

# BUILDING CODE OF AUSTRALIA SIGNIFICANT ISSUES COMPLIANCE ASSESSMENT REPORT

Swimming pool

42 NORTH STEYNE, MANLY

DATE ► 20/01/2023

REPORT NO. ► 11120.1 Rev 3.0

PREPARED FOR ► Steyne Hotel Operations P/L ATF Steyne Hotel Operations Trust ABN 99 517 866 550

PREPARED BY ► AE&D



**AEDGROUP**

Innovation & expertise in building regulations

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REVISION STATUS				
REVISION	DATE	STATUS	WRITTEN	CHECKED
11120.1 Rev 1.0	15.12.22	DRAFT FOR COMMENT	BM	
11120.1 Rev 2.0	19.01.23	FINAL	BM	TJ
11120.1 Rev 3.0	20.01.23	FINAL – MINOR UPDATE	BM	TJ

### COMMERCIAL IN CONFIDENCE

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## 1.1 EXECUTIVE SUMMARY AND RECOMMENDATIONS

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This report provides Building Code of Australia (BCA) 2019 Amendment 1 assessment of the proposed swimming pool located on Level 4 on 42 North Steyne, Manly.

The primary purpose of this report is to identify the non-compliance matters based on a desktop assessment of available information, against the current Deemed-to-Satisfy (DTS) Provisions of the BCA and to provide compliance recommendations to overcome the DTS non-compliances.

## 1.2 Recommendations

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The following is a list of Deemed-to-Satisfy Provisions that should be addressed either by design amendments, additional information **OR** by way of a Performance Solution:

- Not applicable. Design capable of complying.



## 2.0 INTRODUCTION

This report provides Building Code of Australia (BCA) 2019 Amendment 1 assessment of the proposed swimming pool located on Level 4 on 42 North Steyne, Manly.

The primary purpose of this report is to identify the non-compliance matters based on a desktop assessment of available information, against the current Deemed-to-Satisfy (DTS) Provisions of the BCA and to provide compliance recommendations to overcome the DTS non-compliances.

This report provides a BCA assessment table in Section 3.0 that summarises the identified non-compliance matters and offers specific recommendations.

### 2.1 Basis of Report

The key basis of this report is to address compliance with the Building Code of Australia (BCA) 2019 Amendment 1. The scope of services is limited to Section D – “Access & Egress” and Section G – Ancillary Provisions”.

- Architectural plans, Prepared by Squillace, Job No. IRI2014, Drawing Numbers:

Title	Drawing No	Revision	Date
Level 4 Floor Plan	DA-104	G	17.01.2023
East and West Elevations	DA-201	E	17.01.2023
North and South Elevations	DA-202	F	17.01.2023
Section A	DA-401	E	17.01.2023
Section B	DA-402	D	17.01.2023
Section C	DA-403	B	17.01.2023

- The Building Code of Australia 2019 Amendment 1 prepared by the Australian Building Codes Board.
- The Guide to the BCA 2019 Amendment 1, prepared by the Australian Building Codes Board.

### 2.2 Purpose of the Report

The purpose of this report is to assess the following:

- Assessment under the current Building Code of Australia 2019 Amendment 1 and list any departures from the BCA 2019 Amendment 1.
- Provide recommendations to address identified non-compliances, and/or identify potential alternative solutions and/or fire safety strategies to overcome the Deemed to Satisfy non-compliances.

### 2.3 Limitations of the Report

This report does not assess the following:

- Access and facilities for people with disabilities is addressed however compliance with Disability Discrimination Act 1992 (DDA) is outside the scope of this report. It should be noted that BCA compliance does not necessarily meet the requirements of the Disability Discrimination Act (DDA).
- Reporting on hazardous materials, WH&S matters or site contamination
- Assessment of any structural elements or geotechnical matters relating to the building, including any structural or other assessment of the existing fire resistant levels of the building
- A granular level assessment of any fire services operations (including hydraulic, electrical or other systems). The assessment focuses on a high-level compliance audit of obvious system defects. Where necessary, the need for further testing by a suitably qualified tradesman will be identified.
- Assessment of plumbing and drainage installations, including stormwater



