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

# GO3 <u>Conversion of Crown Roads to Council Public Roads – Star Street,</u> 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:



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### 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.
- 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.

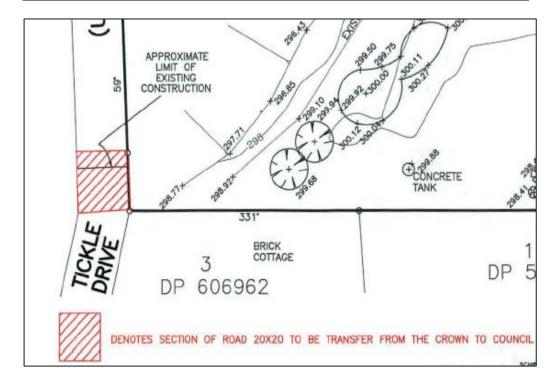
At no time during this process does Council assure a positive outcome for the proponents.



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Council's application to the Crown requires an undertaking from Council to state that it does not intend to close and sell these roads in the foreseeable future and that these roads are required for construction and/or maintenance of access. The Crown will process the transfer of land and Government Gazette advertisements.

Figure 1: - Tickle Drive, Thirlmere - area identified 20m x 20m in red hash



The above area hashed in red identifies the proposed area to be transferred as Public Road. The applicant for Tickle Drive, Thirlmere has requested 20m x 20m of road reserve, it is intended to increase the length requested to 25m to ensure that there is sufficient room to construct the road. Due to topography it will be necessary that the applicant submit details of the roads works they propose at the time the development application is lodged.

Council's Environmental Department have viewed the vegetation within the Tickle Drive Road Reserve advising that most of the vegetation within this section of Crown Road Reserve are exotic pine trees, with the exception of one large remnant eucalypt. Clearing of the pine would not require consent, other than that of the owner. The remnant eucalypt is quite large and of a significant age. The eucalypt appears to be in decline and is unlikely to have a long life ahead. The eucalypt did not appear to contain significant hollows or other habitat features. Removal of this tree is unlikely to be a problem if the proposal goes ahead. It is noted the road reserve is covered by the Biolayer in the LEP and it appears at this time the only way to offset this vegetation is to Biobank.



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CLOSED ROAD

1

PP 995172

RUMKER

STREET

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

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.

