

Roads and Assets Referral Response

Application Number:	DA2020/0392
Date:	02/06/2020
To:	Georgia Quinn
Land to be developed (Address):	Lot 2414 DP 752038 , 19 Morgan Road BELROSE NSW 2085

Reasons for referral

Works proposed by the development may impact on existing Council road assets (eg. kerb and gutter, footpath, retaining walls, landscaping) or results in new structures/encroachments being created within the road reserve. Council's Road Asset Managers are required to review the development application and if necessary liaise with Council's Development Engineering and/or Traffic Management Teams to ensure appropriate conditions are considered.

Officer comments

The Bushfire Report is factually incorrect in relation to Access and Egress. The access road is NOT council owned and is NOT maintained by Council. It is an unformed Crown Road. Further, it may not have been designed to cater for heavy vehicles, although it is apparent that some minor maintenance work has been undertaken since the last development application. The track is NOT 6m wide and averages 4-5m wide and fire fighting vehicles may find it difficult to pass.

Whilst there is no impact on existing Council road assets, the proposed development will need to ensure measures are in place to ensure adequate, safe vehicle access to the property can be achieved.

The Department of Planning Industry and Environment - Crown Lands is the road authority for Crown Public Roads. Any works on a crown public road must be approved by Crown Lands. The conditions from earlier DA's are recommended for inclusion in this DA.

Council File references

2012/010465 - crown road status from DOL

2012/085039 - discussion of access and management of Crown Roads

From previous referral:

It is understood that vehicle access to the the subjected site and No. 23 Morgan Road is obtained via an unformed road (not constructed to Council standards). The unformed road is a Crown road which is owned by NSW Land and Property Management Authority (LPMA) .

In accordance with Roads Act 1993, the owner of No. 19 Morgan Road is entitled to access between their property and the crown road. As such, Roads Asset has no objection to the proposed development regarding the vehicle access.

The applicant may need to rectify the unformed road to improve the accessibility to their property.

Please note that it is not Council's responsibility for any development/ maintenance on a crown road. If any works of a crown road are needed, the cost of such works may be need to be borne by the owner

who has a right to use or benefit of the crown public road.

An approval must be obtained from LPMA prior to undertake any works on the crown road.

Also, there is no current arrangement to transfer the ownership of the unformed road from LPMA to Council. In general, it is unlikely Council would accept an unformed road which does not meet Council's minimum standards.

Council File references

2012/010465 - crown road status from DOL

2012/085039 - discussion of access

As such the conditions of the earlier development application are appropriate (DA2011/0628)

Development Engineering to ensure the following condition is placed on the consent if approved:

General Conditions:

1. Works within the road reserve subject to Part 5 Assessment

If any works are required to the unsealed roadway for vehicle access, the applicant shall comply with the requirements of Part 5 of the Environmental Planning and Assessment Act 1979 for environmental impact assessment.

Reason: To ensure the environmental integrity of the flora and fauna within and adjacent to the roadway

Prior to CC

1. Vehicular access

Prior to the issue of the Construction Certificate, the applicant is to provide written evidence to the Certifying Authority from the owner/road authority of the road reserve that it is satisfied with any proposed vehicular access to the subject site.

Prior to OC

1. House/Building Number

House/building number is to be affixed to the building to be readily visible from Morgan Road.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim/final Occupation Certificate.

Reason: Proper identification of buildings. (DACPLF04)

Reason: To ensure vehicle access is obtained

1. Vehicular access

Vehicle access is to be provided to the site in accordance with the requirements of the land owner of the road reserve/road authority.

Details demonstrating compliance shall be submitted to the Principle Certifying Authority prior to the issuing of an interim/final Occupation Certificate.

Reason: To ensure vehicle access is obtained.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Roads and Assets Conditions:

Nil.