

# HANDBOOK FOR DRIVEWAY ACCESS TO PROPERTY

**Aus Spec Reference**

**D1.37 – Internal Driveways  
& D1.38 – Private Accessways**

**AMENDMENT RECORD FOR THIS SPECIFICATION PART**

This Specification is Council's edition of the AUS-SPEC generic specification part and includes Council's primary amendments.

Details are provided below outlining the clauses amended from the Council edition of this AUS-SPEC Specification Part. The clause numbering and context of each clause are preserved. New clauses are added towards the rear of the specification part as special requirements clauses. Project specific additional script is shown in the specification as italic font.

The amendment code indicated below is 'A' for additional script 'M' for modification to script and 'O' for omission of script. An additional code 'P' is included when the amendment is project specific.

<b>Amendment Sequence No.</b>	<b>Key Topic addressed in amendment</b>	<b>Clause No.</b>	<b>Amendment Code</b>	<b>Author Initials</b>	<b>Amendment Date</b>
XX	Draft Version October 2012	XX	XX	ID	October 2012
1	Version 1 – 7 July 2010 – New document	All	Not applicable	ID	July 2010
2	remote control gates	3.5(e)	A	ID	December 2011
3	June 2013 Review			PW / MK / ID	July 2013
4	Driveway Gates or Doors	3.05	M	GK / ID/ MK	March 2018

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## **1. INTRODUCTION**

1. This document forms guidelines for any person wishing to undertake driveway construction works within the public road reserve.
2. A formal application (Street Opening Permit or Driveway Application) must be made to Council under Section 138 of the Roads Act 1993 and should be made on the appropriate Council form. The applicable fees must be paid and incomplete applications will not be considered until all requested information is provided.
3. Section 138 of the Roads Act 1993 requires consent of the road authority (Council) for works on road reserves. These works may relate to specific structures, works or trees or to structures, works or trees of a specified class (includes driveways, footpaths/retaining walls, signs & gardens).
4. Section 142 of the Roads Act 1993 states a person who has the right to the control, use or benefit of a structure or work in, on or over a public road must maintain the structure
5. Driveways may be approved as part of a Construction Certificate issued by Council
6. A separate driveway application to Council for each driveway crossing proposed is to be submitted to Council for approval.
7. The design of driveways must comply with the requirements of AS 2890 – Parking Facilities, Northern Rivers Local Government Standard Drawings R05, R06, R14 and R15, relevant authorities (such as the NSW Transport - Roads and Maritime Services, RMS), Australian Road Rules (Part 18-Division 1-289), Austroads documentation and Council.
8. Driveways shall provide long term all-weather property access
9. Driveways may be constructed by Council or Private Contractor. All construction must comply with Council standards.
10. The provisions of the Disability Discrimination Act and AS1428 - Design for Access and Mobility, must also be considered in the provision of driveways.
11. Standard drawings and associated documentation available for downloading (free-of-charge) may be accessed via the Lismore City Council web-site :

## **2. GENERAL REQUIREMENTS**

1. One driveway is generally permitted for each property adjoining a public road
2. A second driveway may be approved by the Council officer subject to consideration of site specific factors including development type, road hierarchy, street parking considerations and other Council policies
3. Driveways within public road reserve are on Council land and under the control of Council, however, they are the property owners' responsibility to initially construct and maintain.
4. Damage caused by Council or other public authorities undertaking works will be reinstated by the Authority causing the damage, however, matching renewed concrete with coloured or stencilled concrete finishes will not be undertaken.
5. Council accepts no legal responsibility for claims arising from accidents to the public caused by badly constructed or unauthorised driveways.
6. Road regulations prohibit the parking of a vehicle on the footpath area or verge outside the road carriageway. Vehicles parked in driveways, between the property boundary and the road

carriageway, are in breach of the regulations and may be fined. Subject to Council planning controls, driveway designs should allow for standing of vehicles between the property boundary and the setback to an approved building alignment

7. Open carports may be approved between the property boundary and the garage door, subject to Council planning controls
8. Historically some properties have been allowed access via unformed Crown Roads or Crown Reserves when they were under the care and control of Council. The Roads Act 1993 now vests control of all Crown Roads in the Crown. Persons wishing to gain access via an unformed Crown Road must first obtain and submit written approval from the appropriate State Government authority. Council will not under any circumstances approve access to a property via a Public Reserve.
9. In some instances Council will need to refer applications to authorities, such as the RMS. If driveways or other works are adjacent to highway or classified roads then RMS approval is also required.
10. Council will not approve driveways with ramps extending into the road reserve footpath zone unless special circumstances can be demonstrated. (e.g. the footpath is already permanently untrafficable for pedestrians.)

