

DRIVEWAY AND ASSOCIATED WORKS ON COUNCIL'S ROAD RESERVE POLICY

POLICY ADMINISTRATION

Dates	Policy approved 06/08/2019 This policy is effective upon its approval. Policy is due for review 08/2022
Approved by	Executive on 06/08/2019
Exhibition Period	N/A
Policy Owner	Director Assets and Infrastructure, Assets and Infrastructure Directorate
Related Documents	<ul style="list-style-type: none"> • Driveway Procedure Manual • Application for Driveway Crossing and Associated Works on Councils Road Reserve Form. • Specifications for the Construction of Works by Private Contractor 2018. • Stormwater Management Policy (DRAFT) • Tree Management Policy
References & Legislation	<ul style="list-style-type: none"> • Roads Act 1993 • Local Government Act 1993 • A.S.2890.1:2004 Off-Street Parking Guidelines • HB197:1999. An Introductory Guide to the Slip Resistance of Pedestrian Surface Materials.
Document Identifier	Policy #: Pol-066.01 Doc #: D20/4924
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

The purpose of this policy is to provide a framework for the consistent construction, maintenance and management of all driveways and Council nature strips within the Georges River Council Local Government Area.

Construction and maintenance of driveways from road to garage, or parking areas, is the responsibility of the property owner. You must obtain prior approval from Council to install a driveway across the footway or nature strip area.

Driveway designs and construction are undertaken in accordance with the Driveway Procedure Manual and accompanying Specification for Construction of Works by Private Contractor.

This policy assists Council to meet its commitment to quality well planned development through design and construction principles that ensure accessible and safe driveways for motor vehicles and pedestrians.

The objectives of this policy are to:

- Ensure the driveway is located for the safest entry and exit to the road
- Minimise the risk of damage to standard cars using the driveway (i.e. minimise scraping or 'bottoming out' that may occur)
- Manage stormwater within the roadway (i.e. maintain levels that minimise stormwater entering private property from the street via the driveway)
- Ensure that the Council footpath and verge area is not a hazard to members of the public (i.e. not uneven or too steep)
- Ensure the safe movement of pedestrians using the road and footpath
- Avoid conflict with existing infrastructure such as signs, poles, drains in the kerb, street trees and other road features such as roundabouts, medians etc.

SCOPE

This policy is applicable to all proposed or existing driveways and associated works on the road reserve within the Georges River Council Local Government Area.

This policy does not relate to the section of a driveway located within the private property boundary.

DEFINITION OF TERMS

Term	Meaning
Driveway	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 to the property. This policy does not relate to

	driveway sections within the private property boundary.
Driveway Works	For the purpose of this policy 'driveway' and 'driveway works' may include other related works within the road reserve including, but not limited to, footpath, kerb and turf works.
85th Percentile Vehicle (B85 Vehicle A.S.2890)	Vehicle as defined in Australian Standard A.S.2890.1 – 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.
Driveway Procedure Manual	Reference document detailing driveway application procedure as well as technical specification and guidance for driveway design and construction. This document can be revised periodically at the approval of the Director Assets and Infrastructure.
Road Reserve	Public land dedicated under the Roads Act for the purpose of providing public road. The road reserve includes road pavement and nature strip areas.
Redevelopment	Any development approval that affects or requires the modification including location or size of an existing driveway access.
Nature Strip	The area of land within the road reserve that is not part of the constructed road pavement, typically the area between the kerb and private property boundary that accommodates, grass, trees, footpaths, driveways and utilities services.
Footway	That part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).
Building line	The distance that a house or other structure is required to be set back from the boundary of a property.

POLICY STATEMENT

1. General Principles

- 1.1. In accordance with the NSW Roads Act 1993 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. No works are to be undertaken within the road reserve without approval from Council (refer Roads Act - sections 102, 138 and 218). Associated costs may include any adjustments to utilities (including but not limited to gas, water, telecommunications and electricity services) and Council assets, such as asphalt road pavement, drainage, kerb,

footpath, signs, trees and street furniture. It is the responsibility of the applicant to pay for, and coordinate with the affected utility/Council, any adjustments required.

