



BUILDING REGULATION & FIRE SAFETY ENGINEERING CONSULTANTS

Project: ASHFIELD MUNICIPAL COUNCIL
- TOWN HALL \ AUDITORIUM

Report: BCA ASSESSMENT AND AUDIT
REPORT

Date: 28th November 2011

To: **Ashfield Municipal Council**
260 Liverpool Road,
Ashfield NSW 2131

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PART 1 BASIS OF ASSESSMENT

1.1 Location and Description

The premises, the subject of this report are located at 260 Liverpool Road, Ashfield and is known as the Ashfield Town Hall. The Building portion the subject of this report is of the Existing Town / Hall / Auditorium and basement floor area below only.

The subject site is bounded to the north by Liverpool Road, and to the South, East and Western sides by adjoining premises. Vehicular access to the basement carpark portion beneath the rear administration building portion is via the rear laneway.

The subject overall development within which the Town Hall / Auditorium occupies part ground floor and part basement level incorporates the Council Administration / Office area, Council Library and ancillary meeting rooms and Council Chambers to the upper levels.

Currently the overall development is the subject of extensive building refurbishment works of which the Town Hall / Auditorium is the final portion to be refurbished.



Site Plan (Courtesy Google Earth)

1.2 Purpose

The purpose of this report is to provide a detailed BCA assessment of the existing Town Hall / Auditorium and Basement level below only to identify any current areas of deficiency and non-compliance with the deemed-to-satisfy provisions of the Building Code of Australia, 2010 (BCA2010) (if any) taking into consideration the proposed future use of the premises as an “Entertainment Venue”. Fire Safety Upgrading requirements are also to be provided, where it is considered occupant fire and life safety is currently deficient.

The report also takes into consideration the existing level of compliance of the subject development and makes recommendations on works required to achieve general compliance with either the Deemed to Satisfy or performance based provisions of BCA2010 as applicable as well as those works considered necessary to be included in the future upgrade of this portion of the development.

N.B. The upgrading strategy contained within Part 4.0 of this report should not be construed as an upgrading to achieve strict compliance with the current deemed to satisfy provisions of the BCA. Any upgrading recommendations contained within Part 4.0 of the report are to address any current deficient (if any) occupant fire and life safety provisions within the building.

1.3 Basis of Assessment

The content of this report reflects: -

- (a) detailed inspection of the building on 15th and 23rd November 2011;
- (b) the performance and deemed-to-satisfy provisions of the Building Code of Australia, 2010 incorporating the NSW variations where applicable – specifically NSW Part H101. BCA2010 has been used for this assessment as the base building Construction Certificate for the building refurbishment works has been approved under BCA2010;
- (c) a review of a copy of the Construction Certificate Approval issued by Trevor R Howse & Associates Pty Ltd dated 11th April 2011 CC Number CP28053-3 AD; and
- (d) A review of the Architectural documentation prepared by Brewster Hjorth Architects Pty Ltd Drawing Numbers A11/AE and A12/AP dated 21st June 2011.

1.4 Limitations

This report does not include nor imply any detailed assessment for design, compliance or upgrading for: -

- the structural adequacy or design of the existing building;
- the inherent derived fire-resistance ratings of any existing or proposed structural elements of the building (unless specifically referred to); and
- the design basis and/or operating capabilities of any existing or proposed electrical, mechanical or hydraulic fire protection services (to be addressed by separate consultants).

This report does not include, or imply compliance with:

- (a) The relevant provisions of the Disability Discrimination Act (the provisions of disabled access to the subject development have been assessed against the deemed to satisfy provisions of Part D3 and F2.4 of BCA2010 and the Disability (Access to Premises – Building) Standards 2010 – “Premises Standard”;
- (b) The relevant provisions of Sections B, I and J of BCA2010 (unless specifically referred to);

- (c) Demolition Standards not referred to by the BCA;
- (d) Occupational Health and Safety Act;
- (e) Construction Safety Act;
- (f) Requirements of other Regulatory Authorities including, but not limited to, Telstra, Water Supply Authority, Electricity Supply Authority, Work Cover, City of Sydney, Railcorp and the like;
- (g) Previous conditions of Development Consent issued by the local Consent Authority (Ashfield Municipal Council) unless specifically referred to;
- (h) Any works outside the area bounded by the Town Hall / Auditorium and Basement level below (unless specifically referred to);
- (i) The Base Building Final Fire Safety Engineering Report dated 23rd May 2011 issued by Scientific Fire Services;
- (j) This report does not assess the safety of the particular aspects of the building but merely the minimum standards called up by the provisions of BCA2010.

1.5 Building Regulations

From investigations and review of available documentation, the overall building was originally constructed pre 1970. The subject building appears to have undergone minor internal alterations and additions since this original Construction period extending primarily to internal minor fit out works only and installation of additional racking in the basement level.

