

Fire and life safety report

Proposed alterations and additions to 'existing dwelling' at 82 Griffiths St Fairlight

Prepared by: Michael Wynn-Jones
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1 Executive Summary

- 1.1.1 My name is Michael Wynn-Jones. I am a Practising Building Surveyor registered at the highest level in NSW as a [Building surveyor—unrestricted \(NSW\)](#) to issue certification with respect to building work.
- 1.1.2 An overview of my curriculum vitae is provided in Appendix A.
- 1.1.3 Acronyms and terms (marked ‘ ’ in this report) are defined in Appendix B.
- 1.1.4 I have prepared this report with respect to the proposed alterations and additions to the ‘existing dwelling’¹, and the use of the ‘completed building’² as a dual occupancy³.
- 1.1.5 The ‘completed building’ will comprise a change of use of the Class 1a ‘existing dwelling’ to a 2 storey Class 2 building containing the ‘existing dwelling’ and ‘new dwelling’, each being a ‘sole occupancy unit’⁴ as recognised by the Building Code of Australia (‘BCA’).
- 1.1.6 The purpose of this report is to respond to ‘Council’s letter’⁵ by providing some recommendations with respect to the extent to which the ‘existing dwelling’ should be upgraded pursuant to Section 62 and Section 64 of the ‘EPA’ Regulation’⁶.
- 1.1.7 This report responds to ‘Council’s letter’ by providing an overview of the fire protection and fire safety ‘DTS Provision/s’⁷ that apply to the ‘completed building’⁸, and recommendations with respect to upgrading the ‘existing dwelling’ to ensure that the ‘fire protection and structural capacity’⁹ and ‘Category 1 fire safety provisions’¹⁰ will be appropriate for the change of use of the ‘existing dwelling’.

¹ ‘existing dwelling’ means the existing building subject to the proposed alterations and additions depicted in the ‘relevant plans’

² ‘completed building’ means the 2 storey Class 2 building comprising the ‘existing dwelling’ on the Ground floor and the ‘new dwelling’ on the first floor

³ The proposal depicted in Development Application DA2024/0326

⁴ ‘sole occupancy unit’ means a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes

(1) a dwelling; or

(2) a room or suite of rooms in a Class 3 building which includes sleeping facilities; or

(3) a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or

(4) a room or suite of associated rooms in a Class 9c building, which includes sleeping facilities and any area for the exclusive use of a resident.

⁵ Council letter dated 30 May 2024, a copy of which is provided in Appendix C

⁶ relevant version of NSW Environmental Planning & Assessment Act 1979

⁷ ‘BCA’ provisions deemed to satisfy the ‘Performance Requirements’. Building work must comply with the ‘Performance Requirements’ in order to comply with the ‘BCA’ (‘BCA’)

⁸ The relevant ‘DTS Provision/s’ are Fire resistance (Section 3 of this report), Access and egress (Section 4 of this report), and Services and Equipment (Section 5 of this report)

⁹ “the structural strength and load-bearing capacity of the building; and the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire; and the measures to restrict the spread of fire from the building to other buildings nearby. (‘EPA’ Regulation)”

¹⁰ ‘PR’ E1P3, E1P4, E1P6, E2P1, E2P2 & E3P2 in the ‘BCA’ (‘EPA’ (fire) Regulation’)

- 1.1.8 The following is a summary of the upgrading that I propose for the 'existing dwelling' pursuant to Section 62 and Section 64 of the 'EPA' Regulation':
- (a) The proposed floor separating the dwellings must comply as 'required' by installing a 'fire-protective ceiling' to the underside of the floor separating the dwellings (S5C24 (1)(e)) (3.2.9).^{11 12}
 - (b) The 'existing entry doorway' and existing walls bounding the 'existing porch' must be upgraded where required to ensure this area on the Ground floor complies with the relevant bounding construction 'Performance Requirement/s'. The extent of the upgrading may need to be subject to a 'Performance Solution/s' (C4D12) (3.4.2(c)).^{13 14 15 16}
 - (c) The proposed and existing construction adjacent to and bounding the 'proposed stair' must be upgraded where required to ensure compliance with the relevant bounding construction 'Performance Requirement/s'. The extent of the upgrading may need to be subject to a 'Performance Solution/s' (C4D12) (3.4.2(d)).¹⁷
 - (d) Proposed 'opening/s' for services in the 'fire-protective ceiling' that will be provided to the underside of the floor separating the dwellings must comply as 'required' (C4D13) (3.4.3).¹⁸
 - (e) The 'existing dwelling' must be served by an automatic smoke detection and alarm system complying with Specification 20 in the 'BCA' as 'required' (E2D8) (5.2.1).
 - (f) The extent to which the 'existing porch' serving the 'existing dwelling' must be served by emergency lighting, exit signs and/or warning systems will need to be addressed in conjunction with the 'proposed building work' (Part D4) (5.4.2).

