

Building Assessment Referral Response

Application Number:	DA2019/0338
To:	Julie Edwards
Land to be developed (Address):	Lot A DP 402556 , 130 Old Pittwater Road BROOKVALE NSW 2100

Reasons for referral

This application seeks consent for Class 2-9 Buildings (i.e. all buildings except a dwelling, garage, shed, gazebo or swimming pool/spa) which include:

- Alterations and Additions; or
- Change of Use

And as such, Councils Building Assessment officers are required to consider the likely impacts.

Officer comments

The application proposes a change of use only. However, whilst the occupation involves no physical works to the structure and is a use only application for a recreation facility (indoor) only, the proposal does involve the installation of 'Trocullen-Polyethylene Flexifoam Gym Floor', a different activity, and different occupant density from that which previously existed. Part D1.13 of the NCC must be considered by the Building Certification Team when assessing occupant density and not the applicants statements.

The purpose of the National Construction Code (NCC) in respect of Fire Services and the Access and Egress provisions is to provide is to provide safe, equitable and dignified access to and within the building and safeguard occupants from illness and injury whilst evacuating in an emergency. Also to provide facilities for occupants and the Fire Brigades to undertake Fire Fighting operations where required.

The use change also involves a Change in Classification under the Part A of the NCC and requires review under clause 94 of the Environmental Planning and Assessment Regulation 2000. No NCC report was submitted with the application.

The application has been assessed on this basis and no objections subject to conditions.

Recommended Building Assessment Conditions

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

Change of Use/ Fire Safety - Egress and Essential Services Upgrade

In accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000 the subject tenancies existing 'Essential Fire Safety Measures, and Egress provisions are to be upgraded to achieve an adequate/compliant level of fire safety in accordance with the provisions of Parts D and E of Volume 1 of the National Construction Code.

Works are to be completed prior to use; And are to be certified upon completion as being capable of performing their intended function/s, (including correct Egress distances) by a suitably *Accredited Building Certifier/Surveyor** prior to any use or occupation of the premises/tenancy occurring, and prior to the issue of any interim or final occupation certificate.

**To be regarded as an "appropriately qualified accredited building certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a Construction Certificate for the subject building.*

Reason: To ensure adequate provision is made for Access, Fire safety and for building occupant safety

Change of Use

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.

The Principal Certifying Authority is to be appointed, and is required to be satisfied, amongst other things, that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

Reason: Statutory requirement under S109N of the Environmental Planning & Assessment Act 1979.

Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared 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 Fire and Rescue NSW.

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

Each year the Owners must send to the Council and Fire and Rescue NSW, 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.