An important point of note in the assessment for compliance of existing buildings is a change to the Building Regulatory Provisions. On 1 July 1997, The Building Code of Australia 1996 (BCA96) was introduced (now known as BCA2011), which is a performance based document. This document is divided into two (2) sections, being a performance solution and a deemed-to-satisfy solution (Prescriptive requirements).

A building owner/applicant for new and/or existing buildings can choose either method in evidencing that the subject existing/proposed building provides for an adequate level of fire and life safety for the building occupants.

Accordingly, although an existing building may not meet the prescriptive deemed-to-satisfy provisions of BCA2011, it does not necessarily conclude that the building is unsafe, or warrants any fire safety upgrading works. The building may in fact still satisfy the performance provisions of BCA2011 as an alternative solution.

For the purposes though of carrying out a BCA Assessment and report of the existing building, the assessment contained within this report has been made against the current prescriptive deemed-to-satisfy provisions of the Building Code of Australia 2011.

If any deficiencies are noted, it will then require addressing each deficiency, its level of non compliance, and its impact on the fire and life safety of the building occupants to determine if such a deficiency will require future upgrading.

From a Building Owners point of view provided the building is being maintained fully in accordance with the standards at the time of original construction / occupation and then as per further approvals, then the Owners obligations are considered to be met. It is only when the buildings become extremely aged, the use changes or major refurbishment works (that exceed 50% of the volume of the building over a three year period) are carried out that additional fire safety measures and or fire safety upgrade works need to be further investigated.

Further comment on these fire safety upgrade obligations of the building owner will be made in Part 4.0 of this report.

1.6 Organisational Responsibilities - Disability Discrimination Act 1992 (DDA)

All organisations have a responsibility, under the Federal Disability Discrimination Act (DDA), to provide equitable, dignified access to goods and services and to premises used by the public. Premises are broadly defined and would include all areas included within the subject development.

The DDA provides uniform protection against unfair and unfavourable treatment for people with a disability in Australia. It also makes it unlawful to discriminate against a person who is an “associate” (such as a friend, carer or family member).

Disability is broadly defined and includes disabilities which are:

- physical;
- intellectual;
- psychiatric;
- neurological;
- cognitive or sensory (a hearing or vision impairment);
- learning difficulties;
- physical disfigurement; and
- the presence in the body of disease causing organisms.

This broad definition means that everyone with a disability is protected. The Act supports the principle that people with a disability have the same fundamental rights as the rest of the community. Provisions apply to a wide range of life activities including:

- access to premises used by the public;
- education;
- provision of goods and services;
- employment;
- administration of Commonwealth laws and programs.

When a person with a disability wants to utilise premises including all buildings, outdoor spaces, car parking areas, pathways and facilities, then equitable, dignified access must be provided. The DDA requires that appropriate changes be made to provide access. A complaint can be made under the DDA if appropriate access is not provided.

On 15 March 2010 the Disability (Access to Premises - Buildings) Standards 2010, was tabled in Federal Parliament. These Standards have been under development for many years and significant public consultation has occurred during their development. The Premises standard has now been introduced on 1st May 2011 in line with an updated National Construction Code which incorporates the Building Code of Australia and the National Plumbing Code.

The aim of the Standards is to provide the building and design industry with detailed information regarding the required access provisions associated with the design and construction of new buildings and upgrade to existing buildings. They do not apply to existing buildings that are not undergoing upgrade. They will only apply to elements addressed within the Standards. All other elements related to premises will still be subject to the existing provisions of the DDA.

The Standards will generally align with the BCA (see below) and reference a range of Australian Standards relating to access and other associated matters. The Disability (Access to Premises - Buildings) Standards aim to provide certainty for the building industry in relation to meeting the requirements for access in new and upgraded buildings.

An Access Appraisal will incorporate the key elements of the Standards as well as additional access requirements to assist in achieving best practice in the provision of access for all to buildings.

The Building Code of Australia 2011, in conjunction with the DDA, applies to all new buildings, new building works to existing buildings and buildings undergoing significant refurbishment or alteration.

Provision of access for a person using a wheelchair or mobility aid is often considered to be an indication of effective design to the built environment. However the majority of users of car parks, buildings and outdoor areas are pedestrians who also benefit greatly from wheelchair accessible design. Conversely, they can also be denied appropriate access if barriers are incorporated into designs.

In addition, older persons and people with disabilities within the community have a wide range of access needs that are not necessarily satisfied by just providing access for a person using a wheelchair. People also experience the effects of disability through impairment to:

- Sight;
- Hearing;
- Motor ability;
- Dexterity;
- Balance;
- Mental functioning etc.

