



Warringah Council

# RESERVES VEHICULAR ACCESS PERMIT APPLICATION AND GUIDELINES

The following information has been developed to assist in the completion of applications for Reserves Vehicular Access over community land.

## Principles and basis for management of community land

The consideration and assessment of requests for Working on Reserves and community land under care control and management of Council must be undertaken in accordance with the requirements of the Local Government Act 1993 and Local Government (General) Regulation 2005, in particular those sections relating to the management of community land.

Council recognises the need for these works and through mutual cooperation it is hoped that works proceed without compromising Council's commitment to the management of community land as prescribed in the Act.

Accordingly it is a requirement that community land be used and managed in accordance with section 35 of the Local Government Act 1993, namely:

- Division 1 of Part 2 of Chapter 6 of the Act
- the plan of management applying to the land
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land

In relation to the assessment, approval and management of Work on Reserves Permits this OMS will only consider application pertaining to community land categorised in the Act as:

- Sportsground
- Park
- General community use

Working on Reserves permits will generally not be considered for community land categorised as:

- Natural area
  - (a) bushland,
  - (b) wetland,
  - (c) escarpment,
  - (d) watercourse,
  - (e) foreshore,
  - (f) a category prescribed by the regulations.
- Area of cultural significance

Access to and across these areas is generally not in keeping with the core objectives for management of these categories of community land and will only be considered in exceptional circumstances.

Within this framework of community land management, section 46 of the Local Government Act 1993 provides that:

- (1) A lease, licence or other estate in respect of community land:
  - (a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or

- (a1) may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider, or
  - (b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
    - (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
    - (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
    - (iii) for a short-term, casual purpose prescribed by the regulations, or
    - (iv) for a residential purpose in relation to housing owned by the council, or
    - (v) (Repealed)
  - (d) may be granted in order to allow a filming project to be carried out, whether or not the project is in accordance with the plan of management or is consistent with the core objectives of the categorisation of the land concerned, but may not otherwise be granted.
- (2) Despite subsection (1), a lease, licence or other estate in respect of community land may be granted for a purpose mentioned in subsection (1) (b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this Part, of its categorisation.
- (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years.
- (4) The following purposes are prescribed for the purposes of subsection (1) (b) (i):
- (a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following:
    - (i) public recreation,
    - (ii) the physical, cultural, social and intellectual welfare or development of persons,
  - (b) the provision of public roads.
- (5) Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.
- (6) A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

Additionally, clause 116 of the Local Government (General) Regulation 2005 states that:

- (1) For the purposes of section 46 (1) (b) (iii) of the Act, the use or occupation of community land for the following events is prescribed as a purpose in respect of which a council may grant a licence in respect of community land on a short-term, casual basis:
  - (a) the playing of a musical instrument, or singing, for fee or reward,
  - (b) engaging in a trade or business,
  - (c) the playing of a lawful game or sport,
  - (d) the delivery of a public address,
  - (e) commercial photographic sessions,
  - (f) picnics and private celebrations such as weddings and family gatherings,
  - (g) filming sessions,
  - (h) the agistment of stock.
- (2) However, the use or occupation of community land for events listed in subclause (1) is prescribed only if the use or occupation does not involve the erection of any building or structure of a permanent nature.

- (3) For the purposes of section 46 (1) (b) (iii) of the Act, the use of any existing road or fire trail on community land:
  - (a) to 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
  - (b) to remove waste that is consequential on such work, is prescribed as a short-term, casual purpose.
- (4) For the purposes of section 46 (1) (b) (iii) of the Act, the use of any community land that does not have an existing road or fire trail:
  - (a) to 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
  - (b) to remove waste that is consequential on such work, is prescribed as a short-term, casual purpose if such work is for a purpose referred to in section 46 (4) (a) (ii) of the Act.
- (5) In this clause, *existing road or fire trail* means a road or a fire trail that was in existence on 1 January 2001 (the date on which the *Local Government (General) Amendment (Community Land) Regulation 2000* commenced).

Also of relevance is clause 117 of the Local Government (General) Regulation 2005, which exempts certain activities from the need to otherwise comply with the provisions (relating to public notification, etc) contained in section 47A of the Local Government Act 1993. Clause 117 of the Regulation is as follows:

(1) Leases, licenses and other estates granted for the following purposes are exempt from the provisions of [section 47A](#) of [the Act](#):

- (a) residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council,
- (b) the provision of pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land,
- (c) use and occupation of the community land for events such as:
  - (i) a public performance (that is, a theatrical, musical or other entertainment for the amusement of the public),
  - (ii) the playing of a musical instrument, or singing, for fee or reward,
  - (iii) engaging in a trade or business,
  - (iv) playing of any lawful game or sport,
  - (v) delivering a public address,
  - (vi) conducting a commercial photographic session,
  - (vii) picnics and private celebrations such as weddings and family gatherings,
  - (viii) filming,
  - (d) a purpose referred to in clause 116 (3) or (4).

