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Our Ref: 25435-L01-04

M House Surry Pty Ltd

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MIXED-USE DEVELOPMENT – 47-97 MARLBOROUGH STREET, SURRY HILLS FIRE ENGINEERING STATEMENT (FOR SSDA SUBMISSION)

INTRODUCTION

This report has been prepared to support a State Significant Development Application (**SSDA**) SSD- 78545225 for the site at 47 – 97 Marlborough Street, Surry Hills.

The Minister for Planning, or their delegate, is the consent authority for the SSDA and this application is lodged with the NSW Department of Planning, Housing and Infrastructure (**DPHI**) for assessment.

This report has been prepared in response to the requirements contained within the Secretary's Environmental Assessment Requirements (**SEARs**) dated 19 December 2024 (SSD- 78545225). Specifically, this report has been prepared to respond to the following SEARs:

PROJECT DESCRIPTION

The application seeks development consent for the redevelopment of the site for an in-fill affordable housing residential development comprising 172 market and affordable housing dwellings. The works will involve the adaptive reuse of the heritage listed warehouse building known as the 'Former David Jones Factory'.

Specifically, this application seeks approval for the following:

- Demolition of the existing car park on the northern portion of the site.
- Site preparation works including:
 - Tree removal.
 - Excavation on the northern portion of the site.
- Alterations and additions to the existing warehouse building for the purposes of a residential flat building comprising:
 - Heritage conservation works to the warehouse building and alterations to the warehouse roof profile on level 8.
 - Four level addition to the warehouse building on the central portion of the site.
 - 134 residential apartments across 9 levels.
 - Indoor communal resident amenity and rooftop communal open space.
 - Service vehicle access from Goodlet Street to an at-grade loading dock.
 - Lower ground storage, plant and services area.
- Construction of a new residential flat building on the northern portion of the site comprising:
 - Basement car stacker and vehicular access from Landsdowne Street.
 - Retail tenancy on ground level on the corner of Marlborough Street and Landsdowne Street.

Sydney | Suite 18.02, Level 18
227 Elizabeth Street
Sydney NSW 2000
PO Box 4788, Forest Lake QLD 4078

Brisbane | Unit 5, Level 1
445 Upper Edward Street
Spring Hill QLD 4000
PO Box 4788, Forest Lake QLD 4078

- 38 residential apartments across 9 levels.
- Landscaping and associated public domain works including a private pedestrian link along the western site boundary.
- Provision of 15% affordable housing to be managed by a community housing provider for a period of 15 years from date of the Occupation Certificate.
- Extension and augmentation of physical infrastructure and utilities as required.

Refer to Architectural Plans prepared by Wardle appended to the Environmental Impact Statement.

THE SITE

The site is located at 47-97 Marlborough Street, Surry Hills and is legally described as Lot 1 in DP225393 and Lot 1 in DP251056. It is regular in shape and has an area of approximately 3,413 sqm.

The site is located in the City of Sydney local government area (LGA) in Surry Hills, which is well-served by public amenities such as a supermarket, cafes, destination retail shops and a library. Community facilities such as swimming pools, tennis courts, and active open space are easily accessible. The southern portion of the site comprises a locally listed heritage item (the former David Jones Warehouse building) and the northern portion of the site accommodates a car park. The area to the east and south of the site is a Heritage Conservation Area.

The site is in a highly accessible area with the nearest Light Rail Station (Surry Hills) 200m to the north of the site. The site is also close to regular bus services in the immediate vicinity.

The existing building is built to the site boundaries. There are existing street trees along Marlborough Street, as well as some planter boxes containing vegetation on the site's north-eastern frontage to Marlborough Street.

The location of the site is illustrated in **Figure 1**.



NCC ASSESSMENT DATA

With reference to the Building Code of Australia (BCA 2025) Capability Statement prepared by Concise Certification, dated 1 May 2026, the relevant NCC Assessment Data for the development is summarised in Table 1.

