



Civic Centre 725 Pittwater Road
Dee Why NSW 2099



19 December 2008

Madorne Pty Ltd
PO Box 2 NSW
DOONSIDE NSW 2767

Dear Sir/Madam,

MAV(PDS)

RE: Application No DA2008/1594
Description: Construction of a swimming pool
Address: 32 Deakin Street Forestville

We are writing to advise you that the abovementioned Development Application has now been determined. The formal consent notice and plans are available for collection at Council's Customer Service Centre which is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays). Would you kindly complete the attached questionnaire and return it to Council when collecting your documents. Your feedback is invaluable in allowing us to continue to improve the quality of our customer service.

It is Council's policy not to forward these documents by mail to ensure safe receipt. Please note that Council can only release the consent to the applicant, nominated on the application form. Please bring this letter (original only) and photo identification with you for collection purposes. If the person collecting the consent is not the applicant, then they must present a letter of authorisation from the applicant as well as photo identification. Development Consents that are not collected within 30 days of notification will be filed and can be retrieved by giving three days notice in advance.

Please read your Development Consent carefully. It contains important information and conditions that must be complied with at various stages of the development.

Once you have collected your Development Consent, the following steps will apply:

1. Obtain a Construction Certificate. Construction Certificates may be sought from Council or an Accredited Certifier. Please note that if you wish Council to issue a certificate, the appropriate forms and checklist of information to be submitted is enclosed in the determination kit. For applicable fees please refer to the Fees and Charges found on Council's website or by phoning Council's Customer Service Centre.
2. The following fees are required to be paid prior to the issue of any Construction Certificate and are further detailed within the Notice of Determination.

		Office Use
Builders Road/Kerb Security Bond	\$500	BD2008/05805
Kerb Security Inspection Fee	\$200	GL
Long Service Levy	0.35% of the value of building and construction works	Rams
Inspection Fees (If Council is selected as PCA)	\$275 per inspection	Rams

If Council is not engaged to determine your Construction Certificate, these must be paid at Council before your Accredited Certifier can issue any Construction Certificate.

3. Before construction begins, a Construction Certificate must be issued, then a Principal Certifying Authority (PCA) must be nominated at least two days in advance. This can be either Council or an Accredited Certifier. Nominations should be made on the attached PCA Form. The PCA is responsible for coordinating and taking responsibility for stages of construction, advising Council of critical inspections, compliance checking, certification and use after the building is occupied. **Please note that nomination of a PCA is mandatory.**

If Council is not nominated as the PCA, Council must be advised at least two (2) days in advance of work commencing with a completed PCA form.

4. If you nominate the Council as your PCA, you will be advised in writing of the required inspections and inspection fees. These inspection fees are required to be paid prior to the first inspection being undertaken.

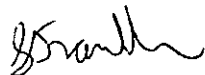
Note: For all subdivision works (excluding strata title) Warringah Council is the PCA. Compliance Certificate inspections at different stages of subdivision works may be required. In some circumstances, Council will request that an Accredited Certifier (civil works) undertake these Compliance inspections.

If you require a receipt for taxation purposes, please notify Council's cashier at the time of payment.

Should you require any further information on this matter, please contact **Keith Wright** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number 9942 2111, or at any time on facsimile number 9971 4522.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at www.warringah.nsw.gov.au.

Yours faithfully



Keith Wright
Development Assessment Officer
Planning and Development Services

NOTICE OF DETERMINATION

Application Number: DA2008/1594

APPLICATION DETAILS

Applicant Name and Address: Madorne Pty Ltd
PO Box 2 NSW
DOONSIDE NSW 2767

Land to be developed (Address): Lot 7 DP 30413 32 Deakin Street FORESTVILLE
NSW 2087

Proposed Development: Construction of a swimming pool with spa

DETERMINATION - APPROVED

Made on (Date): 18 December 2008

Consent to operate from (Date): 18 December 2008

Consent to lapse on (Date): 18 December 2011

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated	Prepared By
BHP 08T16319	27/10/08	Blue Haven Pools & Spas Pty Ltd

No building works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory.*

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

3. Development/Construction Security Bond

A bond (determined from cost of works) of \$500 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.

Reason: *To ensure adequate protection to Council infrastructure.*

4. Long Service Levy



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Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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.

Reason: *Prescribed - Statutory.*

5. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in all relevant Acts, Regulations and Australian Standards. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The following Acts, Regulations and Australian Standards applied at the time of determination:

- Swimming Pools Act 1992
- Swimming Pools Regulation 1998
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

Reason: *To ensure the safety of children and make applicant aware of the need to comply with applicable pool fencing legislation.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

6. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
 - (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever



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arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is 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.

Reason: *Prescribed - Statutory.*

7. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: *Legislative requirement for the naming of the PCA.*

8. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement.*



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9. Identification and Protection of Trees

- (1) All trees identified for retention/protection are to be clearly identified by signage as protected trees.
- (2) The primary root zone areas of the trees identified for protection are to be protected by fencing during the entire construction period except for specific areas directly to achieve construction works.
- (3) The tree protection fence shall be constructed of galvanised pipe at 2.4 m spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres. The tree protection fencing is to be installed and fully operational prior to any demolition or construction works commencing on the site.

Reason: To protect trees to be retained.

10. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: To ensure compliance with the requirement to retain significant planting on the site.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Prohibition on Use of Pavements

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

Reason: To ensure public safety and amenity on public land.

12. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: To avoid siltation to adjoining properties and waterways.

13. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 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).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

14. Excavation / Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage.*

15. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during building work.

Reason: *To ensure public safety and amenity on public land.*

16. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

17. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment



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Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity*

18. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome.*

19. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Drawing No.1 Of 8 prepared by Blue Haven Pools Pty Ltd dated 27/10/08 are to be protected.

Reason: *Protection of existing environmental infrastructure and community assets.*

20. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.
- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer.
- (3) All overhead utility services are to be located outside the canopies of existing trees.
- (4) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.
- (5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

(6) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of trees.

21. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination:

Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: To ensure protection and longevity of existing trees.

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

22. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.



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Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act.

23. Pool Filtration Requirements

Filtration for the swimming pool must comply with the relevant Australian Standard.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS1926.3 Part 3: Water recirculation and filtration systems

Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act 1992, to prevent young children from accidental death by drowning.

24. Pool Sign

The owner of the pool shall display a notice showing:

- (i) Appropriate instructions of artificial resuscitation methods.
- (ii) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

Note: This notice shall be kept in a legible condition in a prominent location in the vicinity of the pool at all times.

Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning.

25. Pool Safety Requirements

Access to the pool shall be restricted by a child resistant barrier in accordance with all relevant Acts, Regulations and Standards. The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed.

Note: The following Standards and Codes applied at the time of determination:

- Swimming Pools Act 1992
- Swimming Pools Regulation 1998
- Australian Standard AS1926 Swimming Pool Safety
- Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act 1992, to prevent young children from accidental death by drowning.

26. Swimming Pools

The filtration motor, pump and moving parts shall be enclosed in a sound-proofed structure of masonry or similar materials, with the noise level of any filtration equipment or pumps



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suppressed to not unreasonably exceed the ambient background noise level measured at the nearest property boundary.

Reason: *Noise control*

27. Swimming Pool Water to Sewer

Prior to the issue of an Interim/Final Occupation Certificate the swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith.

Reason: *Water from a swimming pool is classified as wastewater and cannot be legally disposed of into the stormwater system.*

28. Required Planting

The tree/s listed in the following Schedule shall be planted prior to the issue of an Interim/Final Occupation Certificate.

Schedule

Tree Species	Location	Pot Size
1 x <i>Corymbia gummifera</i>	Suitably located in the rear landscaped open space	25 litres

Reason: *To maintain environmental amenity*



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Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

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

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed . . . on behalf of the consent authority

Signature

Name

Keith Wright

Senior Development Assessment Officer

Date

18 December 2008



Warringah Council

DA No.

