

6 October 2020



James Simon Campbell
47 Elaine Avenue
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: Mod2020/0460
Address: Lot 19 DP 21687 , 47 Elaine Avenue, AVALON BEACH NSW 2107
Proposed Development: Modification of Development Consent N0034/17 granted for construction of a dwelling house

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Jordan Davies
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0460
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	James Simon Campbell
Land to be developed (Address):	Lot 19 DP 21687 , 47 Elaine Avenue AVALON BEACH NSW 2107
Proposed Development:	Modification of Development Consent N0034/17 granted for construction of a dwelling house

DETERMINATION - APPROVED

Made on (Date)	02/10/2020
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Delete Condition E3 Prior to the Issue of an Occupation Certificate:

B. Add Condition E11 'Installation of water level gauge and alarm' Prior to the Issue of an Occupation Certificate to read as follows:

A water level gauge and related alarm inside the dwelling is to be installed as per the details outlined in the Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 12/12/2019. The gauge must have warning thresholds calibrated to the levels outlined in The Report and must have back-up power provided to ensure the ongoing efficacy of the system.

Reason: To ensure that the flood risk to life is appropriately managed.

C. Add Condition E12 'Restriction as to user' Prior to the Issue of an Occupation Certificate to read as follows:

A restriction as to user shall be created on the title over the water level gauge and internal alarm in order to:

1. Prohibit the removal or modification of the gauge or flood warning alarm
2. The operation of the gauge and flood warning alarm must be continuous.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Positive Covenant

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 water level gauge and flood warning alarm in accordance with the industry and manufacturing standards to ensure ongoing flood emergency response arrangements. 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.

D. Add Condition F1 'Flood Emergency Response Report' Prior to Ongoing to read as follows:

The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 12/12/2019 must be kept on the premises at all times and exercised regularly to ensure the occupants of the dwelling are proficient in the requirements of The Report.

Reason: To ensure that the flood risk to life to the occupants of the dwelling is appropriately managed.

Important Information

This letter should therefore be read in conjunction with N0034/17 dated 26 April 2017, N0034/17/S96/1 dated 22 August 2017 and N0034/17/S96/2 dated 30 November 2017.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Jordan Davies, Planner

Date 02/10/2020