Table 1: Relevant NCC Assessment Data

NCC Reference	NCC Assessment
Classification	Class 2 (residential units) Class 6 (retail) Class 7b (Loading bay, Bike storage, Vehicle storage) Class 8 (Electrical network substation) Class 10b (Ancillary structures)
Rise in Storeys	10
No. of Levels Contained	16
Minimum Type of Construction Required	Type A
Effective Height	Greater than 25 m (~41.060 m)
Maximum Fire Compartment Size	As applicable for Type A construction

REFERENCED DRAWINGS

Table 2: List of Referenced Architectural Drawings

Drawing No.	Issue	Title	Date
AR 010	2	Context Plan	20-03-2026
AR 011	2	Existing Site Plan	20-03-2026
AR 013	3	Proposed Site Plan	20-03-2026
AR 015	3	Existing and Demolition Plan 3D view	20-03-2026
AR 020	4	Existing and Demolition Plan – Ground Floor	20-03-2026
AR 021	4	Existing and Demolition Plan – Level 01	20-03-2026
AR 022	4	Existing and Demolition Plan – Level 02	20-03-2026
AR 023	4	Existing and Demolition Plan – Level 03	20-03-2026
AR 024	4	Existing and Demolition Plan – Level 04	20-03-2026
AR 025	5	Existing and Demolition Plan – Level 05	20-03-2026
AR 026	4	Existing and Demolition Plan – Level 06	20-03-2026
AR 027	4	Existing and Demolition Plan – Level 07	20-03-2026
AR 028	4	Existing and Demolition Plan – Level 08	20-03-2026
AR 029	4	Existing and Demolition Plan – Roof Plan	20-03-2026
AR030	4	Existing Elevations – North and South	20-03-2026
AR031	4	Existing Elevation – East	20-03-2026
AR032	4	Existing Elevation – West	20-03-2026
AR 100	5	GA Plan – Level B06	20-03-2026
AR101	7	GA Plan – Level B01, B02, B03, B04, B05	20-03-2026
AR 102	12	GA Plan – Ground Floor (G-G-B)	20-03-2026

Drawing No.	Issue	Title	Date
AR 103	16	GA Plan – Level 01 (01-01-01)	20-03-2026
AR 104	10	GA Plan – Level 02 (02-02-02)	20-03-2026
AR 105	11	GA Plan – Level 03 (03-03-03)	20-03-2026
AR 106	10	GA Plan – Level 04 (04-04-04)	20-03-2026
AR 107	10	GA Plan – Level 05 (05-05-05)	20-03-2026
AR 108	11	GA Plan – Level 06 (_-06-06)	20-03-2026
AR 109	11	GA Plan – Level 07 (06-07-07)	20-03-2026
AR 110	11	GA Plan – Level 08 (_-08-08)	20-03-2026
AR 111	10	GA Plan – Level 09 (07-09-09P)	20-03-2026
AR 112	14	GA Plan – Level 10 (08P-10P-10P)	20-03-2026
AR 113	9	GA Plan – Roof Plan	20-03-2026
AR 300	7	Elevation – North and South	20-03-2026
AR 301	7	Elevation – East	20-03-2026
AR 302	7	Elevation – West	20-03-2026
AR 400	8	Building Section AA – North-South Long Section	20-03-2026
AR 401	8	Building Section BB and CC – Southern and Central Building Cross Section	20-03-2026
AR 402	8	Building Section DD – Northern Building Cross Section	20-03-2026

ACHIEVING COMPLIANCE WITH THE NCC

Compliance with the NCC is achieved by satisfying the Performance Requirements. Clause A2G1(2) of the NCC states that the Performance Requirements can be satisfied by one of the following:

- (a) *Performance Solution.*
- (b) *Deemed-to-Satisfy Solution.*
- (c) *A combination of (a) and (b).*

Clause A2G2(1) of the NCC states that a Performance Solution is achieved by demonstrating:

- (a) *compliance with all relevant Performance Requirements; or*
- (b) *the solution is at least equivalent to the Deemed-to-Satisfy Provisions.*

Clause A2G2(2) of the NCC states that a Performance Solution must be shown to comply with the relevant Performance Requirements through one or a combination of the following Assessment Methods:

- (a) *Evidence of suitability in accordance with Part A5 that shows the use of a material, product, plumbing and drainage product, form of construction or design meets the relevant Performance Requirements.*
- (b) *A Verification Method including the following -*
 - (i) *the Verification Methods in the NCC.*
 - (ii) *Other Verification Methods, accepted by the appropriate authority that show compliance with the relevant Performance Requirements.*
- (c) *Expert judgment.*
- (d) *Comparison with the Deemed-to-Satisfy Provisions.*

