

SECTION 1 - INTRODUCTION

BACKGROUND

The Roads Act 1993 and the Local Government Act 1993 require that a person must not carry out any activity or works on a public road or place without approval of Council.

Council can approve the construction of driveways (vehicular crossings) to properties in accordance with an application process and in line with all required standards for design and construction.

Where an Engineering Certificate is in place, a driveway application is not required to be submitted as the construction of the driveway will be managed through a Development Application process.

Property owners are liable for all costs associated with the construction, maintenance and repair of a driveway (vehicular access) between the road pavement and the property boundary line, as well as the storm water outlet connection from the residence and all maintenance and associated maintenance and repair works.

PURPOSE

This policy sets out the procedures in place to enable people to formalise the access from the public road reserve across public footpaths into private property. The Policy seeks to ensure that the safety of other road users and pedestrians is not compromised and that damage is not caused to the public roadway or footway.

Proposals for driveway crossing construction must satisfy both planning and engineering requirements prior to approval.

All driveway construction except where Engineering Certificate in place must require a Driveway (Vehicular Crossing) Application to be made to Council requesting permission to construct and provide a vehicular crossing design. Standard requirements may vary depending on the proposed use of the driveway and a desire to avoid conflict with existing trees, utility services, and the drainage system/gully pits. Where a proposed driveway impacts on an existing gully pit all costs associated with the construction of any new pit, grates and lintel required resolving the conflict will be at the applicant’s expense through the development application process. Also, if any utilities are present and are in the path of the proposed driveway, the relevant utility company will have to be contacted to have their asset adjusted accordingly at the cost of the property owner.

SCOPE

The construction of Driveways (Vehicular Crossings) serving private property across Council owned nature strips in line with regard to all applicable regulations, Council Policies, specifications and Australian Standards.

DEFINITIONS

Word/Term	Definition
Applicant	The person filling out the Driveway (Vehicular Crossing) Application form may be a contractor, property owner, or any representative on behalf of the property owner; however, the property owner must sign and agree to the terms outlined.
Crossing	The section of concrete between the back of the layback and the property line.
Development Application (DA)	An application made to Council for construction of a new dwelling or structure or a change in use on site.
Footpath Alignment	The area of nature strip where concrete footpath paving would be situated if constructed.
Kerb and Gutter	The L shaped concrete section between the bitumen (road surface) and the grass of the nature strip.

Layback	The ramp section that is inserted into the kerb and gutter that allows access from the roadway and forms part of the driveway. A layback may not be required in areas with “roll top or mountable kerbing”.
Nature Strip	The Council controlled area of the road reserve between the kerb and gutter and the property line.
Plain Concrete	This is defined as concrete batched with natural grey cement (i.e. no colouring other than that of plain Portland cement).
Property Boundary	The property boundary of a lot where it abuts a road reserve (e.g. where a front fence would be built).
Road Classification	Road management between Transport for NSW (TfNSW) and Councils in NSW provides for – the following categories of road: State, Regional, Collector, Local, Local Rural, and Cul de Sac
Redundant Layback/Crossing	A layback/crossing, or portion of a layback/crossing, which is not in use.
Splay	A widening of the crossing at the layback end of the crossing. Note: A splay that widens the crossing at the property line will not be permitted.
Sediment Control	All soil materials arising from the removal of vegetation, clearing, levelling, filling, excavation and/or disturbance of any site, including the placement of any building material, stockpiles shall be wholly contained within the property boundaries and not permitted to enter adjacent lands, street gutters, drains and/or waters.
Stormwater Outlet Connection	Section of stormwater pipes from private stormwater drains between the kerb and the property line.
Traffic Management Plan (TMP)	A TMP is prepared by a Transport for NSW (TforNSW) accredited person or company detailing minimum requirements for signage and work procedures when construction works occur within the road reserve or works impact on vehicular or pedestrian movements.
Tree	A perennial plant with a woody self-supporting stem or trunk, unbranched for some distance above the ground.
Utilities	The following State Government bodies and utilities that are not controlled by Council: Water Supply and Sewerage, Electricity, Gas, Telephone and Cable Railways
Vehicular Crossing	The concrete vehicular crossing providing access across the Council controlled nature strip, consisting of a crossing and a layback.
Vehicular Crossing Application	An application made to Council requesting permission to construct a driveway and provide a design, booking to obtain form work inspection approval prior to pour concrete and specification for a driveway.
Vehicular Crossing Design	A site specific design sheet/s issued by Council to show the shape and levels of the driveway to be constructed.
Concrete Wing	The section of the layback used to transition between the normal kerb and gutter at the back edge of the layback.

