

PROPERTY ACCESS POLICY

INTENT

The intent of this policy is to:

- Establish clear guidelines for the construction, maintenance, and use of driveways and access crossovers within the Cook Shire Council area.
- Ensure that all driveways and crossovers for property access are constructed to a safe, durable, and uniform standard, facilitating safe vehicle access and minimising damage to public infrastructure.
- Inform staff and the public on the permit requirements for the construction and maintenance of driveways and crossovers within the road reserve.

SCOPE

This policy applies to all existing, new, or proposed driveways and crossovers for private property access, including residential, commercial, and industrial properties within the Cook Shire Council boundaries.

Driveways and crossovers located within the State Controlled Road Reserve are not covered under this policy and require separate permits and approval from the Department of Transport and Main Roads (TMR).

DEFINITIONS

TERM	DEFINITION
Driveway	Vehicular crossing or path providing safe and reasonable access to a private property from the public road.
Crossover	Section of the driveway from the roadway line to the property boundary (including road reserve, footpath, and nature strip) where primary access to the lot is taken.
Roadway Line	For the purpose of this policy, the roadway line is: <ul style="list-style-type: none"> • The kerb line; or • The edge of the sealed formation; or

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	<ul style="list-style-type: none"> • The shoulder point/line of unsealed formation; or • The extent of the maintained road network; or • A point or line determined by Council's authorised officer.
RPEQ	Registered Professional Engineer of Queensland.
FNQROC	Far North Queensland Regional Organisation of Councils.
Council	Cook Shire Council.
Non-standard Access	A driveway or crossover that cannot be built to Council's specifications due to physical or topographical constraints.
Private Access Road	A driveway constructed within a road reserve or on private property area that is not on Council's maintained road register.

POLICY STATEMENT

Council permits the construction of driveways and crossovers within road reserves to provide safe and reasonable access to private properties from public roads. The provision, construction, maintenance, and any required alterations of driveways and crossovers, including drainage crossings and structures, are the responsibility of the property owner, including all associated costs. Property owners are also responsible for keeping driveways and crossovers clean, clear of debris, and free-draining, particularly where small culverts or steel plates/concrete slabs over existing kerbs are installed.

All driveways and crossovers must comply with the corresponding Development Application conditions, the FNQROC Development Manual, and relevant Australian Standards and TMR guidelines/specifications. Driveways and crossovers must not obstruct sight lines for pedestrians or vehicles and must be located to ensure safe and efficient access to the property, minimising conflicts with pedestrians, cyclists, and other road users. Adequate drainage must be provided to prevent water pooling or runoff onto public roads or adjacent properties, and must not cause or exacerbate soil erosion and sedimentation.

Where driveways and crossovers interfere or conflict with heritage-listed items or features (e.g., heritage kerbs and channels), approvals or exemptions under the Queensland Heritage Act 1992 must be obtained and presented to Council. Specific measures to prevent any damage or disturbance to heritage-listed items or features must be implemented before commencing works.

Private access entrances, including driveways and crossovers, must be approved by Council in writing before construction begins. For Non-standard Access, a detailed survey, justification, and RPEQ-signed design must be submitted to Council for approval prior to construction. For all works within the road reserve, a written works permit application must be completed and

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submitted for Council approval. Non-compliant or unapproved private access driveways and crossovers, whether existing or newly constructed, may be removed or rectified by Council at the property owner's expense. Unless there is an urgent or critical safety hazard, Council will issue an appropriate notice and reminder to the property owner to rectify or reconstruct non-compliant or unapproved access before taking enforcement action.

Property owners are responsible for bearing all costs to rectify any damage to roads, existing services, and public and utility infrastructure caused by the construction of private driveways and crossovers. It is also the property owner's responsibility to reinstate or reconstruct an unsafe or unfit-for-purpose driveway and crossover to the private property due to heavy scouring, landslips, cuttings, or other issues/events.

If a compliant and approved private access crossover is damaged by significant road works conducted by Council, Council will rectify or reinstate the crossover to current standards and tie it into the existing road surface. The determination of the extent of damage and scope of reinstatement works will be decided by Council's Director Infrastructure, Manager Engineering, or any other appropriately appointed Council staff.

Although Council permits (subject to approval) the use of Council-managed road reserves as Private Access Roads, it is not obligated to build or maintain them. Council is obligated to use its limited resources to achieve the best outcomes and value for money for the community. Regardless of whether the Private Access Road (including long property access handles) is located within the road reserve or not, responsibility for the construction and maintenance of access to private property lies with the property owner.

ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
Property Owners/ Developers	Responsible for applying for approval, ensuring compliance with the standards, constructing and maintaining the driveway and crossover.
Council	Responsible for assessing applications, providing approvals, inspecting works, and enforcing compliance.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulations 2012

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RELATED DOCUMENTS

Cook Shire Council Planning Scheme (latest adopted version)
FNQROC Development Manual (latest adopted version)
TMR Guidelines and Specifications (latest versions)
Australian Standards AS2890 - Parking Facilities (latest version)

IMPLEMENTATION/COMMUNICATION

This policy will commence from the approval date and shall be published on the Cook Shire Council website.

POLICY APPROVED BY

Director Infrastructure, Subject to Council Resolution

REVIEW

SPONSOR:	Director Infrastructure
OFFICER RESPONSIBLE FOR REVIEW:	Manager Engineering
ADOPTION DATE:	15 October 2024
REVIEW DATE:	October 2026

This policy is to remain in force until otherwise determined by Council.

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AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
V 1.0	Replaces existing <i>Crossover Policy</i> due to major amendments	15 October 2024	Council resolution 2024/211

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