

NOTICE OF DETERMINATION

Application Number: DA2008/1546

APPLICATION DETAILS

Applicant Name and Address: Lexmark International Australia Pty Ltd
13B Narabang Way
BELROSE NSW 2085

Land to be developed (Address): Lot 110 DP 874154 13 Narabang Way BELROSE
NSW 2085

Proposed Development: Fitout of existing industrial building

DETERMINATION - APPROVED

Made on (Date): 21 November 2008

Consent to operate from (Date): 21 November 2008

Consent to lapse on (Date): 21 November 2011

Details 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.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing No.	Drawing Title	Revision No.	Revision Date	Prepared By
01	Plans, sections, elevation	A	Oct' 08	Locus design construct pty ltd
02	Plans, sections, elevation	A	Oct' 08	Locus design construct pty ltd
03	Plans, section, elevation	A	Oct' 08	Locus design construct pty ltd

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

Note: Further information on Construction Certificates can be obtained by contacting Council on 9942 2111, Council's website or the Planning and Assessment Counter.

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

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory.*

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

3. Design for Access & Mobility

The development must be designed to comply with the requirements of the Disability Discrimination Act 1992 and Australian Standard AS1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



Reason: To ensure equitable access to members of the community to all public facilities.

4. Sydney Water Approval

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

Please refer to the web site www.sydneywater.com.au
<<http://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.

The Certifying Authority must ensure that a Quick Check agent/ Sydney Water has appropriately stamped the plans prior to the issue of any Construction Certificate.

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

5. Long Service Levy (if applicable)

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. 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.

Reason: Prescribed - Statutory. (DACGCIsl)

6. Section 94A Contribution

\$880.00 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. 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.



The basis for the contributions is as follows:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	176,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$792	6923
S94A Planning and Administration	0.05%	\$88	6924
Total	0.5%	\$880	

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. **(dacgcS94ac)**

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

7. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

Reason: Legislative requirement for the naming of the PCA.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

8. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from



Warringah Council

Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

9. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land.*

10. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

11. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. (DACHenv)*

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

12. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

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

13. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be compiled which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: *Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.*

14. Access for People with Disabilities

Prior to the issue of an Interim/Final Occupation Certificate provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of Australian Standard AS 1428.2-1992 Design for Access and Mobility - Enhanced and additional requirements - Buildings and facilities.

Reason: *Equitable access for people with a disability.*

15. Regulated Systems- Air Handling

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with all relevant Acts, Regulations, Australian Standards and Codes and the Work Cover Authority requirements prior to the issue of an Interim/Final Occupation Certificate.

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of an Interim / Final Occupation Certificate.



Note: The following Acts, Regulations, Australian Standards and Codes applied at the time of determination:

- Public Health Act 1991
- Public Health (Microbial Control) Regulation 2000
- Building Code of Australia,
- Australian/ New Zealand Standard AS/NZS 1668.1: 1998 The use of ventilation and air conditioning in buildings - Fire and smoke control in multi compartment buildings
- Australian/ New Zealand Standard AS/NZS 1668.2 - 2002 The use of ventilation and air conditioning in buildings - Ventilation design for indoor contaminant control
- Australian/ New Zealand Standard AS/NZS 3666.1:2002 Air handling and water systems of buildings - Microbial control - Design, installation and commissioning
- Australian/ New Zealand Standard AS/NZS 3666.2:2002 Air handling and water systems of buildings - Microbial control - Operation and maintenance
- Australian/ New Zealand Standard AS/NZS 3666.3:2000 Air handling and water systems of buildings - Microbial control - Performance based maintenance of cooling water systems

Reason: *To ensure public health is maintained, statutory requirements for record keeping.*

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

16. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. (DACGGdh)*

17. Amenity

The proposal shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.



18. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: *To ensure the acoustic amenity of surrounding properties. (DACGGcwc)*

19. Allocation of Spaces

One hundred and ninety two (192) car parking spaces shall be provided and maintained for the commercial tenancy at all times on the subject site. The spaces shall be allocated in the following proportions:

One hundred and ninety two (192)		Commercial/Industrial
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Reason: *To ensure that adequate parking facilities to service the development are provided on site. (DACGGas)*

20. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. (DACGGlws)*

21. Requirement for Commercial Waste Contract

The proprietor shall enter into a commercial contract for the collection of waste and recycling. A copy of the commercial waste and recycling contract and invoices are to be made available for inspection at any time.

Reason: *To protect the local amenity of the neighbourhood. (DACHGfspr)*

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

NOTE: *A fee will apply for any request to review the determination.*

**Right of Appeal**

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

Signed _____ on behalf of the consent authority

Signature _____
Name Phil Lane
Senior Development Assessment Officer

Date 21 November 2008