

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: Development Applications: 598/2022/1
ADDRESS: 17 Dover Road ROSE BAY 2029
PROPOSAL: Demolition of existing at-grade car park and encroaching structures and construction of: A mixed use building with frontage to Wilberforce Avenue incorporating a new multi-storey car park, ground floor retail premises and community centre and public amenities across multiple levels; Single storey ground floor retail building with frontage to Dover Road; and public domain and landscaping works.
FROM: Ashley Wang - Fire Safety Officer
TO: Mr V Aleidzans

1. ISSUES

- *The proposal is a new building so BCA compliance is assessed at Construction Certificate stage.*

2. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced HPE 23/3457 prepared by SJB Planning, dated December 2022.
- Architectural Plans, referenced DA1001, DA1101, DA2000 – DA2001, DA2101 – DA2103, DA3101 & DA3201, prepared by Allen Jack + Cottier, dated 10.12.2022.

3. 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 2021*.

☐ Clause 62 – Change of Use – ‘Fire safety and other considerations’

- *Category 1 fire safety provisions required*

☐ Clause 64 – ‘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
- 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

☐ Clause 63 – ‘Fire safety and other considerations applying to erection of temporary structures’

- fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.

4. ASSESSMENT

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

5. 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**
- 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**

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.

- 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**
- I. **Conditions which must be satisfied during the ongoing use of the development**
- 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.

Standard Condition: I22

J. Miscellaneous Conditions

K. Advisings

Ashley Wang
Fire Safety Officer

Date: 3 April 2023