

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2020/0350
<b>Responsible Officer:</b>	Adam Urbancic
<b>Land to be developed (Address):</b>	Lot 27 DP 271139, 14 Bubalo Street WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Construction of a swimming pool
<b>Zoning:</b>	R3 Medium Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Markus Georg Ostermaier Tanja Ostermaier
<b>Applicant:</b>	Markus Georg Ostermaier Tanja Ostermaier
<b>Application Lodged:</b>	14/04/2020
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Alterations and additions
<b>Notified:</b>	17/06/2020 to 01/07/2020
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval
<b>Estimated Cost of Works:</b>	\$ 59,450.00

### PROPOSED DEVELOPMENT IN DETAIL

The development application seeks consent for the construction of a 17.9kL swimming pool in the rear yard.

#### Amended Plans and Additional Information

During the assessment process, the applicant provided amended plans and additional information to address the issues raised by Council's Development Engineer in relation to the original location of the swimming pool and to address areas of insufficient information. The amended plans included the relocation of the swimming pool away from the rear boundary, the relocation of the swimming pool filter from the northern side boundary to the south-western corner of the site, and the deletion of the

proposed decking adjoining the pool. The additional information received was a geotechnical report to satisfy the requirements of Clause B8.1 Construction and Demolition – Excavation and Landfill. The amended plans resulted in a scope of works consistent with the detailed description outlined above. The amended plans were re-notified to adjoining and surrounding neighbours, as well as to the original submitter, for a period of 14 days, in accordance with the Northern Beaches Community Participation Plan.

## ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Pittwater Local Environmental Plan 2014 - 1.9A Suspension of covenants, agreements and instruments  
 Pittwater 21 Development Control Plan - A1.7 Considerations before consent is granted  
 Pittwater 21 Development Control Plan - D16.5 Landscaped Area for Newly Created Individual Allotments  
 Pittwater 21 Development Control Plan - D16.7 Side and rear building lines

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 27 DP 271139 , 14 Bubalo Street WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the north-western side of Bubalo Street.</p> <p>The site is regular in shape with a frontage of 9.055m along Bubalo Street and an average depth of 37.46m. The site has a surveyed area of 337.1m<sup>2</sup>.</p> <p>The site is located within the R3 Medium Density Residential zone and is currently vacant.</p> <p>The site is generally flat with no dominant slope.</p>

The site does not contain any significant vegetation or landscape features.

#### **Detailed Description of Adjoining/Surrounding Development**

Adjoining and surrounding development is characterised by vacant residential allotments and new dwelling houses under construction, along with existing low density residential development located to the north of the subject site across Warriewood Road. There are existing large allotments located to the west of the subject site, which currently accommodate rural dwelling houses and associated infrastructure.

Map:



#### **SITE HISTORY**

The land has been used for residential purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

##### 23 March 2020

Development Application DA2020/0027 for the construction of a dwelling house was granted consent. A condition of consent (Condition 1) was included stating that the consent provides no approval for the construction of a swimming pool on the site.

##### 29 May 2020

Modification Application Mod2020/0220 to modify development consent DA2020/0027 was granted consent. This modification application amended Condition 12 of the development consent to clarify the extent of the design changes required to satisfy the condition.

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to revised architectural and engineering plans, as well as a geotechnical report.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of</p>

Section 4.15 Matters for Consideration'	Comments
	<p>Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Dean Gregory Mahoney	12 Bubalo Street WARRIEWOOD NSW 2102

The following issue was raised in the submission and has been addressed below:

- Pool Filter Noise

Comment:

Concern was raised regarding the location of the pool filter box on the plans originally submitted with the development application in relation to the noise impacts to the first floor master bedroom of the adjoining dwelling house at 12 Bubalo Street.

The pool filter was relocated to the south-western corner of the site as part of the amended plans for this development application. A condition has also been included to ensure that the noise generated by the pool filter does not exceed 5dBA above the background noise when measured from the nearest property boundary. This will ensure that a reasonable level of acoustic privacy is maintained for all adjoining properties.

This does not warrant the refusal of the development application.

