

Roads and Assets Referral Response

Application Number:	DA2019/1400
Date:	17/04/2020
To:	Nick Keeler
Land to be developed (Address):	Lot 52 DP 13620 , 977 Barrenjoey Road PALM BEACH NSW 2108 Lot 101 DP 509808 , 979 Barrenjoey Road PALM BEACH NSW 2108

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

Site Inspection undertaken to assess extent and permissibility of encroaching structures and privatisation of the public road reserve. .

The following is noted:

- The existing surface levels of the public road reserve at the kerb is approximately RL 21.8m AHD
- The proposed finished surface level of the extended lawn level above the building is 21.98m AHD
- The micro-piles capping finished level of 21.98m AHD.
- There is a large stone boulder retaining wall across the frontage of the property (south of the timber deck) - appears to be 3m high based on earlier DA (N0115/10/S96/2)
- There is a number of other minor structures (stairs, landscape retaining walls) on the road reserve along with timber decking entry, fencing, and turntable assumed to have been approved previously.
- There is reference to DA approved inclinor not yet built

Comments on the proposal

It appears from the above that the proposal;

- will result in alienation of public road reserve for private benefit between the current front fence/hedge and the extended lawn area/roof garden above the dwelling at section F on Plan A04.
- will require the removal of an existing sandstone boulder wall currently providing support to the road reserve across the front of the property.
- identifies a new stair way construction and lilly pillly hedge on the south east boundary.
- includes a bin storage on road reserve

The proposal in relation to works within the public road is not acceptable in the current form as it appears to utilize (or create the potential for use of) the public road reserve for private purposes. This aspect of the proposal is contrary to Council policy and guidelines.

The proposed stairway on Council's road reserve is acceptable however will require a consent condition for subsequent application to Council under of the Road Act 1993 by Council's Development Engineering Team to formalise details of the stairway. The stairway design will need to resolve the differing levels at the lower landing and support of the existing garden /lawn/roof garden levels given the lack of detail on the submitted plans.

The modification to the support structures (removal of existing walls and construction of micropiled or contiguous walls) adjacent to a State Road will need the referral to and concurrence from Transport for NSW/Road and Maritime Services.

If approval were to be granted, subject to RMS concurrence, a condition requiring the removal of the existing front fence would be required whereby it could be located to the real property boundary.

Council's Development Engineering will need to provide an amended referral with appropriate conditions to reflect the above requirements.

Review of revised plans - 9 April 2020

The existing works on the road reserve are subject to an approval under s139 of the Roads Act 1993. Whilst considered as part of assessing the DA (Ref: N0115/10) the consent for works on the road reserve are managed in accordance with the S139 consent. (our ref: PW3461321).

The amendment of the plans to remove works on the road reserve are noted. Any works on the road reserve will be prohibited without prior approval. No filling between the micro piled wall and the road reserve will be permitted.

Council's Development Engineering to advise if conditions are required to ensure the ongoing support of the road reserve is maintained and structural design certified.

It would appear that further assessment of the built form may be required given there is now a 3m difference in height between the "deep" soil roof garden/lawn area/top of micropiles (on the property boundary) and the base of the existing retaining wall.

The plans are now inconsistent (A02 appears inconsistent with A04, A08, A11) with the landscaping proposed and may require further consideration relating to the canopy trees. Areas marked as deep soil will now be non-existent due to changes in levels in the road reserve.

Review of revised plans - 17 April 2020 (plans issue dated 15/4/2020)

The plans indicate no works within the Council public road reserve. Support of the road reserve will be removed through excavation on the property boundary which is proposed to be restored with micropiles. Council's Development Engineering to ensure conditions address the ongoing support of the road reserve is maintained and structural design is appropriately certified. Development Engineering to review the need to refer the proposal (regarding excavation) to RMS given the adjacent state road carriageway.

The existing works on the road reserve are subject to an approval under s139 of the Roads Act 1993. Whilst considered as part of assessing the DA (Ref: N0115/10) the consent for works on the road reserve are managed in accordance with the S139 consent. (our ref: PW3461321).

No further works or improvements within the road reserve shall be undertaken without further approvals.

Development Engineers to ensure conditions are included to protect existing structures on the road reserve (including retaining walls) from damage during construction activities (incl. photographic dilapidation report and bond) and ensure construction activities do not impact traffic or road safety.

The proposal is therefore unsupported.

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

Roads and Assets Conditions:

Nil.