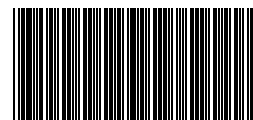




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Section 34 Agreement

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2022/00080407

TITLE OF PROCEEDINGS

First Applicant	Jon Garling
First Respondent	Northern Beaches Council ABN 57284295198

FILING DETAILS

Filed for	Northern Beaches Council, Respondent 1
Legal representative	ANDREW PETER GOUGH
Legal representative reference	
Telephone	02 9689 0700

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Section 34 Agreement (Signed. s.34 Agreement.pdf)

[attach.]

AGREEMENT BETWEEN PARTIES

LAND AND ENVIRONMENT COURT ACT 1979 SECTION 34(3)(a)

COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Case number	2022/80407

TITLE OF PROCEEDINGS

Applicant	Jon Garling
Respondent	Northern Beaches Council

TERMS OF AGREEMENT

TERMS OF AGREEMENT

1. The parties have reached an agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its function).
2. The terms of that decision are as follows:
 - (a) The appeal is upheld;
 - (b) Development consent no DA2016/0963 is modified in the terms in Annexure A.
 - (c) Development consent no DA2016/0963 as modified by the Court is Annexure B.
3. Pursuant to Section 34(3)(a) of the Land and Environment Court Act 1979, the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 3 above.

SIGNATURES

APPLICANT

Signature of Applicant



Capacity

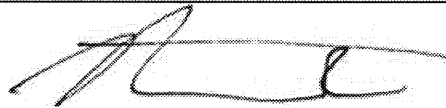

Applicant's solicitor

Date of signature

9 August 2022

RESPONDENT

Signature of legal representative



Capacity

Respondent's solicitor

Date of signature

9 August 2022

Annexure A to s.34 Agreement

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No:	MOD2021/0235
Development Consent modified:	DA2016/0963
Description of development to be carried out under the consent (as previously modified):	Demolition works and the construction of a new dwelling house and swimming pool, as modified
Address and particulars of title of land on which development to be carried out:	24 Lancaster Crescent, Collaroy, lot 3 in DP 11899
Description of modification to the development consent:	Amendments to approved privacy screen, frosting of windows and landscaping. The approved residential use of fencing, stairs, seating, a pathway and a planter box.

A. Add Condition 2C

Consent is granted to the residential use (not the construction) of the following structures depicted in the architectural plans prepared by Gartner Travato Architects, dated 13 April 2021, issue G (**Architectural Plans**) and drawing No.s DA-01, DA-04, DA-05, DA-06, DA-08, DA-09, DA-10, DA-11 and DA-16 and the landscape plan prepared by Selena Hannan Landscape Design, dated 9 April 2021, Issue D and drawing No. LP01-D (**Landscape Plans**):

- a. The brushwood fence nominated on northern-eastern boundary (Architectural Plans)
- b. Seating to the north-east of the pool (Architectural and Landscape Plans)
- c. The stairs leading from the road reserve to the main dwelling (Architectural and Landscape Plans)
- d. The stairs leading down from the pool area to the front garden (Architectural and Landscape Plans)
- e. The pathway to the south-west of the pool area (Landscape Plan)
- f. The planter box to the south-west of the pool area (Architectural and Landscape plans)
- g. Seating to the south of the pool area (Landscape Plan)

B. Add Condition 2D

Landscaping is to be carried out in accordance the landscape plans prepared by

Selena Hannan Landscape Design, dated 9 April 2021, Issue D and drawing No. LP01-D. The proposed “*Bambusa Textilis Gracilis*” located in the planter to the east of the swimming pool is not approved and any planting in this area is to be maintained so as to not exceed a height of RL62.

The “*Banksia Integrifolia*” in the planter box to the south of the swimming pool is not approved.

All landscaping to the south and east of the pool is to be maintained so as to prevent any plant reaching a height exceeding RL 62.

C. Modify Condition 15A Amended Pool Privacy Screen / Boundary Pool Barrier to read as follows:

The privacy screen above the masonry wall to the east of the swimming pool is not approved by the development consent. No structure is to be erected above the masonry wall forward of the brushwood fence.

