

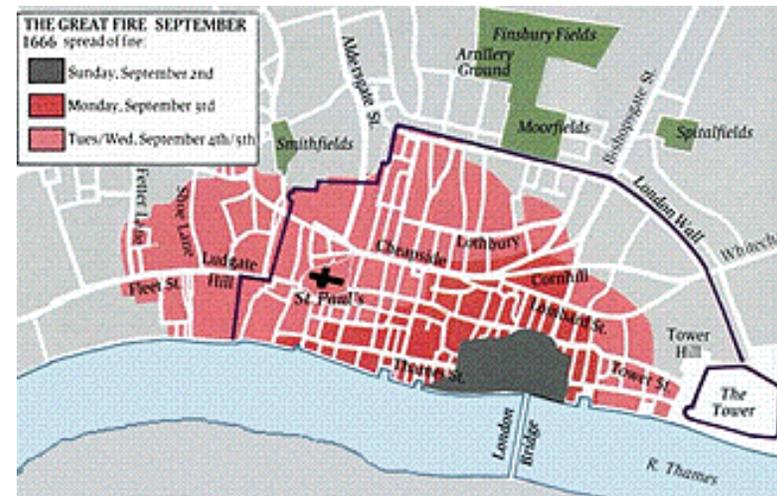
## PAPER No. 2

# WHY ARE FIRE DAMPERS REQUIRED? THE BUILDING REGULATIONS



# FIRE ASSESS™

www.fireassess.com.au



Great Fire of London started on 2<sup>nd</sup> September 1666 was the catalyst for the provision of formal fire prevention and introduction of building codes.



## 2.1 BRIEF OVERVIEW OF PLANNING DEVELOPMENT LEGISLATION AND BUILDING IN NSW FOR NEW CONSTRUCTION AND REFURBISHMENTS

In NSW, from July 1998, all earlier legislative requirements were brought together under the EP & A Act (1979) Environmental Planning and Assessment Act.

The EP&A Act 1979, Design & Certification Act 2018 and Regulations 2021 & Miscellaneous Regulation 2022 **prescribe** a formalised certification process detailed in the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021 and is to be followed by Council and/or private certifiers for building and construction work in NSW.

these regulations are readily available:

<https://legislation.nsw.gov.au/view/pdf/asmade/sl-2021-689>



Regulations are subject to change.

## 2.2 WHAT IS BUILDING CONTROL?

The NSW Department of Planning

The areas of building control are: -

- The law - **EP & A Act 1979 + Design & Certification Act 2018**
- Administration - the **Regulation 2021 + Amendment 2022**
- Actual requirements – NCC/BCA & referenced Australian Standards NCC2022 **A4G + Schedule 2** (BCA2019 Sect.4)  
The NCC (BCA) is actually referenced by the EP & A (Dev.Cert + Fire Safety) Regulation 2021 which states [19(1)(c)], in relation to building work "the work must be carried out in accordance with the Building Code of Australia" as in force at the time of the Construction Cert.

## 2.2 WHAT IS BUILDING CONTROL?

- The BCA vol.1 & 2 with Vol.3 (Plumbing Code) and Vol.4 (Gas Code) is also referred to as the NCC (National Construction Code)  
Suggest if you haven't already done so, that you register for free NCC at:  
[www.acbc.gov.au](http://www.acbc.gov.au) (*click register*)
- **The EP&A Regulations 2021**
- All **Fire Safety Systems** needs be attested to as performing by a practitioner representing the installer, however from 2025 anyone who installs must have another install. All **assessments** of fire safety systems, must be conducted by “**Accredited Practitioner (Fire Safety)**”
- Currently the onus rests with the building owner to determine that the Installer is competent and assessment rests with the accrediting authority (FPAA) to register and manage the Accredited Practitioner Fire Safety providing assessments.

NCC2022 **A4G + Schedule 2** (BCA2019 Schedule 4) references these Australian Standards (among others) related to the installation and certification of fire/smoke dampers.

