

Reference: 232043\_S4.55\_06

30<sup>th</sup> April 2026

Deicorp Project Crows Nest Pty Ltd  
Level 3, 161 Redfern Street  
Redfern NSW 2016

**Attention: Poonam Chauhan**

**RE: Section 4.55 Modification [Hotel] Support | 405 Pacific Highway, 5 Falcon Street & 8 Alexander Street, Crows Nest, NSW 2065**

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The purpose of this statement is to provide confidence to the Consent Authority that prior to the issue of Section 4.55 Modification of Consent (S4.55), that the proposed modification to include a hotel within the development located at 405 Pacific Hwy, 5 Falcon St & 8 Alexander St, Crows Nest, NSW has been reviewed by an Accredited Certifier – Fire Safety Engineer. The review is afforded confidence that the building is likely to be able to demonstrate compliance with the Performance Requirements of the Building Code of Australia (BCA), as applicable within New South Wales at the construction certification stage.

The proposed development shall occupy a triangular site bound by the Pacific Highway (west), Falcon Street (north) and Alexander Street (east) for which is proposed to incorporate pedestrian connections to link these three public roads. The building is proposed to include multiple levels of subterranean carparking, accommodate ground level retail, 2 levels of hotel use, and 20 storeys of residential apartments resulting in an approximate effective height greater than 50m at 72.02m and hence, shall be built to comply with BCA Type A construction provisions (unless otherwise permitted by a future fire engineered performance solution). The development shall be designed to include the full suite of fire safety provisions necessary for a building of the anticipated BCA classification and size.

The building design incorporates design features that do not fully meet the prescriptive Deemed-to-Satisfy (DtS) provisions of the BCA. As a result of the design not conforming to the DtS provisions of the BCA, the building solution applied shall be performance based rather than wholly prescriptively based.



In undertaking this review Affinity Fire Engineering has reviewed the Development Application submission architectural drawings prepared by Turner (Project: 19073, provided to Affinity on the 14/04/2026) and the BCA (S4.55) Report prepared by City Plan (Report Ref: 230165, Rev 02, Dated: 23/04/2026) and have provided fire safety engineering advice through emails, meetings, mark ups and workshops with recommended design changes to be incorporated in order to achieve a level of safety that enables the design to meet the performance provisions of the BCA.

Based on these documents, Affinity Fire Engineering's review and advice confirms that the proposed design incorporates features that have been identified to not meet the prescriptive Deemed-to-Satisfy (DtS) provisions of the BCA. As a result of the design not conforming to the DtS provisions of the BCA, the building solution applied shall be performance based rather than wholly compliant with the BCA.

Amongst other matters which may be established through the full design development stages, the fire safety strategy and associated reports shall incorporate assessment of the non-conformances with the DtS provisions of the BCA as defined in the BCA (S4.55) Report prepared by City Plan (Report Ref: 230165, Rev 02, Dated: 23/04/2026) for Items in Section 3.

Unless identified within the BCA Report or the existing base building Fire Engineering report, all other matters are expected to achieve compliance with the BCA. Design change may be required to achieve this or further consultation with services designers may be required. The identified list of deviations from the prescriptive BCA provisions is a non-exhaustive list as result of the limited services design input at this concept design phase, which may be increased once full services design input is received.

The subject design for the mixed-use retail, hotel and multi apartment residential development located at 405 Pacific Hwy, 5 Falcon St & 8 Alexander St, Crows Nest, NSW is considered by Affinity Fire Engineering to not compromise the expected fire safety strategy, fire brigade intervention or conformance with the building regulations. Hence, Affinity Fire Engineering anticipates that the fire safety engineering assessment to be conducted as part of the Construction Certificate stage will achieve compliance with the Performance Requirements of the BCA.

It is noted that this document should not be used for Construction Documentation as the formal fire engineering process and assessment is required to be completed prior.

We trust that the above information is sufficient for Consent Authority's needs with respect to fire safety design and compliance with the relevant building regulations in this regard. Should any further information be required for a determination to be made please contact the undersigned on 02 9194 0590.

Yours faithfully

**Thomas O'Dwyer**

Director

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