

BCA and Fire Safety DA ASSESSMENT REPORT

Project: St Augustine's College – Office and Storage Building

Address: 35 Consul Road, Brookvale

Report no: BCADAR_23144_R1.2

Date: 16/02/2024



Prepared For: St Augustine's College



HONTAS
HATZI & CO

Building Code &
Accessibility Consultants

Document Control & Status

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1. Introduction

Hontas Hatzi & Co. (HHC) have been engaged by St Augustine's College Sydney to assess the proposed change in use against the relevant "fire safety" and "access" Deemed to Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022 and applicable legislative requirements.

The proposal involves the change in use and repurpose of the existing residential dwelling for use as office and storage. It is understood the Consent Authority (Council) has requested additional information as part of the *Development Application and Modification Lodgement Requirements* as follows:

Building Code of Australia (BCA) Report

A BCA Report, authored by a suitably qualified person, must be submitted for all commercial/industrial/mixed use or large scale residential development (all Class 2-9 buildings), demonstrating the building is capable of compliance with all relevant sections of the Building Code of Australia.

For applications involving alterations and additions to, or the change of use of existing Class 2-9 buildings, and as required under Clauses 62, 63 & 64 of the Environmental Planning and Assessment Regulation 2021, a report authored by a qualified person, is to be provided with the application that reviews both the existing buildings' compliance regarding Structural and Fire Safety capability, and also that required for the proposed development. Where not up to current standard/s, the report is to detail what measures are proposed to enable the building to be brought into compliance with the BCA or a level of compliance suitable for the proposed use.

Access Report

An Access Report addressing the relevant provisions of the WDCP 2011 and any other relevant legislation and Australian Standards

An audit of the existing building was undertaken by Hontas Hatzi and Co to determine the extent of upgrade required so that an adequate level of fire safety and access assessed against the current Performance Requirements of the BCA is achieved.

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.
- Design amendments are required to achieve compliance.
- Compliance is proposed to be achieved by way of a Performance Solution.
- Mandatory upgrades are triggered as a result of the proposed change in building classification.
- Address Council's request for additional information as outlined in their letter DA2023/0911-PAN-349264 dated 12 July 2023 relating to "fire safety" and "access".

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

3. Scope

The scope of this report is limited to the assessment of the referenced design documentation listed in **Section 4** and the relevant "fire safety" and "access" provisions of the BCA to the existing parts of the building.

4. Report Limitations

This report is limited to a desktop 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 together with a non-invasive visual inspection on Friday, 21 July 2023.

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.

Although the report has been prepared to assist the Consent Authority as part of the Development Application, the Consent Authority must satisfy themselves that their obligations under Section 64 of the EP&A Regulation 2021 have been met.

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

- Structural adequacy or design of the building.
- Provisions of the BCA not directly referenced.
- Australian Standards not directly referenced.
- Any Performance Solution(s) unless specifically referenced.
- The Disability Discrimination Act 1992.
- DCP 2011 and any other relevant legislation and Australian Standards.
- 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.
- Review or testing of any materials or products (unless referenced in this report).

5. Project Information

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

Project and Building Characteristics		
	Existing	Proposed
Description of proposed works	Existing 2 storey residential dwelling	Change of use from existing residential dwelling to commercial building used for office and storage
Building Classification and Use	<ul style="list-style-type: none"> Class 1a – residential dwelling 	<ul style="list-style-type: none"> Class 5 – Office (Ground) Class 7b – Storage (Lower Ground)
Rise in Storeys	N/A	2
Type of Construction		Type C
Effective Height		Approx. 2.5m
Floor Area		<500m ²
Fire Compartments		Whole building forms a single fire compartment and complies with the floor and volume limitations outlined in clause C3D3.

This design assessment is based on the following documentation

- Architectural design documentation prepared by FJMT Studio:

Drawing No.	Title	Revision	Date
20010	35 Consul Road – Lower Ground Floor Plan	-	31/01/24
20011	35 Consul Road – Ground Floor Plan	-	31/01/24

* **Note:** Compliance commentary on the plans is to be read in conjunction with the mark up provided by HHC in Appendix B.

