

CONCRETE FOOTPATH COST RECOVERY COMMERCIAL PREMISES POLICY

Responsible Department: Infrastructure Delivery
Responsible Section: Road Services
Responsible Officer: Manager Road Services

Objective

To set guidelines in relation to the recovery of costs for footpath constructed in front of commercial premises where the request for a new footpath is not included in a current works program.

Introduction

Section 217 of the *Roads Act 1993* (NSW) permits Council to recover from landowners up to half of the cost of constructing kerb, guttering, and footpaths along the side of a public road adjacent to parcels of land.

This policy establishes Council's framework for that process, as well as setting the prescribed portion of recovery under section 217(2).

Policy

1. Contribution

- 1.1. In accordance with section 217(2) of the *Roads Act 1993* (NSW), Council determines the contribution amount for owners of land used for commercial premises adjacent to public roads for kerbs, gutters, and footpaths as half the cost of construction of those kerbs, gutters, and footpaths.

2. Recovery of Cost

- 2.1. The owner of a Commercial Premises may request the construction of kerb, gutter, or footpath adjacent to that premises.
- 2.2. Council will consider the request and either approve or deny it.
- 2.3. If (a) and (b) are true then, the owner of the premises, or the applicant, will be liable to Council for the recovery cost.
 - (a) Council approves the request; and
 - (b) The construction of the kerb, gutter, or footpath in that location is not part of an adopted Council works program or other plan
- 2.4. In the absence of a request, Council may decide to construct a kerb, gutter, or footpath adjacent to commercial premises in accordance with its operational or other plans and programs. Pursuant to Section 217 of the *Roads Act 1993* (NSW) Council will recover 50% of the cost of the provision of a concrete footpath adjacent to a commercial premises from the owner of the property.

3. Determining Cost

- 3.1. The total cost of concrete footpath is to be presented as an average square metre rate in Council's Annual Fees and Charges Schedule, and this average rate be applied to all invoices for footpath works during the relevant financial year.

4. Review

- 4.1. This policy will be reviewed within 12 months of an Ordinary Council Election or such other time on an as-needs basis.

References

- *Roads Act 1993* (NSW).

History

Minute Number	Meeting Date	Description of Change
833/2005	November 15, 2005	Adopted
339/2008	June 17, 2008	Reviewed
728/2009	October 30, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
	August 31, 2021	Rebranded
336/2022	October 18, 2022	Adopted