Driveway Crossover Policy

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Related Documents:	

CITY OF PROSPECT

1 Purpose:

1.1 The Driveway Crossover Policy (the "Policy") regulates the design, construction, and maintenance of a vehicle access point(s) between private property and the public road.

1.2 The Purpose of the Policy is to ensure public safety, protect public infrastructure, maintain streetscape character, and optimise on-street parking availability, while also ensuring technical compliance of elements within the public road reserve, such as footpaths, verges and roadways.

1.3 This Policy is subject to all relevant legislation and defines the responsibilities for the construction, maintenance, removal and repair of crossovers.

1.4 This Policy does not deal with detailed design and construction specifications for crossovers which is detailed within City of Prospect's Standard Details and the City Works Guide.

2 Scope:

2.1 The Policy applies:

2.1.1 Where one (1) or more vehicle crossovers are to be constructed to gain or modify access from a road carriageway to the property boundary of an allotment;

2.1.2 For obtaining Council approval to modify the construction of an existing approved access point or, to apply for a new crossover; and

2.1.3 To the ongoing maintenance and responsibilities of property owners associated with existing crossovers.

3 Definitions:

Applicant	The owner of the property where the crossover/driveway is intended.
Crossover or Driveway	Crossover or Driveway shall mean the area of road reserve that acts as the point of vehicular access for a property between the road carriageway and the property boundary.
Council	City of Prospect
Property owner	The owner of the property that utilises the crossover to access the adjoining road carriageway.
Public Road	Public Road shall have the same definition as the Local Government Act 1999.
Vehicle	Vehicle shall have the same definition as the Road Traffic Act 1961.

4 Policy:

4.1 The Driveway Crossover Policy is to be read and implemented in conjunction with Council's other relevant policies, strategies and documents, including:

4.1.1 Local Government Act 1999 – Section 221 Alteration of a Road

(1) A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the Council. Maximum penalty: $5000

(2) A person makes an alteration to a public road if the person –

(a) Alters the construction or arrangement of the road to permit or facilitate access from an adjacent property.

(3) An authorisation is not required under this section an alteration to a road if –

(a) The person who proposes to make the alteration has some other statutory authorisation to make the alteration; or

(b) The purpose of the alterations to permit vehicular access to and from land adjoining the road and the alteration is approved as part of a development authorisation under the Development Act 1993.

4.1.2 Planning and Design Code

4.1.3 Strategic Community Plan

4.1.4 Integrated Transport Plan

4.1.5 Tree Strategy

4.1.6 Disability Access and Inclusion Plan

4.1.7 Asset Management Plans

4.1.8 AS/NZS 2890.1:2004 – Parking Facilities Part 1: Off-street car parking and AS 2890.2:2002 – Parking Facilities Part 2: Off-street Commercial Vehicle Facilities

4.1.9 Tree Removal Guidelines

5 Application of Policy

5.1 All crossover works must be approved prior to commencement by Council under Section 221 (S221) of the Local Government Act 1999. Applications are to be made in writing by the property owner using Council's City Works Guide – Public Realm (Roads) Permit Application Form and must include all information required by Council.

5.2 Compliance with the City Works Permit Application Form, any conditions attached to the S221 authorisation, and all referenced Standard Details is mandatory. Failure to comply constitutes a breach of the authorisation and may result in Council directing removal/reconstruction or undertaking works and recovering costs from the owner in accordance with legislation.

5.3 All S221 applications for the provision and approval of crossovers will be considered taking into account crossover width, road width, allotment frontage/s, proximity to existing street trees, proximity to other crossovers, and proximity to other services such as stobie poles and utility pits.

5.4 Where driveway crossovers or kerbing works affect a utility service not owned by Council (i.e. power) , it is the responsibility of the applicant or land owner to consult with the relevant service providers to determine their requirements, obtain relevant approvals and ensure all works are completed to their satisfaction. Council may request written confirmation from the relevant service providers prior to approving any crossover works.

5.5 Where the crossover abuts an arterial road under the care, control and maintenance of the State Government, written approval must be granted by the relevant State Government agency representative or delegate, prior to Council approving any crossover works.

5.6 Property owners are responsible for the construction and ongoing maintenance of driveway crossovers between the kerb and property under *Section 218 of the Local Government Act, 1999*.

5.7 Driveway crossovers should, where practicable, be paired and directly opposed to maximise on-street parking opportunities.

5.8 The City Works Permit Application Form sets out detailed operational conditions for crossover works, including (without limitation) the requirement to obtain Council approval prior to undertaking the proposed works:

5.8.1 Construction standards and materials (including finish and tie-in/reinstatement requirements) and reference to Council Standard Details and City Works Guide;

5.8.2 Public Liability Insurance (minimum $20,000,000) and indemnity in favour of Council for works on the road reserve;

5.8.3 Contractor qualifications/competency and any pre-approval/acceptance by Council;

5.8.4 Workzone Traffic Management Plans (TMP) and any hoarding/occupation permits where required;

5.8.5 Before You Dig Australia / utility location and coordination responsibilities;

5.8.6 Pre-start notification and minimum notice periods before works commence;

5.8.7 Inspection regime (e.g., set-out/pre-start, in-progress, and completion) and evidence of compliance (photos/levels as requested);

5.8.8 Defects liability and rectification timeframes; and

5.8.9 Closure and reinstatement of any redundant crossovers/inverts to Council standards.

5.9 Crossovers contribute visually to the quality and character of streetscapes and should be consistent in materials which are complimentary to the footpath. Decorative driveway materials will not extend beyond the property boundary. Consistency in materials contributes to the establishment of a more visually appealing and higher quality of character streetscape.