- A granular level assessment of mechanical plant operations, electrical systems or security systems. The assessment focuses on a high-level compliance audit of obvious system defects. Where necessary, the need for further testing by a suitably qualified tradesman will be identified.
- Heritage significance
- Consideration of energy or water authority requirements
- Consideration of Council's local planning policies
- Environmental or planning issues
- Requirements of statutory authorities
- Pest inspection or assessment building damage caused by pests (general/visual pest invasion or damage will be reported, however invasive or intrusive inspections have not been carried out)
- Provision of any construction approvals or certification under Part 4A or Part 5 of the Environmental Planning & Assessment Act 1979.
- Glazing, shading, lighting calculations and the like required by Section J of the BCA not been carried out
- Assessment of Specification C1.10 relating to existing materials and linings.
- Assessment of FRL's achieved by existing construction other than mentioned within the report.
- BCA 2019 Amendment 1 does not directly specify slip-resistance classification(s) for all *accessible paths of travel*; however, we highlight the need under AS 1428.1-2009 for all *accessible paths of travel* to have a slip-resistant surface. We recommend you should seek surface finish advice from an independent specialist slip safety consultant.

*THIS IS A VISUAL NON INVASIVE INSPECTION ONLY limited to those areas and sections of the property fully accessible and visible to the inspector on the dates of inspection. The inspection DID NOT include breaking apart, dismantling, removing or moving objects including but not limited to, foliage, moldings, roof insulation / insulation, floor or wall coverings, sidings, ceilings, floors, furnishings, appliances or personal possessions. The inspector CANNOT see inside walls, between floors, inside skillion roofing, behind stored goods in cupboards, other areas that are concealed or obstructed. The inspector DID NOT dig, gouge, force or perform any other invasive procedures. Visible timbers cannot be destructively probed or hit without the written permission of the property owner.*

*This report does not and cannot make comment upon: defects that may have been concealed, the assessment or detection of defects (including rising damp and leaks) which may be subject to the prevailing weather conditions, the presence or absence of timber pests, gas fittings, common property areas, environmental concerns; the proximity of the property to flight paths, railways, or busy traffic; noise levels; health and safety issues; heritage concerns; security concerns; active fire protection; site drainage (apart from surface water drainage); swimming pools and spas (non-structural); detection and identification of illegal building work ; detection and identification of illegal plumbing work ; durability of exposed finishes ; neighborhood problems ; document analysis ; electrical installation; any matters that are solely regulated by statute; any area(s) or item(s) that could not be inspected by the consultant. Accordingly this Report is not a guarantee that defects and/or damage does not exist in any inaccessible or partly inaccessible areas or sections of the property. (NB: such matters may upon request be covered under the terms of a special purpose property report.)*



### 3.0 BCA ASSESSMENT DATA

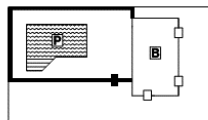
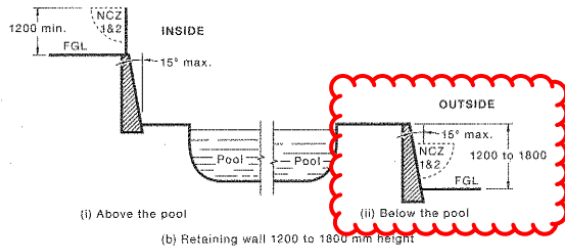
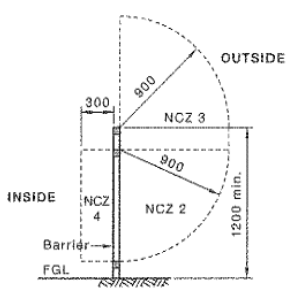
The following data is provided in respect to review of the building under the Building Code of Australia 2019 Amendment 1 in respect to the compliance assessment of the Level 4 swimming pool proposed within the mixed use building, to be located at 42 North Steyne, Manly.

