



Use of Crown Roads for Development Policy

POLICY OBJECTIVE

The objective of this Policy is to outline the assessment requirements, construction standards and maintenance implications for use of Crown Roads to facilitate the development of adjoining land.

LEGISLATIVE PROVISIONS

Biodiversity Conservation Act 2016

Crown Lands Act 1989

Crown Land Management Act 2016

Environmental Planning & Assessment Act 1979

Roads Act 1993

Rural Fires Act 1997

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

POLICY STATEMENT

Consultation with Department of Industry – Lands & Water

When assessing a Development Application the proposed access arrangements will be a relevant consideration.

Before a development application or s138 Application is lodged that proposes to use a Crown Road for access to a development site, the developer must consult with the Department of Industry – Lands & Water (DOI) in the first instance to:

- a) Confirm the road is a Crown Road. (If the road is not a Crown Road, then this policy does not apply, and a DA may be lodged with Council in the normal manner.)
- b) Obtain DOI's views on whether the road is suitable to be transferred to Council.

Council Considerations in Assessing a Road Transfer Proposal

Where works to a Crown Road are required as part of a Development Application (or a separate application under s138 *Roads Act 1993*) necessitating a road transfer, Council will consider the implications of acquiring new assets and their maintenance burden by way of a community benefit analysis. This analysis, which shall be prepared by the developer, shall examine the environmental, social and economic impacts and include the following:

- a) A plan to define the extent of the Crown Road proposed to be used
- b) Stakeholder consultation (i.e. adjoining neighbours, relevant state agencies including DOI (i.e. written evidence that the land is Crown Road)
- c) How many properties currently use the Crown Road or will benefit from the road (including existing dwelling/s)
- d) Justification for the proposed use / upgrade of the Crown Road including a list of alternative access options and assessment as to why these options are not feasible or not preferred
- e) An assessment of the broader community benefit / impact from the creation of a new Council road asset as well as the benefit / impact upon the adjoining property owners and existing road users
- f) Whether the land is bushfire prone or if any vegetation clearing is required. If so:

- What clearing is required to comply with the Rural Fire Services requirements under *Planning for Bush Fire Protection 2006* (as amended)?
 - Has owners' consent been provided where clearing is required?
 - Does the clearing require a Biodiversity Assessment?
- g) Whether there are any works proposed over a watercourse or drainage line
- h) Does the Crown Road have the potential to contain Aboriginal Cultural Heritage?
- i) Any plans / dealings / gazettes relating to easements which impact upon or adjoin the Crown Road
- j) Photographic evidence of the existing road condition

Consent by Council

Council will consult with DOI as part of the assessment of the application. Any Development Consent issued by Council will stipulate the standard of road required to service the development.

Generally the road standard requirements of the Development Consent will fall into one of the following categories:

Category 1 – The Existing Road Standard is Acceptable

In this case, the existing road is considered suitable for the proposed development with no upgrade works required. Council will not impose Consent conditions for road improvements which would necessitate the developer to obtain a s138 Approval from DOI. Accordingly, for development requiring access along this Crown Road, the transfer of the road to Council would not be required.

Category 2 – Road Standard for Minor Development

The road to be upgraded to the standard for minor development (i.e. new dwelling, up to 2 lot subdivision etc) viz:

- 4m wide gravel carriageway
- Shoulders of 1.5m wide each side (can be unformed)
- Curves to have a minimum inner radius of 6m
- Maximum longitudinal gradient 12%
- Passing bay every 200m with dimensions of 20m x 2m
- Minimum vertical clearance to overhanging obstructions, including tree branches of 4m
- Guide posts to Australian Standards
- Roadbase - a minimum of 150mm thick, with 20-50 mm maximum gravel size
- Crowned or single graded cross section to shed water. Maximum crossfall of 12%
- Table drains or other measures to prevent stormwater over the road
- Concrete culverts with headwalls at watercourse crossings. The culvert size to be determined by design for 10yr ARI or, if not, a minimum of 375mm.
- If public road, then public road fencing to both sides
- Construction standards to industrial quality

Category 3 – Road standard for other development

The standard of road required for other development will be assessed on a case by case basis. A summary of standards for rural roads is summarised below:

Lots Serviced¹	Seal Width² (m)	Shoulder Width	Design Speed (km/h)
Up to 10	5 ³	2 x 1m	60
Up to 50	6	2 x 1m	80
Over 50	7	2 x 1m	100

Notes:

1. If development is for a use other than rural lots, then substitute 9 trips for 1 lot.
2. Road widths shall be uniform along the length of a road. Changes of width are only permissible at intersections
3. If this road commences from a road of substantial length of unsealed road, then sealing may be omitted.
4. Road reserve width shall be minimum 20m in all cases.
5. Cul-de-sac turning heads to be 12m radius plus shoulders
6. Rural residential subdivisions with lot sizes up to 2,000sqm shall have roads with kerb and gutter and shall comply with the requirements of urban roads.

The Requirement to Transfer the Road to Council

In relation to Category 2 and 3 road works referred to above, DOI has advised that it requires the Crown Road to be transferred to Council in order for Council to maintain the road over the life of the asset. In this case, in addition to road design and construction costs, the following works must be completed at the developer’s expense:

- A survey to ensure the new road formation and drainage structures are within the road reserve
- Fencing on both sides of the road to limit Council’s liability with regard to animal incursions.