LEGISLATIVE CONTEXT

Name	Location
Local Government Act 1993	http://www.legislation.nsw.gov.au/#/view/act/1993/30
Roads Act 1993	http://www.legislation.nsw.gov.au/#/view/act/1993/33

STAKEHOLDERS

The Public, the Mayor, Councillors and Staff.

SECTION 2 - POLICY

OBJECTIVE AND GOALS

1. To establish the guidelines for the approval of driveways (Vehicular Crossing) on Council owned nature strip areas with regard to regulations, Council policies, specifications and Australian Standards.
2. To provide vehicular access to individual properties with consideration to on-street parking and drainage while promoting a pleasing pedestrian friendly environment.
3. To provide guidelines for the stormwater outlet connections and how this relates to the responsibility of the property owner.

POLICY STATEMENT

To ensure the consistent application of legislated standards in relation to the construction of driveways (Vehicular Crossings).

General Driveway (Vehicular Crossing) Requirements

- A Vehicular Crossing (driveway) approval must be issued under the Roads Act 1993 prior to construction or renewal of any existing vehicular crossing (driveway). DA or CDC approval does not constitute Vehicular Crossing (driveway) approval and should not be considered as an authorisation. *For example, where the driveway forms part of the Development Application (DA) or Complying Development Certificate (CDC) or Section 96, the issuing of Development Consent, Complying Development Certificate and Section 96 does not automatically guarantee approval of the proposed driveway (vehicular crossing). Approval or refusal of works on Council land can only be confirmed when a formal Driveway Application is lodged with Council and a written response is issued by the authorising Department of Council.*
- Council applies specifications for the construction of Vehicular Crossings (driveways) that are specific to land use i.e. rural, industrial, residential. Applicants are required to meet the relevant specification for their purpose and site.
- The levels issued for the crossings are based on the change in grade from the road to the crossing to prevent vehicle scraping. Crossover Design will conform to AS2890.1 for residential dwellings and A2890.2 for commercial and industrial developments. Specifications that do not conform to these standards will be subject to Council's approval.
- Should site conditions demand alteration of the existing footpath area, the Contractor shall perform all works as directed by Council, including alterations to existing footpaths, battering of slopes, filling, alterations to public utilities, relocating of services etc. prior to construction.
- Council will approve one vehicular crossing per property (Lot) to balance streetscape, on-street parking and to limit vehicle/pedestrian conflicts. Unless a Lot is subdivided there is no exception for second dwellings i.e. Granny Flats.
- A second vehicular crossing may be considered where a Lot has multiple frontages i.e. corner blocks. If the existing vehicular crossing is more than 3m wide a second application may not be approved. Assessment of these applications will consider road safety and traffic management guidelines.
- Council shall only allow a maximum 3 metre wide vehicular crossing per Lot for multiple Lot developments such as duplexes, triplexes etc.

