



KEMPSEY
Shire Council

DIRECTOR SHIRE SERVICES REPORT

12th September 2006

DSS10	CONTRIBUTION TO WORKS – FOOTPATH PAVING
FILE: 8 NJT	{ Folio No. * }

SUMMARY:

Reporting on the number of properties that have been billed for footpath construction since Council's Policy C22.3 Contribution to Works for Footpaving was amended in 2002.



Council considered a report on the Write off of Sundry Debtor Items at its meeting on the 18th July 2006 and resolved:

"That a report be prepared on the number of properties that have been billed for footpath construction since the policy was introduced."

Under the Roads Act 1993 – Sec 217, Council is able to recover 50% of the cost of construction of a footpath. Council is currently recovering costs for the construction of new kerb and gutter and footpaths under this section of the Act.

ROADS ACT 1993

217 Roads authority may recover cost of paving, kerbing and guttering or 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.

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(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.

Prior to 2002, Council's policy in regard to seeking contributions to the cost of footpath contribution was that a contribution would only be sought from the adjoining owner when the work was specifically requested by the land owner. In other cases the full cost of construction was borne by Council. A copy of Council's Policy prior to 2002 is attached [Appendix F](#).

In 2001/2002 no funds were provided in Council's budget for footpath replacement and only \$3,000 for footpath construction. As a source of raising additional revenue, Council at its meeting on 12 March 2002 adopted Policy C22.3 Contribution to Works for Footpaving. A copy of the current policy is attached at [Appendix G](#).

As detailed in the table below, 108 properties have been invoiced in a total amount of \$82,097 since the amendment of the policy in 2002. \$45,960 has been recovered, leaving an outstanding balance of \$36,137. Most of the outstanding accounts are subject to instalment arrangements. Typical contributions from adjoining residents generally vary between \$450-\$600 depending on the width of the property and construction costs.

Street	No of Properties	Amount
Macleay St, Frederickton	54	\$20143
Straight St, Hat Head	10	\$5,485
Paragon Ave, South West Rocks	3	\$920
Phillip Drive, South West Rocks	19	\$21,828
Smith St, Kempsey	13	\$22,802
Pacific St, Crescent Head	9	\$10,649
TOTAL	108	\$81,827

The amendment of this policy in 2002 has allowed Council to construct up to twice the length of footpath for the same funds. With cycleway construction which is 2.0m wide, Council only recovers 50% of the cost of a standard width footpath (1.2m wide), therefore allowing Council to construct an additional 30% of cycleway.

The amendment of this policy in 2002 has not generally been well accepted by the community. Residents appear to accept the payment of a contribution for kerb and gutter, but not for a footpath. It is felt that the construction of kerb and gutter directly

benefits the adjoining property, but footpaths benefit the general community.

The contribution by individual property owners towards a facility that provides a general community benefit has been contentious and has often been questioned by residents required to contribute.

Footpaths or cycleways are often sited on only one side of a residential street with both sides of the street enjoying the convenience, as well as the community in general. It is only the property owners directly adjoining the footpath that are required to contribute.

REPORT IMPLICATIONS:

- ***Environmental Implications***

There are no environmental implications from the following recommendation.

- ***Social Implications***

The construction of footpaths and cycleways provide for the safe movement of pedestrians and cyclists separated from traffic. The current policy places an additional financial burden on ratepayers directly adjoining the footpath.

- ***Economic (Financial) Implications***

The Policy allows a greater length of footpath or cycleway to be constructed with available funds.

- ***Policy or Statutory Implications***

There are no policy or statutory implications from the following recommendation.

- ***Director's Review***

The amendment of the policy in 2002 requiring contributions towards the cost of footpath construction has provided additional funds which has enabled additional works to be undertaken. Because of the contentious nature of the current policy, Council may wish to review or amend that policy.

RECOMMENDATION:

That the information be noted.

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**A P Vermeulen
DIRECTOR SHIRE SERVICES**