¹¹ 'required' means as 'required' by a 'DTS Solution/s'

¹² 'fire-protective ceiling' is 13 mm fire-protective grade plasterboard or other material not less fire-protective than 13 mm fire-protective grade plasterboard, fixed in accordance with the normal trade practice for a 'fire-protective covering'

¹³ 'existing entry doorway' means the existing doorway in the Eastern elevation that serves as the main entry to and egress from the 'existing dwelling'

¹⁴ 'existing porch' means the porch (East elevation) used as the entry to/exit from the 'existing dwelling'

¹⁵ 'Performance Requirement/s' are requirements which state the level of performance which a 'Performance Solution/s' or 'DTS Provision/s' must meet ('BCA').

¹⁶ 'Performance Solution/s' are a method of complying with the 'Performance Requirements' other than by a 'DTS Solution/s' ('BCA').

¹⁷ 'proposed stair' means the 'proposed stair' that will only serve the 'new dwelling' and will provide direct egress to 'open space'

¹⁸ 'opening/s' means openings subject to Part C4 of the 'BCA' that are 'required' to be fire protected to prevent the spread of fire

- 1.1.9 I provide the following recommendations with respect to Section 62 and Section 64 of the 'EPA' Regulation':
- (a) The 'existing dwelling' is served by the 'Category 1 fire safety provisions' that would apply to a Class 2 building required to be 'Type C construction' (6.1.2(a))
 - (b) Certification from a 'Professional engineer' to the effect that the 'existing dwelling', including the footing system, has the structural strength and load-bearing capacity to cater for the 'proposed building work' is submitted to Council, and the registered certifier engaged to issue relevant construction certificate, prior to the issuance of that certificate (6.1.2(b)).¹⁹
- 1.1.10 It is my opinion that the measures contained in the 'completed building' will be adequate to protect persons using the building if there is a fire, and to facilitate the safe egress of persons using the building from the building if there is a fire, and to restrict the spread of fire from the building to other buildings nearby, where:
- (a) the 'existing dwelling' is upgraded as recommended in 1.1.8 in this report
 - (b) the certification from a 'Professional engineer' (as referred to in 6.1.2(b)) confirms that the 'existing dwelling' has the structural strength and load-bearing capacity to cater for the 'proposed building work'; and
 - (c) the 'proposed building work' complies with the relevant version of the 'BCA'



Michael Wynn-Jones

B App Sc (Bld Surv)(Hons), M App Sc (Fire Safety Design)

[Building surveyor—unrestricted \(NSW\)](#)

for Michael Wynn-Jones & Associates

¹⁹ 'Professional engineer' is a person who is registered in the relevant discipline on the National Engineering Register (NER) of the Institution of Engineers Australia (which trades as 'Engineers Australia'); or eligible to become registered on the Institution of Engineers Australia's NER and has appropriate experience and competence in the relevant field.

2 Introduction

- 2.1.1 The NSW legislation requires that proposed building work subject to Development Consent must comply with the version of the 'BCA' in force when the application for the relevant construction certificate ('CC') is lodged.
- 2.1.2 Where Development Consent is required and the proposed building work will include a change of building use the consent authority may require the upgrading of the 'existing dwelling' pursuant to Section 62 and Section 64 of the 'EPA' Regulation'²⁰.
- 2.1.3 Compliance with the 'BCA' can only be achieved by complying with the relevant 'Performance Requirement/s' in the 'BCA'. 'Performance Requirement/s' are satisfied by a 'DTS Solution/s', 'Performance Solution/s', or a combination thereof.
- 2.1.4 A reference to a Section, Part, clause number or the like (in brackets) in this report is a reference to a 'DTS Solution/s' or a 'Performance Requirement/s', as the case may be.
- 2.1.5 The proposed building work will result in the conversion of the 'existing dwelling' to a 2 storey Class 2 building containing 2 dwellings, each being a separate 'sole occupancy unit' (referred to as the 'completed building' in this report).
- 2.1.6 This report is limited to providing an overview of the 'existing dwelling', the proposed building work and the 'completed building' in terms of compliance with the following 'DTS Provision/s' relevant to 'fire protection and structural capacity' and 'Category 1 fire safety provisions', as these matters are addressed in Section 62 and Section 64 of the 'EPA' Regulation':
- (a) Fire resistance (Section 3 of this report)
 - (b) Access and egress (Section 4 of this report), and
 - (c) Services and Equipment (Section 5 of this report).

