



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/269

DEVELOPMENT APPLICATION DETAILS

Applicant Name: James Lloyd Henderson

Applicant Address: 2 Borrowdale Place Beacon Hill NSW 2100

Land to be developed (Address): Lot 35, DP 856217, 2 Borrowdale Place Beacon Hill

Proposed Development: New concrete swimming pool and cabana

DETERMINATION

Made on (Date): 09 June 2006

Consent to operate from (Date): 09 June 2006

Consent to lapse on (Date): 09 June 2011

Details of Conditions – (including Section 94 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.



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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	Drawing Title	Revision Date	Dated
RYA0609-1	Structural details	-	April 2006
RYA0609-2	Structural Details	-	April 2006
SK1	Proposed Cabana	-	April 2006

No construction 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. [A1 (1)]

2. 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 Principal 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. [A2]

3. Compliance with notations in red on plans

Compliance with notations made in red on the face of the plans. Amended plans demonstrating compliance with these notations are to be submitted and approved by an accredited certifier prior to the issue of the Construction Certificate.

Reason: To ensure compliance with the conditions of this consent



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**CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED
PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

3. Kerb Security Bond

A bond of \$550.00 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]

4. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]

5. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

SECURITY BOND & FEE SCHEDULE	
2 Burrowdale Place, Beacon Hill	
DEVELOPMENT APPLICATION NUMBER DA2006/0269	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$550.00
TOTAL BONDS	\$550.00
FEES	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$202.00
Progress Inspection if Council is PCA	
TOTAL FEES	\$(INSERT)

Reason: Compliance with the development consent. [C71]



6. Cabana

The proposed cabana is to be setback a minimum of 5.5m at the north wester corner as indicated in red on the approved plans from the rear boundary. Amended plans demonstrating compliance with this condition are to be submitted and approved by an Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To ensure amenity to adjoining neighbours

7. Minimum setback for pool filter (higher than 1m from NGL)

The pool pump and filter and all associated equipment shall be located a minimum of 900mm from any boundary. Amended plans demonstrating compliance with this condition are to be submitted and approved by an Accredited Certifier prior to the issue of a Construction Certificate.

Reason: To maintain residential amenity. [Special Condition]

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

8. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

Reason: Legislative requirements. [D3]

9. 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 EP & A 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. [D4]

10. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

Reason: Statutory requirement. [D5]

11. Trees

During the construction period the applicant is responsible for ensuring all protected



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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.

Reason: Protection of trees. [D12]

12. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

Reason: To ensure compliance with statutory provisions. [D13]

13. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at least two (2) days prior commencing works is a statutory requirement.

Reason: Statutory requirement and information. [D14]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK



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14. Progress Inspections (Class 1 and 10 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following:

- (a) After excavation for, and prior to the placement of any footings, and prior to pouring any in-situ reinforced concrete building element, and
- (b) Prior to covering of the framework for any floor, wall roof or other building element, and
- (c) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (d) Completion of pool fencing prior to the pool being filled with water
- (e) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephone to Council on 9942 2111 and requesting an relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

Reason: Prescribed mandatory inspections under legislation. [E7]



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15. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: Statutory requirement. [E11]

16. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

Reason: Statutory requirement. [E12]

17. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment 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. [E17]

18. Dust Emission and Air Quality

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity. [E18]

19. 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).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

20. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

21. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

Reason: *To ensure the health and safety of the community and workers on the site. [E30]*

22. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.



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Reason: To ensure public safety and amenity on public land. [E35]

23. 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 demolition and building work.

Reason: To ensure public safety and amenity on public land. [E36]

OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

24. 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. [F1]

25. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) 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 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.



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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. [F2]*

Note: Evidence of insurance required PRIOR to commencement of work.

26. Excavation / Backfilling

- (1) All excavations and backfilling associated with the proposed work must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the proposed work 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. [F5]*

27. 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 to 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. [F9]

28. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 Division 4 of the Local Government Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government Regulation 2005.

public sewer has the same meaning as it has in the Local Government Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government Regulation 2005.



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Reason: *To ensure adequate facilities are provided for workers on the site. [F10]*

29. Long Service Levy

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.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

Reason: *Prescribed - Statutory. [F12]*

30. Retaining Walls & Drainage

- (a) All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer and comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.
- (b) Adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

Reason: *To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]*

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

31. 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.

Reason: *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

32. Swimming Pool Water to Sewer

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. [G17]*

33. Pool Access

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992 and Swimming Pools Regulation 1998;

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the installation of the child resistant barrier is completed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private 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, to prevent young children from accidental death by drowning. [G18]*

34. Pool Safety Requirements

The owner of the pool shall display a notice showing:

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

Note: This notice shall be kept in a legible condition and at the poolside.

Reason: *To ensure an adequate level of safety for young pool users. [G19]*

35. 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 to not exceed 5dBA above the ambient background noise level measured at the nearest property boundary.

Reason: *Noise control [G20]*

36. Pool Fencing (Gates)

In accordance with Australian Standards any gates in the fence shall open outwards away from the pool area and be self closing and fitted with a latch which shall be automatic and of a type which cannot be easily manipulated by small children. Latches must be on the inside of the gate and as near as possible to the top.

Reason: *To ensure compliance with the relevant standards. [G21]*



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

37. Screen Planting

The garden beds along the rear boundary are to contain mature planting. These plantings are to be maintained to provide suitable level of screening between the proposed development site and the adjoining neighbours.

Reason: to provide a reasonable level of privacy to neighbouring properties.

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 Renee Ezzy

Date 09 June 2006