

Our Ref: DA 00/0524
Contact: MR TALBERT 02 4732 7517

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under the Environmental Planning and Assessment Act 1979, Section 81(1)(a)

Development Application No: DA 00/0524

Issued to: M HADLEY

Address : 31 SOLO CRESCENT
FAIRFIELD NSW 2165

Land to be developed: L99 DP243308 at
33 CHARLES STURT DRIVE WERRINGTON COUNTY
2747

Proposed development: INGROUND POOL

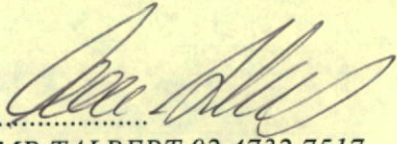
Determination date: 25 February 2000

Determination: Consent granted subject to the conditions specified in
this notice.

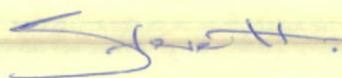
Consent to operate from: 25 February 2000
Consent to lapse on: 25 February 2002

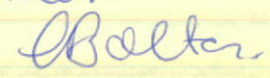
Right of Appeal:

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

Signed: 
Name: MR TALBERT 02 4732 7517
(for the Building Approvals and
Environment Protection Manager)

Date of Issue: 29 February 2000

Picked up on 3/3/00


Vicky Hadley gives authority
for Steve Halcroft to pick up
consent 3.3.00.


GENERAL CONDITIONS

1. The development must be implemented substantially in accordance with the plans received by Penrith City Council, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
2. This development consent is valid for a period of two (2) years from the date on the front of this notice and will lapse unless the development is commenced within that time.
3. Conditions prescribed under Part 7 of the Environmental Planning and Assessment Regulation 1994, as amended, are applicable to this development and must be satisfied.
4. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council (and in accordance with the requirements of Council's Tree Preservation Order and Policy).

PRIOR TO ANY WORK COMMENCING

5. The applicant is required to submit to Penrith City Council a "Notice of Commencement and Appointment of Principal Certifying Authority" form at least 2 days prior to the commencement of construction works.
Note: Regardless of whether the "Notice of Commencement and Appointment of Principal Certifying Authority" form is submitted or not, where Penrith City Council undertakes the first compliance inspection for the proposed development, Council is deemed to have been nominated as the Principal Certifying Authority.
6. All fees associated with Penrith City Council owned land and infrastructure shall be paid Council prior to any works commencing. These fees include Road Opening fees and Infrastructure Restoration fees.
7. All stormwater and sewer systems shall be physically located by digging and pegging the lines in relation to the building site prior to the commencement of construction. The

applicant shall ensure that the pool accords with Penrith City Council's requirements for building in the vicinity of stormwater lines and with Sydney Water's requirements when in the vicinity of sewer lines.

8. Approval shall be obtained from Penrith City Council prior to any work associated with Council's property or the location of any structures on Council owned land (including containers and waste skips on roads/footpaths).

MATTERS TO BE COMPLIED WITH DURING CONSTRUCTION

9. Stamped plans, specifications, a copy of the consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.
10. Where there is a likelihood of annoyance due to noise from construction sites, the following NSW Environment Protection Authority Noise Control Guidelines apply to the hours of construction works:
Monday to Friday: 7am to 6pm
Saturday: 7am to 1pm (if inaudible on neighbouring residential premises), and otherwise 8am to 1pm
Sundays/Public Holidays: No work permitted
The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.
11. Building materials are not to be stored at any time on Penrith City Council's footpath or roadway.
12. The applicant must notify the Principal Certifying Authority in advance (if in the case of Penrith City Council, at least 24 hours by phone or by 4.00pm on weekday before the inspection is required) to inspect the following stages of construction:
 - a) Steel reinforcement for the swimming pool or other structural concrete components prior to placement of concrete,
 - b) Excavations forming a foundation for the swimming pool,
 - c) Swimming pool fencing and other components of the pool safety barrier when construction has reached a stage

where the pool is capable of holding water,
d) When the building/swimming pool is completed and ready for approval to occupy.

Note: Facsimile requests for inspections will not be accepted. The approved fee must also be paid for the inspection.

13. The pool filtration equipment shall be soundproofed or so located as to control the emission of noise, so as to prevent noise nuisance to adjoining properties.
14. When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in conformity with AS1926 'Fences and Gates for Private Swimming Pools'. Restriction of access to the pool area required shall also comply with the requirements of the Swimming Pools Act, 1992.
15. All excavated material associated with the construction of the pool shall be disposed of at an approved landfill tip or a Penrith City Council approved location. Failure to dispose of excavated material in an authorised location can result in legal action being taken.

PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

16. An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the commencement of the approved use. The Occupation Certificate will not be issued if any conditions of this consent are outstanding.
17. The swimming pool is at all times to be surrounded by a child-resistant barrier that: -
 - (i) Separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
 - (ii) Is designed, constructed, installed and maintained in accordance with the standards prescribed by Australian Standard AS 1926 'Fences and Gates for Private Swimming Pools'.
18. A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and shall in all

respects, comply with the following:

- (i) Must be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement" No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council, a copy of which is deposited at Penrith City Council's Civic Centre, 601 High Street, Penrith; and
- (ii) Must bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council, a copy of which is deposited at Penrith City Council's Civic Centre, 601 High Street, Penrith. *

19. A smooth faced barrier is to be fixed to the existing boundary fence at a width of 1200mm externally and 300mm internally from the junction of the pool fence and shall extend to the height of the boundary fence. This is required so as to restrict holds for climbing in accordance with AS 1926 'Fences and Gates for Private Swimming Pools'.

OPERATIONAL MATTERS

20. All swimming pool backwash water, drainage/overspill water and water from the emptying of the pool shall be disposed of satisfactorily.
21. No nuisance is to be created to adjoining/nearby properties resulting from activities associated with the use of the swimming pool and its surrounding area.
22. The occupier is to ensure that the quality of the water contained within the swimming pool is maintained at an acceptable level at all times, whether the pool is in use or not.
23. If a common boundary fence forms part of the pool enclosure, the provision, maintenance and effectiveness of the fence is the responsibility of the pool owner whilst ever the pool exists. Alternatively, the pool shall be fully enclosed by isolation fencing.
24. A clear span of 1200mm shall be provided around the external perimeter of the pool fence and gate to finished ground level from any projection or objects

on the ground.

ADVISORY MATTERS

25. These conditions have been imposed for the following reasons:
1. To ensure compliance with the terms of the relevant Planning Instrument.
 2. To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
 3. Due to the circumstances of the case and the public interest.
 4. To ensure the structural integrity of the development.
 5. To ensure the protection of the health and safety of the occupants of the development.
26. As part of all construction works, developers and applicants are required to liaise with appropriate authorities and utility providers. These authorities and utility providers include, but are not limited to:-
- * The WorkCover Authority.
 - * Integral Energy.
 - * Sydney Water.
 - * A telecommunications provider.
 - * Australia Post.
 - * Other energy suppliers/authorities.
 - * Other relevant State and Federal Government Departments.
27. Major Utilities - 'Dial Before You Dig Service'.
Damage to underground cables, pipework and other utility services are a serious problem. Damage to major underground utilities can be avoided by calling the 'Dial Before You Dig Service' on 1100 and following simple guidelines provided by the operators on this telephone number. Individuals and companies who do not follow these simple procedures may be found to be financially liable for damage caused to major utilities.
Note: Consideration should still be made for other non-member utility providers who do not participate in the 'Dial Before You Dig Service'.
28. These building plans must be submitted to any business office of Sydney Water at least fourteen (14) days before commencement of work. The plans and a Building Application Form, available at business offices need to be submitted to ensure that the proposed structure meets the requirements of Sydney Water's By-Laws concerning:

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- (i) Location of sanitary fixtures.
 - (ii) Relationship of the building to water mains, sewers and stormwater channels and for valuing purposes in connection with Section 97(4) and (7) of Sydney Water's Act and for the calculation of a building fee in accordance with by-Law 7(1) (a) of Sydney Water's Act.
- Failure to submit these plans before commencement of work will render the owner liable to a penalty and may result in the demolition of the work at the builder's expense.
29. Penrith City Council recommends that at least one person in every household which contains a swimming pool should be trained in cardio-pulmonary resuscitation techniques.

CONSTRUCTION CERTIFICATE


A Construction Certificate is hereby issued under Sections 109C(1)(b) and 81A(2) of the Environmental Planning and Assessment Act 1979. This Construction Certificate relates to development approved by Development Consent 00/0524 dated 29 February 2000 and remains valid only for the period of the consent.

The relevant plans approved with this Construction Certificate are the plans stamped approved by Penrith City Council and accompanying documentation submitted in respect of this application.

Certifying Authority: Penrith City Council

Name: Kim Talbert

Signature



Date: 1/3/00

For the Building Approvals and Environment Protection Manager.

Advice

The issue of the Construction Certificate permits the commencement of building works in accordance with the relevant approved plans and Development Consent, subject to Council being notified of the appointment of a Principal Certifying Authority.

Attachments: NIL