A free-standing privacy screen may be erected within the property to the east of the swimming pool. This structure is to project no further to the south than the glass pool fence, which is 1.13 m to the north of the portion of the masonry wall with a height of RL61.75. The screen is to have the following maximum heights:

- for a length of 2.12m commencing at the line of the glass pool fence, a height of no greater than RL 62.26; and
- from this point northwards to the commencement of the brushwood fence, a height no greater than RL 62.46.

The privacy screen is to be generally in accordance with Sketch A, dated 9 August 2022 prepared by BBF Planners at annexure A of this development consent.

The privacy screen is to consist of fixed angled louvres as shown in Detail 1 on Sketch A, dated 9 August 2022, prepared by BBF Planners.

The structure must not cause a contravention of the Australian Standard AS1926.1. If the standard is contravened by the privacy screen, the privacy screen is not to be erected.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the relevant Australian Standard, while ensuring privacy for the subject site and reducing view loss to 22 Lancaster Crescent.

D. Add Condition 15A (i) Privacy Screen / Survey to read as follows:

A survey certificate prepared by a Registered Surveyor shall be submitted within one month of the installation of the privacy screen to ensure that it has been installed in accordance with the approved levels and dimensions.

Details demonstrating compliance are to be submitted to the Principal Certifying

Authority.

Reason: To determine the height of privacy screen and ensure it complies with levels specified in Condition 15A.

C. Modify Condition 15B Frosting to Windows to read as follows:

The east-facing windows to the ensuite (WL04.08-13) and walk-in-robe (WL04.24-25) at the second floor are to be frosted to a minimum height of 1.5m above finished floor level. The two western most north facing windows to the ensuite do not require any frosting.

The east-facing windows to the daybed (WL04.18-20) are to be frosted to a height of 1.28 metres above the finished floor level immediately adjoining the windows.

The east facing window (WL04.14) is to have a solid or opaque screen to a minimum height of 1.2m above the finished floor level of the bedroom attached to the internal face of the existing external vertical privacy screen blades located in front of that window. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure visual privacy to adjoining properties.

D. Delete condition 15C

E. Insert condition 40A.

Prior to the issue of an Occupation Certificate, an application for a Building Information Certificate must be lodged with Northern Beaches Council for all structures listed in condition 2C above. The applicant of the Building Information Certificate must use his/her best endeavors to obtain a Building Information Certificate including by the lodgment of appropriate documentation and the timely response to any request for additional information.

Reason: To ensure the safety and structural adequacy of the structures detailed in condition 2C.

F. Amend Condition 41 to read as follows:

Any and all security cameras installed on the subject site are to be installed such that they are not directed towards the neighbouring residential properties and are to be fitted/designed to ensure no surveillance of any adjoining or nearby private property is possible.

Reason: To ensure suitable privacy to adjoining private land.

G. Add Condition 42 which reads as follows:

The overspill from lighting to be minimised to avoid impacts to neighbours by ensuring the level of illumination is limited and the light source is located away from adjoining properties or boundaries and directed within the subject site. Any light

