

Memo

Ref 096-16

To:	Department of Planning & Environment
From:	Colliers International Engineering & Design
Date:	12 th December 2023
Subject:	Re: Planning Proposal – Patyegarang Morgan Rd Belrose – Crown Lands response

In response to internal memo by Crown Lands NSW to the Dept of Planning & Environment in relation to Planning Proposal at Morgan Rd Belrose known as Patyegarang we provide the following advice in relation to the matters raised by Crown Lands as follows;

Colliers Engineering & Design (CED) are the Registered Land Surveyors for the Patyegarang project and initiated the application to Close Unnecessary Crown Roads on behalf of Metropolitan Local Aboriginal Land Council as the land owner.

This Application was made in September 2020 and is still to be determined by Crown Lands.

Crown Lands

The Department notes that there are a number of Crown Roads within the project area. These roads may provide legal access to the development but may not provide practical access. The Department advises that these roads should not be relied upon for practical access to the project site.

CED Response

CED have identified the roads that are not practical for access and it is the intention to close these roads and create new roads that do provide practical access via the proposed development.

Crown Lands

The Department has received applications to close and purchase all the Crown roads within the proposal area, identified in orange with cross hatching 'CROWN ROADS UNDER APPLICATION'. The Crown roads suitable for transfer to Northern Beaches Council (Council) are identified in yellow 'CROWN ROADS SUITABLE FOR TRANSFER TO COUNCIL'.

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CED Response

CED agree with the mapping and identification of the roads and their status on and adjacent to the site. The yellow roads should be transferred to Northern Beaches Council upon construction of road pavements and drainage. This transfer will resolve long standing access issues for adjoining land owners.

Crown Lands

The Crown road to the west of the planning proposal area running south from Morgan Road provides legal access, but may not provide practical access, to the adjoining freehold lots to the south (Lots 954 & 955 in DP752038). The northern section of this Crown road has been identified in the planning proposal as part of the proposed lots depicted in pink in Figure 2 'Draft Structure Plan', below.

CED Response

The subject road is intended to be included in the project and is shaded pink as part of the rezoning of the land to R2 under the planning proposal. This road will also be constructed as a local road to provide access for both future and adjoining land together with a bush fire evacuation path and connection to Oates Place.

The road will facilitate connection to Lots 954 & 955 in DP752038 which currently have no legal road access and this will resolve a long standing issue for these land owners.

Crown Lands

It is also depicted as part of a proposed Asset Protection Zone (APZ) - Inner Protection Zone depicted in light green in the 'Bushfire Protection Plan', Figure 3, below. Crown roads cannot be used for APZ's. APZs must be designed and incorporated within the development they serve.

CED Response

It is agreed that Crown Lands can not be used for APZ purposes. All APZ's will be provided outside any Crown Road reserves and within the subject site.

Crown Lands

This Crown road (yellow edged road on Morgan Rd) meets the criteria for transfer to Council under the Department's Administration of Crown Roads Policy as it is partially constructed in the northern section adjoining Lot 1 DP1037395 and also provides legal access to the aforementioned freehold lots to the south. The road also appears to be part of the proposed road network as depicted in Figure 2, noting that there does not appear to be provision to extend that road network to Lots 954 and 955. The existing access to these lots runs off Morgan Road to the east of the Crown road, directly through the proposal area. This is due to the steep topography of the Crown road alignment making practical access along the road unachievable.

Transferring this Crown road to Council would enable Council to realign the road along the most practical alignment to provide access to Lots 954 and 955. A realignment process involves closing the road and then opening the road on a practical access alignment. This realignment process should form part of the proposal to ensure that legal and practical access to Lots 954 and 955 is maintained.

There is also a small section of Morgan Road (a Council public road) adjoining Lots 191 and 196 in DP752038 on the south-eastern side of the proposal area, that is still a Crown road as depicted in Figure 1 and Figure 4 below. This part of Morgan Road, which is constructed and provides access to numerous developments, meets the criteria for transfer to Council.

CED Response.

The yellow shaded road on the existing alignment of Morgan Rd is maintained and managed by Northern beaches Council. It is agreed that this land (road) should be transferred to Council. This situation is generally outside the delivery of the planning proposal and can be independently managed.

The yellow shaded road located at the frontage of Lots 954 & 955 will be connected by public road upon the delivery of the project. This will resolve a long standing situation where these lots cross MLALC land for access without any approval. The actions of the planning proposal together with closing and opening of roads will resolve this situation.

Crown Roads

There is also a small parcel of Crown Reserve known as R83616 (Figure 5) that has been included in the proposal area (Figure 2) as Retained Vegetation & Open space/Protected Area. This Reserve is 633.2m² in size, being Part Lot 2, DP1285945. This is a Crown Reserve and therefore cannot form part of the proposal area.

CED Response.

DP 1285945 was recently created to identify a future road widening of Morgan Rd where the existing formation crossed onto land transferred to MLALC.

It is intended that this land is retained by the Crown and created as Road in the future.

CED Summary.

The proposed strategy to close Crown Roads and to maintain selective Crown Roads within and adjacent to the proposed planning proposal is designed to allow the effective rezoning of all land for future development and to have all internal roads within the ownership of MLALC.

Future development applications rely upon all land being under the ownership of MLALC and this process is critical to the delivery of the project.

Yours truly,



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