- 1.2. All works for new driveways, or modifications to existing driveways, are to be carried out in accordance with “Council’s Driveway Crossing and Associated Works on Council Road Reserve” application process. This process requires an application form to be submitted to Council along with the payment of a design & inspection fee and damage deposit, as specified in Council’s schedule of Fees and Charges.
- 1.3. Council will not require a driveway damage deposit where a sufficient damage deposit is already held for the property in relation to approved development works.
- 1.4. Large scale developments may be conditioned by Council to submit a ‘self-design’. This will be determined by Council at either Development Assessment stage or when a driveway application is submitted. Self-design works will require the applicant to submit detailed civil design drawings of driveway access, kerb, footpath and utility works within the road reserve. These works may also need to comply with Council’s ‘Public Domain Streetscape Works Specification’.

2. Size and Location

- 2.1. Driveway widths are to be in accordance with the Council’s Driveway Procedure Manual. The maximum driveway width allowed is 4.5 metres. Special consideration may only be given for increased widths for frontages to narrow laneways or roads of high traffic volume/speed such as state or regional roads.
- 2.2. Where an existing driveway is greater than 4.5 metres width, upon redevelopment, including Complying Development Applications (CDC), the applicant will be required to comply with the 4.5 metre maximum width requirement.
- 2.3. Driveways on corner allotments are not to be constructed within six (6) metres of the tangent point at kerb intersections in accordance with AS/NZS 2890.1:2004 Section 3.2.3.
- 2.4. Applications to change the location of a driveway will only be considered where prior approval has been granted by Council for any associated works that are required within the property boundary i.e. internal works that may require a separate Development Application. Existing driveways and/or laybacks which are redundant must be removed and restored with kerb & gutter.
- 2.5. One (1) driveway to each single residential dwelling lot is permitted.

- 2.6. Where previously two (2) driveways existed on a frontage, upon redevelopment, including Complying Development Applications, the applicant will be required to remove one of the driveways.
- 2.7. 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. Council will assess each application on its merits based on criteria including; amenity, public safety, street parking and relevant site conditions. The owner must apply in writing to Council, setting out reasons for the necessity of a second access. Applications must be supported with a sketch plan and address the criteria outlined in Council's Driveway Procedure Manual.

3. Design criteria

- 3.1. Driveway plans issued by Council, will be designed to permit access to the B85 design vehicle, as defined in Australian Standard A.S.2890.1. The B85 vehicle accommodates 85% of standard vehicles on the Australian market, however, it does not account for modifications such as tow bars, lowered exhaust systems, heavily laden vehicles or vehicles travelling in excess of 5km/hr. Should the applicant require the driveway access to have performance criteria greater than the B85 vehicle, the applicant shall bear any additional costs involved. It is noted that the B85 standard vehicle will change over time.
- 3.2. Council will only accept plain (non-coloured) concrete driveways with a broom or wood float finish as standard, meeting R11 rating or higher (or equivalent) as specified in HB197:1999. An introductory guide to the slip resistance of pedestrian surface materials.
- 3.3. Applications for non-standard driveway finishes such as stencilled, stamped, coloured or paved finishes will be assessed on merit. Non-standard finishes need prior written approval from Council. The owner must apply in writing to Council, setting out reasons for a non-standard finish. To be considered, the documentation will need to provide proof that the proposed surface has a slip resistance of R11 rating or higher (or equivalent) as specified in HB197:1999. Approval is subject to the property owner providing written acknowledgement that any future repair or replacement required to be done as a consequence of Council or utility agency work will be reconstructed in plain concrete only.

4. Development Applications

- 4.1. All Development Applications that require driveway works must submit a driveway profile with their development application demonstrating access clearance by the B85 design vehicle. This is to confirm that compliant driveway access can be achieved to the proposed garage floor level or parking areas, in accordance with A.S.2890.1.

