

Property and Commercial Development Referral Response

Application Number:	DA2020/1596
Date:	17/06/2021
To:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 1086858 , 6 Mitchell Road PALM BEACH NSW 2108

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 construction of a new dwelling on the subject site, which sits to the north of the Bible Gardens, a public park owned by Northern Beaches Council.

It is noted that a section of the site, shown on Council's mapping system as PT1 & PT2, which it is understood to contain a portion of the existing site and a portion of the Bible Gardens, is owned by Northern Beaches Council and the landowner. The Deposited Plan (DP) for the land shows that the owner of 6 Mitchell Rd has title of this section up to a height of 74.5 AHD and Council has title of this land down to a height of 74.5 AHD.

Provided the proposed garage and other other works on this land do not breach the 74.5 AHD height limit Property has no objection to the proposal.

Additional Comments 17 June 2021: It has been brought to my attention that there is currently no garage on site at 6 Mitchell Rd Palm Beach, and as such I have amended the comments regarding the location of a garage. Nevertheless, provided the proposed development does not extend above 74.5 AHD, Property has no objection to the proposal, noting that should works occur above the 74.5 AHD line, owners consent will be required from Council's Parks & Recreation team, who manage the Bible Gardens.

NOTE:

It is noted that the DP for 6 Mitchell Rd is complex, with multiple easements, positive covenants and restrictions as to user over the land. Should questions arise as to whether the proposed development can harmonise with these restrictions on title, it is recommended that the applicant be requested to provide legal advice as to how the development is able to coexist with the various restrictions on title.

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

Parks, Reserves and Foreshores Conditions:

Nil.