

15 December 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 – Eastern Accommodation, Joan Sutherland Theatre & Entry Foyer - SSD 7665 Submission

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the architectural drawings relating to the relevant Sydney Opera House above noted projects. Please refer to our attached BCA Reports as follows:

- Eastern Accommodation - Summary Report 2016 Rev C dated 17 October 2016.
- Joan Sutherland Theatre – Summary Report 2016 Rev B dated 18 October 2016.
- Entry Foyer - Summary Report 2016 Rev A dated 21 November 2016.

The assessment has been completed 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"). Various recent site inspections has been conducted by this office.

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.

With regard the Departments recent response/concerns, please see Table 1 below.

Department of Planning & Environment Comments	Group DLA Responses
The follow spot room: the capability statement indicates the level of detail provided did not enable a detailed assessment. The report shall be updated to confirm compliance or measures intended to achieve compliance.	Tender drawings have since been reviewed which contained a further level of detail to the extent that now allow Group DLA to confirm that a satisfactory intention to comply with the BCA is evident. Confirming that the Section 109R Crown Building Works Certificate to be issued by Group DLA for these related works will contain drawings/documents which satisfactorily illustrate an intention to comply with the BCA, as required. Confirming that the Crown Completion Certificate to be issued by Group DLA for these related works will be evidence of compliance with the BCA, as required.
Eastern offices and entry foyer: the report indicates the level of detail provided did not enable a detailed assessment. The report shall be updated to confirm compliance or measures intended to achieve compliance. A complete assessment of the essential fire and other measures is required in Section 5.0.	Tender drawings have since been reviewed which contained a further level of detail to the extent that now allow Group DLA to confirm that a satisfactory intention to comply with the BCA is evident. Confirming that the Section 109R Crown Building Works Certificate to be issued by Group DLA for these related works will contain drawings/documents which satisfactorily illustrate an intention to comply with the BCA, as required. Confirming that the Crown Completion Certificate to be issued by Group DLA for these related works will be evidence of compliance with the BCA, as required. A complete assessment of the essential fire and other measures is not required, reliance will be placed on the existing Annual Fire Safety Statement as is common practice and reasonable to expect. The Section 109R Crown Building Works Certificate will contain an updated Fire Schedule as required.
JST Accessibility: a complete assessment of the essential fire and other measures in Section 5.0 is required.	A complete assessment of the essential fire and other measures is not required, reliance will be placed on the existing Annual Fire Safety Statement as is common practice and reasonable to expect. The Section 109R Crown Building Works Certificate will contain an updated Fire Schedule as required.

Table 1 – DoPE / GDLA Comments

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.

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In this regard and pursuant to Clause 54 (4) of the Environmental Planning & Assessment Regulation 2000, 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 the appointed Certifying Authority 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.

The proposed design appears to comply with the major requirements of the BCA. Where the level of detail is currently insufficient to determine full compliance, it would appear that compliance with the deemed-to-satisfy provisions would be readily achievable within the general constraints of the current design.

Yours sincerely



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