- **AS/NZS 1668.1 (2015)** Fire and Smoke Control in Multi Compartment Buildings.
- **AS 4072.1 (2005)** Service Penetrations
- **AS 1530.4 (2014)** Testing Fire Resistance of Elements of Building Composition
- **AS 1530.7 (2007)** Testing smoke control assemblies
- **AS 4254.2 (2012)** Ductwork for Air Handling Systems in Buildings – Rigid Ductwork

*Note that free NCC/BCA doesn't mean free Australian Standards – these still need to be purchased.*

NCC Clause **C4D15 (2)(b)** (BCA Clause C3.15 (b)) “In the case of ventilating or air conditioning ducts or equipment, the installation is in accordance with AS/NZS1668.1”

Details are provided in Clauses:

- C4D14 (C3.12) Openings in floors and ceilings for services. This clause provides details of shafts
- C4D13 (C3.15) Openings for service installations

**Note: NCC C4D10** (C3.9) Service penetrations in fire isolated exits.

Only allows ducting associated with a pressurisation system if it does not open into any other part of the building and must have an FRL -/120/60 if it passes through any other part of the building.

Specification **S13C7** (Spec.C3.15) Penetration of walls, floors and ceilings by services – Fire Stopping

Must be adhered to for BCA compliance

*Note that expanding foam is not an approved material*

AS/NZS1668.1 (2015) in turn references other Australian Standards including:

- **AS1682.1 & 2** (2015) Fire & Smoke Dampers

AS/NZS1668.1 (2015) infers service and repair:

- **AS1851.Sect.13** (2012) Maintenance of Fire and Smoke Control Features of HVAC Systems.

## 2.3 DEVELOPMENT CONSENT - THE DA

The Design & Certification Act (2018) requires development consent (via the Planning Portal) - details of which are in the Regulations 2021 and Amended Regulation 2022.

Development is defined to include

- Erection of building
- Carrying out building works – including fitout & refurbishment (any partitioning >1.5m height is deemed building works).

For the building works in which mechanical engineering services are included, the development consent (DA) is generally required by the local council for any such works.

## 2.4 DEVELOPMENT CONSENT - THE DA

### 1. Pre-lodgement



Concept team (owner, architect, design engineers, principal certifier) shall prepare the design specification and plans inclusive of all reports evidence of advice (eg NSWFR Struct.Fire Div) and safety commitments.

### 2. Lodgement



Project Manager / Builder or Principal Certifier shall lodge the design specification and plans inclusive of all reports evidence of advice and safety commitments via the NSW Planning Portal <https://www.service.nsw.gov.au/transaction/apply-online-development-application-da>

### 3. Assessment



Council assessor shall assess the application and have any queries and/or concern addressed.

## 2.5 DEVELOPMENT CONSENT - THE DA

### 4. Determination



Council planning panel shall make the decision that the development shall conform and shall likely include specific conditions of consent. Such conditions of consent must be adhered to by those constructing as well as any such conditions affecting the ongoing occupation.

### 5. After decision, Construction Certificate



The Principal Certifier (Council or Private) shall issue the Construction Certificate and attached to this shall be where installers will find the Performance Requirements (NCC and AS reference including year versions and any pertinent Fire Engineering Report reference) and installers must strictly adhere to such requirements, which have precedence over but should align with, the specification.

### 6. Occupation Certificate



Installers must commission and ensure performance matches the Construction Certificate Fire Safety Schedule and furnish the Principal Certifier with the evidence (by an APFS) that the installation meets that performance requirement (Commissioning sheets plus Fire Safety Cert.) If satisfied the Principal Certifier shall issue the Occupation Certificate and Lodge it.

## Notice of Commencement of Building or Subdivision Work and Appointment of Council as Principal Certifying Authority

Under Sections 81A(2)(b)(i),(c), or 4(i)(b)(i),(c), 86(1) and (2) and 109F of the Environmental Planning and Assessment Act 1979

### About this form

You can use this form to notify Council that you intend to commence building or subdivision work and also intend to appoint the City of Sydney as the Principal Certifying Authority (PCA). Note: this form is only to be used where the City of Sydney is to be the PCA.

### How to complete this form

1. Ensure that all fields have been filled out correctly.
2. Please note that fields on this form marked with an \* are mandatory and must be completed before submitting the application.
3. Once completed you can submit this form by mail or in person. Please refer to the Lodgement details section in Part 7 for further information.



**Part 1: Site Details**

Address Number  Street Name

Building Name (if known)  Suburb

Lot Number  DP/SP  Vol/Fol

**Part 2: Applicant Details**

Note: The applicant must be the property owner or the person having the benefit of the development consent. A built contractor cannot be the applicant unless the contractor is the owner of the property.

Title  Given Name/s  Family Name

Organisation Name

Address

Note: Before this application can be lodged at least one of the modes of contact below must be supplied.

