
**FINAL DA
PROCESSED
AND
SCANNED
APPROVED**



PITTWATER COUNCIL

ABN61340837871
Telephone 02 9970 1111
Facsimile 02 9970 7150
Postal Address
PO Box 882
Mona Vale NSW 1660
DX 9018, Mona Vale

CONSENT NO: N0399/10
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION

Applicants Name and Address:
AMANDA JANETTE CUMMINGS
53 ARNOTT CRESCENT
WARRIEWOOD 2102

Being the applicant in respect of Development Application No **N0399/10**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0399/10** for:

Swimming pool

At: 53 ARNOTT CRESCENT, WARRIEWOOD (Lot 92 DP 30836)

Decision:

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- **Drawings numbered KA 5325-1, KA 5325-2, KA 5325-3 and KA 5325-4, drawn by Premier Pools dated June 2010.**
- **Landscape Plan numbered LP01REVA drawn by JB of Site Design dated 30.6.2010.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Endorsement of date of consent 30th of August 2010

Mark Ferguson
GENERAL MANAGER
Per:

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, there is to be such a contract in force.
3. Critical stage inspections are to be carried out in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
4. 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:
 - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. 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
 - c. 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.



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5. 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:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
 - b. in the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
6. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) 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.
7. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.
2. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and Department of Environment & Climate Change (DECC) are to be notified.
3. For the life of the development, domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

Email pittwater_council@pittwater.nsw.gov.au Web pittwater.nsw.gov.au

Mona Vale Customer Service Centre
Village Park 1 Park Street, Mona Vale

Avalon Customer Service Centre
59A Old Barrenjoey Road, Avalon

Support Services
Units 11, 12, 13 + 16/5 Vuko Place, Warriewood

Boondah Depot
1 Boondah Road, Warriewood



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4. Over the life of the development all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for noxious/environmental weed lists.
5. No environmental weeds are to be planted on the site. Refer to Pittwater Council website (www.pittwater.nsw.gov.au) for environmental weed lists.
6. Any vegetation planted outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden link available from Council's website www.pittwater.nsw.gov.au
7. The boundary fence at the rear of the property must be a minimum height of 1800mm with a non climbable zone of 900mm on the inside of the fencing in accordance with the Australian Standard prescribed by the Swimming Pools Regulation 2008. Any shrubs or plants located adjacent to the inside of the boundary fence must be maintained for the lifetime of the development at a height that does not interfere with the 900mm non climbable zone.
8. In accordance with Pittwater Councils Tree Preservation Order, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, as trees stand within the envelope of approved development areas. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
9. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.
10. The spa/pool backwash and any overflow waters are to be disposed to the Sydney Water sewer.

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11. Pool fencing is to be designed, located and maintained in accordance with the Swimming Pools Act 1992, Regulation and Australian Standard 1926.1-2007
Safety barriers for swimming pools

12. A warning notice (resuscitation chart) and External Cardiac Compression Chart is to be affixed and maintained in a prominent location adjacent to the pool / spa.

- a. The warning notice (i.e. sign) must contain all of the following words:
 - i. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" and
 - ii. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
 - iii. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
- b. In addition, the notice must contain a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults):
 - i. that are set out in accordance with the relevant provisions of that Guideline, and
 - ii. that comply with the other relevant guidelines of the Australian Resuscitation Council, and
 - iii. that are illustrated by drawings with key words only in bold print,
- c. a statement to the effect that formal instruction in resuscitation is essential,
- d. the name of the teaching organisation or other body that published the sign and the date of its publication.

13. The underside of the elevated pool is to be painted in natural tones to blend with the surrounding landscape.

C. Matters to be satisfied prior to the issue of the Construction Certificate:

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.

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2. Structural Engineering details relating to the swimming pool and any associated structures are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
2. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
3. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

4. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
5. No skip bins or materials are to be stored on Council's Road Reserve.
6. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:



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- The builder's name, builder's telephone contact number both during work hours and after hours.
 - That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
 - That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 - That no skip bins or materials are to be stored on Council's Road Reserve.
 - That the contact number for Pittwater Council for permits is 9970 1111.
7. During site excavation, topsoil which is to be used in later landscape works is to be stockpiled on site and stabilised during construction works. Stockpiles are to be stored outside of hazard areas and not located within the dripline of existing trees which are to be retained.
8. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
9. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

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1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. All existing and /or proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
3. A qualified acoustic engineer is to certify that the maximum noise level associated with the pool filter does not exceed 5dB(A) above ambient background level, when measured from any adjoining premises.

