



Mildura Rural City Council

## Land Manager's Consent Policy

### Policy – CP061

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Asset Services	Asset Management Coordinator	Council	22 May 2019	2019/0111
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<b>Document Owner: Manager Asset Services</b>		<b>Review Frequency: 2 years</b>		

#### 1. The purpose of this policy is

To ensure works conducted on or in Council owned, managed or controlled public land and facilities comply with all relevant policy, legislation or regulatory standards and align with Council's strategic requirements.

#### 2. Policy Statement

In order for Council to ensure it is meeting its legislative, duty of care obligations and strategic requirements on Council land, formal consent from Council as the land manager is necessary.

Consent is required for construction, redevelopment or improvement works so relevant stakeholders are aware of proposed projects and any necessary consultation, guidance or conditions can be provided.

Council may arrange for works not compliant with Land Manager's Consent approval and conditions to be removed, made good or modified and will seek to recover from the applicant full costs of doing so.

#### 3. Principles

Council's Land Manager's Consent Policy aims to ensure works on Council owned, managed or controlled land:

- comply with relevant legislation;
- comply with relevant Australian Standards;
- minimise risks to current and future users; and
- align with current Council strategies and policies.

Those seeking to undertake works on Council land, must complete and submit an Application for Land Manager's Consent Form which can be found on Council's website. Typical processing time is 4 weeks from date of submission.

If works have been undertaken on Council land without Land Manager's Consent, penalties will be applied to those who have undertaken the works under the relevant legislation and Local Laws 2 & 5.

#### 4. Who is responsible for implementing this policy?

Council is responsible for adopting the policy. The Manager Asset Services, as Council's public land manager, is responsible to ensure any works on Council owned, managed or controlled land conforms to this policy.

#### 5. Definitions

Council Land	Council owned, managed or controlled land and facilities
Land Manager	Manager Asset Services on behalf of Council
Stakeholder	<ul style="list-style-type: none"> <li>• Project owners and managers</li> <li>• Council lessee's</li> <li>• Recreation agreement users</li> <li>• Council officers</li> </ul>
Works	Construction, redevelopment, improvement, modification or demolition activities

#### 6. Legislation and other references

##### 6.1 Legislation

For further information related to this policy see:

- Road Management Act 2004
- Road Management (General) Regulations 2016
- Local Government Act 1989
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2007
- Aboriginal Heritage Act 2006
- Aboriginal Heritage Act Regulations 2018
- Planning and Environment Act 1987
- Building Act 1993 and Regulations
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986

## 6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Application for Land Manager’s Consent Form
- Land Manager’s Consent Guidelines
- Asset Management Policy CP031
- Local Law No. 2 & 5
- Mildura Rural City Council Municipal Road Management Plan

## 6.3 Risk Assessment Reference

*Please tick the corporate risk(s) that this policy is addressing.*

Risk Category		Risk Category	
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	✓
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance		Project Management	✓
Environmental Sustainability		Public Image and Reputation	✓