

# TEMPORARY ACCESS OVER COUNCIL LAND TO PRIVATE LAND POLICY [DRAFT]

## 1.0 PURPOSE

This Policy provides guidance for people who require temporary access over Council land to their land for private purposes, in particular for building works and associated activities. This Policy will assist Canterbury-Bankstown Council (Council) to manage requests for temporary access over Council land taking into account legislative and environmental considerations and community expectations.

## 2.0 SCOPE

This Policy applies to all Council owned land and Crown land under the care, control and management of Council located within the Canterbury-Bankstown Local Government Area (LGA).

## 3.0 POLICY STATEMENT

In the exercise of its duties under this Policy, Council is committed to:

- protecting all Council land that it owns or has care, control and management over, ensuring that management of that land is consistent with the core objectives of the relevant category of land.
- providing guidance regarding approval and management of temporary access over Council land.
- providing a consistent, reasonable and equitable approach to temporary access requests.
- complying with relevant legislation.

In accordance with the *Local Government Act* and associated Regulations, Council may issue in certain circumstances a short-term casual licence that grants access over a parcel or parcels of land, with or without existing roads and fire trails, for transporting building materials and other related works.

Where a public utility or government agency is exempted under their relevant legislation, a licence will not be required under this Policy, however, reasonable notification and compliance with insurances outlined in this Policy is required prior to obtaining access.

Upon approval of requests for temporary access over Council land, applicants will be issued with a short term licence and must comply with the conditions stated therein.

### Terms and Conditions

Council will consider requests for temporary access over Council land for any usage prescribed in the *Local Government Act 1993* and Regulations. Such requests will be dealt with in accordance with legislative requirements, as well as the provisions of the Terms and Conditions of Access.

The nature of such access, that may be granted to either public organisations or private interests, will be a short-term casual licence with an agreed time frame and conditions determined by Council.

Council requires a minimum of 10 working days notice prior to access or temporary occupation of Council land (except in cases of emergency).

Once temporary access is granted, applicants may only operate between the hours of 7.00am and 5.00pm Monday to Friday and 7.00am and 1.00pm on Saturday or as per approval from Council.

### **What constitutes access?**

Council will only consider granting temporary access over Council land if the land contains a road or fire trail and there is no alternate access option for the site for the following purposes:

- Transport building materials and equipment required in relation to building work that is to be, or is being carried out on land adjoining the community land; or
- To remove waste that is consequential on such work

In respect of Council land that does not contain a road or fire trail, temporary access over the land will only be provided for purposes appropriate to the current and future needs of the local community and the wider public in relation to activities for the physical, cultural, social and intellectual welfare or development of persons. Such activities would include but not be limited to:

- maternity welfare centres
- infant welfare centres
- kindergartens
- nurseries
- child care centres
- family day care centres
- surf life saving clubs
- restaurants
- refreshment kiosks

### **When will access not be permitted?**

Requests for temporary access over Council land will not be permitted where:

- a) The request does not meet legislative requirements
- b) Council determines the proposed work may unduly impact on the amenity or usage of the Council land concerned where;
  - the request for temporary access is across natural areas (including bushland, wetland etc), sporting fields and any other areas deemed inappropriate by Council.
  - threatened species, populations and/or endangered ecological communities are identified.

- the proposed area is identified for hazard reduction works under Council's Bushfire Management program.
- a total fire ban has been declared in areas of bushland.
- the proposed works have potential impact on trees, vegetation, infrastructure (including pathways, drainage) and existing Council land activities.
- there has been wet weather or if the ground is too wet.
- there is reasonable alternative access available to the applicant.

### **Process and Management**

Council will maintain records of all requests for temporary access over its land.

The appropriate Manager for the subject land will have final determination of the access request.

Approved temporary access is not to commence until such time as the terms and conditions of consent are complied with.

Council will carry out audits of the works to ensure that the applicant is not breaching any of the access conditions. The extent of the audit may vary depending on the nature of works and proximity to natural areas.

## **4.0 RELATED RESOURCES**

### **4.1 Legislation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- *Threatened Species Conservation Act 1995*

### **4.2 Associated Documents**

- Generic Plan of Management
- Site Specific Plans of Management
- Biodiversity Strategy
- Bushfire Management Plans
- Temporary Access Over Council Land Application Form, Terms and Conditions of Access and Information Sheet

### **4.3 Definitions**

<b>Access</b>	The right to enter or make use of land, road or fire trail to transport material. Access does not permit storage of vehicles, materials, waste, chemicals etc.
<b>Council land</b>	Land owned by Council and Crown Land under the care, control and management of Canterbury-Bankstown Council unless otherwise stated.
<b>Private land</b>	Refers to any land adjoining Council land that is not owned by Council.
<b>Temporary access</b>	Infrequent, irregular or limited time access over Council land as specified by Council in the Terms and Conditions of Access.

## 5.0 POLICY OWNER

Manager Parks.

## 6.0 AUTHORISATION

Adopted by Canterbury-Bankstown Council on **DD MONTH YEAR**.