

Subject: 304-314 Burns Bay Road - New Road and Related matters
Record No: SU2589 - 25338/14
Division: General Managers Unit
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Executive Summary

This report packages together a number of related matters associated with improvements to 304-314 Burns Bay Road now that the road and the shell for the community space below has been completed.

The Report makes recommendations in relation to the creation of public road, appropriate adjustments to road and property boundaries, road naming and its effect on existing adjacent properties and associated processes in dealing with Community Land, the naming of the new community centre and park.

Background

The precinct in the vicinity of 314 Burns Bay Road is undergoing significant change as a result of the changes in land use in the 2009 Lane Cove Local Environment Plan (LEP).

Council has previously considered:-

- a) Major Projects Strategic Management Plan 2007 – 2016;
- b) Public Hearing Report into reclassifying part of Lot 102 DP 1013285 as Operational;
- c) Property acquisitions affecting 296, 300 and 300 ABC Burns Bay Road necessary to improve the public road alignment and capacity to meet future traffic generation demand;
- d) Arrangements with the Body Corporate of SP 6522 relating to road dedication, access, parking and land transfers;
- e) Construction of a new road across 304-314 Burns Bay Road;
- f) Concepts for redevelopment of the park to the east of the new access road; and
- g) Closure of surplus public road to the south of 296 Burns Bay Road.

Discussion

When the Major Project Plan was prepared in 2007 and subsequently the DCP for this locality, the intention for a road across 304-314 Burns Bay Road was highlighted, however its location was indicative only. It was always the intent that the new road would logically define the eastern extent of the R4 zoned land. Since that time the road has been designed and is now constructed, providing a basis for accurately defining the western boundary of the road as the eastern boundary of the R4 zoned land.

It is noted, however, that the as constructed new road boundary results in a minor discrepancy between the western road boundary and the mapped location of the R4 / RE1 zone and Operational / Community land boundary. This discrepancy is largely administrative in mapping the aligning the zonal boundary and the new road boundary to achieve the intended outcome.

The newly constructed road across 304-314 Burns Bay Road provides long term road access to serve:-

- a) On street parking for access to the park;

- b) Ground level pedestrian access to the park near the southern boundary;
- c) Parking for Carisbrook historic property 334 Burns Bay Road;
- d) Residential redevelopment of the Tuta Site at 316-322 Burns Bay Road; and
- e) A future redevelopment of the R4 zoned segment of 304-314 Burns Bay Road;

Images of the new road are included in **AT-4**. The area of concrete road pavement is also the roof of the community centre below.

The following sections in this report consider the administrative and practical matters to be resolved with the opening of the new road.

Extent of Public Road

The existing public road boundaries providing access for 288 to 300 A, B and C Burns Bay Road are highlighted red in **AT-1**.

Recommended changes to the public road boundaries at the completion of the road network improvements are shown in **AT-2**. The changes are premised on the assumption that the necessary acquisitions to improve the eastern approach to the signalised intersection and the road closure of the surplus part of public road shown as Lot 101 in DP 1013285 will be successfully concluded.

The new road across 304-314 Burns Bay Road is on Community Land. Under Section 47 H of the Local Government Act:-

“(1) Community land may not be dedicated as a public road under section 10 of the Roads Act 1993 unless:-

- (a) the road is necessary to facilitate enjoyment of the area of community land on which the road is to be constructed or of any facility on that land, and*
- (b) the council has considered means of access other than public road access to facilitate that enjoyment, and*
- (c) there is a plan of management applying only to the land concerned and provision of the public road is expressly authorized in the plan of management.*

(2) Subsection (1) does not apply to:

- (a) a dedication of land for the purpose of widening an existing public road, or*
- (b) a dedication of land for the purpose of other road works of a minor character, authorized by the plan of management applying to the land, in respect of existing roads, or*
- (c) a dedication of land for the purpose of a road that is the subject of an order under Division 1 of Part 5 of the Roads Act 1993.”*

Access to 304 Burns Bay Road was previously off Burns Bay Road. With the excising of the 304 Residential Lot off the park, the point at which public road access to the park is available was some 6m above the park. The new road has combined an appropriate road alignment to meet natural ground level at the southern end of the park and create a significant community facility below the road surface. The road is designed to provide on street parking for the park users.

