

Independent Planning Commission's questions taken on notice

IPC Questions	Department response
<p>1. Did the Department's assessment of the modification application identify any compliance issues with the Building Code of Australia (BCA)? As discussed at the briefing with the Commission, the Commission has identified potential non-compliance issues relating to the location of the commercial waste storage area and potential fire safety risk. Another issue relates to the location of the skylight and the three hotel windows.</p>	<p>In its assessment of the proposed modification, the Department reviewed the Applicant's BCA report (including any non-compliances), and considered that this is adequately addressed under existing Condition B10 (Compliance with the BCA), as follows:</p> <p><i>B10. Details shall be provided to the satisfaction of the Certifying Authority, with the application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of consent under Clause 98 of the Environmental Planning and Assessment Regulation in relation to the requirements of the Building Code of Australia (BCA).</i></p> <p>The Department has again reviewed the BCA report in context of the IPC's questions, and maintains its position that BCA compliance will be adequately addressed through existing Condition B10.</p>
<p>2. What is the Department's practice in assessing built form proposals against the BCA, including issues such as those identified in Point 1 above?</p>	<p>The Department's general practice is to condition compliance with the BCA where there is a reasonable likelihood an alternative solution can be achieved, consistent with clause 54(4) of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>
<p>3. The Commission understands the Department requested the Applicant to remove the wine bar 'fit-out and use' component of the modification application (as originally lodged). Can the Department please confirm that this request was made? And if so, clarify the reasons for this request.</p>	<p>Yes, the Department requested that the proposed fit out and use of the commercial tenancies and wine bar be removed from the modification application, as these were not approved under SSD 7064 and subject to separate approval from the relevant consent authority (see Condition A5).</p> <p>As they were not approved under SSD 7064, the Department considered that their inclusion resulted in the modification application not being substantially the same development as originally approved.</p>