

3. DA No. 2009.0090: Inground swimming pool – Lot 101 DP1010784, Bald Hills Road, Pambula

Group Manager, Planning and Environment

Applicant	RG & JM West T/a Gary West Pools
Owner	Mr P E Pincini
Site	Lot 101 DP1010784, Bald Hills Road, Pambula
Zone	1(c) Rural Small Holdings
Site area	1.79ha
Proposed development	Inground swimming pool

PRECIS

Council is in receipt of a development application for an inground swimming pool. As the applicant is an elected Councillor the matter is referred for determination by Council in accordance with adopted policy.

BACKGROUND

10 The proposed swimming pool will be ancillary development to an approved dwelling and machinery shed that has been erected on the land.

DESCRIPTION OF THE PROPOSAL

Inground swimming pool and safety fencing.

DESCRIPTION OF THE SITE

The site is a small rural acreage site of 1.79 ha. The swimming pool is proposed to be located at the front of the existing premises and is located behind the adopted front building line of 20 metres.

PLANNING ASSESSMENT

20 The proposal has been assessed in accordance with the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

The proposal complies with the requirements of the Swimming Pool Act and Regulations.

An application was notified to adjoining and neighbouring land owners and no submissions were received.

Zoning

The land is zoned 1(c) Rural Small Holdings under the Bega Valley Local Environmental Plan 2002 and the proposed development is permissible with Council consent.

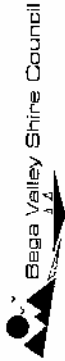
CONCLUSION

30 The proposed swimming pool and safety fence is routine development that complies with objectives of BVLEP 2002 and the Swimming Pool Act and Regulations.

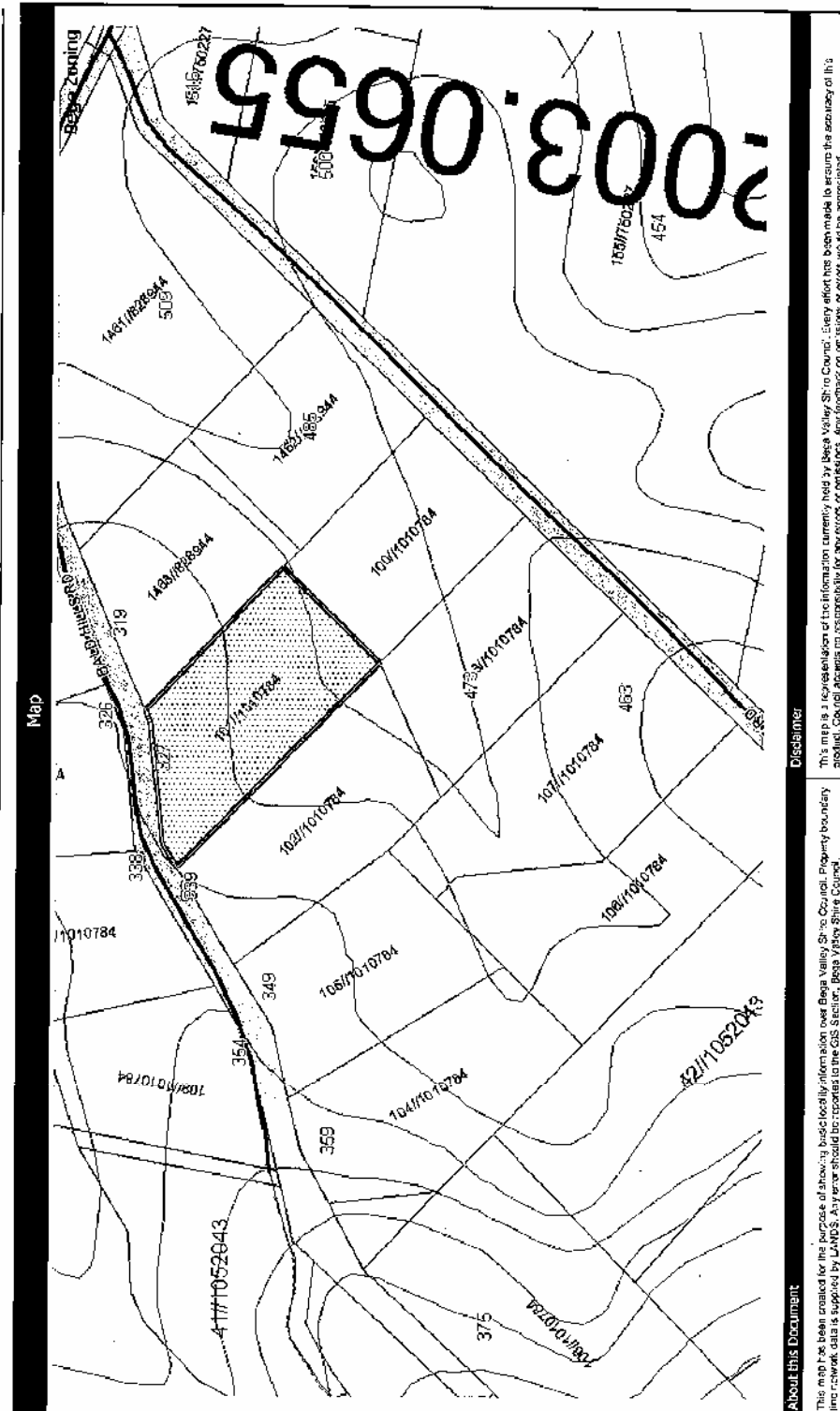
The application is recommended for approval subject to conditions.

