

---

<b>Policy/Code Title:</b>	<b>Driveway and associated works on the public road reserve.</b>
<b>Policy/Code Number:</b>	P034.003
<b>Directorate:</b>	Assets and Services
<b>Department:</b>	Asset Planning and Services
<b>Strategic Direction/s:</b>	2. A liveable and connected city.
<b>Strategic Goal/s:</b>	2.3 Kogarah City residents can get to where they need to go in a way that is accessible, safe and efficient.
<b>Responsible Officer:</b>	Manager Asset Planning and Services
<b>Adoption / Amendment / Revision / Date:</b>	Adopted 22 June 2015
<b>Resolution Number:</b>	Minute No. 75/2015
<b>Amendment History:</b>	Adopted 22 July 2013 (Min No. 79/2013), 22 July 2002 (Min No. 298/2002); Revised 30 November 2010
<b>Review Year:</b>	2018

---

**Note:** Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.

## **Policy Statement**

### **1. Introduction / Background**

Driveways allow vehicle passage from the road into private properties and other off road locations. This policy describes the framework that Kogarah City Council uses in the construction, maintenance and management of driveways and Council's nature strip.

### **2. Definitions of Terms**

Under this policy, "driveway" refers to the section of the road reserve between the property boundary line and the road gutter where a vehicle may pass from the road into the property. This policy does not relate to driveway sections within the property boundary.

### **3. Purpose**

The purpose of this policy is to provide a framework for the consistent construction, maintenance and management of all driveways within the Kogarah City area.

### **4. Objective/s**

To provide a liveable and connected city through accessible and safe driveways for users of motor vehicles.

### **5. Application / Scope**

This policy is applicable to all driveways within the Kogarah City area.

### **6. Principles / Body**

- a) The owner of land adjoining a public road is liable to pay all costs associated with the provision of vehicular access or other special crossings over a footway or public road for the traffic of vehicles across the footway to and from the land. Further, no works are to be undertaken on Council property without approval from Council. (As specified in Sections 218, 71 and 102 of the Roads Act, 1993).
- b) Applicants are to be advised that as per paragraph (a), these costs include any adjustments to utilities (including but not limited to gas, telecommunications, electricity) and Council assets such as drainage, signs and street furniture. It is the responsibility of the applicant to pay for and coordinate with the affected utility / Council any adjustments required.

- c) Any works on a new or existing driveway are to be carried out in accordance with Council's Driveway Application process. Further, payment must be made to Council of a design & inspection fee and damage deposit, as specified in Council's Fees and Charges Schedule. As such all new driveways or driveway modifications require the completion of a Driveway Application / Levels Issue form.
- d) Construction of driveway accesses by private contract, must adhere to the issued Driveway Plan, Council document 'Specifications for Construction by Private Contractor' and standard drawings.
- e) Should a driveway fall into a state of disrepair and pose a risk to public safety Council may direct the property owner to rectify, repair or construct a new driveway in accordance with this policy. If the required works are not carried out within a reasonable amount of time after the property owner has been formally notified, Council may carry out the works at the owner's expense.
- f) Should a constructed driveway not be in accordance with the issued driveway plan and/or Council document 'Specifications for Construction by Private Contractor', Council may direct the property owner to rectify, repair or construct a new driveway in accordance with this policy.
- g) Plates used to bridge the gutter are not permitted as they pose a risk to the public, and Council will direct the property owner to remove any such plates.
- h) All nominated contractors / applicants carrying out driveway and/or restoration works on Council property must hold the required level of product and public liability insurance as specified in Council document 'Specifications for Construction by Private Contractor'. The principal contractor must ensure that sub-contractors also meet these insurance requirements.
- i) Generally one driveway to each single residential dwelling lot is permitted. Under special circumstances consideration may be given to the provision of a second access to either the same road or a second road where the property abuts multiple roads. Applications will be viewed and decided on criteria including amenity, public safety and relevant site circumstances. In such cases, the owner must apply in writing to Council, setting out reasons for the necessity of a second access. Such applications must be supported with a sketch plan.
- j) Council will only accept plain (non-coloured) driveways with a broom or wood float finish as standard.

Any non-standard finishes need prior written approval from Council. Applications for non standard driveway finishes will be assessed on a case by case basis. To be considered documentation will need to be provided proving that the proposed surface has a slip resistance of R11 rating or higher (or equivalent) as specified in *HB197:1999 An introductory guide to the slip resistance of pedestrian surface materials*. Approval is subject to the property

owner providing written acknowledgement that Council will only lay standard plain (non-coloured) concrete for future works arising from utility restorations or any other situations requiring repair or replacement of part or the whole of the driveway and that in addition to standard repair/replacement costs, any costs associated with colour matching will be at the property owners expense and that Council will not guarantee matching of colours.

