



Ms Carla Sconce
171 Harris Street
PYRMONT NSW 2009

D284/23
TH2 (PE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION - Approval**

| | |
|--|--|
| Development Application Number: | 284/23 |
| Land to which this applies: | 3 / 9 Atchison Street, St Leonards Lot No.: 51, DP: 88056 |
| Applicant: | Carla Sconce |
| Proposal: | Proposed change of use from commercial to indoor recreation facility. |
| Determination of Development Application: | Subject to the provisions of Section 4.17 of <i>the Environmental Planning and Assessment Act 1979</i> , approval has been granted subject to conditions in the notice of determination. |
| Date of Determination: | 16 April 2024 |

Reasons for Approval

The development application has been assessed against the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The use of the first floor as a recreation facility (indoor) meets the objectives for the MU1 Mixed Use Zone and maintains the provision of non-residential floor space within the building.

The indoor recreation facility has adopted appropriate noise attenuation measures and supporting acoustic reports confirms the indoor recreation facility operates whilst maintaining the acoustic amenity of adjacent residents.

Sufficient evidence including detail within the submitted Plan of Management demonstrates a good management and operation of the premises to minimise potential impact on adjoining residential land uses.

Subject to appropriate operational conditions of consent the indoor recreation facility would ensure the maintenance of acceptable neighbouring amenity including acoustic privacy for adjoining residential properties.

Having regard to the provisions of Section 4.15 (1) of *the Environmental Planning and Assessment Act 1979*, the proposed development will not result in any unreasonable amenity or environmental impacts. The application is considered satisfactory and is recommended for approval.

Consent to operate from: 16 April 2024

How community views were taken into account: The subject application was notified to adjoining properties and the Holtermann Precinct for 14 days where some issues were raised that have been addressed in the assessment report and where appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties.

Review of determination and right of appeal: Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Plans endorsed by the consent authority - please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

16 April 2024

Thomas Holman

DATE

Signature on behalf of consent authority
THOMAS HOLMAN
SENIOR ASSESSMENT OFFICER

(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of *the Environmental Planning and Assessment Act 1979* ("the *Act*") and the provisions of the Environmental Planning and Assessment Regulation 2021 ("the *Regulation*") such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the *Act*.

(ii) **Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

Applicant means the applicant for this consent.

Approved Plans means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

AS or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

NCC means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

Council means North Sydney Council.

Court means the Land and Environment Court.

Local Native Plants means species of native plant endemic to North Sydney LGA.

Stormwater Drainage System means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

Owner means the owner of the *site* and successors in title to the *site*.

Owner Builder has the same meaning as in the *Home Building Act 1989*.

Principal Certifier for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

Principal Contractor for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

Professional Engineer has the same meaning as in the *NCC*.

Public Place has the same meaning as in the *Local Government Act 1993*.

Road has the same meaning as in the *Roads Act 1993*.

SEE means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

Site means the land being developed subject to this consent.

NSLEP 2013 means *North Sydney Local Environmental Plan 2013*

NSDCP 2013 means *North Sydney Development Control Plan 2013*

Work for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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A. *Conditions that Identify Approved Plans*

Development in Accordance with Plans/Documentation

A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

| Plan No. | Rev. | Description | Prepared by | Dated |
|-----------------|-------------|----------------------------|--------------------|--------------|
| 1 | 05/09/2023 | HIIT Pilates Studio Layout | MA Joinery | 13/09/2023 |
| 2 | 09/03/2024 | Signage Plan | MA Joinery | 28/03/2024 |

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Terms of Consent

A2. Approval is granted for the change of use only to a recreation facility (indoor).

No approval is given or implied for any works undertaken prior to 8 April 2024, associated with the change of use of the premises. The consent holder may consider a building information certificate application should it be desired to regularise any such works.

(Reason: To ensure the terms of consent are clear)

F. *Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation*

National Construction Code

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Fire Safety Schedule

G1. Prior to issue of an Occupation Certificate, a Final Fire Safety Certificate which assesses all Fire safety measures within the relevant building part will be required to be submitted to Council for approval and assessed against the Fire Safety Schedule for the premises.

A copy of the Fire Safety Schedule must be submitted to Principal Certifier prior to issue of any Occupation Certificate.

(Reason: Prescribed - Statutory)

Acoustic Reports

- G2. The recommendations contained in the acoustic report prepared by Resonate dated 2 June 2023, must be maintained during use of the development.