Examples of a range of access challenges include:

- People who use wheelchairs face difficulties such as abrupt changes in levels (e.g. steps and steep slopes/gradients) and limited access under basins, benches and tables. They also need an increased circulation area, particularly at doorways and changes in direction.
- People who experience difficulty walking may have stiff hips, balance problems or uncoordinated movements which require attention to stairs and handrails, seating in waiting areas, slip resistant floor finishes and ramps with a gentle slope/gradient.
- People with manipulatory difficulties (finger or hand control) require appropriately selected handles, switches, buttons (in lifts) and taps to enable usage
- People with sensory disabilities, which affect either their hearing or vision, require clear, easy to understand signage and tactile indicators. This requires attention to a variety of factors including colour, contrast, print size, levels of illumination and the provision of appropriate communication systems in public areas.

- People with intellectual disabilities may have difficulty finding their way in new environments. Therefore, direct access routes and clear directional signage with graphics are important.

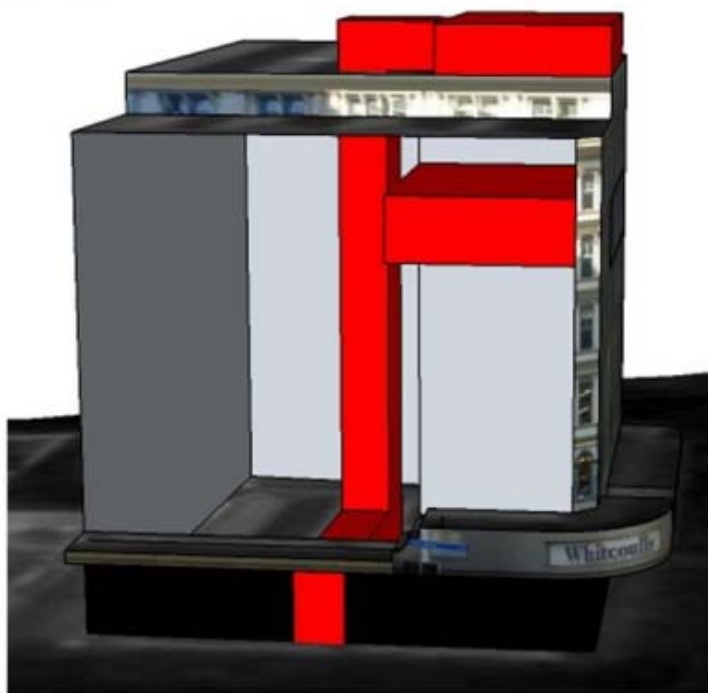
As a wide range of physical issues impact on the provision of access for people with disabilities, responsive design, incorporating a continuous accessible path of travel, needs to be equitable and therefore inclusive of the needs of all of the community. Access should cater for both pedestrians and users of wheelchairs and other mobility aids. In addition consideration must be given to the needs of users who may require assistance from other people as well as assistance animals

When new building work takes place in an existing building and a building approval is required for that new work, the requirements for upgrading access are limited to the area of new work and the 'affected part'. Access requirements are not imposed outside the area of the new work.

For example, a building owner undertakes renovations on one level of their building. The application for building approval triggers the application of the Premises Standards. While the Premises Standards will apply to the area of new work and the 'affected part' of the building they will not apply to the other levels not being upgraded.

These areas of the building outside the area of the new work will continue to be subject to the existing DDA complaints provisions.

The "Affected Part" in existing buildings relates to providing an accessible path of travel from the principal public entrance to the new or modified part of an existing building. An example of this is shown in the sketch below. This shows works to two upper floors only within an existing building – the result is the upgrade of the Affected Part being the entrance and lift to access the floors being refurbished.



The upgrade only occurs if the applicant for the works is the "Building owner". If the applicant is a tenant / lessee, no upgrade to the based building is required. Further comments on the upgrade of affected part are contained within Part 4.0 below.

It should be noted that the Construction Certificate approval for the Town Hall / Auditorium refurbishment was lodged and issued prior to 1st May 2011 thus the relevant provisions of the Upgrade of the Affected Part under the Disability (Access to Premises – Building) Standards 2010 are not applicable.

PART 2 BUILDING DESCRIPTION

For the purposes of the Building Code of Australia 2010 (BCA) the existing development within which the Town Hall / Auditorium is located may be described as follows.

2.1 Rise in Storeys (Clause C1.2)

The overall building has a rise in storeys of six (6). NB: The rise in storeys is taken as the greatest rise in storeys at the external walls of the building, which to the front elevation facing Liverpool Road comprises six storeys. The basement level Existing Baby Health Centre projects above natural ground level thus is counted in the overall rise in storeys. Also there is an intermediate storey at the rear of the stage area that would be counted in the overall rise in storeys

2.2 Classification (Clause A3.2)

The building has been classified as follows.

| Class | Level | Description |
|-------|------------------------------|-----------------------------|
| 5 | Part Ground, Level 1 to 2 | Offices |
| 7a | Part Lower Ground | Car park |
| 7b | Part Lower Ground | Storage |
| 6 | Part Ground Level | Retail Tenancy |
| 9b | Part Ground and Part Level 1 | Assembly Building / Library |

NB: As the plant rooms located on the roof and to the lower levels of the subject building are ancillary to the use of the rest of the building, for the purpose of classification, they assume the same class as the office areas being Class 5 and Storage areas being class 7b.