It is noted that alternate access to the park and new community centre will now also be provided as part of an inter-related arrangement with 300 A, B and C Burns Bay Road (SP6522), in lieu of the previously proposed branch of the newly constructed road. This arrangement post dates the commencement of the road construction.

Whilst sub sections 1(a) and 1(b) may be deemed to be satisfied, a generic plan of management rather than a specific plan of management applies to the land concerned.

For avoidance of doubt given that the new road also is required to provide vehicular access to residential developments and to enable the new road to be formally dedicated as public road, a more formal process is recommended. This process would redefine the R4/RE1 zonal boundary at the western boundary of the new access road and align the classification of Operational with the eastern boundary of the new access road. The changes to areas of R4 and RE1 zoned land are outlined in **AT-3**.

The process involves a public hearing in accordance with the Act as part of the consultation process.

Redefinition of Property Boundaries

With respect to Lot 102 DP 1013285 (former RSL Bowling Club site), two new lots need to be created either side of the proposed public road dedication. These lots are referred to as the 304 Residential Lot and the 304 Park Lot.

As foreshadowed above, the 304 Park Lot would have its western boundary as the eastern boundary of the new public road.

It is also proposed that a stratum lot be created for the new community space below the road comprising an area of 360 m² approx.

As part of the agreement with SP6522 (300A, B and C Burns Bay Rd), a section of their property along the eastern boundary of the Park as set out as Area 4 in AT-4 is to be dedicated to Council and integrated into the 304 Park Lot. On transfer to Council it is recommended that the land will be classified as Community Land under S31 of the Local Government Act and rezoned from R4 to RE1.

The 304 Park Lot will therefore encompass that part of Lot 102 DP 1013285 to the east of the new road, the stratum lot and that part of SP6522 as shown in AT-4.

In respect of Lot 31 DP 540796, 296 Burns Bay Road, a response from the Division of Local Government is pending on Council's application to proceed to compulsorily acquire that property for a public road purpose. The application is premised on the practical treatment of any residue land being amalgamated in the event that part of lot 101 in DP 1013285 is formally closed as public road.

It is intended that the land between the western boundary of the new access road and Burns Bay Road will become the 304 Residential Lot and be operational land. In the event that part of lot 101 in DP 1013285 is formally closed as public road, it is also intended to amalgamate the 304 Residential Lot with any residue from Lot 31 DP 540796 after the new road boundary on that lot can be established.

Completion of the various processes is likely to take a further 12-15 months.

Road Name

The naming of roads is undertaken in accordance with the Geographical Names Board of NSW guidelines.

Source criteria includes early explorers, pioneers, settlers and other eminent persons. In this respect, it is noted that William Morris (Billy) Hughes, Australia's 7th Prime Minister had a connection with Lane Cove including owning a house in Richardson Street, Osborne Park and addressing the public during the first world war from a property in Burns Bay Road.

Given it is the centenary of the First World War, and that no other naming recognition has been given to Mr. Hughes in Lane Cove, the naming of new road, Hughes Way is a suitable alternative put forward as Council's preferred name. It is Council's practice to call for naming suggestions via community consultation and this can be undertaken prior to dedication of the road.

Street Address

The street address for a number of properties needs to be considered in the context of how vehicular access to those properties is physically provided.

Whilst the residential redevelopment of 316-322 Burns Bay Road has a road frontage to Burns Bay Road, vehicular access is via the signalised intersection and the new access road. Similarly, the future redevelopment of the residential component of 304-314 Burns Bay Road (304 Residential Lot) will have its vehicular access off the access road.

Previously a number of residents in 300 A,B,C, Burns Bay Road had requested an address change when emergency services missed the turn off at the signalized intersection involving additional response time in locating the resident.

With such a large increase in the number of residents in the precinct, it is recommended that all properties accessing Burns Bay Road including the 304 Park Lot via the signalised intersection have a unique road name other than Burns Bay Road, being the new road name outlined above. This is outlined in **AT-2**.

This will involve a readdressing exercise for quite a number of residents and property owners, and therefore community consultation should be undertaken to gauge the views of those affected.

Community Centre and Park Naming

Council has lodged a Development Application (DA 14/55) for the fit out of the community centre and has completed the design and consultation on the park. Work on these facilities will commence latter this year. As is Council's practice, it is recommended that community consultation be undertaken on possible names for the community centre and the adjacent park, to be selected prior to their opening.

