

10 January 2022



MM+J Architects Pty Ltd  
8 / 21 Sydney Road  
MANLY NSW 2095

Dear Sir/Madam

**Application Number:** Mod2021/0776  
**Address:** Lot B DP 104229 , 64 Fairlight Street, FAIRLIGHT NSW 2094  
**Proposed Development:** Modification of Development Consent DA2019/1092 granted for alterations and additions to a dwelling house including swimming pool

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Clare Costanzo  
**Planner**

## NOTICE OF DETERMINATION

|                            |                                     |
|----------------------------|-------------------------------------|
| <b>Application Number:</b> | Mod2021/0776                        |
| <b>Determination Type:</b> | Modification of Development Consent |

### APPLICATION DETAILS

|  |   |
|--|---|
| <b>Applicant:</b>                      | MM+J Architects Pty Ltd   |
| <b>Land to be developed (Address):</b> | Lot B DP 104229 , 64 Fairlight Street FAIRLIGHT NSW 2094  |
| <b>Proposed Development:</b>           | Modification of Development Consent DA2019/1092 granted for alterations and additions to a dwelling house including swimming pool |

### DETERMINATION - APPROVED

|                       |            |
|-----------------------|------------|
| <b>Made on (Date)</b> | 10/01/2022 |
|-----------------------|------------|

The request to modify the above-mentioned Development Consent has been approved as follows:

#### **A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Modification Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |                  |                    |
|--|------------------|--------------------|
| <b>Drawing No.</b>   | <b>Dated</b>     | <b>Prepared By</b> |
| DA02 Site Plan - Rev E                                     | 16 December 2021 | MM+J Architects    |
| DA06 Ground Floor Plan - Rev A                             | 16 December 2021 | MM+J Architects    |
| DA07 First Floor Plan - Rev E                              | 16 December 2021 | MM+J Architects    |
| DA08 Second Floor Plan - Rev H                             | 16 December 2021 | MM+J Architects    |
| DA09 Sections - Rev G                                      | 16 December 2021 | MM+J Architects    |
| DA10 Elevations - Rev K                                    | 16 December 2021 | MM+J Architects    |
| Schedule of exterior finishes and colours                  | 16 December 2021 | MM+J Architects    |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                 |                    |
|---|-----------------|--------------------|
| <b>Report No. / Page No. / Section No.</b>  | <b>Dated</b>    | <b>Prepared By</b> |
| BASIX Certificate No. A353081_04  | 27 October 2021 | MM+J Architects    |

##### b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

| <b>Landscape Plans</b>                  |                   |                    |
|---|-------------------|--------------------|
| <b>Drawing No.</b>                      | <b>Dated</b>      | <b>Prepared By</b> |
| L.SK.01 Landscape Sketch Plan - Rev H   | 23 September 2021 | Scape Design       |
| L.SK.02 Landscape Planting Plan - Rev G | 23 September 2021 | Scape Design       |

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

**B. Add Condition 14A 'Stormwater Disposal' to read as follows:**

The applicant is to demonstrate how stormwater from the new development within this consent is disposed of to an existing approved system or in accordance with Northern Beaches Council's WATER MANAGEMENT FOR DEVELOPMENT POLICY. Details demonstrating that the existing approved stormwater system can accommodate the additional flows, or compliance with the Council's specification are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

**C. Add Condition 20A 'Landscape Completion' to read as follows:**

Landscape works shall be implemented in accordance with the approved Landscape Plans L.SK.01 revision H and L.SK.02 revision G.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental Amenity.

**D. Delete Condition 19 Swimming Pool Requirements which reads as follows:**

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
  - (ii) Swimming Pools Amendment Act 2009;
  - (iii) Swimming Pools Regulation 2008
  - (iv) Australian Standard AS1926 Swimming Pool Safety
  - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
  - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools
- (b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.
- (c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is

separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

(d) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.

(e) Signage showing resuscitation methods and emergency contact

(f) All signage shall be located in a prominent position within the pool area.

(g) Swimming pools and spas must be registered with the Division of Local Government.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect human life

#### **E. Delete Condition 21 Swimming Pool Equipment which reads as follows:**

The swimming pool equipment that is capable of generation noise such as the swimming pool pump, is to be located within an acoustic box and shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure the proposal complies with the Protection of the Environment Operations Act 1997.

### **Important Information**

This letter should therefore be read in conjunction with DA2019/1092.

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 must be submitted to Council within 28 days 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 Clare Costanzo, Planner

Date 10/01/2022