



STATUTORY COMPLIANCE REPORT

Building Code Audit Report
52 Raglan Street, Manly NSW

Client	Northern Beaches Council
Report No.	J3002
Revision	FINAL
Date	30/08/2019

EXECUTIVE SUMMARY

Building

TABLE 1: BUILDING AND LOCATION

Client	Nothern Beaches Council
Building:	Building Code Audit Report
Project Address	52 Raglan Street, Manly NSW

Assessment - Requirements

TABLE 2: REQUIRED CONSIDERATIONS IN LEGISLATION

Clause	Issue	Applicable	Assessed
Environmental Planning and Assessment Regulation 2000			
93	Change of building use (BCA classification proposed)	Yes	Yes
94	Development involves >50% of volume of building, including previous 3 years.	No	No
94	Inadequate egress &/or prevention of fire spread measures	Yes	Yes
98	Condition on DA, new works to comply with BCA	Yes	Yes
143	Change of building use (BCA classification proposed)	Yes	Yes
143	No upgrading conditions – development will not reduce existing level of fire safety	Yes	Yes
143	Proposed works not to reduce structural capacity of the building	Yes	Yes
145	Proposed works to comply with BCA	Yes	Yes
Disability (Access to Premises – Buildings) Standards 2010			
DAPS	New part to comply with Access Code	Yes	No
DAPS	Affected part upgrading required	Yes	No

Assessment – Outcomes

Clause 93 – Change of BCA Classification – Fire Protection

TABLE 3: SCHEDULE OF WORKS TO BE INCLUDED IN CONSTRUCTION CERTIFICATE DOCUMENTATION

No.	Issue	BCA
1.	Permanent barriers are put in place to physical restrict access to the lower basement level store and that all stored materials within the space are removed such that the area is not considered a 'storey'.	Spec C1.1

Clause 93 – Change of BCA Classification – Structural

TABLE 4: EP&A REG REQUIREMENTS

Issue	Assessment
Structural strength and capacity on the existing floors not to be reduced by new works and must be capable of supporting newly imposed loads	Structural engineer to confirm for Construction Certificate.

Clause 93 – Change of BCA Classification – Category 1 Fire Safety Provisions

TABLE 5: EP&A REG REQUIREMENTS

Provision	Measure	Comment
EP1.3	Fire hydrants	Hydraulic engineer to review pressures and flows test information for the existing street hydrants to verify compliance with AS2419.1-2005.
EP1.4	Sprinklers	Not Required
EP1.6	Fire control centres	Not Required
EP2.1	Smoke hazard management - Sleeping occupants	Not Required. Notwithstanding a smoke detection and alarm system has been provided throughout the building. We recommend that the existing installations are reconfigured to accommodate the new layout.
EP2.2	Smoke hazard management - General	Not Required
EP3.2	Emergency lift	Not Required

Clause 94 – Inadequate Egress and Fire Protection

TABLE 6: SCHEDULE OF WORKS TO BE INCLUDED IN CONSTRUCTION CERTIFICATE DOCUMENTATION

Item No	Location	Commentary	BCA
2.	Central stair between ground & First Floor	Council advises that carriers will be put in place so that access to the stair is physically restricted.	D1.6
3.	External stair flight to Kangaroo Lane	Council advises that carriers will be put in place so that access to the stair is physically restricted.	D1.6, D2.13, D2.15 & D2.17
4.	Western Exit Door (storeroom)	<ol style="list-style-type: none"> 1. Install warning signage on internal approach to exit door. 2. Signage is to read “Caution – Watch Step” with black lettering on a yellow background. 3. Signage is to be positioned on the wall adjacent the latch side of the door with the bottom edge positions at 1200mm – 1300 mm above FFL. 4. Install minimum 50mm wide non-slip (P5 slip resistance rating) contrasting edging (e.g. yellow) to the external edge of the door threshold. 	D2.15

Proposed Performance Solutions – Existing works

TABLE 7: DTS NON-COMPLIANCES TO BE ADDRESSED PERFORMANCE BASED DESIGN SOLUTIONS

No.	Issue	BCA
5.	Extended travel distances to a point of choice between alternative exits up to 25.0m from the northern plant room.	D1.4

Notable Compliance Matters – Proposed Works

TABLE 8: NOTABLE BCA/DAPS COMPLIANCE MATTERS TO BE INCLUDED IN COMPLETED DESIGN

No.	Issue	BCA
1.	Nil	

Glossary of Terms

The 'Glossary of Terms' detailed in ATTACHMENT A includes definitions and/or explanations of the various terms used throughout this report.

Basis

The inspections and information relied upon in the preparation of this report are detailed in ATTACHMENT B: Basis

Application

This report applies to 52 Raglan Street, Manly NSW and is for the exclusive use of Northern Beaches Council.

This report should not be used in full or part to support any other development or any issue identified in relation to this or any other development. DPC do not warrant or will not accept any responsibility for misuse of the report as well as any discussions or outcomes within this report.

