



11/03/2022

The General Manager
Maitland City Council
GPO Box 220
MAITLAND NSW 2320

Dear Sir/Madam,

BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT – Rev B
Property: New Diana Pet Food Factory/Warehouse at 91 Gardiner Street RUTHERFORD NSW

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the architectural drawings SK0101, SK0102, SK1100, SK1101, SK1102, SK1105, SK2201, SK2203, SK2205, SK2501, SK3101 & SK4101, by Bell Architecture, Issue P1, dated 10 March 2022, submitted with the Development Application against the provisions of the NCC Volume 1 Building Code of Australia 2019 Amendment 1 (BCA) as per the requirements under Clause 19 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021.

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. The following Performance Solutions are considered justifiable by the Fire Safety Engineer and will be addressed prior to the issue of the relevant Construction Certificate via inclusion within the project Fire Engineering Report:

- a) Fire Brigade Vehicle Track - The eastern end of the track is not located within 18 m of the building, actual worse case 45 m, see Figure 3 below.
- b) Paths of Travel Widths – Local reductions at pinch points to not less than 800 mm, in lieu of 1 m, will be permitted to the warehouse, plant and production areas in general.
- c) Exit Sliding Doors - The main entry sliding doors, and the sliding doors to the lunch room, are external exit doors that will not failsafe open on fire trip, as this is a security issue.
- d) Egress - Internal exit Stair 3 does not discharge within 20 m of an external exit door on Ground Level, nor within 40 m of an exit door on Ground Level where there is another exit door located at approximately opposite directions.
- e) Egress - Extended travel distance with regards to egress in the event of a fire emergency.
- f) Door Swing – The southern door from the staff entry swings inward against the direction of egress.
- g) Fire Services - A number of fire hydrants and fire hose reels will not be located within 4 m of the exit, due to the large overhang of certain loading dock canopies.

There will also be a performance solution report from the Façade Engineer for weatherproofing of external walls as per common practice, because there are no DTS provisions to design to within the BCA.

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 36 of the Environmental Planning & Assessment Regulation 2021, 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 Construction Certificate stage. A BCA Summary Assessment Report has been included below and should be read in conjunction with this Statement.

As such, we hereby confirm that matters pertaining to compliance with the BCA will be suitably assessed by Group DLA as the BCA Consultant and reviewed by the appointed Certifying Authority prior to the issue of the Construction Certificate, in accordance with Clause 98 of the Environmental Planning and Assessment Regulations 2000.

We trust this submission satisfies any concerns of the Consent Authority regarding compliance of the development with the relevant requirements and provisions of the BCA.

BCA Building Characteristics:

Warehouse Building Description:

2 Storey pet food warehouse & production facility with external wall materials such as solid aluminium panel, concrete pre-cast tilt up panels, other precast panel, pre-finished insulated panel, CFC Sheeting, aluminium blades (timber look) and metal roof. The Ground Floor is the main warehouse consisting of loading docks, production and assembly and the offices. Level 1 consists of plant and storage only.

| | |
|-----------------------|---|
| Building Use: | Office, Loading Dock, Warehouse style production, packing & storage |
| Class of Occupancy: | Class 5 - Office, Class 7a - Loading Dock, Class 7b - Storage & Class 8 - Warehouse + Production. |
| Type of Construction: | Type C |
| Other: | Large Isolated Building |
| Floor Area: | 8,000 m ² Approx. Architect to confirm. |
| Volume: | TBC – Architect to confirm. |
| Effective Height: | Less than 12 – Actual TBC |