Home Number  Business Number  Mobile Number

Fax Number  Email Address

Note: If you are applying on behalf of a company please state capacity within the company

**Part 3: Details of Work and Approvals**

Description of proposed development (tick as applicable). Is the proposal:

Building Work  Subdivision Work  Use of a building (where no building work is proposed)

Please provide answers in the boxes below

Please provide a detailed description of works (as per the description of works on the Construction Certificate)

What is the existing use of the site?

If within an existing building, specify the location of works within the building

Development Consent/Complying Development number  Date of determination

Construction Certificate number  Construction Certificate date of issue

Was the Construction Certificate issued by Council? (please tick applicable box below)

Yes  No

If no, please provide the name of the accredited certifier who issued the Construction Certificate

Certifier's Accreditation Number

Have all conditions required to be satisfied prior to the commencement of work been satisfied? (Conditions may include payment of security, s94 contributions, endorsement of building plans by Sydney Water) (please tick applicable box below)

Yes  No  If no, work must not commence

If Yes, please provide the date work is to commence

Note: If you cannot provide a commencement date at the time of completing this form, you must notify Council of the date at least two (2) days before work commences.

**Part 4: Type of Work**

1. Are you going to build, alter or extend (please tick all applicable boxes below):

(a) A dwelling or other structures and improvements, such as a swimming pool/spa, garage, decks, verandahs and fences associated with a dwelling or

(b) A residential building ie. villa, duplex, townhouse, flat building?

Yes  No  If no, you do not need to answer any more questions

If yes, go to Question 2, on the following page.

**Part 4: Type of Work Continued...**

2. Is the reasonable estimated market cost of the work more than \$5,000?

Yes  No  If no, include a statutory declaration (see Part 8) signed by the owner of the property confirming that the cost of work is not more than \$5,000.

If yes, go to next question

3. Are you an owner-builder?

Yes  If yes, what is your Owner-Builder Permit Number?

No  If no, who is the builder (name of the principal contractor)?  What is their contractor licence number?

4. Is the reasonable estimated cost of work more than \$20,000?

Yes  If yes, attach evidence that the licensed builder is insured to undertake residential building work (Home Warranty Insurance required by the Home Building Act 1989)

No  If no, include a statutory declaration (see Part 8) signed by the owner of the property confirming that the cost of work is not more than \$20,000.

**Part 5: Application Declaration**

Please tick applicable boxes below.

1. I have met all the conditions in the Development Consent or the Complying Development Certificate that must be complied with prior to the commencement of building work

2. I appoint the City of Sydney as the Principal Certifying Authority

3. I have included payment of the inspection fees for Council's services as the Principal Certifying Authority

I declare that all the information I have provided is true and correct.

Applicant's name (please print)  Applicant's Signature\*  Date

**Part 6: Privacy & Personal Information Protection Notice**

**Purpose of Collection:** For delivery of Principal Certifying services in the Council area.

**Intended recipients:** Council staff and approved contractors of the Council of the City of Sydney

**Supply:** A completed Principal Certifying application is required for delivery and Principal Certifying services.

**Access / Correction:** Council staff or Government Information (Public Access) Act requests.

**Storage:** Council's record management system and Archives.

The information you provide in this notice is required under the Environmental Planning and Assessment Act 1979. If you do not provide the information you cannot commence the work. This information will be held by the Principal Certifying Authority. Please contact Council if there are any changes to the information provided.

**Part 7: Lodgement Details**

You can lodge the completed application by:

MAIL: City of Sydney GPO Box 1591 Sydney NSW 2001 DIX: 1251

**IN PERSON:** CBD: Level 2, 456 Kent Street, Monday - Friday 8am-6pm  
Kings Cross: 50-52 Darlinghurst Road, Monday - Friday 9am-5pm, Saturday 9am-12pm  
Glebe: 186 Glebe Point Road, Monday - Friday 9am-5pm  
Green Square: 100 Jeynston Avenue, Monday - Friday 10am-6pm  
Redfern: 158 Redfern Street, Monday - Friday 9am-5pm, Saturday 9am-12pm

**WHAT NOW:** Once your appointment nomination form has been received and the inspection fees paid, you will be notified in writing of Council's appointment as the PCA. Council will also nominate the critical stage inspections that must be carried out.

