

Ballina Shire Public Reserve Vehicle Access Information

This brochure contains important information and an application form should you need to access a public reserve by vehicle.

Public Reserves

Public reserves include Council land or Crown land under Councils control that have been established to provide safe and amenable use by the public. All public reserves provide open space for passive recreation and it is important to protect their users and the reserve from damage.

Vehicle Access

Vehicles, including motorbikes, cars, trucks and machinery must stay within the road reserves or private property. Vehicles are not permitted to drive or park on public reserves as the vehicles may damage the reserve and/or create safety conflicts for users of the reserves.

Consent for Vehicle Access

Council recognises that residents or businesses may wish to gain access through a public reserve to access properties for deliveries or construction work. Consent from Council for vehicle or machinery access through a public reserve is required. The attached form contains the application that must be completed and submitted to Council. Please ensure that the application form contains the adequate information requested to enable an assessment to be made. In some cases consent may not be granted if it is considered unsafe for vehicles to access the reserve or if significant infrastructure or vegetation may be damaged on the reserve. Assessments are made on a case-by-case basis. Vehicular and machinery access through public reserves without consent may attract fines of up to \$200 under the *Local Government Act 1993* Sections 629(1) and 632(1), 2(b). If consent is provided then conditions will be set on accessing the reserve and these conditions must be adhered to at all times. Should these conditions not be met then Council may withdraw consent to access the reserve.

Assessment Process

The assessment process takes a minimum of four weeks. An application to Council should be made as early as possible to ensure you have consent before you require the access. Where access is required for house extensions and installation of pools etc that require development consent, you will be required to submit the reserve access application attached with the development application. If requiring access for works that do not require development consent, you will be required to submit the application directly to Council. Residents should determine whether the access through the reserve is the most appropriate access prior to application. In some situations the potential damage risk of accessing through the reserve may exceed the costs of accessing through your private property from the driveway. The assessment will cover the potential risks to public safety and damage to the public reserve and infrastructure. All contractors and private businesses accessing through a reserve will require a **Certificate of Currency** for \$20 million public liability insurance.

Access and Public Safety

Residents/applicants granted consent to access a reserve with vehicles will be required to submit to Council prior to access commencing a **Pedestrian Safety and Vehicle Management Plan**. This is to detail by diagram and text the methods that will be used to limit and manage vehicles to an area of the reserve and alert and protect pedestrians and other passive users of the reserve. This may include but is not limited to the use of fencing, witch hats, spotters for drivers for large vehicles, warning signage on walkway/cycleway, fluorescent vests for all access personnel etc vehicles, warning signage on walkway/cycleway, fluorescent vests for all access personnel etc.

Fees and Bond

An application fee is payable upon submission of an application form to access a reserve. This will involve Council conducting an onsite assessment and pre-access inspection. A bond or bank guarantee may be required depending on the access required and this will be payable prior to access commencing. Council may draw on the bond or bank guarantee should damage occur and adequate repairs to the reserve are not made by the resident/applicant as per their conditions of access. This enables Council to recover costs so that ratepayers are not incurred the expense. The application fee is non-refundable and the release of the bond or bank guarantee will involve a final post-access inspection to ensure reserve access conditions have been complied with during the access period. Bonds which are held in trust will be returned via EFT.

2024/25 Application Fee: \$235 (application fee payable at time of lodgement)

The bond or bank guarantee dependant on assessment will be for the amount of either: \$2,000 for light weight vehicles and traffic volume \$5,000 for medium weight vehicles and traffic volume, or \$10,000 for heavy weight vehicles and traffic volume, or POA for significant disturbance to reserves with major infrastructure requirements and long-term occupation. The bank guarantee if chosen must: be by an Australian bank have the bank unconditionally agree to pay the guaranteed sum to Council on written request by Council within 30 days have the bank agree to pay the guaranteed sum without reference to the applicant or other person who provided the guarantee without regard to any dispute, controversy, issue or other matter relating to accessing the reserve have the obligations of the bank discharged when either a final inspection concludes a satisfactory result or when payment is made to Council in accordance to the bank guarantee or when Council notifies the bank in writing that the guarantee is not longer required.

Further Information

Please contact Council's Open Spaces Section on telephone **1300 864 444**.

Vehicle Access to Public Reserve Application 2024/25

Lodge Applications at Ballina Shire Council • 40 Cherry Street Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **e** council@ballina.nsw.gov.au • **t** 1300 864 444 • **w** ballina.nsw.gov.au

If this application form is not completed correctly or is not accompanied by all the necessary information, processing delays may result or the application may be returned to you. Applications will be assessed on a risk-based prioritisation.

Applicant Details

Applicant's Name *(all correspondence will be forwarded to this name and address only)*

Postal Address

Phone *work*

Phone *home*

Phone *mobile*

Email Address

Applicant Signature

Date

Owner's Details

Owner's Name *(Details for the owner of the property being accessed)*

Owner's Address

Phone *work*

Phone *home*

Phone *mobile*

Email Address

I/We consent to the lodgement of this application for the property identified below.

Owner's Signature

Date

Property Details

Property Address

Is the access to be via the rear or side of your property? Rear Side

Reserve Details

Reserve/Park Name

Street and Suburb

Access Requirements *(Reason for access (check the appropriate box))*

- Fencing House Construction Spa Construction
 Landscaping Renovations Pool Construction

Other (specify)

Have you already evaluated access via the property driveway from your street? Yes No

Explain why you are not accessing your property via the driveway/street access

Dates you require access (Council acknowledges these dates will be approximate and dependent on weather conditions)

From

To

If Yes, how many?

Will multiple contractors be using the access? Yes No

Street/Road to be used to access the reserve

Does the reserve have it's access blocked by? Gates Bollards Fencing

Is there any vegetation in the way of your vehicular/machinery access? Yes No

Does the access require crossing over any of the following? Kerbing Footpath

Cyclepath Stormwater Pit Open stormwater drains

Other specify