- A 4.5-metre maximum width applies to residential dwellings with double-garages. A 3-metre maximum width applies to all residential dwellings with a single garage. An allowance of 3 metres applies to all dwellings that do not include a garage. Driveway widths that differ from these standards will be subject to Council's approval. For residential developments in rural areas the Development Control Plan will be considered.
- Driveway renewals are required to meet the current standard. Specifications that do not conform to these standards will be subject to Council's approval.
- Widths for Industrial and Commercial driveways, as well as access, which services multiple lots, are subject to the requirements of AS2890.1, AS2890.2 and the Swept Path Analysis submitted to Council based upon the largest vehicle entering the site. The onus is on the applicant to ensure that information is correct and Council will apply a consistent minimum and maximum width where practicable to these sites.
- In circumstances where a layback is shared between Lots, a separation kerb shall be constructed between the two Lots at the owner's cost. The owner may be required to construct a driveway wing for the adjacent property to meet Council requirements.
- Shared driveways are not encouraged and will usually only be permitted where properties are accessed via a right of carriageway, or the terrain prevents alternatives.
- Where a proposed driveway impacts on public utility services (such as Sydney Water hydrant, sewer, Telstra/NBN pit or gas main) then the owner is to consult with the relevant companies to have the asset(s) adjusted with the relevant approval, at the owner's cost. Similarly, at owner's cost and Council's discretion an applicant may be able to relocate a stormwater lintel.
- In the event where the existing household stormwater pipes are within the area of the proposed driveway and layback construction, the outlet pipes are to be relocated outside of the driveway and layback area, and a new connection made to the kerb as per Council's standard specification.
- Where no footpath exists and driveways are planned to be cut into the ground to obtain grades, the nature strip on each side of the driveway must be battered smoothly at a grade no steeper than 1 in 14 to maintain acceptable grades for pedestrians and enable future provision of concrete footpath. This grade may vary, provided Council has been consulted and the new grade approved.
- Any existing concrete footpath within the proposed driveway is to be removed and reconstructed to Council's specification. Where the existing footpath is too high to allow the crossing to meet gradient specifications, adjacent footpath panels may be required to be removed and reconstructed at owner's cost to allow a transition for the footpath slope. The slope of the footpath shall not exceed 5% (along the length of the footpath). This slope may vary, provided Council has been consulted and the new slope approved.
- No additional concrete slabs can be constructed adjoining Council assets. Any unauthorised connections will require removal at owner's expense.
- Council may require the owner to adjust the levels within the property boundary as part of the vehicular crossing design to achieve appropriate grade. The applicant is required to comply with Council's design requirements to obtain approval.
- Any damaged sections of footpath caused by the work must be reconstructed at the owner's expense and the area to be restored to Council's satisfaction.

APPROVAL PROCEDURE & CONDITIONS

PROCEDURE

1. Vehicular Crossing Application QM-CA-17 shall be submitted to Council and payment received prior to assessment. Forms and payments are managed by Council's Customer Service Centre.
2. For any new development a DA or CDC must be approved prior to the lodgement of the Vehicular Crossing Application QM-CA-17.
3. Council Engineers will assess the application and conduct a site-specific survey based on the details provided by the applicant. The applicant should allow 20 working days for this process and may be required to submit additional plans if the information provided is inadequate.
4. Council Engineers will issue the design specification to the applicant. This allows the formwork installation to commence as per Council driveway/vehicular crossing specifications.
5. The applicant is required to contract Council's Customer Service Centre (**9725 0222**) to arrange a formwork inspection. The applicant should allow 2 working days, notice prior to formwork inspection.
6. QMF-CA-018 Driveway (Vehicular Crossing) Formwork Inspection Form is provided by Council's Engineer advising the applicant that a Vehicular Crossing has passed (with or without changes) or failed its inspection based on its merits.
7. Where formwork does not comply with Council's design, Council will note the first application as non-compliant and require the applicant to submit a new Application Form with payment (QM-CA-017 Vehicular Crossing Application).
8. If the inspection has passed, then the applicant can proceed to pour concrete to complete the works.
9. QMF-CA-073 – Road Reserve Clearance Inspection Certificate Application, is lodged by the applicant with Council's Customer Service Centre to arrange a final inspection and certification of works. This is a requirement for all Development Applications (DA) and Complying Development Certificates (CDC). The applicant must allow 20 working days for the inspection and certification process.

