

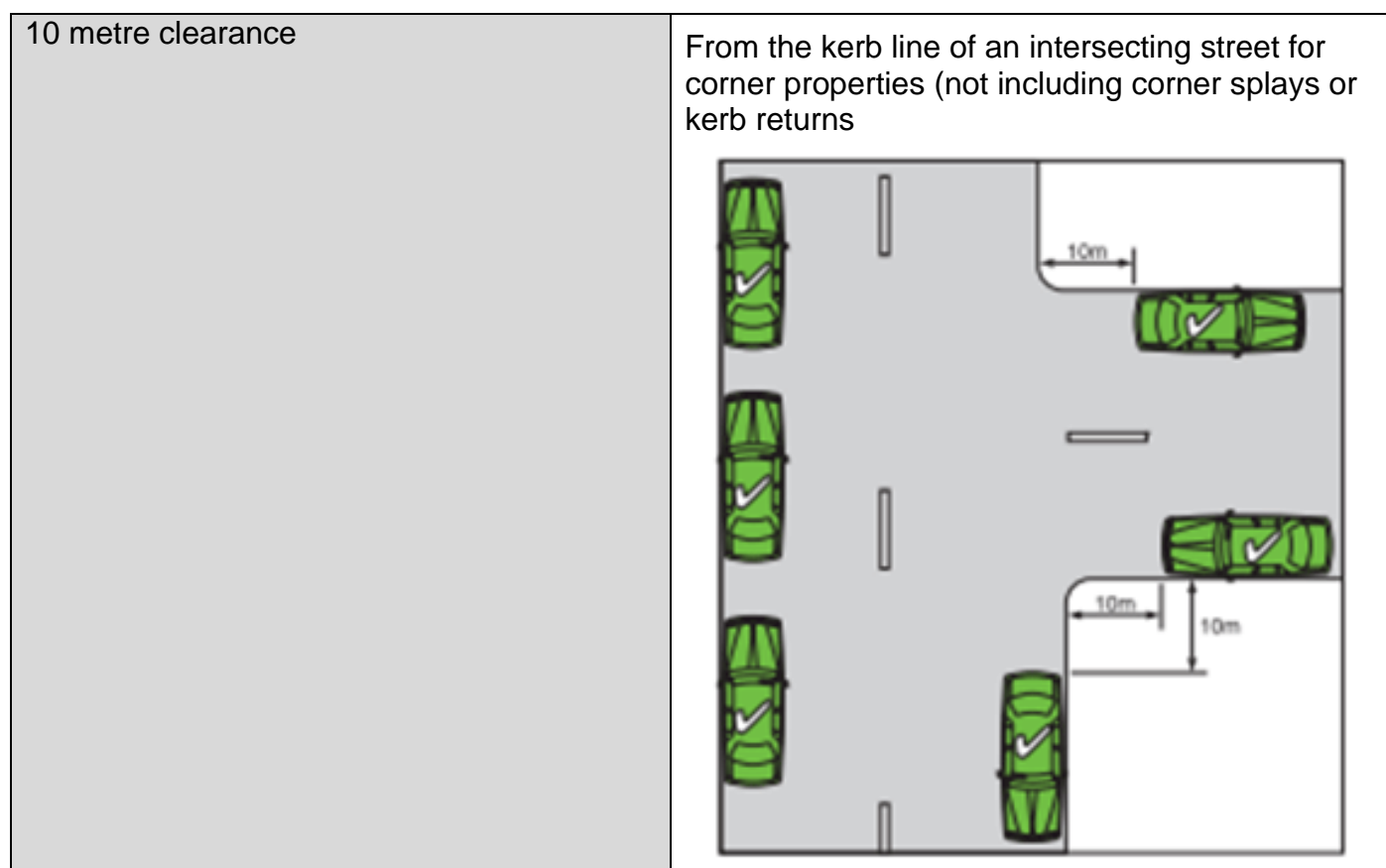
# **Vehicle Crossing and Stormwater Connection Policy**

