

appendix 17

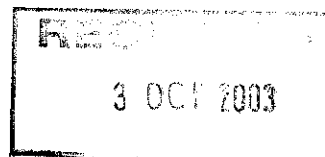
BCA Compliance Letter

BLACKETT MAGUIRE

& Associates Pty Ltd

2 October 2003

Australian Super Developments Pty Ltd
Level 5
Nauru House
80 Collins Street
MELBOURNE VIC 3000



Attention: Fiona Dunster

Dear Fiona

**Reference: PENINSULA GARDENS, BAYVIEW - EXPANSION
BUILDING CODE OF AUSTRALIA 1996**

Blackett Maguire and Associates Pty Ltd has been engaged to undertake an assessment of the design documentation against the relevant Performance Requirements of the Building Code of Australia 1996 (BCA96) for the purposes of a proposed application to modify the existing development consent for the residential development at Peninsula Gardens Retirement Village. We note that consent for the development was granted by the Land and Environment Court in 1982 from which only part of the development has been completed to date.

ASD seeks to make some minor modifications to the approved 'Stage 2' development. These minor changes involve:

- Small extensions to balconies.
- Conversion of areas previously designated for storage into habitable floor area.
- Alteration of the arrangement of upper and lower floor areas on two of the unit clusters.
- These changes are accompanied by a reduction in the total number of self-care units to be provided in Stage 2 from the 112 permitted by the development consent, to 73 self care units.

This reduction in the total number of units is achieved through rearrangement of internal walls of the approved buildings to replace one-bedroom units with two bedroom units.

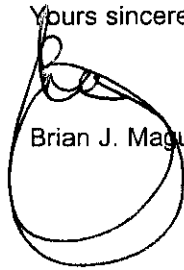
Arising from our review of the architectural plans, and also having regard to the Bushfire Protection Assessment prepared by Bushfire and Environmental Services we are satisfied that the works that are proposed with the application to modify the consent will not effect the ability of the development known as "Stage 2" to be constructed in accordance with the current state Building Regulations, i.e. the Building Code of Australia, 1996.

Although compliance with the BCA96 is not a prescribed matter for consideration under Section 79C(1) of the Environmental Planning and assessment Act 1979 the applicant has sought our advice for the information of the consent authority.

In accordance with clause 145 of the EPAA Regulation 2000 in our view the applicant will be able to satisfy the certifying authority that the development can comply with the BCA96 for the purposes of obtaining a construction certificate.

This advice has been prepared having regard to the Land and Environment Court Expert Witness Practise Direction 1999.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian J. Maguire', written over a large, loopy circular scribble.

Brian J. Maguire (MPIA, MAIBS)

CURRICULUM VITAE FOR BRIAN MAGUIRE

Director: Blackett Maguire and Associates Pty Ltd

Qualifications

- **Associate Diploma in Applied Science (Health and Building Surveying);**
- **Graduate Diploma Urban and Regional Planning;**
- **Certificate – Working with the Performance Requirements of the BCA**

Professional Affiliations

- **Member Australian Institute of Building Surveyors (MAIBS);**
- **Accredited Certifier and Principal Certifying Authority, Planning Institute of Australia (PIA 3003);**
- **Member Planning Institute of Australia (MPIA);**

Experience and Employment History

- **Director Blackett Maguire and Associates, 2002 until present specialising in building and planning regulation consultancy;** duties included fire safety upgrade of existing buildings; building code consultancy for new developments; preparation and issue of construction certificates; development application submissions to consent authorities.
- **Building and planning regulations consultant with Building Safety Services Pty Ltd, 2001 to 2002 specialising in building and planning regulation consultancy;** duties included fire safety upgrade of existing buildings; building code consultancy for new developments; preparation of construction certificates; development application submissions to consent authorities.
- **Team Leader of Development Control at Ku-ring-gai Council, 2000 to 2001;** duties included managing development assessment staff; assessment of development applications for large residential and commercial developments.
- **Building Surveyor/Town Planner with Warringah Council from 1994 to 2000;** duties included assessing applications for new building works ranging from residential, commercial and industrial buildings; issuing building approvals for new building work; assessing fire and life safety matters for existing buildings.
- **Building Surveyor with Botany Council from 1993 to 1994;** duties included assessing applications for new building works ranging from residential, commercial and industrial buildings; issuing building approvals for new building work; assessing fire and life safety matters for existing buildings; inspections for food premises.