

## **Policy 14 – Private Access over Reserve Land**

Any existing or new private accessway over reserve land will be treated like an encroachment and will generally not be permitted, except where considered for approval and formalisation following written application to the Reserves and Facilities Manager, WBOPDC.

Applications will be assessed by Council on a case by case basis, with the assistance of the following criteria:

- Is the accessway beneficial for reserve management and/or general public use purposes?
- Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?
- Is alternative access available?
- Are there any particular exceptional reasons why the accessway should be approved?
- Will approval have the potential to increase maintenance costs to Council over time?
- Is approval likely to create a precedent or encourage other requests for private access over reserve land?

Any accessway approved over reserve land will require formalisation by way of an easement (consistent with Section 48 of the Reserves Act 1977), the process of formalisation is subject to notification and will require the consent of the Minister of Conservation.

All costs associated with the granting of a formalised access will be borne by the party granted access. Annual rentals may also be required to be paid at the discretion of the Council.

**Explanation:** In many locations reserves abut private land and in some such locations access over reserve land provides desirable access to that land. In some places historical access occurs. Private access over reserve land can, however, affect the use, enjoyment and development of the reserve and generally should be avoided except in exceptional situations.