F. Matters to be satisfied prior to the issue of Subdivision Certificate:

Nil

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. The applicant is also advised to contact the various supply and utility authorities, i.e. Sydney Water, Sydney Electricity, Telstra etc. to enquire whether there are any underground utility services within the proposed excavation area.
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.



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4. In accordance with Section 95(1) of the Act, this consent will lapse if the development, the subject of this consent, is not physically commenced within 5 years after the date from which this consent operates.
5. To ascertain the date upon which the determination becomes effective and operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the *Environmental Planning and Assessment Act, 1979*. Such request to Council must be made in writing, together with appropriate fees as advised at the time of lodgement of such request, within 1 year from the date of determination.
7. If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act, 1979*, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
8. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

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REPORT TO PRINCIPAL DEVELOPMENT OFFICER TEAM

Date Referred: 19.8.10

D.A. Number: NO 399/10

S 96 ☐

S 82A ☐

Address: 53 Arnott Cres, Warriewood

Proposal: Swimming Pool

Recommendation: Approval

Officer: Anji Rapp

The assessing officer inspected the site on 10.8.2010

Number of objections received: Nil

The objectors or their representatives have been contacted to discuss the issues and appropriate file notes made and attached.

Yes ☐

N/A ☒

Councillor Interest Registered?

Yes ☐

No ☒

This application was referred to the Team to examine the following issues:

- Objector Issues & Address: N/A
- Policy Variation: Yes/No Site coverage, rev setback
- Hazard Issues/Other Issues: Nil

The members of the team inspected the site on 24/8/10

☒ The team concurs with the recommendation.

☐ The team does not concur with the recommendation (see over page).

Principal Development Officer

Date: 25/8/10

Principal Development Officer

Date: 25/08/2010

PART F DETERMINATION

Councillor Interest registered?

(Check Dataworks - If yes, prepare report to Development Unit)

Yes / **No**

☐ **Officer Delegation** (Yes or N/A required to each question)

Is there none or only one area of non-compliance?

Yes / **No**

Is that non-compliance within 5% of policy?

Yes / No / **N/A**

Have all objections been withdrawn or satisfied?

Yes / No / **N/A**

Is the cost of work less than \$500,000?

Yes / No

Is the site NOT affected by any hazard classification?

Yes / No / N/A

Is the development NOT a subdivision or strata subdivision?

Yes / No / N/A

The application is NOT recommended for Refusal.

Yes / No / N/A

Officer Signoff: Date:

