

DOCUMENT ON EXHIBITION

Rescission of Kerb & Guttering & Footpath Charges Policy

**Exhibition period: 28 days
18 August – 15 September 2023**

Please address any queries to
Council's Director Operations.

**Please submit your feedback in writing
addressed to the General Manager.**

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ADOPTED		VERSION NO	
COUNCIL MEETING MIN	212/13	REVIEW DATE	MAY 14
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Objective

To document a policy relating to the determination of kerbing & guttering, and footpath charges to adjacent landowners, in accordance with the ability to charge such fees under the Roads Act 1993.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, ‘*Connecting our Region High Quality Road Network that is Safe and Efficient*’

Policy

1. For the purpose of this policy, the following definitions are deemed to apply:
 - **Frontage** - The frontage of a property relates to the boundary, which is adjacent to the street, which is mentioned in the property description registered by Council.
 - **Corner Property** - The corner property relates to a property with multiple street boundaries attached to each other, one of which is the frontage as in (a) above.
 - **Rear Boundary** - The rear boundary of a property relates to a single street boundary, which is not attached to another boundary as in (a) and (b) above.
2. Council shall determine lengths of footpaths, kerbing and guttering requiring landowner’s contribution based on the lengths as defined in the registered property plan for the subject allotment.
3. The cost applicable to the landowner for construction of footpaths and Kerb & Gutter shall be determined on the following basis:
 - **Single Frontage Properties, Residential 2A** - Are to be charged a maximum charge of one half actual cost of footpath or kerbing and guttering construction.
 - **Corner Properties, Residential 2A** - Are to be charged a maximum charge of 40% actual cost of footpath or kerbing and guttering construction
 - **Rear Boundaries to Properties with single Frontage, Residential 2A** - Are to be charged a maximum charge of 40% actual cost of paving, kerbing and guttering construction.
 - **All Boundaries to Properties other than Residential 2A** - Are to be charged a maximum charge of one half actual cost of paving, kerbing and guttering construction, unless construction is required as part of a development application.
 - **Cost estimates will be provided by Council prior to the commencement of works.**
4. Council will not require a contribution for footpaths adjacent to properties in residential 2A areas where they are proposed under the Footpath Strategic Plan. **ROADS ACT 1993 - SECT 217**

ROADS ACT 1993 - SECT 217

217 ROADS AUTHORITY MAY RECOVER COST OF PAVING, KERBING AND GUTTERING FOOTWAYS

- (1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.
- (2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.
- (3) The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving notice of that amount.
- (4) This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space.
- (5) In this section, a reference to a gutter includes, in the case of a roadway that is laid to the kerb in a permanent manner, a reference to such part of the roadway as is within 450 millimetres of the kerb.