### **3. DESIGN REQUIREMENTS**

#### **3.01 GENERAL**

1. Site or development specific driveway details and requirements should be discussed with Council's engineer prior to preparation of a driveway design. Detailed design documentation prepared by a qualified engineer, registered surveyor or experienced civil designer, acceptable to Council, may be required.
2. Council's engineer shall be notified before construction commences for any vehicular crossing.
3. Design hydraulic calculations, by a qualified engineer, for driveway table drain crossings may be required where culverts are to be constructed. Driveways are to be constructed in accordance with the standard drawings.

#### **3.02 LOCATION, ARRANGEMENT & SIGHT DISTANCE**

1. Driveways near intersections and adjacent medians or divided roads must be located in accordance with the requirements of AS2890, relevant authorities (such as the RMS) and Council.
2. Site specific sight distance diagrams may be necessary in accordance with the requirements of AS2890, Austroads Guide to Traffic Management and Guide to Road Design, relevant authorities (such as the RMS) and Council. These are required to ensure adequate entering sight distance to traffic on the frontage road and adequate sight distance to pedestrians using the footpath or verge on the frontage road
3. Driveways are to be located clear of existing infrastructure such as stormwater gully pits, light poles and Telstra pits. If any existing facilities are affected by a driveway the owner / applicant will need to meet the requirements of the relevant authorities and any associated costs.
4. Council must be consulted regarding sewer manholes and water supply fixtures. These may be located in driveways subject to the requirements of the relevant authority and Council.
5. Driveways are to be square to the road carriageway and not encroach on neighbouring frontages. In some instances, such as due to steep topography, Council may consider a variation to this requirement.

6. Abutting driveways are not desirable. A minimum gap of 6.0 metres between driveways should be provided where possible to facilitate on street parking. A minimum offset of 0.3m from common property boundaries is required.
7. Concrete driveways may be extended from the property boundary to the kerb line or edge of bitumen subject to approval by Council's engineer.
8. In commercial areas and where a second driveway access has been approved, driveways must be at least 6.5 metres apart or multiples thereof so as to preserve on street car parking (refer AS2890).

### **3.03 KERB, GUTTER & OBSTRUCTIONS**

1. Driveways in streets with 'mountable' kerb and gutter may be designed to match the top of the kerb subject to approval by Council.
2. Driveways in streets with 'mountable' kerb and gutter may need to provide a layback driveway section subject to approval by Council.
3. Approval will not be given for concrete nibs, timber sections, steel plates or similar to be access ramps in the gutter as an alternative to the standard access requirement due to their potential as traffic and pedestrian hazards and the impediment of stormwater flow.
4. Driveways in streets with 'upright' kerb and gutter will require the removal of the kerb and replacement with a Council standard kerb crossing (refer standard drawings).
5. 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.
6. Edge 'coving', 'mini-kerbs' and other obstructions are a pedestrian 'trip' hazard and are not permitted on any trafficable footpath.

### **3.04 EXISTING FOOTPATHS**

1. Where a driveway crosses an existing paved footpath a saw cut must be provided at the extremities of the driveway, paving removed and the footpath reconstructed to Council's standard. The grade and crossfall of the pre-existing footpath must be maintained (in some cases additional footpath may need to be removed). Footpath grading for pedestrian and disabled access must be considered for the reconstructed section.
2. Where no paved footpath exists and driveways are planned to be cut into the verge 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 standards for pedestrians and enable future provision of paved footpaths
3. Where the paved footpath is immediately behind a vertical face kerb, the footpath will usually need to be deviated toward the property boundary to allow cutting in of the driveway access. The maximum deviation of the footpath in this instance should not exceed 30 degrees.