☐ **Senior Officer Delegation**

As above excluding Hazards & Refusals

☒ **Principal Officer Delegation**

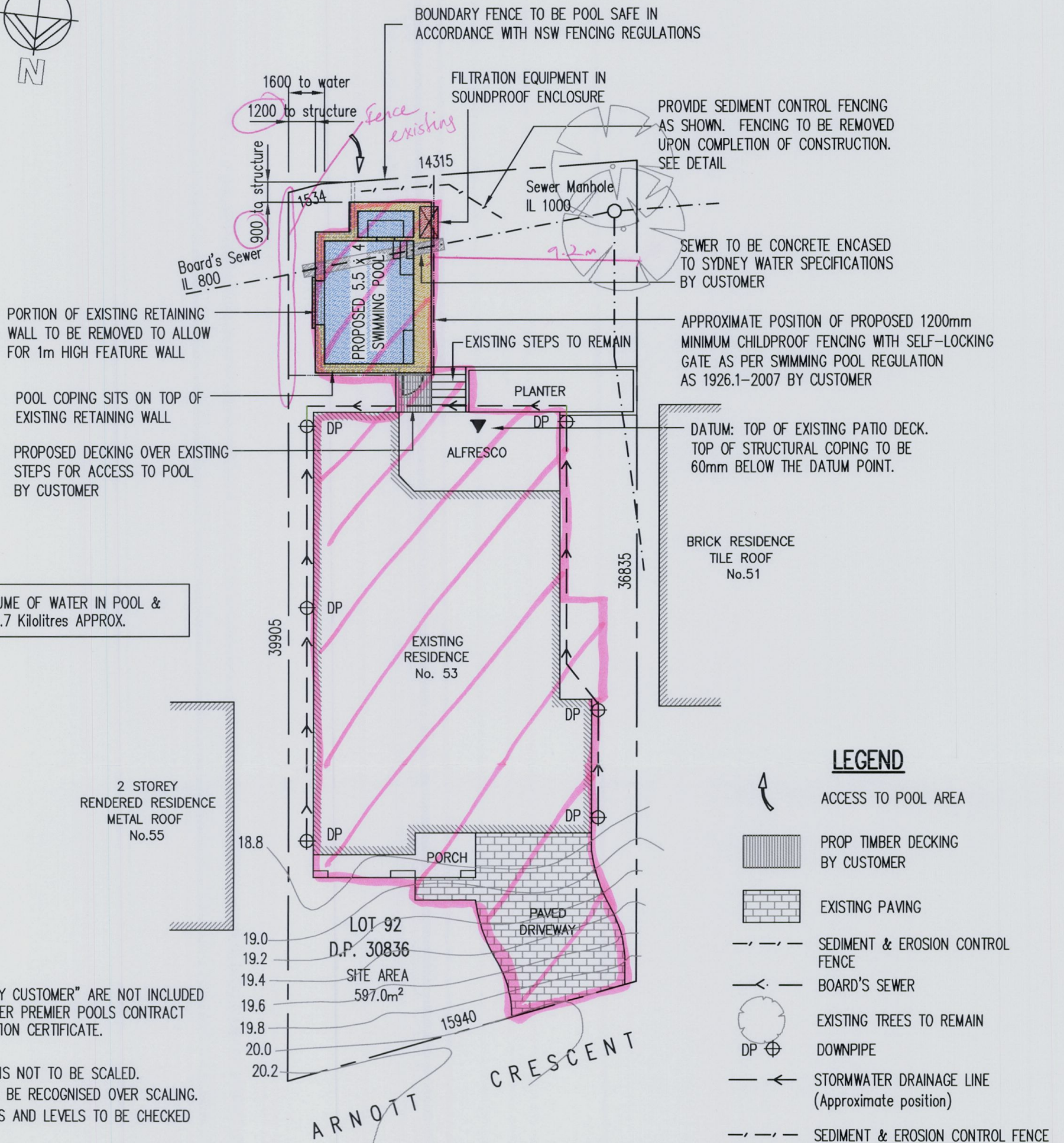
Cost below \$1.5M; 1 objector max; 10% limit (site coverage and height).

☐ **Principal Team Delegation** (See over page for signoff form)

Cost below \$2M; 10% limit (site coverage and height).

☐ **Development Unit Report**

All other development, Councillor Interest applications.



NOTES

ALL WORKS "BY CUSTOMER" ARE NOT INCLUDED IN WORKS UNDER PREMIER POOLS CONTRACT OR CONSTRUCTION CERTIFICATE.

THIS DRAWING IS NOT TO BE SCALED. DIMENSIONS TO BE RECOGNISED OVER SCALING. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.

ACCESS TO POOL AREA VIA PARK AT REAR OF PROPERTY. CUSTOMER TO OBTAIN PERMISSION FOR ACCESS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

DOMESTIC SEWER TO BE RELOCATED BY CUSTOMER IF NECESSARY.

STORMWATER IS DIRECTED TO EXISTING RAINWATER TANK. OVERFLOW IS DIRECTED TO DESIGNATED DISCHARGE AREA.

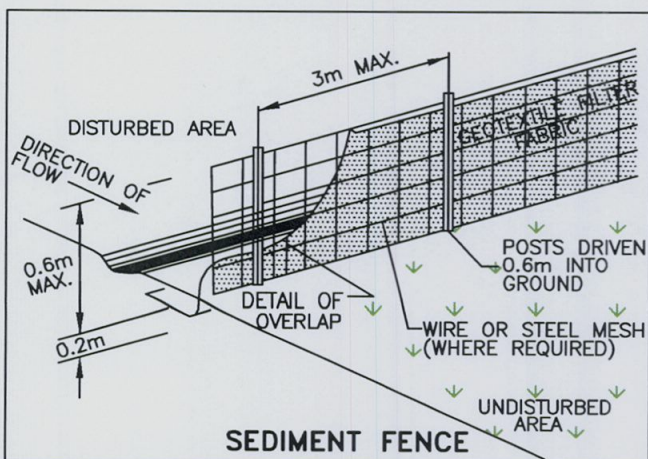
SITE PLAN

1:200

WORKING PLAN

Premier Pools
THE POOL PROFESSIONALS

Builders Licence No. 34971
Premier Pools Pty Ltd A.C.N. 002 664048
9/303 Pacific Hwy Lindfield NSW 2070
Telephone: 9415 8888 Facsimile: 9415 8899