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number: DA2008/1594

APPLICATION DETAILS

Applicant Name and Address: Madorne Pty Ltd
PO Box 2 NSW
DOONSIDE NSW 2767

Land to be developed (Address): Lot 7 DP 30413 32 Deakin Street FORESTVILLE
NSW 2087

Proposed Development: Construction of a swimming pool with spa

Assessment Officer: Keith Wright

Plan Reference: BHP 08T16319 Sheets 1 to 8

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	Yes	Yes
Section 2 – Issues Assessment	No	No
Section 3 – Site Inspection Analysis	Yes	Yes
Section 4 – Application Determination	Yes	Yes



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DA No.

LOCATION MAP



NORTH ^



SECTION 1 – CODE ASSESSMENT REPORT

Estimated Cost of Works: \$ 40,500

Are S94A Contributions Applicable?

No

Is the subject site:

Bushfire Prone?

No

Flood Prone?

No

Affected by Acid Sulfate Soils

No

Located within 40m of any natural watercourse?

No

Located within 100m of the mean high watermark?

No

Located within an area identified as a Wave Impact Zone?

No

Any items of heritage significance located upon it?

No

Located within the vicinity of any items of heritage significance?

No

Located within an area identified as potential land slip?

No

Is the development Integrated?

No

Does the development require concurrence?

No

Is the site owned or is the DA made by the "Crown"?

No

Notification Required?

Yes

Period of Public Exhibition?

14 days

Submissions Received?

No

Applicable Controls:

EPA Act 1979

EPA Regulations 2000

Local Government Act 1993

Swimming Pools Act 1993

SEPP No. 55 – Remediation of Land

SEPP BASIX

SEPP Infrastructure

WLEP 2000

WDCP

ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP Basix:

Applicable?:

No

REPs: Applicable?: No

WLEP 2000

Development Definition: Housing

Locality: C1 Middle Harbour Suburbs

Category of Development: 1

Desired Future Character:

The Middle Harbour Suburbs locality will remain characterised by detached-style housing in landscaped settings interspersed by a range of complementary and compatible uses. The land adjacent to Middle Harbour and occupied by the Mosman Rowing Club will be retained for low-scale recreational use sympathetic to its natural setting. The land occupied by the Killarney Heights Tennis Centre at Lot 841 DP 210006 and land occupied by the Killarney Heights Swim Centre at Lot 854 DP 210006 on Tralee Avenue and the land occupied by Belrose Bowling Club at Lot 2 DP 851739 on Forest Way, will continue to be used only as recreation facilities.

The south-west section of the Killarney Heights High School grounds contains bushland and rock outcrops: this area may be developed for housing. Development in this section will recognise the bushland outlook, views and privacy enjoyed from residences adjoining the northern and western boundaries of the site and ensure development reasonably maintains these qualities. The retention of existing landscaping is encouraged, where practical.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. Unless exemptions are made to the density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

The relationship of the locality to the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Development on hillsides or in the vicinity of ridgetops must integrate with the natural landscape and topography. Development on land which adjoins Middle Harbour shall have regard to the principles contained in Schedule 14.



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The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed in clause 39.

Future development of the environmentally sensitive land shown cross-hatched on the map will be limited to one dwelling per allotment. Such dwelling will be constructed having regard to the constraints, potential instability, visual sensitivity and impact on the water quality of Middle Harbour.

Category 1 Development with no variations to BFC's

Is the development considered to be consistent with the Locality's Desired Future Character Statement? Yes

Built Form Controls:

Building Height (overall): Applicable: Yes	Requirement: 8.5m Proposed: 200mm Complies: Yes
Building Height (underside of upper most ceiling): Applicable: No	
Front Setback: Applicable: No	
Housing Density: Applicable: Yes	Requirement: 1 dwelling per 600sqm Proposed: 1 dwelling per 706.9sqm Complies: Yes
Landscape Open Space: Applicable: Yes	Requirement: 40% (282.7sqm) Proposed: 49% (345sqm) Complies: Yes
Rear Setback: Applicable: Yes	Requirement: 6m Proposed: 1m Complies: Yes with concession – The rear building setback may be encroached by: exempt development, swimming pools and outbuildings which, in total, do not exceed 50 per cent of the rear setback area. Requirements: 50% Proposed: 18% Complies: Yes



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Side Boundary Envelope: Applicable: Yes	Boundary: East Requirement: 4m / 45 degrees Fully within Envelope: Yes Complies: Yes Boundary: West Requirement: 4m / 45 degrees Fully within Envelope: Yes Complies: Yes
Side Setbacks: Applicable: Yes	Boundary: East Requirement: 900mm Proposed: 12.4m Complies: Yes Boundary: West Requirement: 900mm Proposed: 1m Complies: Yes

General Principles of Development Control:

General Principle	Complies
CL38 Glare & reflections Applicable: Yes	The Development does not result in overspill or glare from artificial illumination, or sun reflection, and does not unreasonably diminish the amenity of the locality. The development is satisfactory in addressing the General Principle.
CL42 Construction Sites Applicable: Yes	The proposed construction site does not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment and is satisfactory in addressing the General Principle.
CL43 Noise Applicable: Yes	Development will not result in noise emission, which would unreasonably diminish the amenity of the area and will not result in noise intrusion, which would be unreasonable to surrounding residents.
CL44 Pollutants Applicable:	No Comment



No	
CL45 Hazardous Uses Applicable: No	No Comment
CL46 Radiation Emission Levels Applicable: No	No Comment
CL47 Flood Affected Land Applicable: No	No Comment
CL48 Potentially Contaminated Land Applicable: Yes	Records indicate a residential history for the subject site and as such the site poses no risk of contamination and therefore no further consideration is required under Clause 48 of WLEP 2000 or SEPP 55.
CL49 Remediation of Contaminated Land Applicable: No	No Comment
CL49a Acid Sulfate Soils Applicable: No	No Comment
CL50 Safety & Security Applicable: No	No Comment
CL51 Front Fences and Walls Applicable: No	No Comment
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: No	No Comment
CL54 Provision and Location of Utility Services Applicable: No	No Comment
CL56 Retaining Unique Environmental Features on Site Applicable: No	No Comment



CL57 Development on Sloping Land Applicable: No	No Comment
CL58 Protection of Existing Flora Applicable: No	No Comment
CL59 Koala Habitat Protection Applicable: No	No Comment
CL60 Watercourses & Aquatic Habitats Applicable: No	No Comment
CL61 Views Applicable: Yes	There are no views across this site, which would be impacted by the proposed development. Accordingly no view loss or view obstruction will occur. The proposal is satisfactory in this regard.
CL62 Access to sunlight Applicable: Yes	The development does not unreasonably reduce sunlight to surrounding properties. It is considered that reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle. No Comment
CL63 Landscaped Open Space Applicable: Yes	The landscaped open space provision for the site complies with the numerical requirements contained within Warringah LEP 2000. Accordingly, the proposal is considered satisfactory in terms of landscaped open space.
CL63A Rear Building Setback Applicable: Yes	The rear setback complies with the Built Form Control and is thus satisfactory.
CL64 Private open space Applicable: No	No Comment



CL65 Privacy Applicable: Yes	The Development does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings and is satisfactory in addressing the General Principle.
CL66 Building bulk Applicable: Yes	The development is considered to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and does not visually dominate the street or surrounding spaces. The development is consistent with the predominant pattern and scale of development in the immediate locality.
CL67 Roofs Applicable: No	No Comment
CL68 Conservation of Energy and Water Applicable: No	No Comment
CL70 Site facilities Applicable: No	No Comment
CL71 Parking facilities (visual impact) Applicable: No	No Comment
CL72 Traffic access & safety Applicable: No	No Comment
CL73 On-site Loading and Unloading Applicable: No	No Comment
CL74 Provision of Carparking Applicable: Yes	Two (2) car spaces are provided on-site, satisfying the parking requirements of Schedule 17 of the Warringah LEP 2000.