### **3.05 DRIVEWAY GATES OR DOORS**

1. Driveway gates or doors used to access parking areas or garages are to be installed so as to prevent the need for drivers to leave a vehicle standing in a trafficable part of the adjacent roadway or footpath whilst they open or close the gate or door to access the property. Where existing structures within the property do not allow sufficient clearances, it may be permitted to leave a vehicle standing in the driveway across a footpath, subject to individual assessment and approval.
2. Solid or opaque structures associated with gates or doors must be kept clear of sight distance lines as defined in AS2890.1 so as to not create an obstruction to the vision of the driver of the

vehicle entering or leaving the property, or prevent drivers of oncoming vehicles from seeing the vehicle entering or leaving the property.

3. Gates and doors should be installed to provide a minimum distance between the trafficable roadway and the swung path of the gate or door to accommodate the design vehicle for the development on the property being accessed. For residential developments this is 6m.
4. Gates or doors should generally open inwards towards the property, and not outwards into the road reserve. Outward opening gates or doors may be permitted where the distance from the swung path of the open gate or door to the trafficable roadway exceeds the minimum length for the design vehicle. Gates or doors must not open across any constructed footpath.
5. Where these specifications cannot be met, the use of automatic and/or remote control gates or doors may be permitted, subject to individual assessment and approval.
6. Rural driveway gates may need to consider the service vehicle (semi-trailer / B-Double) accessing the property and the requirements of NSW Roads & Maritime Services.

### **3.06 RURAL ROADS, ROADS WITHOUT KERB & GUTTER AND ROADS WITH TABLE DRAIN CROSSINGS**

1. Where a piped crossing of a table drain is required, it is to be constructed to Council's requirements. It should be noted that keeping the culvert in good repair, clear of debris and repairing erosion is the responsibility of the property owner serviced by the driveway
2. Dish or Swale crossings are to be in accordance with the standard drawings. Variation requires approval of Councils engineer
3. RMS crash compliant headwalls shall be required
4. Minimum culvert diameter shall be advised by Council on issue of a driveway approval or as per an approved design (nominal 375mm diameter). A delegated officer from Council may approve smaller diameter culverts due to existing constraints, historical / heritage requirements or other site specific reasons.
5. Driveway and culvert crossings are not to be graded to create an impact/wash-out effect on the road shoulder by surcharge flows from the table drain
6. The requirement for installation of guide posts and reflectors may be determined by a delegated Council Officer with consideration of factors such as locality (urban / rural), vandalism risk and personal / property risk

### **3.07 GEOMETRY**

Vertical and horizontal geometry is to be in accordance with the standard drawings. Variations must be approved by Council's engineer

### **3.08 GRADES AND CROSSFALLS**

1. The transverse grade on the driveway must be the same as the kerb and gutter (or road if no kerb and gutter) and must be carried over to the property boundary, although it may be necessary to rotate slightly to match existing footpath levels. Once inside the property transverse levels can be 'rotated' to match with internal constraints such as garage ramps.
2. The maximum longitudinal grade on a driveway across the footpath area is 2.5% (1 in 40) (refer standard drawings).
3. For residential driveways, from the property boundary to the garage or car space, the maximum grade is 25% (1 in 4). The desirable grade is 16.7% (1 in 6). If the driveway is to be used for car parking the desirable grade is 10.0% (1 in 10).

4. For non-residential driveways a maximum gradient of 1 in 20 (5%) is permitted from the property line or building alignment for a least the first 6m.
5. Where the driveway intersects on paved or grassed footpath the existing grade of the footpath must be maintained across the driveway with no drainage slots, kerb or steps which may create a pedestrian hazard.
6. Existing subdivisions may have steep footpath crossfalls that prevent compliance. Proposals should be discussed with Council staff before detailed design commences.
7. Transition grades are required between steep and level grades to enable vehicles to maintain underbody clearances. These shorten the potential length of maximum gradient available. Designers should check clearances with an approved vehicle template to be in accordance with the current standard drawings and AS2890.

