



1 August 2024

## REFERRAL RESPONSE – FIRE SAFETY

**FILE NO:** Development Applications: 240/2024/1

**ADDRESS:** 80 Drumalbyn Road BELLEVUE HILL 2023

**PROPOSAL:** Demolition of the existing three (3) residential flat buildings and associated structures on the sites and the construction of a new residential flat building comprising 26 units, two swimming pools & landscaping with the sites consolidated

**FROM:** A Wang

**TO:** Ms F Stano

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### 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 23266 prepared by GSA Planning, dated 28 June 2024.
- Architectural Plans, referenced DA 1002, DA 1100, DA 2000 – DA 2007 & DA 3000 – DA 3003, prepared by MHN Design Urban, dated 1/7/2024,
- BCA Assessment Report, referenced 119316, prepared by Jensen Hughes, dated 28 June 2024.

### 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

Nil

##### B. BEFORE DEMOLITION WORK COMMENCES

Nil

##### C. ON COMPLETION OF REMEDIATION WORK

Nil

##### D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Nil

##### E. BEFORE BUILDING WORK COMMENCES

Nil

##### F. DURING BUILDING WORK

Nil

##### G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

<b>G</b>	<b>1.</b>	<b>Fire Safety Certificates</b>
		<p>Before the issue of any occupation certificate to authorise a person:</p> <p>a) to commence occupation or use of a new building, or</p> <p>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> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• In this condition:</li> </ul>



**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.

**Condition Reason:** To ensure that a final fire safety certificate is issued prior to occupation.

## H. OCCUPATION AND ONGOING USE

H	1.	<b>Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)</b>
		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.
		<b>Notes:</b> <ul style="list-style-type: none"><li>• <b>essential fire safety measure</b> has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation.</li><li>• <b>annual fire safety statement</b> has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation.</li><li>• Visit Council's website for additional information in relation to fire safety <a href="http://www.woollahra.nsw.gov.au">www.woollahra.nsw.gov.au</a>.</li></ul>
<b>Condition Reason:</b> To ensure public safety.		

A Wang  
Fire Safety Officer

1 August 2023  
Completion Date