Warringah Council

CL75 Design of Carparking Areas Applicable: Yes	The proposed works do not impact on safe manoeuvring opportunities for vehicles on-site and satisfying the requirements of this general principle. Dimensions are satisfactory.
CL76 Management of Stormwater Applicable: No	No Comment
CL77 Landfill Applicable: No	No Comment
CL78 Erosion & Sedimentation Applicable: Yes	Development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion. Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site is considered satisfactory to meet the requirements of Clause 78 of WLEP2000.
CL79 Heritage Control Applicable: No	No Comment
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: No	No Comment
CL81 Notice to Heritage Council Applicable: No	No Comment
CL82 Development in the Vicinity of Heritage Items Applicable: No	No Comment
CL83 Development of Known or Potential Archaeological Sites Applicable: No	No Comment

Schedules:



Warringah Council

Schedule 17 Carparking provision Applicable: Yes	Complies: Yes
--	-------------------------

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: No	No Comment
Clause 92 (Demolition of Structures) Applicable: No	No Comment
Clause 93 & 94 (Fire Safety) Applicable: No	No Comment
Clause 98 (BCA) Applicable: No	No Comment

REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Landscape Assessment	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory
Bushland Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory



Warringah Council

		☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory



SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	Yes
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	Yes
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	Yes
Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	N/a
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	Yes
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	yes
Section 79C (1) (c) – Is the site suitable for the development?	Yes
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	Yes
Section 79C (1) (e) – Is the proposal in the public interest?	Yes



SECTION 3 – SITE INSPECTION ANALYSIS

Site area706.9sqm

Potential View Loss as a result of development

Detail existing onsite structures:

No

Dwelling (to be demolished)

If Yes where from (in relation to site):

Site Orientation

☐ North / South

North/South

☐ East / West

Cross Fall:Nil%

☐ North East / South West

☐ North West / South East

☐ North / South

View of:

☒ East / West

Ocean / Waterways No

☐ North East / South West

Headland No

☐ North West / South East

District Views No

Bushland No

Cross Fall:Nil%

Other:

Site Features:

If Yes to Under Storey Vegetation:

☒ Trees

☐ Minimal

☐ Under Storey Vegetation

☐ Dense Cover with Gaps

☐ Rock Outcrops

☐ Continuous Dense Cover

☐ Caves

☐ Overhangs

☐ Waterfalls

☐ Creeks / Watercourse



Warringah Council

☐ Aboriginal Art / Carvings

☐ Any Item of / or any potential item of heritage significance

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

If Yes to Trees to be impacted upon by the development (to be determined by the assessing officer):

Tree Cover

☐ Few

☒ Medium

☐ Dense

Is the proposal for a swimming pool:
Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

Trees with hollows?

☐ Yes ☒ No

Living Trees?

☒ Yes ☐ No

Dead Trees?

☐ Yes ☒ No



Warringah Council

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

Satisfactory

Recommendation:

That Council as the consent authority

GRANT DEVELOPMENT CONSENT to the development application subject to:

- (a) the conditions detailed within the associated notice of determination; and
- (b) the consent lapsing within three (3) from operation

Signed

Date

Keith Wright

18/12/08

Senior Development Assessment Officer

The application is determined under the delegated authority of:

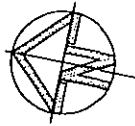
Signed

Date

Ailsa Prendergast

18/12/08

Team Leader Development Assessments



POOL OVERFLOW TO BE PUMPED
TO SEWER TO COUNCIL'S &
SYDNEY WATER'S REQUIREMENTS

NOTE- FENCE LOCATIONS HAVE
NOT BEEN DETERMINED IN
RELATION TO BOUNDARIES

Legend

- Boundary
- Existing Spot Heights
- Paving
- Existing Tree
- Existing Tree - TO BE REMOVED

TREE & SHRUB REMOVAL BY OTHERS

IDENTIFY & MARK THE LOCATION OF ALL
ABOVE & BELOW GROUND SERVICES
PRIOR TO COMMENCING ANY WORK.
TAKE ALL REQUIRED PRECAUTIONS TO
PREVENT DAMAGE TO SERVICES

▲ NAIL IN KERB RL 20.00 (ASSUMED)
The Pool Concrete Structure
Will Be 450mm Above The BM (RL 20.45)

F Sound Proof Filter Box

SITE CALCULATIONS

Site - 706.9m²

PROPOSED SITE COVERAGE

Residence -	186.9m ²
Driveway -	51.5m ²
Verandah -	19.4m ²
Patio -	28.4m ²
Proposed Pool & Spa -	29.9m ²
Proposed Coping -	4.5m ²

PROPOSED IMPERVIOUS AREAS

(not including Pool)
290.7m² (41%)

PROPOSED SOFT LANDSCAPE AREA
(including Pool, not including areas <2m)
362.9m² (51%)

AREA WITHIN 6m OF REAR BOUNDARY
111.9m²

BUILT UPON AREA WITHIN 6m OF REAR
BOUNDARY
19.7m² (18%)

OSD CALCULATION

(NOT INCLUDING DECKS, POOLS, SPAS)

Site Area = 706.9m²
(a) Existing Impervious Area = 286.2m²
To Be Retained = 286.2m²
Proposed Impervious Area = 4.5m²
(b) Total Post Development Impervious Area
= 290.7m² / 41%
(c) $706.9 \times 0.35 = 247.4m^2 + 50m^2 = 297.4m^2$
OSD IS NOT REQUIRED

LEGEND
KO: DENOTES KERB OUTLET
WC, EC, TC: DENOTES SERVICE CONDUIT
SV: DENOTES STOP VALVE
HYD: DENOTES HYDRANT

WARRINGAH COUNCIL
THIS PLAN TO BE READ
IN CONJUNCTION WITH
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DEAKIN STREET

NAIL IN KERB RL 20.00 (ASSUMED)
The Pool Concrete Structure
Will Be 450mm Above The BM (RL 20.45)

SCALE 1:200

SITE PLAN

BLUE HAVEN POOLS & SPAS PTY LTD

Site Plan & Pool Plans prepared by Blue Haven Pools & Spas Pty Ltd
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Telephone: (02) 9728 0444 Fax: (02) 9728 0455



Keighran and Associates Pty Ltd

Consulting Structural and Civil Engineers ABN 25 003 832 291

APPROVED

G. Keighran DATE 27/10/08

BE (Hons), MEngSci, FIEAust, CPEng
Registered NPER 3719 (Structural & Civil)



