

Renewable Energycorp Australia
C/- Iyad Ahmad
PO Box 451
GREENACRE NSW 2190

File No: 89/106D U3
Application No: DA-269/2015

**NOTICE OF DETERMINATION
OF
DEVELOPMENT APPLICATION**

Environmental Planning and Assessment Act 1979, Section 80 and 81

Property: 106-110 Benaroon Road Lakemba

Development: Change of use of unit 3 to mattress refurbishment and recycling warehouse

National Construction Code Building Classification: Class 7b - Factory

**BEFORE COMMENCING BUILDING WORK, you must obtain a
Construction Certificate from the Council or an Accredited Certifier.**

Canterbury City Council as consent authority under the provisions of the Environmental Planning and Assessment Act 1979 gives notice under Section 81(1)(a) of the Act that the Development Application described above was determined on 20 September 2015 in the following manner:

That the development application be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:

1.1. Details of:

- Building Specifications
- Fire Safety Schedule
- Soil and Waste Management Plan
- Mechanical ventilation

1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of:

Certificate Registration Fee \$36.00

1.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:

Construction Certificate Application Fee \$ 458.00

Inspection Fee \$ 416.00

Occupation Certificate Fee \$ 161.00

Note 1: Long Service Leave Levy payment; (Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986).

Note 2: If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

Note 3: When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 4: Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

Note 5: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
 - 2.4. In the case of work which includes residential development, you must inform us in writing before the commencement of work of the following:
 - 2.4.1. The name and contractor or licence number of the licensee who has contracted to do or intends to do the work; or
 - 2.4.2. The name and permit number of the owner-builder who intends to do the work.

INSURANCE

3. If it is intended to engage a builder or licensed contractor to do the work where it is valued over \$20,000 and is not a multi storey building then this person must take out home building insurance with a private insurer. The builder or person doing the work must also satisfy Council that they have taken out an insurance policy by producing evidence of the insurance certificate or other documentation. Further information on insurance requirements is available from the Department of Fair Trading (NSW Consumer Protection Agency) on 1800 802 055.

SITE SIGNAGE

4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

5. The development being carried out in accordance with the plans, specifications and details prepared by C Pedro - Design and Drafting Services, Dated, 16/06/15, and marked the following:

Drawing No.	Plan Name	Revision	Dated
Job No. 1528	Proposed change of use	Rev A	16/06/2015

- Waste and Management Plan, prepared for 106-108 Benaroon Road, Belmore, dated June 2015
6. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
7. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
8. All building construction work must comply with the National Construction Code.
9. The hours of operation shall be confined to between 08:00 and 16.00, Monday to Friday.
10. The use being confined to that part of the premises shown on the plan submitted.
11. All loading and unloading in relation to the use of the premises taking place wholly within the property boundaries.
12. The number of persons working on the premises being limited to two (2).
13. All goods and materials being stored wholly within the building.
14. The finishes of all structures and buildings are to be maintained at all times, with any graffiti or vandalism immediately removed/repaired.
15. In accordance with Section 93 & 94 of the Environmental Planning and Assessment Regulations 2000 , the premises is required to be up graded in accordance with the following conditions or an alternative solution be submitted which complies with the performance requirements of the National Construction Code Volume One Building Code of Australia
- 15.1. That an audit shall be performed on all required fire safety measures installed within the building and such remedial works shall be undertaken to ensure that those required measures are capable of operating/performing to at least the standard for which the measure was originally designed and implemented. The required measures are specified in the attached fire safety schedule pursuant to clause 168 of the Environmental Planning & Assessment Regulation 2000;
- 15.2. That all the essential fire safety measures shall be extended to cover the proposed area, to be constructed, and all systems are to be certified to comply with all codes, Australian Standards and BCA requirements.
- 15.3. Services and equipment (other than gas/fuel/hot products chutes which are prohibited) installed in any non fire isolated exit or paths of travel to any exit complying with BCA Clause D2.7, including enclosure by non combustible construction or fire protective covering and doorways sealed against smoke spreading from the enclosure.

- 15.4. The space below any non fire isolated stairway (including an external stairway) serving as a required exit if enclosed to form a cupboard or other enclosed space must have, to BCA Clause D2.8:
 - (a) a fire resistance level of not less than 60/60/60 to enclosing walls/ceilings, and
 - (b) any access doorway to the enclosed space fitted with a -/60/30 self-closing fire door.
- 15.5. Each exit door must swing in the direction of egress (unless it serves a building or part with a floor area not more than 200m², it is the only required exit from the building or part and is fitted with device for holding it in the open position) to BCA Clause D2.20.
- 15.6. Exit doors in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable:
 - (a) without a key to a person seeking egress, and
 - (b) by a single hand downward action or pushing action on a single device, and
 - (c) located between 900mm and 1200mm from the floor, to BCA Clause D2.21.
- 15.7. Install portable fire extinguishers selected, located and distributed to BCA Clause E1.6/Table E1.6 and AS 2444. This item is an essential fire or other safety measure.
- 15.8. Emergency lighting being provided to every level of every stairway in accordance with BCA Clause E4.42 and AS/NZS 2293.1. This item is an essential fire or other safety measure.
- 15.9. Exit signs being provided in accordance with BCA Clause E4.5. This item is an essential fire or other safety measure.
16. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

ENVIRONMENTAL HEALTH

17. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general.
18. All activity being conducted so that it causes no interference to the existing and future amenity of the adjoining occupations and the neighbourhood in general by the emission of noise, smoke, dust, fumes, grit, vibration, smell, vapour, steam, soot, ash, waste water, waste products, oil, electrical interference or otherwise.
19. The proposed use of the premises and/or machinery equipment installed, must not create noise so as to interfere with the amenity of the neighbourhood. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out (by an accredited Acoustic Engineer), obtain Principal Certifying Authority concurrence for the recommendations of the Consultant, and implement those recommendations so as to reduce the noise levels to the ambient noise level.

CRITICAL INSPECTIONS

Class 5, 6, 7, 8 or 9 Buildings

- 19.1. at the commencement of the building work, and
- 19.2. prior to covering any stormwater drainage connections, and
- 19.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- 20. If you appoint Council as the Principal Certifying Authority the following additional stage inspections **must be carried out**.
- 21. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent.
To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

- 22. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

- 23. This application has been assessed in accordance with the National Construction Code.
- 24. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
- 25. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems
 - Fire safety
- 26. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
- 27. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
- 28. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
- 29. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
- 30. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
- 31. If you are not satisfied with this determination, you may:

- 31.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
- 31.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Barry Curran in City Planning on 9789 9389 Monday to Friday.

DATE FROM WHEN CONSENT OPERATES: _____

for Jim Montague
GENERAL MANAGER

Enclosure - Attachment: Notice to Commence Building or Subdivision Work.