



## **10. PROPERTY MANAGEMENT**

Policy 10.11

CROWN AND PRIVATE ROADS – MAINTENANCE

**Version 4**

# **10. PROPERTY MANAGEMENT**

## **10.11 CROWN ROADS AND PRIVATE ROADS - MAINTENANCE**

### **OBJECTIVE:**

To outline Council's position in relation to the maintenance of Crown and private roads.

### **DEFINITIONS:**

"Crown Road" means a road that is vested in the Crown which is owned and managed by the State Government.

A "private road" is any road that is not under the care and control of a road authority.

### **INTRODUCTION**

Crown roads generally provide lawful access to freehold and leasehold land where little or no subdivision has occurred since the original Crown subdivision of NSW, early in the nineteenth century.

Private roads are not under the care and control of a road authority and instead, serve to benefit a number of private land holders. These roads have been privately constructed, as sometimes are merely formed roads over private property, and not gazetted Public Roads."

Crown roads are part of the State's public road network, and the majority have not been formed or constructed to Council's standard. Crown public roads are managed under the *Roads Act 1993*, as are all other public roads in the State.

Only the Minister may, by order published in the Gazette, transfer a specified Crown Road to another roads authority (i.e. Council).

### **POLICY:**

At the Ordinary Meeting of Council held 11 December 2017, Lithgow City Council rationalised its road asset register to ensure that all roads maintained by Council were appropriately transferred to Council ownership (Min. No. 18-39).

Hence, from this date, Council will not maintain or upgrade Crown Roads or private roads within its local government area.

Landowners may make application to Council for consideration of maintenance or upgrading of a Crown Road or Private Road.

Council, upon assessment of the landowners application, may undertake civil works if approved by Director Infrastructure Services provided the landholder undertake the following:

1. Obtain written permission from the Department of Lands, or the road owner, to carry out works on the road. This permission is to specifically note that such works will be a 'one-off' and does not constitute any agreement by Council to assume ownership or responsibility for ongoing maintenance of the Crown or private road; and
2. Enters into a Work at Owners Cost agreement for Council to undertake the work as a 'one-off' project.
3. Indemnifies Lithgow City Council against any claim, action or process for damage or injury which might arise during the progress of such works, and shall keep indemnified Lithgow City Council against any claim, action or process for damage and / or injury which might arise from the existence of such works unless such damage and / or injury is due to or contributed to by an act or omission of Lithgow City Council, it's employee or agents.

Council will only enter into Work at Owners Cost agreements when plant is in the near vicinity of the requested area, and Council's workloads permit. Priority for the use of Council's plant, equipment, labour and other resources is given to Council's own works program at all times.

Only approved Council employees shall operate Council plant engaged on private works.

In the event where the Department of Lands proceed to transfer a Crown Road to Lithgow City Council, Council will not maintain any additional rural roads constructed as accesses to rural subdivisions or properties.

Appeals to this policy or its application can only be made by Council resolution through written submission to Council for consideration at a meeting of Council, or verbally during public forum at a Council meeting.

<b>Maintained by Department:</b>	Infrastructure Services	<b>Approved by:</b>	Council		
<b>Reference:</b>	Dataworks: Policy Register	<b>Council Policy No:</b>	10.11	<b>Effective Date:</b>	
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<b>Attachments:</b>	
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