PROPOSED SWIMMING POOL STRUCTURAL DETAILS

FOR M JOOSSE

AT 32 Deakin Street, FORESTVILLE

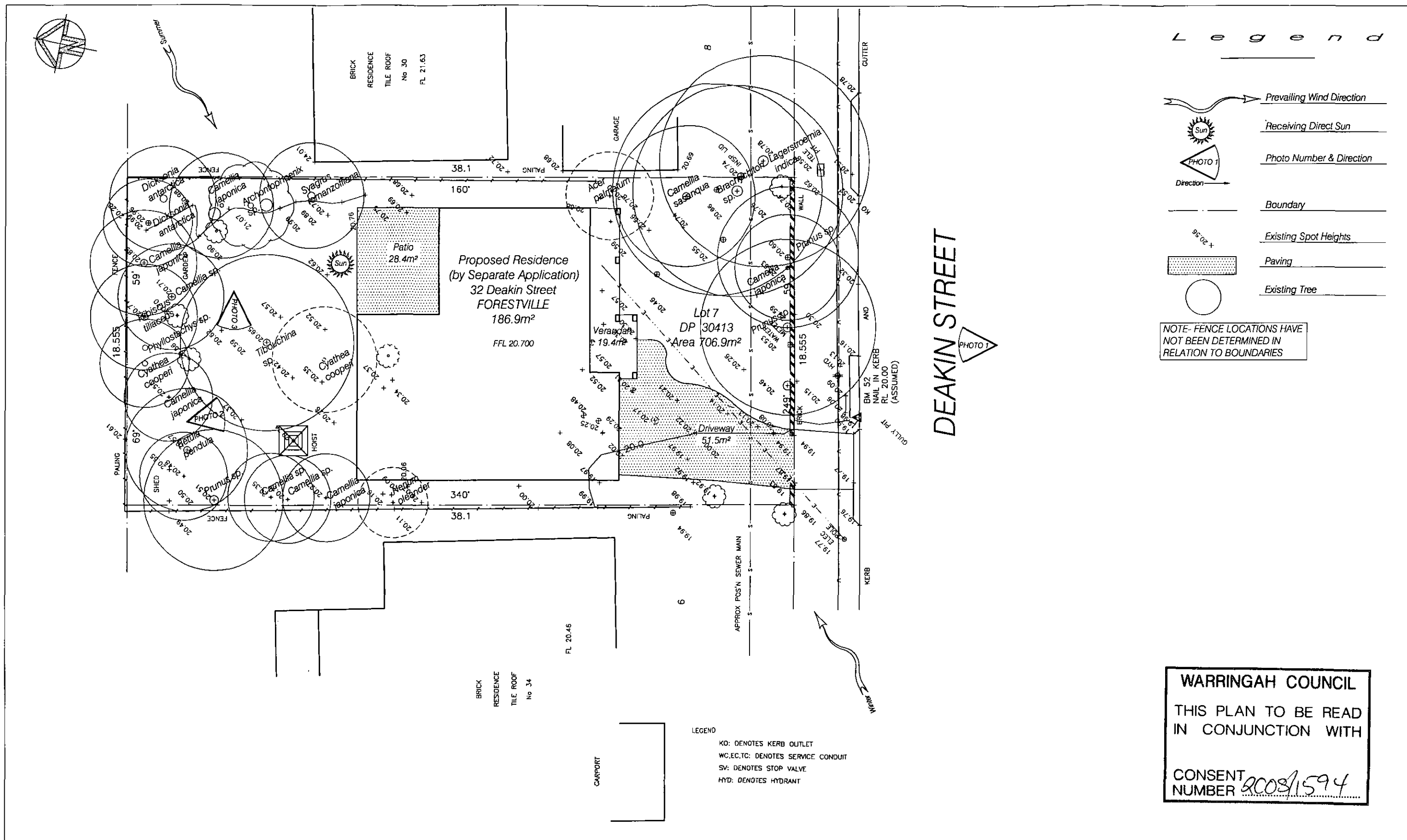
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DRAWN: OL-8127

SHEET 1 OF 8

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BHP 08T16319



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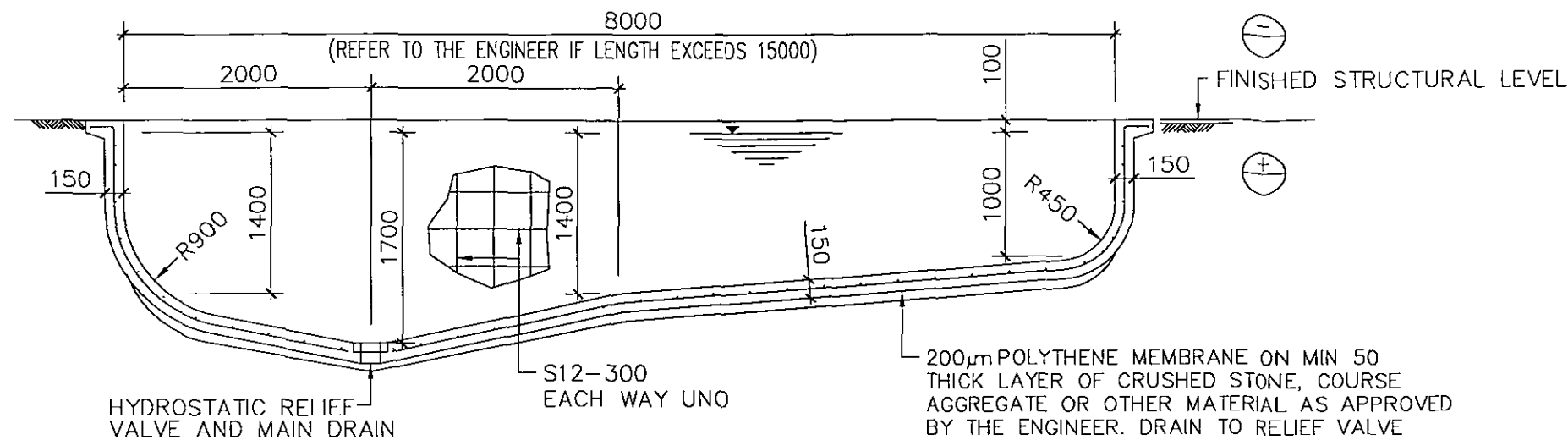
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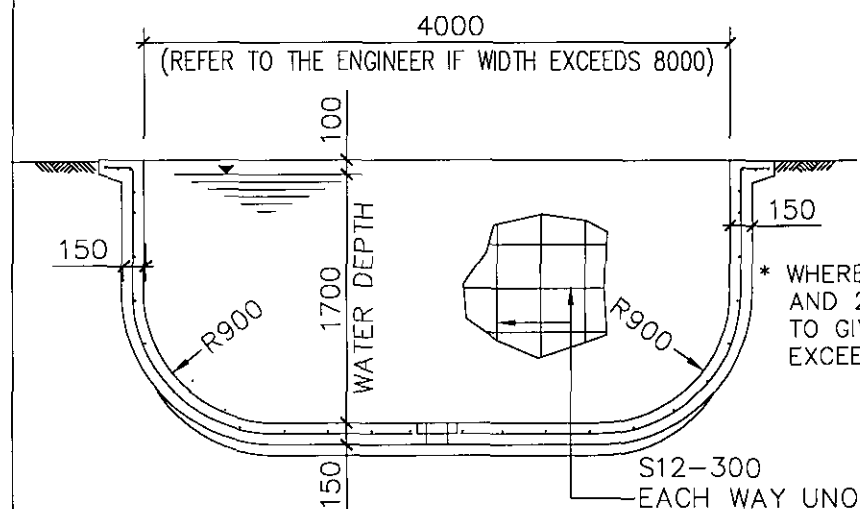
SHEET 2 OF 8

DRAWING/CONTRACT No.