6. Regulatory Framework

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

6.1. Assessment by Consent Authority – Change in Building Use

Pursuant to Section 62 and 64 of the Environmental Planning and Assessment Regulation 2021 (EPAR2021), the fire safety of existing building is required to be undertaken by the Consent Authority as part of the Development Application process. The Consent Authority (Council) must:

- Consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and
- Not grant consent to the change of building use unless the Consent Authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 Fire Safety provisions that are applicable to the building's proposed use.

This is a discretionary evaluation, and the Consent Authority may elect to impose an upgrade to the building (full or partial) following an assessment of the building.

Fire protection and structural capacity of a building means —

- *the structural strength and load-bearing capacity of the building, and*
- *the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire, and*
- *the measures to restrict the spread of fire from the building to other buildings nearby.*

Category 1 fire safety provisions refer to the following provisions of the Building Code of Australia (Vol 1)

- **E1P3** (Fire Hydrants), **E1P4** (Automatic Fire Suppression Systems), **E1P6** (Fire Control Centres), **E2P1** (Automatic Warning for Sleeping Occupants), **E2P2** (Safe Evacuation Routes) and **E3P2** (Emergency Lifts).

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. Compliance Assessment

An assessment of the proposed change of building use has been undertaken having regard to the legislative requirements of Section 62 and 64 of the EPAR 2021.

The assessment has revealed there are a number of BCA compliance issues associated with the existing building that would need to be addressed as part of the Development Consent.

These non-compliances are identified in the table below and recommendations provided to ensure that the building is appropriately upgraded to achieve an adequate level of fire safety having regard to the EPAR2021 and Performance Requirements of the current BCA relating to fire and life safety.

Item	Requirement for DA / Upgrade Strategy
Structural strength and load-bearing capacity of the building.	Section B (Structure) and Section C (Fire Resistance) <ul style="list-style-type: none"> The building is required to comply with Type C Construction. Compliance is achieved on the basis that the external walls are not required to achieve an FRL (subject to comments below) as they're located greater than 3m from the boundary, there is no fire rating requirement for the floor separating storeys or roof. The structural strength and load-bearing capacity of the building is to be confirmed by a qualified Professional Engineer (Structural Engineer) registered on the National Engineering Register as being adequate for the proposed use.
Measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire.	Section D (Access and Egress) <ul style="list-style-type: none"> The number of exits and travel distances within the building comply. Paths of travel to an exit achieve a minimum unobstructed width of 1000mm and height throughout not less than 2000mm, noting doorways are permitted to achieve an unobstructed height not less than 1980mm and clear opening width of 750mm.



