

Driveways and Developer Funded Works Policy

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1

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1. Policy Objectives

The Council is committed to ensuring its infrastructure is well constructed, durable, functional and sustainable.

Under the provisions of the Roads Act 1993, Randwick City Council is the roads authority for local roads, regional roads and state roads within its local government area.

Any person requesting a driveway or other works upon the public road reserve to benefit their private property or to support development, requires the consent of the roads authority, pursuant to Section 138 of the Roads Act 1993.

Driveways and Developer Funded Works refer to any development of the Council owned road reserve to benefit private developments including special crossings (driveways, pedestrian paths, stair access etc.), streetscape upgrades (kerb and gutter, footpaths, nature strips, drainage works etc.) and other associated structures (retaining walls, bridges etc.).

The aim of this policy is to:

- ensure that works on Council land are undertaken in accordance with applicable legislation, and to appropriate standards;
- outline responsibilities associated with driveways and other developer funded works including responsibility for design, construction and the payment of fees;
- complement the requirements of relevant development control plans, consent requirements, specifications, standards and codes.

2. Definitions

Term	Meaning
Driveway	A type of special crossing also known as a vehicular crossing or verge crossing that facilitates access to a property across a footway for a vehicle.
Footpath	A formalised path located within the footway that is constructed with a hardstand material to facilitate pedestrian access.
Footway	The area of land within a road reserve bound by private property boundaries and the kerb.
Local road	A classification of road that carries low traffic volumes primarily for local access.
Regional road	A classification of road known as a sub arterial route that carries moderate traffic volumes and interconnects arterial routes.
Road reserve	A continuous parcel of land bound by private property boundaries.
Roads Authority	A person or body that is, by or under the Roads Act 1993, declared to be a roads authority for a particular public road. The roads authority has certain responsibilities under the Act in respect to such roads.
Special crossing	An asset on the footway for vehicular and pedestrian access that benefits an individual property.
State road	A classification of road known as an arterial route that carries high traffic volumes to and from regional locations. The carriageway along State Roads is managed by RMS.

3. Scope

This policy applies to:

- all land within the road reserve of local and regional roads; and
- the footway along state roads;
- other land owned or controlled by Council.

4. Policy Content

Council has a responsibility, in accordance with sections 138 and 139 of the Roads Act 1993, to assess and issue consent for works undertaken by individuals or organisations within the road reserve for which it is the roads authority. These works may be required because of development consent requirements associated with new development or to facilitate access to an existing development within a property. The works may be for new assets or to replace existing assets that may be redundant or in poor condition.

Development consent at times may result in the need to develop land owned or controlled by Council other than within road reserves. The provisions of this policy extends to developer initiated works on Council land other than road reserves.

Driveways

In relation to driveways, Council receives and considers the following type of requests from residents, property owners and developers:

- Provision of a new driveway;
- Reconstruction of an existing driveway in poor condition;
- Widening of an existing driveway;
- Works to address vehicular scraping;
- Requests for a second driveway.

In addition, Council may write to property owners, in accordance with the Roads Act 1993, to require the owner to arrange to have unauthorised work removed from public land or to arrange for repairs to damaged driveways that, in the opinion of Council may have failed or be potentially hazardous to pedestrians.

Other Structures

In relation to other civil infrastructure works, Council receives and considers the following type of requests from residents, property owners and developers:

- Construction of new kerb and gutter, footpaths, drainage pits and pipes, stairs, footway bridges, retaining walls etc.
- Reconstruction of an existing kerb and gutter, footpath, drainage pits and pipes, stairs, footway bridges, retaining walls etc. which are in poor condition or require modification to meet the needs of the development.

Application and Assessment

Applicants requiring approval to undertake works on Council land must complete and submit an Application to Undertake Civil Works. Upon receipt of an application, Council will assess the application in accordance with:

- The conditions of development consent;
- Council's current relevant Development Control Plans;
- Council's current specifications;
- Australian Standards;
- Building Code of Australia;
- Urban design principles.

