

Property and Commercial Development Referral Response

Application Number:	DA2020/1453
Date:	19/11/2020
To:	Lashta Haidari
Land to be developed (Address):	Lot 1 DP 881326 , 4 Collaroy Street COLLAROY NSW 2097 Lot CP SP 5367 , 1 Alexander Street COLLAROY NSW 2097

Reasons for referral

This application seeks consent on land being adjoining or adjacent to any Council Assets/Property/Facilities And as such, Councils development engineers are required to consider the likely impacts on drainage regimes.

Officer comments

The proposal is for the demolition of existing structures on site and the construction of a shop top housing scheme.

The site is adjacent to Council's public carpark located at 6 Collaroy St, which is classified as 'Community' land under the provisions of the *Local Government Act 1993*.

It is noted that the western elevation of the proposal adjacent to Council's public carpark has a number of window elements comprising fixed glass bricks which are located on the property boundary. While this design element as proposed does not impact the adjacent public carpark, it is recommended that a condition be placed on the consent that these shall never be converted to openable windows. The location of the external wall of the building on the property boundary means that openable windows are likely to give rise to encroachments over the public carpark, which would require the landowner to enter into a legal agreement with Council. The Local Government Act strictly regulates the types of dealings Council can undertake on community classified land and dealings that are solely to benefit a private land owner are generally not permitted.

The proposal is therefore supported.

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

Referral Body Recommendation

Approval - subject to conditions

Parks, Reserves and Foreshores Conditions:

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Encroachments

At no time shall the fixed glass brick elements on the western elevation adjacent to Council's public carpark at 6 Collaroy St and shown on Drawings DA-05, DA-06 & DA-14 all Revision A be converted to openable windows.

Reason: To ensure there is no future encroachment of elements of the building onto Council's adjacent community classified land which would contravene the provisions of the *Local Government Act 1993*.