History

Date	Revision	Extent of Revision
05/08/2019	DRAFT	
30/08/2019	FINAL	

Project Contact

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INTRODUCTION

Brief & Scope

DPC have been engaged by Northern Beaches Council to undertake a review of the lower ground floor portion of the existing building and design documentation available with a view to determine the proposals capability to achieve compliance with the relevant statutory requirements, such as the Environmental Planning and Assessment Regulation 2000 ("the Regulation") and provide recommendations as to the works required to achieve the specified outcomes of this legislation.

Summary Description

Proposed Development

The proposed development primarily includes the following components:

- Change of use and internal alterations to the lower ground floor level of the existing pub / hotel building to be used as a Council Public Administration space.

Property Description

TABLE 9: PROPERTY DESCRIPTIONS

Address	52 Raglan Street Manly NSW
Title	Lot 2810 DP726668
Surrounds	The site is bounded by Kangaroo Street to the West, Kangaroo Lane to the to the East, Raglan Street to the South and an existing childcare premise to the North.



FIGURE 1: SITE LOCATION AND SURROUNDS

BCA 'Description'

TABLE 10: CURRENT CODE OUTLINE DESCRIPTIONS

BCA Classifications:	Level	Use	Classification
	Basement	Store	7b
	Lower Ground Floor	Pub/Hotel	6
	Upper Ground Floor	Offices	5
Rise in Storeys	3		
Type of Construction	Type B		
Effective Height	<12m		
Large Isolated Building	No		
Compartmentation	No		
United Building	No		
Existing Fire Fighting Equipment	<ul style="list-style-type: none"> • Fire hose reels • Emergency lighting • Exit signage • Automatic smoke detection • Portable fire extinguishers 		

TABLE 11: PROPOSED CODE OUTLINE DESCRIPTIONS

BCA Classifications:	Level	Use	Classification
	*Basement	Nil	Nil
	Lower Ground Floor	Public Administration	5
	Upper Ground Floor	Offices	5
	*Note – The proposal includes ceasing of the use of the existing basement level and removal of all stored materials.		
Rise in Storeys	2		
Type of Construction	Type C		
Effective Height	<12m		
Large Isolated Building	No		
Compartmentation	No		
United Building	No		
Fire Fighting Equipment	<ul style="list-style-type: none"> • Fire hydrants • Fire hose reels • Emergency lighting • Exit signage • Portable fire extinguishers 		

PERFORMANCE SOLUTIONS

Existing Performance Solutions

Base Building – Fire Safety

TABLE 12: FIRE ENGINEERING REPORTS – BASE BUILDING

Fire Engineer	Report No.	Rev	Date
Nil identified			

Base Building – Others

TABLE 13: PERFORMANCE BASED DESIGN SOLUTIONS – BASE BUILDING

Consultant	Report No.	Date	Matters Address
Nil identified			

Tenant – Fire Safety

TABLE 14: FIRE ENGINEERING REPORTS - TENANT

Fire Engineer	Report No.	Date	Matters Address
Nil identified			

Tenant – Others

TABLE 15: PERFORMANCE BASED DESIGN SOLUTIONS

Consultant	Report No.	Date	Matters Address
Nil identified			

ASSESSMENT

The Environmental Planning and Assessment Regulation 2000 (“the Regulation”) and the Disability (Access to Premises – Buildings) Standards 2010 (“DAPS”) are the principal legislative instruments that detail the extent to which the fire safety, access, egress and structural capacity of the building must be considered when a change in building use &/or additions, alterations or refurbishments are proposed and establishes the criteria as to when upgrading is required and, in some instances, the extent to which that upgrading must occur. Detailed discussions regarding the legislative requirements are included in ATTACHMENT C: Detailed Explanations.

Assessment Summary

TABLE 16: REQUIRED CONSIDERATIONS IN LEGISLATION

Clause	Issue	Applicable	Assessed
Environmental Planning and Assessment Regulation 2000			
93	Change of building use (BCA classification proposed)	Yes	Yes
94	Development involves >50% of volume of building, including previous 3 years.	No	No
94	Inadequate egress &/or prevention of fire spread measures	Yes	Yes
98	Condition on DA, new works to comply with BCA	Yes	Yes
143	Change of building use (BCA classification proposed)	Yes	Yes
143	No upgrading conditions – development will not reduce existing level of fire safety	Yes	Yes
143	Proposed works not to reduce structural capacity of the building	Yes	Yes
145	Proposed works to comply with BCA	Yes	Yes
Disability (Access to Premises – Buildings) Standards 2010			
DAPS	New part to comply with Access Code	Yes	No
DAPS	Affected part upgrading required	Yes	No

Scope

Based on the legislative framework above, the following assessment schedules include our assessment of the proposed development are against the provisions of the BCA in the context of the legislative requirements previously outlined. In this regard, we have considered:

1. The provisions of the Regulation applicable to the compliance and potential upgrading of the existing building.
2. The compliance of the proposed works against the requirements of the BCA.
3. Whether the proposed works will not reduce the level of fire safety achieved by the existing building.
4. Whether the works will adversely impact the structural adequacy of the existing building.

