Driveway and Property Access Policy

Strategic Reference	**Supporting Infrastructure** *Priority Area 3: Assets and Maintenance* Action 4.3.3 – Develop and implement an annual maintenance plan for Council's operational activities.
File reference	AR23/16641
Responsibility	Roads & Infrastructure Department
Revision Number	2
Effective date	November 2023
Last revised date	October 2026
Minutes reference	307/26, 289/23
Next review date	October 2029
Applicable Legislation	Local Government Act 1999 Planning, Development and Infrastructure Act 2016
Related Policies	NIL
Related Documents	NIL

1. Purpose

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

The purpose of this policy is to clearly define the construction and maintenance responsibility for the various components of a private driveway and property access across or through a road reserve verge, footpath or any other part that does not form part of the formal road structure in both rural and township setting.

2. Policy Principles

This policy is underpinned by the following principles:

- Protection of public safety
- Preservation of Council infrastructure
- Equitable treatment of property owners
- Sustainable stormwater management
- Compliance with engineering standards

3. Definitions

For the purposes of this Policy the following definitions apply:

"Council Road" means a road for which the local government is responsible.

"Council Standard Drawings" means a drawing which provides guidance to designers and contractors in the design and construction of infrastructure, intended to be a reference point and satisfactorily meeting relevant Australian Standards.

"Driveway" means a private access way connecting a property to a public road or vehicular crossing, constructed for the movement of vehicles and pedestrians.

"Driveway Culvert" means a pipe, structure or other approved drainage device installed beneath a driveway or property access to convey stormwater or other lawful drainage flows while maintaining vehicular access across a table drain, watercourse or drainage channel.

"Headwall" means a retaining structure located at the inlet or outlet of a driveway culvert, designed to support surrounding soil and protect the culvert from erosion and damage.

"Footpath" means a constructed pedestrian pathway located within a road reserve and intended primarily for pedestrian use.

"Kerb Crossover" means the section of infrastructure located within the road reserve that enables vehicle access between a public road and a driveway while maintaining the safe conveyance of stormwater through the road drainage system.

"Local Government" means Coorong District Council.

"Minor Works" means maintenance activities that do not alter the existing dimensions, drainage characteristics, pavement levels or traffic movements.

"Road Reserves" means the parcel of land between the boundaries facing properties which include roadways, footpaths and nature strips; as well as Council's off-street car parks.

4. Policy Statement

4.1 General

Alterations or improvements are not permitted to be constructed or obstructions placed on the road reserve unless approval has been obtained and the work is undertaken in accordance with sections 218 and 221 of the Local Government Act 1999 – *Alteration of road.*

Council may require a property owner to remediate any unauthorised work or damage within a road reserve that creates a risk to the public, in accordance with sections 218 and 221 of the Local Government Act 1999.

All construction works to develop a driveway or property access must be undertaken in accordance with Design Standards for Residential Driveway Crossovers pursuant to the Planning, Development and Infrastructure Act 2016.

Design standards will promote good design in our streets, parks and other public places, assist to manage the interface between the public and private realm and contribute to efficiencies in the delivery of high-quality infrastructure in conjunction with development.

4.2 Ownership and Maintenance – Township Area

In township areas, there are up to three (3) distinct parts to a driveway and/or property access, these include:

Kerb crossover/Crossover

The kerb crossover or driveway crossover serves two purposes. It allows vehicles to safely access the driveway where concrete kerbing exists and conveys stormwater along the kerb line past the driveway.

The kerb crossover/driveway crossover is a Council asset, the same as the upstream and downstream kerb. Council is responsible for maintaining the vehicle crossing so that it can effectively convey stormwater, provided it has not been damaged by or altered through misuse.

Driveway and Property Access

The driveway is a private asset, and the property owner is responsible for its maintenance, replacement and upkeep. This includes pedestrian access between a constructed footpath or kerb and the property boundary.

