

7 September 2018

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 A
Property: Sydney Opera House – SSD 8663 Submission (Concert Hall & Creative Learning Centre)

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 Projects known as the Concert Hall and Creative Learning Centre. Please refer to our relevant BCA Reports:

- Concert Hall: Building Code of Australia 2016 – Report for BCA Compliance Rev H – Issued by Group DLA dated 7 September 2018.
- Creative Learning Centre: Building Code of Australia 2016 – Report for BCA Compliance Rev B1 – Issued by Group DLA dated 7 September 2018.

The assessment has been completed against the provisions of the Building Code of Australia 2016 Amendment 1 ("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.

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 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 6.28 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