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40 **ADMINISTRATION OF CONTRIBUTORY FOOTPATH AND KERB AND GUTTER SCHEMES PURSUANT TO CLAUSES 217, 218 & 219 OF THE ROADS ACT 1993**

83 INTRODUCTION

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. It is intended that community consultation and participation will play a large part in the development of specific projects, and that many proposals will only be implemented if they have the strong support of owners.

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.

2. SCHEME INITIATION

Councillors, members of the public, residents within the area, Council officers, may initiate the contributory scheme process or officers of Statutory Authorities providing service to the area. The final outcome of proposals will depend on community support or compelling reasons relating to issues of safety, health or amenity, and in some instances Council may not proceed following formal public consultation, where support and/or need has not been adequately demonstrated.

Preliminary Consultation and Report

Following initiation of a prospective scheme the Responsible Officer shall circulate a questionnaire to the potential contributors to identify their level of support for the scheme.

The questionnaire shall include information that outlines:

- 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, and
- instructions for return of questionnaire and additional written submissions.



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Having allowed fourteen (14) days for reply, the responsible officer may convene a meeting of affected parties to clarify issues raised in submissions if deemed necessary.

The responsible officer shall prepare a preliminary report to the subsequent Technical Services Committee meeting which may address the following:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- any previous proposals which may have been abandoned or unsuccessful
- the circumstances which may exist whereby the considerations of safety or other matters override all other consideration;
- 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;
- a recommendation to the Committee for Council to either proceed with the scheme in recognition of the significant and justifiable level of support or because of compelling reasons relating to issues of safety, health or amenity or not to proceed due to a lack of support;
- any ongoing arrangements or liabilities for maintenance and/or reconstruction in the future.

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 prioritized 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.

3. 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



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the scheme shall maintain a high level of consultation with parties to be affected by the proposal.

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:

1. contain an outline of the proposed scheme; and
2. 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 a 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.

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.

Council confirm staff authority to levy contributions in accordance with this Policy.



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APPENDIX A

CONTRIBUTORY SCHEMES POLICY

APPORTIONMENT PRINCIPLES

KERB AND GUTTER AND FOOTWAY CONSTRUCTION CONTRIBUTIONS

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

1. 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:
 - a) 50% of the front boundary of the property.
 - b) 25% on all other boundaries.
 - c) That in respect of designated shared cycleway/footways, a contribution be levied on adjoining owners, at 50% of the rate for footways (per square metre).

If an effected property has been required to contribute to previous kerb and gutter works then no further contribution will be required.



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APPENDIX B

CONTRIBUTORY SCHEMES POLICY

METHODS OF PAYMENT

KERB AND GUTTER AND FOOTWAY CONSTRUCTION CONTRIBUTIONS

The payment options for the people affected by the Contributory Scheme are listed below:

Payment in full when the charge is levied following completion of the works.

3. Where ratepayers have financial difficulties in repayment of a contribution towards kerb and guttering charges, the matter be sympathetically considered by the General Manager or appropriate Staff member with regard to payment of the contribution.

Where an agreement is entered into for time repayments of these contributions, the terms and conditions of such repayments be set as follows:-

- that the debt be repaid within three (3) years on the basis of 25% of the contribution to be repaid within 30 days of the date of the raising of the debt, a further 25% of the contribution being payable within 12 months of the date of the raising of the debt, a further 25% of the contribution being payable within 24 months of the date of the raising of the debt, and a final 25% of the contribution being payable within 36 months of the date of the raising of the debt;
- that, if the debt is not repaid within three years as outlined above, a service charge be levied at the current prescribed interest rate on the unpaid balance, back-dated to the date of the raising of the original debt.

(adopted by Council 20/6/01)