

This fact sheet provides information for any person or organisation wanting to undertake driveway works within the public road reserve. It explains the standards Leeton Shire Council requires for driveway construction or modification and outlines the responsibilities of property owners.

DO I NEED TO APPLY TO CONSTRUCT MY DRIVEWAY?

Yes. Constructing a driveway involves crossing Council land and a completed Section 138 application is required to allow you passage across Council's assets. Failure to do this may result in an issue of non-compliance and, in some cases, the work may need to be removed and reconstructed at your cost.

WHY DO I NEED A PERMIT?

The NSW Roads Act 1993 requires Council consent be obtained for works within the road reserve, to ensure it complies with Australian Standards and Council policies. Council must ensure new driveways and alterations are safe for both vehicles and pedestrians, do not conflict with existing infrastructure such as signs, poles, and street trees, adequately manage stormwater and do not create any hazard on the Council footway or verge area.

HOW DO I OBTAIN A PERMIT?

You can request Section 138 application from the front desk of council or by sending an email to Business Support Officer Engineering. You will be required to pay an application fee during the lodgment process. You will need to include a site plan of the property with the proposed driveway marked up and the driveway profile from the road to the house, including showing the natural surface levels.

HOW LONG DOES IT TAKE TO OBTAIN COUNCIL APPROVAL?

A straightforward application will usually be processed within 14 to 21 working days. A permit will be emailed, together with your plan, for you to provide to your contractor to start creating the formwork.

MY DEVELOPMENT APPROVAL ALREADY HAS DRIVEWAY CONDITIONS; DO I STILL NEED A DRIVEWAY PERMIT?

Yes, you must still obtain a permit from Council before constructing your driveway.

WHAT IF THE ACCESS ROAD IS NOT OWNED BY COUNCIL?

If the access road to your property is from Crown Road, you must first obtain and submit written approval from the appropriate State Government authority. The council will not approve access to property via a public reserve.

In some instances, Council will need to refer applications to other authorities such as the Roads and Maritime Services (RMS). The approval of RMS is required if the driveway or works is adjacent to the Irrigation Way or some other classified roads.

WHAT ARE MY RESPONSIBILITIES?

As the property owner, you are responsible for the cost and standard of construction and maintenance of your driveway, including any modification to the kerb and gutter. It is also your responsibility to ensure that any work done on your driveway crossover complies with Council standards and conditions section J of council's development control plan, and any contractor you use is aware of the requirements. The council recommends the contractor be adequately insured and appropriately licensed to undertake the proposed works. Driveway approval does not override any conditions set out in an associated Development Application.

It is your responsibility to contact 'Dial Before You Dig' by calling 1100 or visiting website <https://www.byda.com.au> to check for any utilities and services, such as water, gas or electrical, that may be affected by your excavations.

Council will not accept liability for injury or property damage caused by work carried out privately on your driveway crossover, or for accidents caused by badly constructed or unauthorised driveways. Damage caused by Council or other public authorities undertaking works will be reinstated by the authority that has caused the damage.

HOW MANY DRIVEWAYS CAN I HAVE?

Residential developments are generally allowed one driveway for vehicle access. An additional crossing may be allowed if the property:

1. has access to two or more street frontages.
2. is a commercial/industrial development with separate entry and exit points or two or more entry levels or multiple ramps.
3. is a duplex without a shared driveway.

Driveway allowances for medium-density residential and larger developments are assessed on merit.

EXISTING CONCRETE PAVING

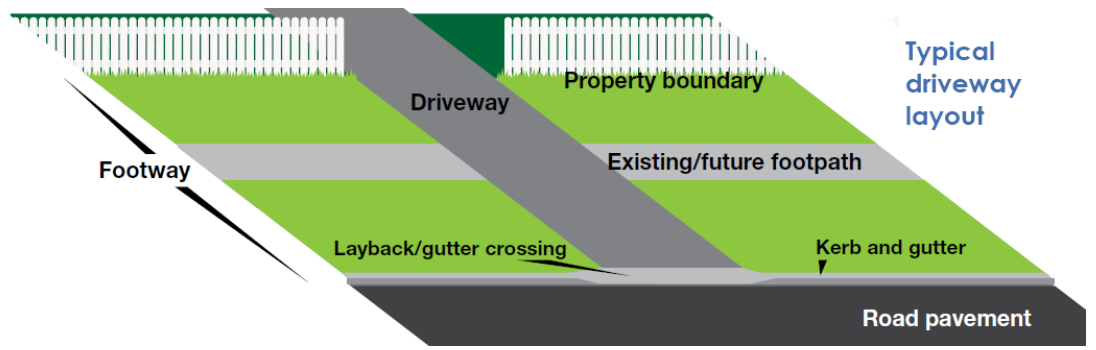
Where your proposed driveway crosses an existing concrete footpath, the footpath must be saw-cut at the extremities of the driveway, removed, then reconstructed to the specified access driveway standards, with the grade and cross fall of the pre-existing footpath maintained. Where no footway exists, the nature strip on each side of the driveway must be battered smoothly at a grade no steeper than one in four to maintain acceptable stands for pedestrians and allow future provision of concrete foot paving.

REDUNDANT CROSSINGS

If you wish to move your existing driveway, concrete laybacks must be replaced with kerb, pipe crossings and in-situ drains must be removed and the ground reinstated.

WHAT IS A DRIVEWAY CROSSOVER?

A driveway is a vehicular crossing that provides safe and reasonable access to a property. The crossover is the part of the driveway that crosses the footway from the road pavement to the property boundary, as illustrated in the typical driveway layout (see right).



Murrumbidgee Irrigation (MI) approval is required for the crossings over their supply or drainage structures.

Written confirmation of approval and any scheduled works are required prior to the construction or alteration of an access or road over their supply or drainage structures.

CONSTRUCTION REQUIREMENTS

Driveways must be constructed in accordance with Australian Standard 2890.1 and Leeton Shire Council adopted Standard Drawings.

Examples For Properly Built Driveway With Dish Drains

