



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 Land Management Act 2016

Environmental Planning & Assessment Act 1979

Roads Act 1993

Rural Fires Act 1997

State Environmental Planning Policy (Biodiversity and Conservation) 2021

POLICY STATEMENT

Consultation with NSW Department of Planning & Environment

When assessing a Development Application the proposed access arrangements form a relevant consideration that must be suitably addressed.

Prior to the lodgement of a Development or s.138 Application that proposes to use a Crown Road (or portion thereof) for access to a development site, the developer must consult with the NSW Department of Planning and Environment (DPE) 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 Development Application may be lodged with Council in the normal manner).
- b) Obtain DPE's comments on whether the portion of the Crown Road is required 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 proposed Development Application or a separate application under s.138 *Roads Act 1993* that will necessitate a road transfer, Council will require the following:

- a) A plan that defines the extent of the Crown Road (or portion thereof) proposed to be transferred including a boundary delineation survey that identifies the location of the existing road infrastructure in relation to property boundaries and natural features;
- b) Stakeholder consultation as required;
- c) How many properties currently use the Crown Road or will benefit from the road transfer;
- d) Justification for the proposed use that triggers the transfer of the Crown Road including an assessment of alternative access options and why these options are not feasible;
- e) An assessment of the broader community benefits and impacts of the proposed Crown Road transfer;
- f) An assessment of the bushfire threat including any required compliance with *Planning for Bush Fire Protection 2019* (as amended);
- g) An assessment of any required native vegetation clearing;
- h) An assessment of any proposed works within 40m of, or over a watercourse or drainage line;

- i) An assessment of the potential for the Crown Road reserve to contain Aboriginal Cultural Heritage;
- j) An assessment of any plans, dealings, or gazettes relating to easements which impact upon or adjoin the Crown Road to be transferred; and
- k) An assessment of the current road condition and construction against Council’s engineering standards that clearly identifies issues of non-compliance.

Consent by Council

Council will consult with DPE as part of the assessment of the application. Any Development Consent issued or Planning Agreement entered into by Council will stipulate the standard of road required to be provided as a consequence of the proposed works.

Road standard requirements will fall into one of the following categories:

Category 1 – The Existing Road Standard is Acceptable

The existing road and infrastructure is considered suitable for the proposed transfer with no upgrade works required. In this instance, Council will not impose Consent conditions for road improvements.

Category 2 – Road Standard for Minor Development

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

- 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 minimum 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 a public road then public road fencing to both sides.

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 provided below:

Lots Served¹	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; and
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

Crown Roads will be transferred to Council when upgrade works are required to the road infrastructure or when DPE requires the Crown Road to be transferred to Council.

Road Naming and Rural Addressing

Crown Roads that are transferred to Council must be named, and sign posted, and all 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.

Where DPE 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 the road infrastructure as it is not the roads authority.

DPE may consider approving minor works to treat or conserve pre-existing access conditions, or establish access. The costs of any minor works approved by DPE 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

- NSW Department Planning & Environment - Lands & Water
Goulburn Office
Government Office Block, 2nd Floor
159 Auburn Street, Goulburn NSW 2580

- NSW Department of Planning & Environment – 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.dpie.nsw.gov.au

- Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580
Phone: (02)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
5	6 September 2022	2022/312	6 September 2022	4 October 2022
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 DPE Lands and Water 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 DPE can only approve minor works upon application to DPE.
- 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* 2019 as amended (whichever is the greater).

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

The Policy should reference RFS Planning for Bushfire Protection Guide 2019 (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 2019* 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.