

Provision of Electricity, Driveways and Crossovers, Footpaths, Kerb and Channel

Date of Council Resolution

These guidelines were adopted by Council on 13 October 2009, and take effect on 20 October 2009, in accordance with Section 2.3 (2) of the Planning Scheme.

Purpose of the Guidelines

This document is intended to assist with the implementation of the Planning Scheme by providing guidelines for variations to development standards for:-

1. Provision of Electricity;
2. Driveway Inverts and Crossovers; and
3. Footpaths, Kerb and Channel.

Council's Implementation Guidelines are intended to apply a standard approach to the interpretation and implementation of relevant aspects of the Planning Scheme. They offer a degree of certainty and formality to applicants, Council and the community. Where an applicant is proposing a variation to the guidelines the onus is on the applicant to demonstrate the facts and circumstances to support the variation.

Guidelines

1. Provision of Electricity

- (1) Council's **standard requirement** for the provision of electricity to new development involves **underground reticulation**.
- (2) Overhead electricity reticulation may be acceptable in situations where:-
 - (a) the subject land is already serviced by an overhead reticulation network; and
 - (b) the development involves:-
 - (i) a reconfiguration of land where there is no new road opening; or
 - (ii) a single tenancy or dual occupancy use on an existing lot.
- (3) Underground electricity reticulation will normally be required for:-
 - (a) hatchet lots;
 - (b) reconfigurations which involve the opening of a new road; or
 - (c) multiple dwelling units, or multiple tenancy retail/commercial/industrial sites (e.g. a shopping centre or multi tenancy factory complex).

2. Driveways and Crossovers

- (1) Driveway inverts (where required, i.e. in areas which do not have mountable kerbs) and footpath crossovers are

to be installed prior to the commencement of the proposed use of the land.

- (2) Driveway inverts and footpath crossovers are required to be provided for all new lots created through the reconfiguration of land.

NOTE 1

Approval to construct driveway inverts and footpath crossovers is also required to be obtained under Local Law No. 4 (Permits).

- (3) The relevant development approval is to be conditioned to ensure that future purchasers of the reconfigured lot(s) are notified about any outstanding requirements for construction, upgrade or maintenance of driveway inverts and footpath crossovers as a condition of sale.
- (4) A notation is also to be placed on Council's property system to highlight the requirement as per clause (3) above, for the purposes of inclusion on Planning and Development Certificates relating to the subject land if such work is outstanding at the time of signing and dating the plan of survey.
- (5) Existing access arrangements to existing dwellings will normally be considered to be adequate unless there is a demonstrated need for a new driveway invert or footpath crossover based on:-

- (a) an existing, rough footpath surface condition; or
- (b) evidence of scouring or other damage across the footpath or road surface.

3. Footpaths, Kerb and Channel

- (1) Where a development site frontage abuts, or is in close proximity (e.g. generally within 20m) to a site with an existing paved footpath, or kerb and channel, the developer shall be required to extend (construct) the paved footpath, or kerb and channel from the existing paved footpath, or kerb and channel for the full frontage of the subject land.
- (2) The developer shall also undertake any road widening or infill pavement works necessitated by the extension of the kerb and channel.

NOTE 2

- (1) This provision is intended to achieve the extension of contiguous lengths of paved footpath, or kerb and channel along the street frontage of a development site.
- (2) It is not intended to create isolated sections of paved footpath, or kerb and channel which do not immediately adjoin or cannot readily connect to an existing paved footpath, or kerb and channel.



- (3) If the construction of the paved footpath, or kerb and channel is on a Council Works Program, the developer is to make a contribution of an amount to be conditioned in accordance with the proportionate cost (i.e. based on the length of site frontage) for the works as outlined in the Works Program.
- (4) Where Clauses 3(1) and (3) do not apply, and if the site is reasonably expected to be included in the kerb and channel network within ten (10) years, a contribution equal to the cost of the frontage works for the site, based on the amount specified in Council's Register of Fees and Charges (i.e. based on the length of site frontage), should be included as a condition of any development approval.
- (5) Where a development site is isolated from an existing kerb and channel network and is not reasonably expected to be included within the network within ten (10) years, no kerb and channel construction or contributions are required.

