

BCA and Fire Safety DA ASSESSMENT REPORT

Project: Manly Pacific – Charcoal Cooker

Address: 55 North Steyne, Manly

Report no: BCADAR_24040_R1.0_CharDA

Date: 30/05/2024

Prepared For: RateWave Pty Ltd C/- Mostyn
Copper





**HONTAS
HATZI & CO**

Building Code &
Accessibility Consultants



Document Control & Status

Report & Revision No.	Date	Status	Authorisation	
BCADAR_24040_R1.1_ CharDA	30/05/24	Final	Author:	
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Disclaimer

This report is based on a desktop assessment of the design documentation listed in Section 4. It identifies the status of compliance at this point and will need to be amended as the design develops.

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1. Introduction

Hontas Hatzi & Co. (HHC) have been engaged by RateWave Pty Ltd C/- Mostyn Copper to conduct a preliminary assessment of the proposed architectural design documentation against the relevant Deemed to Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022.

2. Purpose

The purpose of this report is to assess the referenced design documentation against the relevant Deemed to Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022 and regulatory framework to identify those areas (if any) where:

- Compliance is not achieved; or
- Design amendments are required to achieve compliance; or
- Compliance is proposed to be achieved by way of a Performance Solution; or

The report is proposed to form part of the documentation supporting the Development Application to the relevant Consent Authority.

3. Report Limitations

This report is limited to a preliminary assessment of the Deemed to Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022, relevant regulatory framework and referenced architectural design documentation in **Sections 4 and 5** of this report.

The content of this report is restricted for the exclusive use of the Client. Whilst all care has been taken in the preparation of this report, HHC accepts no responsibility or liability with respect to reliance upon this report by any third party. The recommendations relating to compliance throughout this report reflect the professional opinion and interpretation of HHC.

The report does not include or imply any detailed compliance with:

- Provisions of the BCA not directly referenced.
- Australian Standards not directly referenced.

- The Disability Discrimination Act 1992.
- Any other Acts, Regulations, Planning Instruments and Guidelines unless specifically referenced.
- Requirements of other Regulatory Authorities including, but not limited to, Telecommunications Supply Authority, Water Supply Authority, Electricity Supply Authority, Work Cover, Roads and Maritime Services (RMS), Local Council, ARTC, Department of Planning and the like.
- Work Health and Safety Act.
- Construction Safety Act.

4. Project Information

The following project and building characteristics are noted as part of this assessment:

Project and Building Characteristics	
Description of proposed works	Use of charcoal cooking equipment within proposed F + B tenancy on the Ground Floor.
Building Classification and Use	New works: <ul style="list-style-type: none"> • Class 6 (Ground Floor part) – Restaurant Other building uses: <ul style="list-style-type: none"> • Class 3 - Hotel • Class 5 – Office/meeting rooms • Class 7a – Carpark
Rise in Storeys	8 (as outlined in the base building FER)
Type of Construction	A
Effective Height	25.1m (as outlined in the base building FER)
Climate Zone	5

This design assessment is based on the following documentation

- Architectural design documentation prepared by **Luchetti Krelle**:

Drawing No.	Title	Revision	Date
DA3.000	Cover Page	A	28/05/24
DA3.020	Demolition - Ground Floor - Charcoal Cooker	A	28/05/24
DA3.130	Proposed Plan - Ground Floor - Charcoal Cooker	A	28/05/24

5. Regulatory Framework

This section of the report summarises the key regulatory issues that apply to fire safety.

5.1. New Building Work

Pursuant to Section 19 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, all new building work must comply with the relevant requirements of the BCA as in force on the relevant date. Notwithstanding, existing features of an existing building need not comply with the BCA unless an upgrade is required by other clauses of legislation.

5.2. Assessment by Consent Authority

Pursuant to Section 64 of the Environmental Planning and Assessment Regulation 2021, the fire safety of existing building is required to be undertaken by the Consent Authority as part of the Development Application process. This is a discretionary evaluation, and the Consent Authority may elect to impose an upgrade to the building (full or partial) following an assessment that determines the measures contained within the building are considered inadequate to:

- To protect persons using the building and facilitate their egress in the event of a fire, or
- To restrict the spread of fire building buildings.

5.1. No change in building use

Pursuant to Section 14(3) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a Construction Certificate for building works

must not be issued by a Certifier, unless on completion of the building work, the fire protection and structural capacity of the building will not be reduced.

6. Disability Discrimination Act 1992

The Commonwealth Disability Discrimination Act 1992 (DDA) applies to all states and territories throughout Australia. The Act “provides protection for everyone in Australia against discrimination based on disability” (source: Australian Human Rights Commission).