Clause 93 –Fire Protection & Structural Capacity

“Fire protection and structural capacity of a building means:

- (a) the structural strength and load-bearing capacity of the building, and*
- (b) the measures to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and*
- (c) the measures to restrict the spread of fire from the building to other buildings nearby.”*

Structural Strength and Capacity

It is recommended for construction certificate that certification is provided from a practising structural engineer confirming that the structural adequacy of the existing building; will not be reduced as a result of the newly imposed loadings and is appropriate to the proposed new use

Facilitation of Egress

Egress from the lower ground floor part of the building, for the most part is capable of complying with the ‘deemed-to-satisfy’ provisions of the BCA. In this regard we note that egress from the affected part is facilitated by the main entry doors accessed from Raglan Street and the external door in the western wall of the storage room. Both exits provide occupants with direct egress to open space.

Notwithstanding the following compliance departures were identified with the existing building;

Location	Issue	Recommendation	Provision
Central stair between levels	Stair is <1000mm in clear unobstructed width.	On advice received by the client it is understood that barriers will be put in place so that access to the stair is physically restricted. On this basis no upgrading is recommended.	D1.6
External stair flight to Kangaroo Lane	Various compliance departures; <ul style="list-style-type: none"> Stair flight contains excessive and/ or inconsistent riser and going dimensions. Stair width is <1m Handrail height is too low, and not continuous for entire flight. Stair commences too close to door threshold. 	On advice received by the client it is understood that barriers will be put in place so that access to the stair is physically restricted. On this basis no upgrading is recommended.	D1.6, D2.13, D2.15 & D2.17
Western Exit Door (storeroom)	Change in level from door threshold to external concrete surface is >190mm ~250mm	<ol style="list-style-type: none"> 1. Install warning signage on internal approach to exit door. 2. Signage is to read “Caution – Watch Step” with black lettering on a yellow background. 3. Signage is to be positioned on the wall adjacent the latch side of the door with the bottom edge positions at 1200mm – 1300 mm above FFL. 4. Install minimum 50mm wide non-slip (P5 slip resistance rating) contrasting edging (e.g. yellow) to the external edge of the door threshold. 	D2.15

Fire Spread

The direction of fire rating required by the clause is *“from the building to other buildings nearby”*.

The building is required to be of Type B Construction primarily due to the inclusion of the basement store in the Rise in Storeys calculation for the building.

Given the absence of fire ratings between floors and to the loadbearing structure within the building it is considered that compliance cannot be achieved with Spec C1.1, Table 4, without significant fire rating works being undertaken.

Notably, if the building were to have a Rise in Storeys of no more than 2 then Type C Construction would be applicable.

Having regard to this, it is recommended that permanent barriers are put in place to physical restrict access to the lower basement level store and that all stored materials within the space are removed such that the area would no longer constitute being considered as a ‘storey’.

There are no openings in the external wall of the building that are less than 3m from the allotment boundaries.

Clause 93 –Category 1 Fire Safety Provisions

The following measures are required to be provided to the building:

Provision	Measure	Required	Comment
EP1.3	Fire hydrants	Required	Onsite fire hydrants have not been provided to serve the building. It is noted however that a street hydrant is provided at the corner of Raglan & Kangaroo Streets which is capable of providing compliant coverage to the building per the limitations specified by AS2419.1-2005. The level of operational performance of the street hydrant could not be determined from a visual inspection therefore it is recommended that a pressures and flows test is undertaken to verify that compliance with the operational requirements of AS2419.1-2005 can be achieved.
EP1.4	Sprinklers	Not Required	Not Required
EP1.6	Fire control centres	Not Required	Not Required
EP2.1	Smoke hazard management - Sleeping occupants	Not Required	Not Required
EP2.2	Smoke hazard management – General	Required	The building has been provided with an automatic smoke detection and alarm system. Notwithstanding the resultant building is of class 5 offices and will have a Rise in Storeys of only 2 therefore the building is not required to be provided with a smoke detection system.
EP3.2	Emergency lift	Not Required	Not Required

Clause 94 – 50% Rule

Clause 94 of the EP&A Regulation requires the consent authority (e.g. council) to consider the potential upgrading of the building where the application/s relate to >50% of the **volume** of the building. Specifically, this part of the clause states that it *“applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where...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”*

Comment

The proposed works do not affect >50% of the building volume.

Clause 94 – Inadequate Egress and Fire Protection

In addition to the section above, Clause 94 also requires council to consider total or partial upgrading of the building to the current BCA where it considers *“the measures contained in the building are inadequate...to protect persons using the building, and to facilitate their egress from the building, in the event of fire...to restrict the spread of fire from the building to other buildings nearby”*.

