BCA & ACCESS ASSESSMENT REPORT

19 Sydney Road Manly

Reference:	**P23067-BCA-r1**
Date:	**30 August 2023**
Client:	**Fluency Hub**

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Document Control

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Executive Summary

This Report outlines an assessment of the existing building located 19 Sydney Road, Manly and the development being proposed within one (1) Ground Floor and one (1) First Floor unit, being changing the use to an educational institution and associated minor internal alterations , against:

1. the Disability (Access to Premises – Buildings) Standards 2010 (the "Premises Standards").
2. clause 64 of the Environmental Planning and Assessment Regulation 2021 (the "Regulation").
3. Sections C, D, E, F, G (excluding G5 Construction in bushfire prone areas), and I of the National Construction Code, Volume One, Building Code of Australia, 2022 (the "BCA").

With reference to the assessment against cl 64 of the Regulation, it should be noted that regardless of the outcome of applying cl 64(1), Council "must consider whether it is **appropriate** to require the existing building to be brought into total or partial conformity with the Building Code of Australia" (cl 64(2)). The subject development is proposed within two (2) existing units within the building and the applicant is the tenant of these units (not the building owner). Bringing the building into total or partial conformity with the BCA would require upgrading common property within the building, which is outside the control of the applicant (tenant only). As such, it is the opinion of BCA Clarity that it would not be appropriate for Council to attach the proposed development to building upgrades that are outside the control of the applicant under cl 64 of the Regulation, particularly given that the proposed development has little to no material impact on the fire safety of the building and there are more appropriate avenues available to Council to seek building upgrades that are the responsibility of the building owner. It should also be noted that the building appears to have been subject to fire safety upgrades previously, given that it is already protected by a sprinkler system. As such, the following recommended upgrades are limited to the internal parts of the subject tenancies that can be incorporated into the proposed development by the tenant.

Regarding the assessment against cl 64 of the Regulation, the assessment outlined in this Report recommends the following building upgrades:

1. The swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application be provided with devices to hold them in the open position, and signage be affixed on or adjacent to these doors stating: "IN THE EVENT OF EMERGENCY, ENGAGE DOOR HOLD OPEN DEVICE". Furthermore, it is recommended that the doors serving the rear entry/exit doorway to the unit on the Ground Floor subject to this application be provided with latching devices compliant with clause D3D26 to enable this doorway to be used as an overflow exit (see below).
2. Latching devices compliant with the requirements of clause D3D26 be provided to the doors serving the main entry/exit doorway and the rear entry/exit doorway to the unit on the Ground Floor and entry door into the unit on the First Floor subject to this application, and all other locking mechanisms that do not comply with this clause be removed from the doors. Although not required to serve as an exit, this enables the rear entry/exit doorway to the unit on the Ground Floor subject to this application to be used as an overflow exit, which will further assist with the swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application not swinging in the direction of egress from the building (see above).

Based on the assessment outlined in this Report, BCA Clarity advise that the subject tenancies within the existing building can achieve a level of health and safety commensurate with a building compliant with the BCA upon incorporating the upgrades outlined in this Report in the construction of the proposed development. Furthermore, the design of the proposed development complies, or is

readily capable of complying without design amendments that would trigger seeking a modified approval, with the relevant requirements of the Premises Standards and BCA.

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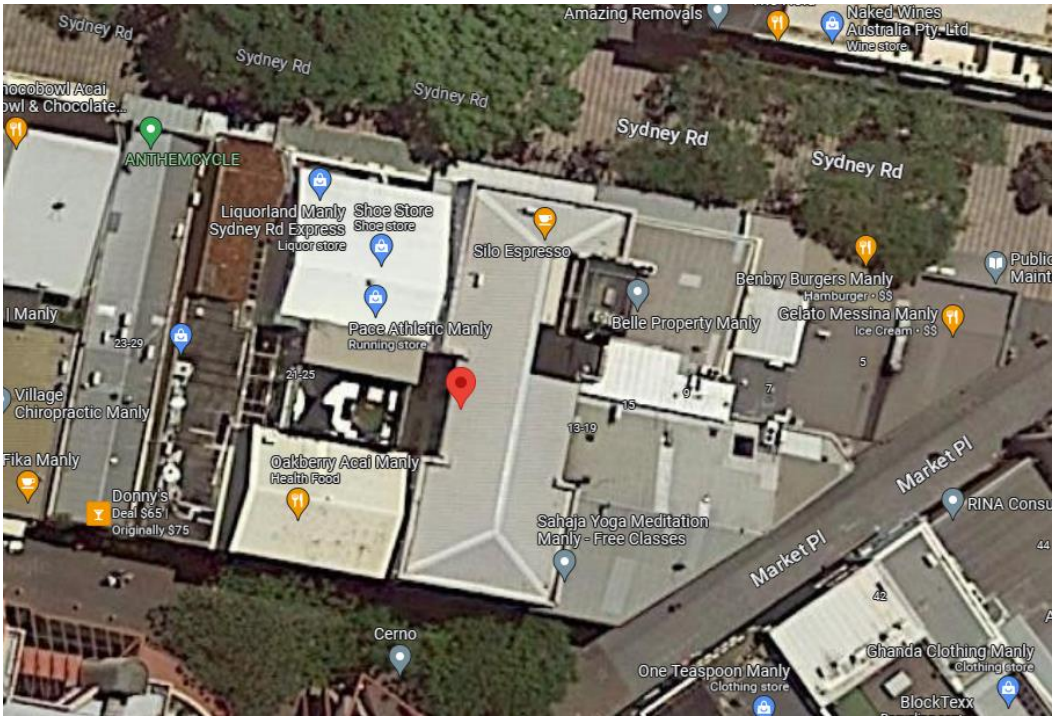
1 Introduction

1.1 Location

The development being the subject of this Report is proposed within the existing building located at 19 Sydney Road, Manly. The subject property is bounded by Sydney Road to the north, adjoining properties to the east and west, and Market Place to the south. The following satellite image (taken from www.google.com.au/maps/place on 28 August 2023) shows the subject property and immediate surrounding environment.



