

## **1. POLICY OBJECTIVES**

- 1.1 To give parties other than Council clear guidance when proposing or requiring to utilise Council owned land or facilities for non-council use.

## **2. BACKGROUND**

- 2.1 Council owns certain land on which public roads and facilities & reserves lie. From time to time, parties other than council may wish to utilise Council owned land or facilities for temporary or permanent use. Many proposals are regulated by legislation for which this Policy serves to reinforce and direct.

## **3. APPLICABILITY**

- 3.1 Council Owned Roads (includes Local Roads and Regional Roads).
- 3.2 Council Owned Land (such as parks, sporting fields or buildings).
- 3.1 This policy applies to Councillors, Council staff, contractors and other Council representatives along with the general public.

## **4. GUIDELINES**

### **4.1 Temporary Road Occupancy or Proposal to Manage Traffic**

#### **4.1.1 Road Work**

Council has delegation to directly approve any roadwork related activity; including installation and maintenance of utility services on a Council controlled Public road as defined by Section 138 of the Roads Act 1993, including the management of traffic.

#### **4.1.2 For other than Road Work (such as events);**

For 'non-roadwork' events such as marches, functions, festivals, fairs, parades, that require the temporary management of traffic; Council must seek advice from the Local Traffic Committee before recommending the temporary road closure be accepted at a Meeting of Council.

As such, applications for any such temporary road closure must be submitted to Council well in advance of the intended date of closure (absolute minimum 2 months).

#### **4.1.3 Filming on a Public Road**

Council can grant approval for filming applications from suitably qualified applicants.

The detailed requirements for a temporary road closure and application form can be found at;

<https://www.wollondilly.nsw.gov.au/business/filming-in-wollondilly/>

#### **4.1.4 Requirements and Application;**

Council requires that a public road which is to be temporarily closed to traffic must be done in adherence to industry traffic control standards.

The detailed requirements for a temporary road closure and application form can be found at;

<https://www.wollondilly.nsw.gov.au/assets/Documents/Council/Council-Documents/Forms/Roads/Section-138-Form-Interactive-Final-updated-27-September-18.pdf>

The detailed requirements for a temporary road closure and or when an activity involves physical work to Councils assets (ie the road itself) an application form can be found at;

<https://www.wollondilly.nsw.gov.au/assets/Documents/Council/Council-Documents/Forms/Roads/Application-for-Road-Opening-Permit.pdf>

#### **4.2 Roadside & Footpath Vending Occupancy (eg food van or outside Café dining)**

Parties may wish to 'occupy' a roadside or footpath area for the purpose of providing certain goods or services. It is noted that the primary purpose of the road corridor, including the road and footpath reserve, is to provide access way for vehicles and pedestrians.

Any proposal that mitigates the ability for the road corridor to carry out this primary function will likely not be approved or, for temporary proposals, may require separate secondary approval for the temporary regulation of traffic (see Section 4.1.2).

The detailed requirements for a roadside vending and application form can be found at;

<https://www.wollondilly.nsw.gov.au/assets/Documents/Council/Council-Documents/Forms/Roads/Application-for-Section-68-Permit-for-Road-Side-Vending.pdf>

Certain services may require approval under the Environmental Planning and Assessment Act – applicants should seek appropriate planning advice to determine the required level of approval depending on what they propose to carry out.

#### **4.3 Permanent Road Occupancy & Closures**

##### **4.3.1 Public (Council) Roads**

Any closure of a Council owned public road must be done by Council in accordance with the NSW Government Roads Act 1993 and in accordance with State Government guidelines

[https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0003/164037/Council-road-closures-fact-sheet.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/164037/Council-road-closures-fact-sheet.pdf)

When a constructed council public road is closed, it remains vested in council as council land. Council may facilitate the subsequent sale of the council land and receive the proceeds of sale.

#### **4.3.2 Public (Crown) Roads**

In certain circumstances an applicant may wish to purchase an adjacent parcel of, typically unformed, Crown Rd. The closure of Crown Roads, and subsequent sale, is a matter between an applicant and the Department of Industry.

[https://www.industry.nsw.gov.au/\\_data/assets/pdf\\_file/0017/142730/Purchasing-Crown-roads-fact-sheet.pdf](https://www.industry.nsw.gov.au/_data/assets/pdf_file/0017/142730/Purchasing-Crown-roads-fact-sheet.pdf)

#### **4.3.3 Change in Status Crown Road to Council Road**

In certain circumstances an applicant may wish for a Crown Rd to be transferred to Council. The process for transfer is a matter between the relevant State Government Department and Council, as respective Roads Authorities.

An application must be submitted to Council with the Property Services Application Form, application fee and map of the area required to be closed. This fee is an administration cost only and is non-refundable. The Application Fee is in accordance with the current Fees and Charges.

<https://www.wollondilly.nsw.gov.au/assets/Documents/Council/Council-Documents/Forms/Governance/Property-Services-Application-Form-Interest-in-Council-Owned-Land.pdf>

### **4.4 Mowing of Footpath Reserve**

#### **4.4.1 Adjacent to Private Properties**

Council generally relies on the community spirit of its residents to help maintain the local amenity of their neighbourhoods by mowing the grassed nature strips adjoining their properties.

All areas not maintained by Council are expected to be maintained by the owners and/or residents of the adjoining private property. Grassed nature strips are expected to be mowed regularly by residents or property owners and kept neat and tidy such that they provide a safe environment and contribute to the general appearance of the streetscape.

It is recognised that some residents may appoint a contractor to undertake this work for them. It is considered reasonable that the nature strip mowing would be carried out in conjunction with the mowing of the private property. Nature strips will generally not be mowed by Council if other lawns on the private property are being maintained by the resident or a contractor on behalf of the resident.

