



**POLICY FOR TEMPORARY ACCESS TO  
PRIVATE PROPERTY ACROSS COUNCIL  
RESERVES**

**JUNE 2002**

## **INTRODUCTION**

Approximately 500 private residential properties are located directly adjacent Council owned and controlled land designated public recreation and bushland. Residents abutting Council land have over the years either applied to Council for access or simply used or created access routes over public land, especially during periods of building maintenance and construction or demolition. Historically Council staff have authorised access over Council owned or controlled land for short periods at no cost but with appropriate site management conditions and a bond against damage that may be caused.

Whilst many property owners respect the privilege that this represents there are those who do not, and in particular there seem to be problems in having applicants communicate the relevant requirements to any contractor that will actually be undertaking the work and accessing the reserve. Access is difficult to many of these sites because of the geographical conditions that exist, however, it is considered to be no different to numerous other sites in Mosman that are land locked by private property and must more carefully plan their works and how to deal with access issues.

## **OBJECTIVES**

The objectives of this policy are to:

- Protect horticultural and capital assets and assist in Council's provision of safe, high quality parks and reserves.
- Protect habitat and native vegetation and assist Council's ongoing Bushland rehabilitation program.
- Ensure the safety and public health of users of Council land.
- Reduce the unnecessary usage and damage to Council owned or controlled land.
- To ensure Council meets its obligations in terms of relevant legislation.
- Minimise disturbance to local residents and the Mosman community from.
- Provide guidelines to applicants about the circumstances in which Council will consider allowing temporary access to private property over Council reserves.
- Provide information on how temporary access to private property over Council reserves will be managed in the rare circumstance that such access will be granted.
- Provide information on a fee structure to be applied for allowing temporary access to private property over Council reserves in the rare circumstance that such access is granted.

## **LAND TO WHICH THIS POLICY APPLIES**

This policy applies to all Council-owned and controlled land in Mosman.

## **POLICY**

**Council's policy is not to allow temporary access to private property across Council reserves for building or maintenance purposes except in extenuating circumstances.**

If a resident considers there are extenuating circumstances applying to their particular situation, Council may consider allowing temporary access. An application for such access needs to be lodged in accordance with the requirements outlined in

this document and should it be approved, will be subject to strict conditions of approval and payment of a substantial bond and fees in accordance with Council's pricing policy.

In this regard it is recognised that residents may have delivery of materials, goods etc. undertaken across Council reserves without the need for approval in some circumstances. This is provided that such delivery does not involve the use of any vehicle, crane, fork lift truck, elevator or motorised trolley etc. traversing the land, i.e. the materials or goods are carried across the land to the site by hand and generally can be delivered within a short time frame, say 1 hour.

## **EXTENUATING CIRCUMSTANCES**

If a resident considers that they have extenuating circumstances and Council should permit them temporary access to private property over Council reserves, a formal application for such access is to be made to Council. An application fee as outlined in Council's pricing policy is to be paid and is not refundable regardless of the outcome of the application.

The application is to be made on the standard form available from Council and is to be accompanied by written statements and information addressing the following matters as a minimum. Additional information may be provided by the applicant as they see fit and relevant to the application.

- Reasons why it is not possible or desirable to obtain access from the street frontage to the site.
- What methods of access from the street frontage to the site have been investigated and ruled out of consideration in determining that temporary access across the Council land or reserve is the only feasible method of access. Such investigations shall include the use of cranes, elevators, barges (where water frontage is available) and manual labour.
- An estimate of the cost of each alternative method examined for access from the street frontage to the site.
- An assessment of what public benefit would be involved in Council granting temporary access across the Council land or reserve.
- Site plan showing the proposed route of temporary access across the Council land or reserve.
- Details of methods to be employed to ensure protection of the ground in the reserve from excess compaction, damage etc. For example a layer of bark mulch may be proposed in areas where frequent access for small vehicles such as utes is requested.
- Details of methods to be employed to ensure protection of trees and other vegetation in the reserve from damage during the period of temporary access. Such measures shall include where appropriate or directed by Council the use of barricades or temporary fences to protect the trunks and root zones of trees.
- Details of methods of reinstatement to be undertaken to restore area to condition that existed prior to access being granted, especially in circumstances where measures to protect the ground from compaction etc. have been employed.
- The duration of the proposed temporary access including commencement and completion dates.
- Details of the types of vehicles and or plant that will be using the temporary access.
- What materials will be delivered to or removed from the site via the temporary access.

- Any other information the applicant considers relevant or specifically requested by Council.

If the application does not adequately address any or all of these points, it will not be assessed until such time as all of the relevant information has been lodged with Council. Council may also request additional information not listed herein but considered relevant to the particular application prior to assessing such application.

### **DETERMINATION OF APPLICATION**

Council staff will assess the application and provide a written determination of the application. If the applicant is not satisfied with the outcome of the application, an appeal may be lodged in writing and the matter will be reported to Council's Policy and Finance Committee for determination.

### **APPROVALS FOR TEMPORARY ACCESS TO PRIVATE PROPERTY ACROSS COUNCIL RESERVES**

Where an approval is granted for temporary access to private property across council reserves, it will be issued in writing and subject to a number of conditions including but not limited to:

- Payment of substantial fees per day of access in accordance with Council's Pricing Policy prior to the access commencing.
- Payment of a substantial bond against damage to Council property caused during the period of temporary access and to ensure compliance with all conditions of approval imposed by Council.
- Payment of any fees associated with the issue of keys (where required) for access to the reserve or area approved.
- The applicant providing Council with details of current public liability insurance policy for the works proposed and that the proposed temporary access across the Council land or reserve is covered by this policy. This information is to be provided prior to the commencement of the works.
- No vehicles will be permitted to park within the reserve or land during the period of temporary access.