Figure 3.1: Flow Chart Summarising Kerb & Channel Construction & Contribution Requirements

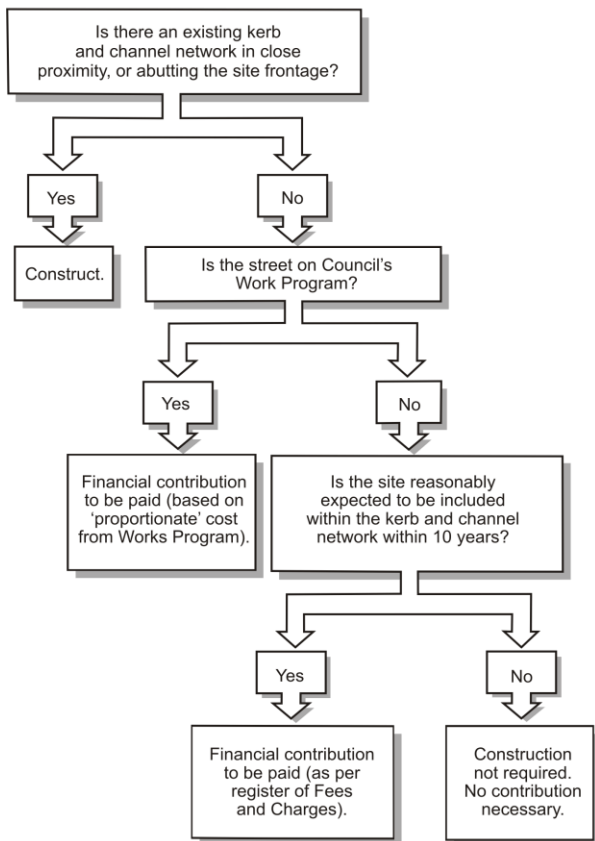
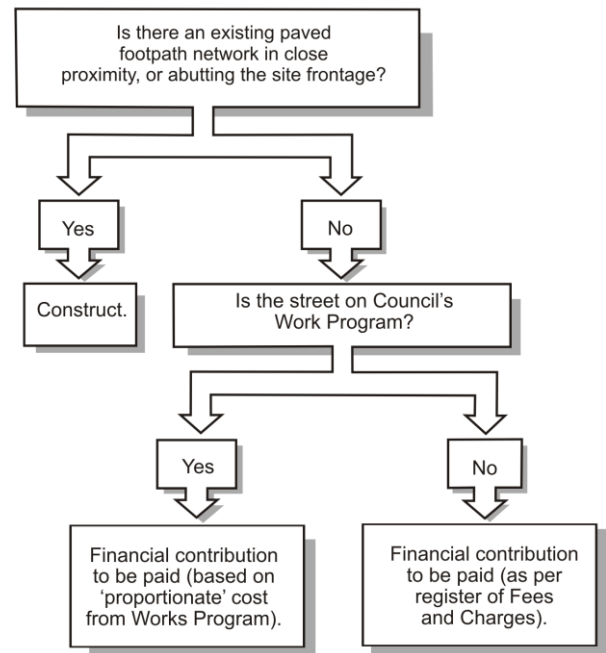


Figure 3.2: Flow Chart Summarising Footpath Construction & Contribution Requirements



- (6) Where Clauses 3(1) and (3) do not apply, the developer is to make a contribution towards the cost of additional paved footpath works in the vicinity of the site, based on the amount specified in Council's Register of Fees and Charges (i.e. based on the length of site frontage).
- (7) The footpath contributions received under clause (6) above are to be used on the footpath network within the 'Roadworks Contribution Sector' in which the site is situated, or within an adjoining or other 'Roadworks Contribution Sector' where the footpath network also serves the site.
- (8) Where there is an existing sealed driveway footpath crossover which is suitable for use as part of a pedestrian footpath, or where a sealed driveway footpath crossover is required as a condition of approval, any footpath contribution amount is to be reduced accordingly to subtract the width of the driveway crossover from the contribution calculations.
- (9) Despite Clauses (6) to (8) above, Council may determine not to impose footpath contributions in situations where:-
 - (a) it is unlikely that the site will be connected to a footpath network within ten (10) years; and
 - (b) the development comprises an acreage subdivision (ie lots generally 4000m² or greater in area) within a designated or zoned large lot housing area; and
 - (c) the overall development is small scale (eg 1 into 2 lot subdivision); and



- (d) the site does not constitute a major pedestrian thoroughfare providing a key link to a transit node (eg railway station) or community facilities hub (eg a school, shopping centre, or a township business centre).