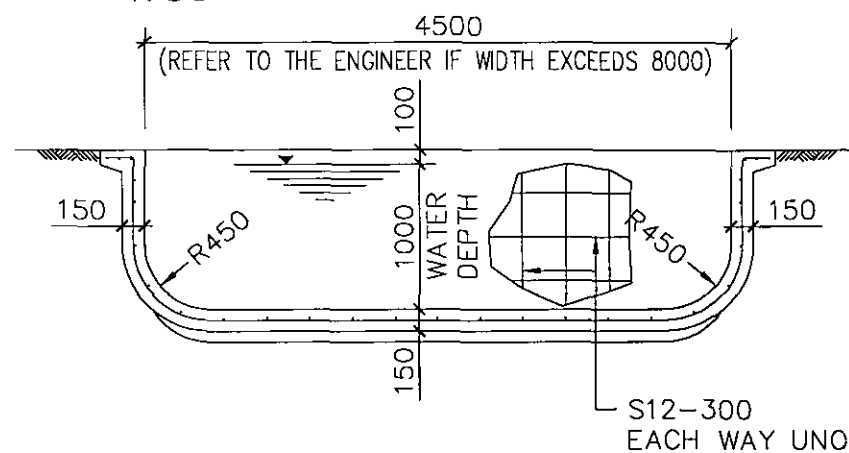
BHP 08T16319



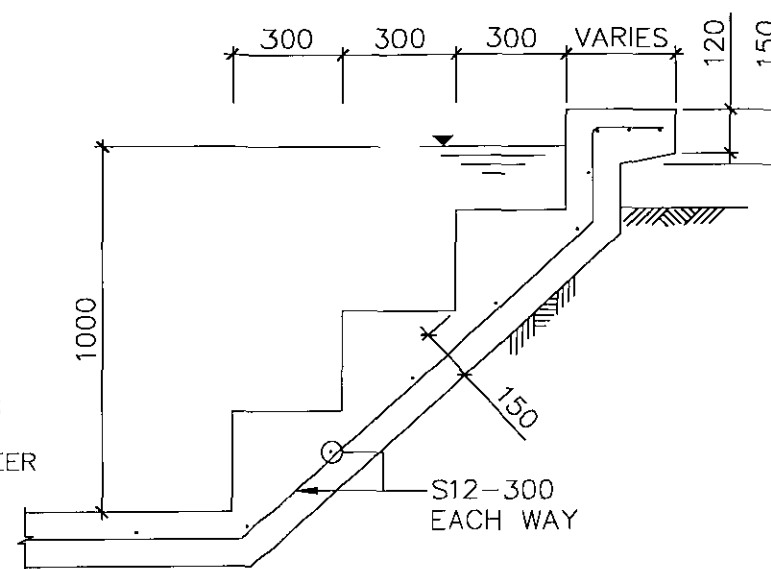
LONGITUDINAL SECTION
1:50



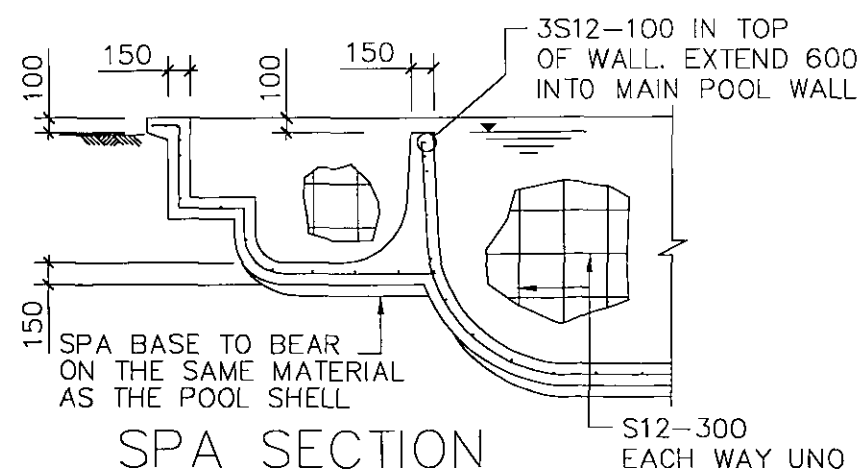
DEEP END SECTION
1:50



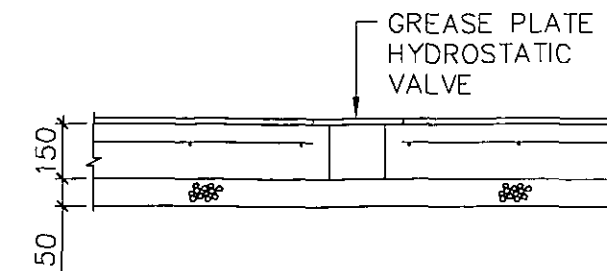
SHALLOW END SECTION
1:50



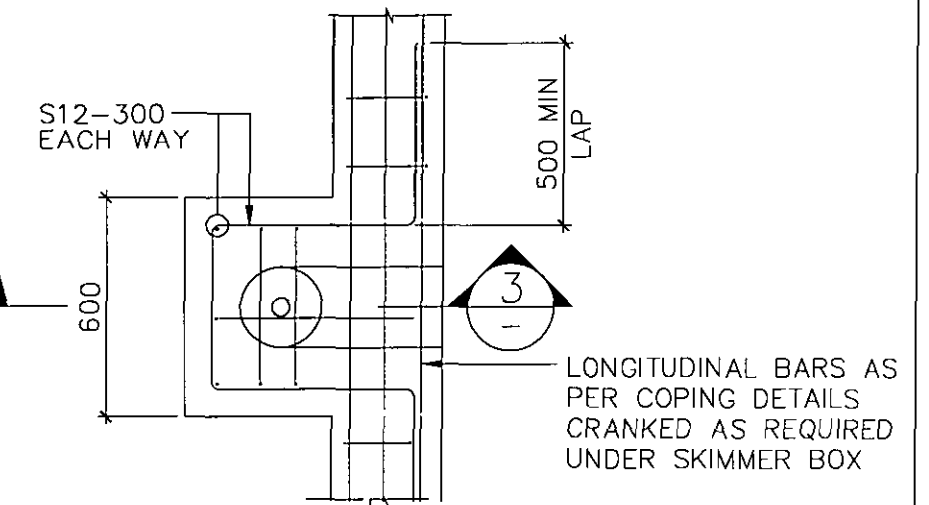
STEPS CAST AGAINST GROUND
1:20



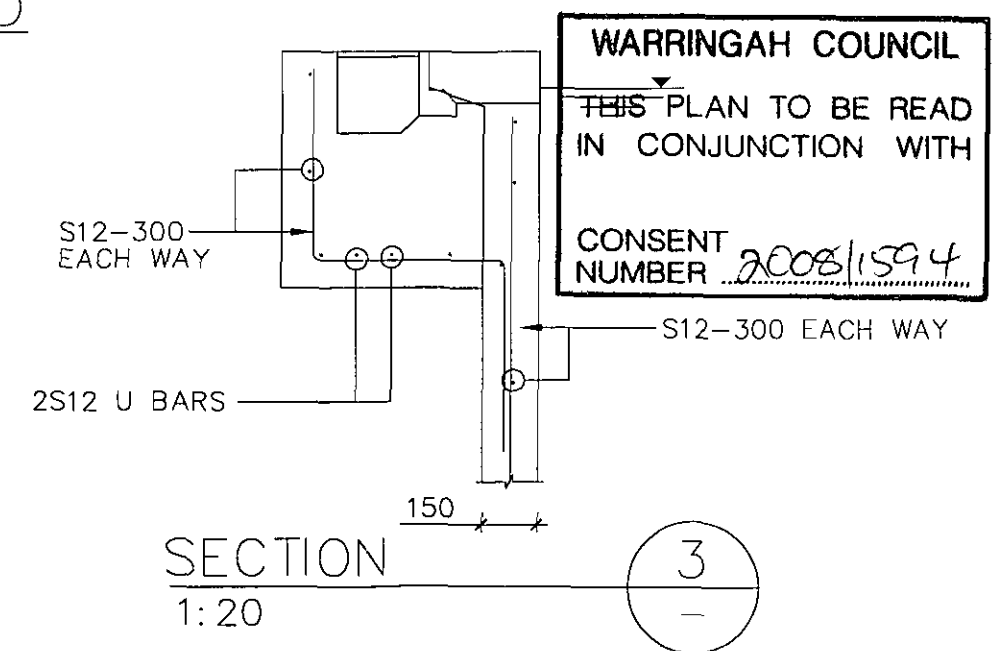
SPA SECTION
1:50



HYDROSTATIC VALVE DETAIL
1:20



PLAN OF SKIMMER
1:20



SECTION
1:20

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Keighran and Associates Pty Ltd