A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined in the above stated report have been suitably incorporated into the development and that relevant noise criteria have been satisfied, must be submitted to the Principal Certifier for approval prior to the issue of an Occupation Certificate.

The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Occupation Certificate, fully satisfy the requirements of this condition.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Certification

- G3. Prior to issue of the Occupation Certificate a certificate from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants is to be submitted to, and approved by, the Principal Certifier certifying that the noise and vibration from use of the development complies with the conditions of consent here-in.

(Reason: To ensure acoustic amenity)

I. Ongoing/Operational Conditions

Noise from Plant and Equipment

11. The use of all plant and equipment installed on the premises must not:
- (a) Contribute an LAeq (15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry shall be applied.
 - (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"affected receiver" includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

"boundary" includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Control

12. The use of the premises shall comply with the following:

Music and Vocal

- (a) The LA10 noise level emitted from the use of the premises must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 6.00am and 7.00pm when assessed at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00pm and 6.00am on the following day when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room or sleeping area in any affected residence between the hours of 7.00pm and 6.00am on the following day.
- (d) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises with windows closed.
- (e) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

LA10 is the average maximum A-weighted Fast Response sound level emitted from the premises.

LA90 shall be measured in the absence of all noise from the premises (including mechanical plant noise).

Impulsive Noise Emission to Residential Receivers

Use of Gym Equipment

The LAFmax noise level emitted from use of the gym equipment must not exceed the following levels:

$LAF_{max}(\Sigma_{Oct,31.5-2500Hz}) \leq 35 \text{ dB for daytime}^1$

$LAF_{max}(\Sigma_{Oct,31.5-250Hz}) \leq 30 \text{ dB for evening}^2$

$LAF_{max}(\Sigma_{Oct,31.5-250Hz}) \leq 25 \text{ dB for night-time}^3$

Notes:

- 1. Daytime is 7.00 am to 6.00 pm
- 2. Evening is 6.00 pm to 10.00 pm
- 3. Night-time is 10.00 pm to 7.00 am* (*8.00 am on Sundays and public holidays)

LAFmax is the maximum Sound Level with 'A' Frequency weighting and Fast Time weighting during the measurement period

General

“affected residence” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To ensure the amenity of surrounding land uses)

Hours of Operation

13. The hours of operation are restricted to:

6.00 am to 7.30 pm Monday
6.00 am to 8.30 pm Tuesday - Thursday
6.00 am to 6.30 pm Friday
7.00 am to 12.00 pm (midday) Saturday
8.00 am to 12.00 pm (midday) Sunday

Upon expiry of the permitted hours:

- (a) all service must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Noise and Vibration Impact

14. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

No Illumination

15. No consent is given or implied for any form of illumination or floodlighting to the building or any sign. A separate development application must be lodged and approved prior to any external floodlighting or illumination of the building, approved sign or site landscaping.

(Reason: To ensure appropriate forms of signage that are consistent with Council’s controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

Occupancy Numbers

16. The premises shall have a maximum occupancy of 15 people including staff and patrons at any one time.

(Reason: To ensure safe usage of the indoor recreation facility)

Plan of Management

17. The proposed management and security practices contained within the Plan of Management 'Development Control Plan' for HIIT Pilates Pty Ltd, received by Council on 28 March 2024 shall be implemented.

(Reason: To maintain the amenity of surrounding land uses)

Daily Cleaning

18. The proprietor/operator is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, bottles etc which may be left on the subject premises, site or immediately adjacent area is picked up and placed in the proprietor's/operator's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build-up of waste material)

Waste Collection

19. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

110. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00 pm and 6.00 am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)

Fire Safety Schedule



Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Please note:

- A fire safety schedule must deal with the whole of the building not just part of the building.
- Please complete all sections in full using CAPITAL LETTERS only.
- Information to assist to complete each section is provided at the end of this document.