NOTE 3

The payment of a contribution towards the construction of a paved footpath shall be utilised for the extension of the paved footpath network within the local area.

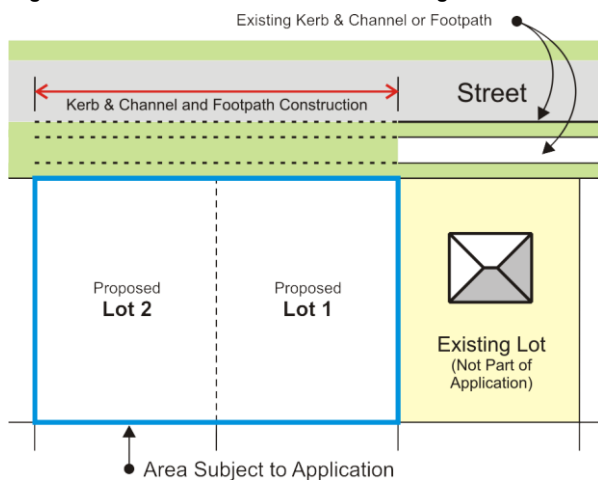
4. Examples for Footpath, Kerb and Channel - Construction & Contribution Requirements and Variations

- (1) Paved footpath, or kerb and channel construction and contribution requirements may vary depending on the location and form of development.

Construction Examples

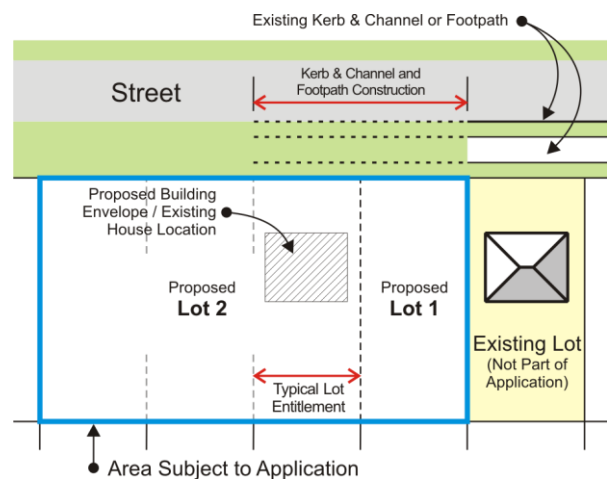
- (2) In accordance with Section 3 above, Figures 4.1 to 4.2 provide examples where the **construction** of the paved footpath, or kerb and channel may vary.

Figure 4.1 - Standard 1 into 2 Lot Reconfiguration



- i. Site is immediately adjacent to the existing footpath, or kerb and channel network.
- ii. The developer shall construct the paved footpath and kerb and channel for the full frontage of both lots.

Figure 4.2 - Partial Reconfiguration



- i. Construction shall extend a typical lot width into the balance lot, e.g. 20m for urban residential areas and 40m for large lot residential areas.

