



E-MEMO

	Name	Company	Email address
To	Ian Goodman	Compass Project Management	ian.goodman@compassprojects.net
From	Vanessa Hinge	Date 24 March 2011	Ref 05266-10EM
Re	Vincentia Marketplace – Implication of Energy Efficiency Provisions of the BCA on shop fronts		

Further to recent discussions relating to the Vincentia Marketplace and the implication of the energy efficiency provisions of the Building Code of Australia, please note the following comments:-

Legislation

The applicable legislation governing the design of buildings is the Environmental Planning and Assessment Act 1979. This Act requires that all new building works must be designed to comply with the BCA. The version of the BCA applicable to the base building development, is version that in place at the time of the application to the Certifying Authority for the Construction Certificate, being BCA2010. Future versions of the BCA will apply to where an application for a Construction Certificate is received after April 2011, this will include the application for the fitout and use of the tenancies (inclusive of shopfronts) within the Vincentia Marketplace.

The BCA is amended annually with the latest version coming into force on the 1st May. The draft version of the BCA2011, released by the Australian Building Codes Board included new provisions which would impact the design of the Vincentia Marketplace with significant implications relating to the compliance of the provisions of the Part J. Subsequently, due to Industry feedback, these changes will not be adopted in BCA2011.

Part J of the BCA relates to energy efficiency provisions that buildings are required to meet. The provisions relate to building fabric, glazing, building sealing, air-conditioning and ventilation systems, artificial lighting and power, hot water supply and access for maintenance.

Building Code of Australia 2010 – Energy Efficiency

The current design of the marketplace involves entry to tenancies being gained via the Boardwalk and Canopy Walk, being open mall areas. For the purposes of Part J of the BCA, each tenancy is considered a “conditioned space”, opening onto a unconditioned mall area.

Under the provisions of BCA2010, tenancies which are provided entry from the mall areas would be required to be provided with an airlock, self-closing door or a revolving door. An exemption to this requirement is given to food premises such as cafes and restaurants where “staff are carrying trays of food and drink and it may be unsafe to require an airlock, self closing door or sliding door” as outlined in the Guide to the BCA 2010. This concession has operational basis and therefore would only apply to specialty shops where operational the staff move in and out of the store.

Food premises including cafes and restaurants can be provided with openfront shops which allow for service counters (etc) to be incorporated into the shopfront. In this situation, the air-conditioning and ventilation provisions of the BCA require that mechanical ventilation vents are not located within 3 metres of the shopfront, providing an unconditioned zone between the openfront shop and the ‘conditioned space’.

BUILDING REGULATIONS CONSULTANTS

McKenzie Group Consulting (NSW) Pty Ltd - ACN 093 211 995

Suite 601, Level 6 / 189 Kent Street Sydney New South Wales 2000

Telephone 02 8298 6800 Facsimile 02 8298 6899 www.mckenzie-group.com.au

Draft Building Code of Australia 2011 – Energy Efficiency

The draft version of BCA2011, released by the Australian building Codes Board, was proposed to include the removal of the concession for building sealing. (i.e. the concessions for food premises in relation to the requirements to provide of a airlock, self-closing door or revolving door would be removed). These tenancies would only be afforded a concession if provided with *"a suitable control device such as a reed switch, proximity switch or other type of door position detector that de-activates the air conditioning when the entrance is open for more than 1 minute"*.

The implications of the removal of this concession for the Vincentia Marketplace would be that those shopfronts approved under future versions of the BCA would not be able to have a permanently open shopfront, or alternatively, these tenancies will not be able to be provided with air-conditioning. Tenancies opening onto the BoardWalk or Canopy Walk, that are air-conditioned will be required to be closed and sealed in accordance with BCA Clause J3.4. Roller shutters, bi-fold doors, (etc) will not provide adequate sealing of the tenancy from the unconditioned malls areas. Food premises such as cafes will not be able to be provided with service counters within the shopfronts as these permanent opening will not comply with the energy efficiency requirements of the BCA.

The BCA2011 is released on the 1st May 2011, recent advice from the Australian Building Codes Board is that the concessions for food premises in relation to building sealing (BCA Clause J3.4) will not be removed with the enactment of BCA2011. The future direction of the these energy efficiency provisions suggest these concessions may be removed with future versions of the BCA, and as such, will impact the design and construction of tenancy shopfronts and mechanical ventilation system in the future.

Mall Enclosure

The proposal to enclose the mall areas will involve the 'conditioning' of the Boardwalk and Canopy walk, tenancies will no longer open onto an unconditioned mall area. As such, the treatment of the shopfronts of tenancies will not be subject to the provisions of J3.4 of the Building Code of Australia, the provisions of this clause will be applicable to entrances to the mall, being located in the building envelope. Tenancies openings on to the conditioned space would have the option of being provided with permanently open front fronts to specialties and food premises and BCA compliant roller shutters for after hours security.

Should you have any queries or require any further information, please contact me.

Regards,
Vanessa Hinge
McKenzie Group Consulting (NSW) Pty Ltd