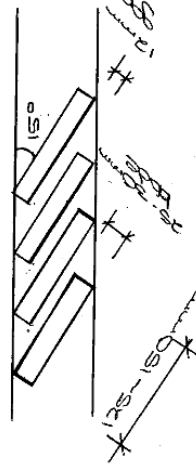
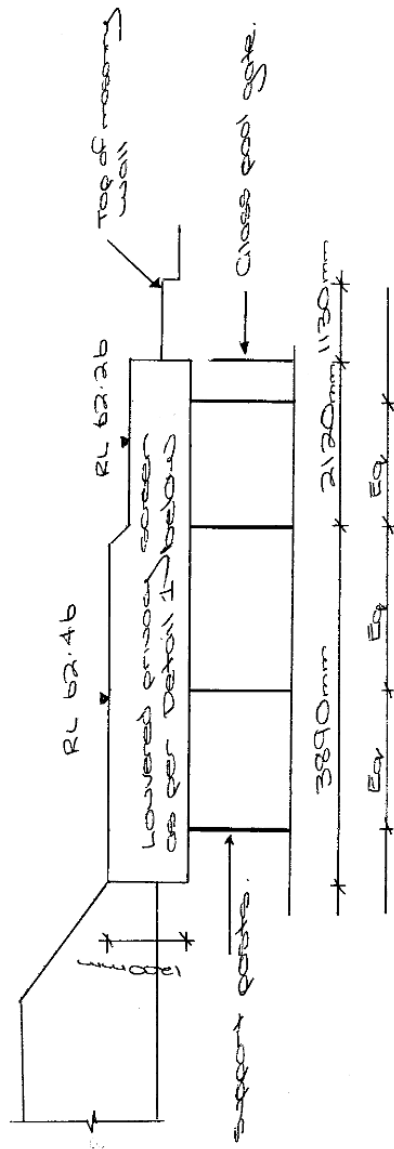
sensors must not be triggered by movement outside of the subject site.

Certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of neighbouring properties and complies with where relevant, Australia Standard Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

The Certification shall be submitted to the Certifying Authority within one month of the date of the decision on MOD2021/0235.

Reason: To protect the amenity of adjoining properties.

Annexure A to Modification Application Conditions



Detail 1

Lowered ground screen
with perforated aluminum
blades

Notes

- masonry screen and
support caps to be
free standing and
minimum 50mm from
masonry end face/wall

Sketch A 1/1/23

9.8.2022

Revised by BEE Planes

Annexure B to s.34 Agreement Consolidated Conditions of Development Consent DA2016/0963

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Modification Application No:	MOD2021/0235
Development Application No:	DA2021/2153
Development:	Demolition works and construction of a new dwelling house and swimming pool
Site:	24 Lancaster Crescent Collaroy, Lot 3 DP 11899
Description of modification to the development consent	Amendments to approved privacy screen, frosting of windows and landscaping. The approved residential use of fencing, stairs, seating, a pathway and a planter box.

Schedule of Modifications

Date approved	Modification Application Number	Decision maker	Proceedings name and number (if applicable)
1 June 2017	MOD2017/0057	Northern Beaches Council	N/A
24 July 2020	MOD2019/0253	Northern Beaches Council	N/A
	MOD2021/0235	Land & Environment Court	<i>Jon Garling v Northern Beaches Council</i> . Proceedings 2022/80407

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination:

Date from which consent takes effect: Date of determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 24 Lancaster Crescent Collaroy, Lot 3 DP 11899

The conditions of consent are as follows:

NOTICE OF DETERMINATION

Application Number:	DA2016/0963
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Sarah Genev C/- Gartner Trovato Architects
Land to be developed (Address):	Lot 3 DP 11899 , 24 Lancaster Crescent COLLAROY NSW 2097
Proposed Development:	Demolition works and the construction of a new dwelling house and swimming pool

DETERMINATION - APPROVED - DEFERRED COMMENCEMENT CONSENT

Made on (Date)	23/12/2016
Consent to operate from (Date):	Once Council is satisfied as to those matters specified in the deferred commencement conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates
Consent to lapse on (Date):	5 years from the operation date of Consent

Detail 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.

DEFERRED COMMENCEMENT CONDITIONS

1. Amended Plans to Retain Significant Rock Outcrop and Reduce Building Height

Amended plans are to be submitted to Council in accordance with the following:

- a. The terrace component off the kitchen on the First Floor and equivalent area of Bedroom 3 and planters at the entry indicated on the Ground Floor are to be deleted.

In this regard, the natural rock in the area of the deleted components is to be maintained and protected.

More detailed information on the requirement can be found in the Landscape Referral Response, dated 22 December 2016 (available on Council's E-Services - DA2016/0963).

Furthermore, the amendments are to include the retention of Tree 6 (*Banksia integrifolia*) located on the rock.

- b. The roof over the front terrace (adjacent to the master bedroom) is to be reduced by 0.5m in length and/or modified to ensure compliance with the 8.5m Building Height control under Warringah Local Environmental Plan 2011.