**Note:** A submission was not received in relation to this issue during the re-notification period for the amended plans, therefore, it is considered that the new location of the pool filter box has satisfactorily resolved this matter.

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The proposal seeks approval for the construction of an in-ground swimming pool within the rear yard.</p> <p>No landscape issues are raised with the proposal and the following landscape conditions of consent for DA2020/0027 remain: Condition 10, 14, 18, and 19.</p>
NECC (Bushland and Biodiversity)	<p>The lot was created as part of an approved subdivision within the Warriewood Valley release area. The site has been previously cleared and is not within or interface with the riparian zone or portion of the parent lot mapped as Biodiversity under the Pittwater LEP 2014. The development will not have a significant effect on biodiversity and therefore no further assessment is required.</p>
NECC (Coast and Catchments)	<p>The application has been assessed in consideration of the <i>Coastal Management Act 2016</i>, State Environmental Planning Policy (Coastal Management) 2018 and has also been assessed against requirements of the Pittwater LEP 2014 and Pittwater 21 DCP.</p> <p><b>Coastal Management Act 2016</b></p> <p>The subject site has been identified as being within the coastal zone and therefore the <i>Coastal Management Act 2016</i> is applicable to the proposed development.</p> <p>The proposed development is in line with the objects, as set out under Clause 3 of the <i>Coastal Management Act 2016</i>.</p> <p><b>State Environmental Planning Policy (Coastal Management) 2018</b></p>

Internal Referral Body	Comments
	<p>As the subject site has been identified as being within the coastal zone, SEPP (Coastal Management) 2018 is also applicable to the proposed development.</p> <p>The subject land has been included on the 'Proximity to Coastal Wetlands Area Map, but has not been included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Hence, Clauses 11 and 15 of the CM SEPP apply for this DA.</p> <p><u>Comment:</u></p> <p>On internal assessment and as assessed in the submitted Statement of Environmental Effects (SEE), prepared by Vaughan Milligan Development Consultant Pty. Ltd., dated April 2020, the DA satisfies requirements under clauses 11 and 15 of the CM SEPP.</p> <p>As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.</p> <p><b>Pittwater LEP 2014 and Pittwater 21 DCP</b></p> <p>No coastal related issues identified.</p> <p>As such, it is considered that the application does comply with the requirements of the coastal relevant clauses of the Pittwater LEP 2014 and Pittwater 21 DCP.</p>
NECC (Development Engineering)	<p><b>Revised Comments, dated 4 June 2020</b></p> <p>The proposed relocation of the pool is acceptable. Additionally the engineering plans prepared by Peninsula Consulting Engineers now demonstrate that there are no impacts on the boundary retaining wall and Council's adjoining drainage reserve.</p> <p><b>Original Comments, dated 24 April 2020</b></p> <p>The proposed swimming pool is not supported because the application has failed to address the following issues:</p> <ol style="list-style-type: none"> <li>1. Impacts of building a pool structure adjacent to the the adjoining retaining wall which is a gravity wall have not been addressed. The retaining wall has geogrid running approximately 3.5 m into the property soil profile..</li> <li>2. Council has a drainage reserve that runs adjacent to the proposed pool and the pool structure needs to comply with Council policy -" Building over or adjacent to Council drainage</li> </ol>

Internal Referral Body	Comments
	<p>lines and easements". The proposed pool will impact the zone of influence of a future council drainage line.</p> <p><u>Planner Comment:</u> A geotechnical report, prepared by White Geotechnical Group and dated 29 June 2020, has been submitted with the development application to address the requirements of Clause B8.1 Construction and Demolition - Excavation and Landfill of the PDCP 2014. As the subject site is not located within the "Geotechnical Hazard H1" or "Geotechnical Hazard H2" areas of the Geotechnical Hazard Map of the PLEP 2014, the geotechnical report was not required to be reviewed by Council's Development Engineer, but nevertheless, appropriate conditions of consent have been included to ensure that the recommendations of the report are incorporated into the plans prior to the issue of the Construction Certificate and are certified as being completed prior to the issue of the Occupation Certificate.</p>
NECC (Water Management)	<p>This application has been assessed and is compliant with the Water Management Report Rev 7 for 41 Warriewood Road and the Warriewood Valley Water Management Specification.</p> <p>The lot is limited to 65% impervious area - the area restricted by the size of the bio-retention basin that provides detention and water treatment for the subdivision.</p> <p>Due to the altered topography of the subdivision due to cut and fill activities, an excavation for the swimming pool is unlikely to encounter groundwater, however, a dewatering condition has been applied in case water collects in the excavation and needs to be removed.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPS), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