1.2 Description of Proposed Development

The proposed development consists of changing the use of the tenancy currently occupied by Fluency Hub on the Ground Floor and an additional tenancy located on the southern side of the building on the First Floor into an educational institution and associated minor internal alterations.

1.3 Purpose of Report

The purpose of this Report is to advise Northern Beaches Council ("Council") whether the proposed development complies, or is capable of complying, with Sections C, D, E, F, G (excluding G5 Construction in bushfire prone areas), and I of the National Construction Code, Volume One, Building Code of Australia, 2022 (the "BCA"). Also, this Report assesses the relevant parts of the existing building against the requirements of s64 of the Environmental Planning and Assessment Regulation 2021 (the "Regulation") to recommend whether it is appropriate for Council to require the existing building to be brought into total or partial conformity with the BCA. This is achieved by assessing the proposed development against all relevant Deemed-to-Satisfy (DtS) clauses of the aforementioned Sections of the BCA.

With reference to the assessment outlined in this Report, the following should be noted:

- Where a BCA DtS clause is not applicable to the proposed development, it is not included in the assessment outlined in this Report. This does not mean that the proposed development was not

assessed against this clause, but rather that the assessment identified the clause was not relevant.

- Where information provided is not detailed enough to specify full compliance with a BCA DtS clause, but the matter is such that achieving compliance would not trigger lodging an application to amend an approval issued by Council, the status of the matter is specified as Compliance Readily Achievable (CRA).
- Where appropriate, if the proposed development does not comply with a BCA DtS clause, achieving compliance with a Performance Solution (PS) is recommended. However, this Report does not outline an assessment of any PSs, nor does BCA Clarity assume responsibility for acceptance of any PSs by the certifying authority.

1.4 Reviewed Documentation

The assessment of the proposed development outlined in this Report is based on review of the following documentation:

- Disability (Access to Premises – Buildings) Standards 2010 (the "Premises Standards").
- clause 64 of the Environmental Planning and Assessment Regulation 2021 (the "Regulation").
- Sections C, D, E, F, G (excluding G5 Construction in bushfire prone areas), and I of the National Construction Code, Volume One, Building Code of Australia, 2022 (the "BCA").
- National Construction Code, Guide to Volume One, 2019, Amendment 1 (the "Guide").
- Architectural plans prepared by Archispectrum and identified as Project: Change of use to college, 19 Sydney Rd, Manly NSW 2095 Australia, as referenced in the table below.

Drawing Number	Issue	Date	Title
DA01.01	A	01.08.2023	SITE PLAN
DA02.01	A	01.08.2023	EXISTING GROUND FLOOR PLAN
DA02.02	A	01.08.2023	EXISTING FIRST FLOOR PLAN
DA03.01	A	01.08.2023	PROPOSED GROUND FLOOR PLAN
DA03.02	A	01.08.2023	PROPOSED FIRST FLOOR PLAN
DA04.01	A	01.08.2023	EXTERNAL ELEVATIONS

1.5 Site Inspection

The assessment of the proposed development outlined in this Report is based on an inspection of the existing building carried out by a representative of BCA Clarity on 24 August 2023. This inspection was visual only (non-intrusive), and limited to the units subject to the proposed development and the common areas of the building only.

1.6 Limitations and Exclusions

This Report outlines an assessment of the architectural documentation only, therefore, **does not** outline an assessment of the proposed development with reference to any matters associated with, but not limited to, the following:

- structural design.
- stormwater drainage design.
- hydraulic design.
- electrical design.
- mechanical services.
- fire services design.

Also, this Report outlines an assessment of the proposed development against the BCA only, therefore, **does not** address any matters in relation to the following:

- local government requirements.
- public health requirements.
- occupational health and safety requirements.
- WorkCover requirements.
- roads, water, drainage.
- telecommunications, electricity, water, gas, etc., supply authority requirements.

Furthermore, this Report **does not** outline an assessment of the proposed development against the Disability Discrimination Act 1992 (the "DDA"). As such, the owner of the building must ensure that their obligations under the DDA have been satisfied subject to separate investigation and/or advice. However, it should be noted that this Report can be relied upon in relation to the proposed development complying with the Disability (Access to Premises – Buildings) Standards 2010 (requirements are consistent with the disabled access requirements of the BCA).

BCA Clarity provides no guarantee regarding the acceptance of this Report by any regulatory authority.

Liability limited by a scheme approved under Professional Standards Legislation.

2 Building Code of Australia Description

With reference to the relevant clauses of the BCA, the subject building is described as follows for the purposes of the assessment outlined in this Report.

BCA Descriptor	Description
Building classification	Class 5 (offices) – existing Class 9b (assembly building – educational institution) - proposed
Rise in storeys	Three (3)
Type of construction	Type B
Maximum size of fire compartments	5,500m^2 and 33,000m^3
Effective height	Less than 12m
Climate Zone (Northern Beaches Council)	Zone 5

3 Fire Safety Schedule

The following Fire Safety Schedule has been prepared for the proposed development based on the current Fire Safety Statement for the building (issued on 05/09/2022) and the BCA assessment outlined in this Report. This Schedule is subject to change regarding design amendments and/or adoption of Performance Solutions as the design is developed further.

Fire Safety Measure		Standard of Performance
1.	Automatic fire detection and alarm system - Class 9b parts	BCA clause E2D9 and Specification 20 clause S20C4 AS 1670.1-2018
2.	Automatic fire suppression system (sprinklers)	AS 2118-1982
3.	Building occupant warning system – Class 9b parts	BCA clause E2D9 and Specification 20 clause S20C7 AS 1670.1-2018
4.	Emergency lighting	BCA E4.2 and E4.4 AS/NZS 2293.1-2005
5.	Emergency warning and intercom system	BCA clause E4D9 AS 1670.4-2018
6.	Exit signs	BCA E4.5, NSW E4.6, and E4.8 AS/NZS 2293.1-2005
7.	Fire doors	BCA Spec C3.4 AS 1905.1-2015
8.	Fire hose reel system	BCA E1.4 AS 2441-2005
9.	Mechanical air handling system (automatic shutdown) – Class 9b parts	BCA clause NSW E2D16 and Specification 20 AS 1668.1-2015
10.	Paths of travel	BCA Parts D2 & D3 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 clause 108 & 109
11.	Portable fire extinguishers	BCA E1.6 AS 2444-2001
12.	Warning and operational signs	BCA clause D3D28 & E3D4 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 clause 108

4 Fire-Resisting Construction

In accordance with the requirements of BCA Specification 5, the following table outlines the Fire-Resistance Levels (FRLs) applicable to each element of the building with reference to the required Type of construction (being Type B). Regarding reference to a Fire-Source Feature (FSF), the following definition from BCA Schedule 1 Definitions is applicable:

Fire-Source Feature: *Any one or more of the following*

(a) the far boundary of a road, river, lake or the like adjoining the allotment.