The Town Hall / Auditorium is being considered as an "Entertainment Venue" under the relevant provisions of NSW Part H101 of BCA2010. The Lower Ground Level is not considered to form part of the Entertainment Venue.

2.3 Effective Height (Clause A1.1)

The overall building has an effective height of less than 25.0 metres.

2.4 Type of Construction Required (Table C1.1)

The overall building is required to be of Type A Construction.

2.5 Floor Area and Volume Limitations (Table C2.2 and C2.3)

The building is subject to maximum floor area and volume limits of:-

- | | | |
|------------------|--------------------|----------------------|
| Class 6, 7a & 7b | Maximum Floor Area | 5,000m ² |
| | Maximum Volume | 30,000m ³ |
- | | | |
|----------------|--------------------|----------------------|
| Class 5 & 9b - | Maximum Floor Area | 8,000m ² |
| | Maximum Volume | 48,000m ³ |

2.6 Climate Zone (Clause A1.1)

The building is located within Climate Zone 5.

PART 3 ESSENTIAL SERVICES

3.1 General

Following assessment of the documentation available, the 2010 version of the Annual Fire Safety Statement was not able to be located and assessed. However the Fire Safety Schedule has been taken from the Construction Certificate approval issued by Trevor R Howse & Associates Pty Ltd dated 11th April 2011.

In accordance with Clause 11 of BCA2010 and the provisions of Section 177 of the EP & A Regulations 2000, Essential Services / Fire Safety measures installed within a building are required to be annually certified by competent persons that they have been suitably installed and are being maintained in accordance with the relevant original installation standards.

Detailed below is a Fire Safety Schedule of the current fire safety measures contained within the development taken from the Construction Certificate approval issued by Trevor R Howse & Associates Pty Ltd dated 11th April 2011, a review of the relevant documentation available and as a result of our onsite inspection. This schedule should be used for the ongoing current maintenance and inspection certification of the fire safety measures currently installed throughout the entire building.

| Current Fire Safety Measures contained within 260 Liverpool Road, Ashfield | | |
|--|---|---|
| Item No. | Essential Fire Safety Measure | Minimum standard of performance, i.e. BCA clause and/or Australian Standard to be achieved. |
| 1. | Access panels, doors and hoppers to fire resisting shafts | BCA2010 Clause C3.12, AS1905.1-2005 |
| 2. | Automatic fail safe devices | BCA2010 Clause D2.21, AS1670.1-2004 and Manufacturer's Specification |
| 3. | Automatic fire detection and alarm system | BCA2010 Specification E2.2a, AS1670.1-2004 |
| 4. | Emergency lighting | BCA2010 Clause E4.2 & E4.4, AS/NZS2293.1-2005 |
| 5. | Emergency warning and intercommunication system | BCA2010 Clause E4.9, AS1670.4-2004 |
| 6. | Exit signs | BCA2010 Clause E4.5, E4.6 & E4.8, AS/NZS2293.1-2005 |
| 7. | Fire dampers | BCA2010 Clause C3.15, AS1530.4-2005, AS4072.1-2005 and AS1682.2 & 2-1990 |
| 8. | Fire doors | BCA2010 Clause C2.12, C2.13, C3.4 & C3.8, AS/NZS1905.1-2005 |
| 9. | Fire hydrant system | BCA2010 Clause E1.3, AS2419.1-2005 |
| 10. | Fire seals protecting openings in fire resisting components of the building | BCA2010 Clause C3.12, C3.15, AS1530.4-2005 and AS4072.1-2005 |
| 11. | Fire hose reel system | BCA2010 Clause E1.4, AS2441-2005 |
| 12. | Lightweight Fire Rated Construction | BCA2010 Clause C1.8, AS1530.4-2005 |
| 13. | Mechanical air handling systems (Auto Shutdown) | BCA2010 Clause E2.2a, AS/NZS1668.1-1998 |
| 14. | Portable fire extinguishers | BCA2010 Clause E1.6, AS2444-2001 |
| 15. | Wall Wetting Drenchers | BCA2010 Clause C3.3, C3.4, AS2118.1-1999 and Scientific Fire Services Fire Engineering Report dated 23 rd May 2011 |
| 16. | Warning and operational signs | BCA2010 Clause D2.23 (Signs on Exit Doors) |

| | | |
|-----|--|--|
| 17. | <p>Fire Engineered Solutions including:</p> <p>External drenchers in conjunction with heat toughened glass in lieu of compliant spandrel construction,</p> <p>Drencher protection to both sides of heat toughened glass in lieu of fire wall construction,</p> <p>Provision of Hot Smoke Seals to auto closing glass doors within fire walls,</p> <p>Provision of portable fire extinguishers in lieu of fire hose reel coverage to certain areas only,</p> <p>Provision of drencher protected fire shutters within compartment wall</p> | <p>Scientific Fire Services Fire Engineering Report dated 23rd May 2011</p> |
|-----|--|--|