Egress

- Refer to clause 93 commentary

Restriction of fire spread

- Refer to clause 93 commentary

Assessment – General Matters

Fire Protection & Structural Capacity

EP&A Regulation defines this to mean:

“Fire protection and structural capacity of a building means:

- (a) the structural strength and load-bearing capacity of the building, and*
- (b) the measures to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and*
- (c) the measures to restrict the spread of fire from the building to other buildings nearby.”*

Further to the above, at construction certificate stage, where upgrading conditions are not applied, the certifying authority is required to ensure that no lesser level of fire protection and structural capacity is afforded to the existing building because of the works.

Structural Capacity

To satisfy the legislation requirements outlined above (and not otherwise addressed in the compliance schedules below), it is considered that following will be required to be submitted with the application for construction certificate:

- Refer to clause 93 commentary

Facilitation of Egress

- Refer to clause 93 commentary

Restriction of Fire Spread

- Refer to clause 93 commentary

Accessibility

We understand that the relevant accessibility requirements have been considered in a separate reporting by others.

Significant Fire Safety Issue Reporting

Whilst not a direct consideration of the development application, prior to the issue of the construction certificate the certifying authority is required to inspect the building and determine as to whether there are any “significant fire issues” that warrant notification to council for action. No significant fire safety issues were identified.

BCA CAPABILITY SCHEDULE

The following is a summary assessment of the **capability** of the proposed **change of use and internal alterations to the lower ground floor** part of the building to comply with the DtS provisions of the BCA. It is important to note that:

- This assessment relates to only to “key” compliance elements of the proposed **new** works.
- Issue of detail have not been considered and have been assumed will be resolved in the for the application for construction certificate.

In no way should this review be considered as verification that the design documentation assessed complies with all aspects of the BCA.

Assessment

Based on our review of the provided design and other documentation listed in ATTACHMENT B: Basis, it is our considered opinion that compliance with the BCA can be achieved subject the inclusion of detail elements and resolution of the following matters:

Section B - Structure

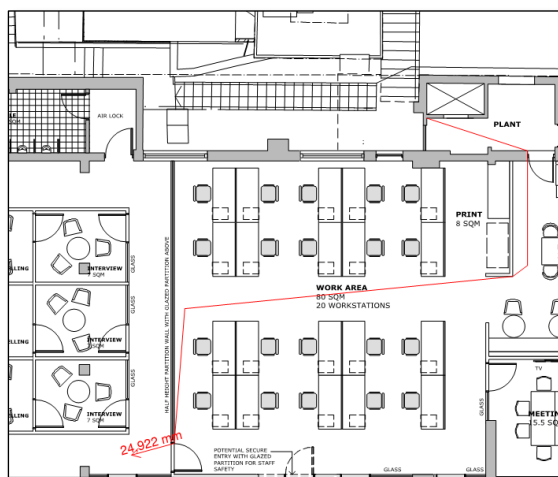
1. Certification from a practising structural engineer that the proposed and imposed loadings will not reduce the structural adequacy of the building.

Section C – Fire Resistance

2. Nil

Section D – Access and Egress

3. Paths of travel between elements are to maintain a minimum 1000mm in clear width. On plan measurements indicate that compliance is readily achievable.
4. Based on the number of seated workstations and seats indicated to the waiting area it is calculated that the ground floor population will be 30 persons.
5. The aggregate egress widths are adequate to serve the proposed populations.
6. Due to the existing poor condition of the northern external stair it is understood that the Council proposes to permanently restrict physical access to the stair. Consequentially this causes extended travel distances to a point of choice between alternative exits from the north eastern corner plant room, being up to 25.0m in lieu of the permitted 20.0m. It is possible that a Fire Engineering Performance Solution could be obtained to resolve the additional distances.



7. The new auto sliding door is required to fail-safe open on power failure and on activation of the smoke detection system installed throughout the floor.
8. The accessibility provisions of BCA Part D have not been considered in preparing this report. We understand that these requirements have been addressed in separate reporting to be provided by others.

Section E – Services and Equipment

9. Onsite fire hydrants have not been provided to serve the building. It is noted however that a street hydrant is provided at the corner of Raglan & Kangaroo Streets which is capable of providing compliant coverage to the building per the limitations specified by AS2419.1-2005.
The level of operational performance of the street hydrant could not be determined from visual inspection therefore it is recommended that a pressures and flows test is undertaken to verify that compliance with the operational requirements of AS2419.1-2005 can be achieved.
10. Fire hose reels have been provided throughout the building in compliant locations i.e. within 4m of exits. For the most part, it would appear that system coverage is afforded to all areas of the building in accordance with the limitations permitted by AS2441-2005.
11. The existing smoke detection system is to be reconfigured to accommodate the new layout.
12. Emergency lighting and exit signage has been provided in various locations throughout the building and is to be reconfigured to accommodate the new layout.