Consulting Structural and Civil Engineers ABN 25 003 832 291

APPROVED *[Signature]* DATE 27/10/08

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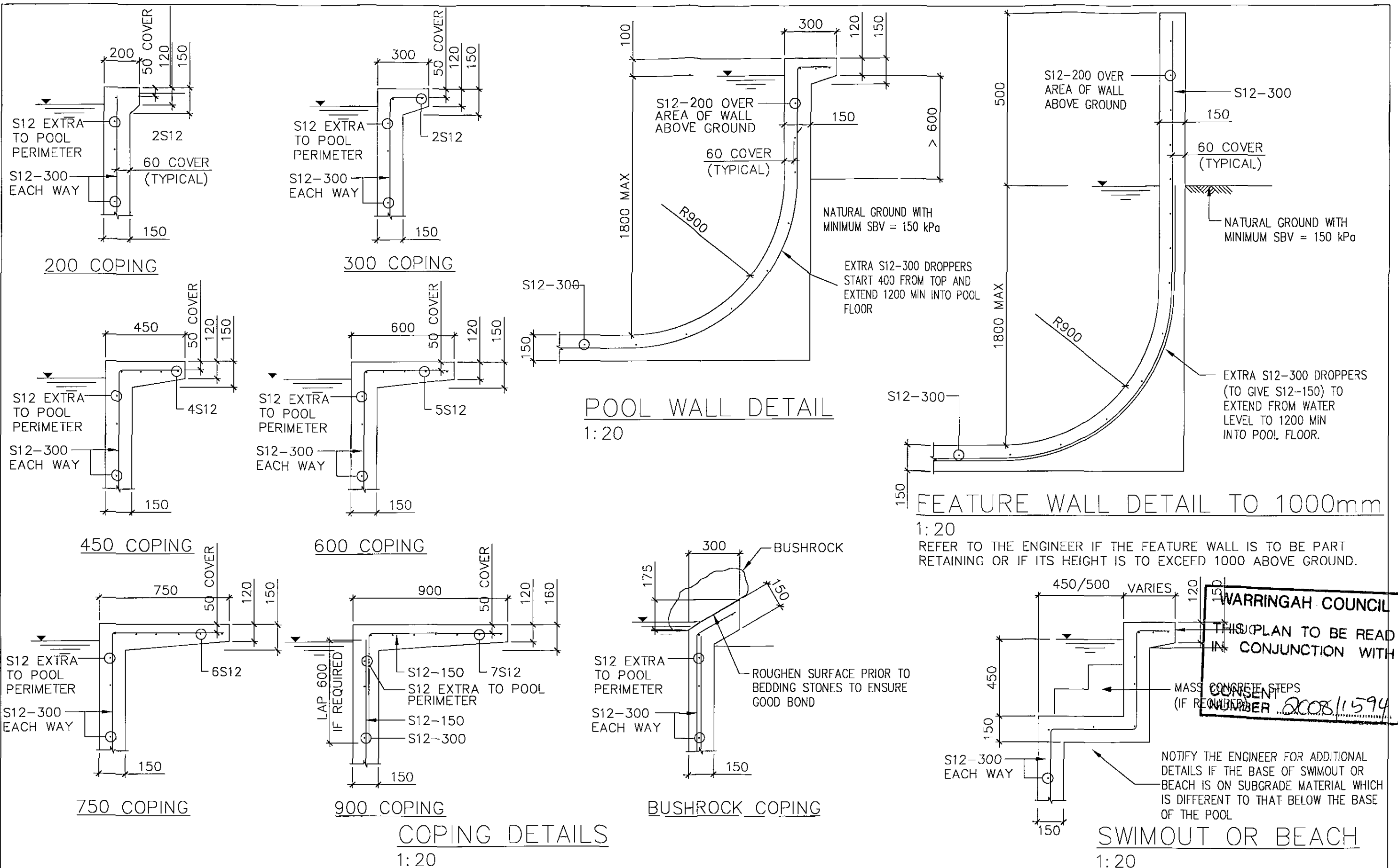
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PROPOSED SWIMMING POOL STRUCTURAL DETAILS

FOR M JOOSSE

AT 32 Deakin Street, FORESTVILLE

DATE: 27/10/08

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SHEET 4 OF 8

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GENERAL

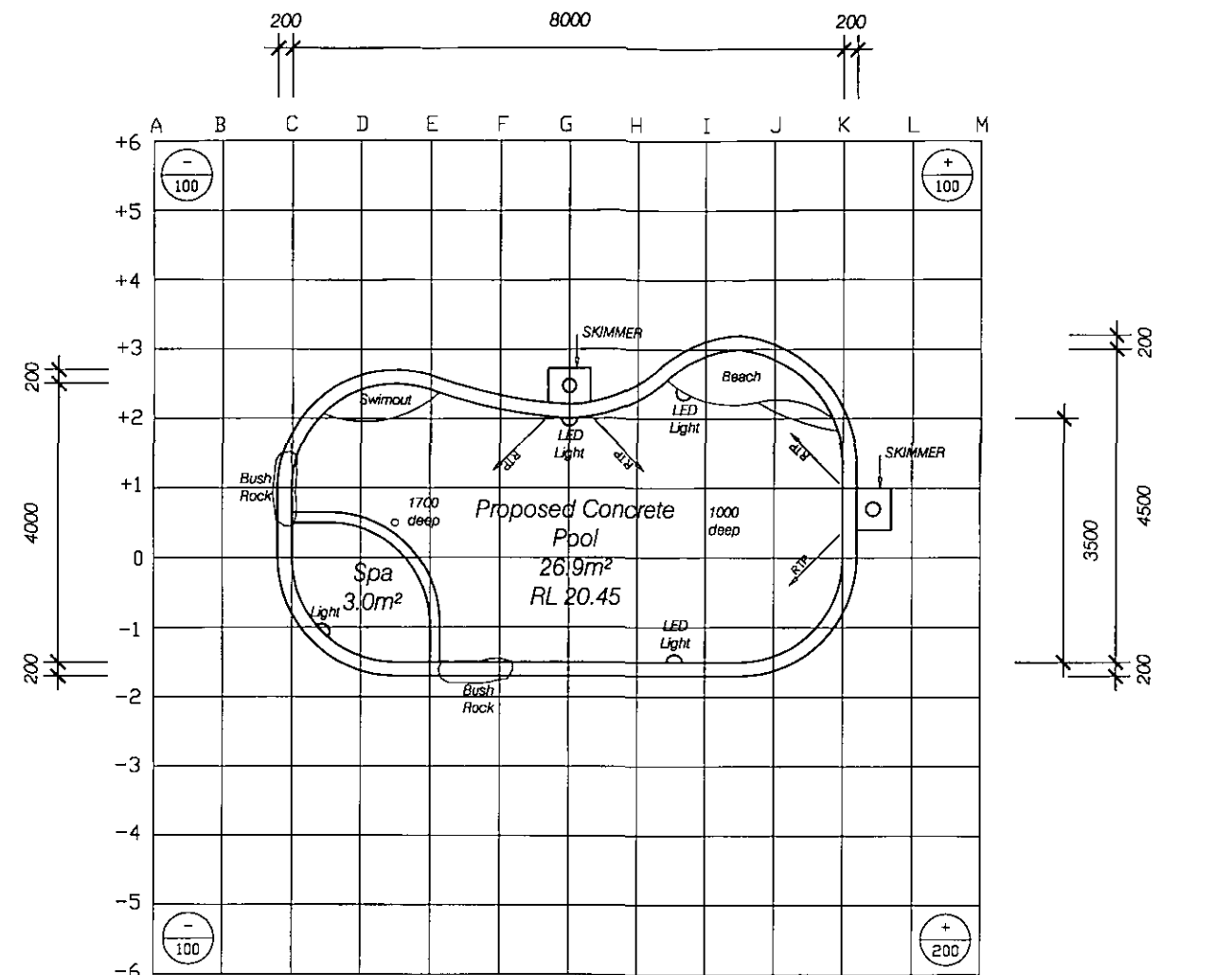
- G1 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS2783 - 1992.
- G2 THE SETTING OUT DIMENSIONS SHALL BE CHECKED ON SITE PRIOR TO COMMENCING EXCAVATION.
- G3 ANY UNFORSEEN VARIATIONS TO THE ASSUMED SITE CONDITIONS SHALL BE REFERRED TO THE ENGINEER PRIOR TO PROCEEDING.
- G4 THE WALKWAYS AND COPINGS HAVE BEEN DESIGNED FOR A LIVE LOAD OF 4kPa.
- G5 THE ENGINEER SHALL BE NOTIFIED OF ANY PROPOSED VARIATION TO THIS PRIOR TO PLACING THE REINFORCEMENT.
- G6 PRIOR TO EMPTYING THE POOL, THE OWNER SHALL ENSURE THAT ALL EXTERNAL GROUNDWATER HAS BEEN REMOVED FROM THE BASE AND WALLS OF THE POOL.
- G7 THE ENGINEER SHALL BE NOTIFIED IF THE POOL IS OUT OF THE GROUND BY MORE THAN 900.

