

ADOPTED		VERSION NO	3.0
COUNCIL MEETING	314/23	REVIEW DATE	DECEMBER 2027
DATE:	13 DECEMBER 2023	FILE NUMBER	ROA100072, DEV700013

## Objective

- To ensure that accesses to private property are constructed to a uniform, practical and safe standard such as will protect roadside drainage, services in footpaths, pedestrians and the travelling public.
- This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, ‘*Connecting our Region High Quality Road Network that is Safe and Efficient*’

## Policy

An access to property is to be constructed to the same standard as the road to which it abuts and complies with Council's requirements as detailed in the standard drawings available from Council.

### *General:*

- The construction and maintenance of the driveway, from the edge of the made road to the property boundary, remains the responsibility of the property owner or occupier, and must be carried out in accordance with this policy. Any variance from these details must have Council's written approval before work is commenced. Failure to comply with this document may result in the works being removed at the owner's expense.
- The property owner is responsible to check the locations of any services, which might be affected by the access and also for any costs of relocation of these services.
- An allotment on which a single dwelling or dual occupancy is or is to be constructed will be permitted to have two (2) vehicular access driveways subject to the following conditions: -
  - The driveway access must provide access to an additional useable parking space, which must be located behind the standard 6.0 metre building setback from the front boundary.
  - All driveway access locations must be suitably located clear of any site constraints such as street gully pits, light poles or any other constraint.
- Residential accesses are not to be located within 10 metres of the intersection of two public roads;
- Where it is proposed that new road works will pass by any driveway then the design criteria will be such that it will not affect the present access and egress enjoyed by the landholder.
- All crossovers (a constructed traffic way connecting the paved street to the private property) shall be constructed to the approved Council standards and specifications (Section 4 – Vehicle Crossovers). The Owner/Agent is to arrange for construction.
- Inspection of the access will be required before pouring concrete in the driveway. Council is to be given 24 hours notice to inspect the excavation and the steel;
- Commercial/industrial accesses to be located as shown on development consents;

- Provision for Traffic and Public Safety shall be in accordance with A.S. 1742 (Traffic Control Devices - 2009). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
- Public Utilities - The contractor/owner shall take every precaution to locate and protect all water, sewer, electricity, telephone and stormwater drainage during construction. If any of these services are damaged, the full cost of repairs is to be borne by the contractor/owner. If construction of the vehicular access requires service alterations or the relocation of stormwater gully pits such alterations will be at full cost to the contractor/owner.
- Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
- All physical works shall be undertaken in accordance with AUSPEC.
- BONDS - To achieve a neat, safe and consistent streetscape and good road condition, bonds securing the construction or reconstruction of crossovers will be required to be paid at time of issue an approval. The amount of the bond will be determined and set by Council in its annual fees charges.
- Crossover construction or reconstruction may be required as a condition of subdivision, development and/or as a condition of issue of building license where it is deemed by the General Manager (or delegate) that the work is necessary.
- Council may construct the crossover in concrete (urban) or two coat seal (rural) or gravel (rural unsealed road) if not constructed by the owner/agent within 6 months of practical completion or occupation of the building, for which payment of a crossover bond has been made.
- Council will not be responsible for any maintenance of crossovers.

#### *Urban Accesses (with kerb and gutter):*

- The provision of a vehicular access driveway from the property boundary to the kerb and gutter or edge of road seal is the responsibility of the property owner. All building plans that involve the construction or alteration of a vehicular access to a property are required to include certain details with the Building Application. A list of these details is available separately on request.
- Crossovers are to be constructed in reinforced concrete, 125mm thick with F72 mesh for residential accesses and 200mm with F82 mesh for industrial/commercial accesses. See attached standard drawing. The Owner / Agent is to arrange and pay for construction.
- Gutter bridges, concrete infill's or any other gutter obstruction are not permitted and will be removed, unless, in extreme circumstances, Council's written approval is given for such a device.
- Roll kerb and gutter will be used wherever possible to avoid the need for gutter crossings.
- Where "roll kerb and gutter" exists, kerb inverts are not required. Existing inverts may be used provided they are of sufficient width.
- In the case of upright kerb, the kerb is to be removed and an invert crossing constructed. The driveway is to rise from the former invert level of the kerb and gutter or top of roll kerb, then rise at a 2.5% grade

for a 1.2 metre wide footpath and then another 0.9 metres to the property boundary before easing to the grade of the driveway.