## State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

## SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

## SEPP (Infrastructure) 2007

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## SEPP (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

### 11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
- (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
  - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

### Comment:

The land is identified as being located in proximity to coastal wetlands located to the south of the subject site. The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetlands, or the quantity and quality of surface

and groundwater flows to and from the adjacent coastal wetlands.

## 15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

### Comment:

The land has not been identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on other land.

As such, it is considered that the application does comply with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

## Pittwater Local Environmental Plan 2014

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	10.5m	1.33m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.3 Flood planning	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes

### Detailed Assessment

## 1.9A Suspension of covenants, agreements and instruments

Clause 1.9A of Pittwater Local Environmental Plan 2014 states that for the purpose of enabling development on land in any zone, covenants that restrict the carrying out of that development do not apply to the extent necessary to serve that purpose. However, this does not apply in the case of a covenant imposed by Council (as in this case). As such, the covenant applies for the purpose of

assessment, but may be modified at Council's discretion. An assessment of the relevant easements/covenants is as follows:

The subject lot is burdened and benefited by a number of easements and restrictive covenants, specifically those numbered 5, 8, 9 and 10 in the Section 88B Instrument for DP271139, which were required as part of the approved subdivision of the land under development consent N0491/16.

The easement referred to and numbered 5 states that the proprietor of the lot burdened 'shall not place any obstructions within the site of the easement nor erect any building or other structure of any kind on or over the site of the easement except for any wall and/or slab, eave and/or gutter and/or roof structure attached to any dwelling or garage' in the area marked "H" in the Deposited Plan. The proposed development does not propose any works within the "H" easement.

The restriction on the use of land referred to and numbered 8 states that the registered proprietor 'shall not occupy or permit the occupation of any dwelling house or other structure on the lot burdened unless the registered proprietor has first constructed and/or installed a 4kL rainwater tank' as required by the conditions of consent from the original subdivision. A condition of consent has been included to ensure that a rainwater tank is installed in line with this requirement.

The restriction on the use of land referred to and numbered 9 states that 'no part of the dwelling, garage or other habitable building may be constructed or allowed to remain on the lot burdened unless it is wholly contained within the approved footprint delineated 'BE', it is limited to the specified heights in the areas delineated 'BE1' and 'BE2', and if the garage is located within the area delineated 'BE3' on the Deposited Plan'. The proposed development is for a swimming pool, therefore, the location of the structure is not limited by the approved footprint.

The proposed development does not contravene the restriction on the use of land referred to and numbered 10, which relates to costs pertaining to the erection of boundary fencing.

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	1.5m to Articulation Zone	28.63m	N/A	Yes
Rear building line	4m	3.8m	5% (0.2m)	No
Side building line	0.9m (N)	4.35m	N/A	Yes
	0.9m (S)	0.5m	44.44% (0.4m)	No
Landscaped area	35% (117.99m <sup>2</sup> )	22% (74.15m <sup>2</sup> )	37.16% (43.84m <sup>2</sup> )	No

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for Landscaped area - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example:  $38/40 \times 100 = 95$  then  $100 - 95 = 5\%$  variation)

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B3.13 Flood Hazard - Flood Emergency Response planning	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C1.17 Swimming Pool Safety	Yes	Yes
C6.2 Natural Environment and Landscaping Principles	Yes	Yes
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	Yes	Yes
D16.1 Character as viewed from a public place	Yes	Yes
D16.5 Landscaped Area for Newly Created Individual Allotments	No	Yes
D16.6 Front building lines	Yes	Yes
D16.7 Side and rear building lines	No	Yes
D16.9 Solar access	Yes	Yes
D16.10 Private and Communal Open Space Areas	Yes	Yes
D16.11 Form of construction including retaining walls, terracing and undercroft areas	Yes	Yes
D16.13 Building colours and materials	Yes	Yes
D16.14 Pets and companion animals	Yes	Yes