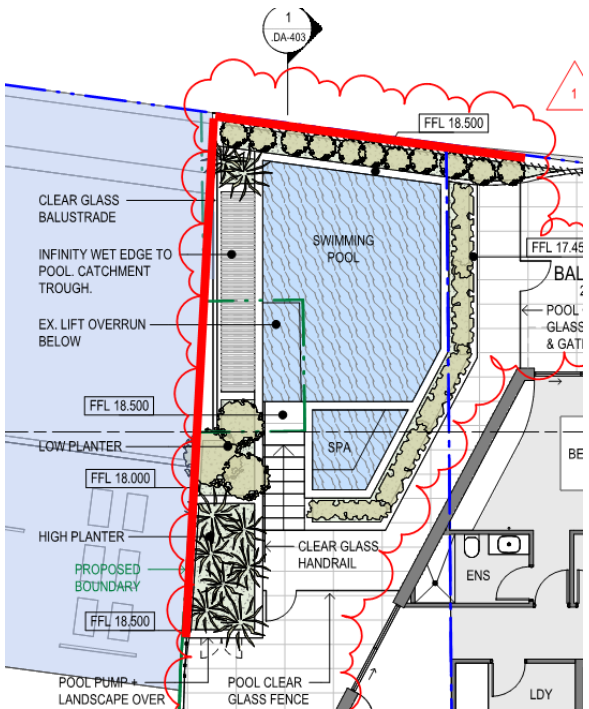
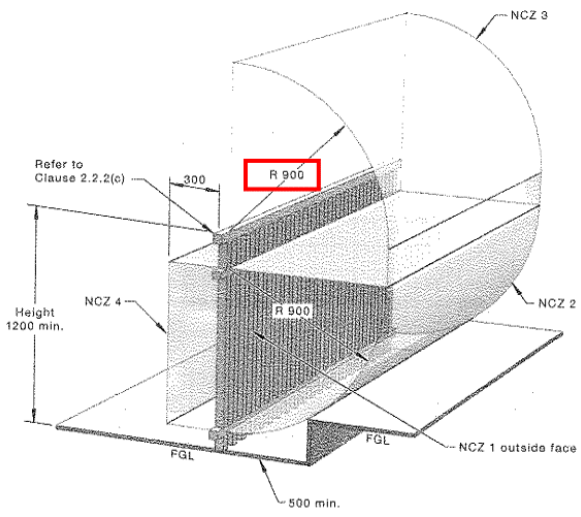
BCA Building Classifications:	<u>Lower Basement</u> : Class 7b (storage) <u>Basement</u> : Class 7a (carpark) <u>Ground Floor</u> : Class 3 (Hotel Steyne amenities) Class 6 (café) Class 7b (garbage / BOH / loading) <u>Level 1 - 4</u> : Class 2
Building rise in storeys:	5 (determined in accordance with C1.2 of the BCA).
Type of Construction:	Type A (determined in accordance with C1.1 of the BCA)
General Floor area limitations:	<5,000m <sup>2</sup> & 30,000m <sup>3</sup>
Effective Height (m):	17,000 – 5,000 12m
Climate Zone (Thermal Design)	5 (determined in accordance with : ABCB NSW Climate Map Sep 2019 Version: VC00031.3)





## 4.0 Swimming pool assessment

#	REQUIRED DTS PERFORMANCE SOLUTIONS		
	BCA DTS Clause	Provision	AED comments
Council comment – “The safety balustrades/ fencing required for pool and planter box maintenance have not been provided adequately.”			
#. 1	NSW G1.1	<p><b>NSW G1.1 Swimming pools</b></p> <p>(b) A swimming pool with a depth of water more than 300 mm and which is associated with a Class 2 or 3 building or Class 4 part of a building, must have suitable barriers to restrict access by young children to the immediate pool surrounds in accordance with:</p> <p>(i) AS 1926 Parts 1 and 2; or</p> <p>(ii) if the swimming pool is a spa pool:</p> <p>(A) The requirements of (b)(i); or</p> <p>(B) Clause 9 of the Swimming Pools Regulation 2018.</p>	<p>The swimming pool fence is capable of complying with AS 1926.1-2012 and AS 1926.2-2007.</p>  <p>(c) Example 3</p> <p>LEGEND:</p> <ul style="list-style-type: none"> <li> Pool</li> <li> Building</li> <li> Window or door</li> <li> Gate complying with AS 1926.1</li> <li> Child-resistant openable portion of window complying with AS 1926.1</li> <li> Property boundary</li> <li> Fence, retaining wall or other such barrier complying with AS 1926.1</li> </ul> <p>FIGURE 2.1 TYPICAL EXAMPLES OF OUTDOOR POOL BARRIER LOCATIONS</p>  <p>(i) Above the pool</p> <p>(ii) Below the pool</p> <p>(b) Retaining wall 1200 to 1800 mm height</p>  <p>(b) NCZ 2 in middle of barrier</p>
Council comment – “There are concerns that the additional pool/ planter box structure and higher safety fencing required will obstruct the view corridor for the existing next door apartments. Future obscuring of glass balustrade for improving privacy to the pool area will exacerbate the problem.”			
#	BCA DTS Clause	Provision	AED Comment

