

GO3 – Conversion of Crown Roads to Council Public Roads – Star Street, Picton and Tickle Drive, Thirlmere

GO3 **Conversion of Crown Roads to Council Public Roads – Star Street, Picton and Tickle Drive, Thirlmere**
10845 TRIM 4387

EXECUTIVE SUMMARY

- The purpose of this report is to gain approval from Council to apply to the NSW Department of Primary Industries (Crown Lands) to transfer the unformed Crown Road Reserve known as Tickle Drive, Thirlmere and Star Street, Picton (see Figures 1 & 2 below) as public roads.
- It is recommended that Council provide approval in principle to accept the Crown Road Reserve as Public Roads in a two stage process as outlined in the report. The second stage not being implemented until Council is assured that there are no encumbrances or burdens on Council.
- At no time during this process does Council assure a positive outcome for the proponents.
- That the Mayor and General Manager be authorised to execute all documentation in relation to this matter including those requiring the Common Seal of Council.
- That Council advise Crown Lands in writing that it does not intend to close and sell the roads in the foreseeable future and that the roads are required for construction and/or maintenance of access.

REPORT

Applications have been received by Council to accept portions of two (2) unformed Crown Road Reserves as Public Roads. The process in the past has required applications for subdivision being received prior to Council considering acceptance of unformed Crown Roads. The reason for not accepting unformed crown road is intended to protect ratepayers from having to pay for the construction of roads to benefit developers.

The properties involved have been rezoned and are within the PTTAG area. The applicants request that Council facilitate the future development of that land by transferring the roads from Crown Road Reserve to Public Roads.

It is considered reasonable in these instances that Council can facilitate the applications subject to the applications being processed in a two stages:

Governance

GO3 – Conversion of Crown Roads to Council Public Roads – Star Street, Picton and Tickle Drive, Thirlmere

STAGE 1:

- a) Application from the proponents requesting Council considers transferring the Crown Road Reserve to Public Road.
- b) Payment of the application fee in accordance with Council's Fees and Charges.
- c) Undertaking from the developer advising that they will pay all costs to establish the transfer including all reasonable legal costs and disbursements.
- d) Submission of a plan identifying the road reserve required to be transferred.
- e) An undertaking from the developer advising that they will construct the Road Reserve to Council's Specifications.

Upon fulfilment of the above and a successful resolution of Council, Stage 2 of the application to transfer the Crown Roads to Public Road be implemented subject to the following:

STAGE 2

- f) A Development Application for subdivision being received by Council within twelve (12) months of the date of a positive resolution of Council.
- g) The applicant for Tickle Drive, Thirlmere provide the proposed road design at the time the development application is lodged, due to the steep topography of the area.
- h) All matters relating to environmentally sensitive land being resolved prior to the application being forwarded to the Crown for Tickle Drive.
- i) That Council be assured that there are no encumbrances on Council or responsibility in regard to existing structures and stock.
- j) Remittance of the required fee payable to the Department of Primary Industries.

Once the above requirements have been satisfied, Council shall proceed to apply to the Crown Lands to transfer the Crown Road Reserves to Public Roads.

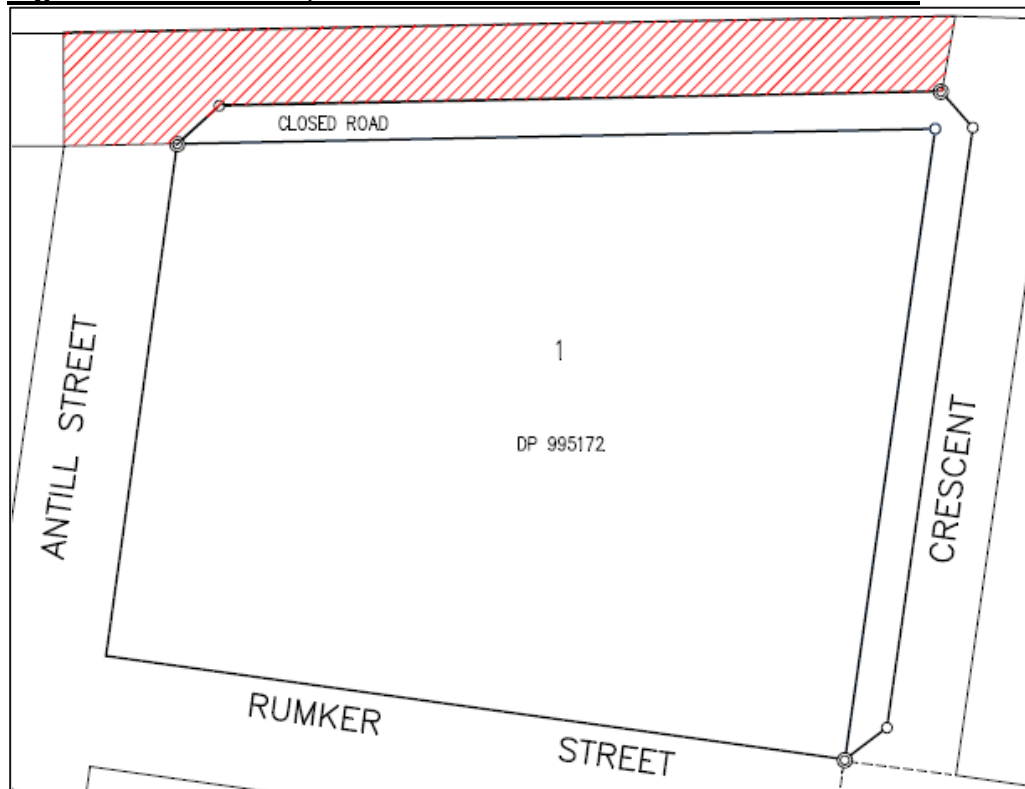
Both proponents have provided an undertaking advising that they are prepared to cover Council's reasonable costs pertaining to the transfer and are in the process of preparing development applications for the adjoining properties which abut the Crown Road Reserves.

Both proponents have advised that they intend to construct the road reserve as part of the future Development Application.

At no time during this process does Council assure a positive outcome for the proponents.

GO3 – Conversion of Crown Roads to Council Public Roads – Star Street, Picton and Tickle Drive, Thirlmere

Figure 2: - Star Street, Picton- area involved identified in red hash



Governance

The above area hashed in red identifies the area proposed to be accepted as public road. There appears to be structures, encumbrances and stock within the road reserve which will remain the responsibility of the applicant to address prior to the application being submitted to the Crown.

CONSULTATION

Asset System Coordinator
Acting Manager Infrastructure Planning

FINANCIAL IMPLICATIONS

This application process to transfer the Crown Road Reserve to Public Road has no financial impact on Council's adopted budget or forward estimates due to the applicants proposing to construct the subject roads and has made an undertaking to pay all costs to establish the transfer.

ATTACHMENTS

Nil.

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RECOMMENDATION

1. That Council provide approval in principle to accept the portions of Crown Road Reserves known as Tickle Drive, Thirlmere and Star Street, Picton as Public Road subject to compliance with stage 1 and stage 2 outlined in the report of the required process.
2. That the second stage of the process not be implemented until Council is satisfied that there are no encumbrances or responsibilities on Council which pertain to the road, building structures, stock and environmentally sensitive land.
3. That at no time during this process does Council assure a positive outcome to the applicant.
4. That this approval in principle may not be transferred to any other interested party or parties.
5. That the Mayor and General Manager be authorised to execute all documentation in relation to this matter including those requiring the Common Seal of Council.
6. That Council advise the Crown in writing that it does not intend to close and sell the roads in the foreseeable future and that the roads are required for construction and/or maintenance of access.