CONDITIONS OF APPROVAL

1. The applicant must ensure that their contractor is licensed and has in force a \$10,000,000 Public Liability Cover. Council will accept no liability for injury or damage to any person or property during the course of work. A copy of the contractor license and public liability insurance must be submitted along with the application.
2. The depth and location of any services must be confirmed by the applicant and/or contractor prior to commencing any works. This can be done by using the 'Dial Before You Dig' (DBYD) services provided free of charge. If any utility service assets need to be relocated or have their position adjusted, the applicant must contact the utility service. Up to date DBYD plans must be on site at all times.
3. All works must be completed to the specifications provided by Council. In the event that any works have not been completed in a satisfactory manner, Council, may instruct the applicant to undertake the removal of the asset and reconstruct it to Council's specifications.
4. Any works that occur on a TfNSW road must meet the requirements of the TfNSW for a driveway. The applicant is responsible for seeking approval from TfNSW for any works undertaken. This clause also applies to any works undertaken within 100 metres of a traffic signal, where a Road Occupancy License will be required.

5. All flora is to be preserved where practicable, with no tree in the road reserve being removed or damaged. Any damage or approved removal of a Council tree is subject to Council approval and associated Fees and Charges.
6. All vehicular crossings must not be located within six (6) metres from the tangent point of the road (see drawing below). A driveway must also be located 0.3 metres away from the neighbouring driveway. A driveway must be located wholly within the property's frontage. Any deviation from the standard requires Council approval.
7. Any redundant layback or driveway must be removed and reinstated with Council standard kerb and gutter and footpath if there is existing footpath along the frontage.
8. Any approved driveway plan in a Development Application (DA) or Complying Development Certificate (CDC) that does not align with Council's Vehicular Crossing Policy shall be subject to review and adjustment to meet the requirements for the Roads Act 1993 approval.
9. Where a Road is a State Road, consent from TfNSW is required under section 138 of the Roads Act. Council will not grant any formwork approval until the applicant has provided concurrence from TfNSW.
10. Council and utility authorities re-instate with plain concrete restorations for driveways (vehicular crossings) and footpaths. For this reason, Council specifies plain concrete for driveway construction. This ensures that any reinstatement provides a uniform finish. Allowable surface finishes include wood float, trowel and broom finishes.
11. Council is not responsible for colour or pattern matching of existing vehicular crossings (driveways). However, where a driveway is not plain concrete, in consultation with the owner, Council will advise that they will re-instate seeking to colour match the concrete where practicable. At completion of the work, where the finish is not acceptable to the owner, Council will waive the application fee, QMF-CA-017 Application Driveway (Vehicular Crossing) – Repair for reinstatement at the owner's expense.
12. Council does not authorise the use of pavers for the construction of vehicular crossings (driveways). When pavers are in place on existing vehicular crossings and removed for works, attempts will be made to retain the existing pavers for re-statement. Council will advise that they will seek to re-instate "like for like" seeking to match the materials where practicable.

At completion of the work, where the finish is not acceptable to the owner, Council will waive the application fee, QMF-CA-017 Application Driveway (Vehicular Crossing) – Repair for reinstatement at the owner's expense.

CONSTRUCTION REQUIREMENTS

This section is to be read in conjunction with QMPOL-CA-017 – Driveway (Vehicular Crossing) Specifications.

1. Council will not take any responsibility for poor workmanship carried out by private contractors. Any reconstruction costs due to poor workmanship will be borne by the applicant/contractor.
2. Driveways must be located a minimum of one (1) metre away from any stormwater lintel, power pole, street sign, or any other obstruction.
3. Driveways must be located a minimum of 1.5 metres away from any tree. This measurement may increase depending on the circumference of a tree. Where an owner seeks to remove a Council tree for the purpose of the construction of a Vehicular Crossing (driveway) an arborist report at the owners expense may be required. Existing trees are preserved under the Environmental Planning and Assessment Act 1979.