For further information regarding your application please contact us by:

TELEPHONE: (02) 9265 9333 or visit our WEBSITE: www.cityofsydney.nsw.gov.au

**Part 8: Statutory Declaration - Oaths Act 1900**

This Statutory Declaration is to be used if required by Part 4 of this form (see page 3)

I, (please provide full name in the box to the right)

being the owner of the property located at (please provide full address in the box below)

do solemnly and sincerely declare that the reasonable estimated market cost of the approved building work is not more than: (please tick applicable box)

\$5,000  \$20,000

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900

(owner's signature)  (date)

(name of witness - please print)  (witness signature)  (date)

**Witness Verification**

\* Please cross out any text that does not apply.

(name of authorised witness)  (qualification of authorised witness)

I, , a

certify the following matters concerning the making of this \* statutory declaration / affidavit by the person who made it:

1. \* I saw the face of the person OR \* I did not see the face of the person because the person was wearing a face covering, but am satisfied that the person had a special justification for not removing the covering.
2. \* I have known the person for at least 12 months OR \* I have confirmed the person's identity using an identification document and the document I relied on was: (describe identification document relied on)

(signature of authorised witness)  (date)

## 2.6 WHAT YOU NEED TO DO PRIOR TO COMMENCEMENT OF CONSTRUCTION

- You as installers **MUST** Read the DA and CC conditions
- Note intermediate or final inspections and certifications required
- Check the references to mechanical works are accurate in relation to NCC compliance, relevant Australian Standards and your scope of works.
- Check the references to essential fire safety measures
- **SEE THE CC FIRE SAFETY SCHEDULE – ESSENTIAL ACTIVITY**
- Report any anomalies, mistakes to the builder

The PC principal certifier (either council or private certifier) is solely responsible for compliance issues covered by the construction certificate. They shall require a certificate/statement of compliance from a mechanical designer/contractor confirming the design is in accordance with the current NCC and relevant Standards for the essential or non-essential fire safety measures, air conditioning or ventilation.

*We suggest that the Mechanical Installer does need to provide separation by submitting a Fire Safety Certificate pertaining to the essential fire safety measures (listed on the CC FS Schedule) and that of the non-essential measures (eg AS1668.2-2012, NCC/BCA F4.#, etc.)*

See attachments for sample forms.

## MECHANICAL VENTILATION: CERTIFICATION OF DESIGN (VENTILATION ACOUSTICS, FIRE PRECAUTIONS, SMOKE HAZARD MANAGEMENT)

Manager Building Services  
Planning and Building Division  
<Local> Council

SUBJECT PREMISES \_\_\_\_\_

BUILDING APPLICATION NO. \_\_\_\_\_

Pursuant to the provisions of **Section 93 of the Local Government Act 1993**,  
I hereby certify that the design of the new/altered mechanical ventilation system meets the current requirements of the Building Code of Australia \* and in particular is designed in accordance with the Following:

1. The Council approved Architectural plans dated \_\_\_\_\_ [See Note (iii)]
2. AS 1668 Parts 1 and 2 and Sydney Ventilation Code where appropriate.
3. All conditions based on recommendations of the NSW Fire Brigade

\* Where compliance with the prescribed or deemed provisions of the Building Code of Australia is not possible reasons must be submitted with this Certificate, together with evidence of any dispensation granted by Council or the NSW fire Brigade.

I am an appropriately qualified and competent person in the area of mechanical ventilation and as such can certify that the design and performance of mechanical ventilation systems comply with the Building Code of Australia, AS1668 and other relevant Codes.

I possess Indemnity Insurance to the satisfaction of the building owner or my principal-

Full Name of Certifier \_\_\_\_\_

Qualifications & Experience \_\_\_\_\_ \*\*Please attach C.V.

Address of Certifier \_\_\_\_\_

Phone Numbers Bus \_\_\_\_\_ Mobile \_\_\_\_\_ Fax \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of Employer, (Self or Company)

\*\*Curriculum Vitae please submit C.V. with your first Certification.

### Note

- I. Council reserves the right to inspect, audit, or reject any aspect of Certification submitted.
- II. The Local Government Act 1993 absolves Council from liability by relying on this Certificate.
- III. List and attach colour-coded plans, Drawing Numbers; and revisions to which this Certification applies.
- IV. Departures from the prescribed design provisions of the BCA must be justified herein & validated when the Certificate of Performance (Schedule "B") is submitted. (e.g. smoke test).

