

GO5 – Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere

GO5 **Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere**
10845 TRIM 4387

EXECUTIVE SUMMARY

- The purpose of this report is to consider a request to extend the previous resolution of Council which proposed to transfer Crown Road Reserve to Public Road known as Tickle Drive, Thirlmere.
- The applicant is to complete Stage 1 & 2 of the report prior to the application being forwarded to the NSW Department of Primary Industries (Crown lands) to transfer the road reserve as public road. The application will not be submitted until Council is satisfied that there are no encumbrances or responsibilities on Council which pertain to the road, structures, stock and environmentally sensitive land.
- At no time during this process does Council assure a positive outcome to the applicant. The approval in principle may not be transferred to any other interested party or parties.
- That the Mayor and General Manger be authorised to execute all documentation in relation to this matter including those documents requiring the Common Seal of Council.
- Council advise the Crown upon application it does not intend to close or sell the road in the foreseeable future and that the road is required for construction and/or maintenance of access.

REPORT

In 2016 an application was received requesting Council accept an unformed Crown Road Reserve as Public Road being Tickle Drive, Thirlmere (see map page 2 of report). The applicant has not complied with the resolution of Council as outlined below and requests an extension of time to comply.

An application for subdivision must be received prior to consideration of accepting unformed Crown Road. This protects ratepayers from having to pay for the construction of roads to benefit developers.

It is proposed to proceed with the application subject to the following:-

STAGE 1:

- (a) An application from the proponent requesting Council consider transferring the Crown Road Reserve to Public Road.

Governance

GO5 – Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere

- (b) Payment of the application fee in accordance with Council's Fees and Charges.
- (c) An 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/or stock.
- (j) Remittance of the required fee payable to the Department of Primary Industries.

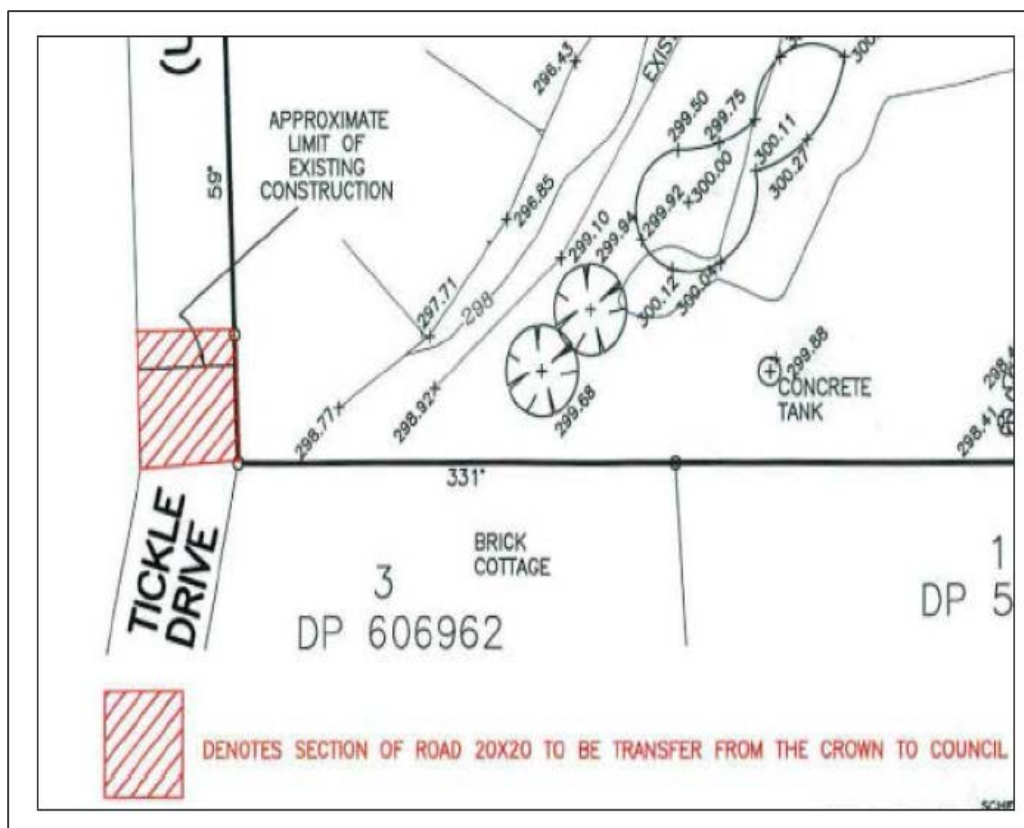
Once the above requirements have been satisfied, Council shall proceed to apply to the Crown Lands to transfer the Crown Road Reserve to Public Road.

An undertaking has been received from the proponent advising that they are prepared to cover Council's reasonable costs and are prepared to construct the road reserve as part of the Development Application.

GO5 – Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere

Council's application to the Crown requires an undertaking from Council to state that it does not intend to close and sell the road in the foreseeable future and that the road is required for construction and/or maintenance of access. The Crown will process the Transfer of land and prepare the Government Gazette advertisement.

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



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

Governance

GO5 – Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere

Council's Environmental Department have viewed the vegetation within the Tickle Drive Road Reserve advising most of the vegetation 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 concern if the proposal goes ahead. It is noted that 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 Bio-bank.

CONSULTATION

Asset System Co-ordinator
Infrastructure & Environment Directorate

FINANCIAL IMPLICATIONS

To transfer the Crown Road Reserve to Public Road has no financial impact on Council's adopted budget or forward estimates due to the applicant proposing to construct the road and has made an undertaking to pay all costs to establish the transfer.

Any future subdivision will provide suitable road construction as required in accordance with normal subdivision requirements. Road Assets will be maintained for 12 months and then become Council's assets.

ATTACHMENTS

Nil

RECOMMENDATION

1. That Council provide approval to extend its consent for a further twelve (12) months from the date of resolution to allow the applicant to comply with conditions as outlined in Stage 2 of the report. If the terms of approval in principle are not met within the 12 months, then the application will lapse.
2. That an application not be made to the NSW Department of Primary Industries (Crown Lands) until Council is satisfied that there are no encumbrances or responsibilities on Council which pertain to the road, structures, stock and environmentally sensitive land.
3. That at no time during this process does Council assure a positive outcome to the applicant.

Governance

GO5 – Conversion of Crown Road to Council Public Road – Tickle Drive, Thirlmere

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 upon completion of the Stage 2 requirements.
6. That Council advise the Crown in writing that it does not intend to close or sell the road in the foreseeable future and that the road is required for construction and/or maintenance of access.