2	D2.16	<p><b><u>D2.16 Barriers to prevent falls</u></b></p> <p>(a) A continuous barrier must be provided along the side of—</p> <p>(i) a roof to which general access is provided; and</p> <p>(ii) a stairway or ramp; and</p> <p>(iii) a floor, corridor, hallway, balcony, deck, verandah, mezzanine, access bridge or the like; and</p> <p>(iv) any delineated path of access to a building,</p> <p>if the trafficable surface is 1 m or more above the surface beneath.</p>	<p>A barrier to prevent a fall is provided as detailed on the architectural plans that extend the western and southern edges of the pool area as marked in red below to comply with BCA Clause D2.16.</p>  <p>Although the BCA does not specify climbable elements adjacent to balustrades, it is common practice to apply the “non-climbable zone” as detailed in AS1926.1-2012.</p>  <p>(c) 3D view of NCZs DIMENSIONS IN MILLIMETRES</p> <p>FIGURE 2.1 (in part) EXAMPLES OF NON-CLIMBABLE ZONES (NCZs)</p> <p>A non-climbable zone extends 1000mm from the edge of the balustrade.</p>
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Similarly, the balustrade on the southern part of the pool area extends 1000mm from the top of the "Infinity wet edge to pool. Catchment trough".

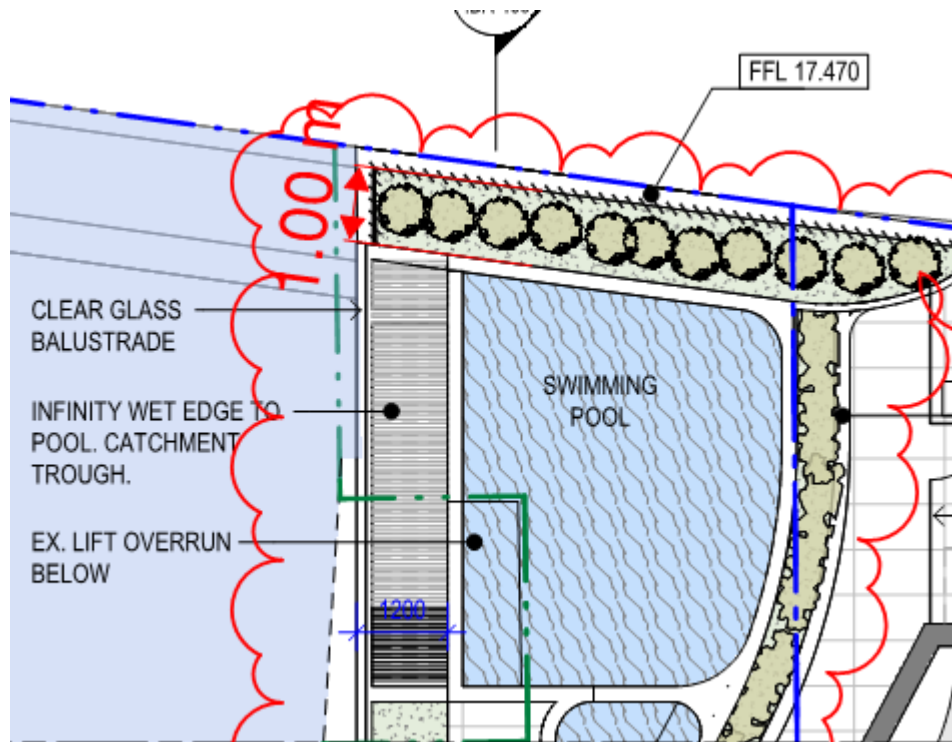


Figure 1: Balustrade serving the western elevation.