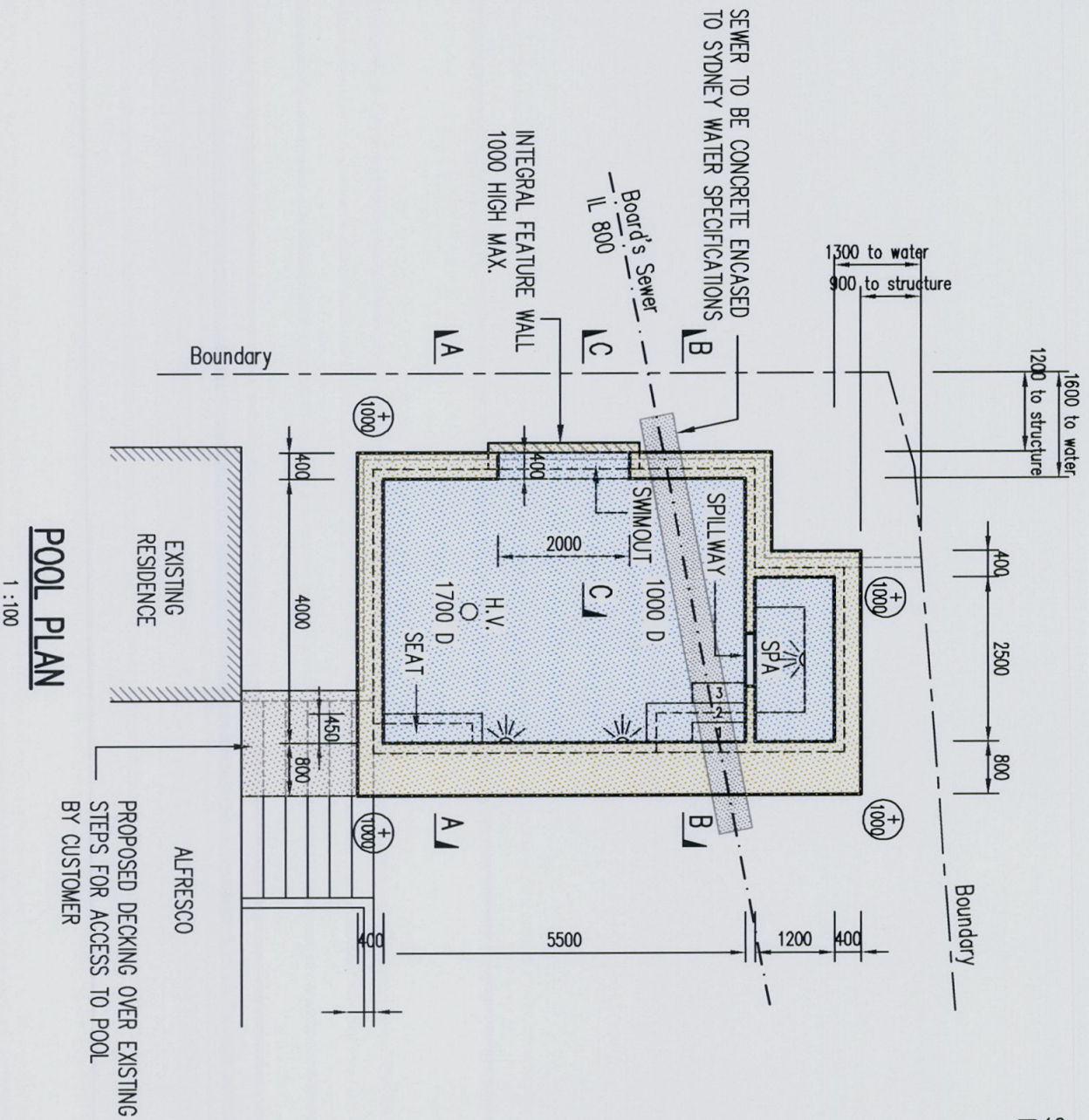
STORMWATER MANAGEMENT & SEDIMENT & EROSION CONTROL PLAN FOR PROPOSED SWIMMING POOL FOR AMANDA JANETTE CUMMINGS 53 ARNOTT CRESCENT, WARRIEWOOD

