

Roads and Assets Referral Response

Application Number:	DA2022/0039
Date:	18/03/2022
To:	Nick Keeler
Land to be developed (Address):	Lot 22 DP 209493 , 38 Therry Street 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

Although there are no works proposed on the public road reserve, the recent unauthorised construction on Council's public road reserve of a treated pine retaining wall encroaches some 700mm into the public road reserve. It would appear the newly concreted area also encroaches on the road reserve to provide private use of the public reserve for parking. The survey plans also suggest the retaining walls and concrete area also encroaches on the neighbouring property up to approximately 1.1m. It is noted that a previous survey plan dated 1998 on file for 40 Therry St indicates the side boundary to be fenced.

The site plan (2062-1) does not show the location of the posts in relation to the property boundary and the car port plans (2062-2) do not appear to correlate with the survey or indicate the property boundary in relation to the car port posts. Given the hand drawn nature of the plans, it is not possible to ascertain if the car port structure is located within the boundary of the property. The car port structure unacceptably will also rely on support from unauthorised structures (retaining wall) on the public road reserve.

As the proposed development relies on the use of unauthorised works on the public road reserve, the application cannot be supported. The unauthorised works will not be approved retrospectively as a minor encroachment and must be removed from the public road reserve and located within the property boundary.

The works encroaching on the adjoining property should also be addressed by the applicant.

It is recommended that application be refused until such time as the unauthorised works are removed from Council's road reserve.

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.