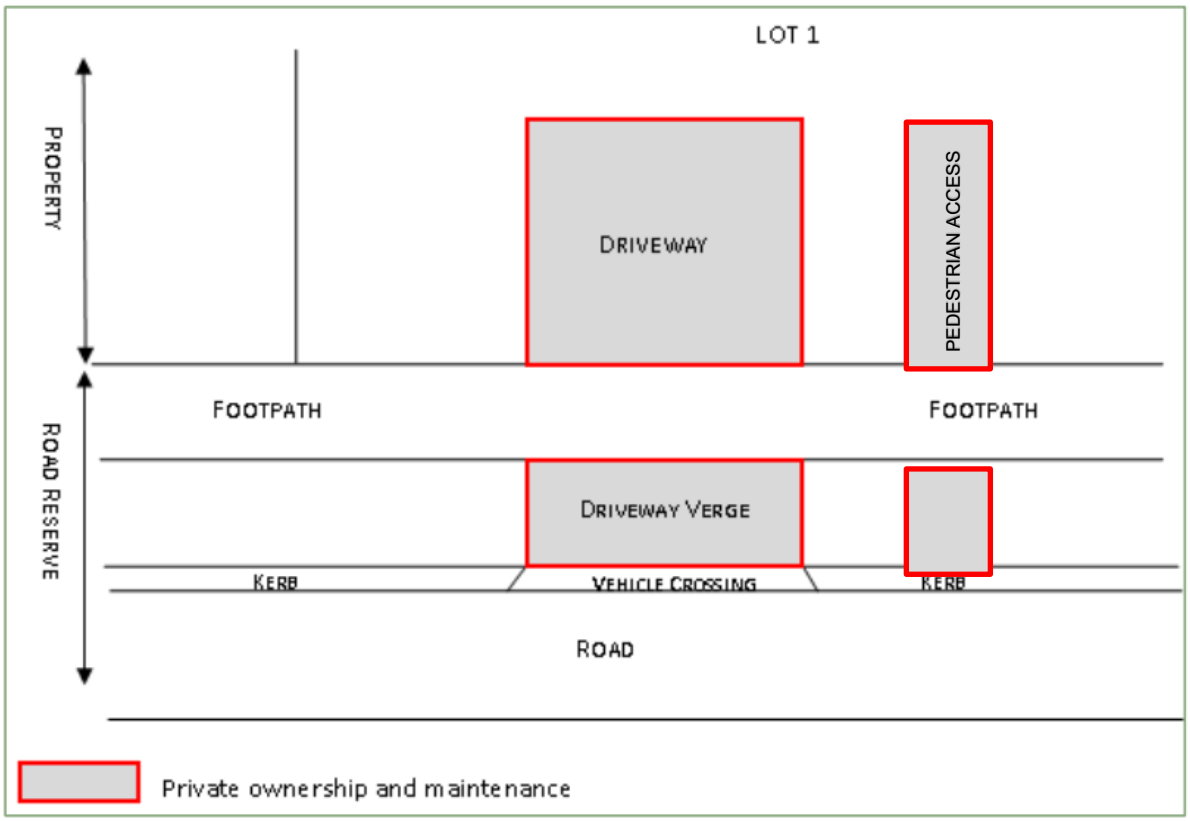
Property owners must ensure driveway construction does not adversely affect drainage patterns within the road reserve, neighbouring properties, Council infrastructure or the public road network.

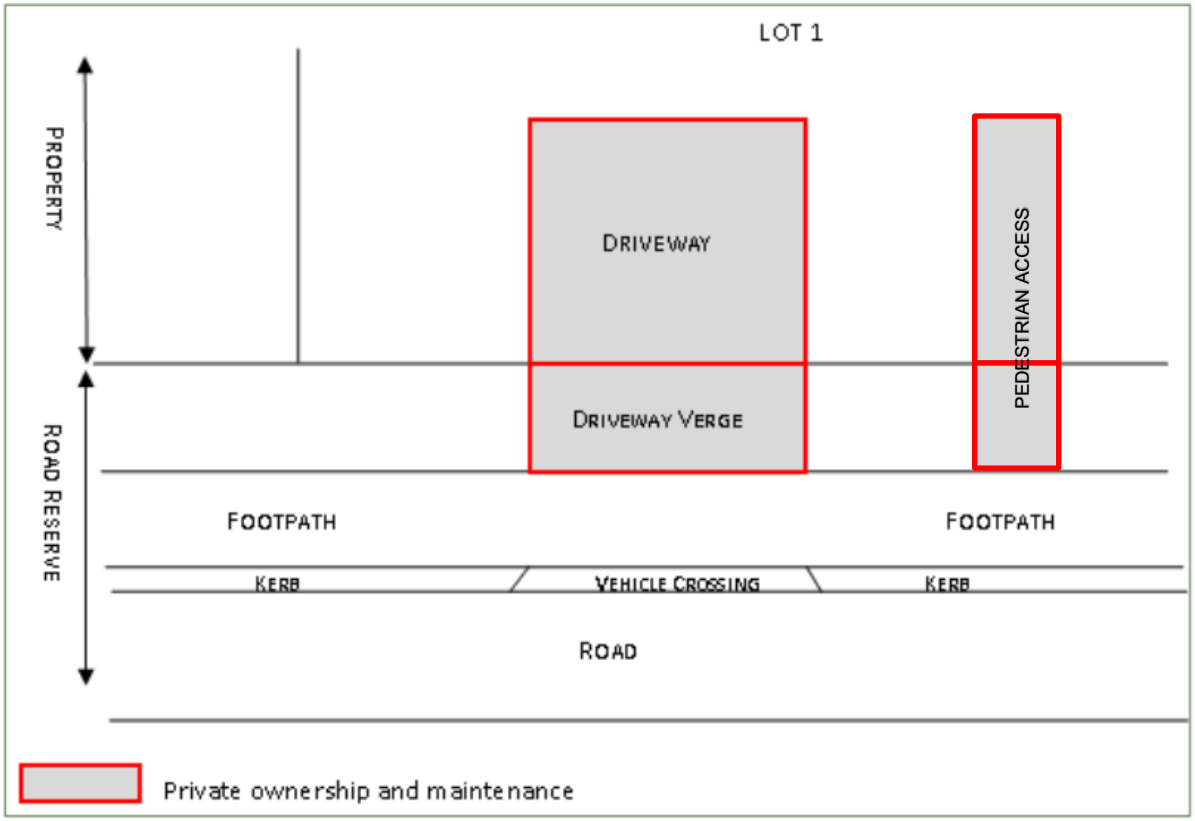
Footpath (if footpath is present)