Reason: In order to maintain visual integrity and context of the rock outcrop in the landscape and compliance with Warringah Local Environmental Plan 2011. (DACPLADC1)

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1A. Approved Plans and supporting Documentation

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

- a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01 Revision C - Site Plan	11/03/2017	Garling House
DA-04 Revision C - Ground Floor	10/03/2017	Garling House
DA-05 Revision C - First Floor	10/03/2017	Garling House
DA-08 Revision C - Elevations South and West	10/03/2017	Garling House
DA-10 Revision C - Sections A + B + C	10/03/2017	Garling House

DA-12 Revision C - Sections F + G	10/03/2017	Garling House
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Inspection Site Report 2	03 April 2017	JK Geotechnics

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Approved Plans and Supporting Documentation**

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01	15 September 2016	Gartner Trovato Architects
DA-03	15 September 2016	Gartner Trovato Architects
DA-04	15 September 2016	Gartner Trovato Architects
DA-05	15 September 2016	Gartner Trovato

		Architects
DA-06	15 September 2016	Gartner Trovato Architects
DA-07	15 September 2016	Gartner Trovato Architects
DA-08	15 September 2016	Gartner Trovato Architects
DA-09	15 September 2016	Gartner Trovato Architects
DA-10	15 September 2016	Gartner Trovato Architects
DA-11	15 September 2016	Gartner Trovato Architects
DA-12	15 September 2016	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Assessment	September 2016	Selena Hannan
Geotechnical Investigation	4 July 2016	White Geotechnical Group

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

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
LP01-A	12 September 2016	Selena Hannan Landscape Design

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2A. Amendments to the approved plans

The following amendments are to be made to the approved plans:
Excavation for the lightwell must be no closer than 0.1m from the western boundary.

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

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

2B. Approved Plans and Supporting Documentation

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01 Plans Site Plan	April 2020	Gartner Trovato Architects
DA-03 Plans Basement	April 2020	Gartner Trovato Architects
DA-04 Plans Ground Floor	April 2020	Gartner Trovato Architects
DA-05 Plans First Floor	April 2020	Gartner Trovato Architects
DA-06 Plans Second Floor	April 2020	Gartner Trovato Architects
DA-07 Plans Roof Plan	April 2020	Gartner Trovato Architects
DA-08 Elevations South + West	April 2020	Gartner Trovato Architects
DA-09 Elevations North + East	April 2020	Gartner Trovato Architects
DA-10 Sections A + B + C	April 2020	Gartner Trovato Architects
DA-11 Sections D + E	April 2020	Gartner Trovato Architects
Colours and Finishes	Undated	Gartner Trovato Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 752424S_03	24 May 2019	Gartner Trovato Architects
NatHERS Certificate No. 0003886496	24 May 2019	NatHERS & BASIX Solutions

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

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

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan	17 May 2019	Selena Hannan Landscape Design

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

2C. Additional structures approved for a residential use

Consent is granted to the residential use (not the construction) of the following structures depicted in the architectural plans prepared by Gartner Travato Architects, dated 13 April 2021, issue G (**Architectural Plans**) and drawing No.s DA-01, DA-04, DA-05, DA-06, DA-08, DA-09, DA-10, DA-11 and DA-16 and the landscape plan prepared by Selena Hannan Landscape Design, dated 9 April 2021, Issue D and drawing No. LP01-D (**Landscape Plans**):

- a. The brushwood fence nominated on northern-eastern boundary (Architectural Plans)
- b. Seating to the north-east of the pool (Architectural and Landscape Plans)
- c. The stairs leading from the road reserve to the main dwelling (Architectural and Landscape Plans)
- d. The stairs leading down from the pool area to the front garden (Architectural and Landscape Plans)
- e. The pathway to the south-west of the pool area (Landscape Plan)
- f. The planter box to the south-west of the pool area (Architectural and Landscape plans)
- g. Seating to the south of the pool area (Landscape Plan)

2D. Amended Landscape Plan

Landscaping is to be carried out in accordance the landscape plans prepared by Selena Hannan Landscape Design, dated 9 April 2021, Issue D and drawing No. LP01-D. The proposed “Bambusa Textilis Gracilus” located in the planter to the east of the swimming pool is not approved and any planting in this area is to be maintained so as to not exceed a height of RL62.