(b) a side or rear boundary of the allotment.

(c) an external wall of another building on the allotment which is not a Class 10 building.

Building Element – Type B Construction	Class 5 or 9
Loadbearing External Walls -	
- Less than 1.5m from a FSF	120/120/120
- 1.5m to less than 3m from a FSF	120/90/60
- 3m to less than 9m from a FSF	120/30/30
- 9m to less than 18m from a FSF	120/30/-
- 18m or more from a FSF	-/-/-
Non-Loadbearing External Walls -	
- Less than 1.5m from a FSF	-/120/120
- 1.5m to less than 3m from a FSF	-/90/60
- 3m or more from a FSF	-/-/-
External Columns (not incorporated into an external wall) -	
- Loadbearing less than 18m from a FSF	120/-/-
- Loadbearing more than 18m from a FSF	-/-/-
- Non-loadbearing	-/-/-
Common Walls and Fire Walls	120/120/120
Internal Walls - Fire resisting lift and stair shafts –	
- Loadbearing	120/120/120
- Non-loadbearing	-/120/120
Internal Walls – Bounding public corridors, public lobbies and the like –	
- Loadbearing	120/-/-
- Non-loadbearing	-/-/-
Internal Walls – Between or bounding sole-occupancy units –	
- Loadbearing	120/-/-
- Non-loadbearing	-/-/-
Other loadbearing internal walls and columns	120/-/-
Floors (**see note below**)	-/-/-
Roofs	-/-/-

Note:

Clause S5C21(f) of Specification 5 specifies that within 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, must -

(i) be constructed so that it is at least of the standard achieved by a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or

(ii) have an FRL of at least 30/30/30; or

(iii) have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.

5 Disabled Access

5.1 Disability (Access to Premises – Buildings) Standards 2010

The Disability (Access to Premises – Buildings) Standards 2010 (the "Premises Standards") outline the requirements that must be incorporated into the design and construction of building work to achieve the objectives of the Disability Discrimination Act 1992 (the "DDA"). Compliance with the Premises Standards guarantees that a complaint of unlawful discrimination under the DDA regarding a matter covered by the Premises Standards will not be upheld. The Premises Standards are applicable to all applications for new buildings or upgrades to existing buildings, except where explicitly excluded from being a building to which they apply, or an exception or concession is permitted.

5.2 Application of the Premises Standards to the Subject Development

As mentioned above, there are certain and specific circumstances where the Premises Standards are not applicable to new buildings or upgrades to existing buildings. Part 2 of the Premises Standards ("Scope of Standards") outlines the buildings and/or parts of buildings to which the Premises Standards apply. A review of the proposed development against Part 2 reveals that the Premises Standards are applicable to the subject development.

However, as also mentioned above, the Premises Standards outlines circumstances where exceptions and concessions can be applied in Part 4. A review of the exceptions and concessions clauses of Part 4 reveals that the proposed development is subject to a concession because the applicant is one (1) tenant in a building containing more than one (1) tenancy. Based on this concession, the development is not required to incorporate upgrading the affected part of the building (the Principal Pedestrian Entrance (PPE) and the continuous accessible path of travel from the PPE to any new parts (modified parts of the building)). As such, the development must only ensure that new parts comply with Schedule 1 Access Code for Buildings.

5.3 Relationship of the Premises Standards with the BCA

The Australian Building Codes Board (ABCB) is a joint initiative of the Commonwealth and State and Territory Governments in Australia that is responsible for writing, updating, and publishing the BCA. Upon request from the Australian Government, the ABCB were the authority behind creation of the Premises Standards. Given the ABCBs responsibilities regarding the BCA, it was amended at the time the Premises Standards came into force to ensure consistency regarding disabled access provisions. As such, an assessment against the relevant clauses of the BCA related to the provision of disabled access is equivalent to an assessment against Schedule 1 Access Code for Buildings of the Premises Standards. To maintain consistency throughout the clause-by-clause assessment outlined in this Report, the development has been assessed against the relevant clauses of the BCA.

6 Environmental Planning and Assessment Regulation 2021

6.1 Clause 62 – Consideration of fire safety

Clause 62 of the Environmental Planning and Assessment Regulation 2021 (the "Regulation") specifies matters that Council must take into consideration when assessing a development application for a change of building use for an existing building where the applicant does not seek the rebuilding or alteration of the building. The subject development incorporates a change of use as well as the rebuilding or alteration of the building. As such, the requirements of this clause are not applicable to the proposed development, but rather the existing building must be assessed against the requirements of clause 64 (see below). However, it should be noted that, because the proposed development includes a change of use, the same matters required to be considered by Council under clause 62 (appropriateness of fire protection and structural capacity to the proposed use and compliance with Category 1 fire safety provisions) will instead need to be considered by the certifying authority when assessing the construction certificate application in accordance with clause 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

6.2 Clause 64 - Consent Authority May Require Upgrade of Buildings

Clause 64 of the Environmental Planning and Assessment Regulation 2021 (the "Regulation") specifies the matters that Council must take into consideration when assessing a development application for a development involving the rebuilding or alteration of an existing building where -

(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 (cl 64(1).

It should be noted that clause 64(3) states the following:

> ***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.*

If any of the circumstances specified by (a) and/or (b) above exist, Council must take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia (cl 64(2)).