CONCRETE

- C1 THE DETAILS PRESENTED ON THE FOLLOWING SHEETS COMPLY WITH THE REQUIREMENTS OF AS2783-1992.
- C2 ALL WORKMANSHIP SHALL BE IN ACCORDANCE WITH AS3600.
- C3 ALL CONCRETE SHALL HAVE A MINIMUM 28 DAY CONCRETE COMPRESSIVE STRENGTH OF 25MPa AND HAVE A MAXIMUM AGGREGATE SIZE OF 10mm AND A MAXIMUM SLUMP OF 80mm UNLESS NOTED OTHERWISE.
- C4 WHERE THE POOL IS LOCATED WITHIN 1km OF LARGE EXPANSES OF SALT WATER THE CONCRETE SHELL SHALL HAVE A MINIMUM 28 DAY CONCRETE COMPRESSIVE STRENGTH OF 32MPa.
- C5 CONCRETE SIZES SHOWN DO NOT INCLUDE FINISH AND MUST NOT BE REDUCED OR HOLED IN ANY WAY WITHOUT THE APPROVAL OF THE ENGINEER, HOWEVER, THE RADIUS OR CONCRETE THICKNESS MAY BE INCREASED.
- C6 UNLESS OTHERWISE NOTED, CLEAR CONCRETE COVER SHALL BE IN ACCORDANCE WITH AS2783-1992.
- C7 CONCRETE COVER SHALL BE MAINTAINED BY THE USE OF APPROVED CHAIRS AT APPROXIMATELY 750 CROSS CENTRES.
- C8 ALL CONCRETE SHALL BE CURED BY THE OWNER FOR A MINIMUM OF 7 DAYS AFTER POURING BY KEEPING ALL EXPOSED SURFACES WET WITH WATER.
- C9 S NOTATION TO REINFORCEMENT DENOTES GRADE 230 DEFORMED BAR.
- C10 UNLESS OTHERWISE NOTED, ALL REINFORCEMENT LAPS SHALL BE A MINIMUM OF 500mm.
- C11 PROVIDE 10mm CONTROL JOINTS IN THE WALKWAY FINISH AT MAXIMUM 4000 CENTRES AND AT POINTS OF RE-ENTRANT CORNERS IN PLAN.
- C12 PROVIDE 10mm CONTROL JOINTS BETWEEN THE PERIMETER EDGE OF THE POOL AND ALL ABUTTING CONCRETE OR MASONRY FINISHES.

FOUNDATION

- F1 THE DESIGN OF THE POOL HAS BEEN BASED ON BEING SUPPORTED BY UNIFORM NATURAL GROUND WITH A MINIMUM SAFE BEARING VALUE OF 150kPa (UNLESS SHOWN AS SUSPENDED ON PIERS). THE BUILDER SHALL NOTIFY THE ENGINEER IF ANY OTHER GROUND CONDITIONS ARE ENCOUNTERED PRIOR TO COMPLETING THE EXCAVATION. THE BUILDER SHALL ALSO NOTIFY THE ENGINEER IF A CLASS 'H' OR 'E' SUBGRADE IS ENCOUNTERED.
- F2 THE EXCAVATION SHALL BE KEPT FREE OF WATER. ANY SOFTENED SUBGRADE MATERIAL SHALL BE REMOVED AND REPLACED WITH COMPACTED GRANULAR FILL PRIOR TO PROCEEDING.
- F3 THE UNDERSIDE OF THE POOL SHALL BE SEPARATED FROM THE SUBGRADE WITH A 200µm POLYTHENE MEMBRANE OVER 50 CRUSHED STONE, COURSE AGGREGATE OR OTHER MATERIAL AS APPROVED BY THE ENGINEER.
- F4 ANY PROPOSED EXCAVATIONS WHICH ARE TO BE WITHIN THE ZONE OF INFLUENCE OF AN EXISTING STRUCTURE SHALL BE REFERRED TO THE ENGINEER PRIOR TO COMMENCEMENT.



POOL -
PROVIDE 1 SOLAR HEATER
PROVIDE 2 SKIMMERS
PROVIDE 3 LED LIGHTS
PROVIDE 2m BUSH ROCK

SPA -
PROVIDE 4 JETS
PROVIDE 1 GAS HEATER
PROVIDE 1 LIGHT

Capacity Pool & Spa

WARRINGAH COUNCIL

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LEVELS SHOWN INDICATE FINISHED STRUCTURAL LEVEL
+ ABOVE - OR BELOW EXISTING GROUND LEVELS

POOL PLAN

SCALE 1-100 0 1 2 3 4 5 10

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APPROVED

Signature

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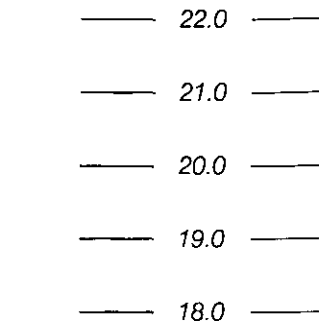
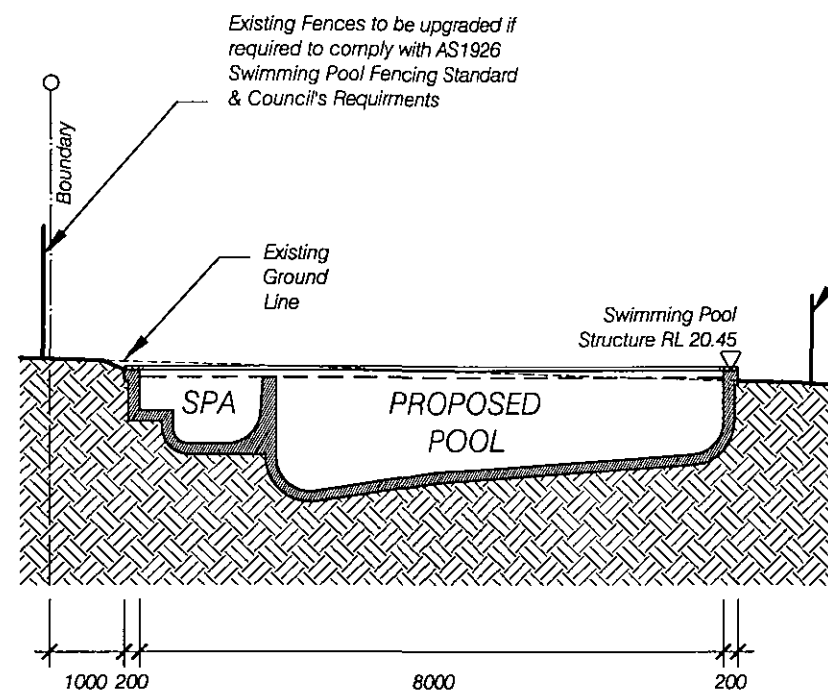
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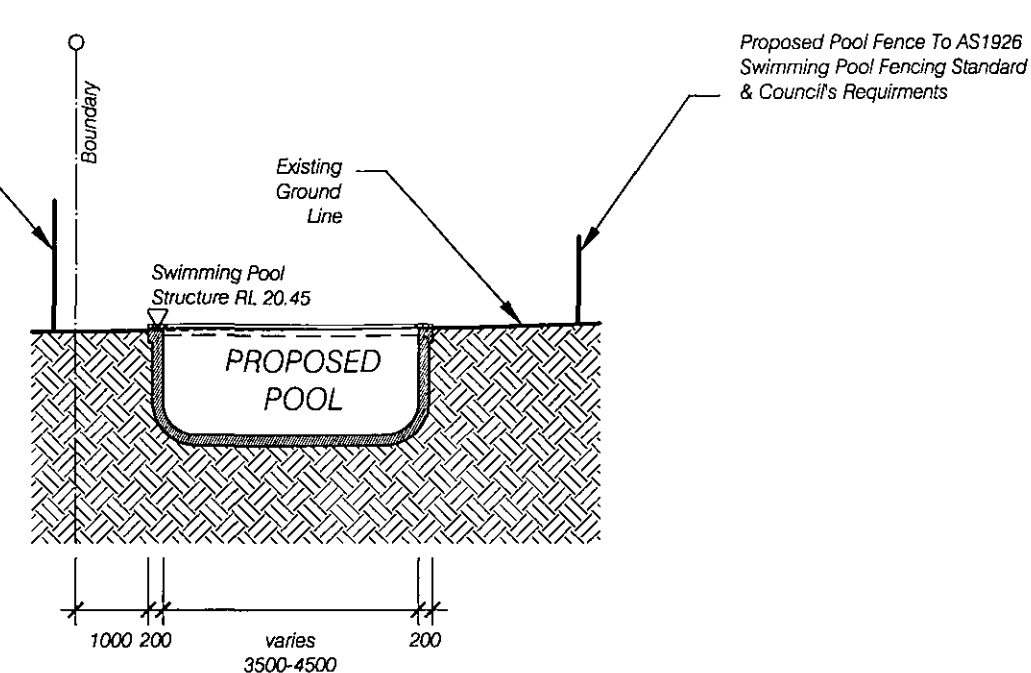
SHEET 6 OF 8