²⁰ relevant version of NSW Environmental Planning & Assessment Regulation

3 Fire resistance

3.1 Determining the Type of fire resisting construction

- 3.1.1 A Class 2 to 9 building must be either Type A, Type B or Type C Fire Resisting Construction. The 'required' ²¹ Type of Construction is determined based on the class, rise in storeys, and, where 'required', the floor area and volume of a building.
- 3.1.2 This initial step is to determine the preliminary Type of Construction by determining the class (use) (Part A6) and rise in storeys (C2D2, C2D3 and Table C2D2) of the building.
- 3.1.3 The final Type of Construction for buildings other than Class 2 buildings or parts is determined by ensuring that the floor area and volume for the building complies with the floor area and volume limitations (C3D3). These limitations do not apply to Class 2 building.
- 3.1.4 The 'completed building' will have a rise in storeys of 2 (C2D3).
- 3.1.5 The 'required' Type of fire resisting construction is determined based on the building class and the rise in storeys (C2D2 and Table C2D2).
- 3.1.6 The preliminary 'required' Type of construction is Type B construction (Table C2D2). Given that the floor area and volume limitations (C3D3) do not apply (as the 'completed building' will be Class 2) the final 'required' Type of construction pursuant to Table C2D3 is Type B construction.
- 3.1.7 A concession (C2D6) allows 'Type C construction'²² notwithstanding (Table C2D3): "A building having a rise in storeys of 2 may be of 'Type C construction' if—
- (a) it is a Class 2 or 3 building or a mixture of these classes and each 'sole occupancy unit' has—
 - (i) access to at least 2 exits; or
 - (ii) its own direct access to a road or 'open space' ²³; or
 - (iii) omitted for clarity.
- 3.1.8 The concession (C2D6) allowing 'Type C construction' applies as the 'existing dwelling' has access to at least 2 exits, and the 'new dwelling' will have its own direct access to 'open space' via the 'proposed stair' ²⁴ and 'proposed porch' ²⁵.
- 3.1.9 Where it is determined that the concession (C2D6) does not apply as the a 'new dwelling' does not have its own direct access to 'open space' a 'Performance Solution/s' will likely demonstrate that 'Type C construction' is appropriate as the proposal is consistent with the intent of C2D6.

²¹ means as 'required' by a 'DTS Solution/s'

²² the lowest type of fire resisting construction pursuant to Section C of the 'BCA'

²³ space on the allotment, or a roof or similar part of a building adequately protected from fire, open to the sky and connected directly with a public road ('BCA')

²⁴ 'proposed stair' that will only serve the 'new dwelling' and will provide direct egress to 'open space'

²⁵ proposed porch on the Ground floor that will be external to the external walls of the 'completed building', and will provide direct egress to open space

3.2 Type C fire resisting construction (Part C2)

- 3.2.1 I provide the following overview of fire resistance.
- 3.2.2 The requirements for 'Type C construction' are relevant (S5C24 and Table S5C24a to Table S5C24e in Specification 5) and apply to the 'completed building'.
- 3.2.3 The external walls of the 'completed building' require no 'fire resistance level' ('FRL') as they are more than 1.5 m from a 'fire-source feature' (side or rear lot boundary) (Table S5C24a).
- 3.2.4 External columns more than 1.5 m from a 'fire-source feature' that are not incorporated into an external wall require no 'FRL' (Table S5C24b).
- 3.2.5 No common walls or fire walls are 'required' or proposed (Table S5C24c).
- 3.2.6 No proposed internal walls are 'required' to be fire resisting as no internal walls:
- (a) bound public corridors, public lobbies and the like.
 - (b) bound or are between a 'sole occupancy unit'.
 - (c) bound a stair 'required' to be rated (Table S5C24d).
- 3.2.7 No roof is 'required' to achieve a 'FRL' or be fire resisting (Table S5C24e).
- 3.2.8 The following 'DTS Provision/s' apply to the floor that will separate the storeys (and the 'sole occupancy unit'/s) in the 'completed building' (S5C24):
- (1) (e) In a Class 2 or 3 building, except where within the one sole-occupancy unit, or a Class 9a health-care building, or a Class 9b building, a floor separating storeys, or above a space for the accommodation of motor vehicles or used for storage or any other ancillary purpose, and any column supporting the floor, must-
 - (i) have an 'FRL' of at least 30/30/30; or
 - (ii) have a 'fire-protective covering' on the underside of the floor including beams incorporated in it and around the column, if the floor or column is combustible or of metal
- 3.2.9 The proposed floor separating the dwellings must comply as 'required' by installing a 'fire-protective ceiling' to the underside of the floor separating the dwellings (S5C24 (1)(e)) (3.2.9).