#### **4.4.2 Adjacent to Council Owned Properties**

Properties with a high public visibility, such as Libraries and Council run facilities - the footpaths in the vicinity of these properties will be maintained to a suitable standard, including mowing, edging and removal of clippings.

For other Council properties, mowing will be carried out to a standard sufficient for safe and nuisance-free pedestrian usage. Council staff will determine the most appropriate treatment method to undertake this work.

#### **4.4.3 Adjacent to Government Owned Properties**

Council does not mow footpaths and road reserves adjoining other Government owned property.

#### **4.4.4 General**

Authority to approve exceptions to this policy due to special circumstances is the responsibility of the Manager Environmental Outcomes.

### **4.5 Commercial directional Signage within Road Reserves**

Although not encouraged, Businesses may make application to Council for the provision of a commercial directional sign by Council at the applicant's expense.

Support will only be given if;

- Commercial signs will only be provided where the particular business or service is in a location which would not normally be anticipated.
- The street address of the applicant must have a visible sign for drivers to identify the business
- The Sign will be located at the nearest available intersection
- The maximum number of signs permitted per entity is one.
- To encourage consistency and avoid proliferation, wording will be white wording on blue background (no other symbol or logo)
- For better legibility the number of signs on a pole is limited to two at any leg of an intersection, one of which is the street name.
- If a commercial sign becomes damaged or faded, it will be the responsibility of the business to contact Council and arrange for the replacement of the sign at the cost of the organisation.

The application for can be found at;

<https://www.wollondilly.nsw.gov.au/assets/Documents/Council/Council-Documents/Forms/Roads/Application-for-a-Commercial-Directional-Sign-Interactive.pdf>

### **4.6 Incorrect Fencing within Road Reserves**

If Council become aware that a front property boundary is incorrectly fenced, ie in which the physical fence line is within the Road Reserve, and if Council determine that the physical fence has an adverse impact on the community or Councils use of the road reserve then Council shall serve notice on the property owner to relocate the fence on the correct boundary line.

Notice will be served by Council on the property owner under this policy with documented evidence of the fence and shall give 21 days' notice to the property owner to remove the fence. The property owner will be advised that Council will remove the existing fence from the road reservation after expiration the owner will be advised of this period to allow roadworks to commence.

All relocation expenses shall be borne by the property owner.

Where Council has acquired land for road widening, Council shall bear the cost of relocating that section of fence, unless the agreement for acquisition specified otherwise.

#### **4.7 Driveways**

The property owner is responsible for the cost to provide and maintain a driveway 'crossover', which is the section of driveway that joins the property boundary to the physical road. A suitably qualified contractor must be used in the construction of the driveway.

Council is responsible for making sure the driveway is safe for the community by setting the specifications and carrying out an assessment process on application. When Council assess your driveway application, we need to consider the design and any potential traffic or pedestrian concerns.

The detailed specification for a driveway crossover and application form can be found at;

<https://www.wollondilly.nsw.gov.au/resident-services/infrastructure/driveways/>

#### **4.8 Upgrading a Council Facility or Building**

User groups, other than council, may wish to carry out significant work (ie of a Capital nature) to a Council facility or building with the intent to embellish the user groups experience of that facility.

In the consideration of any such application, Council must consider adopted plans for the facility and/or expectations from other user groups, the user groups access to resources to be able to deliver the proposed works (including funding sources), resulting operational and maintenance requirements, planning approvals required etc.

Requests for improvement works on Council buildings or facilities submitted on Council's Application for Council Approval of S355 Management Committee Building Project and/or User Group Building project by the S355 Management Committee and/or User Group for consideration and approval by Director of Infrastructure and Environment.

Please contact Council's Facilities and Recreation Team for more information.

#### **4.9 Unformed Roads**

Within the shire there are many unformed roads. These roads can deteriorate over time and in poor weather. It is when a road reaches this stage that customers tend to approach Council requesting maintenance, however, it is not Council's responsibility to maintain unformed roads.

Council is not required to be accountable for a road's maintenance unless the road is plausibly required for general public use (i.e. solely for property access) and has been constructed by Council or as part of a contract/development then handed over to Council. Customers who want to upgrade an unformed road they use for property access to a formed road are required to obtain Council or Department of Lands (for Crown roads) approval to do so. Approval for Council road upgrades are applied for by way of a Section 138 (ROL) permit. Permit application forms can also be found on Council's website.

The detailed fact sheet about unformed roads can be found at;

<https://www.wollondilly.nsw.gov.au/assets/Uploads/Unformed-Roads-Fact-Sheet2.pdf>

### 5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 (unless noted otherwise) Manger Infrastructure Strategy & Planning

### 6. RELATED POLICIES/PROTOCOLS

- 6.1 Bonds CP0003
- 6.2 Requirements for Works Affecting Watercourses PLA0009
- 6.3 Strategic Asset Management CP0033

### 7. RELATED PROCEDURES

- 7.1 Nil

### 8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Roads Act 1993
- 8.3 Environmental Assessment and Planning Act 1979
- 8.4 Protection of the Environment Operations Act 1997
- 8.5 Transport Administration Act 1988

### 9. ATTACHMENTS

- 9.1 Nil

### 10. RESOURCES

- 10.1 Nil

### 11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:

- 11.1.1 Publish on the Intranet, Council Website, Present to Group Staff Meeting, Facebook.

### 12. POLICY HISTORY

12.1 Date First Adopted	19 August 2019
12.2 Most Recent Adoption	19 August 2019
12.3 Next Review Date	19 August 2022
12.4 Responsible Officer	Manager Infrastructure Strategy & Planning