Section F – Health and Amenity

13. Any new works proposed to the existing sanitary facilities are to be adequately waterproofed in accordance with BCA clause F1.7 & AS3740- 2010
14. Any new mechanical exhaust and/or ventilation systems provided to serve the floor are to comply with AS1668.1-2012.
15. Any new artificial lighting provided to serve the floor is to comply with AS1680.0-2009.
16. The number of sanitary facilities proposed are sufficient to serve the proposed staff numbers (27).

Section G- Ancillary Provisions

17. Nil

Section H – Special Use Buildings

18. Nil

Section I

No provisions

Section J – Energy Efficiency

19. Any new exhaust system is to be provided with a self-closing damper.
20. Any new air conditioning and ventilation systems are to comply with Part J5 of the BCA
21. Any new lighting is to comply with to Part J6 of the BCA
22. Any new heated water supply is to comply with Part J7 of the BCA

ATTACHMENT A: GLOSSARY

“The Act” and “EPA Act” means the Environmental Planning and Assessment Act 1979 (NSW). All amendments and references to the Act also mean amendments and references to the Regulations.

“Access Code” means the Access Code contained in the Premises Standards. Includes design requirements for a building to be accessible

“Access way” means a continuous accessible path of travel (as defined in AS1428.1) to, into or within a building.

“Accredited Certifier” or “AC” has the same meaning as “Accredited Certifier” in the Act.

“Affected Part” has the same meaning as that in the Premises Standards, being the Principal Public Entrance to a building and access way to new work.

“Alternative Solution” has the same meaning as “Performance Solution”.

“Ambulant Disabilities” means mobility disability that does not prevent persons from being able to walk.

“AS1428.1” means AS1428 ‘Design for access and mobility’ Part 1: 2009; General requirements for access – New building work’, unless specified.

“AS” means Australia Standard

“Assessment Guidelines” means IFEG and/or the Australian Building Codes Board’s “Development of Performance Solutions – Guidance Document”.

“Building” means that the building or part of the building which is the subject of the Building Works.

“BCA” if not otherwise specified, means National Construction Code 2019 Volume 1 Building Code of Australia Class 2 to 9 Buildings.

“Certificates” mean statutory certificates and non-statutory certificates.

“Certifying Authority” or “CA” means a Certifying Authority within the meaning of the Act.

“Circulation Space” means a clear unobstructed area to enable persons using mobility aids to manoeuvre.

“Competent people” means people authorised to carry out any work associated with Building Works under the Act and includes contractors or independent consultants appropriately experienced and qualified, licenced, accredited or the like to provide design and consultancy services relative to the discipline, building element or service of the Building Works concerned.

“Compliant” means to the standards specified by the Access Code & BCA. Note: works may be specified in this report and may omit reference to ‘compliant’ or a specific standard. Those works are to be ‘compliant’ to the extent required by this definition.

“CDC” or “Complying Development Certificate” or “CDC” means a Complying Development Certificate within the meaning of the Act.

“Consent Authority” or “CA” means a Consent Authority within the meaning of the Act. This is the entity that issues development consents and can include local Council as well as State Government Agencies.

“Construction Certificate” or “CC” means a Construction Certificate within the meaning of the Act. This is the building approval issued by a CA subsequent to the issue of the development consent and prior to the commencement of works.

“DAPS” means the same as Premises Standards.

“Deemed to Satisfy Provision” has the same meaning as the same term in Volumes 1 & 2 of the National Construction Code. These are the prescriptive design standards deemed to achieve compliance with the BCA or Access Code, as applicable.

“Development Consent” means a Development Consent within the meaning of the Act.

“DDA” means the “Disability Discrimination Act 1992”

“DPC”, “we” or “us” means DP Property Consulting Pty Ltd and its staff.

“Fire Engineering Brief”, “FEB” or “Brief” has the same meaning as the term in the IFEG. It is a summary document of proposed assessment methods and goals for a Performance Solution relating to a fire safety matter.

“Fire Engineering Report” or “FER” has the same meaning as the term in the IFEG. It is a detailed report of assessment methods, calculations and outcomes of a Performance Solution relating to a fire safety matter.

“Fire Safety Certificate” means a Fire Safety Certificate within the meaning of the Act.

“Hazard” means any area or fixed object in or immediately adjacent to a direction of travel, which may place people at risk of injury.

“IFEG” means the International Fire Engineering Guidelines 2005.

“Luminance Contrast” means the light reflected from one surface or component, compared to the light reflected from another surface or component.

“Occupation Certificate” or “OC” means an Occupation Certificate within the meaning of the Act. Is required prior to the occupation of a building and/or commencement of a use.

“Order” means an Order within the meaning of the Act.

“Performance Requirement” or “PR” has the same meaning as the term in Volumes 1 & 2 of the National Construction Code.