### Detailed Assessment

#### **A1.7 Considerations before consent is granted**

##### Compass Orientation

The architectural plans submitted with the application (1/3A-3/3A & 1/1, prepared by Premier Pools and dated 8 May 2020) indicate a compass orientation which does not align with the orientation indicated on the submitted Survey Plan (prepared by Donovan Associates and dated 11 April 2019). As such, any references to compass orientation within this assessment report and in any conditions have been drawn from the orientation indicated on the Survey Plan. A condition has been included to ensure that the compass orientation on the architectural plans is amended to be consistent with the orientation identified on the Survey Plan prior to the issue of a Construction Certificate.

##### Location of Dwelling House

The plans submitted with the development application also indicate the dwelling house approved under

development consent DA2020/0027. Condition 12 of the development consent required amendments to be made to the location of the dwelling house prior to the issue of the Construction Certificate to comply with the building envelope for Deposited Plan 271139. Condition 12 has been copied below for reference.

- **Front building line**

*The front building line of the proposed dwelling is to be increased to 6.54m by either:*

- i) reducing the length of the dwelling; or*
- ii) moving the footprint of the dwelling towards the rear or the site.*

*No part of the dwelling or garage is permitted to extend beyond the approved building footprint for the site delineated 'BE'.*

*Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.*

*Reason: To ensure compliance with the Restriction of Use of Land and accompanying Section 88B Instrument for DP 271139.*

The footprint of the dwelling house indicated on the plans submitted with the current development application does not appear to reflect the amended location of the dwelling house. In order to ensure that the plans for the current development application are consistent with the approved location of the dwelling house, a condition will be included requiring the approved plans to be amended to depict the location of the dwelling house prior to the issue of a Construction Certificate for this development application. The location of the pool is not to be amended beyond that required to comply with the conditions of this development consent and is to otherwise remain consistent with the approved plans.

## **D16.5 Landscaped Area for Newly Created Individual Allotments**

Required Landscaped Area: 35% or 117.99m<sup>2</sup>

Proposed Landscaped Area: 22% or 74.15m<sup>2</sup>

Proposed Landscaped Area (including all areas where plants, grasses and trees can grow): 42.64% or 143.75m<sup>2</sup>

### Description of non-compliance

The proposed landscaped area when considering the 4m minimum dimensions stated in this control is 22%, which results in a shortfall of the 35% requirement under this control. Despite this, strict compliance with the minimum dimensions is considered unreasonable for this site as it is constrained in overall dimensions, particularly in terms of lot width, therefore limiting the potential to site the swimming pool in a location to provide additional landscaped area which is able to meet the requirements of this control. The proposed landscaped area when incorporating all areas on the site where plants, grasses and trees can grow is 42.64%, which meets the overall quantitative requirement of this control.

### Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of this control, as below.

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

#### Comment

The site does not contain any significant natural features. The proposed development will contribute to the effective management of biodiversity by incorporating native vegetation into the landscaping which will be completed as part of development consent DA2020/0027 for the dwelling house. A condition of consent will be placed to ensure that the landscaping approved under DA2020/0027 is completed prior to the issue of an Occupation Certificate for this development application to ensure that an acceptable landscape outcome is achieved.

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment

The proposed landscaping under DA2020/0027 is of a high quality and is consistent with the landscape character of Warriewood Valley, therefore contributing to the sense of place.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment

The proposed landscaping consists of generally native vegetation, promoting ecologically sustainable outcomes, and therefore maintaining and enhancing biological diversity and ecological processes.

- *The area of site disturbance is minimised.*

Comment

The area of site disturbance is minimised generally to the footprint of the swimming pool.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment

The total area provided as impervious hard surface area is slightly less than what is allowable under this control, therefore, the amount of stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

- *Landscaped areas should be predominately areas of deep soil.*

Comment

The landscaped areas are predominantly deep soil zones enabling the planting of trees and vegetation.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment

The proposed development will not be visible within the streetscape of Bubalo Street, but nevertheless retains the existing street tree to ensure that new development is blended into the streetscape and neighbourhood.

- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment

The proposed development ensures that a reasonable level of privacy and amenity is provided within the development site and is also maintained to neighbouring properties.

Based on the above, the proposed development is consistent with the outcomes of the control and the non-compliance is supported on merit.

## D16.7 Side and rear building lines

### Description of non-compliance

The proposed development provides a 0.5m setback from the southern side boundary to the pool structure and a 3.8m setback from the rear boundary to the swimming pool structure.

The control requires a 0.9m setback from each side boundary and a 4m rear setback.

### Merit Consideration

Further consideration of the non-compliance will be given in accordance with the outcomes of the control, as below.

- *To achieve the desired future character of the Locality.*

#### Comment

The proposed development achieves the desired future character of the Warriewood Valley Locality.

- *The area of site disturbance is minimised and soft surface is maximised.*

#### Comment

The area of site disturbance is minimised to that generally required for the swimming pool and associated infrastructure. Although the proposed development is non-compliant with the required landscaped area when considering the minimum 4m dimensions, the overall soft surface area provided on the site is compliant with the quantitative requirement and it is therefore considered that the soft surface area has been maximised.

- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

#### Comment

As the proposed swimming pool is located in-ground, the bulk and scale of the built form is minimised and the impact of the proposed development on adjoining properties is also minimised.

- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

#### Comment

The proposed swimming pool has been sited in the rear yard in a similar location to other swimming pools within the street, including the swimming pool on the adjoining property at 12 Bubalo Street, therefore creating meaningful breaks between adjoining buildings and a regular rhythm of built form. Due to the location of the swimming pool in the rear yard, the pool will not be visible from any public place.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*

#### Comment

The proposed development creates usable curtilage between the rear boundary and the swimming pool, however, the reduced 0.5m setback from the southern side boundary is not considered to be usable curtilage for access, landscaping and open space, therefore, a condition will be included requiring the setback to be increased to 0.9m from the southern side boundary, which will meet the requirements of this outcome.

- *Equitable preservation of views and vistas to and/or from public/private places.*

#### Comment

The proposed development ensures the equitable preservation of views and vistas to and/or from both public and private places by including an in-ground swimming pool.

- *Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.*

Comment

The site does not currently contain any vegetation or natural features, however, the proposed landscaping under DA2020/0027 will ensure that vegetation is enhanced within the site design to screen the visual impact of the built form, including the swimming pool.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment

The proposed development includes an in-ground swimming pool, which subject to the recommended condition for an increased setback from the southern side boundary, will ensure that a reasonable level of privacy, amenity and solar access is provided within the development site and is maintained to neighbouring properties.

Based on the above, the proposed development is consistent with the outcomes of the control, subject to an increased setback from the southern side boundary to comply with the requirements of this control, and the non-compliance with the rear boundary setback is supported on merit.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2020/0350 for Construction of a swimming pool on land at Lot 27 DP 271139, 14 Bubalo Street, WARRIEWOOD, subject to the conditions printed below:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

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

##### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1/3A, Site Analysis Plan	8 May 2020	Premier Pools
2/3A, Pool Plan & Sectional Elevations	8 May 2020	Premier Pools
3/3A, Pool Plan & Sectional Elevations	8 May 2020	Premier Pools
1/1, Elevational Plan	8 May 2020	Premier Pools

Engineering Plans		
Drawing No.	Dated	Prepared By
P01, Pool Structural Plan & Details, Rev P3	14 May 2020	Peninsula Consulting Engineers

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation (Ref: J2765)	29 June 2020	White Geotechnical Group

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:

Waste Management Plan
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Drawing No/Title.	Dated	Prepared By
Waste Management Plan	6 April 2020	Vaughan Milligan

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such

damage.

- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

### 3. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (k) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

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.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa

area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas 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.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## **FEES / CHARGES / CONTRIBUTIONS**

### **4. Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **5. Stormwater Disposal**

The applicant is to submit Stormwater Engineering Plans for the new dwelling, prepared by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site, buildings and paved areas. Stormwater shall be conveyed from the site to Bubalo Street.