5.10 Council may amend the City Works Permit Application Form and associated Standard Details and/or City Works Guide from time to time to reflect updates to legislation (including the Planning, Development and Infrastructure Act 2016 and Planning and Design Code), standards, safety requirements, materials, engineering practice, or operational needs, without requiring amendment of this Policy.

5.11 Where a crossover is approved as part of a Development Approval, the applicant must still obtain appropriate S221 authorisation and comply with the City Works Permit Application Form and this Policy. In any conflict between a condition of development approval and this Policy, the City Works Form and the S221 conditions will take precedence.

5.12 The size and number of crossovers should be minimised where practicable so as to not;

5.12.1 reduce space for street trees to be planted or compromise the health of existing street trees

5.12.2 interrupt an otherwise continuous footpath

5.12.3 increase the urban heat island effect; and

5.12.4 reduce the provision for on-street parking

5.13 Multiple crossovers to a property will not be permitted. The only exception to this is when the property is on a corner allotment with at least two road frontages. A secondary crossover may be permitted, noting it must align with other clauses in this policy. An approved secondary crossover will be no greater than 4.5m in width at the kerb line.

5.14 The width of a crossover should be kept to a minimum, and will not exceed:

5.14.1 3.5 metres in width at the kerb line for a property with a frontage of 10 metres or less

5.14.2 4.5 metres in width at the kerb line for a property with a frontage of between 10 metres and 16.5 metres.

5.14.3 5.5 metres in width at the kerb line for a property with a frontage of greater than 16.5 metres

5.15 The exception to 5.14 is that any property located on a declared Council "Narrow Street" as defined in the Council's Integrated Transport Plan, will be permitted a maximum crossover width of 4.5m at the kerb line, to recognise the challenges associated with access and egress to a property on a narrow street.

5.16 Where driveway crossovers intersect an existing Council footpath, the cross fall of the footpath area within the new crossover shall match the existing footpath profile and shall not exceed 1 in 40 (2.5%).

5.17 Driveway crossover materials must match the existing footpath and must be installed in accordance with Council specifications to ensure consistency in streetscape character.

5.18 Council recognises the social, economic and environmental benefits that its urban forest provides. To ensure the effective management of trees whilst managing the impact crossovers can have on their health, the following requirements need to be met;:

5.18.1 Crossovers must be a minimum of 2.0 metres away from any street trees, unless detailed expert arboricultural advice permits a distance less than 2.0 metres. This advice would be at the cost of the applicant, and subject to Council's ultimate decision and discretion;

5.18.2 A street tree will only be removed to facilitate a new crossover, or widening of an existing crossover, if it is approved under and aligns with Council's Tree Removal Guidelines.

5.19 Crossovers must be designed to provide the following minimum clearances specified below. Any removal and/or relocation of existing assets shall only be permitted where prior written approval has been obtained from all relevant authorities. Where such approval is granted, all associated works shall be undertaken at the applicant's cost and concurrently with the driveway crossover works.:

5.19.1 1.0 metre from stobie poles

5.19.2 1.0 metre from side entry pits

5.19.3 0.5m from neighbouring stormwater outlet or pipes, 2.0 metres from the side of an existing street tree and 10.0 metres from non-signalised intersections

5.20 Commercial properties may be subject to different crossover requirements than residential properties due to the increased operational demands associated with commercial land uses. Council reserves the right to apply alternative design standards, impose additional conditions, or restrict the number and width of commercial property crossovers where necessary to protect public infrastructure and ensure safe and efficient road use.

6 Responsibilities

6.1 Property Owner Responsibilities:

6.1.1 The property owner is required to carry out approved crossover works in accordance with Council Specifications and Standard Details and be to Council's satisfaction.

(1) Failure to comply with Council specifications may result in Council exercising powers to request removal and/or reconstruction of the crossover, at the property owner's cost.

(2) Failure to comply with 6.1.1(1) may result in Council, in accordance with Section 213 (2) of the Local Government Act 1999, carrying out the works to remove and/or reconstruct a crossover and recover the cost, as a debt, from the property owner.

(3) All new crossover works for newly constructed dwellings shall be completed within six months of the date of occupation.

6.1.2 The property owner shall be responsible for all costs associated with construction of a crossover, and/or modification of an existing crossover.

6.1.3 The property owner is required to maintain the crossover to ensure conformance with Council specifications and keep it free from defects and hazards.

(1) Failure to maintain the crossover in good condition and free of hazards may result in Council exercising powers to request repair of reconstruction of the crossover, at the property owner's cost.

(2) Failure to comply with 6.1.3(1), in accordance with Section 213(2) of the Local Government Act 1999, may result in Council carrying out the works to remove and/or reconstruct a crossover and recover the cost, as a debt, from the property owner.

6.1.4 A S221 crossover application is subject to a fee, identified in Council's Fees and Charges Register.

6.2 Council responsibilities:

6.2.1 Where Council undertakes maintenance, removal or construction of a crossover and causes damage to private property, it will remediate at its own cost, any damage caused.

7 Review

7.1 The Policy will be reviewed **once** per Council term or as required by legislation.

8 Further Information

8.1 For further information about this policy please contact:

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