



DIRECTOR SHIRE SERVICES REPORT

10th May 2005

DSS13	FOOTPATH CONTRIBUTIONS – STRAIGHT ST, HAT HEAD FILE: 109 APV
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SUMMARY:

Reporting on objections received regarding the payment of a contribution by the residents to the cost of the construction of a footpath in Straight Street, Hat Head.



Council has allocated \$30 000.00 under the Roads to Recovery Program for the construction of a 1.5m wide footpath on the western side of Straight Street, Hat Head, from Mason Street to Les Dunford Road.

In line with Council's policy and Council's Fees and Charges, a letter was forwarded to the owners of land adjoining the proposed footway that they would be liable to contribute 50% of the cost of construction of a 1.2m wide footpath.

Council has received a number of letters from the affected residents and from the Hat Head Community Group, objecting to the payment of a contribution. Their objections can be summarised as follows:

1. other residents were not asked to contribute when the first section between Myrtle Street and Mason Street was constructed in June 2002.
2. residents on the other side of the street and in other streets in Hat Head are using the footpath and so the adjoining residents alone should not be contributing.
3. local residents undertake voluntary work in the community saving council money.
4. the footpath is constructed as a safety requirement for Hat Head.

Following numerous requests over several years from residents of Hat Head, including the former Hat Head Beautification Group and the Hat Head Community Group, Council included the construction of a footpath in Straight Street as a project for improvement works in the village.

Work commenced on the first section of the footpath in June 2002 under the 2001/2002 Town Improvement program between Myrtle Street and Mason Street. The extent of the work was determined by the funds available at the time.

In March 2002, Council resolved that Policy C22.2 Contributions for Footpaving be adopted (Copy Attached at [\(Appendix K\)](#)). This policy was adopted by Council, in line with provisions under the Roads Act 1993, Section 217, in order to enable the construction of additional lengths of footpath with the restricted budget available.

This policy was then incorporated into Council's Fees and Charges for 2002/2003 and subsequent years and applied from that time.

Under the Roads Act 1993, Council can only seek a contribution to the costs incurred in constructing a footway along the side of a public road from the owner of the land adjacent to the path.

Whilst it is recognised that the other residents in the village also utilise the footpath, the adjoining property owners are seen to receive a direct benefit from the footpath. By seeking a contribution towards the cost, additional funding is available to Council for the project which, in turn, enables additional footpath to be constructed or funding to be available for the other projects in the village.

Although the footpath has been constructed to a width of 1.5m, residents have been asked to contribute, as per Council's Policy, to 50% of the equivalent cost of a 1.2m wide footpath.

These are 10 residents affected in Straight Street in the section between Perry Street and Dodds Street with an average length of frontage of approximately 16m. The estimated contribution by each resident is \$530.00 with a total contribution of \$5 300.00. The residents have been advised that, should they have difficulties in making the payment, arrangements can be made to make the payments over an extended period.

Since the introduction of the policy in July 2003, Council has undertaken numerous projects involving footpath construction in the towns and villages throughout the shire. The contributions received under Council's policy has enabled significant additional works to be constructed. Requests for exemption from paying the contribution have previously been received and rejected in other locations. If Council were to accede to the residents request for exemption in this instance, a precedent would be set for other projects.

REPORT IMPLICATIONS:

- ***Environmental***

There are no Environmental Implications.

- *Social*

Individual residents are required to contribute to the cost of a facility that is also of benefit to the wider community.

- *Economic (Financial)*

The contributions provide by the residents enable additional work to be undertaken by Council.

- *Policy or Statutory*

The contributions sought are in accordance with Council's Policy C22.2 Contributions for Footpaving and the Roads Act (1993) Section 217.

- *Director's Review*

Council is urged to support the recommendation.

RECOMMENDATION:

That contributions for footpaving be levied in Straight Street Hat Head in accordance with Council's Policy C22.2 Contributions For Footpaving.

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K J Finnie
DIRECTOR SHIRE SERVICES