N.B. All items in the table above are those essential services that need to be certified annually within the subject building as currently exists on site. As previously confirmed the items above need to be included within the Annual Fire Safety Statement to be submitted to Council and the NSW Fire Brigade.

There are also additional items that will need to be included as part of the Town Hall / Auditorium and Basement level refurbishment that have been identified below.

| Proposed Essential Fire and Other Safety Measures to be Contained within Town Hall / Auditorium and Lower Ground Level Portion | | |
|---|---|--|
| Item No. | Essential Fire Safety Measure | Minimum standard of performance, i.e. BCA clause and/or Australian Standard to be achieved. |
| 1. | Automatic fail safe devices | AS1670.1-2004 and Manufacturer's Specification |
| 2. | Automatic fire detection and alarm system | BCA2010 Clause E2.2a, AS1670.1-2004 |
| 3. | Emergency lighting | BCA2010 Clauses E4.2 & E4.4, AS/NZS2293.1-2005 |
| 4. | Emergency warning and intercommunication system | BCA2010 Clause E4.9, AS1670.4-2004 |
| 5. | Exit signs | BCA2010 Clauses E4.5, E4.6 & E4.8, AS/NZS2293.1-2005 |
| 6. | Fire dampers | BCA2010 Clause C3.15, AS1530.4-2005, AS4072.1-2005 and AS1682.2 & 2-1990 |
| 7. | Fire doors | BCA2010 Clause C2.12, C2.13, C3.4 & C3.8, AS/NZS1905.1-2005 |
| 8. | Fire seals protecting openings in fire resisting components of the building | BCA2010 Clause C3.15, Manufacturer's Specification |
| 9. | Fire hose reel system | BCA2010 Clause E1.4, AS2441-2005 |
| 10. | Lightweight fire rated construction (Proscenium wall and rear mezzanine change room area) | BCA2010 Clause C1.8 and Manufacturer's Specification |
| 11. | Mechanical air handling systems (Auto Shutdown Facility) | BCA2010 Table E2.2a, F4.5 and AS/NZS1668.1-1998, AS1668.2-1991 |
| 12. | Paths of travel, stairways, passageways or ramps | BCA2010 Section D |
| 13. | Portable fire extinguishers | BCA2010 Clause E1.6, AS2444-2001 |
| 14. | Smoke control system to Stage Area | BCA2010 NSW Spec E2.2b |

Further comment on the above items will be made in Part 4.0 of the report

PART 4 CURRENT BCA NON COMPLIANCE ISSUES

4.1 General

The primary objective of any fire upgrading works is to achieve a means of fire and occupant safety within the context of the objectives of the Building Regulations (i.e.; Building Code of Australia 2010) namely:-

- (a) the safety of persons in the event of a fire;
- (b) the prevention of fire; and
- (c) the suppression of fire.

The items referred to within the following pages clearly identify the existing deficiencies when the deemed-to-satisfy provisions of BCA2010 are applied prescriptively to the existing building. However, as outlined in Part 1.0 of this Report, BCA2010 is now a fully performance based document with the prescriptive deemed-to-satisfy provisions being only one of the two methods of satisfying these performance provisions.

With existing buildings strict compliance with the prescriptive deemed-to-satisfy provisions of BCA2010 is often unlikely and impractical without carrying out massive reconfiguration of the existing building due to the age, use or existing architectural design of the building.

Accordingly, where a deficiency within an existing building has been identified it may not necessarily result in that deficiency being required to be upgraded to strictly meet the deemed-to-satisfy provisions of BCA2010. If, due to specific site circumstances, it can be shown that the deficiency still satisfies the performance provisions of BCA2010 as an alternative solution then this deficiency would not require upgrading.

Accordingly, where a deficiency within an existing building has been identified it may not necessarily result in that deficiency being required to be upgraded to strictly meet the deemed-to-satisfy provisions of BCA2010.

If, due to specific site circumstances, it can be shown that the deficiency still satisfies the performance provisions of BCA2010 as an alternative solution then this deficiency would not require upgrading.

Notwithstanding the above, under S93 and 94 of the Environmental Planning & Assessment Regulations 2000 the local consent authority (Ashfield Municipal Council) have a discretion on the level of upgrading deemed necessary, being either a total upgrade to satisfy the provisions of the BCA or partial upgrading depending on the design, construction extent of alterations and additions and circumstances of the particular building.