NOTE 4

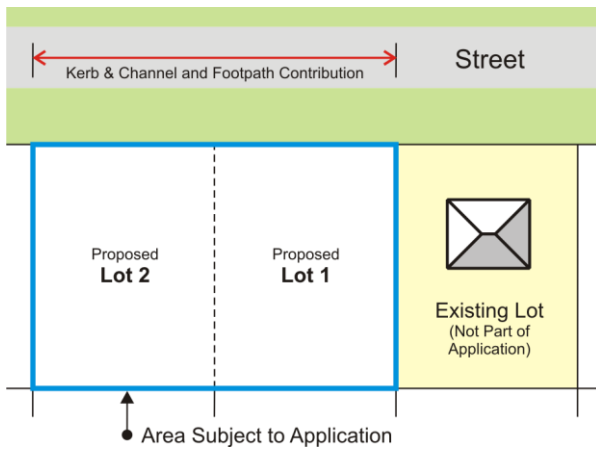
- (1) A typical lot entitlement shall only be applied where the balance lot has the capacity to create more than two (2) additional lots, based on the typical lot frontage.
- (2) Where a typical lot entitlement (part payment) has been granted, the typical lot entitlement (part payment) is to be recorded on the balance lot.
- (3) The typical lot entitlement (part payment) is to be based on the typical lot width pattern in the street, e.g. 20m for urban residential areas and 40m for large lot residential areas.
- (4) A typical lot entitlement is not to result in a dwelling being located within the balance area (i.e. outside the typical lot entitlement).
- (5) Where the proposed lot incorporating the typical lot entitlement is vacant, a building envelope (BLE) shall be provided for the proposed lot within the typical lot entitlement area.

Contribution Examples

- (3) In accordance with Section 3 above, Figures 4.3 to 4.6 provide examples where the **contribution** for the provision of paved footpath, or kerb and channel may vary.

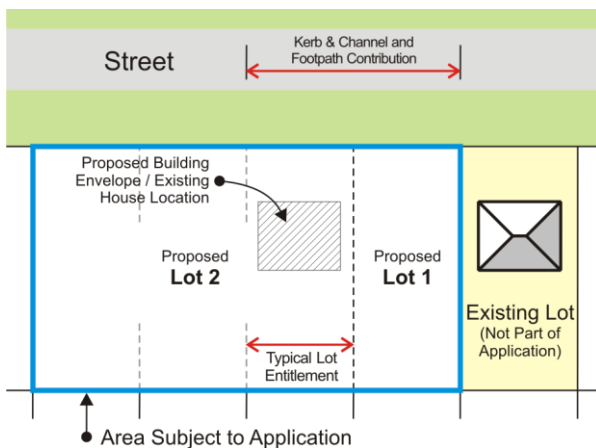


Figure 4.3 - Standard 1 into 2 Lot Reconfiguration



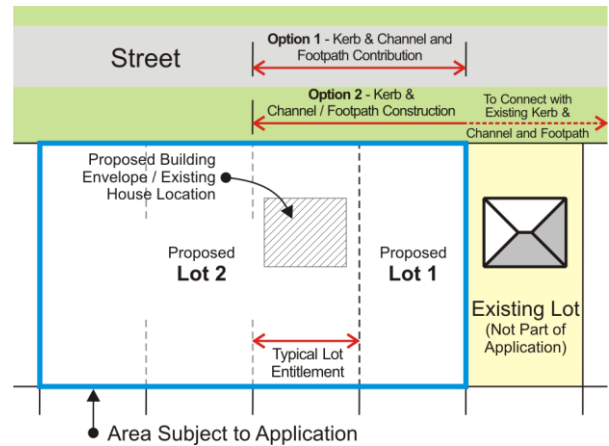
- i. Site located within an area contained within a works program or is reasonably expected to be included in the kerb and channel network within ten (10) years and is not in close proximity to an existing paved footpath, or kerb and channel network.
- ii. The developer shall make a contribution equal to the cost of the full frontage works of both lots for paved footpath and kerb and channel.

Figure 4.4 - Partial Reconfiguration



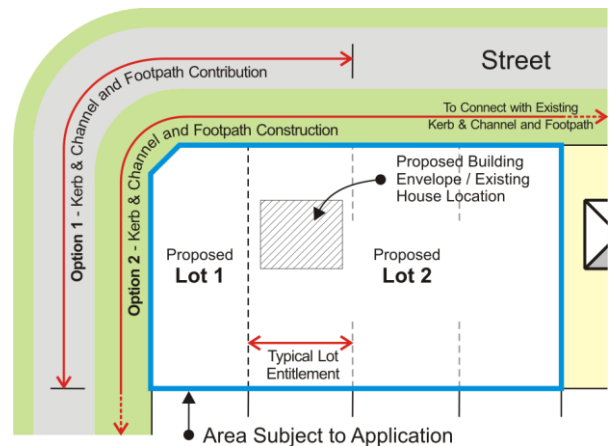
- i. Similar to Figure 4.3, except the site has capacity to create additional lots from the balance (larger) lot.
- ii. Site located within an area contained within a works program or is reasonably expected to be included in the kerb and channel network within ten (10) years and is not in close proximity to an existing paved footpath, or kerb and channel network.
- iii. The contribution amount may be reduced from the standard full frontage to incorporate a typical lot entitlement (part payment) over the balance lot for paved footpath and kerb and channel.