Under the Act, the term ‘disability’ covers the following:

1. Physical disabilities
2. Intellectual disabilities
3. Psychiatric disabilities
4. Neurological disabilities
5. Sensory disabilities (i.e., vision, hearing or other impairment)
6. Learning disabilities
7. Physical disfigurement; and
8. The presence in the body of disease-causing organisms.

The legislative framework provided within the Act prohibits person with a disability from being treated unfairly or discriminated against. This is generally consistent with other forms of human rights legislation which seeks to protect all persons from discrimination and allow for equal access and opportunity for all.

Section 23 of the Act makes it unlawful to discriminate against a person with a disability in relation to access to, or use of, premises.

7. The ‘Premises Standard’ 2010

The Disability (Access to Premises - Buildings) Standards 2010 (“Premises Standard”) was implemented and enforceable since 1st of May 2011. The Standard identifies mandatory triggers for upgrades to a building where works are undertaken by the Building Owner or Sole Lessee (or their representative).

The aim of the Premises Standard is to progressively upgrade existing buildings and allow for the removal of access barriers within the built environment. This provides greater certainty for

Building Owners and construction professionals when detailing the extent of upgrades to existing building when new works occur.

The Premises Standard applies to a “new building”, “a new part of an existing building” and “the affected part of an existing building” where **applications for building** work are **submitted** by the **Building Owner or Sole Lessee** (or their representative).

The upgrade triggers focus on the Principal Pedestrian Entry (PPE) and the “affected part” which is defined as follows and is illustrated in **Figure 1** (below):

- The principal pedestrian entrance of an existing building that contains a new part; and
- 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.



Figure 1 – Illustration of “affected part” upgrade

The Premises Standard generally aligns with the National Construction Code/Building Code of Australia (NCC/BCA) and contains various exemptions and concessions that are available in certain instances.

8. BCA Assessment

A preliminary assessment of the proposed architectural design documentation has been undertaken for the purposes of, and to the extent necessary, to accompany the Development Application to the relevant Consent Authority.

It is acknowledged the design does not contain all the details necessary for a Construction Certificate, however it is developed to a standard that is considered suitable to accompany the Development Application.

The assessment has revealed the proposed design is capable of achieving compliance with the relevant provisions of the BCA 2022. Compliance is proposed to be achieved by a combination of satisfying the relevant DtS provisions of the BCA and/or where necessary, by way of a Performance Solution.

Further regulatory assessments will need to be progressively undertaken during the subsequent design development phase and prior to the issue of the Construction Certificate (CC) to ensure is achieved.

Design Notes:

- All new structural works are to comply with the relevant structural provisions of the BCA 2022 and referenced standards including the AS1170 suite.
- The building is required to comply with the requirements of Type A Construction. The Fire Resistance Level (FRL) of all building elements must comply with the relevant requirements of Specification 5.
- Any service penetrations through fire rated floor and/or walls are to be adequately fire sealed in accordance with clause C4D15 of the BCA.
- Kitchen exhaust to comply with clause F6D12, AS1668.1 and AS1668.2.
- Ceiling/room height in a commercial kitchen is to be not less than 2.4m.
- The design is required to comply with the base building Fire Engineering Report CMIT(C)-2007-044 (Rev E) prepared by CSIRO dated 18/07/2007. A separate consistency report will be provided at the CC stage by the encumbered Fire Safety Engineer.
- Kitchen hood must have a suppression system complying with NFPA17 & Manufacturers Specification (as per the CSIRO report).

9. Conclusion

This report documents a preliminary assessment of the proposed architectural design documentation against the relevant Deemed to Satisfy (DTS) provisions of the Building Code of Australia (BCA) 2022 for the purpose of supporting the Development Application to the relevant Consent Authority.

The assessment has revealed the referenced architectural design documentation can readily achieve compliance with the relevant provisions of the BCA, subject to compliance with the recommendations and notes in this report.

Further detailed reviews will need to be undertaken as the design develops to ensure it is capable of being approved under a Construction Certificate and contains all relevant details regarding performance-based solutions or other documentation necessary to satisfy the relevant legislative requirements.

10. Appendix A – Statutory Fire Safety Measures

The following fire safety measures are required for the new building works.

The fire safety measures may need to be revised at Construction Certificate stage to include:

- Reference to any relevant fire safety Performance Solution(s); and/or
- Be consistent with the standard of performance referenced in the current Annual Fire Safety Schedule through the application of Section 74 of the EP&A (Development Certification and Fire Safety) Regulation.

