

## Cessnock City Council Contributions Levied for Kerb and Guttering Construction Policy

<b>Policy Owner:</b>	Strategic Asset Planning Manager
<b>Relevant Legislation:</b>	Not Applicable
<b>Related Policy:</b>	Not Applicable
<b>Policy Adoption/Amended Date:</b>	5 April 1995 (DW 10/1995 – 1558)
<b>Policy Reviewed/History:</b>	18 September 2013 (PM91/2013 – 581) 26/05/2004 5 April 1995 (DW 10/1995 – 1558)

<b>Policy Review Date:</b>	<b>Policy Number:</b>	<b>Document Number:</b>
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### 1. Objective:

Contributions levied for kerb and guttering construction.

### 2. Policy Statement

To state Council's policy in respect to the levying of contributions on property owners for the construction of kerb and/or guttering adjacent to their properties. This policy incorporates existing resolutions of Council as follows:

Council Resolution Minute No.480	28 May 1975
Town Clerks' Report No.14/1975 to Works & Services Committee	27 August 1975
Town Clerk's Report No.54/1978 to Finance Committee	28 June 1978
City Engineer's Report No.2/1978 to Works & Services Committee	26 July 1978
Deputy Town Clerk's Report No.31/1985 to Finance Committee	9 October 1985
Works Manager's Report No.1/1992	7 May 1992
Notice of Motion & Council Resolution Minuter No.1340 & 1341	20 July 1994
Director Works Report No.4/1995	1 February 1995

- 2.1. Where Council proposes to carry out works of kerbing and/or guttering in any public road, Director Works & Services shall cause written notice thereof to the owners of all land adjoining the works prior to the scheduled date of the commencement of such works. Written notice shall advise the property owner of the contribution to be levied by Council for the works.

- 2.2. Contributions towards the cost of kerbing and/or guttering works in public roads shall be levied pursuant to Section 217 of the Roads Act 1993, as amended, in respect of all new work of that nature subject to the following conditions:
- (i) The unit rate for kerb and gutter construction utilised for the determination of contributions to be levied being a uniform rate, irrespective of location, road class and kerb and gutter form.
  - (ii) The five (5) rules detailed in Appendix 1 being utilised for calculating the effective length of kerbing and guttering for the determination of contributions to be levied where kerbing and guttering is constructed not parallel to a property boundary.**
  - (iii) The contribution levied for corner blocks is determined as being 33.3% of Council's total cost for kerbing and guttering constructed over the full road frontage (ie both front and side boundaries) or part thereof. This condition to also apply in situations where the intersecting roadway is unformed.
  - (iv) Where a property has a dual street frontage and is incapable of being subdivided, the contribution levied is determined as being 50% of Council's total cost for kerbing and guttering constructed over the frontage to the street address shown in Council's rate records and 25% to the rear frontage. In all other cases the contribution levied is determined on 50% of Council's total cost as provided for in the Act.
  - (v) Where kerbing and guttering is constructed fronting rural zoned property, the Director Works & Services is to report to Council to determine the amount of contribution to be levied on the property owners.
  - (vi) Where a concrete vehicular layback currently exists, a credit equal to the width of the layback by the current contribution rate be given to the property. This credit allowance shall only apply where the concrete layback has been constructed with Council approval.
  - (vii) Where flagstone kerb and gutters were previously constructed without contribution by property owners, contributions are to be levied for the construction of replacement kerb and gutter.
- 2.3. Contributions towards the cost of kerbing and guttering may be made by instalments on the following basis:
- (i) Any person, on written application, may be permitted to pay their contribution towards kerb and gutter construction by monthly instalments over a period of time mutually agreeable to both parties.
  - (ii) Any pensioner or any person who, at the discretion of the General Manager or his nominee, is experiencing genuine financial hardship, may be permitted to pay their contribution towards kerb and gutter construction by equal monthly instalments over a period of two (2) years from the date of service of the account.