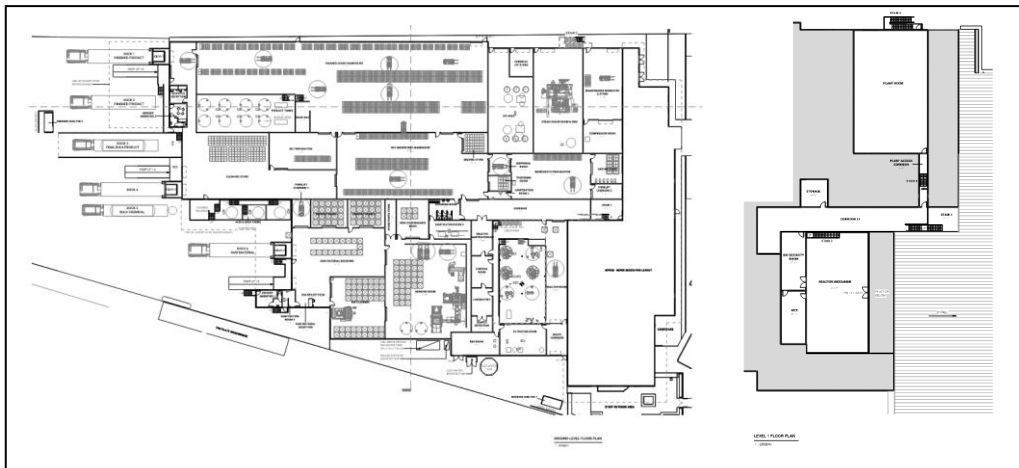


Figure 1 – Main Warehouse Building

Western Ancillary Building Description:

1 Storey hazardous store and waste water unit.

- Building Use: Store and process plant.
- Class of Occupancy: Class 7b - Storage & Class 8 - Processing
- Type of Construction: Type C
- Other: Nil
- Floor Area: 350 m² Approx. Architect to confirm.
- Volume: Insignificant.
- Effective Height: 0 m

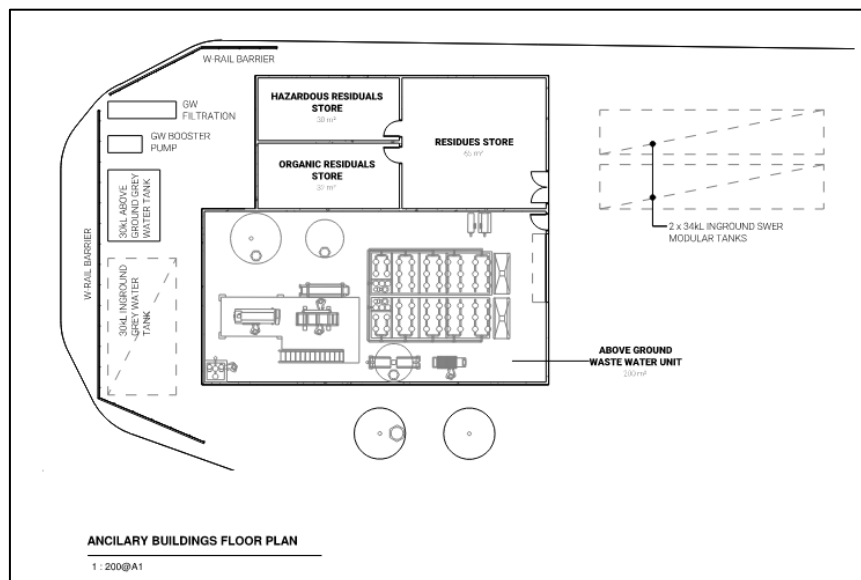


Figure 2 – Western Ancillary Building

BCA Assessment:

Part B – Structure

No issue identified at this stage of the design.

Design certification from the façade and structural engineer required as part of the Construction Certificate Submission.

The chain mesh fence on the title boundary line on top of the retaining wall will need to be designed as a fall protection barrier by the structural engineer.

C1 – Fire Resistance and Stability

No issues identified with regard to the proposed design.

C2 – Compartmentation and Separation

No issues identified with regard to the proposed design.

The building is subject to the Large Isolated Building provisions of Class C2.3/C2.4. These provisions require a perimeter fire brigade vehicle track to be provided. The following non-compliances have been illustrated:

- a) The required 6 m track has been obstructed by the two Plate Weighbridges. These are required to be relocated away from the required track.
- b) The eastern end of the track is not located within 18 m of the building, actual worse case 45 m, see Figure 3 below. The hardstand carparking cannot technically be considered, because the fire track is supposed to be provided in a loop configuration that allows for forward travel at all times. The Fire Safety Engineer has confirmed the feasibility of a justifiable performance solution for inclusion within the FER. Report and consent from Fire and Rescue NSW will also be required.