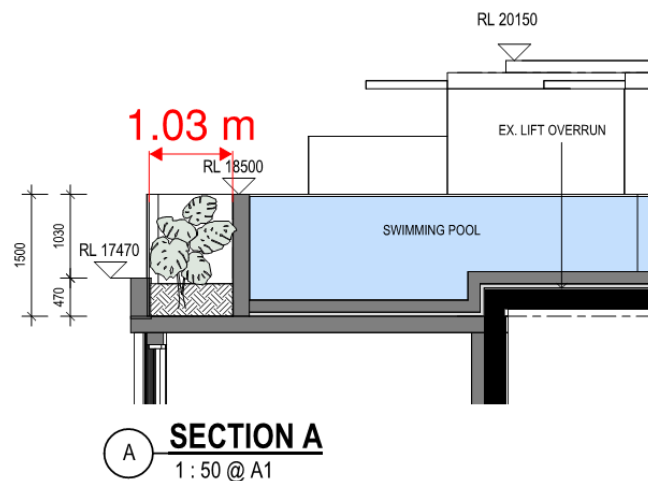


Figure 2: Balustrade serving the western elevation.

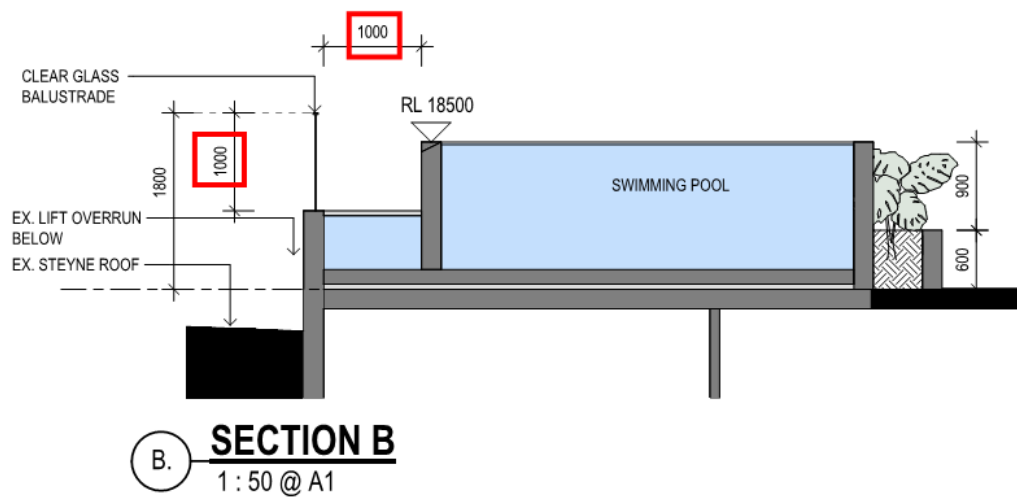


Figure 3: Balustrade serving the southern elevation.

## 5.0 CONCLUSION

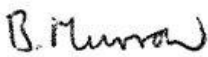
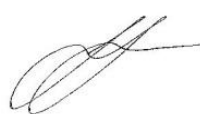
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This report provided Building Code of Australia (BCA) 2019 Amendment 1 assessment of the proposed swimming pool located on Level 4 at 42 North Steyne, Manly.

The primary purpose of this report was to identify the non-compliance matters based on a desktop assessment of available information, against the current Deemed-to-Satisfy (DTS) Provisions of the BCA and to provide compliance recommendations to overcome the DTS non-compliances.

Based on our assessment of the plans prepared by SQA in the appendix, and provided the matters raised in this report are addressed accordingly, the proposed swimming pool located on Level 4 at 42 North Steyne, Manly can comply with the Deemed-to-Satisfy (DTS) provisions of the BCA

Further, if compliance with the deemed-to-satisfy provisions is not achievable or desirable, Performance Solutions could be further developed and verified by an appropriately qualified BCA Consultant or Fire Safety Engineer.

<p><b>Prepared by:</b></p>  <p>Ben Murrow Senior Associate for AE&amp;D</p>	<p><b>Reviewed by:</b></p>  <p>Director for AE&amp;D</p>
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## Urban Design Referral Response

<b>Application Number:</b>	Mod2022/0630
<b>Date:</b>	01/12/2022
<b>To:</b>	Maxwell Duncan
<b>Land to be developed (Address):</b>	Lot 100 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 101 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 102 DP 1069144 , 75 The Corso MANLY NSW 2095 Lot 1 DP 1034722 , 42 North Steyne MANLY NSW 2095

### Officer comments

This advice is provided as an internal referral from the Urban Design Unit to the Development Assessment Officer for consideration and coordination with the overall assessment.