	<ul style="list-style-type: none">• The doorway leading to the area adjacent to the existing laundry on Lower Ground Floor is proposed to be removed to ensure there is no “enclosure” below the existing stairway.• New compliant balustrades are proposed to be provided adjacent to the existing driveway, top landing of the existing internal stairway, along perimeter ground floor covered outdoor space (balcony) and above the low height masonry walls on eastern side of the Lower Ground covered outdoor storage area.• An additional screen (Perspex or the like) will be provided on the inside face of the existing wire balustrades bounding the perimeter of ground floor covered outdoor space to eliminate all openings greater than 125mm.• The existing front and rear entry doorways (on both levels) are proposed to be fitted with new compliant free downward action levers for egress. <i>(Note: The main entry/exit door leading to Consul Rd is provided with an existing hold-open device)</i>• The existing internal and external stairways are proposed to be upgraded as follows:<ul style="list-style-type: none">○ New handrails,○ New contrasting nosings edge strips (30% contrast),○ Consistent treads and risers,○ Minimum head height clearance of 2000mm (external stair leading to Lower Ground),○ Make good to existing pavers at the bottom landing (external stair leading to Lower Ground). <p>Section E – Services and Equipment</p> <ul style="list-style-type: none">• New portable fire extinguishers to cover Class A and F fire risks are proposed to be provided in accordance with AS2444.
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	<ul style="list-style-type: none">• New emergency lighting proposed above the existing internal stairway which is to serve as a required exit in accordance with Clause E4D2 and AS/NZS 2293.1.• Exit signs (incl. directional) in accordance with Clause E4D5 and E4D6 and AS/NZS 229.1 to be provided in locations shown in Appendix B.
Measures to restrict the spread of fire from the building to other buildings nearby.	Section C (Fire Resistance) <ul style="list-style-type: none">• The existing masonry brickwork wall located along the northern side of the existing carport is proposed to be extended vertically and horizontally as shown in Appendix B to ensure no building elements or openings are exposed to the boundary in accordance with Clause S5C2(1) of Specification 5.• The allotments for number 33 and 35 Consul Road, Brookvale are proposed to be consolidated. As a result, the existing external walls and openings located within 3m of the current southern allotment boundary will no longer be required to achieve an FRL or openings protected.
Category 1 Fire Safety Provisions	<ul style="list-style-type: none">• E1P3 (Fire Hydrants) – Not applicable as the building has a floor area less than 500m².• E1P4 (Automatic Fire Suppression Systems) – Not applicable as the building has a rise of storeys of 2.• E1P6 (Fire Control Centres) – Not applicable as the building has a floor area less than 500m².• E2P1 (Automatic Warning for Sleeping Occupants) – Not applicable to proposed building use.• E2P2 (Safe Evacuation Routes) – A continuous path of travel to the road or open space is provided from all parts of the building. The front and rear exit doors serving both levels are proposed to be fitted with new compliant door hardware and the internal



	<p>stairway upgraded as outlined in Appendix B to facilitate safe egress from the building.</p> <ul style="list-style-type: none">● E3P2 (Emergency Lifts) – Not applicable as the building has a rise of storeys of 2.
Access for People with a disability	<ul style="list-style-type: none">● The proposed use of the existing residential dwelling as a temporary ancillary office for staff of the school will not achieve compliance with the accessibility related Deemed-to-Satisfy provisions outlined in Volume 1 of the NCC/BCA. Consequently, compliance with the Disability (Access to Premises – Building) Standard 2010 and Disability Discrimination Act 1992 (DDA) is not achieved.● Significant upgrades would be required to be undertaken to the existing building to achieve compliance. In lieu of such changes, a Temporary Access Strategy (TAS) and Management in Use Plan (MIUP) is proposed to be developed in consultation with St Augustine's to assist in the management of the site and fulfillment of any compliance obligations whilst the building is temporarily occupied.● These obligations will form part of the operational management procedures and will be provided to all staff members. These documents will be reviewed on a regular basis and ensure "safe", "equitable" and "dignified" access is provided for occupants with a disability.● Refer to Appendix C for further details.

9. Conclusion

An assessment of the design documentation against the relevant Deemed-to-Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022 and applicable legislative requirements has been undertaken.

The assessment has revealed the building can readily achieve an acceptable level of compliance with the relevant DtS provisions and/or Performance Requirements of the BCA (as appropriate to the new use) subject to the satisfactory resolution of the matters and recommended upgrades contained within this report, namely:

1. The structural strength and loadbearing capacity of the building.
2. The protection of openings within 3m of the northern boundary.
3. Consolidation of number 33 and 35 Consul Road to negate the need for external walls along the southern elevation to require an FRL and protection of openings.
4. Removal of enclosure below required non-fire isolated stairway.
5. Upgrade of existing door hardware to all exits doors.
6. Upgrade of existing internal and external stairways (handrails, treads and risers, colour contrasting nosings and vertical head height clearances).
7. Provision of portable fire extinguishers to cover Class A and F fire risks.
8. Provision of emergency lighting above the required internal non-fire isolated stairway.
9. Provision of exit signs above required exit doors and directional signs indicating path to the required exits.
10. Provision of a Temporary Access Strategy and Management in Use Plan to assist in the management of the site and obligations for people with a disability.