JOB No.	DRAWING No.	Issue

DRAWING No.	Issue

## 2.7 WHAT YOU MAY NEED TO DO DURING CONSTRUCTION

- From 1<sup>st</sup> July 2021, only an accredited fire safety designer are able to provide essential services design for their specialty for Class 2 Developments (this shall extend to other class buildings).
- From 2025, an accredited assessor must endorse the performance of every fire safety measure and the accredited assessor cannot have been associated with the installation of that measure.
- The PC (council or private) will determine any intermediate inspection stages required.
- These will be noted on the construction certificate and must be scheduled with your works
- For part completion of the project, Fire Safety Certificates are still required for partial completion of particular services in particular areas.

## 2.8 IMPORTANT CONTRACTUAL 'SCOPE OF WORKS' ISSUES

Most mechanical installations require building and other services works for their completion and operation.

Certification of 'mechanical works' must have all the associated building, electrical, control, hydraulic works necessary to test, commission and provide ongoing performance, prior to being acceptable to any certifier.

e.g. smoke dampers need power and initialising detector interface to operate, if these are incomplete, then it cannot perform.

It is essential, at the commencement of the mechanical works as well as during, installation, that the builder/project manager/ architect/ as well as other trades, are kept informed by detailed consultation and agreement, that 'other works' essential to mechanical services functioning, are defined and completed:

- **by who**
- **to what standard**
- **by when**

so that certification of the installation and performance for the project and services, at completion, can be validly carried out.

*After the ceilings and joinery are installed, **IT IS FAR TOO LATE** to point out that the penetrations around the fire or smoke dampers are incomplete.*

**You** need to deal with this!

It is suggested that an effective way is, to pre-prepare for at every site meeting, and that have minuted these meetings and where necessary that you follow up with you own message or email to the project manager with the following or similar:

- the following works by others are incomplete or defective (*list of the deficiencies*)
- **no certification** of mechanical or fire safety works will be possible until these (*list*) works are completed to (**refer** specification or Standard)
- the following additional time (hours/days) will be required to test/commission/document the system performance after all such works are complete (penetrations sealed to AS4072.1-2005, building elements completed around the fire dampers to AS1682.2-2015, electrical power, fire control interlocks, smoke detectors, panels and alarms to AS/NZS1668.1-2015 ...and so on) and before certification can be finalised.

**This cannot be left** until the end of the project. Certification requirements must be identified, programmed and monitored from the project start, to avoid any confrontation at the end.

## 2.9 WHAT YOU NEED TO DO AT THE COMPLETION OF CONSTRUCTION

The PC ( local council or private certifier) will be issuing an occupation certificate at completion of the works, prior to their use.

The PC will require a Final Fire Safety Certificate which must reflect that of the Construction Certificate **fire safety schedule**

All services on this schedule will need to be certified as being designed and installed to a reference (Australian or industry) Standard.

The PC will also require a certificate attesting that essential mechanical fire safety measures as well as a statement that non-essential mechanical engineering services, are designed and installed to a reference (Australian or Industry standard) - such as air conditioning or mechanical ventilation.

These certificates statements of design/installation/performance compliance shall be provided to the client/owner/head contractor and forwarded to the PC (private or council) and so your statements/certificates are filed in the planning portal and kept on the public record.

*These shall also be bound into the project O&M Manual*

*Ensure that those Fire Safety Schedule items are segregated from non-essential services (AS1668.2, etc)!*

## MECHANICAL VENTILATION: CERTIFICATION OF COMPLETION AND PERFORMANCE (VENTILATION, ACOUSTICS, FIRE PRECAUTION & SMOKE HAZARD MANAGEMENT)

Manager Building Services  
Planning and Building Division  
<Local> Council

SUBJECT PREMISES \_\_\_\_\_

BUILDING APPLICATION NO \_\_\_\_\_

Pursuant to the provisions of **Section 93 of the Local Government Act 1993.**

I hereby certify that the mechanical ventilation system has been installed or altered at the above premises in accordance with the Certified Drawings and Documentation specified in "MECHANICAL VENTILATION: CERTIFICATION OF DESIGN" and in accordance with the approved plans released for construction.

The installed mechanical ventilation system has been inspected commissioned and tested, and performs in accordance with the approved plans, the accepted Certified Design, and any dispensation granted by Council or the Fire Brigade

Details and performance tests as applicable are submitted in the attached documents.

- I. air quantities, air movement and temperature;
- II. acoustics and vibration
- III. fire prevention
- IV. smoke hazard management

I hereby certify that I am an appropriately qualified and competent person in the area of mechanical ventilation and as such can certify that the installation and performance of mechanical ventilation systems comply with the Building Code of Australia, the plans approved by Council, AS1668 and other relevant Codes.

