

27 February 2024

The General Manager
Wingecarribee Shire Council
Civic Centre, 68 Elizabeth Street, Moss Vale NSW 2577

Dear Sir/Madam

Building Code of Australia 2022 (BCA) Capability Statement
Property: The Maltings Redevelopment (Building M3 M4)
Project Number: GDL190311 - Development Application Support

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the architectural drawings, as listed below in Appendix A, to determine if the proposed development is capable of achieving compliance with the provisions of the National Construction Code 2022, Volume One, Building Code of Australia, BCA Class 2 to 9 Buildings (BCA), as per the requirements under Section 19 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulations 2021 ("EP&A Regs Fire Safety").

Proposed Development:

The site comprises major malthouse buildings on the western side of Nattai River and fronting the main Southern Railway line. The site is dissected diagonally by the Nattai River and has established adjoining riparian zones.

The Maltings is a locally listed heritage site in the Mittagong LEP. It is recognised as a major and relatively intact turn-of-the-century industrial complex connected with the growth and centralisation of the NSW brewing trade. The site is also considered for a State Heritage Listing.

On 13 May 2022, development consent (DA20/1400) was granted by the NSW Land and Environment Court for a staged development application (DA) relating to 2 Colo Street, Mittagong, commonly known as "The Maltings" (the site).

The approved proposal consists of a development concept for adaptive re-use of the site, and a detailed design for alterations and additions to the former malthouses (M1, M2, Southern Sheds and M3), redevelopment of Maltster's Cottage and construction of a new Northern Shed to accommodate a range of uses in multi-purpose spaces for art, exhibitions, functions, recreation activities and performances, as well as construction of a new hotel with ancillary uses (M4).

The proponent is seeking to amend the existing development consent (DA20/1400) for adaptive re-use of the site via two separate but related applications that are prepared concurrently:

1. A DA to alter the design of the alterations, additions and adaptive re-use of Maltings M3, and amendment to the façades and interiors of the M4 hotel.
2. A section 4.55 modification to revise the design of the alterations, additions and adaptive re-use of Maltings M1, M2 and the Southern Sheds; and the design of the new Northern Shed and the redevelopment of Maltster's Cottage

This Capability Statement focuses on the M3-M4 building only (refer to the Group DLA DA stage BCA GDL190311_BCA_M3 M4_RevH dated 27/02/2024 for the full scope of what this Statement covers).

Building Description (M3+M4)

Characteristic	Description
Classifications <i>(Refer Appendix E – Classification Mark-up)</i>	Basement: Class 7a Car park Class 7b Storage Class 9b Gym Ground: Class 3 Hotel Class 9b Assembly Building (<i>exhibition hall/ art gallery</i>) Level 1: Class 3 Hotel Level 2: Class 3 Hotel Class 7a Car park Class 7b Storage Class 8 Substation Class 9b Assembly Building (<i>exhibition hall/ art gallery</i>) <u>Bridge TBC – Refer to Item B(6) of Table 3 above.</u> Level 3: Class 3 Hotel Class 6 Restaurant Class 9b Assembly Building (<i>function room</i>) Level 4: Class 3 Hotel Class 6 Bar Class 9b Assembly Building (<i>lounge / gallery</i>) Level 5: Class 3 Hotel / Guest Suite <i>Additional details are required on the rear plant and service rooms on ground floor. It is unclear if they are part of the building or if they are separate from the main building. This will affect the protection of openings etc. Further assessment required once this is known.</i> <i>The use of the Guest Suite is required, as this may be considered Class 2 in lieu of Class 3.</i>
Type of Construction:	Type A
Floor Area of Building:	*8,300 m ²
Volume of the Building:	TBC by architect (if more than 30,000 m ³ then fire compartmentation or fire engineering may be required)
Max Fire Compartment Size – Area:	TBC. Awaiting Fire Rating & Compartmentation plans
Max Fire Compartment Size – Volume:	TBC. Awaiting Fire Rating & Compartmentation plans
Rise in Storeys:	Seven (7) TBC awaiting updated Sections & Elevations
Levels Contained:	Seven (7) assuming the carpark entry / roller door constitutes a storey - TBC awaiting updated Sections & Elevations
Effective Height:	** TBC additional Sections & Elevations are required to determine if the basement storey should be included in the rise in storeys and effective height calculation.
Climate Zone:	Zone 6
Building Importance Level:	3 (TBC)
Earthquake Design Category:	As per AS 1170.4-2007

Table 1.1 – M3+M4 Building Characteristics

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Compliance with the BCA for the proposed development is capable of being achieved by a combination of compliance with the deemed-to-satisfy (DTS) provisions and the provision /documentation of Performance Solutions in accordance with Clause A5.2 of the BCA by a suitably qualified consultant/s to achieve compliance with the performance provisions of the BCA. The provision and assessment of these reports /documents /plans will occur at the Construction Certificate (CC) stage (refer to the Group DLA DA stage BCA GDL190311_BCA_M3 M4_RevG dated 22/12/2023 for more details).