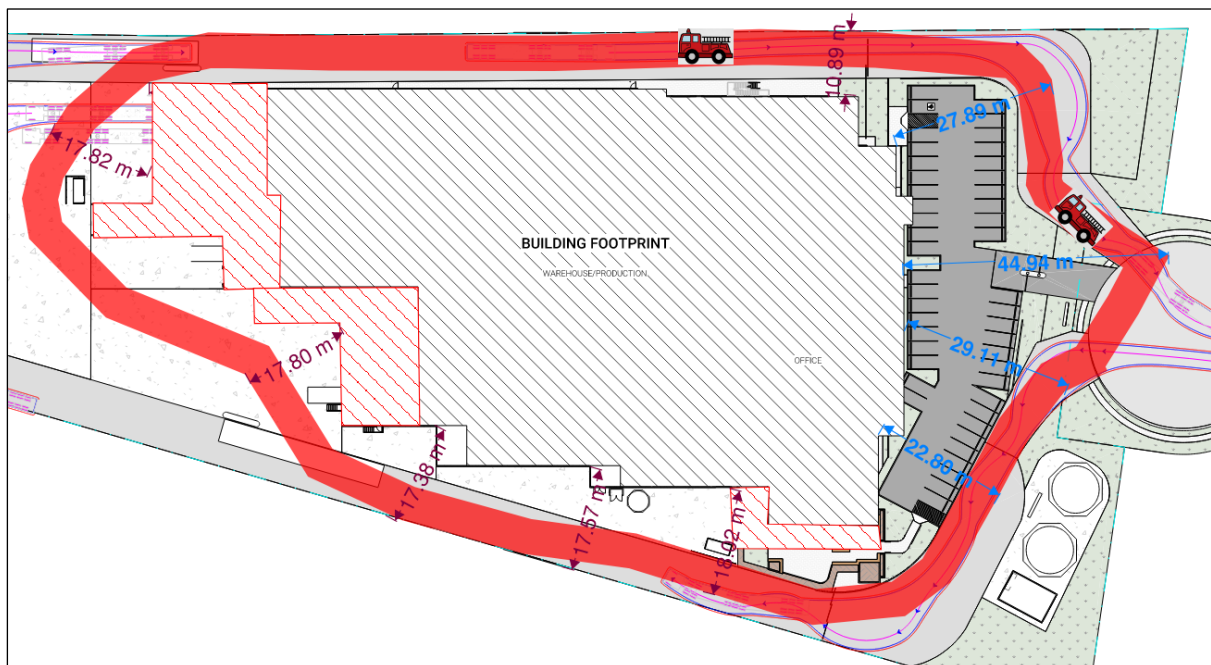


Figure 3 – 6 m Fire Brigade Vehicle Track

C3 – Protection of Openings

No issues identified with regard to the proposed design.

D1 – Provision for Escape

All paths of travel need to be not less than 1 m wide by 2 m high. The detailed design plans will be required to illustrate compliance and dimension several areas in question accordingly. However, local reductions at pinch points to not less than 800 mm, in lieu of 1 m, will be permitted to the warehouse, plant and production areas in general. The Fire Safety Engineer has confirmed the feasibility of a justifiable performance solution for inclusion within the FER.

The BCA deemed-to-satisfy provision requires travel to exits not to exceed:

- 20 m to a point where a choice of two different directions to two different exits is available; and
- 40 m to the nearest exit; and
- 60 m between exits when measured back through the point of choice.
- 80 m maximum overall travel distance to an external exit when travel via a required non-fireisolated stair.

Compliance has not been achieved in several areas, however the Fire Safety Engineer has permitted travel distance increase of:

- 30 m to a point where a choice of two different directions to two different exits is available; and
- 55 m to the nearest exit; and
- 75 m between exits when measured back through the point of choice.

This issue will be justified within the pending FER prior to the issue of the relevant Construction Certificate. Report and consent from Fire and Rescue NSW will also be required.

BCA Clause D1.9 specifies the provisions for non-fire isolated required stairs. Internal exit Stair 3 does not discharge within 20 m of an external exit door on Ground Level, nor within 40 m of an exit door on Ground Level where there is another exit door located at approximately opposite directions. It does however discharge within 33 m of the southern exit door at the R&D Room. The Fire Safety Engineer has confirmed the feasibility of a justifiable performance solution for inclusion within the FER.