The “Banksia Integrifolia” in the planter box to the south of the swimming pool is not approved.

All landscaping to the south and east of the pool is to be maintained so as to prevent any plant reaching a height exceeding RL 62.

3. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	eServices Reference	Dated
Aboriginal Heritage Office	Response Aboriginal Heritage Office Referral	29 November 2016

(NOTE: For a copy of the above referenced document/s, please see Council’s ‘E-Services’ system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body’s. (DACPLB02)

4. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

5. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed

more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

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

(3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not

cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

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

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

6. Policy Controls

Northern Beaches Council Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Section 94 Development Contributions Plan		
Contribution based on a total development cost of \$ 1,562,500.00		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 14,843.75
Section 94A Planning and Administration	0.05%	\$ 781.25
Total	1%	\$ 15,625.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contributions Plan.

7. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the

development site.

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

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

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

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

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

8. Vehicle Crossings Application Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

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

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

9. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

Reason: Safety. (DACENC19)

10. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by Barrenjoey Consulting Engineers, drawing number Job no 160802 Drawing No SW1 dated Sept 2013.

Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

1. A minimum site storage required (SSR) of 14.0 cubic metres with a maximum reduction for re-use volume of 50% of the SSR.
2. A maximum permissible discharge (PSD) for all storms up to and including the 1 in 100 year ARI design storm of 28 litres per second. The discharge from the OSD tank is to be restricted to ensure the PSD is not exceeded when considering the bypass flows from the entire site.
3. An orifice plate is to be designed for the OSD tank in accordance with the requirements of point 2. Details of the plate in accordance with Council's OSD Technical Specification are to be provided on the plans.
4. The orifice plate must be easily accessible for maintenance in case of blockage. An access manhole or pit shall be provided at ground level and shall be above the orifice plate.

Detailed drainage plans, including engineering certification confirming the above requirements have been satisfied and complying with Council's current On-site Stormwater Detention Technical Specification, are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (Special condition) (DACENC20)

11. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Parts C8 and C9 of the WDCP 2011 and Council's Waste Management Guidelines (that apply to land covered by the WLEP 2011).

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

12. Tree protection

- (a) Existing trees which must be retained
 - i) Trees numbered 1, 6, 9 and 10 in the Arboricultural Impact Assessment dated September 2016 prepared by Selena Hannan
 - ii) Trees located on adjoining land
- (b) Tree protection
 - i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
 - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

- iii) All tree protection to be in accordance with the Arboricultural Impact Assessment dated September 2016 prepared by Selena Hannan and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

13. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

14. External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

15. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

15A. Amended Pool Privacy Screen / Boundary Pool Barrier

The privacy screen above the masonry wall to the east of the swimming pool is not approved by the development consent. No structure is to be erected above the masonry wall forward of the brushwood fence.

A free-standing privacy screen may be erected within the property to the east of the swimming pool. This structure is to project no further to the south than the glass pool fence, which is 1.13 m to the north of the portion of the masonry wall with a height of RL61.75. The screen is to have the following maximum heights:

- for a length of 2.12m commencing at the line of the glass pool fence, a height of no greater than RL 62.26; and
- from this point northwards to the commencement of the brushwood fence, a height no greater than RL 62.46.

The privacy screen is to be generally in accordance with Sketch A, dated 9 August 2022 prepared by BBF Planners at annexure A of this development consent.

The privacy screen is to consist of fixed angled louvres as shown in Detail 1 on Sketch A, dated 9 August 2022, prepared by BBF Planners.

The structure must not cause a contravention of the Australian Standard AS1926.1. If the standard is contravened by the privacy screen, the privacy screen is not to be erected.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the relevant Australian Standard, while ensuring privacy for the subject site and reducing view loss to 22 Lancaster Crescent.

