

Natural Environment Referral Response - Flood

Application Number:	DA2019/0207
To:	Rebecca Englund
Land to be developed (Address):	Lot A DP 405897 , 17 Ocean Road PALM BEACH NSW 2108

Reasons for referral

This application seeks consent for the following:

- All Development Applications on land below the 1 in100 year flood level;
- All Development Applications located on land below the Probable Maximum Flood levels.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

The proposed development is identified as flood affected in the Avalon to Palm Beach Floodplain Risk Management Study and Plan, 2017. There are existing solid walls protecting the subject site from the identified overland flow path. As a result, the application is recommended for approval subject to conditions to maintain this wall for the purposes of flood protection.

Referral Body Recommendation

Recommended for approval, subject to conditions

Recommended Natural Environment Conditions:

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Restriction as to User and Positive Covenant over western boundary flood protection wall

Restriction as to User

A restriction as to user shall be created on the title over the western boundary wall to:

1. Prohibit the removal or lowering of the wall
2. Provide continuing flood protection to the dwelling on the property

The restrictions are to be detailed on the Section 88B instrument and submitted to Council for approval. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Positive Covenant for flood protection wall

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) to be created on the final plans and accompanying 88B instrument, requiring

the proprietor of the land to maintain the western boundary wall to ensure ongoing flood protection. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate

Reason: To provide continuing flood protection to the property (DACNEFPOC1)

Title Encumbrances

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate

Reason: To ensure ongoing flood protection provided by the western boundary wall (DACNEFPOC2)