10. Appendix A – Statutory Fire Safety Measures

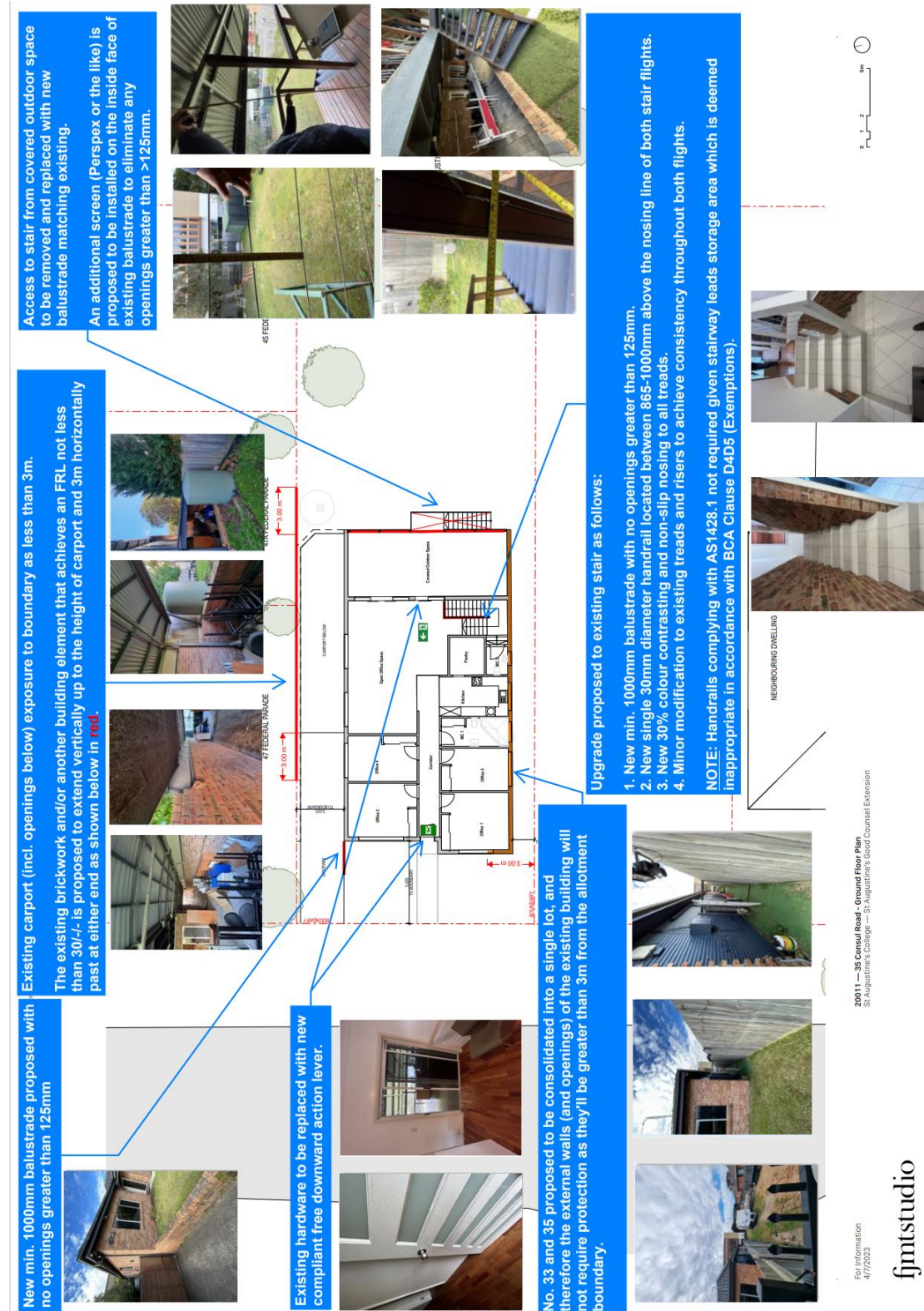
The following fire safety measures are required for the new building works.