- 4.2. The submitted profile must include levels at the road centreline, lip of gutter, invert of gutter, back of vehicular crossing, front of path, back of path, boundary and all other changes of grade and continue to the internal garage floor level or parking areas.
- 4.3. Additional profiles are required to be provided on each side of a driveway where the longitudinal grade of road exceeds 8%.
- 4.4. The submitted driveway profile and/or levels depicted on the applicant's approved Development Application (DA) plans do not represent approved driveway, footpath, kerb or road levels within the road reserve.
- 4.5. An approved driveway plan showing the levels required for driveway works on Council's road reserve will be issued by Council following the submission of an "Application for Driveway Crossing and Associated Works on Council Road Reserve" under Section 138 Roads Act.
- 4.6. Where a driveway access cannot be built due to inadequate levels or gradients of the driveway within the private property boundary, the applicant will be provided a boundary level in order to complete internal modifications prior to driveway approval.

5. Stormwater Drainage

- 5.1. The proposed location of a driveway must take into consideration Council's stormwater infrastructure and avoid, or minimise, impact on existing drainage inlet pits.
- 5.2. All drainage work on Council's road reserve is subject to a separate drainage application process under Section 68 of the Local Government Act.
- 5.3. Any proposal to modify Council's stormwater system to accommodate a driveway will require prior assessment and approval via a drainage application. The applicant will be required to pay all costs associated with the construction of a new kerb inlet pit and extension of pipework including new kerb to facilitate a proposed driveway location.
- 5.4. Council does not support the installation of gutter grates (V-grates) as they do not always provide sufficient inlet capacity and may create Work Health & Safety issues for cleansing crews. The construction of a V-grate will only be approved where Council is satisfied that there is no feasible alternative.
- 5.5. Stormwater drainage grates (strip drains or box drains) associated with driveway works that capture runoff either entering or exiting the property are not permitted within the road reserve and must be located within the property boundary. These grates must be drained in accordance with Council's Stormwater Management Policy.

- 5.6. All private drainage lines (eg. roof water outlets) laid across the nature strip are the responsibility of the property owner to construct, rectify, repair and maintain.

6. Trees

- 6.1. Should the proposed driveway location fall within three (3) metres of a street tree, applicants may be requested to engage the services of a Consulting Arborist (AQF 5) to complete a root mapping exercise to determine if any major structural roots will be affected by the proposed works.

- 6.2. In accordance with Council's Tree Management Policy;

- *Council will assess each application on its merits and promote alternatives to vehicle crossovers including amending designs to maintain a tree or to ensure on going vitality.*

- 6.3. Approved driveway location and width will be dependent on the location and effects on existing street trees.

- *When a street tree is removed as a result of an approval for driveway relocation, or other works, the applicant will be required to fund the removal, planting and establishment costs of replacement tree(s).*

7. Shared and adjoining Driveways

- 7.1. Where possible, adjoining driveways are to be separated by ramped 'wings' and 150mm of kerb & gutter. Approval to combine laybacks on adjoining driveways will be determined by Council. In some circumstances, driveways may be required to splay across the frontage of adjoining properties.

- 7.2. Where a driveway provides shared access to more than one property, all properties benefitting will be required to contribute a proportional share based on the area of driveway used for their access, as determined by Council. These costs include maintenance, construction and any fees. Where works are required on a shared access as a result of damage due to development activities, the developer will be required to reinstate the driveway access at their cost.

8. Stone or Brick Kerb

- 8.1. Stone or brick kerb types are required to be reinstated in all Heritage Conservation Areas and surrounding heritage significant properties. Where concrete kerb is affected by redevelopment within a Heritage Conservation Area it must also be reinstated with stone or brick kerb to match the predominant style of kerb within the streetscape.

- 8.2. In areas that are not heritage conservation or adjacent to a heritage property, Council will determine the type of kerb to be reinstated. The type of kerb and construction specification will be noted on the issued driveway plans.

- 8.3. Retention or removal of stone or brick kerb not located within Heritage Conservation Areas will be based on the following criteria.
- Level of fragmentation of kerb types within the streetscape
 - Changes over time in the predominant style of housing in the street
 - Heritage significance of the streetscape
 - Maintenance and renewal costs of stone or brick kerb
- 8.4. Generally existing stone or brick kerb will be required to be reinstated where it is the predominant style of kerb within the streetscape. In areas where brick or stone kerb is fragmented Council may specify the replacement of standard concrete kerb.