The section where a driveway crosses the footpath or was installed prior to a footpath being constructed is considered to be part of the footpath. This is a Council asset and Council is responsible for its maintenance provided the grade and crossfall meet Australian Standards. If no footpath exists, then the property owner has full responsibility for the driveway.

If footpaths are constructed across a driveway crossing, then the common section shall be constructed (as best as possible) to the same standard as the driveway but of the same material as the footpath. Council will be responsible for replacing additional sections of a driveway to match the new public footpath.

The following diagrams are provided to assist residents in understanding the responsibilities in relation to footpaths and driveways. These diagrams are not for technical or construction purposes.


LOT 1
PROPERTY
DRIVEWAY
PEDESTRIAN ACCESS
FOOTPATH
FOOTPATH
ROAD RESERVE
DRIVEWAY VERGE
KERB
VEHICLE CROSSING
KERB
ROAD
Private ownership and maintenance


LOT 1
PROPERTY
DRIVEWAY
PEDESTRIAN ACCESS
DRIVEWAY VERGE
ROAD RESERVE
FOOTPATH
FOOTPATH
KERB
VEHICLE CROSSING
KERB
ROAD
Private ownership and maintenance

4.3 Ownership and Maintenance – Rural Areas

In rural areas there are up to three (3) distinct parts to a driveway, these include:

Driveway Culvert (if culvert is present)

A driveway culvert is a private asset required to allow access over the table drain where one is present. The property owner is responsible for its cleaning and maintenance.

Headwall (or endwalls)

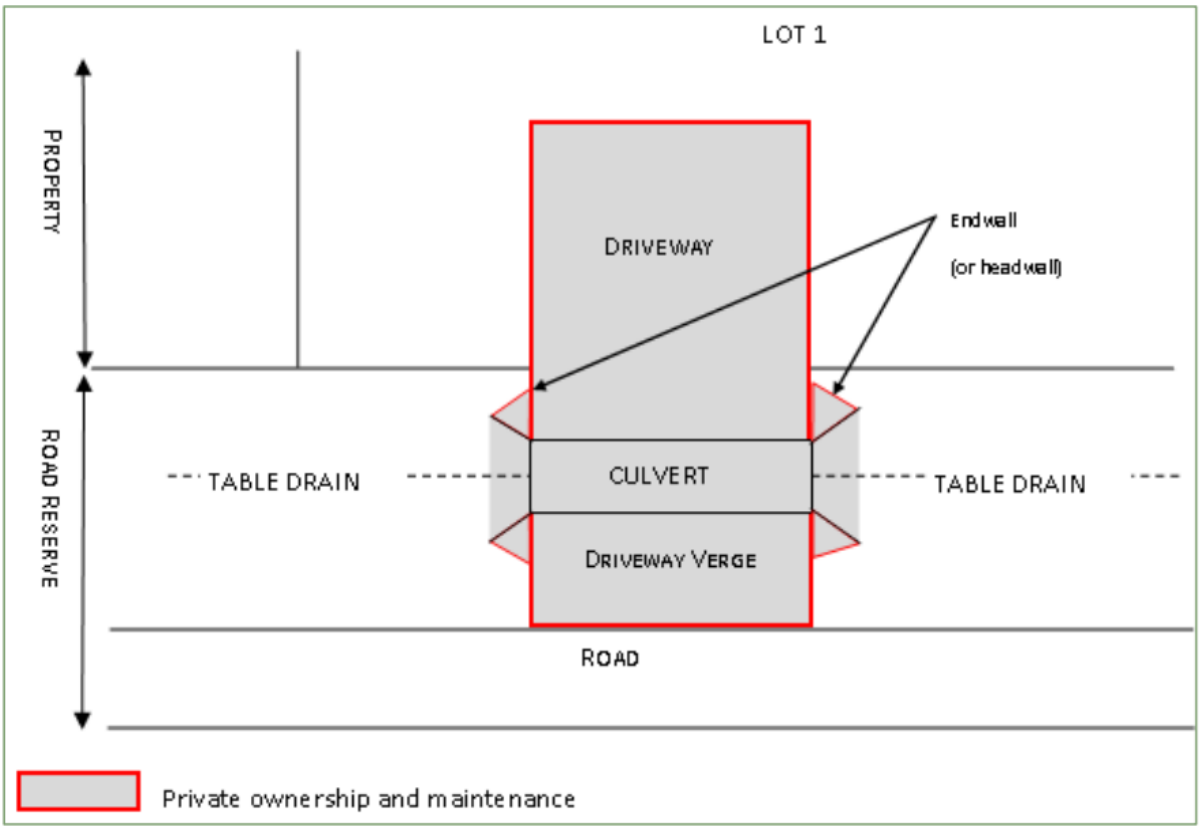
Headwalls are private assets required to retain fill at the ends of culverts where culverts are present. The property owner is responsible for maintenance of these items including any marker post required to highlight the driveway or provide advanced warning of a road side hazard.