RECOMMENDATION

That Development Application 2009.0090 for a swimming pool be approved subject to the terms and conditions as detailed in the draft Development Consent submitted to Council at its meeting of 14 April 2009.



Subject:



Department of Lands
LANDS 2005

Created on: Friday, 20 March 2009

RG & JM West t/as Gary West Pools
550 Tara Avenue
ALBURY NSW 2640

NOTICE OF DETERMINATION

under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended).

The development application has been determined by granting consent under Clauses 13 and 65 of the *Bega Valley Local Environmental Plan 2002* subject to conditions.

APPLICANT	RG & JM West t/as Gary West Pools
LAND	Lot 101 DP 1010784
LOCATION	327 Bald Hills Road, Bald Hills
ZONE	1(c) Rural Small Holdings Zone
PROPOSED DEVELOPMENT	Inground fibreglass swimming pool
CLASSIFICATION(S) UNDER BUILDING CODE OF AUSTRALIA	10b
DETERMINATION MADE ON	2009
CONSENT TO OPERATE FROM	2009
CONSENT TO LAPSE ON	2014

Conditions of approval

1. Development shall take place in accordance with the Approved Development Plan, the application form and any supporting documentation received with the application, except as may be amended in red on the attached plans by the following conditions.
2. Waste water to be conveyed to an area approved by Council's Environmental Health Officer.
3. The pool shall not be filled prior to the erection of an approved child resistant barrier. The PCA is to approve of such barriers prior to placement of water within the pool. Failure to comply may result in legal proceedings being instigated against the owner and/or builder.
4. The motor, filter, pump and all sound-producing equipment or fittings associated with or forming part of the pool filtering system being sound insulated and/or isolated so as not to create a noise nuisance. 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.
5. A hydrostatic valve is to be installed.
6. The swimming pool is at all times to be surrounded by a child-resistant barrier that:
 - a) separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
 - b) is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Fences and Gates for Private Swimming Pools". However, the outside quadrant requirements in paragraph 2 of Clause 2.3 (refer to the attached copy of AS 1926) do not apply to a dividing fence where it forms part of the child-resistant barrier.
 - c) pool fencing to be provided strictly in accordance with the requirements of the Swimming Pool Act, 1992.
7. An air resuscitation and external cardiac compression instruction board as supplied by the Royal Life Saving Society of Australia, shall be prominently displayed in the immediate vicinity of the swimming pool area at all times.

The above conditions are in the public interest to reduce any potential environmental impact and to ensure the proposed development complies with:

- the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations
- any environmental planning instruments applying to the subject land
- Council's codes and policies
- *Section 94 Development Contribution Plan and Tree Preservation Order.*

DA No. 2009.0090

Notes:

1. If you do not agree with this determination you can apply to Council for a review under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

An application for review must be made within one year from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development. (Please contact Council for details).
2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Section 97 of the EP&A Act 1979 within 12 months from the date of this notice.
3. Before you start any building or subdivision works you must obtain a Construction Certificate from Council or an accredited certifier.
4. It is an offence under the *National Parks and Wildlife Act 1974* to destroy, deface or damage an Aboriginal relic. If during works on site any Aboriginal relic is discovered then you should immediately stop work and contact representatives of the National Parks and Wildlife Service and the Local Aboriginal Land Council.
5. The *Native Vegetation Act 2003* requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. It is the proponent's responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority.
6. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

FOR BEGA VALLEY SHIRE COUNCIL