3.3 Compartmentation and separation (Part C3)

3.3.1 I provide the following overview of compartmentation and separation.

3.3.2 The following 'DTS Provision/s' (Part C3) do not apply to the 'existing dwelling':

- (a) General floor area and volume limitations (C3D3)
- (b) Large isolated buildings (C3D4)
- (c) Requirements for open spaces and vehicular access (C3D5)
- (d) Class 9 building (C3D6)
- (e) Vertical separation of openings in external walls (C3D7)
- (f) Separation by fire walls (C3D8)
- (g) Separation of classifications in the same storey (C3D9)
- (h) Separation of classifications in different storeys (C3D10)
- (i) Separation of lift shafts (C3D11)
- (j) Stairways and lifts in one shaft (C3D12)
- (k) Separation of equipment (C3D13)
- (l) Electricity supply system (C3D14)
- (m) Public corridors in Class 2 and 3 buildings (C3D15).

3.4 Protection of openings (Part C4)

- 3.4.1 I provide the following overview of the protection of 'opening/s'²⁶ 'DTS Provision/s'.
- 3.4.2 The following comments are provided with respect to the 'DTS Provision/s' based on the assumption that the 'completed building' is only required to be 'Type C construction':
- (a) The 'opening/s' in external walls of the 'completed building' are not required to be protected as the external walls are more than 1.5 m from a 'fire-source feature', and as such are not 'required' to achieve a 'FRL'²⁷ (C4D3)
 - (b) The following 'DTS Provision/s' do not apply to the 'completed building':
 - (i) 'separation of external walls and associated 'opening/s' in different fire compartments' do not apply (C4D4)
 - (ii) doorways in fire walls and sliding fire doors do not apply as no fire wall is required or proposed (C4D6 and C4D7))
 - (iii) protection of doorways in horizontal exits do not apply as no fire wall is required or proposed (C4D8)
 - (iv) protecting 'opening/s' in fire-isolated exits (C4D9), service penetrations in fire-isolated exits (C4D10), and 'opening/s' in fire-isolated lift shafts do not apply as these fire isolated shafts are not required or proposed (C4D11)
 - (c) The 'existing entry doorway' and existing walls bounding the 'existing porch' must be upgraded where required to ensure this area on the Ground floor complies with the relevant bounding construction 'Performance Requirement/s'. The extent of the upgrading may need to be subject to a 'Performance Solution/s' (C4D12) (3.4.2(c)).
 - (d) The proposed and existing construction adjacent to and bounding the 'proposed stair' must be upgraded where required to ensure compliance with the relevant bounding construction 'Performance Requirement/s'. The extent of the upgrading may need to be subject to a 'Performance Solution/s' (C4D12) (3.4.2(d)).
- 3.4.3 Proposed 'opening/s' for services in the 'fire-protective ceiling' that will be provided to the underside of the floor separating the dwellings must comply as 'required' (C4D13) (3.4.3).
- 3.4.4 The 'DTS Solution/s' for 'opening/s' in shafts (C4D14), service installations (C4D15), construction joints (C4D16), and 'protected columns' (C4D17) are noted.

²⁶ openings subject to Part C4 of the 'BCA' that are 'required' to be fire protected to prevent the spread of fire

²⁷ 'fire resistance level' 'required' by the 'BCA'

4 Access and egress

4.1.1 I provide the following overview of the access and egress 'DTS Provision/s' in Section D of the 'BCA' in this Section (4).

4.2 Provision for escape (Part D2)

4.2.1 The 'DTS Provision/s' of Part D2 do not apply to the internal parts of the 'existing dwelling' as it is a residential 'sole occupancy unit' (D2D2).

4.2.2 I provide the following comments with respect to egress from the 'existing dwelling' and compliance with Part D2:

- (a) The number of exits will comply as 'required' (D2D3).
- (b) No exit is required to be fire isolated (D2D4).
- (c) The ~2 m height of the 'existing porch' complies (D2D7 - D2D11).
- (d) The travel via fire-isolated exits 'DTS Provision/s' do not apply (D2D12).
- (e) The exits in lieu of fire-isolated exits 'DTS Provision/s' do not apply (D2D13).
- (f) Travel from the 'existing porch' to open space will comply as 'required' (D2D14).
- (g) Discharge from open space to the public road will need to be addressed (D2D15).
- (h) The requirements for horizontal exits do not apply (D2D16).
- (i) The stairway, ramp and escalator 'DTS Provision/s' do not apply (D2D17).
- (j) The 'number of persons accommodated' calculations do not apply (D2D18).
- (k) The measurement rules are noted (D2D19 – D2D20).
- (l) The concessions (D2D21) and lift pits requirements (D2D22) do not apply.
- (m) The egress from primary schools 'DTS Provision/s' do not apply (D2D23).

