



THIRD PARTY ACTIVITIES ON COUNCIL LAND AND ROADS POLICY

REVIEW AND RESPONSIBILITY	
POLICY OWNER	Manager Assets, Transport & Engineering
FIRST ADOPTION DATE	19/08/2019
LAST ADOPTION DATE	24/10/2023
NEXT REVIEW DATE	24/10/2026
REVIEW CYCLE	Every 3 years unless legislation differs
LAST AMENDMENT DATE (ADOPTION NOT REQUIRED)	Nil

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PURPOSE OF THIS POLICY

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

POLICY STATEMENT	Council owns certain land on which public roads, facilities and 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.
SCOPE	Councillors, Officers, Employees, Volunteers
RELATED PROCEDURES	<ul style="list-style-type: none"> Filming Application Street Stall Application
RELATED DOCUMENTS	<ul style="list-style-type: none"> Work Health & Safety Policy Risk Management Protocol Staff - Traffic Regulations Bonds Policy CP0003 Requirements for Works Affecting Watercourses Policy PLA0009 Strategic Asset Management Policy CP0033 Local approvals policy – events Acquisition/Disposal of Land Policy
COMPLIANCE REQUIREMENTS	<ul style="list-style-type: none"> Local Government Act 1993 Roads Act 1993 Environmental Assessment and Planning Act 1979 Protection of the Environment Operations Act 1997 Transport Administration Act 1988 Legislative, regulatory, statutory requirements
POLICY OWNER	Manager Assets, Transport & Engineering
ADOPTION DATE	24 October 2023
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1. PRINCIPLES

- 1.1. Approval must be obtained from Council for temporary use or occupation prior to the commencement of any project or event on any of the following:
 - 1.1.1. Council Owned Roads (includes Local Roads and Regional Roads)
 - 1.1.2. Council Owned Land (such as parks, sporting fields or buildings)
 - 1.1.3. This policy applies to contractors, event organisers and the general public
- 1.2. 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:
 - 1.2.1. Publish on the Intranet, Council Website, Present to Group Staff Meeting, Facebook.
- 1.3. Compliance action will be sought for any works and or events that proceed without Council's formal approval.

2. ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITY
COUNCILLORS	To set the policy direction for the Shire in relation to events on community land.
CEO	To support staff in the effective management of events on community land.
DIRECTOR	To support staff in the effective management of events on community land.
MANAGER	To support staff in the effective management of events on community land. To ensure adequate resourcing to support the processing of applications for use of community land under this policy.

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STAFF	To process applications for events on community land in a timely manner.
EVENT HOLDERS	To provide Council with sufficient information and time to consider their application for an event on community land.

3. TEMPORARY ROAD OCCUPANCY OR PROPOSAL TO MANAGE TRAFFIC

3.1. 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.

3.2. 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 (minimum 2 months).

This relates specifically to the impact on the public road network. For other matters relating to community land please see Councils Local Approvals Policy – Events.

3.3. 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/roads/working-on-the-roadroad-management-application-permits-sec-138/>

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4. CHANGE IN STATUS CROWN ROAD TO COUNCIL ROAD

In certain circumstances an applicant may wish for a Crown Road 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.

The property services application form can be found at:

www.wollondilly.nsw.gov.au/assets/Documents-NEW/Council/Access-to-Information/Property-Services-Fee-Application-Form-Interest-in-Council-Land.pdf

5. COMMERCIAL DIRECTIONAL SIGNAGE

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:

- a) Commercial signs will only be provided where the particular business or service is in a location which would not normally be anticipated
- b) The street address of the applicant must have a visible sign for drivers to identify the business
- c) The sign will be located at the nearest available intersection
- d) The maximum number of signs permitted per entity is one (where applicable the sign can be double sided)
- e) To encourage consistency and avoid proliferation, wording will be white wording on blue background (no other symbol or logo)
- f) 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
- g) 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 business.

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The application form 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>

6. INCORRECT FENCING WITHIN ROAD RESERVES

If Council become aware that a front property boundary is incorrectly fenced, i.e. 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.

7. DRIVEWAYS

The property owner is responsible for the cost to provide and maintain a driveway 'crossover' (aka Special Crossing) in accordance with Section 218 of the Roads Act, 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. During the assessment of your driveway application Council will consider the design, potential traffic or pedestrian concerns.

The detailed specification for a driveway crossover and application form can be found on the Customer Portal at:

<https://portal.wollondilly.nsw.gov.au/CustomCommunityLogin?ec=302&startURL=%2Fs%2Fdriveway-application>

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8. UNFORMED ROADS

Within the shire there are many unformed roads, typically tracks that have been used for access to an individual lot. These tracks deteriorate over time, particularly in poor weather. It is not Council's responsibility to maintain tracks or unformed roads.

Council is not required to carry out road maintenance unless the road has been built by or on behalf of Council, in accordance with the Council Design and Construction Specifications, and serves a community benefit (i.e. not solely for an individual property access).

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/Documents-NEW/Council/Shire-Projects/134652-Unform.PDF>

9. MOWING/MANAGEMENT OF NATURE STRIPS

9.1 Urban Nature Strips

Nature strips (aka footpath reserve) contribute significantly to the streetscape of Wollondilly. They can provide biodiversity value, act to soften built structures in urbanised areas and assist with providing shade and green spaces.

The principal purpose of the nature strip is for use by pedestrians and to accommodate Service Utilities.

It also provides important functions for facilitating our street trees, opportunities for improving water runoff and quality via Water Sensitive Urban Design which help cool our Shire.

The nature strip is the Council owned land located between a constructed road and a parcel of private property (ie the 'front boundary').

