

22 July 2016

Department of Planning and Environment
NSW Government
Att: Minister for Planning and Environment
GPO Box 39 Sydney NSW 2000

Dear Minister

BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT - Rev B
Property: Sydney Opera House – Temporary Experimental Accommodation

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the architectural drawings as noted in the attached Plan & Location Schedule 1a by the Sydney Opera House, against the provisions of the Building Code of Australia 2016 ("BCA") as per the requirements under Clause 98 of the Environmental Planning & Assessment Regulation 2000("EP&A Regs"). A site inspection was conducted by this office on the 21 July 2016.

Compliance with the BCA for these specific works will be able to be achieved by a combination of compliance with the deemed-to-satisfy (DTS) provisions and the Performance Requirements. The Fire Safety Engineer has confirmed the feasibility of Performance Solutions with regard to such items as:

- Rationalisation of fire rated bounding construction.
- Omission of fire separation of certain common areas from certain sole occupancy units.
- Relaxation of the required smoke detection system.
- Omission of fire suppression (sprinklers) from certain areas.

Additionally, justified Performance Solutions from the Access Consultant for wheelchair accessibility compliance limitations will be considered for the Northern Foyers. Compliance with the Disability (Access to Premises – Buildings) Standards 2010 will also be achieved to the degree necessary as required.

The EP&A Regs defined *Category 1* measures have also been considered with no material impacts recognised.

Notwithstanding the above comments we note that specific detailed compliance with the BCA is not a prescribed head of consideration under Section 79C of the Environmental Planning & Assessment Act 1979 and accordingly, we trust that the determination of the development application will not be subject to the assessment of any technical matters under the state's building regulations.

In this regard and pursuant to Clause 54 (4) of the EP&A Regs, we trust that the Consent Authority will not require any additional information in the determination of the development application for technical BCA matters that will be assessed at the building permit stage.

As such we hereby confirm that matters pertaining to compliance with the BCA will be suitably assessed by Group DLA prior to the issue of the Crown Building Works Certificate in accordance with Clause 98 of the EP&A Regs and Section 109R of the Environmental Planning and Assessment Act 1979.

We trust this submission satisfies any concerns of the Consent Authority with compliance of the development with the relevant requirements and provisions of the BCA.

Should you require further assistance or clarification please do not hesitate to contact the undersigned at your convenience.

Yours sincerely



Shane Berry
Specialist Regulations Consultant (Accred. Certifier - A1)
D +61 2 8090 1493 M +61 448 566 606
sberry@groupdla.com.au

Plan & Location Schedule – 1a

Board Room:

- Plan - 10 BG 20904 S08 Rev J L1 +030
 - Location - Board Room (Rm 1532)
 - Location - Associated Toilets (1530A Female & 1538B Male)

Utzon Room:

- Plan - 10 BG 20904 S08 Rev J L1 +030
 - Location - Utzon Room (Rm 1525/3, 1525/2, 1525/5)
 - Location - Associated Toilets (1526E Male & Female 1526C)

JST Northern Foyers:

- Plan - 10 BG 20904 S09 Rev H L2 +042
 - Location - 2506A East Caves, 2502A West Caves, 2504B Lounge, 2504A Lounge
- Plan - 10 BG 20904 S10 Rev G L3 +051
 - Location - 3504A Mural, 4500A Granite, 3505B Toilet, 3503B Toilet
- Plan - 10 BG 20904 S11 Rev G L4 +061
 - 4500A Granite, 4500B Upper Granite, 4500C Upper Granite

JST Southern Foyer:

- Plan - 10 BG 20904 S08 Rev J L1 +030
 - Location - 1530A Female Toilet & 1538B Male Toilet
- Plan - 10 BG 20904 S09 Rev H L2 +042
 - Location - 2510A Eastern Foyers, 2510E Western Foyer, 2510B Southern Foyer

CH Northern Foyers:

- Plan - 10 BG 20904 S09 Rev H L2 +042
 - Location - 2514A East Caves, 2520A West Caves, 2517A Lounge, 2517C Lounge
- Plan - 10 BG 20904 S10 Rev G L3 +051
 - Location - 3515A Mural, 4501A North Foyer, 3514&3513A Toilet, 3516&3517 Toilet
- Plan - 10 BG 20904 S11 Rev G L4 +061
 - 4501A Granite, 4501B Upper Granite, 4501C Upper Granite

CH Southern Foyers:

- Plan - 10 BG 20904 S08 Rev J L1 +030
 - Location - 1557C Female Toilet & 1557D Male Toilet
- Plan - 10 BG 20904 S09 Rev H L2 +042
 - Location - 2526A Eastern Foyers, 2526E Western Foyer, 2526B Southern Foyer