Note that prior to the submission of the DA, this Capability Statement is subject to the Architect providing natural lighting calculations for the Class 3 SOUs. Natural lighting shall be confirmed prior to DA submission, otherwise there is a risk that a s4.55 may be required at the Design Development stage (due to window / façade lay out changes).

At this stage of the documentation, the following DTS issues have been identified which are to form part of the performance solution justifications and/or be rectified accordingly, either way compliance will be illustrated as the Detailed Design Stage:

- Fire Engineering – Combustible Façade Items.
- Fire Engineering – Oversized Compartment.
- Fire Engineering – Separation of Lift & Stair Shafts.
- Fire Engineering – Residential Public Corridors – Smoke Separation.
- Fire Engineering – Bounding Construction – Hotel Portion.
- Fire Engineering – Basement Exits.
- Fire Engineering – Central Hotel Exit Stair.
- Fire Engineering – Travel Distances to Exits – Excessive.
- Fire Engineering – Path of Travel Widths – Undersized.
- Fire Engineering – Discharge from Fire-Isolated Stairways – Protection.
- Fire Engineering – Travel via Fire-Isolated Stairways – Discharge Location.
- Fire Engineering – Non-Fire Isolated Required Exit Stair – Discharge.
- Fire Engineering – Door Latching in Fire Mode – Not to Fail Safe Unlock.
- Fire Engineering – Operation of a Latch
- Fire Engineering – Fire Hydrant System – Location.
- Fire Engineering – Hydrant Landing Valves – Locations.
- Fire Engineering – Fire Hose Reel System – Omission.
- Fire Engineering – Atrium Provisions.
- ESD Consultant – Section J Compliance issues.
- Façade Engineer – External façade weatherproofing design.

Further consideration and review with respect to compliance with the Disabled Access, and Section J Energy Efficiency, and Weatherproofing of the facade provisions will be undertaken by suitably qualified consultants which will form part of the CC Documentation.

Notwithstanding the above comments we note that specific detailed compliance with the BCA is not a prescribed head of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 and accordingly, we trust that the determination of the development application will not be subject to the assessment of any technical matters under the state's building regulations.

As the works relate to alterations, additions, modification or change of use to an existing building, we bring to the Consent Authorities attention their responsibility under Clause 64 of the Environmental Planning & Assessment Regulation 2021, with the assessment of these requirements being a defined Section 4.15(1)(a)(iv) Head of Consideration as part of the assessment of the Development Application, this has not been undertaken by Group DLA and should the consent authority have any additional requirements as a result of this obligation then a request for additional information is to be made to the applicant.

In this regard and pursuant to Clause 36 of the Environmental Planning & Assessment Regulations 2021 ("EP&A Regs 2021"), we trust that the Consent Authority will not require any additional information in the determination of the development application for technical BCA matters that will be assessed at the Construction Certificate stage.

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As such we hereby confirm that matters pertaining to compliance with the BCA will be suitably assessed by the appointed Certifying Authority (as supported by Group DLA as the BCA Consultant) prior to the issue of the Construction Certificate in accordance with Clause 69 of the EP&A Regs 2021.

We trust this submission satisfies any concerns of the Consent Authority with compliance of the development with the relevant requirements and provisions of the BCA.

Should you require further assistance or clarification please do not hesitate to contact the undersigned at your convenience.

Yours sincerely



Shane Berry

Technical Director (*Accred. Certifier - A1*)

D +61 2 8090 1493 M +61 448 566 606

sberry@groupdla.com.au

GROUP DLA

Level 7 10 Bridge Street, Sydney, NSW 2000

T +61 8355 3160 F +61 2 8355 3169

www.groupdla.com.au

Appendix A – Documentation

Architectural Plan Documentation Assessed by Snohetta:

Description	Drawing No.	Revision	Date
Cover Sheet + Drawing Index	M3/4 000	E	12.02.2024
M3/4 Site Plan	M3/4 0100	E	12.02.2024
M3/4 Demolition Plan - Basement, Ground (L00)	M3/4 300	E	12.02.2024
M3/4 Demolition Plan - L01, L02	M3/4 301	E	12.02.2024
M3/4 Demolition Plan - L03, Roof	M3/4 302	E	12.02.2024
M3/4 Plan Basement	M3/4 1100	E	12.02.2024
M3/4 Plan L00 - L01	M3/4 1101	E	12.02.2024
M3/4 PLAN L02	M3/4 1102	E	12.02.2024
M3/4 Plan L03 - L04	M3/4 1103	E	12.02.2024
M3/4 Plan L05 - Roof	M3/4 1104	E	12.02.2024
M3/4 GFA Plans	M3/4 1801	E	12.02.2024
M3/4 Elevations - North, East, South, West	M3/4 2000	E	12.02.2024
M3/4 Sections	M3/4 3000	E	12.02.2024
M3/4 Materials Schedule	M3/4 6000	E	12.02.2024

BCA Report

Group DLA DA Stage BCA Report: GDL190311_BCA_M3 M4_RevH dated 27/02/2024.