



**MITCHAM**

## **Driveways**

*Adopted by Council 8 October 2019*

**public policy**

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MITCHAM

## 1. PREAMBLE

Most private properties have driveway access over Council road reserve to access the public road network.

Under Sections 218 and 221 of the Local Government Act 1999 Council has authorisation to approve works on driveways undertaken by property owner/s.

Specifically, Section 218 gives Council the authority to require the owner of adjoining land to carry out specific work (construction, maintenance and/or alterations) on their driveway. Section 221 gives Council the control of works on roads, including requiring property owners to gain permission from Council to do any works (construction, maintenance and/or alterations) on their driveways. Property owners are responsible for the construction, maintenance and/or alterations on their driveways.

## 2. PURPOSE

This policy outlines responsibilities associated with driveways and provides guidelines for Council to manage driveway construction associated with Council Infrastructure works.

## 3. SCOPE

This policy applies to all private property owners who have a driveway access over Council road reserve to access the public road network.

## 4. DEFINITIONS

### *Driveway*

Australian/New Zealand Standard AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking provides a definition for an access driveway as follows:

*A roadway extending from the edge of the frontage roadway to the property boundary to connect with the first ramp, circulation roadway, parking aisle or domestic driveway encountered, and carrying one- or two-way traffic...*

### *Footpath Program*

Footpath Program is the selection of footpath works identified and endorsed by Council as part of the Annual Business Plan for the respective financial year. The program includes both footpath renewal and new footpath works.

### *Road Reserve*

Any road or land owned by Council declared as public road reserve - The area between property boundary's which may include, road, kerb and watertable, verge, footpath, etc.

## 5. PRINCIPLES

- 5.1. Council has a responsibility under the Local Government Act 1999 to assess driveway access and where required authorise access over Council road reserve to access the public road network.
- 5.2. Similarly, Council has a responsibility to ensure that operational land under its ownership or care, control and management is used for its intended purpose.
- 5.3. Council also has responsibility to ensure that public roads are kept clear and safe for use by the public.
- 5.4. The policy gives regard to relevant legislation, principles of natural justice and procedural fairness and community values.

## 6. POLICY STATEMENT

- 6.1. Under the *Local Government Act 1999, Sections 218 and 221*, the responsibility for provision of a driveway remains with the relevant property owner/s.
- 6.2. The position of any driveway in any road reserve shall be as approved by the Chief Executive Officer (or delegate).
- 6.3. If, as a result of any alteration in levels or alignment of a roadway affecting a driveway, the driveway will be reinstated by Council.
- 6.4. As part of the Footpath Program, Council will reconstruct existing asphalt driveways in paving during the construction of the footpath at Councils cost where the driveway (including the footpath segment through the driveway) does not exceed 40 square metres in area.
- 6.5. Where the driveway (including footpath segment) exceeds 40 square metres in area per driveway, the cost of additional paving work is to be met by the property owner. The driveway will only be reconstructed by Council once the property owner contribution is confirmed.

## 7. POLICY REVIEW

This policy will be reviewed every four (4) years or when determined necessary by the relevant General Manager.

The Chief Executive Officer has delegated authority to endorse Policy revisions where the intent of the Policy has not been altered.

## 8. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1		First recorded date of adoption by Council.	1997
2	Engineering	Change to responsibility of management of driveways over 4.5m in length and property owner contribution.	2004
3	Project Engineer	Defines the responsibility of driveway upgrades during Council's annual footpath program.	2019

## 9. DOCUMENT CONTROL

<b>Responsible Department</b>	Engineering and Horticulture		
<b>Delegations Contained within Policy</b>	YES		
<b>Classification</b>	Infrastructure		
<b>Applicable legislation</b>	Local Government Act 1999		
<b>Related Policies &amp; Corporate Documents</b>	Tree Policy Conditions for Use of Nature Strips-Verges Policy Kerbside Numbering and Street Naming Policy Requests for Access to Properties Along Public Roads Policy		
<b>Additional references</b>			
<b>Endorsed by Council</b>	8/10/2019	<b>Item No:</b>	9.4
<b>Effective Date</b>	8/10/2019	<b>Next Review Date:</b>	8/10/2023
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