Road Naming and Rural Addressing

Crown Roads that are transferred to Council shall be named (and sign posted) and lots along the road shall be rural addressed as part of the transfer process. While Council administers rural addressing, the cost of rural addressing is borne by the developer.

DOI has advised that where it retains Crown Roads, the roads will not be named.

Maintenance Responsibility

Crown Roads not transferred to Council

In relation to Category 1 roads referred to above, where the road is not transferred to Council, Council will not maintain these assets as it is not the roads authority.

DOI has advised it will only consider approving minor works to treat or conserve pre-existing access conditions, or establish access. The costs of any minor works approved by DOI are the responsibility of the proponent.

Crown Roads transferred to Council

In relation to Category 2 and 3 roads where a Crown Road is transferred to Council, the maintenance of these roads will be undertaken by Council subject to normal protocols and budget allocations.

Further information

- **Department of Industry - Lands & Water**
Goulburn Office
 Government Office Block, 2nd Floor
 159 Auburn Street, Goulburn NSW 2580

- Department of Industry – Lands & Water
 PO Box 2185
 Dangar NSW 2309
Phone: 1300 886 235 (Australia wide)
 Phone: +61 2 9842 8200 (International)
cl.enquiries@crowmland.nsw.gov.au
www.industry.nsw.gov.au/lands

- Goulburn Mulwaree Council
 Locked Bag 22
 Goulburn NSW 2580
 Phone: 4823 4444

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	16 April 2013	13/136	7 June 2013	7 June 2013
2	8 October 2013	13/416	22 November 2013	22 November 2013
3	18 July 2017	2017/316	18 August 2017	18 August 2017
4	16 October 2018	2018/427	4 March 2019	4 March 2019
All policies can be reviewed or revoked by resolution of Council at any time.				

DIRECTORATE: [Planning & Environment](#)

BUSINESS UNIT: Planning & Development

APPENDIX 1

Step 1

Is the land a Crown Road or Crown Reserve?

Contact: goulburn.crownlands@crowland.nsw.gov.au

If the land is a Crown Reserve, it is not a road and therefore does not provide legal access.

Is the land a Council Road?

Contact: operationsadmin@goulburn.nsw.gov.au

Step 2

If the road is Crown Road you will need to determine if the road is required to be transferred to Council.

Refer to Council minimum road requirements.

Does the road currently comply?

If Yes - No road transfer is required. If No continue to Step 3.

Step 3

If the land is Crown and the current road width and condition does not comply, you will need to apply to transfer the road to Council as part of any Development Application or separately as a Section 138 Road Act construction approval including:

- An application and the required fee for road transfer must be lodged with DOI Lands to enable gazettal of the Crown Road. This transfer application must be completed by Council with the fee paid and plan to be completed by the proponent. Council will not consent to the transfer until all the steps have been fully completed and there is a benefit to accepting the transfer of the Crown Road to Council.
- If Council declines to accept control of the road, the DOI can only approve minor works upon application to DOI.
- Any road design and construction will need to comply with Council's minimal standard as defined in Categories 1, 2 and 3 in this policy.
- To determine whether your property is identified as bush fire prone check council's Bush Fire Prone Land Map, or a s10.7 Planning Certificate for your property which can be obtained from Council. Check with Council to ensure the Bush Fire Prone Land Map and 10.7 Certificate that you are working from are the most recent.

APPENDIX 2

The Crown Road should comply with Council's requirements or the Planning for Bushfire Protection (whichever is the greater).

The road should comply with Council's minimum requirements or the Rural Fire Services *Planning for Bushfire Protection Guide* 2006 as amended (whichever is the greater).

The ability of the DOI to authorise works on Crown Roads is limited to what constitutes "minor works".

The Policy should reference RFS Planning for Bushfire Protection Guide 2006 (or as amended) which can be found at <http://www.rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area>

Other useful links are referenced below:

1. **Biodiversity Assessment & Approvals Decision Support Tool** – takes you through some questions to determine which pathway to go down if there is clearing involved with a DA or someone wants to clear vegetation on their land.

www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator

2. **Biodiversity Offsets Scheme Entry Requirements** – this provides an overview of the scheme and links to further information + provides a link to the User Guide for the Biodiversity Values map below which tells you how to search properties etc.

www.environment.nsw.gov.au/biodiversity/entryrequirements.htm

3. **Biodiversity Values Map** – this is the map that identifies areas where the Biodiversity Offset Scheme applies (and additional info is required for DAs) if the clearing isn't triggered by the thresholds in the table above.

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

4. **Native Vegetation Regulatory Map** – this pages provides the link to the map that assists with working out the approval pathway for vegetation clearing in rural areas (not associated with a DA).

www.environment.nsw.gov.au/biodiversity/regulatorymap.htm

Note:

Development proposals on bush fire prone land are required to comply with *Planning for Bush Fire Protection 2006* published by the New South Wales Rural Fire Service (NSW RFS) which can be found on the Rural Fire Services web site <http://www.rfs.nsw.gov.au/resources/publications/>. Development applications (DAs) are usually assessed by the consent authority (usually the local Council) and are supported by a bush fire risk assessment report. Certain applications also require formal consent from, or consultation with, the NSW RFS.