Raising Manual;
- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Council's Rates and Charges Hardship Assistance Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Complaints Management Policy;
- Council's Risk Management Policy