
Vehicular Crossings (Special Crossings)

1. The purpose of this policy is

To clearly set out Council's standards and requirements in respect to the construction of special crossings and the paving of footways on public roads.

2. Policy statement

This policy takes account of the Local Government Act 1993 and the Roads Act 1993. It acknowledges that owners and occupiers of land adjacent to public roads have certain rights and that the Council has corresponding obligations with respect to the provision of reasonable access from their lands to such roads.

This policy aims to regulate work done on public roads by prohibiting the construction of works of any kind other than by:

- the Council
- by a third party under Council's specific approval; or
- by bodies authorised by statute in that regard.

Council will levy contributions towards the cost of constructing the paving of footways and public roads except in relation to the paving of footways adjacent to rateable properties.

Except in certain circumstances, the landowner is responsible for costs associated with the provision of special crossings in public roads.

Council's Team Leader Development Engineering will manage the approval of applications to carry out works in public roads.

Council seeks to conserve "on street" kerbside parking space for the convenience of the public and therefore aims to control and regulate the number of special crossings which may be permitted to serve various classes of premises. In certain circumstances it may be desirable to permit the construction of special crossings in materials other than plain concrete. Applications for approval of special crossings will be considered and determined on their merit.

3. Principles

The - Special Crossings, Paving of Footways policy will be implemented in accordance with the following guidelines:

- a) Where Council proposes to carry out works and/or paving of footways in a public road, the Manager Capital Expenditure will provide written notice to all owners of land adjoining and on the same side of the road as the proposed works at least 3 weeks prior to the scheduled date of commencement of the work.
- b) As a prerequisite to any future paving works in public roads, the Manager Capital Expenditure will report to the Services Committee on whether or not, in their opinion, the works will involve any alteration to the existing levels of the public roads and whether there will be any substantial interference with the existing means of access to adjoining premises.
- c) In light of the report (above) the Services Committee has the authority to determine whether action will be taken by the Manager Capital Expenditure pursuant to Section 29 of the Roads Act 1993 for the fixing or refixing (as the case may be) of the levels of such roads.
- d) Contributions towards the cost of paving of footways works in public roads will be levied pursuant to Section 27 of the Roads Act 1993 for all new work of that nature. The exception will be in respect of paving of footways constructed adjacent to rateable properties.
- e) In designing and carrying out future paving of footways works in public roads, Council will consider the existing convenience of access enjoyed by the owner/occupiers of the adjoining land. Works will be carried out in such a way as to ensure, as far as possible, that the standard of access provided in conjunction with the works is as convenient as that beforehand, with regard to trade, width and surface condition.

- f) If, during the construction of paving of footways in public roads, Council or the Manager Capital Expenditure consider it necessary or expedient to construct special crossings, the costs incurred will be recovered from the owners of the premises at the time the works are done, according to Section 218 of the Roads Act 1993. If a special crossing was previously constructed and is not covered by an agreement (see (d)), the costs incurred by Council in its removal, reconstruction or adjustment to new levels will be borne by Council. Where a special crossing was paved by concrete it will be replaced with concrete. Where it was paved with bricks, bitumen, asphalt, concrete blocks or other non-standard material, it shall be replaced with a temporary bitumen seal at no cost to the owner. However, if the owner so requests, it will be replaced with standard concrete paving subject to the owner prepaying the extra cost to the Council.
- g) Where, during the construction of paving of footways in public roads, it is necessary to preserve the existing standards of convenience of access to adjoining premises, to make adjustments or alterations to any pipes, fences, gates, pathways or structures located on or within the boundaries of the adjoining premises, those adjustments or alterations will be agreed on with the owners in writing and will be carried out by Council at its own cost. This is provided that if it is agreed with an owner, that the standard of construction of any such pipe, fence, gate, pathway or structure is, in the course of such adjustment or alteration, to be upgraded in any significant respect, the additional cost of the upgrading will be estimated by the Manager Capital Expenditure and will be prepaid to the Council by an affected owner.
- h) For any work undertaken pursuant to (f) above, the Manager Capital Expenditure will prepare an estimate of the cost and will provide the details to the owner who will prepay a deposit based on the estimated cost to the Council if work is to be done by Council. Any surplus or shortfall remaining on completion of the work will be refunded to or recovered from the owner, as soon as practicable thereafter.
- i) Except where authorised by statute, persons or bodies other than Council will not construct works of any kind in any public road unless the prior approval of the Council has been obtained.

- j) Except where authorised by statute, persons or bodies wishing to carry out construction of any kind (including special crossings, paths, rockeries, gardens, retaining walls, sewer connections etc) in a public road will apply to the Council in writing using the appropriate form. The application will be accompanied by a fee as stated in the *Schedule of Fees and Charges* or any other such fee as may be determined by Council under Section 608 of the *Local Government Act 1993*. The application must also be accompanied by the plans and specifications required by the Team Leader, Development Engineering.
- k) The Manager Capital Expenditure is authorised to deal with and determine applications and can prescribe conditions associated with the approval of applications. Works must, if approved, be executed strictly in accordance with the requested conditions and to his satisfaction.
- l) Where a work is constructed in or on a public road otherwise than in accordance with an approval given under this policy the Team Leader Development Engineering shall

1. Where he is satisfied that it might reasonably be allowed to remain without detriment to the public interest -

Invite the person by whom (or on whose behalf) it was constructed, or the owner of the premises to which the work pertains or which are served by that work, to submit, within twenty-one (21) days (or such longer time as seems to him in the particular circumstances to be reasonable), an application to have the work authorised:

2. Where an application (which shall be in the form and accompanied by the fee referred to in Clause j) is received pursuant to paragraph (1) above -

Deal with and determine such application as though it were an application pursuant to Clause j of this policy:

3. Where a person, after having been invited so to do pursuant to paragraph (a) hereof, neglects or refuses to submit an application as provided therein -

Call upon such person to show cause in writing within fourteen (14) days as to why the Council should not order the removal of the work, and otherwise proceed against him under the provisions of the Act

4. In respect of all matters to which paragraph (c) hereof relates, and in respect of all works which in his opinion could not be permitted to remain in or on the public road without detriment to the public interest

Report the details and make recommendations in respect thereof to the Works Committee, which is hereby authorised to determine the further action (if any) that shall be taken in relation thereto:

EXCEPT THAT where any work is so dangerous as to constitute, in the opinion of the Team Leader Development Engineering, a serious threat to public safety or convenience, he may, with the prior concurrence of the General Manager, do all that is necessary to secure abatement of the dangerous conditions; PROVIDED THAT details of all such cases shall be reported upon by him to the Works Committee as soon as practicable afterwards.

- m) In all cases where a work is approved pursuant to Clauses (k) and (l) of this policy, such approval shall be conditional upon the applicant entering into, and bearing all costs of, a suitable agreement which shall be in a form approved by the Team Leader Development Engineering.

That Council fix a late fee (listed in the Council's Schedule of Fees & Charges) for unauthorised crossing construction, which will include the establishment fee for Deed of Agreement (see clause (k) above) and cost of inspection.

- n) The number of special crossings which may be permitted in respect of any premises other than commercial or industrial (which shall be considered on their merits) shall -

- *(1) Where the frontage to a public road does not exceed 30 metres - be limited to one or two, if the Team Leader Development Engineering considers that there would be either no loss of on-street parking and/or that it would be preferable on traffic safety grounds to allow a second special crossing
- (2) Where the frontage to a public road exceeds 30 metres - be limited to two.

o) The width (exclusive of wings) of special crossings shall not exceed -

(1) In the case of residential allotments, the dimensions set out in the following table

Maximum Width of Crossings	Footpath not Less than 5m Wide		Footpath Less than 5m Wide	
	Bldg Line not less than 6 metres	Bldg Line less than 6 metres	Bldg Line not less than 6 metres	Bldg Line less than 6 metres
At kerb	4m	5m	4m	5m
At alignment	4m	6m	5m	6m

(2) **In the case of commercial allotments**, 4 metres at the kerb and 5 metres at the alignment;

(3) In the case of industrial allotments, 6 metres at the kerb and 8 metres at the alignment

(4) In special cases, which shall include service station sites, 10 metres.

In any case where an application is received for approval to construct a special crossing in other than plain concrete or to levels not conforming to Council's standard cross sections, the Team Leader Development Engineering has the authority to approve an application subject to the owner of the premises served by the special crossing entering into, and bearing the costs of, a suitable agreement, which shall be in a form approved by the General Manager, indemnifying the Council against future maintenance costs and claims of any kind in respect thereof. Where in respect of such application, the Team Leader Development Engineering is of the view that it should be disapproved, he will report to the Services Committee specifying the reasons supporting his opinion in that regard. The Services Committee has the authority to determine the matter.

In future, the removal and replacement of redundant "dish" crossings or "laybacks" will be undertaken by Council at no cost to the adjacent land owner.

4. Amendments

This policy was last amended 7 August 2006.

5. Authorisation

This policy was authorised by Council on 14.8.1984.

This policy is due for review on 31 December 2003.

6. Who is responsible for implementing this policy?

Team Leader Development Engineering,
Manager Project Services

7. Document owner

Director Planning and Assessment Services.

8. File number

320.003.002
320.006.000

9. Legislation and references

Local Government Act 1993
Roads Act 1993

9.1 Definitions

“special crossing” includes any installation in a public road, not being an obstruction, whether constructed by Council or not, the purpose of which is to facilitate ease of access to an adjoining property. It does not include any unauthorised installation serving as a second or additional means of access.

“his/he” when referring to the Team Leader Development Engineering as ‘he/his’ we refer to a Team Leader of either sex, without prejudice.