When determining the extent of BCA upgrading that may be necessary when undertaking alterations and additions to an existing building, the requirements of S93 and 94 of the Environmental Planning & Assessment Regulations 2000 should be considered.

The relevant requirement of Clause 93 and 94 of the EP & A Regulation 2000 does not require that an existing building be upgraded to comply with the BCA rather it gives the Consent Authority (Ashfield Municipal Council) during the Development Approval assessment process the power to require upgrading where it sees fit to do so.

Clause 93 and 94 of the EP & A Regulation 2000 states:

93 Fire safety considerations

- (1) *This clause applies to a development application for a change of building use for an existing building, where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.*
- (2) *In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed new use.*
- (3) *Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed new use.*
Note. *The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.*
- (4) *Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).*
- (5) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

94 Consent authority may require buildings to be upgraded

- (1) *This clause applies to a development application for development comprising the rebuilding, alteration, enlargement or extension of an existing building where:*
 - (a) *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or*
 - (b) *the measures contained in the building are inadequate:*
 - (i) *to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
 - (ii) *to restrict the spread of fire from the building to other buildings nearby.*
- (2) *In determining a development application to which this clause applies, a consent authority is to 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.*
- (3) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

As the subject development is greater than 20 years old, upgrade works the subject of S93 and S94 as referred to above would be considered likely with the substantial refurbishment works program currently being undertaken on site.

It should be noted that under Clauses 93 and 94 above, the primary concern with existing buildings is that of structural adequacy and fire safety.

However there is a further requirement under Clause 98 of the Regulations that states:

98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) *For the purposes of [section 80A](#) (11) of [the Act](#), the following conditions are prescribed in relation to a development consent for development that involves any building work:*
 - (a) *that the work must be carried out in accordance with the requirements of the Building Code of Australia,*
 - (b) *in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a*

contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(2) This [clause](#) does not apply:

(a) to the extent to which an exemption is in force under [clause](#) 187 or 188, subject to the terms of any condition or requirement referred to in [clause](#) 187 (6) or 188 (4), or

(b) to the erection of a temporary building.

(3) In this [clause](#), a reference to the Building Code of Australia is a reference to that Code as in force on the date the [application](#) for the relevant construction certificate is made.

Thus any “new works” must be undertaken in accordance with the current BCA2010 provisions.

4.2 Affected Part Upgrade Works

As the Construction Certificate Approval has already been granted by Trevor R Howse & Associates for the building refurbishment works that was lodged and issued prior to 1st May 2011 the relevant provisions of the Disability (Access to Premises – Building) Standards 2010 are not applicable to the subject works.

As such there is no obligation or requirement for the affected part upgrade works to be undertaken with the proposed building refurbishment works to the Auditorium / Town Hall or Lower ground level portion.

Notwithstanding this fact, all new works to the Town Hall / Auditorium and Lower level beneath will need to be undertaken in accordance with the relevant provisions of BCA2010 and AS1428.1-2001.

4.3 BCA Deficiencies / Comments

The issues identified below relate solely to the Town Hall / Auditorium Portion and Lower level portion beneath only. The intent of the upgrade works below is not to ensure that when complete the building portion will be considered to meet all the current Deemed to Satisfy provisions of BCA2010.

However the upgrade works below will afford an appropriate level of occupant fire and life safety to be achieved as well as permit the Auditorium portion to be licensed as an “Entertainment Venue”.