**I possess Indemnity Insurance to the satisfaction of the building owner or my principal-**

Full Name of Certifier \_\_\_\_\_

Qualifications & Experience \_\_\_\_\_ **\*\*Please attach C.V.**

Address of Certifier \_\_\_\_\_

Phone Numbers      Bus \_\_\_\_\_ Mobile \_\_\_\_\_ Fax \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name of Employer, (Self or Company) \_\_\_\_\_

**\*\*Curriculum Vitae** please submit C.V. with your first Certification.

Note:

- I. Council reserves the right to inspect, audit, or reject any aspect of Certification submitted.
- II. The Local Government Act 1993 absolves Council from liability by relying on this Certificate.
- III. Attach all test figures and other documentary evidence to which this Certification applies.
- IV. Attach evidence of performance to validate departure from prescriptive design provisions of BCA.

List of Drawing Details pertaining to this certificate.

JOB No.	DRAWING No.	Issue

DRAWING No.	Issue

# Fire Safety Schedule

If the client doesn't have a copy of the current fire safety schedule with the current construction certificate – Council should have a copy of the schedule and shall make it available (*to the building owner*) as per Regulations 2021, Part.10, Section 81 (3)

As soon as practicable after receiving a request, Council (as agent of the planning regulator) are required to provide **the owner** with a copy of the current fire safety schedule for the building that they have on their record.

**FIRE SAFETY SCHEDULE**

(Issued pursuant to Clause 168 Environmental Planning & Assessment Regulation 2000)

Premises:

BCA Class:

Reference/s:

Date of issue:

Owner:

The following essential fire safety measures shall be implemented in the whole of the building at the abovementioned premises. Each of the fire safety measures must satisfy the standard of performance listed in this schedule. This schedule is deemed to be the current fire safety schedule for the building.

Measure	Standard of Performance	Existing	Proposed
Automatic Fire Detection & Alarm System	BCA 2019, Specification E2.2a; AS1670.1-2018		✓
Building Occupant Warning System	AS1670.4 – 2015, AS2220.2		✓
Smoke Detectors and Heat detectors	BCA 2019, Specification E2.2a; AS1670.1-2018	✓	✓
Mechanical Air Handling System	BCA 2019, Clause E2.2; AS 1668.1 - 2015	✓	✓
Fire Hose Reels	BCA 2019 Clause E1.4, AS 2441-2005	✓	
Fire Hydrants	BCA 2019 Clause E1.4, AS 2419-2005	✓	✓
Portable fire extinguishers	BCA 2019 E1.6 AS2444 – 2001	✓	✓
Fire Blankets	BCA 2019 E1.6 AS2444 – 2001		✓
Emergency lighting	BCA 2013 E4.2, AS/NZS 2293.1 –2018	✓	✓
Illuminated Exit signs	BCA 2013 E4.2, AS/NZS 2293.1 –2018		✓
Paths of travel	BCA 2019 D1.6, & Clause 168 EP&A Regs 2000		✓
Fire Doors	BCA 2019 Specification C3.4, As1905.1 2015	✓	
Fire Windows	BCA 2019 Specification C3.4, As1905.1 2015		✓
Light weight construction	BCA 2019 C1.8 Lightweight construction		✓
Warning and operational signs	EP&A Regs 2000 Part 9, Division 7, Clause 183		✓

Upon the installation of any proposed fire safety measures, the owner of the building shall submit to Council a Fire Safety Certificate with respect to each fire safety measure nominated in this schedule. A copy of the certificate (together with a copy of this schedule) must be forwarded to the Commissioner of the Fire and Rescue NSW and a further copy of the certificate (together with a copy of this schedule) must be prominently displayed in the building.

At least once in each period of twelve months for existing fire safety measures, or within 12 months after the initial Fire Safety Certification of newly installed measures, the owner of the building shall submit to Council an Annual Fire Safety statement with respect to each fire safety measure nominated in this schedule. A copy of the statement (together with a copy of this schedule) must be forwarded to the Commissioner of the Fire and Rescue NSW and a further copy of the statement (together with a copy of this schedule) must be prominently displayed in the building.