BCA Clarity is of the understanding that the proposed development and any previous building work does not represent more than half the total volume of the building, as it was before the previous building work commenced. However, based on review of the existing building, the measures currently contained within the building are considered inadequate to: protect persons using the building; and/or facilitate the safe egress of persons using the building from the building, if there is a fire; and/or restrict the spread of fire from the building to other buildings nearby. As such, it is recommended that the building be upgraded in accordance with the following recommendations to provide an adequate level of fire safety.

Regarding the following recommended upgrades, it should be noted that regardless of the outcome of applying cl 64(1), Council "must consider whether it is **appropriate** to require the existing building to be brought into total or partial conformity with the Building Code of Australia" (cl 64(2)). The subject development is proposed within two (2) existing units within the building and the applicant is the tenant of these units (not the building owner). Bringing the building into total or partial conformity with the BCA would require upgrading common property within the building, which is outside the control of the applicant (tenant only). As such, it is the opinion of BCA Clarity that it would not be appropriate for Council to attach the proposed development to building upgrades that are outside the control of the applicant under cl 64 of the Regulation, particularly given that the proposed development has little to no material impact on the fire safety of the building and there are more appropriate avenues available to Council to seek building upgrades that are the responsibility of the building owner. It should also be noted that the building appears to have been subject to fire safety upgrades previously, given that it is already protected by a sprinkler system. As such, the following recommended upgrades are limited to the internal parts of the subject tenancies that can be incorporated into the proposed development by the tenant.

6.3 Recommended Upgrades

1. The swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application be provided with devices to hold them in the open position, and signage be affixed on or adjacent to these doors stating: "IN THE EVENT OF EMERGENCY, ENGAGE DOOR HOLD OPEN DEVICE". Furthermore, it is recommended that the doors serving the rear entry/exit doorway to the unit on the Ground Floor subject to this application be provided with latching devices compliant with clause D3D26 to enable this doorway to be used as an overflow exit (see below).
2. Latching devices compliant with the requirements of clause D3D26 be provided to the doors serving the main entry/exit doorway and the rear entry/exit doorway to the unit on the Ground Floor and entry door into the unit on the First Floor subject to this application, and all other locking mechanisms that do not comply with this clause be removed from the doors. Although not required to serve as an exit, this enables the rear entry/exit doorway to the unit on the Ground Floor subject to this application to be used as an overflow exit, which will further assist with the swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application not swinging in the direction of egress from the building (see above).

7 BCA Compliance Matters

The following matters have been identified as requiring design amendment or justification with a Performance Solution by a detailed clause-by-clause assessment of the proposed development (as outlined in Appendix A).

7.1 Type of construction required – clause C2D2

The building, having a rise in storeys of three (3) and containing a Class 5 part on the top storey is required to be Type B construction.

The construction of building components (concrete slab on ground and fire-isolated stairways, masonry external walls and walls to fire-isolated stairway shafts, and timber floors separating storeys) is considered adequate regarding the existing use of the building. However, the introduction of Class 9b tenancies within the building triggers a requirement for the floor separating storeys of the 9b parts to -

(i) be constructed so that it is at least of the standard achieved by a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or
(ii) have an FRL of at least 30/30/30; or
(iii) have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.

This requirement is applicable to the floor of the unit on the First Floor proposed to be changed to a Class 9b part under this application. However, the building is protected by a sprinkler system specified as complying with AS 2118 – 1982 in the current Fire Safety Statement for the building. This sprinkler system should maintain the integrity of the subject floor for at least the same period that would be achieved if it were upgraded to comply with BCA clause S5C21(1)(f). As such, this matter is not recommended for upgrade.

7.2 Protection of openings in external walls – clause C4D3

There are openings in the eastern and western external walls of the building that require protection under this clause. However, the proposed development has no material effect on this situation and protecting these openings is outside the control of the applicant, so it is not recommended for upgrade. It should also be noted that the building is sprinkler protected, which significantly reduces the risks posed by this situation.

7.3 Height of exits, paths of travel to exits and doorways – clause D2D7

The final doorway of the fire-isolated exit located in the north-east part of the building has a height of approximately 1,800mm measured from the adjacent stairway riser, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.

7.4 Width of exits and paths of travel to exits – clause D2D8

The fire-isolated exit stairway located in the south-east part of the building has exit widths of less than 1,000mm (approximately 870mm at some points). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.

7.5 Travel via fire-isolated exits – clause D2D12

The discharge of the fire-isolated exit stairway located in the north-east part of the building does not comply with the requirements of this clause. However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. It should also be noted that the building is sprinkler protected (including the area into which this exit discharges) and the area into which this exit discharges is essentially free from combustible materials (tiled foyer area only), which significantly reduces the risks posed by this situation.

7.6 Goings and risers – clause D3D14

The stairway treads within the fire-isolated exit located in the south-east part of the building are not provided with slip-resistance in accordance with the requirements of this clause, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.

7.7 Landings – clause D3D15

The landings within the fire-isolated exit located in the south-east part of the building are not provided with slip-resistance in accordance with the requirements of this clause, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.

7.8 Thresholds – clause D3D16

The threshold at the final doorway of the fire-isolated stairway located in the north-east part of the building incorporates a step closer to the doorway than the width of the door leaf, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.

7.9 Height of barriers – clause D3D18

The heights of barriers throughout the fire-isolated exit stairways are less than that required by this clause (approximately 840mm to landings and 790mm to stairways). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. Also, it should be noted that these stairways serve no communication purpose between storeys (lift is provided), therefore, are subject to minimal use.

7.10 Openings in barriers – clause D3D19

The openings in barriers within the fire-isolated exit located in the south-east part of the building exceed that permitted by this clause (approximately 350-400mm opening between bottom rail and landing or nosing line of stair treads). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. Also, it should be noted that these stairways serve no communication purpose between storeys (lift is provided), therefore, are subject to minimal use.