Clause A2G2(3) of the NCC states Where a Performance Requirement is satisfied entirely by a Performance Solution, in order to comply with (1) the following method must be used to determine the Performance Requirement or Performance Requirements:

- (a) *Identify the relevant Performance Requirements from the Section or Part to which the Performance Solution applies.*
- (b) *Identify Performance Requirements from other Sections or Parts that are relevant to any aspects of the Performance Solution proposed or that are affected by the application of the Performance Solution.*

Clause A2G2(4) of the NCC states Where a Performance Solution is proposed to be satisfied by a Performance Solution, the following steps must be undertaken:

- (a) *Prepare a performance-based design brief in consultation with relevant stakeholders.*
- (b) *Carry out analysis, using one or more of the Assessment Methods listed in (2), as proposed by the performance-based design brief.*
- (c) *Evaluate results from (b) against the acceptance criteria in the performance-based design brief.*
- (d) *Prepare a final report that includes-*
 - (i) *All Performance Requirements and/or Deemed-to-Satisfy Provisions identified through A2G2(3) or A2.4(3) as applicable; and*
 - (ii) *Identification of all Assessment Methods used; and*
 - (iii) *Details of step (a) to (c); and*
 - (iv) *Confirmation that the Performance Requirement has been met; and*
 - (v) *Details of conditions or limitations, if any exist regarding the Performance Solution.*

IDENTIFIED DEPARTURES TO DTS PROVISIONS OF NCC

With reference to the Building Code of Australia (BCA 2025) Capability Statement prepared by Concise Certification, dated 1 May 2026, it is noted that Performance Solutions are required to be developed to address departures to the following DtS provisions of the NCC:

1. Fire-resisting construction – NCC Clause C2D2, NCC Specification 5

To rationalise the method of protection afforded within the external wall cavities between the perimeter slab edges and the external walls or external façade panels of the building.

2. Fire-resisting construction – NCC Clause C2D2, NCC Specification 5

To rationalise the method of protection afforded within the external wall cavities between the internal bounding walls or fire walls and the external walls or external façade panels of the building.

3. Fire-resisting construction – NCC Clause C2D2, NCC Specification 5

To rationalise the extent and method of protection afforded to existing timber elements, columns and beams, that are required to be retained within the existing Heritage parts of the building.

4. Fire-resisting construction – NCC Clauses C2D2, NCC Specification 5

To permit the floor slab to the wet areas within residential units to comprise a reduced FRL of 60/60/60, in lieu of 90/90/90.

5. Fire-resisting construction – NCC Clauses C3D8, C3D9 & C3D10, NCC Specification 5

To permit the structural elements associated with the loading bay on ground floor to achieve a reduced FRL of 120/120/120, in lieu of 240/240/240.

6. Fire-resisting construction – NCC Clauses C3D8, C3D9 & C3D10, NCC Specification 5

To permit the structural elements associated with the bike storage room on ground floor to achieve a reduced FRL of 120/120/120, in lieu of 240/240/240.

7. Fire-resisting construction – NCC Clauses C3D8, C3D9 & C3D10, NCC Specification 5

To permit the structural elements associated with the retail tenancy on level 1 to achieve a reduced FRL of 120/120/120, in lieu of 180/180/180.

8. Enclosure of shafts – NCC Specification 5 (S5C8)

To permit garbage chute shafts to not be fire-rated at the base and to form part of the same fire compartment as the room(s) into which they discharge.

9. Fire hazard properties – NCC Clause C2D11, NCC Specification 7

To retain existing timber floors within the existing Heritage parts of the building that will not satisfy the fire hazard properties of the NCC.

10. Protection of openings in external walls – NCC Clauses C4D3

To rationalise the extent and method of protection afforded to openings within the external walls of the building that will be exposed to an external fire source feature.

11. Separation between Fire Compartments – NCC Clauses C4D4

To rationalise the extent and method of protection between adjoining fire compartments within the same building.

12. Exit travel distances – NCC Clause D2D5

To permit extended exit travel distances within the building to a point of choice or to the nearest exit.

13. Distance between alternative exit – NCC Clause D2D6

To permit extended travel distances between alternative exits within the building.

14. Width of exits and paths of travel to exits – NCC Clause D2D8

To permit reduced path of travel widths within the plant and ancillary use areas of the building.

