

Roads and Assets Referral Response

Application Number:	DA2022/2207
Proposed Development:	Demolition works and construction of a dwelling house including swimming pool
Date:	26/10/2023
To:	Jordan Davies
Land to be developed (Address):	Lot A DP 358783 , 30 Abernethy Street SEAFORTH NSW 2092

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

It is noted there was an agreement made in 2017 between the Northern Beaches Council and the property owner of 30 Abernethy St Seaforth, which allowed property owner to the installation of a timber fence in reference to DA0165/2017.

The proposed plan in DA2022/2207 to construct a masonry structure on the public road reserve, does not comply with Section 157 of the Road Act 1993. The Proposed masonry wall is considered a permanent structure and provisions of the Roads Act requires that the structure that are subject of a lease comprises a fence or a temporary structure of a kind that can easily be demolished or removed.

Additionally, it gives the impression of taking over public land for private use, which is not acceptable. Given the redevelopment of the property involves demolition of the existing dwelling and creation of new private open space between the front of the new dwelling and the property boundary, it is recommended the encroachments on the road reserve be removed, including the private terraced areas, gardens and fencing. Consideration would be given to an alternate landscaping proposal that avoids the privatisation of the public road reserve and provides a wider verge area for pedestrian access.

The application is therefore unsupported.

Development Engineers may condition the driveway, retaining wall and pedestrian entry works as part of a S138 civil works application in the public road reserve.

06/10/2023 - Amended Comments

It is noted the works initially proposed on the Council verge have been removed from the development Application.

Such a proposal would not be approved in the current environment given the community's "opposition" at the privatisation of public land for private benefit.

Given the new development application and the demolition of the existing dwelling, the historical privatisation of the public road reserve and the associated fencing encroachments on the public road reserve should be removed and the development application amended to illustrate the return and restoration of the public road reserve to full community access. Any proposed fencing must be removed from the road reserve and relocated on the property boundary.

Given the location of the existing fence, we cannot support the application.

26/10/2023 - final comments

The amended plans including Sheet DA-A009-Rev 3 dated 16.10.23 with notations indicating relocation of letterbox and removal of timber fence on road reserve.

Further details to be submitted to Council in a Minor Encroachment Application prior to undertaking any works on the public road reserve alternatively, Development Engineers may condition the driveway, retaining wall and pedestrian entry works as part of a S138 civil works application in 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:

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

Submission of Minor Encroachment Application for Works in the Public Road

The applicant is to submit a Minor Encroachments/ Constructions with Road Reserve Application for approval (Form #4033) providing details of any new works and landscaping proposed on the public road reserve. .

The applicant is to enter into any appropriate agreements with Council. All costs related to the above application are to be borne by the applicant.

No work shall commence until written approval has been obtained from Council.

Reason: To ensure private works within the public road reserve are constructed in accordance with relevant standards and Council's specification and assign the responsibility for the structures on Council's Road reserve to the property owner.

