

<b>Policy title</b>	Kerb and Gutter Construction – Contribution by Property Owners
<b>Responsible manager(s)</b>	Director, Infrastructure Services
<b>Contact officer(s)</b>	Divisional Manager, Works
<b>Directorate</b>	Infrastructure Services
<b>Approval date</b>	9 August 2022
<b>Outcome area</b>	1. Our sustainable shire celebrates our natural environment and outdoor lifestyles
<b>Strategy</b>	1.1 Move together for a sustainable future
<b>Delivery Program link</b>	1.1.3. Facilitate waste management services guided by the strategy and asset management plan
<b>Operational Plan link</b>	1.1.3.1 Build, renew, operate and maintain waste landfill sites and transfer stations

## Purpose

This Policy establishes Council’s position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

Eurobodalla Shire has a significant number of streets built in the 1960s, ‘70s and ‘80s without kerb and gutter and appropriate drainage. Many of these streets have inadequate pavement width and strength to support current traffic volumes, and lack appropriate off-road pedestrian areas. Council has identified a need to replace these older pavements to minimise ongoing maintenance costs.

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 roads. 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 up to half of the cost of providing kerb and guttering along the frontage of their property.

For new subdivisions and developments, the developer is required to provide and/or upgrade infrastructure (including kerb and gutter) to current standards at their full costs. This ensures appropriate infrastructure is provided for the development and these costs are not passed to the ratepayer.

## Policy aims

- 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 legislative requirements under the *Roads Act 1993*;
- Promote awareness of the requirements of the *Act* with respect to contributions for construction of 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**

<b>1</b>	<p><b>Application</b></p> <p>This policy applies to new 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 their full cost.</p> <p>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.</p> <p>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.</p> <p>Section 217 of the <i>Roads Act 1993</i> provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute up to half of the cost of providing kerb and guttering along the frontage of their property.</p>
<b>2</b>	<p><b>Legislation</b></p> <p>Eurobodalla Shire Council will comply with the <a href="#">Roads Act 1993</a></p>

**Implementation**

Requirements	Responsibility
<p><b>1 Landowner contribution</b></p> <p>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 <i>Roads Act 1933</i>.</p>	Council officers
<p><b>2 Corner properties</b></p> <p>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.</p>	Council officers
<p><b>3 Existing kerb and gutter</b></p> <p>Council is not entitled to charge a contribution against the adjoining landowner for the replacement of existing kerb and gutter.</p>	Council officers
<p><b>4 Deferred payments for contributions</b></p> <p>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.</p>	General Manager
<p><b>5 Code of Practice</b></p> <p>This Policy will be implemented by following Council's <i>Kerb and Gutter Construction – Contribution by Property Owners Code of Practice</i> (internal document only), which specifies in detail the matters for consideration and procedures to be followed. This will include a minimum of 28 days' prior notification of Council's intent to charge a contribution.</p>	Council officers

<b>6</b>	<b>Staff</b> 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
<b>7</b>	<b>Concerns</b> Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers Public officer
<b>8</b>	<b>Consultation</b> 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

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages Kerb and Gutter Construction Contribution by Property Owners.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Delivery Program/Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external audit	Audit

## Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

### *Related legislation and policies*

Name	Link
Eurobodalla Shire Council <i>Kerb and Gutter Construction – Contribution by Property Owners Code of Practice</i>	Internal Document for staff use only
Related Eurobodalla Shire Council Policy or Code of Practice	<a href="#">Policy Register</a>
<i>Local Government Act 1993</i>	<a href="#">Local Government Act 1993</a>
<i>Roads Act 1993</i>	<a href="#">Roads Act 1993</a>

## Related external references

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>

## Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sept 09	Council	09/291	E09.3418	Policy reviewed and retained (G09-99)
2	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.
3	13 Jun 2017	Council	17/181	E16.0297 E06.0375	Reviewed and updated at start of new Council term.
4	9 Aug 2022	Council	22/190	E16.0297 E06.0375	Reviewed and updated (start of new Council term) GMR22/080

## Internal use

Responsible officer	Director, Infrastructure Services		Approved by	Council	
Minute	22/190	Report	GMR22/080	Effective date	9 Aug 2022
File	E16.0297 E06.0375	Review date	May 2022	Pages	5