- A copy of Council "Residential Vehicle Crossing Detail" Drawing No. M524 and "Industrial Vehicle Crossing Detail" Drawing No. M526" is attached setting out all relevant requirements.
- Gutter crossings in excess of site requirements are to be removed and returned to kerb matching the area.
- A crossing may remain in conjunction with residential use when it can be clearly shown that leaving the crossing will have no effect on traffic or residential amenity of the area.
- When as a result of a building application or a development application it is necessary to remove a gutter crossing and reinstate the footpath, the footpath deposit will be increased by a sufficient amount to allow Council to carry out the removal and restoration if the applicant fails to carry out the work.
- The location of the proposed crossover shall not conflict with public utilities services such as drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees.
- Road safety and turning radii will be taken into account in deciding the position of a crossover.
- Bonds securing the construction or reconstruction of crossovers will be required to be paid at time of issue of building licence. The amount of the bond will be determined and set by Council in its annual fees & charges.

#### *Rural Accesses (or urban areas without kerb and gutter):*

- Where kerb and guttering has not been provided but levels for the future kerb and guttering are available the proposed access must accommodate the future design. Where levels are not available, a piped crossing of the table drain is to be provided. This can be constructed by Council, at the property owner's expense, or privately to Council's requirements. The access in this case must not extend beyond the outer edge of the road shoulder. Concrete driveways may be extended from the property boundary to the kerb line or edge of bitumen and levels will be provided, on request by Council staff.
- Accesses are to commence at the outside edge of the road shoulder, and under no circumstances are to impinge onto the road shoulder;
- Access to rural properties are to be constructed at a location such as to provide adequate sight distances, so that road users can see vehicles entering or leaving access in time to brake or take evasive action. Council staff will provide advice, and if necessary on site inspections, on the location of proposed accesses;
- Accesses are to be properly formed and drained so that stormwater is not channelled by the driveway onto the surface of Council's road. The driveway drainage should direct stormwater into Council's table drain;
- Where the access crosses a table drain beside Council's road, a concrete pipe (minimum dia. 375mm, minimum length 4.88m with headwalls) is to be placed so that water in the table drain can flow unimpeded. In some instances a larger diameter pipe will be required, and this will be as directed by the General Manager (or delegate).

- Should an existing access be such that no drainage pipes were required before construction work, but are required after such work, Council will provide a 4.88m wide entrance of appropriate diameter, complete with concrete heads and 100mm depth sub-base gravel.
- When, during the course of construction work on dedicated roads, a property access is interfered with, such access shall be reconstructed as a job charge at no cost to the property owner, provided that the original crossover complied with this policy.
- Where a driveway crossover is proposed off a Local sealed road, the crossover shall be constructed to a minimum standard of 100mm depth of compacted sub-base gravel and be drained.
- Where the driveway crossover is proposed off one of the roads listed in Schedule 1 Council may need to seek concurrence from Transport for NSW before approving the access. The crossover shall be bitumen sealed from the edge of the road pavement to the property boundary or for a distance of at least 10m for driveways frequented by light vehicles. For driveways frequented by heavy vehicles a length of bitumen seal greater than 10m may be required.
- Where pipes are required, arrangements can be made through Council to supply and deliver these at cost to the applicant. The applicant will be required to pay in advance for the pipes.
- A copy of Council's "Rural Vehicle Crossing Detail" Drawing No. M525 is attached setting out all relevant requirements.

*Definitions:*

**Driveway** - means an all weather access across a table drain and may include pipes or culverts.

**Crossover** - is the area between the driveway and the property boundary and may include a made footpath.

**Private Property Entrance** – the roadway linking the edge of a Council Road to the private property boundary. The Private Property Entrance may traverse road reserve or stock route.

**Council Road** – a Council controlled road listed on the Mid Western Regional Council Road Register.

*Roads Act 1993:*

The following sections from the Roads Act are applicable with respect to this policy:

**SECT 6 (Right of access to public road by owners of adjoining land)**

- (1) The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.
- (2) The right conferred by this section does not derogate from any right of access that is conferred by the common law, but those rights are subject to such restrictions as are imposed by or under this or any other Act or law.

***SECT 92 (Roads authority may alter landform of land adjoining public road without acquiring land)***

- (1) A roads authority may alter the landform of land adjoining a public road so as to ensure the stability of the road.
- (2) The roads authority must pay compensation to the owner of the land for any loss or damage.