7.11 Swinging doors – clause D3D25

The swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application do not swing in the direction of egress from the building. These doors open directly out onto Sydney Road, therefore, cannot amended to swing in the direction of egress. As such, it is recommended that these doors be provided with devices to hold them in the open position and

signage be affixed on or adjacent to these doors stating: “IN THE EVENT OF EMERGENCY, ENGAGE DOOR HOLD OPEN DEVICE”. Furthermore, it is recommended that the doors serving the rear entry/exit doorway to the unit on the Ground Floor subject to this application be provided with latching devices compliant with clause D3D26 to enable this doorway to be used as an overflow exit (see below).

7.12 Operation of latch – clause D3D26

The latching devices serving the main entry/exit doorway and the rear entry/exit doorway to the unit on the Ground Floor subject to this application do not comply with the requirements of clause D3D26. Also, the latching device serving the entry door into the unit on the First Floor subject to this application does not comply with the requirements of clause D3D26. As such, it is recommended that latching devices compliant with the requirements of clause D3D26 be provided to these doors, and all other locking mechanisms that do not comply with this clause be removed from the doors. Although not required to serve as an exit, this enables the rear entry/exit doorway to the unit on the Ground Floor subject to this application to be used as an overflow exit, which will further assist with the swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application not swinging in the direction of egress from the building (see above).

8 Compliance Statement

Based on the assessment outlined in this Report, BCA Clarity advise that the subject tenancies within the existing building can achieve a level of health and safety commensurate with a building compliant with the BCA upon incorporating the upgrades outlined in this Report in the construction of the proposed development. Furthermore, the design of the proposed development complies, or is readily capable of complying without design amendments that would trigger seeking a modified approval, with the relevant requirements of the Premises Standards and BCA.

Annexure A – Detailed BCA Assessment

The following table outlines a detailed assessment of the proposed development against each relevant DtS clause of the BCA. Where a BCA DtS clause could be applicable to a type of building forming part of the proposed development but is not due to specific circumstances of the proposed development, it is noted as not being applicable and a brief explanation of this assessment is provided. Where a BCA DtS clause is not relevant to a type of building forming part of the proposed development, that clause is excluded from the assessment.

Terminology

The following table outlines the terminology used throughout the detailed assessment outlined in the following BCA Clause-by-Clause Assessment Table.

Terminology	Explanation	Abbreviation
Complies	The design complies, or facilitates compliance, with the clause, as can be determined by details provided on plan.	-
Compliance Readily Achievable	The design has been assessed to the fullest extent based on information able to be provided on plan, and no areas of non-compliance with the clause have been identified. Compliance of the design with the relevant clause cannot be fully determined based on information provided on plan, however, compliance is deemed readily achievable without any amendment to the design.	CRA
Satisfactory	The matter does not comply, or compliance cannot be fully determined because the building is existing, but it is considered satisfactory for reasons explained.	SAT
Further Information	Further information must be provided to determine whether the design complies with the clause.	FI
Performance Solution	The design does not comply with the clause and the design team have advised that the matter will be resolved with a Performance Solution.	PS
Does Not Comply	The design does not comply with the clause and requires design amendment.	DNC
Not Recommended For Upgrade	The existing building does not comply with the clause, but the subject matter is not recommended for upgrade for reasons explained.	NRFU
Recommended For Upgrade	The existing building does not comply with the clause and the subject matter is recommended for upgrade.	RFU
Not Applicable	The clause could be applicable to a type of building forming part of the development but is not due to specific circumstances as explained.	NA
Noted	The clause specifies information applicable to the development only, but no assessment is required.	-

Clause-by-Clause Assessment Table

SECTION C – FIRE RESISTANCE			
Clause		**Comments**	**Assessment**
Part C2 – Fire resistance and stability			
C2D1	Deemed-to-Satisfy Provisions	Information only.	Noted
C2D2	Type of construction required	The building, having a rise in storeys of three (3) and containing a Class 5 part on the top storey is required to be Type B construction. The construction of building components (concrete slab on ground and fire-isolated stairways, masonry external walls and walls to fire-isolated stairway shafts, and timber floors separating storeys) is considered adequate regarding the existing use of the building. However, the introduction of Class 9b tenancies within the building triggers a requirement for the floor separating storeys of the 9b parts to - (i) be constructed so that it is at least of the standard achieved by a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes; or (ii) have an FRL of at least 30/30/30; or (iii) have a fire-protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal. This requirement is applicable to the floor of the unit on the First Floor proposed to be changed to a Class 9b part under this application. However, the building is protected by a sprinkler system specified as complying with AS 2118 – 1982 in the current Fire Safety Statement for the building. This sprinkler system should maintain the integrity of the subject floor for at least the same period that would be achieved if it were upgraded to comply with BCA clause S5C21(1)(f). As such, this matter is not recommended for upgrade.	SAT/NRFU
C2D3	Calculation of rise in storeys	The building has a rise in storeys of three (3).	Noted
C2D4	Buildings of multiple classification	The top storey of the building contains a Class 5 part.	Noted
C2D5	Mixed types of construction	The building will be a single Type of construction – Type B.	Noted
C2D9	Lightweight construction	If lightweight construction is utilised to achieve an FRL, it must comply with this clause and Specification 6.	CRA
C2D10	Non-combustible building elements	The building is required to be of Type B construction, therefore, the building elements listed in this clause must be non-combustible. Where a building element is required to be non-combustible, all materials forming that element are to be non-combustible. This clause also identifies building elements to which it does not apply.	CRA
C2D11	Fire hazard properties	The fire hazard properties of all materials must comply with Specification 7, as required by this clause.	CRA
C2D14	Ancillary elements	All “ancillary elements” (as defined by the BCA) must not be fixed, installed, attached to, or supported by the concealed internal parts or external face of an external wall that is required to be non-combustible unless explicitly excluded from this requirement by this clause.	CRA
Part C3 – Compartmentation and separation			
C3D1	Deemed-to-Satisfy Provisions	Information only.	Noted
C3D2	Application of Part	Information only.	Noted