15. Travel via fire-isolated exits – NCC Clause D2D12

To permit fire-isolated exits to discharge within the confines of the building that is not open for at least 2/3 of its perimeter.

To permit the path of travel from fire-isolated exits necessitate passing within 6 m of external walls and openings within the external walls.

16. Roof as open space – NCC Clause D3D13

To permit the path of travel via the roof of the building on ground floor necessitate passing within 3 m of openings within the roof, being rainwater / drainage outlets.

17. Operation of latch – NCC Clause D3D26

To permit roller doors in a path of travel to an exit, or forming part of an exit, to not be provided with compliant door hardware in accordance with Clause D3D26.

18. Fire hydrants – NCC Clause E1D2

To permit the location of the fire brigade booster assembly to not be within direct line of sight of the main pedestrian entrance in the building.

To rationalise the provisions of access into the fire pump room.

19. Fire sprinkler systems – NCC Specification 17

To omit fire sprinkler protection from the main switch room.

20. Zone pressurisation system – NCC Clause E2D6

To omit zone pressurisation to the retail tenancy on level 1.

21. Provision for special hazards – NCC Clauses E1D17, E2D21

Consideration will be given to the special hazards applicable to the building, including:

- Electrical vehicles (EV) and EV charging stations
- Automated vehicle parking systems (AVPS)

With regards to EV's and EV charging stations, consideration will be given to the Australasian Fire Authorities Council (AFAC) Guideline "Electric Vehicles (EV) and EV charging equipment in the built environment".

With regards to AVPS, consideration will be given to the Australasian Fire Authorities Council (AFAC) Guideline "Fire Safety Requirements for Automated Vehicle Parking Systems". The AFAC Guideline will form the benchmark for the design of the AVPS with regards to ensuring an acceptable level of fire safety is achieved.

Note: At this stage of the design, the identified departures to the DtS provisions of the NCC are not exhaustive, and additional departures resulting in the development of additional Performance Solutions may arise throughout the detailed design process leading up to when a Construction Certificate is issued. This is routine practice for development of this scale and nature, and the level of detail that this statement has been prepared is appropriate to this stage of the project lifecycle.

REQUIRED FIRE SAFETY SYSTEMS

The following fire safety systems will be required to be installed throughout the subject development:

- Fire hydrants – NCC Clause E1D2, AS 2419.1-2021
- Fire hose reels – NCC Clause E1D3, AS 2441-2005
- Fire sprinklers – NCC Specification 17, AS 2118.1-2017, AS 2118.6-2012
- Portable fire extinguishers – NCC Clause E1D14, AS 2444-2001
- Automatic smoke detection and alarm system – NCC Specification 20, AS 1670.1-2018
- Stair pressurization systems – NCC Clause E2D4, AS 1668.1-2015
- Smoke exhaust systems – NCC Specification 21, AS 1668.1-2015
- Emergency lighting and exit signs – NCC Clauses E4D2, E4D4, E4D5 & E4D8, AS/NZS 2293.1-2018
- Emergency lifts – NCC Clause E3D5
- Emergency warning and intercom systems – NCC Clause E4D9, AS 1670.1-2018

Note: The above list may change or vary during the detailed design process and / or as a result of the future Fire Engineering Assessment and liaison with Fire & Rescue NSW (FRNSW). FRNSW is welcome to provide input during the Public Exhibition of this SSDA. Any feedback from Agency stakeholders will be addressed as part of the Response to Submissions package for this project.

CONCLUSION

Innova Services Australia Pty Ltd has reviewed the proposed design and the identified departures to the DtS provisions of the NCC and advise that Performance Solutions can be developed that will be capable of demonstrating compliance with the relevant Performance Requirements of the NCC. The appropriate stage for this to occur would be post-approval design development before a Construction Certificate is issued.

The Fire Engineering process will require liaison with relevant stakeholders during the detailed design process, including Fire & Rescue NSW (FRNSW). This process may result in changes to the design to ensure an acceptable outcome for all relevant stakeholders. FRNSW is requested to consider this statement with appropriate regard for matters that can be readily resolved before a Construction Certificate is issued rather than before this SSDA is determined. This will ensure adequate design coordination without prejudicing assessment timeframes for this project.

Should you require any additional information with regards to the above please do not hesitate to contact the undersigned.

Yours Faithfully

Innova Services Australia Pty Ltd



Jason Powell

Director

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