4.3 Construction of exits (Part D3)

- 4.3.1 The following 'DTS Provision/s' do not apply to the internal parts of the 'existing dwelling' as the elements are either not part of the 'existing dwelling', not proposed, or not required:
- (a) Fire-isolated stairways and ramps (D3D3) and construction of required exits (D3D4)
 - (b) Rising and descending stair flights (D3D5)
 - (c) Open access ramps/balconies (D3D6) and smoke lobbies (D3D7)
 - (d) Installations in paths of travel and exits (D3D8) and enclosure under exits (D3D9)
 - (e) Width of required stairways/ramps (D3D10) and pedestrian ramps (D3D11)
 - (f) Fire-isolated passageways (D3D12) and open space (D3D13)
 - (g) Goings and risers (D3D14), landings (D3D15(a))
 - (h) Barriers (D3D17), height of barriers (D3D18), and openings in barriers (D3D19)
 - (i) Barrier climbability (D3D20), wire barriers (D3D21), handrails (D3D22)
 - (j) Fixed platforms, walkways, stairways and ladders (D3D23)
 - (k) Doorways and doors – Class 9 (D3D24) and swinging doors (D3D25)
 - (l) Operation of latch (D3D26) and re-entry from fire-isolated exits (D3D27)
 - (m) Signs on doors (D3D28) and protection of openable windows (D3D29)
- 4.3.2 The architect has confirmed that the threshold to the entry door of the 'existing dwelling' that is adjacent the 'existing porch' and forms part of the main entry/exit for the 'existing dwelling' complies (D3D16).

4.4 Access for people with a disability (Part D4)

- 4.4.1 The 'DTS Provision/s' for access for people with a disability do not apply to the internal part of the 'existing dwelling' (Part D4).

5 Services and Equipment

5.1 Fire fighting equipment (Part E1)

- 5.1.1 The 'completed building' is not required to be served by fire hydrants ²⁸ (E1D2), fire hose reels (E1D3), sprinklers (E1D6), portable fire extinguishers (E1D14), or a fire control centre (E1D15).

5.2 Smoke hazard management (Part E2)

- 5.2.1 The 'existing dwelling' must be served by an automatic smoke detection and alarm system complying with Specification 20 in the 'BCA' as 'required' (E2D8) (5.2.1).

5.3 Lift installations (Part E3)

- 5.3.1 The 'completed building' is not required to be served by lifts (Part E3).

5.4 Emergency lighting, exit signs and warning systems (Part E4)

- 5.4.1 The 'existing dwelling' is not required to be served by emergency lighting, exit signs or warning systems as the 'DTS Provision/s' do not apply to the internal part of the 'existing dwelling' (Part D4).
- 5.4.2 The extent to which the 'existing porch' ²⁹ serving the 'existing dwelling' must be served by emergency lighting, exit signs and/or warning systems will need to be addressed in conjunction with the 'proposed building work' (Part D4) (5.4.2).

²⁸ A fire hydrant system must be provided to serve a building having a total floor area greater than 500 m² (E1D2). The 'completed building' will have a floor area not greater than 500 m² (Plan of subdivision printed 29 February 2024 indicates that the 'existing dwelling' has a floor area of 269 m² and that the 'new dwelling' will have a floor area of 115 m²)

²⁹ the porch (East elevation) used as the entry to/exit from the 'existing dwelling'

6 Consideration of fire safety and upgrading

6.1 'Category 1 fire safety provisions'

6.1.1 Section 62 (Consideration of fire safety) of the 'EPA' Regulation' is relevant:

- (1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.
- (2) The consent authority must—
 - (a) consider whether the 'fire protection and structural capacity' of the building will be appropriate to the building's proposed use, and
 - (b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the 'Category 1 fire safety provisions' ³⁰ that are applicable to the building's proposed use.
- (3) Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the 'BCA' or a fire safety standard is in force under the 'EPA' (fire) Regulation'

6.1.2 It is my recommendation that:

- (a) The 'existing dwelling' is served by the 'Category 1 fire safety provisions' that would apply to a Class 2 building required to be 'Type C construction' (6.1.2(a))
- (b) Certification from a 'Professional engineer' ³¹ to the effect that the 'existing dwelling', including the footing system, has the structural strength and load-bearing capacity to cater for the 'proposed building work' is submitted to Council, and the registered certifier engaged to issue relevant construction certificate, prior to the issuance of that certificate (6.1.2(b)).

³⁰ 'PR' E1P3, E1P4, E1P6, E2P1, E2P2 & E3P2 in the 'BCA' ('EPA' (fire) Regulation')

³¹ a person who is registered in the relevant discipline on the National Engineering Register (NER) of the Institution of Engineers Australia (which trades as 'Engineers Australia'); or eligible to become registered on the Institution of Engineers Australia's NER and has appropriate experience and competence in the relevant field.