Clause		Comments	Assessment
C3D3	General floor area and volume limitations	Class 5 & 9b: Maximum Floor Area 5,500m^2; Maximum Volume 33,000m^3	Complies
C3D9	Separation of classifications in the same storey	The FRL requirements applicable to Class 5 and 9b buildings are the same. As such the proposed development does not trigger any additional separation requirements.	SAT
C3D10	Separation of classifications in different storeys	The requirements of this clause are not applicable to the classifications within this building (existing and proposed) – being of Type B construction.	NA
C3D11	Separation of lift shafts	The lift connects the (3) storeys only in a building that is protected by a sprinkler system, therefore is not required to be enclosed within a shaft in accordance with the requirements of this clause.	NA
C3D12	Stairways and lifts in one shaft	The fire-isolated stairways and the lift are in separate shafts.	Complies
C3D13	Separation of equipment	There was nothing observed during the inspection of the building to indicate that the separation of equipment within the building is not adequate.	SAT
C3D14	Electricity supply system	There was nothing observed during the inspection of the building to indicate that the treatment of the electricity supply system within the building is not adequate.	SAT
Part C4 – Protection of openings			
C4D1	Deemed-to-Satisfy Provisions	Information only.	Noted
C4D2	Application of Part	Information only.	Noted
C4D3	Protection of openings in external walls	There are openings in the eastern and western external walls of the building that require protection under this clause. However, the proposed development has no material effect on this situation and protecting these openings is outside the control of the applicant, so it is not recommended for upgrade. It should also be noted that the building is sprinkler protected, which significantly reduces the risks posed by this situation.	NRFU
C4D9	Openings in fire-isolated exits	The doorways opening into the fire-isolated exits, that are not doorways opening to a road or open space, are protected with self-closing or automatic closing -/60/30 fire door sets.	Complies
C4D10	Service penetrations in fire-isolated exits	The fire-isolated exits are not penetrated by any services other than - (a) electrical wiring permitted by D3D8(6) to be installed within the exit; or (b) ducting associated with a pressurisation system if it - (i) is constructed of material having an FRL of not less than –/120/60 where it passes through any other part of the building; and (ii) does not open into any other part of the building; or (c) for fire services, water supply and test drain pipes.	Complies
C4D15	Openings for service installations	There was nothing observed during the inspection of the building to indicate that service penetrations through fire-rated building elements weren't adequately protected.	SAT
Specification 7 – Fire hazard properties			
S7C1	Scope	This Specification sets out requirements in relation to the fire hazard properties of linings, materials and assemblies in Class 2 to 9 buildings as set out in Table S7C2.	Noted
S7C2	Application	Linings, materials and assemblies must comply with the appropriate requirement outlined in this clause.	Noted
S7C3	Floor linings and floor coverings	The fire hazard properties of floor linings and floor coverings must comply with this clause.	CRA
S7C4	Wall and ceiling linings	The fire hazard properties of wall and ceiling linings must comply with this clause.	CRA
S7C5	Air-handling ductwork	The fire hazard properties of air-handling ductwork must comply with this clause.	CRA
S7C6	Lift cars	The fire hazard properties of lift cars must comply with this clause.	CRA

Clause		Comments	Assessment
S7C7	Other materials	The fire hazard properties of materials and assemblies not included in S7C3, S7C4, S7C5 or S7C6 must comply with this clause.	CRA
SECTION D – ACCESS AND EGRESS			
Clause		**Comments**	**Assessment**
Part D2 – Provision for escape			
D2D1	Deemed-to-Satisfy Provisions	Information only.	Noted
D2D2	Application of Part	Information only.	Noted
D2D3	Number of exits required	The provision of exits throughout the building complies. This is specified on the basis that the unit on the Ground Floor is provided with three (3) exits (north, south, and east (fire-isolated exit).	Complies
D2D4	When fire-isolated stairways and ramps are required	The exit stairways serving the building are fire-isolated.	Complies
D2D5	Exit travel distances	The exit travel distances throughout the building comply. This is specified on the basis that the unit on the Ground Floor is provided with three (3) exits (north, south, and east (fire-isolated exit).	Complies
D2D6	Distance between alternative exits	The alternative exits throughout the building are greater than 9m and less than 60m apart. It should be noted that the alternative exits serving the Ground Floor unit subject to this proposal are considered to be the main entry/exit door (north) and the fire-isolated exit located in the south-east corner. The southern entry/exit doors are non-required.	Complies
D2D7	Height of exits, paths of travel to exits and doorways	The unobstructed height throughout the exits is not less than 2m, and the unobstructed height of doorways is generally not less than 1,980mm. However, the final doorway of the fire-isolated exit located in the north-east part of the building has a height of approximately 1,800mm measured from the adjacent stairway riser, but the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.	Complies NRFU
D2D8	Width of exits and paths of travel to exits	The fire-isolated exit stairway located in the south-east part of the building has exit widths of less than 1,000mm (approximately 870mm at some points). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. Otherwise, the width of exits and paths of travel to exits throughout the building complies.	NRFU Complies
D2D9	Width of doorways in exits or paths of travel to exits	The width of doorways in exits or paths of travel to exits throughout the building complies.	Complies
D2D10	Exit width not to diminish in direction of travel	The unobstructed width of the exits does not diminish in the direction of travel to a road or open space.	Complies
D2D11	Determination and measurement of exits and paths of travel to exits	For the purposes of D2D7 to D2D10 the following apply: (a) The required width of a stairway or ramp in a required exit or path of travel to an exit must - (i) be measured clear of all obstructions such as handrails, projecting parts of barriers and the like; and (ii) extend without interruption, except for ceiling cornices, to a height not less than 2m vertically above a line along the nosings of the treads or the floor surface of the ramp or landing. (b) To determine the aggregate unobstructed width, the number of persons accommodated must be calculated according to D2D18.	Noted