The application seeks to amend the existing consent by installing a pool and spa on the approved terrace of the level 4 apartment.

Urban Design cannot support the proposal because of the following issues:

1. The safety balustrades/ fencing required for pool and planter box maintenance have not been provided adequately.
2. There are concerns that the additional pool/ planter box structure and higher safety fencing required will obstruct the view corridor for the existing next door apartments. Future obscuring of glass balustrade for improving privacy to the pool area will exacerbate the problem.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### Recommended Heritage Advisor Conditions:

Nil.



## ATTACHMENT B – GLOSSARY

Term/Acronym	Definition
<b>Appropriately Qualified Person</b>	A professional person/organisation having the specific knowledge and expertise that relates to the field the subject of the submitted report/certification/investigation and that that person or organization possesses the relevant academic qualifications within that particular discipline and at least five (5) years' minimum experience [and where applicable accreditation with the appropriate authority] in that field.
<b>SOU</b>	A Sole Occupancy Unit (SOU) means a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes— <ul style="list-style-type: none"> <li>(a) a dwelling; or</li> <li>(b) a room or suite of rooms in a Class 3 building which includes sleeping facilities; or</li> <li>(c) a room or suite of associated rooms in a Class 5,6,7,8 or 9 building; or</li> <li>(d) a room or suite of associated rooms in a Class 9c building, which includes sleeping facilities and any area for the exclusive use of a resident.</li> </ul>
<b>BCA</b>	The Building Code of Australia (BCA) is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and each State and Territory Government. The BCA is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia whilst allowing for variations in climate and geological or geographic conditions. The goals of the BCA are to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety (including safety from fire), health and amenity for the benefit of the community now and in the future. The edition (year) of the BCA used in compliance with the order will be the edition current at the time of the Order being issued. The BCA is published in two volumes: Volume One pertains to Class 2 to 9 buildings; Volume Two pertains to Class 1 and 10 buildings.
<b>Certification</b>	Means a certificate or other approved form of written correspondence issued by an appropriately qualified person stating that the properties and or performance of a material, product or system, method of construction or design meet with the specific requirements of the order.
<b>FRL</b>	Fire-resistance (FRL). Means the fire resistance [in minutes] of a building element determined in accordance with Specification A2.3 of the BCA, for the following criteria: <ul style="list-style-type: none"> <li>• Structural adequacy; and</li> <li>• Integrity; and</li> <li>• Insulation</li> </ul> and expressed in that order.
<b>Details (to be submitted)</b>	Means architectural building plans, drawn to industry standards, having an appropriate scale(s), elevations, sections and accompanied with suitable specification dealing with materials methods of construction and design.
<b>Smoke Resistive Construction</b>	A form of non-combustible construction which has subdividing walls, floors or other smoke barriers in it required to contain/minimize smoke movement throughout a building during a fire.
<b>Penetration</b>	An aperture in a fire separating element of construction, which could, in the event of a fire, allow the passage of fire to another fire compartment or other structurally separated area of a building.
<b>Final Fire Safety Certificate</b>	A final fire safety certificate is a certificate issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:- <ul style="list-style-type: none"> <li>(a) has been assessed by a properly qualified person; and</li> <li>(b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.</li> </ul> <p>NOTE: A final fire safety certificate must be provided if a Fire Safety Order is made in relation to building premises.</p>



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STATUS

## SECTION 4.55

Do not scale drawing. Verify all dimensions on site.  
Report any discrepancies in documentation to architect.  
This drawing is for the purpose of council approval  
and as such, is not suitable for construction.



DRAWING NOTES

ISS	DATE	PURPOSE OF ISSUE
A	20 12 2022	ISSUE FOR SECTION 4.55

CLIENT  
RIS

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ARCHITECTURE /  
INTERIORS

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**NOMINATED ARCHITECT**  
 Prince Squillace Reg No. 6468 (NSW),  
 2219 (VIC) 3677 (QLD) AR1173 (NT)

PROJECT  
MANLY APARTMENTS  
12 NORTH STEYNE, MANLY  
LOT 100-102 IN DP 1069144

DRAWING NO. **DA-1003 A** ISSUE

JOB NO. **R12014** SCALE **1:50@A1** DATE **20.12.22**

DRAWING TITLE  
POOL EDGE SECTIONS

DRAWN BY CHECKED BY  
EN VS