(2) However, the use or occupation of community land for events listed in subclause (1) (c) is exempt only if:

- (a) the use or occupation does not involve the erection of any building or structure of a permanent nature, and
- (b) in the case of any use or occupation that occurs only once, it does not continue for more than 3 consecutive days, and
- (c) in the case of any use or occupation that occurs more than once, each occurrence is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

In practical terms, the combined effect of clauses 116 (3) and (4) and 117(1)(d) of the Local Government (General) Regulation 2005, when read in conjunction with sections 46(1)(b)(iii) and 47 of the Local Government Act 1993, is to authorise Council to grant, in its discretion, a permit to enable a person to do, without the need for public notification, etc, one or more of the things specified in those clauses, namely:

- to 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,
- to remove waste that is consequential on such work,
- to 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,
- to remove waste that is consequential on such work,
- to use or occupy community land for any of the above mentioned short term purposes subject to the above limitations.

**Occupation of community land otherwise than by lease or licence is prohibited.**

**Activities for which Reserves Vehicular Access may be considered include but are not limited to:**

- Vehicular access of a short term/casual basis over community land categorised as park, sportsground and general community for the purpose of:
  - Delivery and or removal of materials or waste to land adjoining community land where there is no other reasonable route of access
  - Delivery and or removal of equipment to land adjoining community land where there is no other reasonable route of access

**Activities for which Reserves Vehicular Access will not be approved are those prohibited by statute as outlined in the Local Government Act 1993 and Local Government (General) Regulation 2005.**

For any additional enquiry relating to activities on a Reserve contact Council's Parks, Reserves and Sportsfields Section on 9942 2763

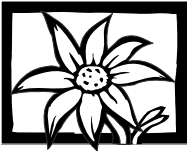
## Guidelines for applicants

### Pre-approval

1. Applications must be made as per the specified application form
2. If a condition of consent applicable to land adjoining community land excludes vehicular access over community land your application, if associated with this development will not be considered
3. Applicants are advised to allow 10 working day to process applications.
4. A pre-occupation/access inspection will be undertaken to observe and record the pre-occupation/access condition of the community land over which occupation/access has been requested
5. Should there be the need for a 'worksite' to be created to undertake movement of materials or equipment associated with this application a separate "Working on Reserves Permit" will also be required to be submitted.

### Post-approval

6. Applications will attract an administrative fee as advertised in Council's Fees and Charges along with a bond commensurate with cost to restore community land to pre-access state in the event of damage arising from access activities. Bond will be estimated based on proposed access activities ie 10 tonne truck delivering materials will attract a higher bond than private vehicle driven by applicant picking up or removing items from land adjoining community land.
7. Applicants must ensure safe pedestrian access is maintained and controlled for duration of approved access and any persons engaged in activities on community land in proximity to the path of access at the time of access are to be notified of access activities and proposed access pathway prior to any vehicular movements.
8. Depending on the nature of the request you may be required to provide a traffic management plan and traffic control devices may also be required to be deployed as required in accordance with AS1742.3-2002 and RTA Field Guides
9. All vehicles used during access must be RTA registered and operated by an appropriately licensed operator
10. Applications will be assessed to determine public liability coverage requirements. Any contractors engaged in Reserves Vehicular Access activities will be required to demonstrate public liability cover to a minimum of \$10,000,000. Council may require higher levels of cover for high risk activities.
11. If during approved occupation, Council receives complaints or is required to rectify any unsafe condition or practice associated with the application, the costs will be recouped from the bond and applicant as required
12. A post-access inspection will be undertaken to determine condition of community land. Should Council be required to rectify or restore the condition of community land associated with the access application, the costs will be recouped from the bond.
13. Approval is valid for 28 days only and is restricted to the hours of 7.00am to 5.00pm Monday through Friday unless otherwise by agreement with Council
14. Approval is non-transferable between parties and is for single use only. Access required in addition to that, which has been approved, will require separate approval.
15. Occupation and access over Council's Reserves is not permitted on weekends or public holidays
16. Non compliance with conditions of approval or any activity contravening the Local Government Act 1993, the Local Government (General) Regulation 2005 or any other relevantly applicable legislation (including but not limited to the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001) may be subject to regulatory/enforcement action (including penalty)
17. In some instances the nature of the request may require the inclusion of special conditions in addition to the standard conditions of access.