Figure 4.5 - Partial Reconfiguration With Options to Either Pay Contribution or Construct



- i. Where the existing paved footpath, or kerb and channel network is nearby but does not meet the 'close proximity' test (e.g. 20m) the developer shall be given the option to:-
 - (a) construct the paved footpath or kerb and channel for the full frontage to connect to the existing paved footpath or kerb and channel network; or
 - (b) pay the contribution amount.
- ii. Partial construction that does not connect into the existing network is to be avoided.

Figure 4.6 - Corner Lot Partial Reconfiguration With Options to Either Pay Contribution or Construct



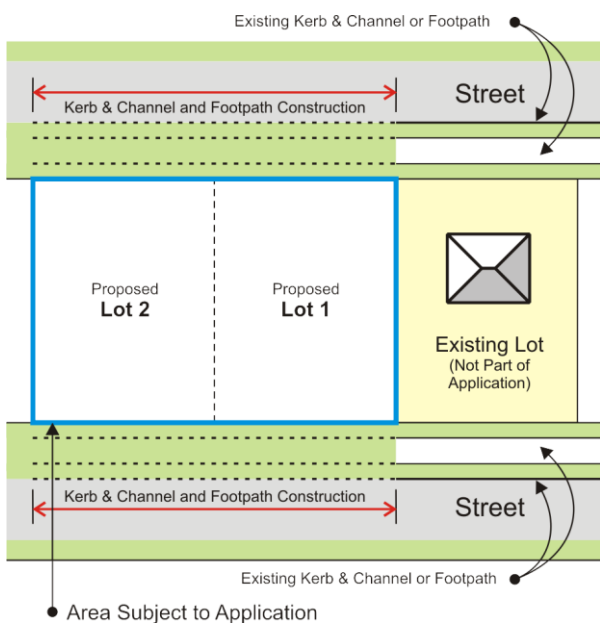
- i. Where the existing paved footpath, or kerb and channel network is nearby but does not meet the 'close proximity' test (e.g. 20m) the developer shall be given the option to:-
 - (a) construct the paved footpath or kerb and channel for the full frontage to connect to the existing paved footpath or kerb and channel network; or
 - (b) pay the contribution amount.
- ii. Partial construction that does not connect into the existing network is to be avoided.



Two (2) Street Frontage Example

- (4) Where a site has two (2) street frontages, the examples provided above would normally apply independently for each street frontage (see Figure 4.7).
- (5) Development should be designed to address both street frontages where practical.

Figure 4.7 - Two Street Frontage 1 into 2 Lot Reconfiguration



- i. Site is immediately adjacent to the existing footpath, or kerb and channel network.
- ii. The developer shall construct the paved footpath and kerb and channel for the full frontage of both lots along both road frontages.

- (6) However, where the secondary street frontage is:-
 - (a) unformed;
 - (b) inaccessible to the lot;
 - (c) not contained within a works program; and
 - (d) not reasonably expected to be included in the road network within ten (10) years;

Council may waive the paved footpath, or kerb and channel contribution requirements to the secondary frontage.

- (7) The construction of a paved footpath, or kerb and channel within a laneway, or the payment of a contribution is not normally required where the laneway is provided for vehicular access and services only.
- (8) Where clause (6) or (7) above are considered applicable, the paved footpath, or kerb and channel contribution requirements will apply to the principal frontage only.

Special Circumstances

Notwithstanding the actual provisions contained in this Guideline, care should be exercised in its application in order to consider:-

- the specific impacts on individual cases, including adjoining lands; and
- whether non-compliance, by a marginal amount, with a specific numerical standard would affect the overall intent of the Guideline.