Because it's not feasible for Council to maintain all nature strips adjacent to properties, all urban property owners are encouraged to mow nature strips regularly, maintaining them neat and tidy. It is recognised that some property owners may appoint a contractor to undertake this work for them.

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9.1.1 Use of the nature strip

A resident may wish to develop a nature strip (ie 'verge garden') at their cost provided the type or form of development does not;

- Adversely impact safety.
- prevent any pedestrian from walking along the verge area in preference to walking on the roadway, regardless of whether a footpath has been constructed or not.
- prevent any Service Authority or the Council from installing new services or maintaining existing services.
- include installation of artificial turf on the verge due to its environmental impact and the heat it generates.

If a resident develops the nature strip in a manner that is deemed to be non-compliant with the provisions of the policy, the development will be required to be altered to be compliant or in accordance with the approval provided by Council. Should the alterations not occur in a timely manner or is considered a safety concern, the work may be undertaken by Council at the cost of the resident concerned.

9.1.2 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.

9.1.3 Adjacent to Government Owned Properties (incl schools)

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

9.1.4 Exceptions

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Authority to approve exceptions to this section of the Policy, due to special circumstances, is the responsibility of the Manager Parks & Recreation.

9.1.5 Non-urban areas

The Roads Authority (generally Council) will be responsible for all works within the road reserve in non-urban areas. Works may include bushfire risk reduction, weed management, protection of flora, fauna and ecological communities etc.

Works by others may be considered through a formal application process (such as a road occupancy application is highlighted in Section 2).

10. UPGRADING A COUNCIL FACILITY

Third party groups may wish to pursue opportunities and or projects, to upgrade/construct Council owned facilities for the betterment of the user groups experience.

While Council encourages and supports such endeavours when appropriate, the construction and ongoing asset management of Council assets poses significant risks to Council. This section serves to detail the roles and responsibilities when such an opportunity arises.

10.1 If applicable, a user group of a Council owned facility must obtain endorsement for the project from the relevant Management Committee, noting the Committee is not delegated by Council for approving, before seeking approval from Council.

10.2 Council support for the application will be contingent on:

10.2.1 The proposal aligning with the relevant Council Master Plan, Plan of Management or other Strategy or Plan for the provision of the asset-based service and not impose any additional costs on Council.

10.2.2 That the application be drafted by the third party.

10.2.3 That the application be submitted by Council with the funding to be received and managed by Council.

10.2.4 That submission of the application and support of Council does not constitute or imply approval under any planning instrument

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including any required Development Application or lease/licence for the site.

- 10.2.5 Council shall be the project and contract managers for the project within the approved funding/budget with no additional funds being contributed by Council.
- 10.3 Application to Council must be via the “Application for Council Approval of Proposed Building Project on Council Land” and submitted to Council as soon as practical in the Project implementation programme (prior to application for funding), to ensure the proposal can be accommodated.
- 10.4 Approval of proposals of a minor nature (such as the installation of non-fixed relocatable items such as shelving units, e.g. white/note boards, photos/posters, minor signage; or similar) may be considered exempt from the above at the approval of Director Shire Services.
- 10.5 Compliance action will be sought for any works that proceed without Council’s formal approval.

11. FILMING

Filming applications will be reviewed and assessed in accordance with the Department of Local Government Filming Protocol <https://www.screen.nsw.gov.au/page/film-friendly-nsw/local-government>.

Council will consider applications on Council owned land, typically Council controlled roads and road reserves, Council owned sport fields and Council owned buildings.

Council may consider applications on Crown Land, noting that these may not be approved, for example because of the presence of an item of Aboriginal significance, or because it is a critical habitat for a threatened species.

To apply for a filming permit, visit: <https://www.wollondilly.nsw.gov.au/business/filming-in-wollondilly/>

11.1 Approvals and Fees

- 11.1.1 Fees for filming applications may be charged to cover staff time, only as determined by the Local Government Filming Protocol.

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- 11.1.2 No site fees are to be charged for the use of roads or public reserves for the purpose of filming by commercial production companies.
- 11.1.3 If additional approvals are required under legislated or regulatory authorities or services, additional fees may apply.

Local councils (and other government agencies) may require approvals in their role as regulator of the land, for example to ensure environmental protection, public safety or management of traffic. Cost recovery is only as per Council's current Fees & Charges.

- 11.1.4 Hire fees and security bonds apply for the exclusive use of constructed facilities such as town halls, community centres and swimming pools, as per the adopted Fees & Charges.
- 11.1.5 All associated fees are to be paid in advance, together with submission of evidence of current Public Liability Insurance, to minimum value of Ten Million dollars (\$10,000,000).
- 11.1.6 Any additional costs that may be incurred by Council will be subject to additional charges to the Producers such as a Written Approval fee for special uses such as pyrotechnics.

11.2 Prohibited Activities

- 11.2.1 The following are examples of filming/photography activities not permitted on public land:
 - a) Reputation risk - Where the Mayor and/or CEO are of the opinion that the filming activity will substantially damage the reputation of the council by associating the council with the activity.
 - b) Filming or photography considered likely to incite violence, vilification or anti-social behaviour.
 - c) Filming or photography of any illegal or undesirable activity.
 - d) Filming or photography that involves use or promotion of illegal substances.

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- e) Filming or photography activities considered inappropriate from the perspective of the NSW Police Force.
- f) Filming or photography activities that are perceived by the wider community as being disorderly, offensive or contrary to community taste or decency.
- g) Filming or photography of activity perceived as racist or coercive by the wider community.



Wollondilly Shire Council

Frank McKay Building

62-64 Menangle Street, Picton NSW 2571

PO Box 21, Picton NSW 2571

wollondilly.nsw.gov.au

T 02 4677 1100

E council@wollondilly.nsw.gov.au

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ABN 93 723 245 808