

## Building Assessment Referral Response

Application Number:	DA2020/1309
Date:	23/12/2020
To:	Clare Costanzo
Land to be developed (Address):	Lot 32 DP 6033 , 11 Mitchell 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 from a Vehicle Repair Station, to a mixed-use development comprising two uses being a take-away food and drink premises and a Warehouse / Distribution Centre with the take-away food and drink use located at the front of the building, and the Warehouse / Distribution Centre situated at the rear portion of the building. A BCA report has been submitted with the application which provides a suitable assessment of the proposal.

No objections subject to conditions to ensure compliance with the Building Code of Australia

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### Recommended Building Assessment Conditions

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

#### Fire Safety Upgrade

The fire upgrading / Fire Engineering measures and works to upgrade the building, as detailed and recommended in the Building Code of Australia Assessment Report prepared by 'Building Control Group', dated 15th December 2020 - Ref No. 200395, are to be incorporated into the design of the proposed works and detailed in the Construction Certificate application.

Details demonstrating implementation/ compliance where required, are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises 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 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 Occupation Certificate (or where applicable, relating to the part of the building, being the subject of this Consent).

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.