### **3.09 SURFACE FINISHES**

1. Surfaces accepted by Council are :
  - Plain concrete (wood floated)
  - Asphaltic concrete (AC) or bitumen seal
  - Other surface types are subject to the relevant authority / Council approval
2. Uneven concrete and pavers, polished / slippery surfaces, dirt and gravel are not acceptable in urban residential locations. Properly constructed gravel pavements are acceptable in rural locations, sealing may be required by Council.
3. Council accepts no responsibility to match any existing surface finish following works undertaken by Council
4. Failure to observe approved surface finish / construction requirements of Council or failure to properly maintain the driveway surface resulting in slippery conditions or trip hazard will render the property owner legally liable for injury to pedestrians

## **4. APPLICATION SUBMISSION REQUIREMENTS**

### **4.01 DRAWINGS**

The applicant is to prepare and submit information which may include the following details (subject to the site specific requirements of Council / relevant authority):

1. A site plan of the subject property and adjacent section of public road, drawn to a scale acceptable to Council (1 : 200 or 1 : 250), showing ;
  - The location and widths of the proposed driveway or modifications from the garage/car park to the kerb and gutter/edge of bitumen
  - Proposed restoration of existing surfaces or services that are likely to be damaged
  - Proposed construction or modification, including levels, of kerb and gutter or footpath paving on a public road
2. A longitudinal section from the garage / carport / parking area to the road centerline, showing the natural surface levels and the proposed finished driveway levels drawn to a scale acceptable to Council (1 : 50)
3. Cross sections, showing natural surface and finished levels plus any proposed retaining walls, to a scale acceptable to Council (1 : 100 or 1 : 50)
4. Sight distance diagrams

Engineer's plans including certification of structural details and sight distance diagrams may be required.

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#### **4.02 WORK SAFETY TRAFFIC & PEDESTRIAN SAFETY MANAGEMENT**

1. Occupation Health & Safety, SafeWork NSW and Australian Standards require that all work sites be made safe for pedestrians and works staff
2. The contractor or person constructing the driveway must provide proper fencing, guarding, lighting and care of all works and temporary footways, guards and fences as required for the accommodation and protection of pedestrians, motorists and the public. The signs, lights, barriers and fences are to be in accordance with RMS, AS 1742 (Traffic Control Devices) or Council requirements
3. The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works. Council must be provided copies of public liability insurances in the sum of \$10 million and noting Council as an interested party.
4. A Traffic Control Plan (TCP) must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. The TCP must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and the TCP must be approved by Council prior to the occupation of the road reserve

#### **4.03 STANDARD DRAWINGS**

Standard Drawings may be accessed via the Lismore Council website:

### **5. INTERNAL DRIVEWAYS**

Internal (private property) driveways or private roads may require assessment and approval by a suitably accredited Building Professionals Board Certifier. Council may require the submission of detailed engineering longitudinal and cross-sectional designs, utility service locations and details including stormwater drainage analysis, plans and designs. Works on natural gullies and watercourses may require the approval of NSW Fisheries subject to Stream order Classification.

## APPENDIX A – CROWN ROAD ADVICE (FOR COUNCIL OFFICERS ONLY)

For crown road reserve development Council officers should consider the following

Lands Department advice:

*The following procedures are the current preferred approach when dealing with applications for the construction or formation of Crown public roads:*