Road Opening

It is recommended that the new road be officially opened by the Mayor and Councillors on Saturday 30th August 2014. This date allows for the necessary arrangements and for Council to resolve the naming of the road, community centre and park following community consultation.

Community Consultation

Statement of Intent

The consultation is designed to consult with the community on modifications to street address, road, park and community centre naming. Any comments received will be reviewed and evaluated to determine an appropriate way forward.

Ordinary Council Meeting 19 May 2014
304-314 BURNS BAY ROAD - NEW ROAD AND RELATED MATTERS

Method

Level of Participation	Inform	Inform	Consult
Form of Participation	Open	Targeted	Open
Target Audience	Lane Cove Community and community groups	Local residents in the Burns Bay Road precinct around 304-314 Burns Bay Road and community associations	Lane Cove Community
Proposed Medium	Advertisement and eNewsletter	Notification Letters and Brochure / Letterbox Drop	Public Hearing (Land Reclassification only), Public Exhibition and Website Exhibition
Indicative Timing	6 weeks plus Public Hearing	6 weeks plus Public Hearing	6 weeks plus Public Hearing

Conclusion

The matters set out in this report have a logical order.

The Planning Proposal to modify the zonal boundary between the RE1 Recreation Zone and R4 High Density Residential to align with the new road boundary over 304-314 Burns Bay Road (Lot 102 DP 1013285), with no other change the LEP controls is consistent with the intent set out at the time of the original public hearing to reclassify as operational that part of the lot required to support an R4 high density residential zone, given that the new road has now been constructed and logically defines the eastern boundary of the R4 zone.

As a matter of process, a public hearing is required albeit that the mapping changes are largely administrative.

The new road also contains a community space below and defines the western extent of the park. This provides opportunity for community input into the name of the community centre and also a name for the park.

The new road, along with a significant increase in residential units accessing the signalised intersection with Burns Bay Road also provides an opportunity to resolve an abnormality in addressing created by the irregular widening of Burns Bay Road. Given it is the centenary of the First World War, and that no other naming recognition has been given to Mr. Hughes in Lane Cove, the naming of new road, Hughes Way is proposed to be included in the consultation as Council's preferred suggestion.

Consultation will include community feedback on suggested names for the road, community centre and park as well and targeted feedback from those directly affected by any readdressing as a result of the creation of the new road.

RECOMMENDATION

That Council:-

1. Adopt the Planning Proposal for submission to the Department of Planning and Infrastructure for Gateway approval to modify the zoning boundary between the RE1 Recreation Zone and R4 High Density Residential to align with the new road boundary over 304-314 Burns Bay Road (Lot 102 DP 1013285), with no other change to the LEP controls.
2. Commence the process to reclassify as Operational Land the portion of 304-314 Burns Bay Road Lane Cove affected by road and consequential changes to land classification relating to land changed to R4 in (1) above, under the Local Government Act 1993 and Environmental Planning & Assessment Act 1979.
3. In the event that the reclassification referred to in (2) above is successful, proceed with a subdivision to create a public road, a lot zoned R4 to the west of the new road, a lot zoned RE1 to the east of the road and a stratum lot containing the community centre below the new road.
4. Note that the area of R4 zoned land to be added to the park shown as Area 5 in AT-3 will be rezoned RE1 and classified as Community Land.
5. Endorse for the proposal for modifications to the street address, road, park and community centre naming for the purpose of public exhibition and place the proposal on public exhibition for 6 weeks in accordance with the strategy outlined in the report.
6. Endorse “*Hughes Way*” as a preferred new road name as part of the community consultation;
7. Note that arrangements will be made for the Mayor and Councillors to formally open the new road on Saturday 30th August 2014.

Craig Wrightson
General Manager
General Managers Unit

ATTACHMENTS:

AT-1	View	Existing Public Road Boundaries to 304-314 Burns Bay Road	1 Page
AT-2	View	Proposed Public Road Boundaries 304-314 Burns Bay Road	1 Page
AT-3	View	Zonal and Classification Adjustments 304-314 Burns Bay Road	1 Page
AT-4	View	Recent Images of New Road 304-314 Burns Bay Road	2 Pages