Clause		Comments	Assessment
D2D12	Travel via fire-isolated exits	The discharge of the fire-isolated exit stairway located in the north-east part of the building does not comply with the requirements of this clause. However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. It should also be noted that the building is sprinkler protected (including the area into which this exit discharges) and the area into which this exit discharges is essentially free from combustible materials (tiled foyer area only), which significantly reduces the risks posed by this situation.	NRFU
D2D15	Discharge from exits	The discharge from and access to exits serving the building complies.	Complies
D2D18	Number of persons accommodated	The design team have advised that there will be a maximum of five (5) staff members and 70 students across both units.	Noted
D2D19	Measurement of distances	Information only.	Noted
D2D20	Method of measurement	Information only.	Noted
Part D3 – Construction of exits			
D3D1	Deemed-to-Satisfy Provisions	Information only.	Noted
D3D2	Application of Part	Information only.	Noted
D3D3	Fire-isolated stairways and ramps	The construction of the fire-isolated stairways complies.	Complies
D3D8	Installations in exits and paths of travel	The installations in exits and paths of travel observed during the inspection of the building were adequate.	SAT
D3D9	Enclosure of space under stairs and ramps	The space below the stairways located within the fire-isolated exits is not enclosed to form a cupboard or similar enclosed space.	Complies
D3D14	Goings and risers	The geometry of the stairways serving the building is satisfactory. The stairway treads within the fire-isolated exit located in the south-east part of the building are not provided with slip-resistance in accordance with the requirements of this clause, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.	SAT NRFU
D3D15	Landings	The geometry of landings serving the building is satisfactory. The landings within the fire-isolated exit located in the south-east part of the building are not provided with slip-resistance in accordance with the requirements of this clause, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.	SAT NRFU
D3D16	Thresholds	Generally, the thresholds throughout the building comply. The threshold at the final doorway of the fire-isolated stairway located in the north-east part of the building incorporates a step closer to the doorway than the width of the door leaf, however, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade.	Complies NRFU
D3D17	Barriers to prevent falls	Barriers (balustrades) are provided throughout the building as required by this clause.	Complies
D3D18	Height of barriers	The heights of barriers throughout the fire-isolated exit stairways are less than that required by this clause (approximately 840mm to landings and 790mm to stairways). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. Also, it should be noted that these	NRFU

Clause		Comments	Assessment
		stairways serve no communication purpose between storeys (lift is provided), therefore, are subject to minimal use.	
D3D19	Openings in barriers	The openings in barriers within the fire-isolated exit located in the south-east part of the building exceed that permitted by this clause (approximately 350-400mm opening between bottom rail and landing or nosing line of stair treads). However, the proposed development has no material effect on this situation and resolving this matter is outside the control of the applicant, so it is not recommended for upgrade. Also, it should be noted that these stairways serve no communication purpose between storeys (lift is provided), therefore, are subject to minimal use.	NRFU
D3D20	Barrier climbability	The requirements of this clause do not apply to fire-isolated stairways, fire-isolated ramps and other areas used primarily for emergency purposes.	NA
D3D22	Handrails	The provision of handrails throughout the building is considered adequate.	SAT
D3D24	Doorways and doors	The doorways and doors throughout the building comply.	Complies
D3D25	Swinging doors	Generally, the swinging exit doors throughout the building comply. The swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application do not swing in the direction of egress from the building. These doors open directly out onto Sydney Road, therefore, cannot amended to swing in the direction of egress. As such, it is recommended that these doors be provided with devices to hold them in the open position and signage be affixed on or adjacent to these doors stating: "IN THE EVENT OF EMERGENCY, ENGAGE DOOR HOLD OPEN DEVICE". Furthermore, it is recommended that the doors serving the rear entry/exit doorway to the unit on the Ground Floor subject to this application be provided with latching devices compliant with clause D3D26 to enable this doorway to be used as an overflow exit (see below).	Complies RFU
D3D26	Operation of latch	Generally, the latching devices serving doors throughout the building that were observed during the inspection were adequate. The latching devices serving the main entry/exit doorway and the rear entry/exit doorway to the unit on the Ground Floor subject to this application do not comply with the requirements of clause D3D26. Also, the latching device serving the entry door into the unit on the First Floor subject to this application does not comply with the requirements of clause D3D26. As such, it is recommended that latching devices compliant with the requirements of clause D3D26 be provided to these doors, and all other locking mechanisms that do not comply with this clause be removed from the doors. Although not required to serve as an exit, this enables the rear entry/exit doorway to the unit on the Ground Floor subject to this application to be used as an overflow exit, which will further assist with the swinging exit doors serving the main entry/exit doorway of the Ground Floor unit subject to this application not swinging in the direction of egress from the building (see above).	SAT RFU
D3D28	Signs on doors	Signage signs on doors throughout the building is adequate.	SAT
Part D4 – Access for people with a disability			
D4D1	Deemed-to-Satisfy Provisions	Information only.	Noted
D4D2	General building access requirements	Access must be provided to the new parts of the building (as defined by the Premises Standards) to and within all areas normally used by the occupants.	CRA
D4D3	Access to buildings	NA - existing building.	NA

Clause		Comments	Assessment
		Also, it should be noted that this development does not trigger an affected part upgrade of the building due to the lessees concession granted under s4.3 of the Premises Standards.	
D4D4	Parts of buildings to be accessible	Parts of the building must comply with the relevant requirements of this clause.	CRA
D4D5	Exemptions	No part of the building is exempt under this clause.	Noted
D4D13	Glazing on an accessway	On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1-2009.	CRA