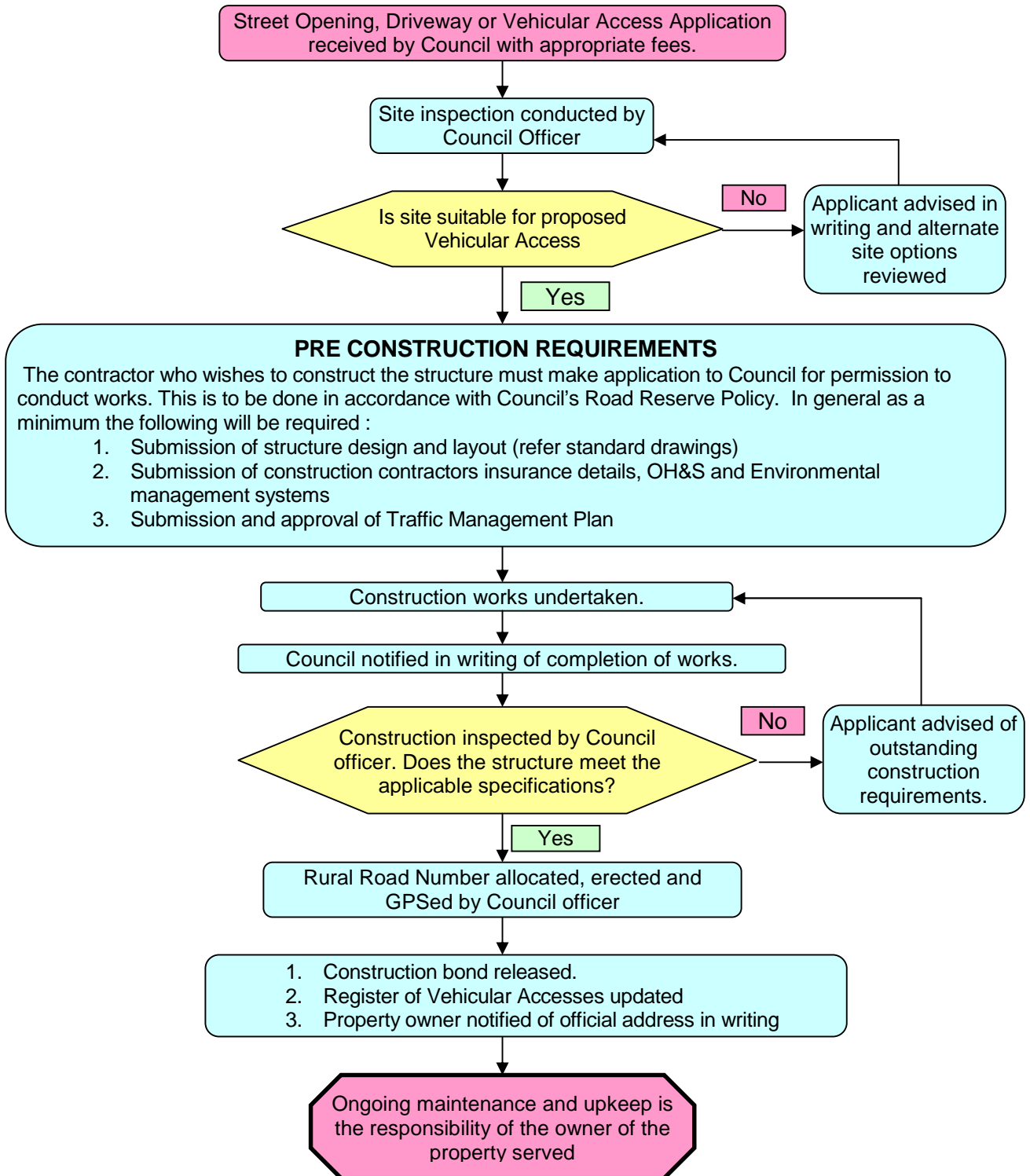
- *Wherever possible, the first option to investigate when dealing with an application for construction or formation of Crown public roads is to close and dispose of the road either to the applicant or other adjoining landholders with an easement for access.*
- *If disposal is not possible, the Authority is able to deal with applications for minor repairs to an existing track or road over natural terrain e.g. placing gravel in potholes, but not for any works forming a new road. Any proposed works on an existing or new track/road involving the alteration of natural terrain through cut, fill or drainage is not accepted.*
- *An applicant wishing to undertake works on a Crown public road that are not of a minor repair nature is required to obtain the local Council's concurrence to the ownership of the road being transferred to the council, in terms of section 151 of the Roads Act, 1993. (Where a Crown Road is proposed to be used for the purpose of providing legal access to a Council approved subdivision - the Authority expects that it will be transferred into Council's jurisdiction).*
- *Where a Council provides concurrence to transfer of ownership and the Lands Department does not object Council giving approval to the construction of the road, action is then to be taken in terms of section 151 of the Roads Act, 1993, to transfer the ownership of the road to Council. The Council will then deal with the matter, setting standards for road construction and any other requirements on the basis that the council is to become the Roads Authority under the Roads Act in respect of that road.*
- *Where the applicant cannot obtain the concurrence of the Council to the transfer of ownership, the application for road construction is not accepted. The intending applicant is advised to re-contact the Council for possible further consideration of the matter in terms of impact on property access.*
- *In extreme cases where no other resolution is possible, it may be necessary to investigate the option of transferring the road to the Council without concurrence in terms of section 151 of the Roads Act, 1993. Any proposal to transfer a Crown Road to a Council, where the Council has not consented to the transfer, must be referred to the Director-General for approval.*

*In the event that no road construction takes place on a Crown Road transferred to a Council, Lands will accept the transfer of the road back to the Authority. This should afford the relevant Council a degree of comfort that any roads so transferred, that remain "undeveloped", may be returned rather than become a liability to the Council.*

**APPENDIX B – FLOWCHART FOR APPLICATIONS FOR A VEHICULAR ACCESS**

The procedure doesn't mention when a bond is paid but does mention release of a bond at the end. Do we include payment?