## 2.10 OCCUPANCY CERTIFICATE

Occupancy Certificate (EP&A Design & Cert Reg Part 5 cl. 41 & 42) can only be issued by the Principal Certifier, once they are satisfied that;

- The building is suitable for occupation or use in accordance with its BCA classification and
- A DA is in force
- A CC has been issued
- Fire safety scheduled items are certified as complete (Brigade compliance if required)
- *Note that you have a responsibility to formally inform the PC of any defective issues of which you are aware, prior to that issue of the OC*

# OCCUPANCY CERTIFICATE

In other words, the PC must form a view that the building is safe to occupy.

*Comment:*

*The extent to which all NCC and Development Approval requirements are fully complied with - is an issue for the Principal Certifier to decide and they **must** still remain a part of the management of all defect remediation.*

**SCHEDULE 1: DOCUMENTATION REQUIRED TO ISSUE OCCUPATION CERTIFICATE**

Prepared by	Document Name	Date
Newland Wood Certification	Final Inspection Report	09/05/2018
Shawn West	Occupation Certificate Application Form	09/05/2018
Hirotec	Portable Fire Extinguisher - Installation Certificate	10/05/2018
Joshua Knight	Electrical - Installation Certificate	07/05/2018
Hurst	Waterproofing - Installation Certificate	06/05/2018
HPG Solutions Pty Ltd	Plumbing - Installation Certificate	07/05/2018
Hirotec	Sprinkler and Mechanical - Installation Certificate	10/05/2018
	Fire Services - Installation Certificate	06/05/2018
	Final Fire Safety Certificate	10/05/2018
	Acoustic Compliance Certificate	10/05/2018
	Fire Hazard Test Reports and Spec	-

**TY SCHEDULE**

Measure for the Whole Building:  
Certificate prepared by Matthew Boylan dated 10/05/2018.

Item No	Proposed Standard of Performance
1 systems	AS 1670 - 1995
	AS 2293.1 - 1995
	AS 2118.1
2	AS 2220 - 1989
	AS 2293.1 - 1995
	AS 2419
	AS 1921
	AS 2444 - 1995

**INSPECTION REPORT - NW172497**

In accordance with Clause 152A & 152B of the Environmental Planning and Assessment Regulation 2000

**Inspection Details**  
Date: 09/05/2018  
Development Details  
COCC No: NW172497  
Date: 16/03/2018  
Address of Development  
Jazz Factory, Gordon Centre, Offices 4, 5 & 6 Gordon Centre, 802-808 Pacific Highway, Gordon NSW 2072  
Description of works  
Change of use from existing office to new dance studio 'Jazz Factory'  
Result of inspection  
**SATISFACTORY SUBJECT TO ACTIONS**  
All works are generally in accordance with approved plans.  
The following items require attention:  
1. All door thresholds to be replaced in accordance with D.3.11 of the BCA.  
2. All door thresholds to be replaced in accordance with AS 1428 - 2009 in relation to self-closing door-closer-cage.  
3. Emergency lighting to be installed correctly in main charge room (pumping room).  
4. Door gaps to be reviewed from all openings and window details.  
Principal Certifying Authority  
Robert Wood  
AS Accredited Certifier  
010-2141  
Date: 09/05/2018

Use the undesignated form to make application to Newland Wood Certification for:

Type of application  
 Interim Occupation Certificate  
 Final Occupation Certificate  
 Building Occupation / Use of a New Building  
Change of Building Use or of an Existing Building  
Name: the jazz factory  
Applicant  
Name: the jazz factory  
Address: c/- PO BOX 28  
paddington NSW 2021  
Tel: 0411124600 Fax:  
Email: studio2@hpgbond.com  
Signature: [Signature] Date: 09.05.2018  
Address of development  
Address: Offices 4, 5 & 6 Gordon Centre,  
802-808 Pacific Highway Gordon NSW 2072  
Description of development  
Change of use from existing office to new dance studio 'Jazz Factory'  
Building Code of Australia Classification  
Existing: S  
Proposed: Sb  
Statutory Controls  
Development Consent: DA551117  
Date of Determination: 09/02/2018  
Approved - Construction Certificate/Complying Certificate  
COCC Certificate No: NW17-2497  
Date of Determination: 16/03/2018

**FINAL OCCUPATION CERTIFICATE NW172497**

Issued under Part 4A of the Environmental Planning and Assessment Act 1979 Sections 109C and 109H (Occupation/Use of a New Building)

**APPLICANT DETAILS**

Applicant: 2D Studio  
Address: Studio 6, 151 Foveaux Street, Surry Hills NSW 2010  
Phone: 028354 1907

