

Building Assessment Referral Response

Application Number:	DA2024/0434
Proposed Development:	Use of Premises as a restaurant or cafe and reconfiguration of the carpark
Date:	08/05/2024
To:	Nick England
Land to be developed (Address):	Lot 209 DP 752017 , 327 Mona Vale Road TERREY HILLS NSW 2084

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

Although the application is for use of the building, the BCA and Access Report submitted with the application recommends works that will require a Construction Certificate. The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.

Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.

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 TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

National Construction Code - Building Code of Australia upgrade requirements and Fire Safety upgrade

The National Construction Code (NCC) - Building Code of Australia (BCA) works and fire upgrading measures to upgrade the building as detailed and recommended in the BCA & Access Report - The

Palms Eatery prepared by Jarryd Beckman of Steve Watson & Partners, dated 21 February 2024, Report Ref No. 2023/2643-BCA/Access-R1.0 are to be carried out in full to the building as part of the assessment of the Construction Certificate.

Where the report recommends works to comply with the deemed-to-satisfy provisions of the BCA, these works may only be altered by a Performance Solution complying with the relevant Performance Requirements.

Details demonstrating compliance are to be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for Health, Amenity, Access & Fire Safety for building occupant health & safety.

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

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 Principal Certifier prior to the issue of a part Occupation Certificate or 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 Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

National Construction Code - Building Code of Australia access requirements

Prior to the issue of a part Occupation Certificate or Occupation Certificate, details demonstrating implementation and compliance with Part D4 of the NCC - Building Code of Australia Volume One – [‘Access for people with a disability’](#) are to be provided to the Principal Certifier.

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