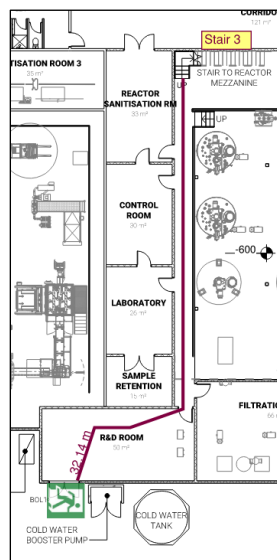


Figure 4 – Stair 3 Discharge

D2 – Construction of Exits

BCA Clause D2.19 requires the external sliding exit doors to failsafe open in the event of fire trip to the FIP. This is seen as a security issue and therefore the door will remain closed. This is applicable to the main entry sliding doors, and the sliding doors to the lunch room. The Fire Safety Engineer has confirmed the feasibility of a justifiable performance solution for inclusion within the FER, additional measures such as push button to etc are likely to be required.

BCA Clause D2.20 requires certain exit doors to swing in the direction of egress. The southern door from the staff entry swings inward against the direction of egress. The Fire Safety Engineer has confirmed the feasibility of a justifiable performance solution for inclusion within the FER, additional measures such as a hold open device etc are likely to be required.

D3 – Access for People with Disabilities

No issues identified with regard to the proposed design. Fire Services Engineer to advise further at the detailed design stage.

E1 – Fire Fighting Equipment

No issues identified with regard to the proposed design. Fire Services Engineer to advise further at the detailed design stage.

E2 – Smoke Hazard Management

Mechanical smoke hazard management is not applicable to this design.

E3 - Lift Installations

Not applicable. Access to Level 1 is via stairs only. Level 1 contains areas that are likely to be D3.4 exempt for persons with disabilities given that it contains storage and plant only.

E4 – Emergency Lighting, Exit Signs and Warning Systems

No issues identified with regard to the proposed design. Electrical Services Engineer to advise further at the detailed design stage.

Illuminated exit signs and emergency lighting is required to the Western Ancillary building also, because this building contains a floor in excess of 300 m².

F1 – Damp and Weatherproofing

The external walls and roof are required to be constructed in accordance with these provisions. There are no deemed-to-satisfy provisions for weatherproofing of external walls and therefore, a Facde Engineer will be required to provide a justifiable Performance Solution Report prior to the issue of the relevant Construction Certificate. A Performance Based Design Brief for this issue will be required in the first instance for review by stakeholders.

F2 – Sanitary and Other Facilities

The illustrated sanitary facilities allow for the following in terms of capacity:

- 50 Male & 50 Female staff to the Front of Office Area.
- 50 Male & 50 Female staff to the Warehouse areas.

F3 – Room Sizes

No issues identified with regard to the proposed design. Further sections and RCP plans will be required for absolute confirmation prior to the issue of the Construction Certificate.

F4 – Light and Ventilation

Compliance appears to have been achieved with regard to this provision. Mechanical Engineer to advise further at the detailed design stage.

Section G – Ancillary Provisions

Part G1.2 – Refrigerated Chambers will need to be considered as part of the detailed design stage.

Part J – Energy Efficiency

No issues identified with regard to the proposed design. ESD Consultant and architect to advise further at the detailed design stage.

The building is located within Climate Zone 5.

Compliance with Section J is required for this development as follows,

- BCA Part J1 – Building Fabric – Glazing/wall – A Total System U-Value of wall-glazing construction in accordance with Clause J1.5 must not be exceeded. Submission of the system calculations will be required prior to the issuance of the relevant Construction Certificate. Dispensations apply for the existing portions of the wall.
- BCA Part J2 – DELETED
- BCA Part J3 – Building Sealing – Details of compliance with this provision is required to be illustrated within the architectural documentation, i.e. where required, self-closing doors, window and doors seals to be illustrated within the schedules.
- BCA Part J4 – DELETED.
- BCA Part J5 – Air-conditioning and Ventilation Systems – Certification from the mechanical consultant will be required.
- BCA Part J6 – Artificial Lighting and Power – Certification from the electrical consultant will be required.
- BCA Part J7 - Hot Water Supply and Swimming Pool and Spa Plant – Installation and Commissioning Certification from the Plumbing Contractor will be required prior to the issuance of the Occupation Certificate. Compliance with the NCC Plumbing Code of Australia required.
- BCA Part J8 – Access for Maintenance and Facilities for Monitoring – Design Certification from the services consultant will be required in relation to BCA Clause J8.3, prior to the issuance of the Construction Certificate.

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.

Should you require further assistance or clarification, please do not hesitate to contact the undersigned at your convenience.

Regards,



Shane Berry

Technical Director (*Accred. Certifier - A1*)

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