“Premises Standards” means the “Disability (Access to Premises – Buildings) Standards 2010”

“Performance Solution” has the same meaning as the term in Volumes 1 & 2 of the National Construction Code as in force at the time of application for a CDC or CC including all applicable amendments.

“Principal Certifying Authority” or “PCA” is a building practitioner as defined by the Act

“Regulations” or “EP&A Reg” means the Environmental Planning and Assessment Regulation 2000 (NSW) (as amended) and all applicable amendments.

“State Environmental Planning Policy” or “SEPP” is in n EPI and has the same meaning as in the Act. These apply to specified regions or the entirety of the state of New South Wales as specified in the SEP

“Sanitary Compartment” means a room or space containing a closet pan or urinal.

“Slip Resistant” means a property of a surface having a frictional force-opposing movement of an object across a surface.

“Tactile Ground Surface Indicators” or “TGSIs” means truncated cones and / or bars installed on the ground or floor surface, designed to provide pedestrians who are blind or vision-impaired with warning or directional orientation information.

“Tactile Signs” means signage incorporating raised text, and / or symbols and Braille to enable touch reading by people who are blind or who are vision-impaired.

ATTACHMENT B: BASIS

Reference Documentation

Architectural

Designer

Northern Beaches Council

Project No.

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No.	Title	Date	Rev
A00	SIT EPLAN	AUG 2019	A
A01	LOWER GROUND FLOOR PLAN – EXISTING	AUG 2019	A
A02	UPPER GROUND FLOOR PLAN – EXISTING	AUG 2019	A
A03	LOWER GROUND FLOOR PLAN – DEMOLITION	AUG 2019	A
A04	UPPER GROUND FLOOR PAN – DEMOLITION	AUG 2019	A
A05	LOWER GROUND FLOOR PLAN – PROPOSED	AUG 2019	A
A06	UPPER GROUND FLOOR PLAN – PROPOSED	AUG 2019	A
A07	SOUTH ELEVATION	AUG 2019	A
A08	WEST ELEVATION	AUG 2019	A
A09	NORTH ELEVATION	AUG 2019	A
A10	EAST ELEVATION	AUG 2019	A
A11	LOWER GROUND FLOOR ENTRY AND SIGNAGE	AUG 2019	A

ATTACHMENT C: DETAILED EXPLANATIONS

BCA Compliance

The introduction of the Building Code of Australia 1996 (adopted 1 July 1997) commenced the use of 'performance based building codes' in Australia. BCA 1996 and subsequent amendments and revisions, nominate a series of Performance Requirements that *"outline the levels of accomplishment different buildings must attain. The Performance Requirements are the only NCC hierarchy levels that must be satisfied."*¹ Compliance with a relevant Performance Requirement is achieved in one of three (3) ways:

1. Adherence to the prescriptive "deemed-to-satisfy" provisions.
2. Development of a Performance Based Design Solution – "Performance Solution" or "Alternative Solution"
3. A combination of both.

Performance solutions can address all aspects building code compliance including, but not limited to, fire resistance, emergency escape, sanitary facilities, building amenity, accessibility and energy efficiency. Whilst performance based design solutions can relate to any matter of BCA compliance, those typically worthy of the most attention generally relate to fire safety matters.

The current BCA and guidelines to its application and performance based can be accessed on-line – [click here](#).

It is important to note that **the BCA is a design document for new building work**. The BCA contains no provisions regarding its application or the administration of building approvals nor does it directly provide for retrospective application to existing building elements. These are administered in legislation.

Performance (Alternative) Solutions

Performance based design solutions provide greater flexibility in achieving an appropriate building solution specific to the parameters and limitations of the proposed building, its fuel loads and the capabilities of its occupants. Performance based solutions are typical advantageous in building design.

However sometimes, because of this flexibility, the underlying design as well as the outcomes and recommendations of the reports can impact on the building's ongoing operation, use and maintenance. This can include:

- Solutions relating to specific scenarios that can limit future use types.
- Increased training and ongoing management-in-use plans to be developed and implemented.
- Potential impacts on future uses and design.
- Fire Services can have atypical and/or enhanced operational requirements which are unlikely to be familiar to the maintenance contractors and to the fit-out designers.
- Additional maintenance costs.

Dispensations

Currently and prior to the introduction of the performance based building codes, in most states enable an appropriate authority to allow exemptions from compliance with the BCA, where the individual circumstances of the building or use permit. These are considered on a case-by-case basis.

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 ("DDA") – [click here](#) - was introduced to protect persons against discrimination based on a disability. The DDA applies to the entire gamut of societal interactions, however this report only considers the extent to which the built structure of the building/s described may result in discrimination occurring.

¹ABCB, 2019, Guide to the NCC, Volume 1

To this extent section 23 of the DDA states that “It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or
- (b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or
- (c) in relation to the provision of means of access to such premises; or
- (d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or
- (e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or
- (f) by requiring the other person to leave such premises or cease to use such facilities.”