DATE: JUNE 2010

Dwg No: KA 5325-4

CHECKED:

DATE:

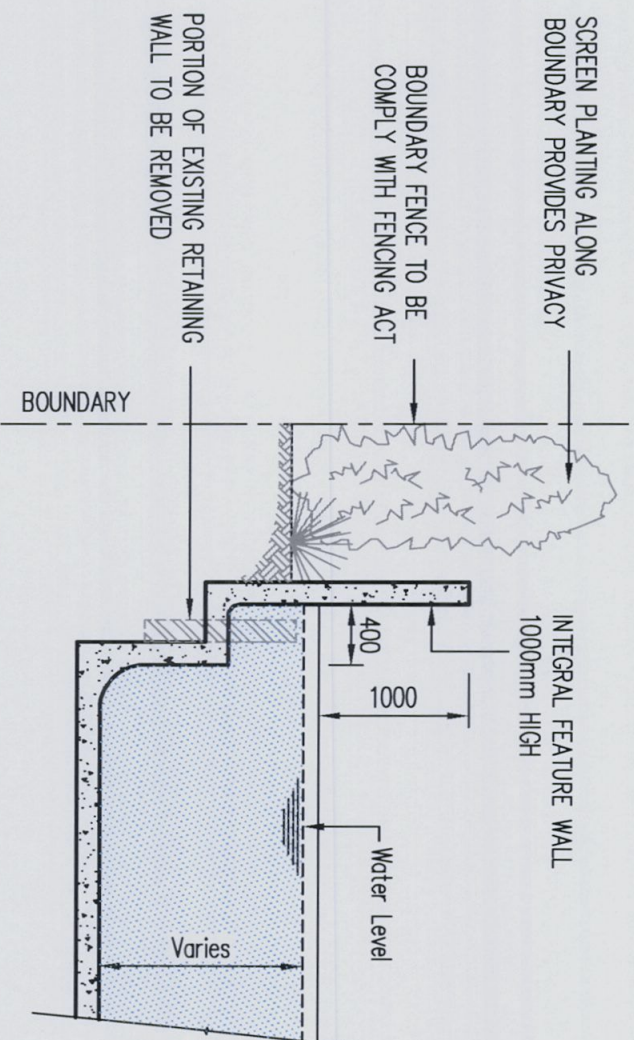
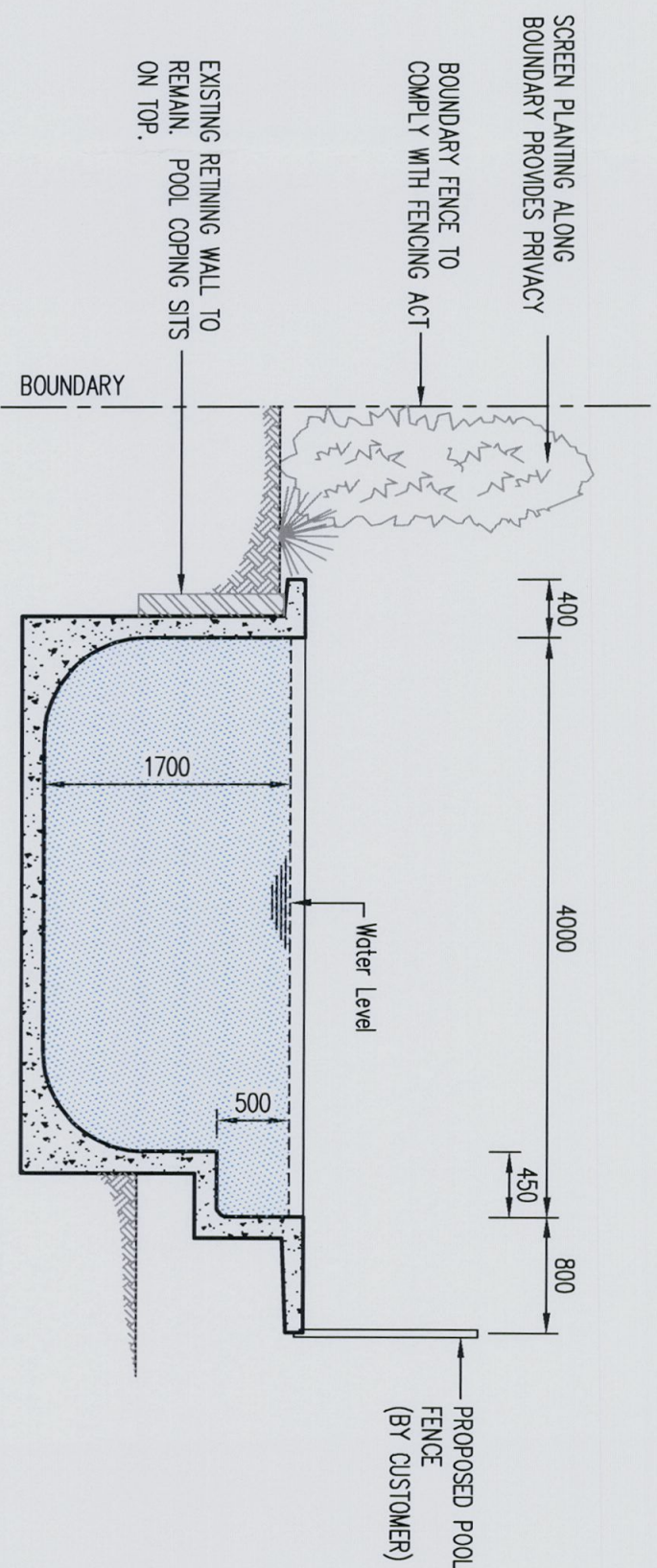


