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## Coordinated Branch Responses

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**Analysis**

Crown Lands

Transfer of Virginia Road to Council is required to facilitate the proposed subdivision.

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## Suggested Response

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The Planning Proposal for “15-35 Warnervale Road & Part of 95-105 & 107-171 Virginia Road” requires the use of a Crown road, being Virginia Road.

The department considers Virginia Road, south of the Warnervale Road intersection, to be suitable to transfer to Council as major road works are proposed by someone other than the department, and these works will require development consent under the *Environmental Planning & Assessment Act 1979*.

Whilst undertaking a review of the Planning Proposal the department identified that the section of Virginia Road from Warnervale Road to Sparks Road is also a Crown road that should be transferred to Council for the following reasons:

- The bitumen formed road provides road access to urban areas & rural areas.
- Development consent has been granted by Council that requires use of the Crown road to service traffic generating development.
- The Crown road was constructed, has or is being maintained by Council to facilitate access, as part of its local road network.

The department recommends that Council formally request transfer of the affected Crown roads. Information on the administration of Crown roads, including the “Transfer Crown road application form”, can be found on the department’s website here:

<https://www.industry.nsw.gov.au/lands/access/roads>

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## Key reasons


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- An unformed Crown road, being Virginia Road south of Warnervale Road, is within the area of the Planning Proposal and is integral to the future development of the site. This section of Virginia Road will require significant upgrades to allow it to provide suitable access to the proposed subdivision.
- A formed Crown road, being Virginia Road north of Warnervale Road, is outside the Planning Proposal. However this Crown road has been identified in the Traffic Impact Assessment provided with the Planning Proposal as being a “local road” with a “50km/hr speed limit and is under the care and control of Central Coast Council”. The road is bitumen formed and services in excess of 40 residential properties.
- The two sections of Virginia Road identified as being affected by the Planning Proposal meet the criteria for road transfer as outlined in the department’s “Administration of Crown roads Policy” (IND-O-250) and “Guidelines – Administration of Crown Roads” (DOC18/013136)
- Council should be provided with the opportunity to request transfer of the roads in the first instance.

## Branch approvals

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Comments:

Position	Signature	Date
Contact officer: Mark Grace, NRM Project Officer, 4937 9331		31/07/2018
Approving officer: Rob Micheli		

Comments:

## Background

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Crown roads are public roads administered by the NSW Department of Industry - Lands & Water (the department) under the *Roads Act 1993*. Crown roads comprise land corridors set aside for legal access and are commonly referred to as 'paper roads' or 'road reserves.'

The department does not normally undertake road construction works and has limited resources in this regard. The department does not support the development of Crown roads for new or more intensively-used access to private property unless arrangements to transfer the road to the local council are also proposed.

The minister is authorised to transfer Crown roads to another roads authority. Local councils can request the department's consideration to transfer a Crown road to council. The department may also give consideration to initiating the transfer of a crown road to council.

This Planning Proposal is part of the broader North Wyong Shire Structure Plan. The objective of the Planning Proposal is to enable the subdivision and development of land to provide for 573 house sites. Virginia Road is identified as one of two site entry points for the proposed development.