

Building Assessment Referral Response

Application Number:	DA2021/1021
Date:	23/07/2021
To:	Maxwell Duncan
Land to be developed (Address):	Lot 1 DP 127472 , 577 Sydney Road SEAFORTH NSW 2092

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 alterations and additions to existing mixed use development including a change of use for an existing garage to a cafe, and a strata/stratum subdivision.

Subject to required Fire Safety measures being installed/upgraded to provide an adequate level of safety to the building/its occupants/ adjacent buildings, Building Control has no objections subject to conditions.

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 measures and works to upgrade the building as detailed and recommended in the Building Code of Australia Fire and Life Safety Audit Report Ref. M450 prepared by 'GRS Building Reports P/L', Version/Revision 1a, dated 30/06/21 are to be carried out. Works are to be indicated to the degree necessary with the plans/documentation submitted for the Construction Certificate.

Details demonstrating implementation and compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate and prior to the issue of the Strata/Stratum Subdivision Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises 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 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.