Section 1: Location of the building

Address (Street No., Street Name, Suburb and Postcode)

9 ATCHISON STREET, ST LEONARDS NSW 1590

Lot No. (if known) CP/DP/SP (if known) Building name (if applicable)

LOT SP88056

Section 2: Reissue of Fire Safety Schedule (Section 80A of the Regulation)

- Not applicable – Fire Safety Schedule is not being re-issued
 Reissued Fire Safety Schedule (please state reason below)

Reason for Reissue of Schedule

- Original Schedule Lost or Destroyed Correction of errors or omissions

Section 3: Reference Details (Section 78 of the Regulation)

Reference Type

Reference Number (if known)

DEVELOPMENT CONSENT

Section 4: Fire Safety Measures for the building – excluding Critical Fire Safety Measures (Section 79 of the Regulation)

| Item No. | Fire Safety Measure (FSM) | Minimum Standard of Performance |
|---------------------------|---------------------------------|---|
| Current (Existing) | | |
| 1 | ACCESS PANELS, DOORS & HOPPERS | BCA C3.13 & AS 1905.1 – 2005 |
| 2 | AUTOMATIC FAIL SAFE DEVICES | BCA PART C3, D2.19(B)(IV) D2.21(D), SPEC E1.5, AS 1670.1 – 2004 & ITEM 4 OF SECT 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 3 | AUTOMATIC FIRE DETECTION SYSTEM | BCA SPEC E2.2A, AS 1670.1 – 2004 & ITEM 20 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 4 | AUTOMATIC FIRE SPRINKLER SYSTEM | BCA E1.5, SPEC E1.5 & 2118.1 – 1999, ITEM 15 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 5 | EMERGENCY LIGHTS | BCA E4.2, E4.4 & AS 2293.1 – 2005 |
| 6 | EXIT SIGNS | BCA E4.5, E4.6, E4.7, E4.8 & AS 2293.1 – 2005 |
| 7 | EWIS | BCA E4.9 & AS 1670.4 – 2004 |
| 8 | FIRE CONTROL CENTRE | BCA E1.8 & SPEC E1.8 AND ITEM 14 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 9 | FIRE DOORS | BCA C2.12, C2.13, C3.4, C3.8, C3.11 & AS 1905.1 – 2005 |
| 10 | FIRE HOSE REELS | BCA E1.4 & AS 2441 – 2005 |
| 11 | FIRE HYDRANT SYSTEM | BCA E1.3 & AS 2419.1 – 2005 AND ITEM 12 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |

Fire Safety Schedule



Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

| | | |
|----|---|---|
| 12 | FIRE SEALS (ACCESSIBLE AREAS ONLY) | BCA C3.15, SPEC C3.15, AS 1530.4 – 1997, AS 4072.1 – 1992 AND SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 13 | LIGHTWEIGHT CONSTRUCTION | BCA C1.8 & SPECIFICATION C1.8 |
| 14 | PATHS OF TRAVEL | EP&A REG 1238 PART 9, DIV 7, BCA SECTION D2.21 & ITEMS 10, 11, 12, 15, 17 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 15 | PORTABLE FIRE EXTINGUISHERS | BCA E1.6 & AS 2444 – 2001 |
| 16 | SMOKE ALARMS (SOU) | BCA SPEC E2.2A, AS 3786 – 1993 & ITEM 19 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 17 | SMOKE DOORS | BCA C2.5, SPEC C2.5, SPEC C3.4 AND ITEM 5 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 18 | SMOKE PROOF CONSTRUCTION | ITEMS 4, 5 & 8 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 19 | SMOKE SEALS | ITEMS 4, 5 & 27 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 20 | WALL WETTING SPRINKLERS & DRENCHERS | BCA C3.4 AND ITEM 6 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 21 | WARNING & OPERATIONAL SIGNS | EP&A REG 2000 PART 15 CLAUSE 183, BCA D2.23, BCA E3.3 & ITEM 17 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 22 | FIRE ENGINEERED ALTERNATE SOLUTION | <p>ALTERNATE SOLUTIONS TO REPORT NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE</p> <p>THE HYDRANT BOOSTER ASSEMBLY IS NOT LOCATED IN ACCORDANCE WITH CLAUSES 3.2.2.2 AND 7.3 OF AS2419.1 – 2005 THE HYDRANT PUMP ROOM IS LOCATED AT BASEMENT LEVEL B1 WITH DIRECT ACCESS TO A FIRE ISOLATED STAIRWAY. CLAUSE 6.4.2 OF AS 2419.1 – 2005 ALLOWS A DOOR OPENING TO A FIRE ISOLATED PASSAGEWAY OF STAIR WHICH OPENS TO OPEN SPACE. THE SPRINKLER ALARM VALVES ARE LOCATED IN A ROOM BELOW STREET LEVEL WITH DIRECT CONNECTION TO A FIRE ISOLATED STAIRWAY DISCHARGING TO THE REAR LANE. THE SPRINKLER BOOSTER ARRANGEMENT IS LOCATED ADJACENT ATCHINSON ST FOOTPATH AT THE FRONT OF THE BUILDING. THE AIR QUALITY OF THE STAIR PRESSURISATION SYSTEM SERVING THE BASEMENT STAIRS IS PROPOSED TO BE A MAXIMUM OF THREE DOORS OPEN. THE AIR QUALITY OF THE CARPARK EXHAUST SYSTEM IS PROPOSED TO MEET AS 1668.1 – 2002 RATHER THAN THE 1998 VERSION OF THE STANDARD ZONE SMOKE CONTROL IS NOT PROPOSED TO BE PROVIDED TO THE GROUND FLOOR AND FIRST FLOOR RETAIL LEVELS AND INCORPORATES ADDITIONAL SMOKE CLEARANCE SYSTEM ON THE FIRST FLOOR THE A/C PLANT ROOM AT BASEMENT LEVEL 1 HAS DIRECT CONNECTION TO THE FIRE ISOLATED STAIRWAY A NON-FIRE ISOLATED STAIRWAY IS PROPOSED BETWEEN BASEMENT LEVELS 5 & 4 TO SERVE AS AN ALTERNATIVE MEANS OF ESCAPE AND ADDRESS THE NEED FOR TWO MEANS OF EGRESS FROM THIS LEVEL</p> |
| 23 | EMERGENCY LIFTS FIRE OPERATING CONTROLS | BCA D1.17, E3.3 E3.4 & AS 1735.2 – 1997 |

Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



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|---|---------------------------------|---|
| 24 | STRETCHER LIFTS | BCA E3.4, E3.7 & AS1735.2 – 2001 |
| 25 | LIFT LANDING DOORS | BCA C3.10 & AS 1735.11 – 1986 |
| 26 | AIR PRESSURISING SYSTEM | BCA E2.2, SPEC E2.2B, AS/NZS 1668.1 & ITEM 16,25 & 26 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 27 | MECHANICAL AIR HANDLING SYSTEMS | BCA E2.2A & AS/NZS 1668.1-1998 & ITEM 23.24 OF SECTION 5 OF THE FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE |
| 28 | FIRE DAMPERS | AS 1682, AS/NZS 1668.1 |
| Proposed (New or Modified Including Section 84(6) of the Regulation) | | |
| | NIL | NIL |

| Details of Fire Safety Building Code of Australia (BCA) Performance Solution Report(s) | | |
|---|---------------------------------------|---|
| (Ref No./Title of report/Author/Date) | BCA Performance Requirement(s) | BCA DtS Provision(s) and details of non-compliance |
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | EP1.3, EP1.4 AND EP1.6 | <p>CLAUSE E1.3 - THE HYDRANT BOOSTER ASSEMBLY IS NOT LOCATED IN ACCORDANCE WITH CLAUSES 3.2.2.2 AND 7.3 OF AS2419.1 – 2005 THE HYDRANT PUMP ROOM IS LOCATED AT BASEMENT LEVEL B1 WITH DIRECT ACCESS TO A FIRE ISOLATED STAIRWAY. CLAUSE 6.4.2 OF AS 2419.1 – 2005 ALLOWS A DOOR OPENING TO A FIRE ISOLATED PASSAGEWAY OF STAIR WHICH OPENS TO OPEN SPACE.</p> <p>CLAUSE 6 OF SPEC E1.5 - THE SPRINKLER ALARM VALVES ARE LOCATED IN A ROOM BELOW STREET LEVEL WITH DIRECT CONNECTION TO A FIRE ISOLATED STAIRWAY DISCHARGING TO THE REAR LANE. THE SPRINKLER BOOSTER ARRANGEMENT IS LOCATED ADJACENT ATCHINSON ST FOOTPATH AT THE FRONT OF THE BUILDING.</p> |
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | EP2.2 | CLAUSE E2.2 AND AS1668.1-1998 - THE AIR QUALITY OF THE STAIR PRESSURISATION SYSTEM SERVING THE BASEMENT STAIRS IS PROPOSED TO BE A MAXIMUM OF THREE DOORS OPEN. |
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | EP2.2 | CLAUSE E2.2A AND AS1668.1-1998 - THE AIR QUALITY OF THE CARPARK EXHAUST SYSTEM IS PROPOSED TO MEET AS 1668.1 – 2002 RATHER THAN THE 1998 VERSION OF THE STANDARD |
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | EP2.2 | CLAUSE E2.2 - ZONE SMOKE CONTROL IS NOT PROPOSED TO BE PROVIDED TO THE GROUND FLOOR AND FIRST FLOOR RETAIL LEVELS AND INCORPORATES ADDITIONAL SMOKE CLEARANCE SYSTEM ON THE FIRST FLOOR. |
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | DP5 | CLAUSE D1.7 - THE A/C PLANT ROOM AT BASEMENT LEVEL 1 HAS DIRECT CONNECTION TO THE FIRE ISOLATED STAIRWAY |