DRAWING/CONTRACT No.

BHP 08T16319



POOL SHELL APPROXIMATE ONLY, REFER ENGINEER'S DETAIL & SPECIFICATION !



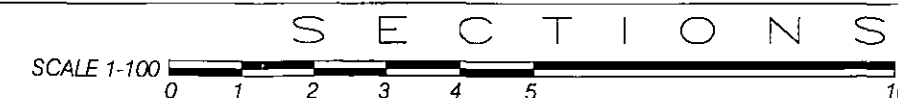
Section X

1 - 100 @ A3

Section Y

1 - 100 @ A3

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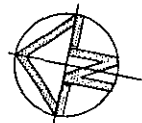
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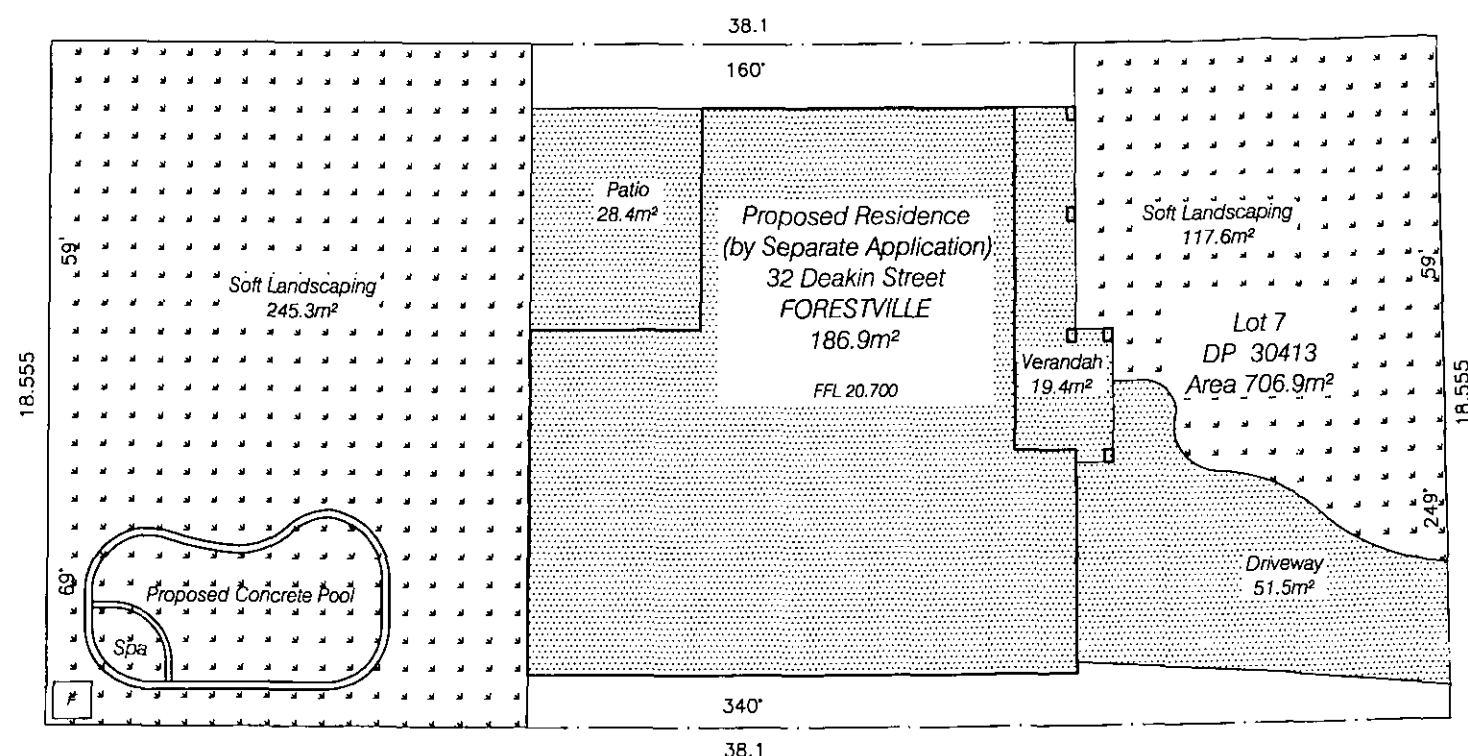
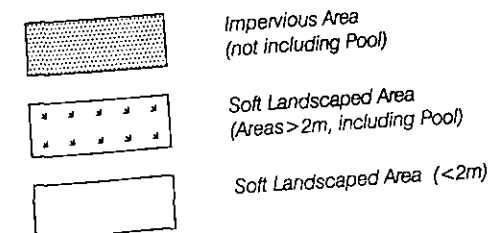
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SHEET 7 OF 8

DRAWING/CONTRACT No.
BHP 08T16319



Legend



DEAKIN STREET

SITE CALCULATIONS

Site - 706.9m²

PROPOSED SITE COVERAGE	
Residence -	186.9m²
Driveway -	51.5m²
Verandah -	19.4m²
Patio -	28.4m²
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(not including Pool)
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(including Pool, not including areas < 2m)
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111.9m²

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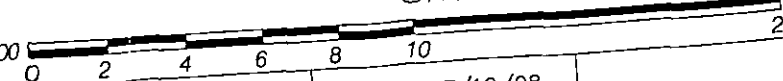
CONSENT NUMBER 2008/1594

OSD CALCULATION

(NOT INCLUDING DECKS, POOLS, SPAS)	
Site Area =	706.9m²
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(b) Total Post Development Impervious Area	
= 290.7m² / 41%	
(c) 706.9 x 0.35 = 247.4m² + 50m² = 297.4m²	
OSD IS NOT REQUIRED	

SITE CALCULATIONS

SCALE 1:200



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AT 32 Deakin Street, FORESTVILLE

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SHEET 8 OF 8

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