Appendix 1:

Additional Information - design requirements

## Minimum Clearances Table

Minimum Clearances	
1 metre horizontal clearance from	Stormwater side entry drainage pits
1 metre clearance from	<ul style="list-style-type: none"> <li>• Electricity poles</li> <li>• Street lights</li> <li>• Telecommunication and electrical pillars</li> <li>• Australia Post boxes</li> <li>• NBN pits</li> <li>• Telstra pits</li> <li>• Property side boundaries.</li> </ul> <p><b>Notes</b></p> <p>Approval by Council for any clearance less than 1.00 metre may be considered where written agreement has been obtained from the relevant service authority.</p> <p>The property owner may arrange to relocate Council assets subject to prevailing engineering standards at their own cost.</p>
2 metre clearance from	<p>Gippsland Water assets - Hydrants and Valves (stop valves)</p> <ul style="list-style-type: none"> <li>• Where a new vehicle crossing will incorporate an existing hydrant or valve or will be located within 2 metres of a hydrant or valve, written approval from the Service Authority must be provided at time of application.</li> </ul> <p>Street trees</p> <ul style="list-style-type: none"> <li>• Note - a smaller (or larger) clearance may be if Council's Arborist determines that there is no negative impact to the health of the tree.</li> </ul>



## Standards for the Design and Construction of Vehicle Crossings

### a) Standards for Design of Vehicle Crossings

- The design of vehicle crossings must comply with the following requirements:
- Latrobe City Council Standard Drawing Nos LCC 306 “Vehicle Crossings at Culvert”, LCC 212 “Culvert Installation”, LCC 307 “Vehicle Crossings at Kerb” and LCC 308 “Vehicle Crossings at Kerb – Path against Kerb”.
- The centre line of the vehicle crossing must be right angles (90°) to the line or tangent of the kerb or in rural areas, to the centreline of the road. In certain circumstances a deviation of 1 in 10 from the right angle may be allowed.
- The maximum longitudinal gradient is 17%.
- The minimum slope in any direction is 1% to provide adequate drainage.
- The maximum longitudinal gradient at the footpath section of the vehicle crossing is 2.5% to provide for safe pedestrian egress.
- Must include a lay back to keep stormwater flows within kerb and channel and avoid stormwater flows down the crossing onto the property.

### b) Standards for Construction of Vehicle Crossings

Unless Council designates otherwise, all urban residential, commercial, and industrial vehicle crossings must be constructed in accordance with Latrobe City Council Standard Drawing Nos.

- LCC 307 “Vehicle Crossings at Kerb” and
- LCC 308 “Vehicle Crossings at Kerb – Path against Kerb”

Unless Council designates otherwise, all rural vehicle crossings must be constructed in accordance with Latrobe City Council Standard Drawing Nos.

- LCC 306 “Vehicle Crossings at Culvert” and
- LCC 212 “Culvert Installation”

On sealed rural roads, the vehicle crossing must be provided with a sealed surface from the edge of the road pavement, for the first 6 metres from the edge of the road, or to the property boundary.

### **c) Standards for the Finishing of Vehicle Crossings**

From the commencement date of the Policy, the finish on newly constructed urban residential, commercial, and industrial vehicle crossings between the edge of the road and the property boundary must consist of plain concrete with a non-skid broom finish.

### **d) Standards for Construction of Driveways within the Property**

The property owner is required to construct a driveway within the property to link the vehicle crossing with the carport, garage, shed or car park at the front, side or rear of the dwelling. The driveway must be surfaced with concrete, reinforced concrete, or brick paving, gravel, crushed rock, or hot mix asphalt, to prevent mud etc from being tracked onto the footpath or road.