- 6.1.3 Section 64 (Consent authority may require upgrade of buildings) of the 'EPA' Regulation' is relevant:
- (1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—
 - (a) the proposed building work and previous building work together represent more than half of the total volume of the building, or
 - (b) the measures contained in the building are inadequate—
 - (i) to protect persons using the building, if there is a fire, or
 - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or
 - (iii) to restrict the spread of fire from the building to other buildings nearby.
 - (2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the 'BCA'
 - (3) In this section—

previous building work means building work completed or authorised within the previous 3 years.

total volume of a building means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.
- 6.1.4 It is my opinion that the measures contained in the 'completed building' will be adequate to protect persons using the building if there is a fire, and to facilitate the safe egress of persons using the building from the building if there is a fire, and to restrict the spread of fire from the building to other buildings nearby, where:
- (a) the 'existing dwelling' is upgraded as recommended in 1.1.8 in this report
 - (b) the certification from a 'Professional engineer' (as referred to in 6.1.2(b)) confirms that the 'existing dwelling' has the structural strength and load-bearing capacity to cater for the 'proposed building work'; and
 - (c) the 'proposed building work' complies with the relevant version of the 'BCA'

7 Appendix A (Wynn-Jones CV summary)

- 7.1.1 Former member of several NSW State Government committees that dealt with private certification of building work, the BCA, fire engineering and 'Performance Solution/s'.
- 7.1.2 Board member of NSW Building Professionals Board for over 4 years, and for some of that time was the Deputy President.
- 7.1.3 Practising Building Surveyor, registered at the highest level in NSW as a building surveyor—unrestricted to issue certification with respect to building work.
- 7.1.4 Former Conjoint Professor, School of Architecture and Built Environment at the University of Newcastle
- 7.1.5 Industry Fellow, Centre for Local Government, at the University of Technology.
- 7.1.6 Holder of a Bachelor's degree with honours in Building Surveying and a Master's degree in Fire Engineering
- 7.1.7 Fellow, Australian Institute of Building Surveyors and Australian Institute of Building.
- 7.1.8 Relevant experience:
 - (a) 13 years' as a Local Government Building Surveyor which included approving and inspecting all classes of buildings;
 - (b) 15 years' as a University lecturer at Western Sydney University which included lecturing on the approval and construction of all classes of buildings;
 - (c) Over 20 years lecturing on the BCA and certification of building work at the University of Technology's Centre for Local Government;
 - (d) Former Head of Program for separate Post Graduate courses in Building Surveying, Fire Safety Engineering and Design in Bushfire Prone Areas at Western Sydney University;
 - (e) Over 30 years as a Building Regulations consultant and expert to Local and State Government and to the private sector;
 - (f) Consultant to NSW State Government on the introduction of the 'certification of building work' legislation in NSW in 1997 and 1998;
 - (g) Co-author of one of the first accreditation schemes for private certification authorised by the NSW State Government in 1998;
 - (h) Consultant to the NSW State Government on the NSW Housing Code, the NSW Commercial and Industrial Code, and the [Planning Portal](#);
 - (i) Consultant engaged to determine the extent to which an existing building would need to be upgraded to comply with the 'BCA'.
- 7.1.9 Have provided consulting services for over 30 years to the private and public sectors as a 'Building Regulations' expert and consultant in addition to delivering seminars and short courses.

7.1.10 Qualifications:

- (a) M App Sc. (Fire Safety Design) Western Sydney University 1996
- (b) Ass Dip App Sc. (Health & Building Surveying) TAFE NSW 1988
- (c) B App Sc. (Building Surveying) (hons) University Technology Sydney 1986
- (d) Registered in NSW as Building surveyor (unrestricted) or equivalent since 2003
- (e) Qualified Fire Engineer
- (f) Preferred certifier for 2000 Olympics - Olympic Coordination Authority
- (g) Approved "Train the Trainer"
- (h) Qualified Assistant Health Surveyor
- (i) Qualified Principal Building Surveyor

7.1.11 Employing:

- (a) Michael Wynn-Jones & Associates (February 1993 - present):
 - (i) Director
 - (ii) Consultant/educator (building regulations/certification of buildings)
- (b) Western Sydney University (1993 – 2008):
 - (i) Lecturer in undergraduate Building and Building Surveying degrees
 - (ii) Lecturer/Head of Program, Master of Building Surveying (2000-2007)
 - (iii) Head of Program, Graduate Diploma - Design bushfire prone areas (2004)
 - (iv) Lecturer/Head of Program, Master of Fire Safety Engineering (2000-2003)
- (c) Blacktown City Council (1980 – 1993):
 - (i) Senior Building Surveyor (3 years)
 - (ii) Building Surveyor (5 years)
 - (iii) Trainee Building Surveyor (5 years).