A 4000 litres rainwater tank for non-potable purposes is to be installed and used as part of an integrated on-site Stormwater management system in accordance with Development Consent N0491/16.

The non-potable purposes are prescribed in the NSW Code of Practice for Plumbing and Drainage and include toilet flushing, garden irrigation, car washing and cold water laundry.

Details demonstrating compliance 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 the development.

6. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report, prepared by White Geotechnical Group and dated 29 June 2020, are to be incorporated into the construction plans.

Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

7. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- (a) the compass orientation on all approved plans is to be amended to match the compass orientation depicted on the Survey Plan, prepared by Donovan Associates and dated 11 April 2019;
- (b) the setback from the southern side boundary to the pool structure is to be increased to 0.9m at any one place;
- (c) the footprint of the dwelling house is to be amended on all approved plans to reflect its approved location in accordance with Condition 12 of development consent DA2020/0027. The location of the swimming pool is not to be amended except to comply with part (b) of this condition.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

8. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

9. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 10. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

### 11. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

The discharge of sediment-laden waters from the site may result in clean-up orders and/or fines under Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Reason: Protection of the receiving environment

### 12. Dewatering Management

Where a one-off instance of dewatering of groundwater or tailwater is required during works, Council's Catchment Team must be notified of your intention to discharge. Notification must be via the Team's email address - [catchment@northernbeaches.nsw.gov.au](mailto:catchment@northernbeaches.nsw.gov.au).

Discharge must achieve the following water quality targets in addition to any conditions/documentation of this consent, Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including Protection of the Environment Operations Act 1997 and Contaminated Lands Act 1997.

Preliminary testing of groundwater/tailwater must be conducted by a NATA accredited laboratory to establish a correlation between NTU and TSS. This will allow the use of grab sampling at short notice prior to planned discharges. Grab samples from at least three locations must be collected within 1 hour of discharge that comply with the parameters in the table below.

Parameter	Criterion	Method	Time Prior to Discharge
Oil and grease	No visible	Visual inspection	<1 hour

pH	6.5- 8.5	Probe/meter	<1 hour
<b>Total Suspended Solids (TSS)</b>	<50mg/L	Meter/grab sample measures as NTU	<1 hour

All records of approvals, water discharges and monitoring results are to be documented and kept on site. Records must include a diagram showing testing locations, and photos of the water to be discharged at the time of testing. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted. Where there is no stormwater pit within 100 metres of the site, Council's Catchment Team must be contacted to discuss alternative arrangements.

Reason: Protection of the receiving environment

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

### 13. **Geotechnical Certification Prior to Occupation Certificate**

The Applicant is to submit the completed Form 3 of the Geotechnical Risk Management Policy (Appendix 5 of P21 DCP) to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

### 14. **Stormwater Disposal**

The Applicant shall submit a certificate from a suitably qualified person that the stormwater drainage works have been constructed/installed in accordance with the approved drainage plans and all relevant Australian Standards and Codes.

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

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

### 15. **Swimming Pool Requirements**

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*.

(h) an Occupation Certificate has been issued for the dwelling house, approved under development consent DA2020/0027, on the subject site.

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.

16. **Landscape Completion**

Landscaping is to be completed in accordance with the Landscape Plan (Landscape Plan, Rev C, prepared by Branching Out Co., dated 10 December 2019) and any related conditions approved under Development Consent DA2020/0027.

The landscaping is to be approved as completed by the accredited Certifier upon issue of the Occupation Certificate.

This landscaping is to then be maintained for the life of the development.

Reason: To ensure that the approved landscaping is completed to visually reduce the built form.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

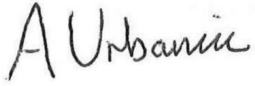
17. **Swimming Pool/Spa Motor Noise**

The swimming pool/spa motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

In signing this report, I declare that I do not have a Conflict of Interest.

**Signed**



**Adam Urbancic, Planner**

The application is determined on 22/07/2020, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**