



Ku-ring-gai Council

Draft Policy

Private Use of Road Reserves and Nature Strips

Version Number 3

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Private Use of Road Reserves and Nature Strips

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	- Local Government Act 1993 - Roads Act 1993 - Roads Transport Act 2013 - Environmental Planning and Assessment Act 1979 - Australian Postal Corporation Act 1989 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Related Policies (Council & Internal)	- Ku-Ring-Gai Local Environment Plan 2015 - Ku-Ring-Gai Local Environment Plan (Local Centres) 2012
Related Documents	Private Use of Road Reserves and Nature Strips Application Form

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	24/03/2009	28/06/2016	Director Operations	Original
2	29/06/2016	N/A	Director Operations	Policy approval processes changed, addition of Service Authority Access rights outlined
3	3/10/2019	23/10/2023	Director Operations	Policy reviewed and updated.

Policy

Purpose

The purpose of this policy is to control the use of private works in the road reserve and nature strips under The *Local Government Act 1993*, The *Roads Act 1993* and/or any other Act within the Ku-Ring-Gai Local Government Area.

Objectives

The objectives of this policy are:

1. To control use of Public Land (dedicated public road reserve) by private property owners on a uniform basis and in compliance with the *Local Government Act 1993*, the *Roads Act 1993* and current Ku-ring-gai Local Environmental Plans.
2. To provide guidelines and conditions on the permitted use of Council owned assets for private purposes to ensure public safety. This includes safe pedestrian access for all members of the community and the maintenance of safe sight lines for traffic movement that enable property access / egress.
3. To inform the public regarding Service Authorities access and rights over the road reserve that should be considered with planning and use of the Public Land and;
4. To reduce Council's exposure to risks associated with private use of public land by formal tenure/occupation through consent to define responsibilities.

Scope

The policy applies to all new and existing structures located on public road reserve, covered under the *Roads Act 1993*, *Ku-ring-gai Local Environmental Plan 2015* and *Ku-ring-gai Local Environmental Plan (Local Centres) 2012*.

Any works that do not satisfy the requirements as 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Codes) 2008* or a Minor Works Assessment will require a Development Application (DA) and are not subject to this Policy.

Responsibilities

This policy is the responsibility of the Manager Technical Services – Operations.

Implementation of the policy is the responsibility of the General Manager, all Directors, Managers and Supervisors.

Policy Statement

Council permits works on the nature strip by the public provided they are approved under the *Local Government Act 1993* and *Roads Act 1993*.

Works Requirements

All proposed work not covered by an existing approval, including new encroachments, extensions or modifications of an existing encroachment, will require the lodgement of a "Private Use of Road Reserves and Nature Strip" application through Council's Website. Standard Conditions for Approval within this form may be varied as required by Council (as Roads Authority) to suit the scope of works.

The property owner/s or their legally appointed representatives must submit applications. Tenants will need to obtain written permission from the property owner/s.

Existing Structures or Encroachments on Road Reserves

Nature strip works undertaken before or after the adoption of this policy; and is in a manner contrary to the policy, may require removal or modification to Council's satisfaction. Any such removal or modification shall be at the property owner's cost except where Council deems otherwise appropriate.

In addition, any decision by Council or the General Manager to take no action does not formalise the existing structure or encroachment, nor does it constrain Council from taking further action in the future.

Leasing of Road Reserves

Council may require the leasing of a portion of the road reserve for private use for both temporary and permanent structures including those that are pre-existing. Applicants are required to submit an application to Council for the determination of any leasing arrangements and Conditions of Consent.

Service Authority Access rights

Service Authorities have access and rights over the nature strip. The nature strip area is occupied (above or below the ground) by the following:

- Electricity underground/overhead wiring, pits and poles
- Telecommunications wiring, pits and poles
- Gas mains
- Water mains and connections
- Sewer mains and connections
- Council infrastructure - stormwater drainage systems (including the concrete kerbing), footpath street furniture, signage, bus shelters and street trees
- Australia Post mail delivery corridor.

Exceptions

Permanent structures do not include the installation of facilities or infrastructure for public utility authorities such as the provision of services by telecommunication carriers or utility service providers.

This policy does not permit the parking of vehicles on the road reserve or nature strip. Prohibitions relating to this practice are covered under the *Road Transport Act 1999*.

Definitions

Term / Abbreviation	Definition
Road Reserve	Any land dedicated or declared as public road including nature strips
Nature Strips	Section of the road reserve between the property boundary and the edge of the road.
Permanent Structure	Any structure made from permanent materials such as reinforced concrete or brickwork. Requires significant structural and site works such as retaining walls or suspended slab Is not easily removed and the disturbed area would be difficult to restore Associated with a Condition of Consent for car parking to allow occupation of the main dwelling on the adjoining land such as: Car stands requiring significant structural and site works Inclinators or stairs providing pedestrian access Fences and retaining walls made from permanent materials such as concrete, brickwork, stonework and steel in excess of 300 mm in height.
Temporary Structure	A structure: required for the duration of construction associated with an approved or exempt development activity; does not require significant structural works; can easily be removed and the area reinstated; is not associated with a Condition of Consent for car parking to allow occupation of the main dwelling on the adjoining land; for the purpose of construction of a building requiring hoarding or other structure such as: ➤ Hoardings for building works or ➤ Temporary rock or ground anchors. Temporary barriers