

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

DRIVEWAYS / PROPERTY ACCESS

D3

Version 2

RESPONSIBLE OFFICER:	Director Infrastructure & Services
LEGISLATION AND REFERENCES:	Section 218 & 221 Local Government Act 1999 Planning, Development and Infrastructure Act 2016
ASSOCIATED PROCEDURES:	Internal Control Policy and Procedure

PURPOSE OF POLICY

- To provide clarity to property owners in relation to their responsibility for the construction and maintenance of property access to private property
- To ensure property access is constructed in accordance with Australian Standards and Council's technical specifications
- To provide clarity to property owners in regards to the need to seek permission from Council prior to construction or modification of a property access

DEFINITIONS

Crossover Invert:	Concrete access across the kerb, if present
Crossing Place:	as referenced in Section 218 of the Local Government Act 1999 has the same meaning as <i>Property Access</i>
Development Authorisation:	a legal document that allows you to undertake development (may be subject to certain conditions)
Driveway:	area between crossover invert, or edge of trafficable lane if no concrete crossover invert is present, and property boundary utilised by vehicles accessing the property
Public Road:	as defined in the Local Government Act 1999
Rural Crossover Pipes:	culverts installed beneath the driveway to allow the free passage of water
Highway:	as defined in the Local Government Act 1999
Public Infrastructure:	infrastructure and other facilities used in or in connection with the supply of water, electricity, gas or other forms of energy, the provision of telecommunications, or the drainage or removal of waste water
Property Access:	includes driveway, crossover inverts, rural crossover pipes and associated stormwater discharge points

PROPERTY OWNER RESPONSIBILITIES

Under Section 218 of the Local Government Act 1999 (the Act), property access, including construction, repair and replacement, from the road to the land is the responsibility of the owner of the land adjoining the road.

Council requires all owners of property to maintain their property access to an acceptable standard.

In accordance with Section 218 of the Act, Council may require the property owner to carry out specified work to construct, remove or repair property access.

All costs associated with property access are the responsibility of the property owner.

The property owner must appropriately manage the discharge of stormwater.

Council's works program may result in property access modifications. In this instance, Council will cover all associated costs with the installation of crossover inverts (where applicable), and reinstatement of driveways to the existing standard at a minimum.

Property owner / occupiers are responsible for notifying Council of any damage to property access as a result of works undertaken by Council. Council must be advised within twenty eight (28) days of the damage occurring. Failure to do so may result in property owners being responsible for the costs associated with rectifying the damage.

AUTHORISATIONS

Under Section 221 of the Act a person must not make an alteration to a public road unless authorised to do so by Council.

Alterations to a public road include: -

- (a) alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
- (b) erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
- (c) changes or interferes with the construction, arrangement or materials of the road; or
- (d) changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or
- (e) plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.

Applications to carry out work on Council land must be submitted on the appropriate Council form.

A property access that is approved as part of a development authorisation does not require approval under Section 221 of the Act.

WHEN IS AN APPLICATION / APPROVAL TO CARRY OUT WORK ON COUNCIL LAND REQUIRED?

Modification to an existing driveway	Required
New property access, not part of the development application process	Required
New property access, approved as part of a development application	Not Required

Approval from the Department Infrastructure and Transport (DIT) may be required in some instances where a property access intersects a highway or other infrastructure under the care and control of DIT.

CONSTRUCTION STANDARDS

All property access must be constructed in accordance with Australian Standards and Council specifications.

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Where there is no kerb or gutter it must be impervious to all weather conditions (rain wash out, erosion etc).

Property owners, contractors, and builders must ensure they minimise impact to the local environment, flow of water, public infrastructure and potential damage to public and private property associated with property access.

Vehicles must be able to enter and exit properties safely.

The specification for property access construction is available from Council upon request.

OTHER RELEVANT POLICIES / PROCEDURES

Other Council Policies and Procedures which may be relevant and require consideration when applying this policy include –

Council Delegations and Sub-Delegations

POLICY REVIEW

This Policy will be reviewed every four years.

AVAILABILITY OF POLICY

The public may obtain a copy of this policy, at the Council's Naracoorte and Lucindale offices during office hours, for a fee fixed by Council.

The Policy is also available on Council's website www.naracoortelucindale.sa.gov.au

Any grievances in relation to this policy or its application should be addressed to the Chief Executive Officer.

ADOPTION AND AMENDMENT HISTORY

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
October 2025	Next Review	
26 October 2021	Council	Resolution 113/22
28 June 2016	Council	New policy, resolution 333/16