

# Crown Road Management Policy

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<b>Strategic Pillar</b>	Infrastructure
<b>Responsible Branch</b>	Transport and Facilities

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## 1 OUTCOMES

- 1.1 To provide a consistent approach to the management of Crown Roads within the QPRC local government area
- 1.2 To provide guidance to other sections of Government on Council involvement in Crown Roads.

## 2 POLICY

- 2.1 To establish Council's position on:
  - 2.1.1 The transfer of Crown Roads, for the purpose of consultation with relevant Government departments in relation to proposed transfers of Crown Roads pursuant to section 152I of the Roads Act 1993 (NSW),
  - 2.1.2 The proposed sale of Crown Roads pursuant to section 152B of the Roads Act 1993.

## 3 SCOPE OF THE POLICY

- 3.1 This policy applies to all council officials who manage construction, maintenance, transfer and closure enquiries emanating from development applications, requests from the public and proposals by the Minister for Land and Water.
- 3.2 This policy will be a guiding document for NSW Crown Lands

## 4 DEFINITIONS

- 4.1 *Council official* — includes Councillors, Council staff, administrators, Council committee members and delegates of Council.
- 4.2 *Crown Road* — means a road that is vested in the Crown which is owned and managed by the State Government.
- 4.3 *Public Road* — means a road that is vested in the Council which is owned and managed by the Council.
- 4.4 *Transfer* — means the administrative process to transfer a crown road to Council as a public road after which Council is the Roads Authority for that road.
- 4.5 *Roads Authority* — means a person or body that is, by or under the *Roads Act 1993*, declared to be a roads authority and, in relation to a particular public road, means the roads authority for that road.

## 5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- 5.1 Roads Act 1993 (NSW)
- 5.2 QPRC Unsealed Road Grading Policy
- 5.3 Crown Land Management Act 2016

## 6 CONTENT

- 6.1 Pursuant to section 152I of the Roads Act 1993 (NSW), a Crown Road may be transferred to Council without the consent of Council. It is the stated practice of the NSW Department of Planning, Industry and Environment to consult with Council before processing a Crown Road transfer.
- 6.2 For the purposes of consultation with relevant Government departments in relation to the proposed transfer of a Crown Road or Roads, Council will support the transfer only if Council resolved to transfer the road, or where Council would normally transfer the road as the result of an approved development using authority delegated to staff.
- 6.3 Council will otherwise oppose the transfer of a Crown Road to Council.

- 6.4 When Council places a condition on a development consent to upgrade a Crown Road to a specified standard, Council staff may assess the construction work to ensure it meets the specified Council standard without Council being the road authority for that road.
- 6.5 Where a Road (including Crown) is transferred to Council, Council will categorise and maintain that road in accordance with its Unsealed Road Grading Policy as amended from time to time including:
  - 6.5.1 Roads transferred due to historical development consent conditions that do not have road standards associated with them.
  - 6.5.2 Enforcement of minimum standards before taking maintenance responsibility as per Unsealed Road Grading Policy.
- 6.6 Section 152B of the Roads Act 1993 states The Minister for Lands and Water may sell or otherwise dispose of a crown road, or part of a crown road, without first closing it.
- 6.7 Section 152D of the Roads Act 1993 ensures that a proposed sale is notified for a period of at least 28 days in a local newspaper.
- 6.8 When Council is notified of proposed Crown Road Closures, or sale that have a border, or provide immediate access to either National Parks or Nature Reserves, it will notify Bushwalking NSW of the proposed closure, or that are part of the existing or proposed Bywong/Wamboin Greenways network it will object to the sale and notify the 355 Committee responsible for the Greenways.

## 7 REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
  - a) legislation requires it, or
  - b) Council's functions, structure or activities change