8 Appendix B (Acronyms and terms)

8.1.1 I use the following acronyms in this report:

- | | |
|-----------|---|
| • 'ABCB' | • Australian Building Codes Board |
| • 'BCA' | • Volume 1 of the Building Code of Australia 2022 |
| • 'CC' | • Construction certificate (allows 'building work' to commence) |
| • 'DA' | • Development application |
| • 'DC' | • Development Consent (consents to building work and use) |
| • 'DTS P' | • Deemed-to-satisfy provision |
| • 'DTS' | • Deemed-to-satisfy as referred to in the 'BCA' |
| • 'EPA' | • Environmental Planning and Assessment |
| • 'FRL' | • 'fire resistance level' |
| • 'PR' | • 'Performance Requirement/s' |

8.1.2 I use the following terms in this report:

• 'allotment boundary'	• the boundary of an allotment as referred to in the 'BCA'. A side or rear 'allotment boundary' is a 'fire-source feature'
• 'building work'	• any physical activity involved in the erection of a building ('EPA' Act (2024))
• 'Category 1 fire safety provisions'	• 'PR' E1P3, E1P4, E1P6, E2P1, E2P2 & E3P2 in the 'BCA' ('EPA' (fire) Regulation)
• 'class 1a building'	• Class 1a — a single dwelling being— (i) a detached house; or (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; which are not located above or below another dwelling or another Class of building other than a private garage ('BCA').
• 'Class 2 building'	• a building containing two or more sole occupancy units, each being a separate dwelling ('BCA')
• 'completed building'	• the 2 storey Class 2 building comprising the 'existing dwelling' on the Ground floor and the 'new dwelling' on the first floor
• 'compliance solution/s'	• a solution which complies with 'Performance Requirements' and is a 'Performance Solution/s'; or a 'DTS Solution/s'; or a combination thereof ('BCA')
• 'Council's letter'	• Council letter dated 30 May 2024, a copy of which is provided in Appendix C
• 'DTS Provision/s'	• 'BCA' provisions deemed to satisfy the 'Performance Requirements'. Building work must comply with the 'Performance Requirements' in order to comply with the 'BCA' ('BCA')
• 'DTS Solution/s'	• method of satisfying 'DTS Provision/s' ('BCA')
• 'EPA' (fire) Regulation'	• relevant version of NSW Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation
• 'EPA' Act'	• relevant version of NSW Environmental Planning & Assessment Act 1979

• 'EPA' Regulation'	• relevant version of NSW Environmental Planning & Assessment Regulation
• 'EPA' Regulation'	• relevant version of NSW Environmental Planning & Assessment Regulation
• 'existing entry doorway'	• the existing doorway in the Eastern elevation that serves as the main entry to and egress from the 'existing dwelling'
• 'existing porch'	• the porch (East elevation) used as the entry to/exit from the 'existing dwelling'
• 'existing dwelling'	• the existing building subject to the proposed alterations and additions depicted in the 'relevant plans'
• 'fire protection and structural capacity'	• the structural strength and load-bearing capacity of the building; and the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire; and the measures to restrict the spread of fire from the building to other buildings nearby. ('EPA' Regulation')
• 'fire resistance level'	• 'fire resistance level' 'required' by the 'BCA'
• 'fire-protective ceiling'	• 13 mm fire-protective grade plasterboard or other material not less fire-protective than 13 mm fire-protective grade plasterboard, fixed in accordance with the normal trade practice for a 'fire-protective covering'
• 'fire-protective covering'	• means a 'fire-protective covering' as defined in the 'BCA', which includes the 'fire-protective ceiling' referred to in this report
• 'fire-source feature'	• a far boundary of a road, river, lake or the like adjoining the allotment, or a side or rear 'allotment boundary', or an external wall of another building on the allotment which is not a Class 10 building ('BCA')
• 'new dwelling'	• proposed new dwelling on the first floor
• 'open space'	• space on the allotment, or a roof or similar part of a building adequately protected from fire, open to the sky and connected directly with a public road ('BCA')
• 'opening/s'	• openings subject to Part C4 of the 'BCA' that are 'required' to be fire protected to prevent the spread of fire

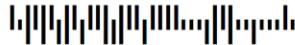
• 'Performance Requirement/s'	• requirements which state the level of performance which a 'Performance Solution/s' or 'DTS Provision/s' must meet ('BCA').
• 'Performance Solution/s'	• method of complying with the 'Performance Requirements' other than by a 'DTS Solution/s' ('BCA').
• 'Professional engineer'	• a person who is registered in the relevant discipline on the National Engineering Register (NER) of the Institution of Engineers Australia (which trades as 'Engineers Australia'); or eligible to become registered on the Institution of Engineers Australia's NER and has appropriate experience and competence in the relevant field.
• 'proposed building work'	• alteration of the 'existing dwelling', and the construction of a new dwelling on the proposed first floor as depicted in the 'relevant plans'
• 'proposed porch'	• proposed porch on the Ground floor that will be external to the external walls of the 'completed building', and will provide direct egress to open space
• 'proposed stair'	• 'proposed stair' that will only serve the 'new dwelling' and will provide direct egress to 'open space'
• 'public corridor'	• an enclosed corridor, hallway or the like which— serves as a means of egress from 2 or more sole-occupancy units to a required exit from the storey concerned; or is required to be provided as a means of egress from any part of a storey to a required exit ('BCA').
• 'relevant plans'	• DA 100.01, DA 050.01, DA 200.01, DA 2001.01, DA 202.01, DA 351.01, DA 352.01, DA 400.01, DA 401.01, and DA 101.01 by MATT DAY ARCHITECT
• 'required'	• means as 'required' by a 'DTS Solution/s'