Measure	Standard of Performance
Automatic Fire Detection and Alarm System (Smoke Detection System)	BCA 2022 S20C4 and AS 1670.1 - 2018
Fire Seals Protecting Opening In Fire Resisting Components Of The Building	BCA 2022 Clause C4D15, Specification 13, AS 1530.4 - 2014, AS 4072.1 - 2005 and installed in accordance with the tested prototype.
Kitchen hood suppression system	NFPA17 & Manufacturers Specification

11. Appendix B – Annual Fire Safety Schedule

Fire Safety Statement

Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



Please note:

Information to assist building owners to complete each section of the statement is provided on pages 3, 4 and 5.

Section 1: Type of statement

This is (mark applicable box) an annual fire safety statement (complete the declaration at Section 8 of this form)
 a supplementary fire safety statement (complete the declaration at Section 9 of this form)

Section 2: Description of the building or part of the building

This statement applies to: the whole building part of the building

Address (Street No., Street Name, Suburb and Postcode)

55 North Steyne, MANLY, 2095

Lot No (if known)

DP/SP (if known)

Building name (if applicable)

Novotel Sydney Manly Pacific - AFSS02510

Provide a brief description of the building or part (building use, number of storeys, construction type etc)

Rise in Stories : 8

Stories Below Ground : 1

Type of Construction : A

Classification : 3, 6 and 7a

Building Description : Eight levels of Hotel and Conference Facilities + One level Basement Car Park.

Section 3: Name and address of the owner(s) of the building or part of the building

Full Name (Given Name/s and Family Name) *

Ratewave Pty Ltd c/- Novotel Manly Pacific

* Where the owner is not a person/s but an entity including a company or trust insert the full name of that entity.

Address (Street No., Street Name, Suburb and Postcode)

55 North Steyne, MANLY NSW 2095

Section 4: Fire Safety Measures

Fire Safety Measure	Minimum Standard of Performance	Date(s) assessed	APFS*
Automatic Fire Detection & Alarm System	BCA E2.2a, AS 1670	30 Nov 2022	F033749A
Emergency lighting	AS 2293.1	16 Dec 2022	F044591A
Emergency lifts	AS 1735.2, Cl. 29.6	01 Dec 2022	F021183A
Emergency warning and intercommunication systems	AS 2220	30 Nov 2022	F033749A
Exit signs	AS 2293.1	16 Dec 2022	F044591A
Fire dampers	AS 1682.1	28 Nov 2022	F033405A

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Fire Safety Statement

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Fire Safety Measure	Minimum Standard of Performance	Date(s) assessed	APFS*
Fire Doors and Signs	BCA C3.4, AS 1905.1	28 Nov 2022	F033405A
Fire Hydrants	BCA E1.3, AS 2419.1	30 Nov 2022	F033749A
Fire Seals	BCA C3.15, AS 1530.4	28 Nov 2022	F033405A
Fire hose reels	BCA 1.4, AS 2441	30 Nov 2022	F033749A
Mechanical Air Handling	AS 1668.1	27 Nov 2022	F053157A
Paths of travel to fire exits	BCA D, CMIT (C) - 2007-044	19 Dec 2022	F055720A
Portable fire extinguishers	BCA E1.6, AS 2444	30 Nov 2022	F033749A
Warning and operational signs	BCA D2.23, EP&A 2000, AS 2419	19 Dec 2022	F055720A
Fire Engineering Assessment Report	CMIT (C) - 2007-044	30 Nov 2022	F033749A
Note – Level 8 and Ground floor under construction			

* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS). Also, new rows can be added if required.

Section 5: Inspection of fire exits and paths of travel to fire exits (Part 15)

Whole of the building inspected	Date(s) inspected	APFS*
Whole Building (excluding areas under construction)	19 Dec 2022	F055720A

* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS). Also, new rows can be added if required.

Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS)*

Full name (Given Name/s and Family Name)	Address	Phone	APFS*	Signature
Patrick Konza	4/4 Avenue of Americas, NEWINGTON NSW 2327	1300 667 704	F033749A	See attached
Luke Schembri	123 Wetherill St Nth, SILVERWATER NSW 2128	0447 604 3854	F053157A	See attached
Ryan Libbbs	Suite 214/117 Old Pittwater Road, BROOKVALE NSW 2100	0429 262 569	F021183A	See attached
Shane Dutta	PO Box 7269, BAULKHAM HILLS NSW 2053	02 9659 1699	F044591A	See attached
James Bury	Unit 6, 252 Allambie Road, ALLMABIE HEIGHTS NSW 2100	02 9907 0700	F033405A	See attached
Shannon Loughran	Suite 6, Level 6, 65 York Street, SYDNEY NSW 2000	0426 217 916	F055720A	

* Where applicable – see notes on page 4 for further information.



