

Roads and Assets Referral Response

Application Number:	DA2022/0786
Date:	09/09/2022
To:	Nick England
Land to be developed (Address):	Lot 8 DP 21933 , 47 Hilltop Road AVALON BEACH NSW 2107

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 proposed garage and driveway do not appear to impact significantly on existing road infrastructure however the proposed alignment of the layback is not supported. It does not align with the horizontal geometric alignment of the existing kerb/carriageway. Council's Development Engineering Team will need to re-evaluate the plans to ensure the proposed works are consistent with the future road alignment. This change may impact on the driveway levels.

There appears to be a retaining wall and stairway proposed across the public road reserve on the northern side of the driveway but no details are provided. The plans also refer to "batters and retaining structures on the south side - by others if required".

Accordingly, Council's Development Engineering Team is requested to include a condition requiring an Application for Civil Works on Road Reserve to ensure the driveway, layback alignment, and any retaining structures are adequately documented and approved together with the removal of the temporary structures mentioned below and including any additional stairways to maintain access to the inclinator as determined by the applicant.

Encroaching Works

There are a number of other private works encroaching on the public road reserve, including timber deck and inclinator extension, private parking space, and low retaining walls adjacent to the carriageway,.

Council's records indicate that former Pittwater Council provided an approval of temporary works in December 2005 to assist the then incapacitated owner to be able to access his home using a wheelchair (PW2156544). The works provided by the temporary approval included an extension of the inclinator rail into the public road reserve and a timber deck to provide wheelchair access to the inclinator in lieu of the owner using the existing stairway and landing. The approval included the requirement to remove the works from Council's road reserve if they are considered by Council to be redundant.

Council's current policy and the Roads Act 1993 does not permit permanent structures such as inclinator to be located on the public road reserve.

It is noted that the footprint of the proposed garage works infringe on the footprint of the inclinator stairway most likely resulting in the removal the stairway.

In light of the earlier approval of the temporary works on Council's road reserve, it is appropriate the application be amended to remove the deck and inclinator extension as part of these works.

The existing retaining walls shall be removed. A clear, level area 1.5m wide is to be left behind the kerb. The removal of the redundant section of layback is to be removed at the same time as driveway construction to prevent future parking on the verge..

PW2153798 - Application

PW2156546 - Notification

PW2156544 - Approval with conditions: "The structures are to be removed if considered by Council to be redundant."

PW2154344 - pictures pre-development

Comments based on Amended plans received 08/09/2022:

The amended plans note the removal of the storage room and reduction in roof area over the garage reducing the impact on the stairway access to the originally approved bottom inclinator access station within the property boundary. The applicant may wish to consider how they maintain pedestrian access to the inclinator following the removal of the inclinator extension and deck from the public road reserve.

It is noted that the development application does not include the existing deck and inclinator structures.

The architectural plans indicate a FFL of 53.7m AHD whereas the Civil Works Plans indicate a FFL of 53.55.

The requirement for a Road Act application by Development Engineering is noted and supported.

An appropriately worded condition of approval to be included in the consent by the planner noting that, the consent does not form part of, or legitimise in any way, the existing structures on the public road reserve.

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.