15A.(i) Privacy Screen / Boundary Pool Barrier / Survey

A survey certificate prepared by a Registered Surveyor shall be submitted within one month of the installation of the screen to ensure that it has been installed in accordance with the approved levels and dimensions.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of privacy screen and ensure it complies with levels specified in Condition 15A.

15B. Frosting to Windows

The east-facing windows to the ensuite (WL04.08-13) and walk-in-robe (WL04.24-25) at the second floor are to be frosted to a minimum height of 1.5m above finished floor level. The two western most north facing windows to the ensuite do not require any frosting.

The east-facing windows to the daybed (WL04.18-20) are to be frosted to a height of 1.28 metres above the finished floor level immediately adjoining the windows.

The east facing window (WL04.14) is to have a solid or opaque screen to a minimum height of 1.2m above the finished floor level of the bedroom attached to the internal face of the existing external vertical privacy screen blades located in front of that window. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure visual privacy to adjoining properties.

15C. Deleted**15D. Deletion of Western and Northern Walls**

The western and northern masonry walls that act as side and rear fences are to be deleted from plans. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: The location of the walls is unclear from plans.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**16. Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

17. Tree Replacement Planting

Banksia integrifolia tree removals on the property are to be replaced at a ratio of 1:1 on the site, with Banksia integrifolia and/or Banksia ericifolia grown from local provenance seed.

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

Reason: To promote the long-term sustainability of ecosystem functions (DACNEDPC1)

18. Construction Fencing

A construction fence fitted with geotechnical fabric (or some similar) is to be erected along the common side boundary with 26 Lancaster Crescent.

Reason: To protect the adjoining property and ensure all works are maintained within the subject site. (DACPLDPC1)

19. Pre-commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining private properties (22 & 26 Lancaster Crescent, Collaroy). A copy of the report must be provided to Council, and the owners of adjoining and affected private properties.

Reason: To ensure the protection adjoining properties, dwellings and structures. (DACPLDPC2)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

20. Vehicle Crossings

The provision of Normal High vehicle crossing 4.0 metres wide in accordance with Warringah Council Drawing No A4-3330/2 and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property. (DACENE05)

21. Maintenance of Road Reserve

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

Reason: Public Safety. (DACENE09)

22. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular

access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

23. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

24. Trees Condition

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.

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. (DACLAEO3)

25. Protection of rock and sites of significance

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

26. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: Aboriginal Heritage Protection. (DACAHE01)

27. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At basement level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

28. Installation and Maintenance of Sediment Control

Measures 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 Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

29. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

Reason: To create encumbrances on the land. (DACENF01)

30. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

31. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

32. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

33. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

34. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval

and registration has been affected by the “Department of Lands”.

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

Reason: To identify encumbrances on land. (DACENF14)

35. Required Planting

Planting is to be generally in accordance with the Landscape Plan, Dwg No. LP01-A dated 12.9.2016 prepared by Selena Hannan Landscape Design.

Reason: To maintain environmental amenity. (DACLAF01)

36. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

37. House / Building Number

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings. (DACPLF04)

38. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

39. Swimming Pool Requirements

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

- (a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992;
 - (ii) Swimming Pools Amendment Act 2009;
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools

- (b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifying Authority, certifying compliance with Australian Standard 1926.
- (c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.
- (d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.
- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the *Division of Local Government*.

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

Reason: To protect human life (DACPLF09)

40. Post-Construction dilapidation report

The applicant must prepare and submit a post-construction dilapidation report. The report must clearly detail the final condition of all property, natural and man-made features that were originally recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any owners of adjoining and affected private properties.

Reason: To ensure the protection of adjoining properties, dwellings and structures. (DACPLFPOC1)

40A. Building Information Certificate

Prior to the issue of an Occupation Certificate, an application for a Building Information Certificate must be lodged with Northern Beaches Council for all structures listed in condition 2C above. The applicant of the Building Information Certificate must use his/her best endeavors to obtain a Building Information Certificate including by the lodgment of appropriate documentation and the timely response to any request for additional information.