Fire Safety Schedule



Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

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|---|--------------------|--|
| FER NO. SY090084 R1.3 DATED 11/3/13 BY DEFIRE | DP4, DP5 AND EP2.2 | CLAUSES D1.3 AND D1.9 - A NON-FIRE ISOLATED STAIRWAY IS PROPOSED BETWEEN BASEMENT LEVELS 5 & 4 TO SERVE AS AN ALTERNATIVE MEANS OF ESCAPE AND ADDRESS THE NEED FOR TWO MEANS OF EGRESS FROM THIS LEVEL |
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Section 5: Critical Fire Safety Measures – where applicable to the building (Section 79 of the Regulation)

Note: A critical fire safety measure is one where the performance is verified at intervals of less than 12 months through the submission of a supplementary fire safety statement.

| Item No. | Fire safety measure (FSM) | Minimum Standard of Performance | Frequency of issue of Supplementary Fire Safety Statement |
|-----------------------------------|---------------------------|---------------------------------|---|
| Current (Existing) | | | |
| | NIL | NIL | NIL |
| Proposed (New or Modified) | | | |
| | NIL | NIL | NIL |

Section 6: Details of approved exemptions from compliance with BCA standards for a relevant fire safety system (Section 74 of the Regulation)

| Item No. | Relevant Fire Safety System | Description of exemption |
|----------|-----------------------------|--------------------------|
| | NIL | NIL |

Section 7: Name of authority or registered certifier issuing this schedule

Name (Given Name/s and Family Name)

Organisation (Business or Council Name)

INSERT NAME HERE

NORTH SYDNEY COUNCIL

Business Address (Street No., Street Name, Suburb and Postcode)

200 MILLER STREET, NORTH SYDNEY, NSW, 2060

Registration Number (Where Applicable)

INSERT REGISTRATION NUMBER

Date of Issue

4/04/2024

Please note:

The following information is provided to help persons completing this fire safety schedule (FSS) template and does not comprise part of the form. The following pages **do not** have to be displayed in the building or submitted to the local Council or the Commissioner of Fire and Rescue NSW or attached to any fire safety certificate or annual fire safety statement.

General

- Please print in CAPITAL LETTERS and complete all relevant sections in full.
- A reference to 'the Regulation' is a reference to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- The completed fire safety schedule form must be attached to the relevant application.
- An earlier fire safety schedule is superseded by a later fire safety schedule and ceases to have effect when the later fire safety schedule is issued.
- A fire safety schedule must deal with the whole of the building and not only the part of the building to which the development consent, complying development certificate, construction certificate or fire safety order relates.
- Further information about building fire safety is available on the 'Fire safety' page of the Department's website at <https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation-2022>.

Section 1: Description of the building

- The address and other property details should be provided here.

Section 2: Reissue of Fire Safety Schedule

- The purpose of this section is to specify whether the fire safety schedule is a new schedule or a schedule that has been reissued under section 80A of the Regulation.
- An initial fire safety schedule issued when a Development Consent, Complying Development Certificate, Construction Certificate, or a fire safety order is issued is not taken to be a re-issued Schedule.
- The re-issue of a fire safety schedule may occur because the original schedule was lost or destroyed or to correct errors or omissions in the fire safety schedule.
- It must be noted that a fire safety schedule **cannot** be reissued under section 80A of the Regulation if the error or omission is due to building work or a change in plans or specifications for the fire safety measures of the building.
- A private certifier **cannot** re-issue a schedule under s80A after an occupation certificate has been issued by the certifier.
- A council that reissues a fire safety schedule where the 'original' was not required to be in the approved form does not need to issue the replacement schedule on the approved form. Instead, a council may reissue the schedule in the same form as the schedule being replaced.

Section 3: Reference Details

- Provide details of the relevant reference document by selecting the relevant type from the drop-down list.
- The reference number of the relevant Development Consent, Construction Certificate, Complying Development Certificate or Fire Safety Order Reference must be listed where known.
- For ease of use only one reference to a relevant document type is necessary for filling out this part. It is unnecessary to reference multiple Development Consents, staged CCs, or CDCs that are/or were once applicable to the building over its lifetime.

Section 4: Fire Safety Measures currently implemented OR proposed to be implemented for the building

- The purpose of this section is to identify those current and proposed fire safety measures that must be implemented for the building.

Fire safety measures

- A proposed fire safety measure is taken to be either a measure not installed in the building or an existing measure which is being altered.
- Fire safety measures include both statutory fire safety measures and other fire safety measures. The statutory fire measures are specified in section 79(4) of the Regulation and include portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction.
- Other fire safety measures could include any measure that is specific to the building such as those required as part of a fire safety Building Code of Australia (BCA) performance solution for the building.

Minimum standard of performance

The minimum standard of performance for a fire safety measure describes the technical specification for the design, installation and operation of the measures. The minimum standard of performance is generally determined by the BCA and should not be confused with the specified maintenance activities which are used for maintenance of a fire safety measure.

- Where noting the minimum standard of performance for a fire safety measure (FSM) care needs to be taken to ensure relevant details are provided. When expressing a minimum standard of performance for a FSM the following referencing sequence should be used: (the Building Code of Australia (BCA) edition applicable to the FSM, then any relevant BCA Deemed-to-Satisfy Clause(s) or Specification(s), then any relevant Reference Document(s) (such as Australian Standards) and the applicable edition (year) of that Referenced Standard.
- If an application relates only to a part of a building and the required fire safety measures and their associated minimum standard of performance varies from other parts of the building, the fire safety schedule must clearly identify the different fire safety measures and/or different standards of performance in a building.

Using the table

- If there are no existing fire safety measures specify 'Nil' in the first row under both 'Current' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' can be deleted.
- If there are no proposed fire safety measures specify 'Nil' in the first row under both 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Proposed' can be deleted.
- Additional rows can be added under 'Current' and 'Proposed' measures if required.

Performance solutions

- The fire safety schedule must identify all fire safety measures that are required as part of a fire safety BCA performance solution, including any reference to the BCA performance solution report document when specifying the standard of performance for each measure.
- Provide identifying details of any fire engineered BCA performance solution report(s) relevant to those corresponding fire safety measures in the table 'Details of Building Code of Australia Performance Solution Report(s)'.
- Details including the author of the report, the relevant BCA performance requirements about which the report demonstrates compliance, and a brief description of the relevant BCA deemed-to-satisfy provision(s) considered are to be provided here.

Section 5: Critical Fire Safety Measures currently implemented OR proposed to be implemented in the building

- The purpose of this section is to identify those current or proposed critical fire safety measures for the building.
- A critical fire safety measure is a measure that requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment, or other circumstances.
- Not all buildings will be subject to critical fire safety measures and this section must only be filled out where a building has critical fire safety measures as identified by the registered certifier (council or private) or appropriate authority.
- Each critical fire safety measure and the associated minimum standard of performance must be listed.
- The intervals, of less than 12 months, at which the critical fire safety measure must be assessed and requiring the submission of a supplementary fire safety statement must also be specified.
- It is up to the registered certifier (council or private) or appropriate authority to identify what is a critical fire safety measure and the frequency in which a supplementary fire safety statement is required to be lodged to the council.
- If there are no applicable critical fire safety measures insert 'Nil' in the row under 'Current', 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' and 'Proposed' can be deleted.
- Additional rows can be added to the table if required.

Section 6: Exemption from BCA standard for a relevant fire safety system

- The purpose of this section is to identify in accordance with section 23(3)(b) of the Regulation any exemptions from BCA standards for the fire safety building work granted under a construction certificate by a certifier resulting from an objection under section 74 of the Regulation.
- Objections made under this provision relate to the operational performance of a relevant fire safety system.
- A relevant fire safety system is defined by the Regulation and can be either a hydraulic fire system, a fire detection and alarm system, or a mechanical ducted smoke control system.
- In this section the applicant must specify the relevant fire safety measure to which an exemption applies. In addition, a detailed description of the exemption is to be provided.
- If there are no exemptions relevant to the building insert 'Nil' in the first row under both 'Relevant Fire Safety System' and 'Details of the exemption'. The remaining rows of the table can be deleted.
- Additional rows may be added to the table if required.

Section 7: Name and contact details of the person issuing the schedule

- The purpose of this section of the form is to include details of the person or authority that is issuing the schedule.
- Where the fire safety schedule is issued by a registered certifier details of the registration number of the certifier are to be provided.
- The date of issue must also be included on the fire safety schedule.

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