The works may only proceed when Council issues written consent for the work. The consent will outline the scope of works, relevant specifications and associated fees.

Design Services

The planning of driveways and associated developer funded works will require design of the layout and finished surface levels to facilitate access, balance the needs of other road users, manage drainage and cater for utility services. The design shall comply with Australian Standards and council specifications.

Randwick City Council will provide a design service for applications which include vehicular crossings. The design will ensure that the levels of the crossing allow vehicular access to the property without scraping in accordance with Australian Standard AS2890.1.

Council will prepare a design plan and typical construction details relating to driveways, kerbs, footpaths or drainage structures that may be required with the approval. Driveways and footpaths on public land are to be constructed with a plain concrete finish. However, the approved exposed aggregate concrete mix is to be used within the Prince Henry development at Little Bay.

In cases where works have a complexity or extent that they require professional design services, the applicant shall arrange for a design to be prepared by a suitably qualified designer and submitted to

Council for approval. Council will provide guidance to assist the designers in meeting Council's design requirements to ensure compliance with relevant standards, conditions of development consent and specifications as well as ensuring the design meets the needs of other road users. Council will assess the documentation provided and may seek amendments or additional information, including Structural Certification if required.

Construction of Works

The construction of driveways and developer funded works shall be undertaken by suitably qualified contractors. Council is unable to change its work schedules to accommodate the timing requirements of developments with regards to the issuing of Occupation Certificates. It is recommended that Developers use their own contractors in situations where the works are required to be completed in order to achieve the Occupation Certificate.

Prior to commencement, the applicant shall nominate their contractor and provide details or meet requirements outlined in the letter of consent for the works. For practical purposes, Council does not permit the works on Council land to be undertaken until works inside the property are nearing completion.

Council will oversee the developer funded works by setting project hold points where inspections are required before further works can be undertaken. The final inspection shall be undertaken to ensure that the scope of works have been completed and the quality of the work is to Council's satisfaction.

Fees and Charges

In providing the assessment and issuing a letter of consent for the developer funded works, the council, in accordance with Section 223 of the Roads Act, 1993 will charge an application fee to recover the cost of assessing the application.

Council will charge a design fee for the design service.

The letter of consent will require inspections to be undertaken to assess the quality of the work and oversee compliance with the design and specifications. The inspections will be undertaken by council officers at various nominated hold points during and following completion of the work. Council will charge a work quality inspection fee for these inspections.

A Contractor's Bond shall be paid by the applicant prior to commencement of work. The bond amount will be calculated to be 50% of Council's estimated cost of works. The bond shall be refunded in full upon satisfactory completion of the work. However, if the council is required to rectify poor quality work, to complete work nominated in the approval that has not been undertaken or to address any non-compliance, then the bond may be used to cover the cost of this work. Further, the council may seek to recover any additional costs not covered by the bond from the applicant.

The relevant fees and charges will be set annually and can be accessed via Council's website or upon request.

Ownership and Responsibilities

In accordance with Section 218 of the Roads Act 1993, the property owner is responsible for the costs relating to constructing or repairing a driveway crossing.

Some structures which are built on Council land will be the responsibility of the adjoining landowners which benefit from these structures. This responsibility and ownership may be legally formalised through Section 88E of the Conveyancing Act 1919 as a requirement of development consent.

5. Applicable Legislation (including relevant sections/clauses)

This policy is to be read in conjunction with the following:

- Roads Act (1993) NSW
http://www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/
- Local Government Act (1993) NSW
http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
- Environmental Planning and Assessment Act (1979)
http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
- Conveyancing Act 1919
http://www.austlii.edu.au/au/legis/nsw/consol_act/ca1919141/

6. Related Policies and Procedures

Please refer to the following policies, plans and procedures:

- Infrastructure Asset Management Policy.
- Asset Management Plans.
- Local Environmental Plans.
- Development Control Plans.
- Council Specifications and Standards.

7. Review

This Policy will be reviewed every two years or as required in the event of legislative changes. The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution.

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