Fire Safety Statement

Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



Section 7: Details of the person making the declaration in section 8 or 9

Full name (Given Name/s and Family Name)

DYLAN COLE

Organisation (if applicable)

MANLY PACIFIC

Title/Position (if applicable)

GENERAL MANAGER

Address (Street No, Street Name, Suburb and Postcode)

55 NORTH STEYNE, MANLY, 2095

Phone


0404 038 752

Email

dylan.cole@accor.com

The person making the declaration in section 8 or 9 must not be an APFS listed in section 6 or their employer/employee or direct associate.

Section 8: Annual fire safety statement declaration

I,  (Insert full name) being the: owner owner's agent

declare that:

- a) each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) as capable of performing:
 - i. for an essential fire safety measure specified in the fire safety schedule, to a standard no less than that specified in the schedule, or
 - ii. for an essential fire safety measure applicable to the building but not specified in the fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b) the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the Regulation.

Owner/Agent Signature



Date issued

31 January 2023

Section 9: Supplementary fire safety statement declaration

I, N/A (Insert full name) being the: owner owner's agent

declare that each critical fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) as capable of performing to at least the standard required by the current fire safety schedule for the building.

Owner/Agent Signature

N/A

Date issued

N/A

Note:

- A fire safety statement for a building must not be issued unless the statement is accompanied by a fire safety schedule for the building in accordance with the Regulation.
- The building owner(s) are also responsible for ensuring that essential fire safety measures are maintained in accordance with section 81 of the Regulation. An agent cannot be made responsible for this requirement.

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12. Appendix C – Fire Resisting Levels

Type A Construction: FRL of Building Elements

BUILDING ELEMENT Class of building – FRL (*Structural adequacy/Integrity/Insulation in minutes*)

	2,3 or 4 part	5, 9 or 7a	6	7b or 8
EXTERNAL WALL (including any column and other building element incorporated within it) or other external building element, where the distance from any fire-source feature to which it is exposed is-				
For loadbearing parts-				
less than 1.5m	90/90/90	120/120/120	180/180/180	240/240/240
1.5 to less than 3 m	90/60/60	120/ 90/ 90	180/180/120	240/240/180
3m or more	90/60/30	120/ 60/ 30	180/120/90	240/180/ 90
For non-loadbearing parts-				
less than 1.5 m	-/90/90	- /120/120	- /180/180	- /240/240
1.5 to less than 3 m	-/60/60	- / 90/ 90	- /180/120	- /240/180
3 m or more	- / - / -	- / - / -	- / - / -	- / - / -
EXTERNAL COLUMN not incorporated in an external wall-				
For loadbearing columns	90/ - / -	120/ - / -	180/ - / -	240/ - / -
For non-loadbearing columns	- / - / -	- / - / -	- / - / -	- / - / -
COMMON WALLS & FIRE WALLS	90/90/90	120/120/120	180/180/180	240/240/240
INTERNAL WALLS				
Fire-resisting lift and stair shafts-				
Loadbearing	90/90/90	120/120/120	180/120/120	240/120/120
Non-loadbearing	- /90/90	- /120/120	- /120/120	- /120/120
Bounding public corridors, public lobbies and the like-				
Loadbearing	90/90/90	120/ - / -	180/ - / -	240/ - / -
Non-loadbearing	- /60/60	- / - / -	- / - / -	- / - / -
Between or bounding sole-occupancy units-				
Loadbearing	90/90/90	120/ - / -	180/ - / -	240/ - / -
Non-loadbearing	- /60/60	- / - / -	- / - / -	- / - / -
Ventilating, pipe, garbage, and like shafts not used for the discharge of hot products of Combustion-				
Loadbearing	90/90/90	120/ 90/ 90	180/120/120	240/120/120
Non-loadbearing	- /90/90	- / 90/ 90	- /120/120	- /120/120
OTHER LOADBEARING INTERNAL WALLS, INTERNAL BEAMS, TRUSSES				
and COLUMNS	90/ - / -	120/ - / -	180/ - / -	240/ - / -
FLOORS	90/90/90	120/120/120	180/180/180	240/240/240
ROOFS	90/60/30	120/ 60/ 30	180/60/30	240/ 90/ 60



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