| Item | BCA Deficiency | Comment |
|------|---|---|
| 1. | Currently there is no correct signage leading into and from the fire isolated stair doors in the north eastern corner at Ground and mezzanine level or the SW corner to lower ground as required by D2.23 of BCA and the offence signage is in the wrong location being inside the fire stairs and out of date. | Signage to the effect” Fire Safety door – Do not Obstruct – Do Not Keep Open” is to be provided on the outside of all doors leading into the fire stairs at ground and mezzanine level and on the last doors leading from the fire isolated stairs signage is to be provided on both sides of the doors to the effect “Fire Safety Door – Do Not Obstruct”. Offence signage in accordance with S183 of the EP & A Regulations 2000 is also to be provided adjacent to the doors leading into the fire stairs at all levels. |
| 2. | The base building smoke detection and alarm system is currently not contained within all rooms and areas of the Town Hall / Auditorium and Lower Ground level in accordance with Clause 4 of Specification E2.2a of BCA2010 and AS1670.1-2004. | Extend the base building smoke detection and alarm system throughout all areas and rooms of the Town Hall / Auditorium and Lower Ground level in accordance with Clause 4 of Specification E2.2a of BCA2010 and AS1670.1-2004. |
| 3. | Currently there is no Braille signage located on any toilet doors throughout the Town Hall / Auditorium in accordance with D3.6 of BCA2010. | Provide tactile and Braille signage on all male and female toilets within the Town Hall / Auditorium in accordance with D3.6 of BCA2010 and AS1428.1-2009. |
| 4. | The mechanical air handling system is unknown if it shuts down in the event of a base building fire trip within the Town Hall / Auditorium portion. | The Town Hall / Auditorium mechanical air handling system needs to be connected to the base building detection and alarm system to automatically shut down in the event of a fire trip in accordance with Table E2.2a of BCA2010 |
| 5. | It would appear that the ductwork serving the smoke exhaust system to the stage area passes through the fire separated mezzanine toilet and change room area and is not contained in suitable fire rated material to ensure the mezzanine portion remains fully fire separated. | Further investigation is to be undertaken to ensure that where the stage smoke exhaust system passes through the fire separated mezzanine toilet area that such ductwork is fully contained within a fire rated material with a FRL of 120/120/120 when measured in both directions. |
| 6. | To the rear north eastern corner fire isolated stairs currently there is no bottom rail within 150mm of the stair nosings as required by D2.16 of BCA2010. | Install a bottom rail to this fire isolated stair where it passes from the mezzanine level down to ground level within 150mm of the stair nosings. |
| 7. | To the rear north eastern corner fire isolated stairs at mezzanine level there is not a hydrant landing valve installed to serve this level as required by E1.3 of BCA2010 and AS2419.1-2005. Furthermore the hydrant pipe work where it passes into the fire isolated stair at ground level is not fully fire sealed in accordance with C3.15 of BCA2010 | Install an additional hydrant landing valve at the mezzanine level in accordance with AS2419.1-2005 within the fire isolated stair shaft. Install additional fire sealant around the hydrant pipe where it passes into the fire isolated stair in accordance with C3.15 of BCA2010. |
| 8. | The storerooms at the rear of the stage area although enclosed in concrete and masonry construction have not been provided with self closing -/60/30 fire doors as per NSW H101.16 of BCA2010. | Replace the doors to the storerooms at the rear of the stage with self closing -/60/30 fire doors. |
| 9. | Currently the stage area is not provided with two alternate exits other than through the proscenium wall as required by NSW H101.6.1 of BCA2010. | Provide an additional exit in the north western corner of the stage area direct to the outside. |
| 10. | The back of the EDB and Comms Doors where located within a path of travel at all levels do not have a non combustible or fire protective lining. This occurs to all EDB / Comms enclosure locations throughout the Town Hall / Auditorium. | Line the inside of the EDB / Comms enclosure doors with metal or FC Sheeting and install smoke seals to the perimeter of the access doors as well as provide a non combustible ceiling to these enclosures in accordance with D2.7 of BCA2010. |
| 11. | The wall separating the backstage area from the mezzanine area and the proscenium wall is required to achieve a 60/60/60 FRL – visual inspection has been unable to confirm the construction of this wall element. | A Visual and destructive investigation is to be made on site to confirm there is 1 layer of 16mm fire grade plasterboard either side of studwork to separate the stage area from the upper mezzanine level portion and the proscenium wall portions. |
| 12. | The standard of performance of the stage smoke exhaust system is unknown and appears to be manually operated which would not satisfy NSW Table E2.2a of BCA2010. | Upgrade the stage smoke exhaust system to ensure it is in accordance with Specification E2.2b of BCA2010. |

