

TEMPORARY ACCESS ACROSS FIRE TRAILS AND RESERVES POLICY

February 2021

PREPARED BY:
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SUTHERLAND SHIRE

1. PURPOSE

- To facilitate requests from members of the Community for temporary access across our public open space for purposes such as a sewerage connection, access for excavator, removal of dead trees, fence maintenance or performing building works.
- To protect the public amenity and the environment of our public open space by ensuring all requests for temporary access go through a formal application process.
- To ensure our fire trails are protected from damage and there is no impact on future access by the Rural Fire Service.

2. APPLICATION

This Policy applies to requests received from the Community for temporary access across public open space for purposes such as a sewerage connection, access for excavator, removal of dead trees, fence maintenance or for performing building works.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Requests for access will be given due consideration to ensure the community can still continue to enjoy the use of public open space and fire trails.

3.3 Council will only approve access over fire trails or reserves where there is an existing road or fire trail across the public open space.

3.4 Where an existing road or fire trail does not exist, Council has the right to refuse an access request under section 116 of the NSW Local Government (General) Regulation 2005: Leases, licences and other estates in respect of community land.

3.5 If the fire trail or reserve is on Crown Land, the Applicant must have already obtained permission from the NSW Department of Planning, Industry and Environment.

4. RESPONSIBILITIES

4.1 Responsible Officer

The Team Leader Open Space is the Responsible Officer for this Policy and is responsible for overseeing the temporary access to fire trails and reserves application process.

4.2 Council

In accordance with the *Local Government Act 1993*, Council is responsible for engaging with the public, approving the application, preparing a licence agreement and site inspections

4.3 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to approve the temporary access across fire trails and reserves application process.

4.4 Directors

Directors are responsible for ensuring their Division adheres to the requirements of this Policy and provide guidance in respect of achievement of the strategic objectives of the Policy within their division and the organisation.

4.5 Staff

Staff must adhere to the requirements of this Policy and operate within the authorities of their delegations.

5. MONITORING

Customers are required to complete an application form, provide a copy of their public liability insurance certificate, enter into a licence agreement and pay a security bond.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Enterprise Content Management Policy and Privacy Policy.

7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and/or Director Shire Infrastructure via the Manager Asset Services.

8. RELATED DOCUMENTS

- Community Strategic Plan

9. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- *Local Government Act 1993 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Protection of the Environment Operations Act 1997 (NSW)*

10. DEFINITION OF TERMS

Term	Meaning
Applicant	The person or company that pays the Application Fee, Licence Fee and Security Bond.
Application Fee	A non-refundable fee charged by Council to cover Council Officers' time to consider the matter, and as set out in Council's annual Schedule of Fees & Charges.
Existing Road	A built road or service track that is wide enough to accommodate a vehicle, but is not a footpath.
Fire Trail	A fire trail is a rural road built specifically for the purpose of access for fire management purposes including building containment lines and backburning operations by the Rural Fire Service.
Licence Agreement	A legal agreement known as the Community Land Short Term Licence, between Council and the Applicant, that sets out details of the conditions under which approval has been given, and indemnifies Council against any loss, damage, injury or death caused or contributed to by the Applicant and/or its Authorised Persons.
Licence Fee	A non-refundable fee charged by Council following approval of the Application, as set out in Council's annual Schedule of Fees & Charges.
Public Liability Insurance	Public liability insurance held by the Applicant or the contractor to the value of \$20 million.
Public Open Space	Any parcel of land under the care, control and management of Sutherland Shire Council, regardless of tenure.
Reserve	A park or reserve under the care, control and management of Sutherland Shire Council, regardless of tenure.
Security Bond	A refundable bond paid to Council by the Applicant of a value determined by Council based on a risk assessment, as set out in Council's annual Schedule of Fees & Charges.

End of Document

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Document Name: Temporary Access Across Fire Trails & Reserves Policy		Policy Accountability Team Leader Open Space	
Version: 6	Approved by: Manager Asset Services	Minute No: 22	Date approved: 22 February 2021
Original: November 2003	Last Revision: January 2021	Next Revision: February 2023	