Disability discrimination occurs when a person with a disability or a person associated with someone that has a disability is treated unfairly.

The DDA provides no measurable standards by which an existing built structure can be considered against to determine whether unlawful discrimination is occurring or is likely to occur. Please note that the DDA is binding to the Crown, including in the right of the State or New South Wales.

As a result, the DDA serves as a mechanism for complaints to be made to the Australian Human Rights Commission for their consideration regarding potential punishments and/or in the implementation of remedial works.

Disability (Access to Premises – Buildings) Standards 2010

The Disability (Access to Premises – Buildings) Standards 2010 (the “Premises Standards” or “DAPS”) came into effect on 1 May 2011 – [click here](#). *“The purpose of the Premises Standards is to both:*

- *provide for equitable and dignified access to new buildings and those areas of existing buildings that undergo renovation or upgrade that requires a building approval, and*
- *provide greater certainty to those involved in the design, construction, certification and management of buildings in relation to the level of access required in the buildings covered by the Premises Standards.”²*

Effectively the Premises Standards:

- Specifies when new building works are required to comply with measurable standards; and
- Specifies when existing building elements are required to be Upgrade to comply with the most current measurable standards;
- Provides nationally consistent measurable standards; and
- In combination with DDA provisions, provides protection from a successful complaint being made against the building element.

It is important to note that the measurable standards, and protections, do not automatically apply to existing building elements. The Premises Standards applies only to works approved, to the extent necessary, and completed in accordance with the Access Code

Access Code for Buildings

Schedule 1 of the Premises Standards contains the “Access Code for Buildings” (the “Access Code”) which is a design based document that provides both the overarching “Performance Requirements” as well as the prescriptive “deemed-to-satisfy” (“DtS”) provisions. These are the measurable standards to which compliance with the Premises Standards and thereby the DDA is determined.

Whilst clause 3.2 of the Premises Standards enables compliance with the Premises Standards to be achieved by strict adherence to the DtS provisions of the BCA, it is not limiting and provides opportunity for the development of “performance solutions” that otherwise demonstrate the compliance with the “Performance Requirements” have been achieved.

Reference Standards

² Australian Human Rights Commission, 2011 “Guideline on the application of the Premises Standards”

The DtS provisions of the Access Code includes reference to specific Australian Standards or other normative documents that provide specific detail regarding the design and construction of various building elements.

Affected Part

The Premises Standards introduced the concept of the “Affected Part”, which it defines to be:

- “(a) the principal pedestrian entrance of an existing building that contains a new part; and*
- (b) any part of an existing building, that contains a new part, that is necessary to provide a continuous accessible path of travel from the entrance to the new part.”*

The Premises Standards includes scenarios where the ‘affected part’ is required to be upgraded to comply with the Access Code.

Applications for Building Works

Typically, the Affected Part is required to be upgraded where an application is made for building works, except where the application is made by a lessee in a building containing more than one (1) lessee (“exemption criteria”).

Upgrading Risks

Building Code of Australia

It is important to note that the BCA is a design document for new building work. The BCA contains no provisions regarding its application or the administration of building approvals nor does it directly provide for retrospective application to existing building elements. These are administered in legislation.

Environmental Planning and Assessment Act 1979

Approvals

The Act sets out the framework to achieve approval for development works. Details of approval system, particularly in relation to existing building upgrading, is included in the regulation (see below)

Orders

The local Council has the capacity to issue orders for various matters listed under section 121B of the Act – [click here](#) – which can relate to the demolition, alteration, repair or improvements to unauthorised or dilapidated buildings and structures, fire safety upgrading as well as ceasing the unauthorised use of a building, amongst others.

Environmental Planning and Assessment Regulation 2000

Development Applications – Major Works / Inadequate Fire Safety Measures

Clauses 94 of the Reg requires the consent authority in assessing a development application, where the proposed alterations, and any alterations in the preceding 3 years, to an existing building or structure represent >50% of the total volume of the building, or where they consider the fire safety is inadequate to decide whether if the existing building to be should brought up to compliance, in part or full, with the current requirements of the BCA.

Development Applications – Change of Building Use

Clauses 93 & 143 of the Reg requires the consent authority and certifying authority assessing an application that will result in a change of BCA classification (e.g. Class 6 retail to Class 9b Assembly Hall), to ensure that the fire protection and structural adequacy of the building will be appropriate to the new use and the particularly fire services are provided to the use. This clause can impose upgrading works as a result.

Complying Development & Part 4A Certificates – Significant Fire Safety Issues

Clauses 129D & 162D require that if certifying authority in carrying out the required inspections of the areas subject of proposed works as well as egress routes from those areas identify any significant fire safety issue/s, they must notify the local council for their consideration and action. Given the nature of the notification, it is likely that upgrading works will be required.