Reason: To ensure the safety and structural adequacy of the structures detailed in condition 2C.

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

41. Security Cameras

Any and all security cameras installed on the subject site are to be installed such that they are not directed towards the neighbouring residential properties and are to be fitted/designed to ensure no surveillance of any adjoining or nearby private property is possible.

Reason: To ensure suitable privacy to adjoining private land.

42. Overspill from Lighting

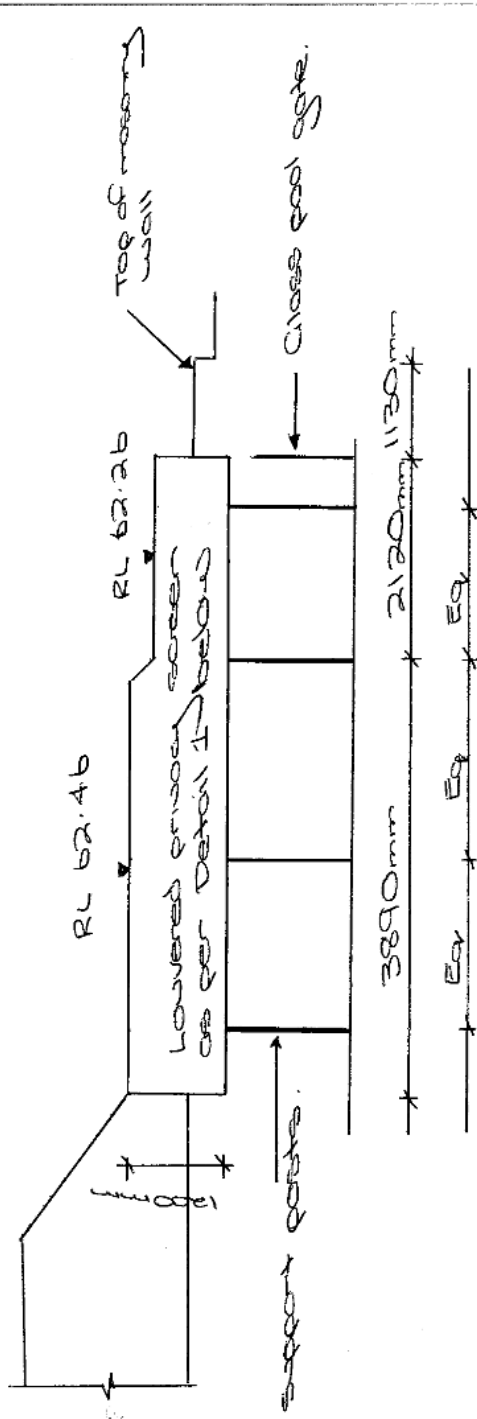
The overspill from lighting to be minimised to avoid impacts to neighbours by ensuring the level of illumination is limited and the light source is located away from adjoining properties or boundaries and directed within the subject site. Any light sensors must not be triggered by movement outside of the subject site.

Certification is to be provided that any outdoor lighting does not detrimentally impact upon the amenity of neighbouring properties and complies with where relevant, Australia Standard Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

The Certification shall be submitted to the Certifying Authority within one month of the date of the decision on MOD2021/0235.

Reason: To protect the amenity of adjoining properties.

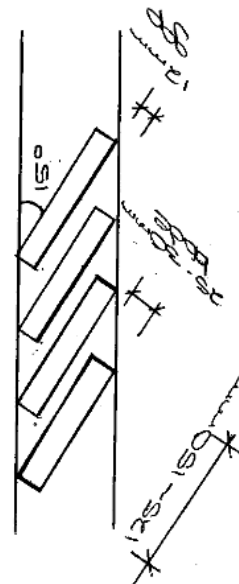
Annexure A to Development Consent No.DA29016/0963



NOTES

- privacy screen and support posts to be free standing and minimum 50mm from masonry pool fence/wall

Sketch A 1/1/23
9.8.2022.
Approved by B&F Planners



Detail 1

Lowered privacy screen with perforated aluminium blades