### **e) Ground Clearance Templates for Vehicle Crossings**

Where there is a risk that a vehicle may scrape its underside against the road or vehicle crossing when accessing the property, the property owner is required to submit a drawing of the vehicle crossing to verify that clearance has been provided for a B85 vehicle detailed in Figure C1 “Ground Clearance Templates” of AS 2890.1 – 2004 Parking Facilities, Part 1: Off-street car parking.

If clearance is not provided for a B85 vehicle the General Manager – Regional City Planning and Assets may approve the alteration of footpath levels to provide necessary clearances. The property owner will be responsible for paying all costs involved with the lowering of the footpath levels such as alterations to utility services and replacement of footpath.

### **Removal of Non-Compliant or Redundant Vehicle Crossings**

Where a non-compliant or additional vehicle crossing has been constructed without approval of Council, the vehicle crossing will be required to be removed by the property owner at their cost unless they obtain approval to retain the vehicle crossing in accordance with the requirements of this Policy.

### **Retention of an Existing Vehicle Crossing as an Additional Vehicle Crossing**

A property owner will not be permitted to construct a new vehicle crossing where there is a non-compliant or additional existing vehicle crossing at the property, until either the non-compliant or redundant vehicle crossing is removed, or approval is obtained from Council to retain the existing vehicle crossing as an additional vehicle crossing.

## Legislative and Council's Local Laws No.2 policies references

- The Latrobe City Council Local Law No 2 Division 3 “Vehicle Crossings” of the Latrobe City Council Local Law No 2 provides that:
- Clause 33. A Vehicle Crossing is required (Penalty: 10 Penalty Units. Infringement Penalty: 2 Penalty Units) – requires that “An owner of land must ensure that each point of vehicular access from a carriageway on a road to the land has a properly constructed vehicle crossing”.
- Clause 34. A Permit is Required (Penalty: 10 Penalty Units. Infringement Penalty: 2 Penalty Units) – requires that a vehicle crossing permit is required to construct, install, remove, or alter a vehicle crossing, whether temporarily or permanently.
- Clause 35. Redundant Vehicle Crossings – Council can require a redundant vehicle crossing to be removed and the kerb, channel, footpath, nature strip or road to be reinstated.
- Clause 36 Vehicle Crossings in Disrepair – allows Council to serve notice on an owner where it deems a vehicle crossing to be in disrepair.
- Clause 134. Drainage Tappings – Creates an offence to tap into or alter any drain under Council's control without obtaining a permit. (Penalty: 10 Penalty Units. Infringement Penalty: 2 Penalty Units)
- Clause 137. Stormwater Drains - requires that property owners must obtain a Stormwater Connection permit before connecting property drainage systems to Council's stormwater drainage system. Also requires owners to make and maintain stormwater connections when directed to do so. (Penalty: 10 Penalty Units. Infringement Penalty: 2 Penalty Units)
- Clause 138. Private drains – Property owners must maintain their private drainage systems as not to cause a nuisance to upstream and downstream properties, must carry out rectification and maintenance works when directed, and must not build over or do works within or fill any drain in an easement. (Penalty: 20 Penalty Units. Infringement Penalty: 5 Penalty Units)

### Local Government Act 1989

*Schedule 10, clause 12 – Powers of Councils over roads - Powers concerning crossings over footpaths and channels provides that:*

A Council may:

- a. Make a bridge or crossing over any footpath or channel next to a road to enable a person using the road to have access to land on the other side of the footpath or channel.
- b. Maintain, repair, or reconstruct the bridge or crossing.
- c. Permit a person to do anything the Council may do under paragraph (a) or (b).
- d. Require a person to do anything the Council may do under paragraph (a) or (b).

### Local Government Act 2020

*Part 5 Division 5 – Carrying out works on land*

117When Council or other person can carry out required work.

### **Road Management Act 2004**

The act includes a definition that for the purposes of the act, the term ‘roadway’ *“does not include a driveway providing access to the public road or other road from adjoining land”*.

Section 9 “Rights of owners and occupiers of adjoining land” – creates the right that *“An owner or occupier of any land which adjoins a road is entitled as of right to access the road from that land”*.

