



18 October 2024

REFERRAL RESPONSE – FIRE SAFETY

FILE NO: Development Applications: 200/2024/1

ADDRESS: 19 Darling Point Road DARLING POINT 2027

PROPOSAL: Change of use and alterations and additions of the existing residential flat building for campus student accommodation

FROM: A Wang

TO: Mrs L Holbert

1. DOCUMENTATION

I refer to the following documents received for this report:

- Statement of Environment Effects, referenced P0043496 prepared by Urbis, dated June 2024.
- Architectural Plans, referenced A-06-008, A-06-011 – A-06-013, A-06-020, A-10-002, A-11-008, A-11-011 – A-11-013, A-21-010, A-21-012 & A-31-001, prepared by Tribe Studio Architects, dated 5/9/2024,
- BCA Assessment Report, referenced 230724-BCA-r6, prepared by Credwell, dated 6/09/2024.

2. 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.



3. BUILDING DESCRIPTION

Type of Construction: A

Class: 3

Number of Storeys: 4

Rise in Storeys: 4

Effective Height: < 12 metres

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

Nil

B. BEFORE DEMOLITION WORK COMMENCES

Nil

C. ON COMPLETION OF REMEDIATION WORK

Nil

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

D	1.	Building Upgrade (clause 64 of the Regulation)
		<p>Before the issue of any construction certificate, the construction certificate plans and specification required to be submitted to the Principal Certifier, under clause 7 of the Development Certification and Fire Safety Regulation, must ensure the existing building is brought into total or partial conformity with the BCA, by detailing all building upgrade works required by this condition.</p> <p>The Principal Certifier 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:</p> <ul style="list-style-type: none">a) Section Cb) Parts D2 and D3, or the relevant Performance Requirementsc) Section E <p>Notes:</p>



	<ul style="list-style-type: none"> The measures contained in the building are inadequate: <ul style="list-style-type: none"> a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and/or b) to restrict the spread of fire from the building to other buildings nearby. The Principal Certifier issuing the construction certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this conditions specifies compliance with performance requirements of the BCA the Principal Certifier, 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. This condition does not set aside the Principal Certifier's responsibility to ensure compliance with clause 14 of the Development Certification and Fire Safety Regulation in relation to Fire Protection and Structural Adequacy.
	<p>Condition Reason: To ensure that, in accordance with clause 64 of the Regulation, that the existing building be upgraded to total or partial conformity with the BCA.</p>

E. BEFORE BUILDING WORK COMMENCES

Nil

F. DURING BUILDING WORK

Nil

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G	1.	Fire Safety Certificates
		<p>Before the issue of any occupation certificate to authorise a person:</p> <ul style="list-style-type: none"> a) to commence occupation or use of a new building, or b) to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building. <p>Notes:</p> <ul style="list-style-type: none"> In this condition: <ul style="list-style-type: none"> interim fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. new building has the same meaning as it has in section 6.1 of the Act.
		<p>Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.</p>

H. OCCUPATION AND ONGOING USE

H	1.	Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)
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	<p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p> <p>Notes:</p> <ul style="list-style-type: none">• essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation.• annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation.• Visit Council's website for additional information in relation to fire safety www.woollahra.nsw.gov.au.
	<p>Condition Reason: To ensure public safety.</p>

A Wang
Fire Safety Officer

18 October 2024
Completion Date