The procedure refers to an inspection once the construction works are completed. For driveways Ballina normally inspects once formwork is in but prior to the pour so that changes can be made without significant cost. Is everyone okay with this going into the flowchart?



## APPENDIX C - DRIVEWAY CHECKLIST

## NOTE:

- The checklist is not limited to the listed items
- Applicant / Contractor is expected to apply engineering 'best practice' construction techniques and call for all necessary inspections
- Plans / Calculations may need to be certified by Specialist Consultant, Engineer or approved Surveyor, to the satisfaction of a delegated officer from Council's Engineering Section

PROPERTY :
COUNCIL            DRIVEWAY APPROVAL No. :
CONSTRUCTION CERTIFICATE No. :
LOCATION :
CONTRACTOR :

## A. GENERAL

ITEM	DESCRIPTION	COMPLY <input type="checkbox"/> x	N / A <input type="checkbox"/>
1	Street Opening, Driveway or Vehicular Access Application obtained from Road Authority (Council)		
2	Driveway approved by Construction Certificate		
3	Does Driveway construction comply with the requirements of : <ul style="list-style-type: none"> <li>• A Council approved site specific design</li> <li>• Standard drawings &amp; documentation</li> </ul>		
4	Does driveway provide long term all-weather property access		
5	Driveway construction by Private Contractor		
6	Has confirmation of current public liability insurance been provided		
7	Driveway construction by Council		
8	Council engineer / Inspector approval to place concrete or road-base obtained		
9	Driveway located clear of existing infrastructure such as stormwater gully pits, light poles and Telstra pits		
10	Relevant authority (Power, telecommunications, public utility) advised of proposed works and requirements obtained		
11	Driveway square to the road carriageway		
12	Minimum offset of 0.3m from common property boundaries		
13	Driveway does not encroach on neighbouring frontages		
14	Driveway does not create obstruction or 'trip' hazard		
15	Driveway does not impede stormwater flow		
16	Vertical / horizontal geometry and grading is in accordance with the approved or standard drawings		
17	Approved Traffic Control Plan (TCP) implemented		
18	Other authority (eg RMS) conditions complied with		
19	Rural Driveway set-back complies (std dwg R-14)		
20	Rural Driveway sealing complies (std dwg R-14)		
21			

**B. EXISTING FOOTPATHS**

ITEM	DESCRIPTION	ACTION √ x	N / A √
1	Has saw cut been provided at the extremities of the driveway, paving removed and footpath reconstructed to Council's satisfaction		
2	Does re-constructed footpath comply with AS1428 and the disability discrimination act		
3	Existing nature strip re-established and graded to satisfaction of Council		
4	Deviation of footpath to allow for existing footpath immediately behind upright kerb has not exceeded 30 degrees		
5			
6			
7			

**C. DRIVEWAY GATES**

ITEM	DESCRIPTION	ACTION √ x	N / A √
1	Solid or opaque gates are clear of sight distance lines		
2	Gates swing into private property		
3	Vehicles do not stand on the roadway whilst gates are opened		
4			
5			
6			
7			

**D. RURAL ROADS, NO KERB & GUTTER AND TABLE DRAIN CROSSINGS**

ITEM	DESCRIPTION	ACTION √ x	N / A √
1	Dish or Swale crossings are to be in accordance with the standard drawings or other Council approved drawings		
2	Approved culvert design provided		
3	RMS crash compliant headwalls installed		
4	Standard headwalls installed		
5	Driveway guide posts and reflectors installed (if required)		
6	Rural Driveway set-back complies (std dwg R-14)		
7	Rural Driveway sealing complies (std dwg R-14)		

**E. SURFACE FINISH**

ITEM	DESCRIPTION	ACTION √ x	N / A √
1	Surfaces finish as approved by and acceptable to Council : <ul style="list-style-type: none"> <li>• Plain concrete (wood floated)</li> <li>• Asphaltic concrete (AC) or bitumen seal</li> <li>• Other Council approved surface</li> </ul>		
2			
3			