

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: DA 477/2019/1
ADDRESS: 30 Alma Street PADDINGTON 2021
PROPOSAL: First stage of the development of White City for a multi-purpose sports centre and registered club facilities including site remediation
FROM: Richard Smith - Fire Safety Officer
TO: Mr M Moratelli

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced demolition and building of 9 tennis courts and gym facilities, outdoor multi-use facilities prepared by sutherland & associates planning, dated December 2019.
- Architectural Plans, referenced A2010, A2011, A2012, A2013, A2050 - A2059, prepared by MASQ, dated 3 December 2019,
- Fire Safety Report, referenced BCA report, prepared by STEVE WATSON & PARTNERS, dated 1 MAY 2018.

2. RESEARCH

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

- A site inspection was carried out on the following date: 2 February 2020

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 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
- 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

4. BUILDING DESCRIPTION

Type of Construction:	A
Class:	9b, 6, 5 & 7a
Number of Storeys:	4
Rise in Storeys:	3
Effective Height:	< 12 metres

5. ASSESSMENT

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

6. 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 appropriate to require the existing building to be brought into total conformity with the BCA because the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls and the measures contained in the building are inadequate:

- (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
- (ii) to restrict the spread of fire from the building to other buildings nearby.

Accordingly, it is considered appropriate to require the existing building to be brought into total or partial conformity with the BCA and the Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Regulation* must detail building upgrade works required by this condition.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the Construction Certificate application.

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 Part 8 Division 8.2 or amended under section 4.55 of the *Act*.

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

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 (Autotext CC10)

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**

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**
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Richard Smith
Fire Safety Officer

Date: 18 February 2020