A road authority is not liable for driveways (being non-road infrastructure, and which includes any associated drainage pipe or culvert under the driveway) located within road reserves that provide access to adjoining land from the roadway.

The driveway, including that part located on the adjoining private land, is the responsibility of the owner of that adjoining land. The general principle in the Act is that the owner of an asset is responsible for the condition and maintenance of that asset. This does not, however, prevent the Council from imposing conditions on the construction of the driveway.

### **Latrobe City Planning Scheme**

The provisions detailed in Clauses 55.03-9 and 52.06-9 of the Latrobe Planning Scheme define standards that should be met but can be varied by Council as part of a planning approval process.

Requirements of the planning scheme for vehicle crossings include that the vehicle accessway within the property (and hence the vehicle crossing) must be at least 3 metres wide, the provision of sight distance triangles to ensure adequate view of pedestrians on any footpath that the vehicle crossing crosses, the maximum proportion of street frontage that a vehicle crossing should occupy, and location of the vehicle crossing should maximise the retention of on-street parking spaces.

These provisions do not apply to the construction of a single dwelling on a property.

### **Frequency of Use**

An additional vehicle crossing will not be approved where the vehicle crossing is utilised infrequently, such as once per week, for the purpose of providing access to a shed, back yard or storage for a trailer, boat or caravan, unless it is impossible to gain access due to physical constraints of the site, such as the steepness, embankments or other impediments to accessing the property.

Where an application has been rejected due to frequency of use, the property owner may be permitted to access the property over the kerb and channel, nature strip and footpath if access is infrequent, and that the property is accessed when ground conditions are dry.

However, the property owner may be required to strengthen the footpath adjacent the vehicle access point by replacing the footpath with 125mm thick reinforced concrete. Latrobe City

Council's Asset Protection Officer will inspect the existing condition of the footpath to determine if reinforcement is required.

The General Manager Regional City Planning and Assets will have authority to grant or deny approval.

Property owners will be required to remediate any damage to assets including the nature strip caused during such infrequent use.

### **Latrobe City Council Planning Scheme**

Clause 55.03-9 of the Latrobe Planning Scheme

"Two or more dwellings on a lot and residential buildings" – the access objective of the clause is "To ensure the number and design of vehicle crossovers respects the neighbourhood character." The clause includes the following standard and guidelines."

Standard B14 The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.
- No more than one single-width crossover should be provided for each dwelling fronting a street.
- The location of crossovers should maximise the retention of on-street car parking spaces.
- The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.
- Developments must provide for access for service, emergency, and delivery vehicles.

Decision guidelines - Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

**Clause 55.03-9** is only applicable to unit and apartment developments and does not apply to a single dwelling on a lot.

**Clause 52.06-9** also includes standards relating to off-street parking including that "Accessways must: - be at least 3 metres wide."

**Clause 52.29-2** requires in part, that a planning permit is required to create or alter any vehicle access to a road in a Transport Zone 2 (arterial road).

### **Victorian Road Safety Road Rules 2017**



- Rule 74 “Giving way when entering a road from a road related area or adjacent land” – requires that a driver entering a road from a road related area or from adjacent land must give way to pedestrians. Adjacent land or a road related area can include a driveway, service station or shopping centre.
- Rule 75 “Giving way when entering a road related area or adjacent land from a road” – similar to road rule 74, a driver entering a road related area or adjacent land from a road must give way to pedestrians.
- Rule 170 “Stopping in or near an intersection” - indicates that a driver must not stop on a road within 10 metres from the nearest point of an intersecting road at an intersection without traffic lights.
- Rule 197 “Stopping on a path, dividing strip, nature strip, painted island or traffic island” – directs that vehicles may not be stopped in a number of locations which includes blocking a footpath.
- Rule 198 “Obstructing access to and from a footpath, driveway” - specifies that a driver must not stop on or across a driveway or other way of access for vehicles travelling to or from adjacent land.