

Annexure 9

Completion Date: 17 January 2019

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 438/2015/2
ADDRESS: 30 Alma Street PADDINGTON 2021
PROPOSAL: Modifications to the approved stage 1 concept proposal which includes building envelopes, indicative uses, vehicle access and car parking and the heritage interpretation strategy
FROM: Richard Smith - Fire Safety Officer
TO: Mr M Moratelli

1. ISSUES

- *As this modification suggests the keeping of some original components of existing buildings and that it will likely be certified by a Private Certifier, to stop any potential for an interpretation that the building may not need to comply with the BCA I have included a clause 94 upgrade that it does.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced S4.55 proposed amendments to an approved concept DA for building envelopes & indicative use of white city for a multi-purpose sports center & registered club facilities including heritage interpretation strategy prepared by B Town Planning UNSW - Aaron Sutherland, dated December 2018.
- Architectural Plans, referenced DA0001, DA1005-DA1007, DA1201, DA2010-DA2013 & DA3101, prepared by COTTEEPARKER JPRA, dated 20/12/2018.

3. RESEARCH

The following research was undertaken in the preparation of this assessment:

- A site inspection was carried out on the following date: 16 January 2019

4. LEGISLATION

A Building Code of Australia (BCA) assessment of this development application is required to satisfy the following statutory provisions of the *Environmental Planning & Assessment Regulation 2000*.

☒ Clause 94 – ‘Consent authority may require buildings to be upgraded’

- Compliance with the BCA if more than 50% of the volume has been changed in the last 3 years

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- Fire safety – to protect persons using the building and facilitate their egress from the building as well as restricting the spread of fire from the building to other buildings

5. BUILDING DESCRIPTION

Type of Construction:	A
Class:	9b & 6
Number of Storeys:	3
Rise in Storeys:	3

6. ASSESSMENT

Comments have been prepared on the following. **Where Approval is recommended, Conditions of Consent follow at the end of the comments.**

7. RECOMMENDATION

Council's Fire Safety Officer has determined that the proposal is satisfactory, subject to the following conditions:

- A. **General Conditions**
- B. **Conditions which must be satisfied prior to the demolition of any building or construction**
- C. **Conditions which must be satisfied prior to the issue of any construction certificate**

C.1 Building upgrade (Clause 94 of the Regulation)

Council considers, pursuant to clause 94 of the *Regulation*, that it is considered appropriate to require the building to comply with the *Building Code of Australia*.

Note: The *Certifying Authority* issuing the *Construction Certificate* has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the *BCA* the *Certifying Authority*, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the *BCA* these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the *Act*.

Note: This condition does not set aside the *Certifying Authorities* responsibility to ensure compliance with clause 143 of the *Regulation* in relation to Fire Protection and Structural Adequacy.

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Note: AS 4655 *Guidelines for fire safety audits for buildings* (or any succeeding AS) should form the basis of any fire upgrade report.

Standard Condition: C10

- D. Conditions which must be satisfied prior to the commencement of any development work**
- E. Conditions which must be satisfied during any development work**
- F. Conditions which must be satisfied prior to any occupation or use of the building (Part 4A of the Act and Part 8 Division 3 of the Regulation)**

F.1 Fire Safety Certificates

In the case of a *final occupation certificate* to authorise a person:

- a) to commence occupation or use of a *new building*, or
- b) to commence a change of building use for an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate has been issued for the building.

In the case of an *interim occupation certificate* to authorise a person:

- a) to commence occupation or use of a partially completed *new building*, or
- b) to commence a change of building use for part of an existing building,

a *certifying authority* must be satisfied that a final fire safety certificate or an interim fire safety certificate has been issued for the relevant part of the building.

Note: This condition does not apply to a class 1a or class 10 building within the meaning of clause 167 of the Regulation.

Note: In this condition:

interim fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

final fire safety certificate has the same meaning as it has in Part 9 of the Regulation.

new building has the same meaning as it has in section 109H of the Act.

Standard Condition: F4

- G. Conditions which must be satisfied prior to the issue of any Subdivision Certificate**
- H. Conditions which must be satisfied prior to the issue of a Final Occupation Certificate (s109C(1)(c))**
- I. Conditions which must be satisfied during the ongoing use of the development**

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I.1 Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)

Each year, the owner of a building to which an *essential fire safety measure* is applicable must provide an *annual fire safety statement* to Council and the Commissioner of the NSW Fire Brigades. The *annual fire safety statement* must be prominently displayed in the building.

Note: *Essential fire safety measure* has the same meaning as in clause 165 of the *Regulation*.
Annual fire safety statement has the same meaning as in clause 175 of the *Regulation*.
Part 9 Division 5 of the *Regulation* applies in addition to this condition at the date of this consent. Visit Council's web site for additional information in relation to fire safety
www.woollahra.nsw.gov.au.
Standard Condition: I22

J. Miscellaneous Conditions

K. Advisings

Nil

Richard Smith
Fire Safety Officer

Date: 17 January 2019