9. During construction

- 9.1. Construction of a driveway access by private contractor must adhere to the issued Driveway Plan, Council's specification and standard drawings.
- 9.2. Where a driveway is not constructed in accordance with the issued driveway plan and Council specifications, Council may direct the property owner to rectify, repair or construct a new driveway in accordance with this policy. All nominated contractors or 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's approval documents. The property owner is also the nominated "Principal Contractor" and must ensure that sub-contractors also meet these insurance requirements, and as such, the property owner indemnifies Council against legal liability for injury or death, loss or damage to property of Council or others, and any harm to the environment.
- 9.3. Council's driveway design may consider and require level changes inside the private property boundary to achieve compliant access. Council does not carry out driveway works within private property, this is the responsibility of the property owner.
- 9.4. Any driveway designed by Council will be considered satisfactory if the owner has not, within a period of three months of its construction, advised Council in writing that difficulties are being experienced. Further, that if such advice is not provided within three months, any rectification works which may be needed or requested, will be completed at the owner's expense.
- 9.5. Where Council is notified of an issue with a newly constructed driveway, within three months of its construction, Council will undertake a survey investigation to determine if the driveway has been constructed in accordance with Council's issued plan.

- 9.6. NOTE: Council's formwork inspection does not include a check of levels. Council will assist with confirming levels, where requested. Council cannot warrant levels due to the possibility of alteration following the formwork inspection. For this reason constructed levels are the responsibility of the contractor undertaking the works. Council will not accept liability for the scraping of vehicles or water ingress due to incorrectly constructed driveways.

10. Risk and Non-compliance

- 10.1. Where a driveway falls into a state of disrepair and poses 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.
- 10.2. Plates, pipes and other non-approved materials used to bridge the kerb & gutter are not permitted as they pose a risk to the public. Council will direct the property owner to remove any such materials.
- 10.3. The sealing of driveways with chemical sealers is not permitted due to increased slip hazard.

11. Service Authorities

- 11.1. Where a service authority (Telstra, NBN, Sydney Water, Gas etc.) damages an existing Driveway, the service authority must undertake a temporary restoration and notify Council upon completion their works.
- 11.2. Council will then undertake the permanent restoration work and charge the relevant authority through the road opening and restoration process.

12. Footpaths

- 12.1. Requests for new footpaths are to be made to Council in writing. Council considers and allocates limited funding for new footpaths on a priority basis. Locations are selected based on the provision of linkages to public transport, high use pedestrian routes around schools and shopping centres, improving accessibility, and road safety. The side of the street selected for a footpath is determined by design considerations such as street tree locations, service utility locations, terrain and pedestrian desire lines.
- 12.2. Council may require alteration to existing driveways in order to provide an accessible footpath. In this situation the cost of alterations to existing driveways will be borne by Council.
- 12.3. Where Council is constructing a new footpath, any new driveway requested by an adjoining property owner, at time of footpath construction, will have the cost of the footpath area deducted from the driveway construction cost.

- 12.4. When building-frontages are located on the property boundary line, all finished footpath levels at the frontage entrance (doorways etc) are to be higher than the adjacent top of kerb level. The path must fall away from any entrances towards the kerb at a 1.5% minimum grade to reduce the risk of water ingress.

RESPONSIBILITIES

Position	Responsibility
Manager Infrastructure	<p>Is responsible for:</p> <ul style="list-style-type: none"> • The implementation, application and review of the policy across the organisation. • 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.
Directors	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • As members of the governing body, Councillors 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.
All Councillors, Council staff, members of Council committees and delegates of the Council	<ul style="list-style-type: none"> • Must comply with the applicable provisions of this policy.

VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
KCC	Former Kogarah Council Driveway Policy discontinued	Kogarah Governance	22/7/2013 – 06/08/2019
1.0	New Driveway and Associated Works on Council's Road Reserve Policy	Manager Infrastructure	06/08/2019

	Note: Clause 1.3 added following ET endorsement with consent of relevant Directors and General Manager.		
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