

## Roads and Assets Referral Response

<b>Application Number:</b>	DA2021/0744
<b>Date:</b>	10/09/2021
<b>To:</b>	Rebecca Englund
<b>Land to be developed (Address):</b>	Lot 1 DP 571975 , 50 Lawrence Street FRESHWATER NSW 2096

### 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 development has limited impact on existing road infrastructure assets.

The proposal to have bifold windows opening into the footpath space is not supported due to obstruction of the public road reserve.

The relocation of the bus stop on Dowling Street will require the consent of Transport Network Team to be addressed as part of S138 Road Act application together with relocation of street furniture (Council bus seat) against the building frontage at the bus stop. Outdoor dining is generally not supported at bus stops due to space limitations and conflict between bus users and restaurant patrons.

A Road Act consent for the retaining wall on the Oliver Street frontage will be required to formalise responsibility for ongoing maintenance of the structure by the property owner/strata. It is clearly an existing private structure given the use of the same type of brick as the building.

The use of the area for outdoor dining adjacent to the retaining wall shall be dependent upon Council approval. Such approval shall be subject to receiving concurrence from Transport for NSW in relation to the Oliver Street frontage which is a classified regional road, as required by s125 Roads Act 1993. Given the lack of activation on this frontage and that it does not provide access to the building, the requirement to keep the retaining wall is questionable.

Development Engineering to require extension of the footpath network on the Dowling Street property frontage and reconstruction of full width paving on the Oliver Street frontage (including the removal of "gravel").

Waste Services to comment on the placement of bulk waste and recyclable collections (1100L) on the sloping footway of Dowling Street. It is suggested the weight of these bins poses a public safety and WHS risk. They should be collected from within the premises.

### Revised comments dated 10/09/2021

The proposed development has limited impact on existing road infrastructure assets.

The proposal to have bifold windows opening into the footpath space is not supported due to

obstruction of the public road reserve, especially if the properties are not used for cafe/restaurant.

The relocation of the bus stop on Dowling Street will require the consent of Transport Network Team to be addressed as part of S138 Road Act application together with relocation of street furniture (Council bus seat) against the building frontage at the bus stop. Pedestrian footpath access to be provided as part of Road Act Consent..

A Road Act consent for the retaining wall on the Oliver Street frontage will be required to formalise responsibility for ongoing maintenance of the structure by the property owner/strata. It is clearly an existing private structure given the use of the same type of brick as the building. No objection to proposed changes to extent of wall.

The use of the area for outdoor dining adjacent to the retaining wall shall be dependent upon Council approval. Such approval shall be subject to receiving concurrence from Transport for NSW in relation to the Oliver Street frontage which is a classified regional road, as required by s125 Roads Act 1993. Given the lack of activation on this frontage and that it does not provide access to the building, the requirement to keep the retaining wall is questionable.

Development Engineering to require extension of the footpath network on the Dowling Street property frontage and reconstruction of full width paving on the Oliver Street frontage (including the removal of "gravel") as determined as part of Road Act Application in materials sympathetic to the Freshwater Village Landscape Masterplan.

Development Engineering to require submission of Road Act Application for all works on the public road reserve in relation to retaining walls, footpaths, landscaping and any other works.

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.