<ul style="list-style-type: none">• 'sole occupancy unit'	<ul style="list-style-type: none">• a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes (1) a dwelling; or (2) a room or suite of rooms in a Class 3 building which includes sleeping facilities; or (3) a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or (4) a room or suite of associated rooms in a Class 9c building, which includes sleeping facilities and any area for the exclusive use of a resident.
<ul style="list-style-type: none">• 'Type C construction'	<ul style="list-style-type: none">• the lowest type of fire resisting construction pursuant to Section C of the 'BCA'

9 Appendix C (Council 30 May 2024 letter)



30 May 2024


Day Bukh Architects
Level 1 Suite 1 6 Waratah Street
MONA VALE NSW 2103

Dear Sir,

Development Application No: DA2024/0326 for Alterations and additions and use as a dual occupancy (attached) and strata subdivision at 82 Griffiths Street FAIRLIGHT.

I refer to your Application which is under assessment by Council.

The assessment of your application has revealed issues, which prevent Council from supporting the proposal.

The following is a list of the issues and concerns identified in the assessment:

1. Change of Building Classification – BCA/Fire Audit Report

The following comments have been provided by Council's Building Control:

The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department.

The proposal involves a Change of Building Use (Change of Classification) and as such a 'Building Code of Australia (BCA) Assessment Report' / 'Fire Audit Report' from an appropriately qualified Registered Certifier will need to be submitted prior to further assessment by Building Control addressing the following:*

The report is required to have regard to Section 62 and where relevant Section 64 of the Environmental Planning and Assessment Regulations and is to detail the extent to which the existing building does or does not comply with the deemed-to satisfy provisions of Sections C, D, E and F of the Building Code of Australia. The report is to also provide recommendations with respect to the existing building / works required to ensure that the specified measures and facilities contained in the existing building, including any modifications to be made by the proposed development are appropriate.

**To be regarded as an "appropriately qualified registered certifier" the certifier must hold the relevant level of accreditation that would enable the certifier to issue a construction certificate for the subject building.*

Options Available to the Applicant

Council is providing you with two (2) options to progress the handling of your application:

t 1300 434 434
e council@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au
PO Box 82 Manly NSW 1655
ABN 57 284 295 198

Dee Why Office:
725 Pittwater Road
Dee Why NSW 2099

Mona Vale Office:
1 Park Street
Mona Vale NSW 2103

Manly Office:
1 Belgrave Street
Manly NSW 2095



1. Prepare and submit further supporting information/amendments to address the above issues. Please read carefully the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Submitting further information/amendments

If you choose to amend your application, we strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements before proceeding to lodge any documentation on the NSW Planning Portal.

Council will offer **one** opportunity to provide feedback on your proposed information/amendments before they are permitted to be uploaded on the Portal. Please ensure that the proposed information/amendments submitted on the Portal is a genuine attempt to resolve the issues as Council will not seek any further information/amendments and once received, Council will proceed to assess and determine the application on the information without further consultation.

Council reserves its rights under the *Environmental Planning and Assessment Regulations* clause 37 to not accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021* you are advised that this application was accepted on 1 May 2024 and 29 days in the assessment period has now elapsed.

Please advise of your selected option by responding to this letter within 7 days of the date of this letter by email sent to council@northernbeaches.nsw.gov.au that is marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not proposing to make any changes to your application and it will be determined in its current form.

In the event that it is your intention to resolve the issues identified above and select Option 1, conceptual amendments are to be provided to Council for feedback **within 14 days of the date of this letter**. Upon receipt of conceptual amendments, Council will consider their adequacy and if deemed sufficient, will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal. Such a time frame will generally be 14 days.

Please note, where an application is amended by association, this may necessitate updating or amending supporting documentation, (e.g. BASIX certificate, Bushfire



Report, Geotechnical Report, etc). Failure to do so may restrict Council's authority to support your application.

Should you wish to discuss any issues raised in this letter, please contact Jordan Davies on 1300 434 434 during business hours Monday to Friday.

Yours faithfully,



Jordan Davies
Principal Planner

LAST PAGE