4. If the removal of a Council tree is unavoidable as part of the construction of a Vehicular Crossing, Council levies a compensatory planting contribution (in line with Council Fees and Charges). Tree removal and pruning on Council land is a monopoly activity of Council and its authorised contractors to comply with public liability considerations.
5. The Vehicular Crossing shall be constructed generally at right-angle to the kerb and gutter or centre line of road.
6. For any new driveway, the layback must be removed and reconstructed to Council's specifications.
7. Concrete must not be poured in adverse weather conditions, including rain and heavy winds.
8. All disturbed turf areas adjacent to the works must be regraded, topsoiled, and re-turfed to Council's specifications.

Utility Services:

- If any utility services are affected by the construction of a driveway and/or footpath, applicants must contact the relevant utility provider to determine the requirements. This will include height and level adjustments to meet the utility provider's approval.
- Any damage to utility services shall be repaired by the appropriate authority, with all costs borne by the applicant.

Road Rules:

- The Roads Act 1993 requires the property owner to construct, maintain and repair the vehicular crossing (driveway) between the property boundary and the road pavement. Council accepts no legal responsibility for claims arising from injury or damage to the public caused by badly constructed, poorly maintained or unauthorised driveways.
- Vehicular Crossings must be designed to ensure that vehicles can be wholly parked within the private property and not stand in the road reserve/footpath area (fines apply). A Vehicular Crossing is not authorised solely for the purpose of pedestrian access.

Stormwater:

- The Roads Act 1993 requires the property owner to ensure that the stormwater drainage infrastructure for their property is maintained. Any stormwater piping within the property as well as the nature strip, including the stormwater outlet connection to the kerb must be considered in the design of a vehicular crossing.
- Council's standard must be applied for the connection of stormwater outlet connections including materials and depth of installation.

UNAUTHORISED VEHICULAR CROSSINGS (DRIVEWAYS)

If a vehicular crossing is found to be constructed in a manner not compliant to the specifications in this document and its relative documents, the owner will be required to reconstruct the driveway to meet compliance requirements at owners cost.

If an owner has additional vehicular crossings (unauthorised) or connections to Council assets, the owner will be required to remove the vehicular crossing and re-instate Council's assets.

Fines apply for unauthorised or non-compliant Vehicular Crossing (driveways).

SECTION 3 - GOVERNANCE

RELATED POLICIES/PROCEDURES

Policy Number	
QMPOL-CA-017	Vehicular Crossings Specifications
QMF-CA-017	Driveway (Vehicular Crossing) Application
QMF-CA-018	Vehicular Crossing Inspection
FCC Standard Specification S-1 Sheet 2	'Typical Driveway'
Fairfield City Wide DCP	Fairfield City Wide Development Control Plan – Chapter 14 – Subdivision Version 5 S-22 and S-226 – 'Typical Cross Sections Subdivision Standard' (Drawings to be updated)
Policy 0-044	Tree Management Policy
Fairfield City Council Disability Action Plan (DIAP)	Vehicular Crossing (Driveway) Specifications – AS1428.1 gradients <i>i.e. avoid bullnose.</i>

RESPONSIBILITY

Policy Owner	
	Manager City Assets

RISK

Standards and a consistent approach is not applied creating inequity of road user access to the road network and road safety environment issues.

VERSION CONTROL AND CHANGE HISTORY

Version Number	Approval Date	Approved by	Amendment
01	21 July 1982	Council	New Policy
02	13 April 2021	Outcomes Committee	Policy Review

The management of Council reserves the right to cease, modify or vary this Policy and will do so in accordance with Council's established consultation processes.

REVIEW DATE

This Policy will be subject to review every 5 years.

AUTHORISATION

This Policy was adopted by Services Committee on 13 April 2021, Item 30.