- k) The sealing of driveways with chemical sealers is not permitted, in order to maintain slip resistance.
- l) Driveway widths are to be in accordance with the Council's *Driveway Access Procedure Manual*.
- m) Driveways on corner allotments are not to be constructed within ten metres of the intersection of the kerb alignments.
- n) Where an access cannot be built because of inadequate levels or gradients of the driveway within the property, then Council may offer (but not be obligated) to carry out the necessary adjustments on the private property at the applicants cost, provided that the works are of a minor nature.

Should the works required be of a substantial nature, then the applicant will be provided boundary levels in order to complete internal modifications by engaging a private contractor with the appropriate insurances.

- o) With regard to existing driveways, where alterations are required because of a change or modification to the existing vehicle, or a change in the manufacture and design of new vehicles with low clearances, the cost of such alterations will be met by the property owner.
- p) Further to paragraph o), driveway accesses designed by Council, will be designed to permit access to the 85<sup>th</sup> percentile vehicle as defined in Australian Standards – being representative of most models of vehicles at present on the market, but not providing for any modifications such as tow bars, lowered exhaust systems, heavily laden vehicles or vehicles travelling in excess of 5km/hr. Should the owner wish the access to have performance criteria greater than the 85<sup>th</sup> percentile vehicle, the owner is to bear the increased costs involved.
- q) Any driveway constructed by Council will be considered satisfactory if the owner has not, within a period of four weeks of its construction, advised Council in writing that difficulties are being experienced. Further, that if such advice is not provided within four weeks, any rectification works which may be needed or requested, will be completed at the owner's expense.
- r) Upon request Council will provide a quotation to carry out the driveway works (outside of the property boundary). This quotation will be in accordance with Council's Fees and Charges Schedule. Council however is not obligated to provide a quotation.

### Parking Restrictions at Driveways

- s) Council will not approve the use of No Parking or No Stopping zones to protect residential or commercial driveways.
- t) Transverse lines are not to be installed across driveways where the parking violation only occurs for short periods such as school opening/closing times, or occasional abuse by other drivers using nearby shops/community facilities.
- u) Transverse lines may be installed at the discretion of Traffic Committee when long term abuse is documented by a resident/business, and such abuse seriously affects the occupants access to his/her driveway and/or business. Funding for the installation and maintenance of such lines will be borne by the resident.

### **7. Community Consultation / Public Exhibition**

- Not applicable.

### **8. Relevant Legislation**

- Roads Act 1993
- Local Government Act 1993

### **9. Related and Associated Council Policy and Procedures**

- Not applicable.

### **10. Responsible Officer / Policy Owner**

- Manager Asset Planning & Services

### **11. Responsibilities**

The Manager Asset Planning and Services is responsible for the implementation, application and review of the policy across the organisation.

The Manager Asset Planning and Services is also responsible for ensuring the Community and key stakeholders inputs are integrated into the policy and that timely, accurate and reliable information is presented to Council for decision making.

All Directors are responsible for facilitating their directorates to operate effectively in consideration of this Policy. Directors are also responsible for monitoring and reviewing the performance of staff in implementing policies.

Councillors, members of staff of council, members of council committees and delegates of the council must comply with the applicable provisions of this policy.

Councillors, as members of the governing body, work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership.

### **12. Approval**

The Executive Team has the authority to approve this policy. However, Council's practice is those policies that have a significant impact on the Community be adopted by Council.

This policy takes effect immediately upon approval by Council.

### **13. Monitoring**

The Manager Asset Planning and Services will monitor the application of this policy in accordance with Council's four year delivery plan, one year operational plan and any legislative changes which would necessitate changes.

### **14. Review Date**

This policy is scheduled to be reviewed every three (3) years. The due date for review is June 2018.

However, this policy may be reviewed prior to this date if required.

### **15. Record Keeping, Confidentiality and Privacy**

All documents created in relation to this policy will be kept in accordance with the NSW State Records Act 1998 and Kogarah City Council's Corporate Records Policy and associated records management practice.

Members of the public can access Council's documents in accordance with Government Information Public Access (GIPA) Act 2009 and Privacy and Personal Information Protection Act (PPIPA) 1998.

The Government Information (Public Access) Act became effective from 1 July 2010 it replaced previous legislation relating to access/rights to information i.e., Freedom of Information (FOI) Act 1989 and s12 of the Local Government Act 1993.

### **16. Breaches and Sanctions**

Relevant legislation applies where applicable.