NOTE: THIS DRAWING IS NOT TO BE SCALED
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NOTE: ENGINEERING DETAILS BY
STRUCTURAL ENGINEER AT CONSTRUCTION
CERTIFICATE STAGE

(+)
100
DENOTES APPROXIMATE HEIGHT OF STRUCTURAL COPING
ABOVE/BELOW EXISTING GROUND LEVEL

TOTAL VOLUME OF WATER IN POOL &
SPA = 30.7 Kilo litres APPROX.



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**PLAN & SECTIONAL ELEVATION FOR
PROPOSED SWIMMING POOL FOR**

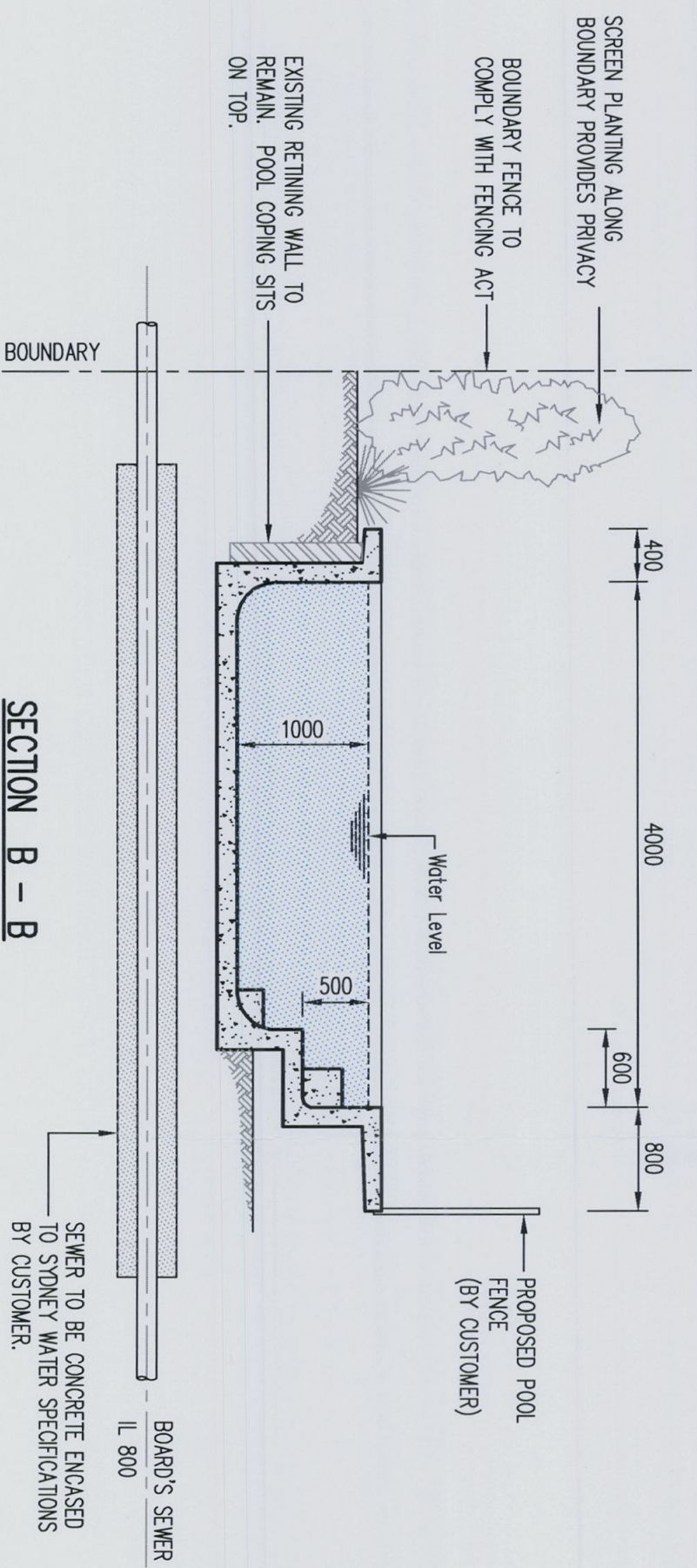
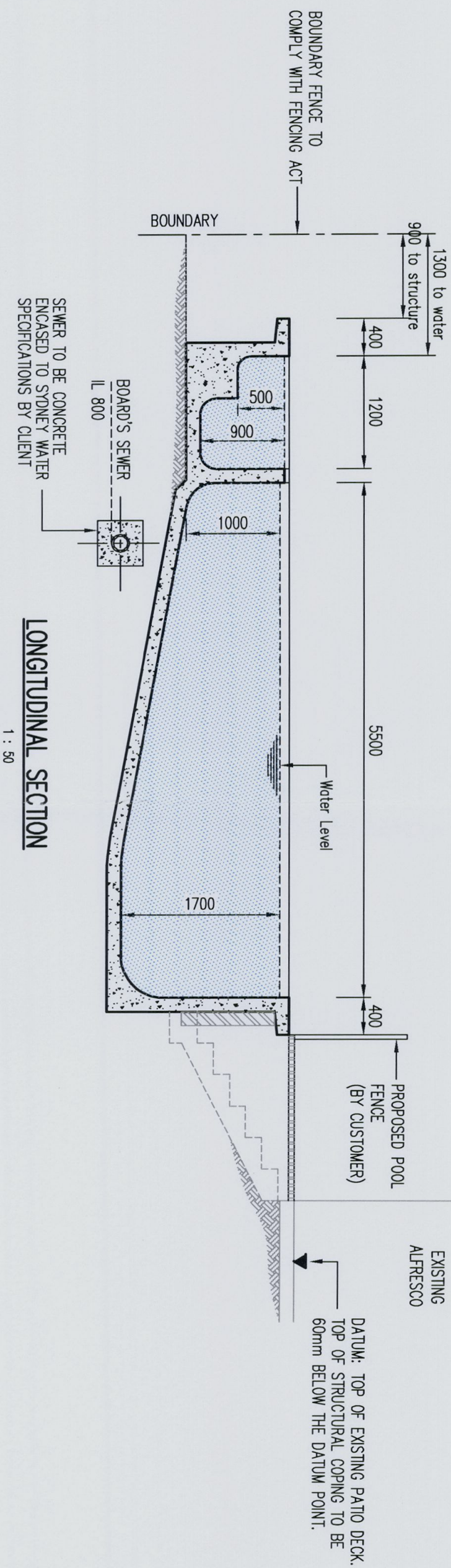
AMANDA JANETTE CUMMINGS

53 ARNOTT CRESCENT, WARRIEWOOD

DATE: JUNE '10 DWg No: KA 5325-2

CHECKED:

DATE:



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**SECTIONAL ELEVATIONS FOR
PROPOSED SWIMMING POOL FOR**

AMANDA JANETTE CUMMINGS

53 ARNOTT CRESCENT, WARRIEWOOD

DATE: JUNE '10 Dwg No: KA 5325-3

CHECKED:

DATE: