



POLICY No: WSC058

POLICY FOR PRIVATE PROPERTY VEHICLE ACCESS CROSSINGS

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A. POLICY SUMMARY

- A1 This Policy details Wyong Shire Council's (WSC) requirements for the design, construction and maintenance of vehicle access crossings, the removal of unapproved vehicle access crossings and outlines responsibilities when a vehicle access crossing is damaged or partially removed by other than the property owner.

B. POLICY BACKGROUND

- B1 The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity or works on a public road or place without the approval of Council.
- B2 This Policy describes property owners' responsibilities and WSC's requirements for the design, construction and maintenance of vehicle access crossings.
- B3 This Policy confirms that the construction of vehicle access crossings is to be in accordance with WSC's Specification for Construction Vehicular Access Crossings to provide consistency in construction of standards and safety considerations relate to vehicle access crossings.
- B4 This Policy confirms that WSC assessment and approval is required to construct a vehicle access crossing.
- B5 This Policy outlines responsibilities when a vehicle access crossing is damaged or partially removed by other than the property owner.
- B6 This Policy outlines WSC's requirements for the removal of unapproved vehicle access crossings.

C. DEFINITIONS

- C1 **Approved vehicle access crossings** are those that have either been constructed in accordance with WSC's specifications or those constructed by WSC.
- C2 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- C3 **Gutter Crossing** is a formed concrete section constructed in the line of the kerb and gutter or existing roadside drain to cater for minor roadside drainage and allow a vehicle to cross from the road pavement to the vehicle access crossing.
- C4 **Kerb and Gutter** is an L-shaped or S-shaped formed concrete section at the edge of the road pavement.
- C5 **Piped access crossing** is constructed where the roadside drainage consists of a relatively deep open drain (>300mm) with no kerb or gutter. A pipe is placed in the drain with headwalls at either end of the pipe and a vehicle access crossing concrete slab is constructed over the top.
- C6 **Property Boundary** is the extent of a parcel of land where it abuts a road reserve.
- C7 **Road Verge or Nature Strip** is the area between the edge of the road pavement or kerb and gutter and the property boundary. This area is often a grass surface and sometimes contains a formal concrete path.

- C8 **Unapproved vehicle access crossings** are either vehicle access crossings constructed without prior Council approval or not in accordance with WSC's specifications, or those creating an obstruction to a road or stormwater drain.
- C9 **Vehicle Access Crossing** is the section of driveway between the road pavement including the outer crossing and the property boundary used to provide vehicular access to that property. Vehicle access crossings consist of a concrete slab or other approved pavement with a concrete gutter crossing or a piped access crossing.
- C10 **Vehicle Crossing Design** is a site specific design approved by WSC to show the location, profile and levels of the vehicle crossing to be constructed.
- C11 **WSC** means Wyong Shire Council responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

General

- D3 This policy may not be varied unless the General Manager or Director, Infrastructure & Operations determines that an urgency or risk is deemed to be of a nature that requires otherwise.
- D4 Amendments to this Policy will occur in accordance with the procedure for the Organisational Policy establishment contained in the WSC Policy for the Establishment of Policies.
- D5 It is the personal responsibility of all WSC employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

Design of Vehicle Access Crossings

- D6 The design of a vehicle access crossing is to be in accordance with WSC's Specification for Construction of Vehicular Access Crossings. This specification contains details identifying maximum and minimum grades, widths etc and will be assessed and approved by WSC.

Construction of Vehicle Access Crossings

- D7 Vehicle access crossings are to be constructed in accordance with WSC's Specification for Construction of Vehicular Access Crossings following WSC's approval to construct a vehicle access crossing.
- D8 WSC may require the construction of vehicle accesses to private property where in the opinion of the Director, Infrastructure & Operations, there is a risk of damage to the road or footpath, or where an illegal access may present a risk to the public, or where the access creates a safety issue or is dangerous.

- D9 WSC may construct a vehicle access crossing and charge the actual cost of the work against the property as a charge on the land where the property owner refuses to construct an approved vehicle access crossing.
- D10 Specific requirements for the construction of a vehicle access crossing shall be conditioned in WSC's Approval Notice. The following general requirements shall apply to the construction of the vehicle access crossings:
- a) At all new subdivisions having kerb and guttering, or in areas where there is existing kerb and guttering, or in areas where kerb levels have been established and sections of isolated kerb and guttering exist, the vehicle access crossing shall consist of a jointed reinforced concrete slab across the road verge or nature strip and a concrete gutter crossing.
 - b) At other locations without kerb and guttering either a concrete gutter crossing or pipe crossing with headwalls or both with a concrete slab across the road verge or nature strip is to be provided. An extension to the road pavement with a bitumen sealed surface to connect the vehicle access crossing to the road pavement will be required.
 - c) WSC will consider alternative materials and surfacing treatments for vehicle access crossings to those contained in WSC's specification. Details of alternative materials are to be provided to WSC as part of the application to construct a vehicle access crossing. Alternative materials will be assessed in consideration of durability slip resistance, safety and ongoing maintenance requirements.
 - d) The location of a vehicle access crossing can have implications for parking, buses, traffic, road safety, pedestrians and utilities and shall be constructed in the location approved by WSC.
 - e) Where the location of a vehicle access crossing will cause excessive surface water to flow onto the road reserve from the property, the owner shall construct suitable means of controlling such flows by diversion within the property to the drainage system.
 - f) Approval to construct a second vehicle access crossing must be obtained from WSC following an application to construct a vehicle access crossing. Restricting the amount of footpath that is available for public use, increased difficulty for utility maintenance and restricting available roadside parking will be considered in WSC's assessment of these applications.
- D11 The construction of an approved vehicle access crossing may be carried out by a suitably qualified contractor or persons provided:
- a) The suitably qualified contractor or persons have obtained a copy of WSC's Notice of Determination approving the construction of a vehicle access crossing.
 - b) Preconstruction requirements an works are in accordance with WSC's Specification for Construction of Vehicular Access Crossings.
 - c) The Contractor/person has public liability insurance coverage for an amount contained in the Specification for Construction of Vehicular Access Crossings.

Maintenance of Vehicle Access Crossings

- D12 In accordance with Section 218 of the Roads Act, 1993, the property owner is liable for the cost of maintaining vehicle access crossings.

- D13 WSC, at its own cost, may undertake minor maintenance of access crossings that have been constructed in accordance with WSC specifications. The maintenance will be limited to provide for the safety for pedestrian, cyclist or mobility scooter traffic.
- D14 Where an existing access has deteriorated to an extent that major repairs or reconstruction is required to ensure its serviceability and provide for the safety of pedestrians, cyclists or mobility scooter users then this work will be the responsibility and cost of the property owner.
- D15 If the owner fails to carry out maintenance work within an acceptable timeframe then WSC will remove the old access and restore the footpath to an condition satisfactory for pedestrian, cyclist or mobility scooter use.
- D16 The actual cost for part or all of the maintenance work will be attributable to the property owner and recouped as identified above.
- D17 Where an approved vehicle crossing does not exist and property owners drive vehicles across the road verge or nature strip to access their property, and thereby cause damage to the road verge or nature strip, the owners will be responsible for the costs of restoration of the road verge, nature strip, elements contained within these areas such as concrete footpaths, or possibly the edge of the road pavement and any injury sustained by pedestrians resulting from the damage.

Damage to or Partial Removal of Vehicle Access Crossings

- D18 When damage to or partial removal of a vehicle access crossing is cause by WSC then WSC will reinstate the vehicle access crossing as follows:

Type of Vehicle Access Crossing	Proposed Reinstatement
Plain concrete	Plain concrete (partial or full)
Approved decorative treatment	Advise owner that WSC will try and match if partial or full reinstatement (no guarantee of quality of match). Alternatively, can select plain concrete for full replacement.
Unapproved decorative treatment	Advise owner and replace in full with plain concrete

- D19 When damage to or partial removal of a vehicle access crossing is caused by other authorities then this issue will have to be resolved between the property owner and the relevant authority. The repair must be carried out to WSC's requirements.
- D20 Damage to a vehicle access crossing caused by trees that are planted on a road verge or nature strip before or after construction of the vehicle access crossing will need to be repaired by the property owner at their cost.

Removal of Vehicle Access Crossings

- D21 Vehicle access crossings that have not been approved by WSC may be removed by WSC staff after the property owner is given 21 days' notice to remove the vehicle access crossing or as soon as possible if the vehicle access crossing presents a significant risk to the public.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 An application for approval to construct a vehicle access crossing is to be made to WSC and approval issued prior to constructing, reconstructing, extending or modifying a vehicle access crossing.
- E2 Site specific vehicle access designs will require approval by Council.
- E3 The Roads & Drainage Unit and the Development Assessment Unit is responsible for the implementation of this Policy.

Associated Documents

- E4 The following associated documents should be read in conjunction with this Policy:
- Vehicle Access Crossing Application Form
 - Specifications for Construction of Vehicular Access Crossing
 - Application for Civil Development and Sub-Division Works
 - Flow Chart for Assessment of a Vehicle Access Crossing
 - Vehicular Access Crossings – Customer Enquiry Knowledgebase
 - The Roads Act 1993
 - The Local Government Act 1993