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| 13. | If any floor surfaces are to be replaced / upgraded, the issue of missing Tactile Indicators to all stairways (other than the fire isolated stair) will need to be addressed. | If floor finishes are to be replaced, Tactile indicators are to be installed in accordance with D3.8 of BCA2010 and AS1428.4 to the stage stairs and the stairs leading up to the audio enclosure |
| 14. | The exit signage throughout the stage area is poor regarding directional signage and contains the older style "EXIT" wording and not the running man symbol | Provide additional directional exit signage to the stage area and upgrade the existing exit signage to the running man symbol throughout the Town Hall / Auditorium and lower ground level in accordance with AS2293.1-2005. |
| 15. | The existing curtains throughout the Town Hall / Auditorium are either not tagged as having fire retardant treatment or treated in 1985 which would not satisfy NSW Clause 4 of Specification C1.10 of BCA2010. | Remove old curtains that are not required and install new curtains or suitably treat the older curtains with a fire retardant treatment in accordance with NSW Clause 4 of Specification C1.10 of BCA2010. |
| 16. | The existing walls to the Auditorium contain Tasmanian Oak veneer and a carpet style material that would not satisfy the fire hazard properties of Specification C1.10a of BCA2010. | The Tasmanian Oak Veneer is suitable to remain, however the existing carpet wall lining material is to be removed and replaced with a compliant wall lining material in accordance with Specification C1.10a of BCA2010. |
| 17. | The Fire Hose reel adjacent to the NE Fire Isolated Stair does not possess the required 100mm clearance to the hose reel drum as per AS2441-2005. Also this FHR cannot pass through the proscenium opening, thus currently there is inadequate FHR coverage to the main Auditorium | Reconfigure or relocate the FHR drum so it has a clear 100mm as per AS2441-2005. Install an additional FHR within 4.0m of the main entry doors to the Auditorium off the open colonnade in accordance with E1.4 of BCA2010 and AS2441-2005. |
| 18. | The fire doors to the proscenium opening to the stage do not fully self close and self latch. | Maintenance is to be undertaken to these fire doors so they fully self close and self latch when opened. |
| 19. | There are mechanical ducts that currently penetrate the proscenium wall that have not been provided with fire dampers as per C3.15 of BCA2010. | Install fire dampers where the mechanical ductwork passes through the fire rated proscenium wall either side of the stage in accordance with Specification C3.15 of BCA2010 and AS1682.1 & 2. |
| 20. | The double door leaves to the entry foyer to the Auditorium have lockable devices installed to these doors that would not satisfy NSW D2.21 of BCA2010 | The lockable devices to the required exit doors serving the auditorium are to be removed and all required exit doors provided with panic bar style latching mechanisms. |
| 21. | As the Auditorium is being treated as an Entertainment Venue, it must continue to remain 60/60/60 Fire separated from the rest of the building. | The current fire separation of the Auditorium is to remain with the proposed refurbishment works. |
| 22. | Within the upper portion of the Auditorium adjacent to the Audio Box, confirmation is to be provided that any mechanical ductwork penetrating the floor slab over contains a compliant fire damper. | Further investigations on site are to be undertaken to ensure full fire separation of this ductwork is achieved. |
| 23. | The balustrade to the stair leading up to the Audio Box currently contains gaps that would permit a 125mm sphere to pass through which would not satisfy D2.16 of BCA2010. | Alter the balustrade to this stair at the mid landing to ensure there are no gaps greater than 125mm as per D2.16 of BCA2010. |
| 24. | At Lower ground floor level the doors that lead into the rear carpark driveway have not been tagged as -/120/30 fire doors. | Replace the damaged doors with self closing -/120/30 fire doors in accordance with AS1905.1-2005. |
| 25. | The latches to the SW corner Fire Stair at lower ground level contains 2 devices that would not satisfy D2.21 of BCA2010 | Remove the snib lock from the door leading into the SW fire stair at lower ground level. |
| 26. | Currently at lower ground level the storage area is fire separated from the adjacent Baby Health Centre which needs to continue with the building refurbishment works. | With any reconfiguration works to this level the 120/120/120 FRL separation is to continue with self closing -/120/30 fire doors in any such walls. Egress is permitted through the storage area provided clear line marked 1.0m wide pathways are maintained. This includes removing hold open devices off the fire doors in the fire separating wall. Furthermore all penetrations through this fire wall are to be sealed with appropriate fire rated treatment, with fire dampers provided to any mechanical ventilation ducts. |
| 27. | The main entrance door at lower ground level is currently an auto sliding door which may not satisfy D2.21 of BCA2010. | Ensure that the auto sliding doors are openable in accordance with D2.21 of BCA2010 with a battery backup system provided as well as installing an illuminated exit sign over the door. |
| 28. | The lower ground floor toilet ventilation system appears to have been terminated. | If these toilets are to be retained, the bathroom exhaust system is to be reinstated in accordance with AS1668.2-1991. |
| 29. | The fire dampers installed in the lightweight fire rated construction wall within the lower ground floor AHU do not appear to have been installed as per AS1530.4 and the individual manufacturer's details. | Inspection testing and recertification of these dampers is to be undertaken to ensure they have been installed strictly as per their manufacturer's details and AS1530.4. |

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| 30. | No details have been provided for any seating layouts within the Auditorium | Where seating is to be set out in rows, the chairs must be capable of being able to be secured together in groups of 4 to 16 as per NSW H101.11.3 of BCA2010. |
| 31. | There is currently no load notice displayed on the stage as per NSW JHJ101.8 of BCA2010 | A Load notice is to be displayed on the stage area indicating the actual distributed and concentrated load capacities of the stage. |
| 32. | Suitable signage has not been provided on all doors within sight of the audience to the Auditorium as per NSW D2.19(b) of BCA2010 | Signage indicating the use of the room or space is to be provided on all doors within sight of the audience within the auditorium. |
| 33. | The main switchboard to the Auditorium does not contain a main isolation switch as per NSW H101.19.1. | Provide a main isolation switch with clear signage to the main switchboard serving the Auditorium. |
| 34. | The lighting to the auditorium appears able to be accessed by members of the general public which would not satisfy NSW H101.20.1 of BCA2010 | The lighting switches serving the auditorium are to be located in a locked enclosure or other area inaccessible to members of the general public. |