Council is responsible for maintenance of the table drain upstream and downstream of the headwalls.

Driveway

The driveway is a private asset and the property owner is responsible for its maintenance, replacement and upkeep. This includes the shoulder immediately adjacent the carriage way (sealed or unsealed) that is prone to damage from accelerating and turning vehicle that causes damage to the driveway. Council will maintain the edge of a sealed road at a driveway provided damage is deemed to have occurred under normal use. If a driveway directly adjoins a Department for Infrastructure and Transport (DIT) road, the property owner must abide by DIT's policies.

A driveway must not be constructed in a way that allows stormwater from the driveway surface, or an adjoining table drain, to be directed onto the road carriageway.



4.4 Council works that affect driveways

If Council undertakes road works which change the level of the footpath or road, then Council is responsible for changing any components of the driveway necessary to suit the new levels. The new construction material will match the existing driveway standard and all costs will be borne by Council.

A property owner may request to upgrade their driveway at this time, although all additional costs must be borne by the property owner and applications will be assessed and determined by Council. Council will take no responsibility for the ongoing maintenance of the driveway.

If a Council project increases flow to a driveway culvert by the redirection of drainage, then Council is responsible for upgrading driveway culverts to suit.

4.5 Works within a Road Reserve

Permission from Council by way of completing an Authorisation to Alter a Public Road Application is required for any works to be undertaken that alters any part of a Road Reserve and must be obtained in accordance with the Local Government Act 1999 Division 6 – *Control of work on roads, section 221 Alteration of road.* If works are deemed to be minor in nature by Council, an Authorisation to Alter a Public Road Application is not required.

Work may include but are not limited to:

- New driveway construction
- Works on nature or median strips

- Trenching and excavation within the road reserve
- Works affecting pedestrian traffic
- Works affecting vehicular traffic

Any person or business wishing to undertake construction or modification works to a driveway or property access within the road reserve must obtain a Section 221 Permit through Council.

All works must be completed by a suitably qualified and experienced contractor and meet Council's standards, to ensure that it is capable of withstanding vehicle loads and to minimise future maintenance and risk to the public.

All construction of new driveways and/or alterations to the road reserve are to be borne by the property owner. This may include replacement of the footpath section and service utility covers to ensure that the area is suitable for vehicle loads and pedestrian traffic. This may also include construction of a new crossover and reinstatement of kerb to replace a redundant crossover.

4.6 Multiple Driveways

Ordinarily, the number of driveways per property will be restricted to one (1), however subject to application and at Council's discretion, multiple driveways may be granted subject to:

- Distance requirements
- Public safety impacts
- Impact on on-street parking
- Traffic volumes

4.7 Requirement to Upgrade

A property access is deemed a nuisance when it causes drains to be blocked or water or gravel to wash over the road or otherwise causes a negative impact on Council's roads, footpaths and/or stormwater system from working effectively.

Where a property access has been deemed to be a nuisance, Council may issue a notice in accordance with section 218 of the Local Government Act 1999, requiring the property owner to upgrade the access to the Council standard or install preventative measures to prevent such a nuisance to the satisfaction of Council.

All works associated with the upgrade and/or improvements of the access will be at the cost of the property owner (including machinery and labour installation costs).

If remedial works specified on the notice are not undertaken by the property owner within the specified timeframe, Council may undertake the works to abate the nuisance and subsequently recover the costs from the property owner.

5. Availability/Accessibility

This Policy is available for inspection at Council's offices during normal business hours and Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au).

6. Document History

This Policy will be reviewed at least every three (3) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	21 November 2023	289/23	New policy
2	20 October 2026	307/26	Definitions refined to separate actual term's definition vs. responsibility thereof Policy principles inserted Influencing factors for additional driveway assessment referenced at clause 4.6 Minor formatting throughout