SECTION E – SERVICES AND EQUIPMENT

Clause		Comments	Assessment
Part E1 – Fire fighting equipment			
E1D1	Deemed-to-Satisfy Provisions	Information only.	Noted
E1D2	Fire hydrants	The building is required to be served by a fire hydrant system compliant with the requirements of this clause. The current Fire Safety Statement for the building does not list a fire hydrant system, indicating that the building is served by street hydrants. Assessment of the proposed development against the requirements of this clause will be the responsibility of the certifying when assessing the construction certificate application under clause 14(1) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	CRA
E1D3	Fire hose reels	The current Fire Safety Statement for the building specifies that the building is being served by a fire hose reel system compliant with BCA E1.4 & AS 2441-2005.	SAT
E1D4	Sprinklers	The current Fire Safety Statement for the building specifies that the building is being served by an Automatic Fire Suppression System (sprinklers) compliant with AS 2118-1982. It should be noted that this building is not required to be served by a sprinkler system by the BCA.	Noted
E1D14	Portable fire extinguishers	The current Fire Safety Statement for the building specifies that the building is being served by Portable Fire Extinguishers compliant with BCA E1.6 & AS 2444-2001.	SAT
Part E2 – Smoke hazard management			
E2D1	Deemed-to-Satisfy Provisions	Information only.	Noted
E2D2	Application of Part	Information only.	Noted
E2D4	Fire-isolated exits	No additional measures are trigger for the fire-isolated exits in this building under this clause.	NA
E2D9	Buildings not more than 25m in effective height: Class 5, 6, 7b, 8 and 9b buildings	The newly proposed Class 9b parts of the building must be provided with an automatic smoke detection and alarm system complying with Specification 20.	CRA
NSW E2D16	Class 9b – assembly buildings: all	The newly proposed Class 9b parts of the building must be provided with automatic shutdown of any air-handling system (other than non-ducted individual room units with a capacity not more than 1000L/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 6 of AS 1668.1) which does not form part of the smoke hazard management system, on the activation of - (i) smoke detectors installed complying with S20C6; and (ii) any other installed fire detection and alarm system, including a sprinkler system (other than a FPAA101D or FPAA101H system) complying with Specification 17.	CRA
NSW E2D19	Class 9b – assembly buildings: other assembly buildings (not listed in NSW E2D16 to E2D18)	Not applicable to educational establishment classrooms.	NA

Clause		Comments	Assessment
Part E3 – Lift installations			
E3D1	Deemed-to-Satisfy Provisions	Information only.	Noted
E3D2	Lift installations	The lift installation is assumed to comply with the requirements of this clause.	SAT
E3D4	Warning against use of lifts in fire	Warning signage is provided in accordance with this clause.	Complies
Part E4 – Visibility in an emergency, exit signs and warning systems			
E4D1	Deemed-to-Satisfy Provisions	Information only.	Noted
E4D2	Emergency lighting requirements	The current Fire Safety Statement for the building specifies that the building is being served by Emergency Lighting compliant with BCA E4.2, E4.4 & AS 2293.1-2005.	SAT
E4D3	Measurement of distance	Distances, other than vertical rise, must be measured along the shortest path of travel whether by straight lines, curves or a combination of both.	Noted
E4D5	Exit signs	The current Fire Safety Statement for the building specifies that the building is being served by Exit Signs compliant with BCA E4.5, NSW E4.6, E4.8 & AS 2293.1-2005.	SAT
E4D6	Direction signs	The current Fire Safety Statement for the building specifies that the building is being served by Exit Signs compliant with BCA E4.5, NSW E4.6, E4.8 & AS 2293.1-2005.	SAT
E4D9	Emergency warning and intercom systems	The newly proposed Class 9b parts must be provided with an emergency warning and intercom system compliant with AS 1670.4-2018.	CRA
Specification 20 – Smoke detection and alarm systems			
S20C1	Scope	This Specification describes the installation and operation of automatic smoke detection and alarm systems.	Noted
S20C2	Type of system	The newly proposed Class 9b parts of the building must be provided with a smoke detection system complying with S20C4.	CRA
S20C4	Smoke detection system	A smoke detection system must comply with this clause. It should be noted that the smoke detection system must activate a building occupant warning system compliant with clause S20C7.	CRA
S20C7	Building occupant warning system	A building occupant warning system must comply with this clause.	CRA

SECTION F – HEALTH AND AMENITY

Clause		Comments	Assessment
Part F4 – Sanitary and other facilities			
F4D1	Deemed-to-Satisfy Provisions	Information only.	Noted
F4D3	Calculation of number of occupants and facilities	(1) The number of persons accommodated must be calculated according to D2D18 if it cannot be more accurately determined by other means. (2) Unless the premises are used predominantly by one sex, sanitary facilities must be provided on the basis of equal numbers of males and females. (3) In calculating the number of sanitary facilities to be provided under F4D2 and F4D4, a unisex facility required for people with a disability (other than a facility provided under F4D12) may be counted once for each sex. (4) For the purposes of this Part, a unisex facility comprises one closet pan, one washbasin and means for the disposal of sanitary products.	Noted
F4D4	Facilities in Class 3 to 9 buildings	The design team have advised that there will be a maximum of five (5) staff across both units at any given time. This being the case, a unisex facility permitted instead of separate facilities for each gender.	Noted

Clause		Comments	Assessment
Part F4 – Sanitary and other facilities			
		The units subject to this application have access to the following sanitary facilities: Ground Floor: one (1) closet pan and associated washbasin (unisex) First Floor: two (2) water closets and associated washbasins designated to males, an accessible unisex sanitary compartment, and three (3) water closets and associated washbasins designated to females. This number of sanitary facilities is adequate to serve five (5) staff, 35 male students, and 35 female students.	
F4D9	Interpretation: Urinals and washbasins	A urinal may be— (i) an individual stall or wall-hung urinal; or (ii) each 600 mm length of a continuous urinal trough; or (iii) a closet pan used in place of a urinal. A closet pan has been counted as a urinal for the purpose of providing the advice given in the discussion of clause F4D4 above.	Noted
Part F5 – Room heights			
F5D1	Deemed-to-Satisfy Provisions	Information only.	Noted
F5D2	Height of rooms and other spaces	The height of all spaces and rooms throughout the building complies with the requirements of this clause.	Complies
Part F6 – Light and ventilation			
F6D1	Deemed-to-Satisfy Provisions	Information only.	Noted
F6D2	Provision of natural light	Natural light is not required to be provided to any part of the building (no general purpose classrooms in primary or secondary schools).	NA
F6D5	Artificial lighting	Artificial lighting must be provided throughout the newly proposed parts of the building in accordance with the requirements of AS 1680.0-2009.	CRA
F6D6	Ventilation of rooms	All occupiable spaces throughout the building must be provided with natural or mechanical ventilation.	CRA
F6D9	Restriction on location of sanitary compartments	The location of the sanitary compartments within the building complies with this clause.	Complies