Warringah Council

# RESERVES VEHICULAR ACCESS PERMIT APPLICATION

This application is to be used for vehicular access over community land where there is no other reasonable route of access and activities are carried out without direct Council supervision.

**Forward the application to:**

- Customer Services Administration, Civic Centre, 725 Pittwater Road, Dee Why 2099
- Fax : 9942 2606
- Email: [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

If you need help completing or lodging your application:

Please phone 9942 2763

## Application Fee

**Fee:** \$150.00 (Inclusive of GST) In accordance with Warringah Council's 2010/11 Fees and Charges

## Part 1 Applicant details

Contact Name

Organisation  Position

Address

Email

Phone (BH)  Mobile

## Part 2 Access Details

Park, Reserve or Sportsfields Name

Reason for Access

Proposed Access date and duration

Address of property where access is required

Access Vehicle Description  Registration No

Name of nominated driver  Licence No  Expiry Date

**NOTE: EVIDENCE OF CURRENCY OF BOTH VEHICLE REGISTRATION AND LICENCE MUST BE FURNISHED**

### **Part 3 Sketch of reserve and proposed pathway of access**

*Please provide a sketch of the path of the proposed pathway of access over community land. Please mark private property being accessed including house numbers and include the location of vegetation, park infrastructure and any other public infrastructure that may be encountered or interfered with during access.*

### **Part 4 Methodology Statement**

*Please provide a description of how you intend to undertake access activities.*

## Part 5 Conditions

The following conditions will apply to Reserves Vehicular Access:

1. That all activities will be conducted in accordance with applicable legislation, codes of practice, industry standards and manufacturers specifications
2. That the safety of the general public and all persons engaged in access activities will be maintained at all times.
3. Applicants must ensure safe pedestrian access is maintained and controlled for duration of approved access and any persons engaged in activities on community land in proximity to the path of access at the time of access are to be notified of access activities and proposed access pathway prior to any vehicular movements.
4. That the condition of community land at the time of access be maintained and restored in the event of damage arising from access activities. Any damage shall be repaired to Council's satisfaction.
5. I/we acknowledge that Council may carry out restoration works resulting from access activities and may recover direct costs
6. No materials or equipment will be stockpiled on community land.
7. Council will carry out inspections before and after proposed access to determine condition of community land
8. All vehicles used during access must be RTA registered and operated by an appropriately licensed operator
9. No occupation, access or works permitted outside the hours of 7.00am and 5.00pm Mon – Fri or public holidays.
10. Any utility services damaged during access and works activities are to be immediately reported to the relevant authority
11. The applicant shall comply at all times with all lawful directions given by Council staff in relation to the carrying out of the permitted activities and/or the use and occupation of the subject land or any associated land
12. The applicant shall comply with all relevantly applicable legislation including OHS and Workcover legislation
13. Non compliance with conditions of approval or any activity contravening the Local Government Act 1993, the Local Government (General) Regulation 2005 or any other relevantly applicable legislation (including but not limited to the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001) may be subject to regulatory/enforcement action (including penalty)

## Part 6 Applicant Signature

I hereby acknowledge that the above information is correct to the best of my knowledge and undertake to advise Council should there be any alterations or additions to the information supplied.

I/we declare that all works will be provided as instructed and in accordance with the conditions listed above

Signed

Date

## Part 7 Office Use Only

Inspected by

Date

Comments

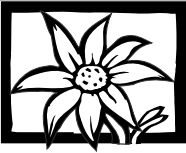
Application Approved

Application Refused

Bond Required

Receipt No

Notes



Warringah Council

# RESERVES VEHICULAR ACCESS PERMIT APPLICATION CHECKLIST

| <i>Required</i>   | <i>Supplied</i>          |                          |
|---|--------------------------|--------------------------|
|   | Yes                      | No                       |
| 1. Completed application form identifying all relevant details: <ul style="list-style-type: none"><li>• Applicant contact details</li><li>• Vehicle Registration and Driver licence details verified</li><li>• Third Party contact details (Contractor/builder/removalist etc)</li><li>• Details relating to property where access is required</li><li>• Details of public land over which access is required</li></ul> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Sketch of reserve and proposed access pathway  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Methodology statement describing proposed access activities  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Copy of Public Liability Insurance Certificate of Currency (must be min \$10,000,000 where third party is to undertake access activities)  | <input type="checkbox"/> | <input type="checkbox"/> |

**Credit Card Details - Council Payment Fax No: 9942 2606**

Please charge my: American Express  Master Card  Visa

Card number:           Expiry date  /

Card holder's name  Amount \$

Signature  Phone (  )  daytime

**Please note that all Credit Card payments are subject to a 1% service fee.**