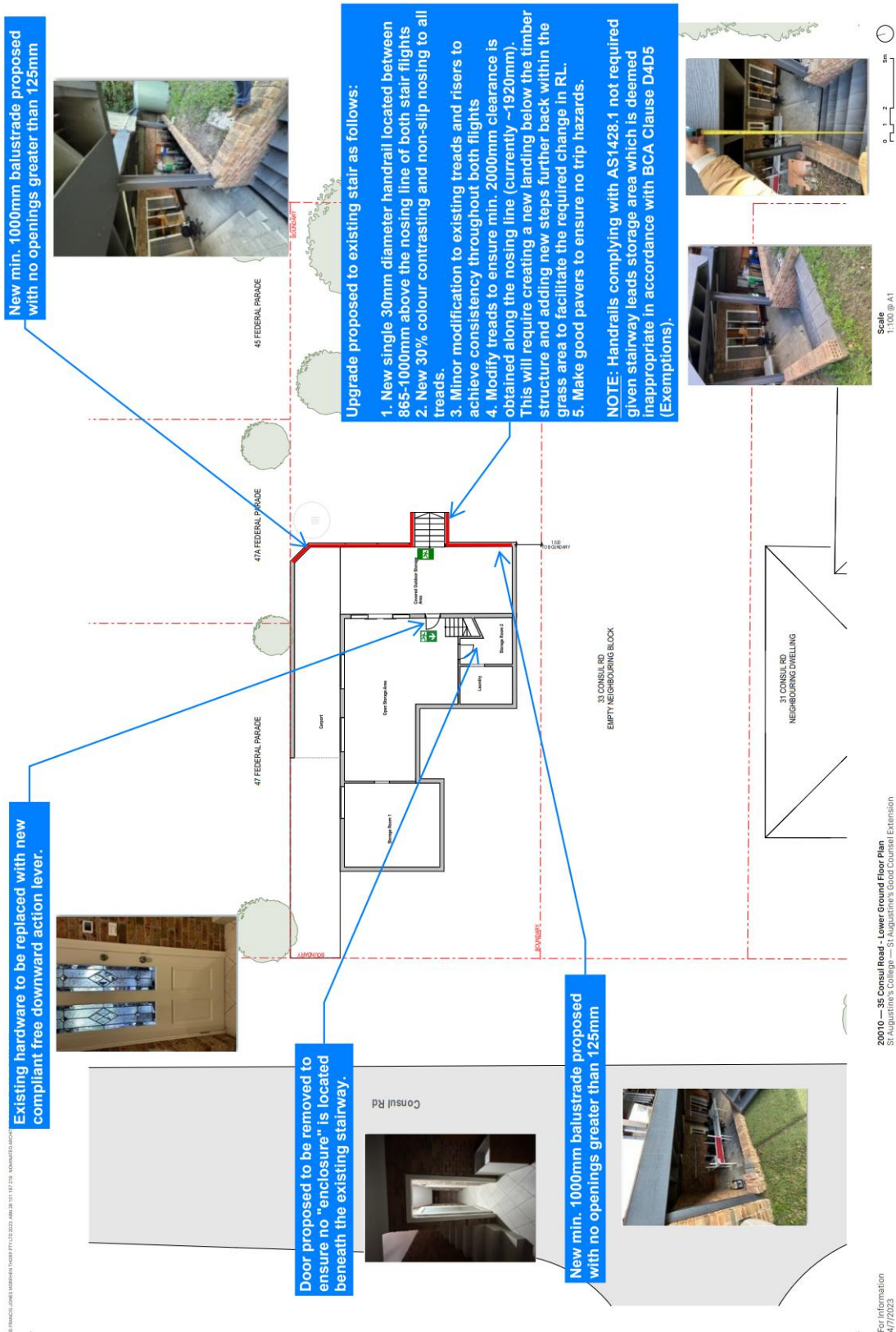
The fire safety measures may need to be revised at Construction Certificate stage to include reference to any relevant fire safety Performance Solution(s).