Complying Development Certificates – Safe Egress

Clauses 132 prevents a certifying authority from issuing a complying development certificate unless safe egress is achievable, or will be achievable, from the subject space once upgrading works have been completed as part of the development. Upgrading works to buildings may be required to facilitate the

approval of a complying development certificate as well as the issue of the corresponding occupation certificate.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The when an application for a Complying Development Certificate is made under the "Codes SEPP" (most common) for the fit out or change of use of an existing building and the proposal involves

- >500m² of commercial space; OR
- >1000m² of industrial space

The area of the building involved is to comply with, and therefore potentially upgraded to, Performance Requirements DP2 – DP5 (various egress related issues), FP2.1& FP2.5 (sanitary facilities) as well as FP4.1-FP4.5 (light and ventilation) of the BCA.

Sanitary Facilities

Notwithstanding all matters required to be addressed under the Codes SEPP provisions, a common notable upgrading results from these provisions include:

- Upgrading or installation of Unisex Accessible Sanitary Facilities
- Upgrading or installation of Ambulant Accessible Sanitary Facilities
- Installation of additional sanitary facilities for population numbers

Premises Standards

Refer to Code Performance Report.

ATTACHMENT D: LIMITATIONS

Unless specifically stated otherwise within the report, our Report is limited as follows: -

- Applies only the described building at 52 Raglan Street, Manly NSW.
- This report has been prepared solely for the benefit of Northern Beaches Council.
- Where applicable, parts of this report may include limitations as to the reporting provided. These are additional to the general limitations.
- When Draft, the content, recommendations or conclusions shall not be relied upon.
- Relies on the accuracy of the documents provided by others which form the basis of the analysis and DPC accepts on responsibility for inaccuracies in our assessments because of inaccuracies in documents provided by others.
- Detailed engineering assessments with regard structure and services have not been carried out, nor have detailed testing, auditing or maintenance of services been carried out. Commentary regarding structure and services in the building relate on to the visual condition of the element or service as can be reasonably deduced from the inspection or documentation referenced.
- Unless otherwise stated it has been assumed that all services are in full working order.
- Defects, non-compliances or potential non-compliances with building codes that could not be readily deduced from the inspection/s and documentation have not been commented on and are outside the scope of the report. We do not warrant that the building is free of any such defects, non-compliance or potential non-compliances.
- Compliance of termite barriers or the existence of termite activity, past or present, in the building is outside the scope of this report.
- Where limited parts of the building have been inspected, for reporting, we have assumed these to be representative of the overall condition. We do not warrant that parts of the building not inspected are not free from defects, non-compliances or potential non-compliances with building codes.
- This is not a certification or guarantee of compliance and has been prepared in accordance with the instructions given.
- This report is not certification under legislation or a replacement for such certification.
- The scope of the Report is described in the accepted fee proposal and/or as outlined within the body of the report. Separate verbal or email instructions have not been included unless specific stated.
- The outcomes and recommendations of this report are valid for six (6) months from the issue of the Draft or Final report, whichever is the earlier.
- This report may include budget costs regarding issues identified. About costs nominated –
 - GST is excluded.
 - All costs are 'Present Value' and do not include for inflation or other influences on the future value of the element/works.
 - Include for business hours' access for works to occur.
 - Are reasonable budget estimates as should not be considered a detail cost analysis.
- Are indicative and intended to represent the comparable significance of the issue.
- A comparative level of finish is assumed for the works, determined against the underlying quality of the existing building or part.
- Unless specified, third party expert reports are not included.
- Builders fees including preliminaries, margins and overheads are excluded
- Approval fees, levies and contributions that may be payable are not included.
- Design and project management fees are not included.
- Replacement and maintenance costs assume a like for like replacement.
- Where a performance solution is recommended in response to an issue it has been assumed that such solution is obtainable from an appropriate qualified and competent person. The report and recommendation does not guarantee such a solution can be obtained nor extensive works would not be required rectify the issue if a performance solution is not obtained.
- Where a performance solution is recommended, the outcomes and requirements of such report have not been included. These are unknown at the time of reporting.
- Do not include Lost Net Lettable Area.
- The report does not include WH&S / OH&S risks, electrical and water authority requirements or any land title based controls or limitations.
- Incorporates all reasonable and practical efforts into producing strategies commensurate with the client's objectives, expectations and operations.
- Assumes that any future design is expected to meet the requirements of all relevant codes and legislation at the time of construction
- Is based on our interpretation of the condition of the building, element of the building or service contained in the building as apparent from the inspection.
- Is not to be reproduced, in whole or in part, without our express written authorisation
- May include cost estimates. All cost estimates provided throughout the Report are indicative only and are provided as a budgetary guide and are provided to represent the significance of the costed item. Costs do not include implications from lost lettable areas, preliminaries, builder's margins, overheads, professional fees, project management fees, WHS obligations, planning and building approval fees, taxes, levies or contributions