***SECT 95 (Removal of windblown sand etc) damage arising from the alteration.***

- (1) The appropriate roads authority may direct the occupier of land from which sand, soil or other such matter has been washed or blown onto a public road to take such action as is necessary to remove the obstruction and prevent its recurrence.
- (2) The direction may specify the period within which the direction must be complied with.

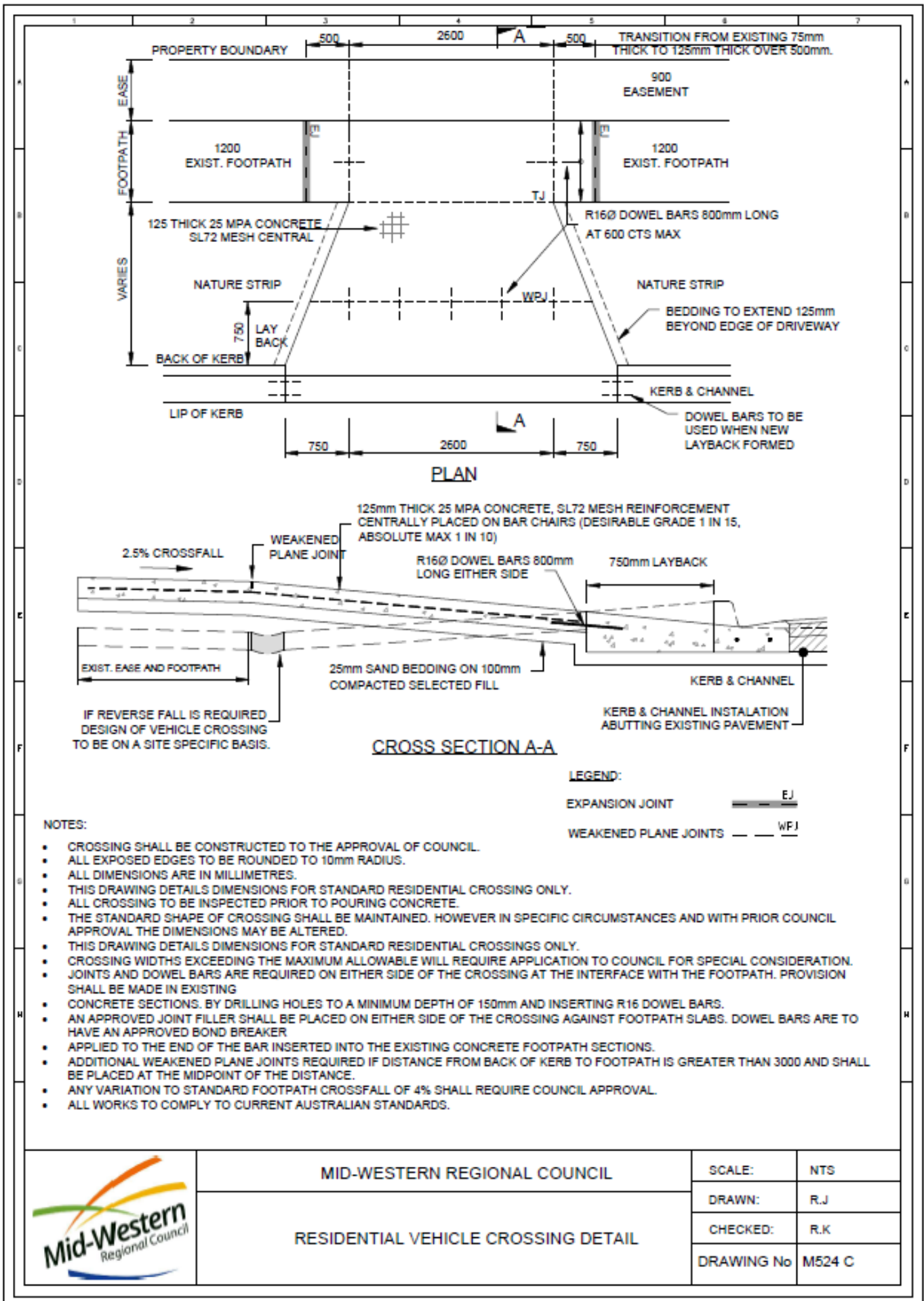
***SECT 218 (Roads authority may recover cost of constructing or repairing a special crossing)***