Measure	Standard of Performance
Emergency Lighting	BCA 2022 Clause E4D2, E4D4 and AS/NZS 2293.1 - 2018
Exit Signs	BCA 2022 Clause E4D5, NSW E4D6, E4D8 and AS/NZS 2293.1 - 2018
Portable Fire Extinguishers	BCA 2022 Clause E1D14 and AS 2444 - 2001



11. Appendix B – Upgrade Strategy





For information
4/7/2023

fimtstudio

12. Appendix C – Client Accessibility Statement



15 Feb 2024

Attention: Nick Hontas (Director)

Hontas Hatzi and Co
Level 35, International Tower One,
100 Barangaroo Ave.,
Sydney NSW 2000

**RE: Client Accessibility Statement
Proposed Accessibility Strategy – 35 Consul Road, Brookvale**

St Augustine's College has engaged the services of a qualified BCA/Accessibility firm (Hontas Hatzi and Co) to review the existing dwelling at the abovementioned address against the relevant accessibility related provisions of the NCC/BCA.

We are aware that the proposed use of the existing residential dwelling as a temporary ancillary office for staff of the school will not achieve compliance with the accessibility related Deemed-to-Satisfy provisions outlined in Volume 1 of the NCC/BCA. Consequently, compliance with the Disability (Access to Premises – Building) Standard 2010 and Disability Discrimination Act 1992 (DDA) is not achieved.

In light of the above, a Temporary Access Strategy (TAS) and Management in Use Plan (MIUP) is proposed to be developed and endorsed to assist in the management of the site and fulfillment of any compliance obligations whilst the building is temporarily occupied.

To support the TAS and MIUP, we confirm the following key elements:

- **Building usage (proposed) –**
 - Ground Floor: Temporary use as an ancillary office for school staff only (space will not be leased to any other party).
 - Lower Ground Floor: Storage (non - accessible area)
- **Temporary use duration – 5 years.**
- **Occupant Characteristics –**
 - Limited to 7 staff.
 - Staff accessibility needs are known and therefore the proposal is unlikely to create an access barrier.

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- **Supporting facilities –**

- Access for all staff to accessible office areas, meeting rooms, amenities and the like is provided within the school campus.
- Any staff member with a disability will be provided access to accessible areas within the school grounds and therefore omit the need to access the subject site.

- **Access limitations –**

- Limited to inducted staff only.
- No access will be provided to students or members of the public.

St Augustine's College are committed to providing equal and dignified access, services and facilities to staff and public/visitors to all areas of the school. Should a person with a disability be employed or a current employee acquire a disability then we will facilitate this person's needs "as required".

We will have a site induction and access management procedure prepared to outline the use and management protocols (i.e. MIUP) for the subject premises.

The above obligations will form part of the operational management procedures and will be provided to all staff members. These documents will be reviewed on a regular basis to ensure "safe", "equitable" and "dignified" access is provided for occupants with a disability.

Please do not hesitate to contact me should you require any additional information.

Regards,

B Benjamin
Director of Business and Finance

13. Appendix D – Fire Resisting Levels

Type C 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 therein) or other external building element, where the distance from any fire-source feature to which it is exposed is-				
less than 1.5m	90/90/90	90/90/90	90/90/90	90/90/90
1.5 to less than 3 m	-/-/-	60/60/60	60/60/60	60/60/60
3 m or more	-/-/-	-/-/-	-/-/-	-/-/-
EXTERNAL COLUMN not incorporated in an external wall, where the distance from any fire-source feature to which it is exposed is-				
less than 1.5 m	90/-/-	90/-/-	90/-/-	90/-/-
1.5 or less than 3 m	-/-/-	60/-/-	60/-/-	60/-/-
3 m or more	-/-/-	-/-/-	-/-/-	-/-/-
COMMON WALLS & FIRE WALLS	90/90/90	90/90/90	90/90/90	90/90/90
INTERNAL WALLS-				
Bounding public corridors, public lobbies and the like-				
	60/60/60	-/-/-	-/-/-	-/-/-
Between or bounding sole-occupancy units-				
	60/60/60	-/-/-	-/-/-	-/-/-
Bounding a stair if required to be rated-				
	60/60/60	-/-/-	-/-/-	-/-/-
ROOFS	-/-/-	-/-/-	-/-/-	-/-/-



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