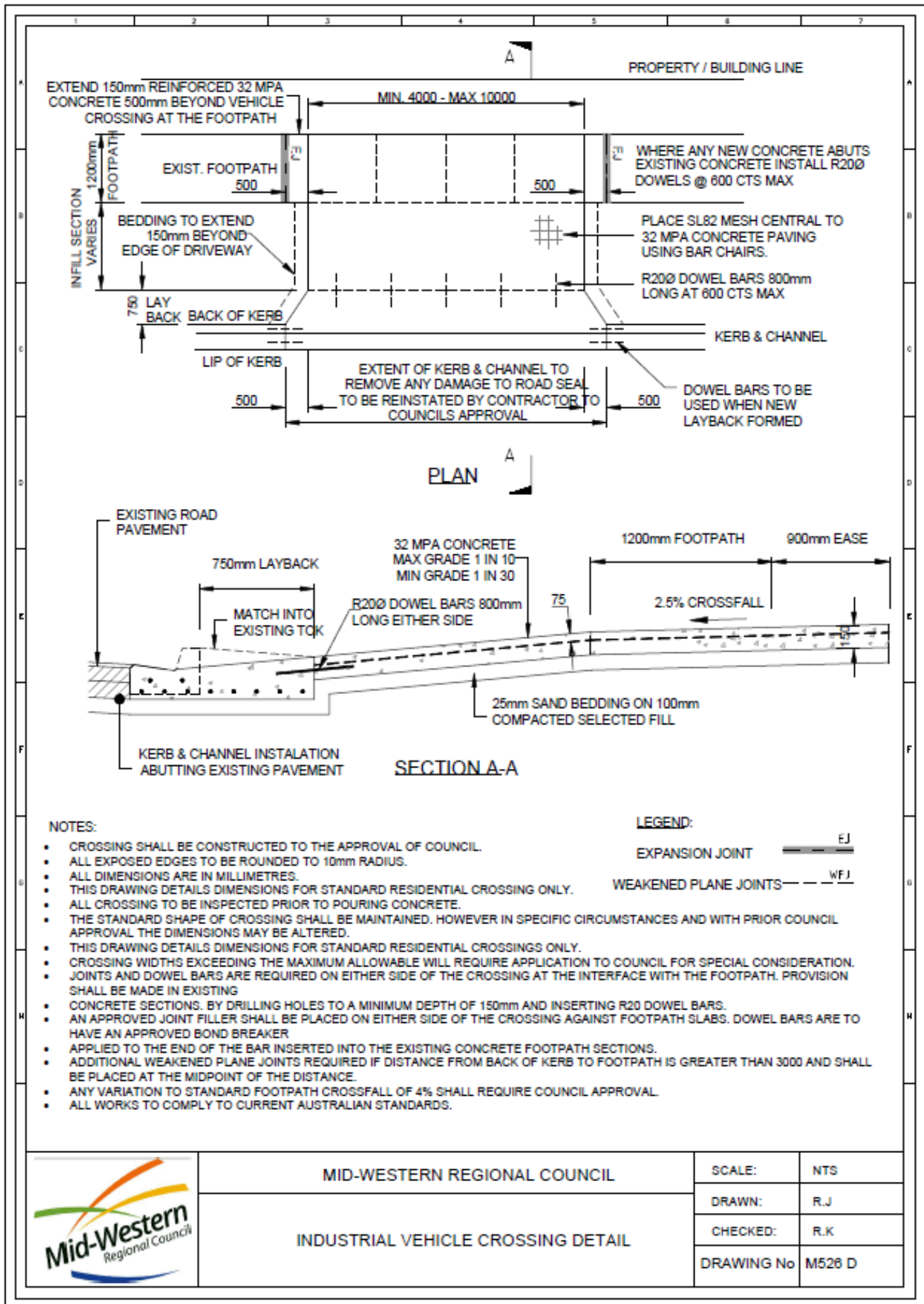
- (1) The owner of land adjoining a public road is liable to pay to the appropriate roads authority the cost incurred by the roads authority in constructing or repairing any special crossing over a footway in the public road for the traffic of vehicles across the footway to or from the land
- (2) If the crossing has been constructed or repaired at the request of the occupier of the land concerned, any amount paid to the roads authority by the owner of the land may be recovered by the owner from the occupier.

## SCHEDULE 1

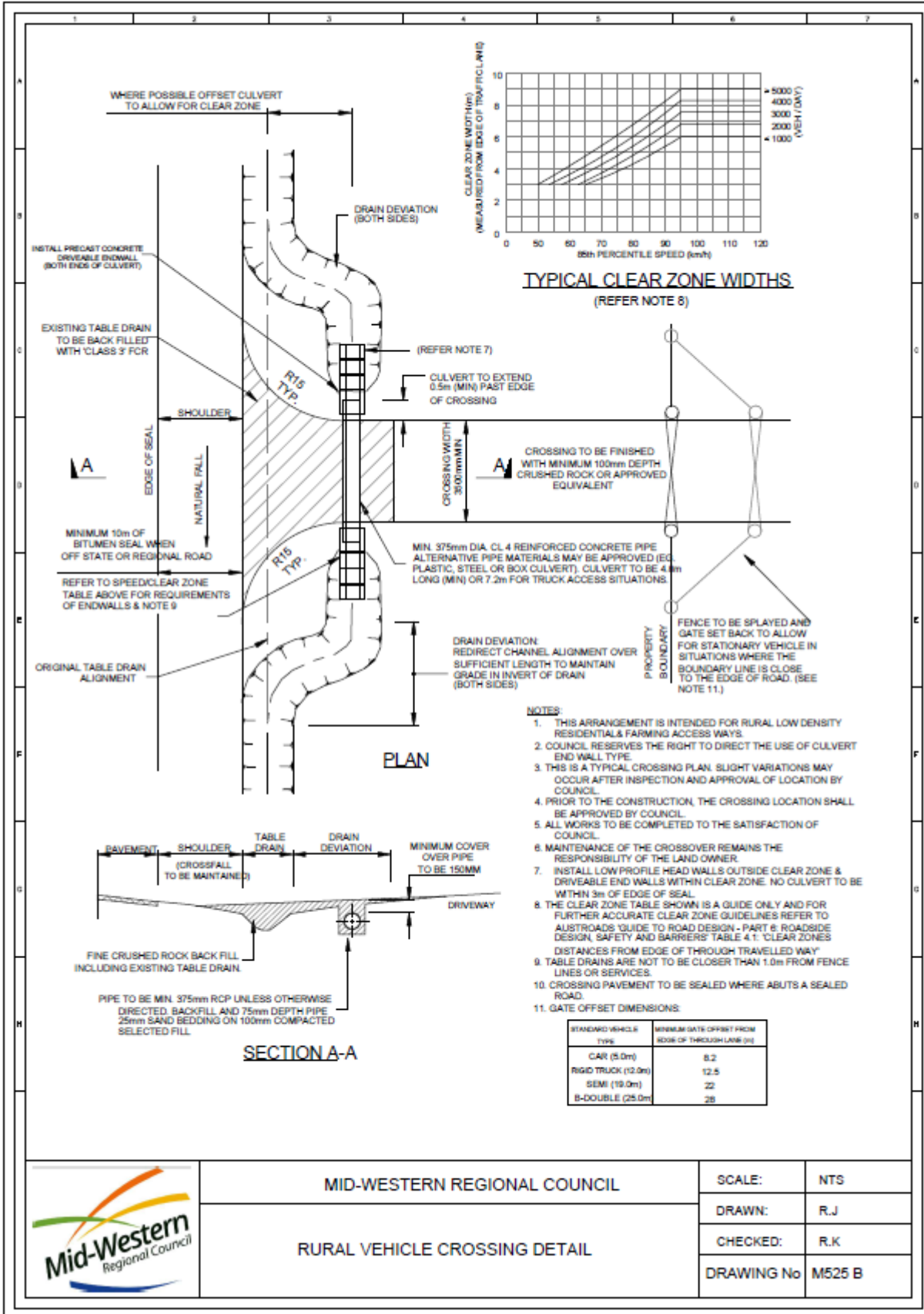
### CLASSIFIED REGIONAL AND STATE ROADS

- Castlereagh Highway
- Ilford Road
- Bylong Valley Way
- Wollar Road
- Ulan Road
- Hill End Road
- Goolma Road
- Cope Road
- Gollan Road









MID-WESTERN REGIONAL COUNCIL

SCALE: NTS

DRAWN: R.J

CHECKED: R.K

DRAWING No M525 B

RURAL VEHICLE CROSSING DETAIL