**OWNER DETAILS**

Name of the person having benefit of the development consent: Perpetual Limited  
Address: Angel Place 18/123 Pitt St, Sydney NSW 2016 (02) 9229 9000

**RELEVANT CONSENTS**

Consent Authority / Local Government Area: Ku-ring-gal Council  
Development Consent Number: DA 0531/17  
Date issued: 07/02/2018  
Construction Certificate Number: NW17/2497

**PROPOSAL**

Address of Development: Offices 4, 5 & 6 Gordon Centre, 802-808 Pacific Highway, Gordon NSW 2072  
Lot/DP: Lot 21/DP 732238  
Building Classification: 9b  
Scope of Building Works Covered by this Certificate: Change of use from existing office to new dance studio 'Jazz Factory'  
Refer to Schedule 1  
Refer to Schedule 2

Plans and Specification approved:  
Fire Safety Schedule:  
Exclusions:  
Refer to Schedule 2  
Nil

**PRINCIPAL CERTIFYING AUTHORITY**

Certifying Authority: Robert Wood  
Accreditation Body: BPB2141

**DETERMINATION**

Approval Date: 10/05/2018

I, Robert Wood, as the certifying authority, certify that:  
I have been appointed as the Principal Certifying Authority under s109E;  
A current Development Consent or Complying Development Certificate is in force with respect to the building;  
A Construction Certificate has been issued with respect to the plans and specifications for the building;  
The building is suitable for occupation or use in accordance with its Classification under the Building Code of Australia;  
Where required, a final Fire Safety Certificate has been issued for the building;  
Where required, a report from the Commissioner of Fire Brigades has been considered.

Robert Wood  
N.B. Right of Appeal: Under s109K, where the Certifying Authority is Council, an applicant may appeal to the Land & Environment Court against the refusal to issue an Occupation Certificate within 12 months from the date of the decision.

Please accept this letter as certification of the functional performance of the fire systems listed below.  
At the time this letter was written, and to the best of our knowledge, Hirotec can verify that the appliances listed below comply with the relevant installation and maintenance standards. Please note that where the following (\*\*\*) is placed next to the standard of performance there are defects present that need to be rectified for the certificate to be valid.

ESSENTIAL FIRE SAFETY MEASURE (ESSENTIAL SERVICE)	STANDARD OF PERFORMANCE	STANDARD OF MAINTENANCE	DATE OF LAST INSPECTION
Portable Fire Extinguishers	AS2444 - 1995	AS1431.10 - 2012	10/05/2018

The enclosed does not replace your Annual Fire Safety Statement and should not be considered to do so. But rather it meant to provide you confirmation of the current system functionality in comparison to its design intent.

If you have any questions with respect to the above, please do not hesitate to contact our office.

Yours faithfully,  
Gilan Jordan  
Operations Manager (NSW)  
Fire & Mechanical Services

Certification of Compliance - Waterproofing

Work has been carried out in accordance with the proposed work set out herein. The work has been inspected and found to be in accordance with the relevant standards.

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**Fire Safety Certificate of Compliance**

Jazz Factory, 802-808 Pacific Hwy, Gordon 2072

Fire safety measures	Standard of performance
Emergency lighting	AS/NZS2193.1:2005 & E45, E4 & E4.4 BCA 2005
Exit lighting	AS/NZS2193.1:2005 & E45, E4.4, E4.7, E4.8 BCA 2005
Automatic Smoke detection system	AS1786 1993 AS1670 & BCA E2.24 2006

The above fire safety measures have been installed & tested as per the standard of performance listed.

6<sup>th</sup> May 2018

Joshua Knight  
0400 770 900  
josh.arniewe@arniewe.com

Certification of Compliance - Waterproofing

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**Fire Safety Certificate**

NSW  
Department of Planning and Environment

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## WHAT ABSOLUTELY **NOT TO DO**

Don't sign any 'certificates' unless >

- Installed precisely as reflecting the installation instructions of the manufacturer/test sponsor - define with what Australian or industry standard/s.  
*Note that there is a significant difference between “Industry Standard” and “Industry common Practice”*
- The installation conforms to the performance requirements/ Australian standards inclusive of year version of the requirement identified in the Construction Certificate Fire Safety Schedule.

- Have you (personally) physically checked, and are you competent to check - *what made you competent?*
- If others have checked and you are relying on them - *what is their methodology and credentials*
- If you are being contractually “pressured” to sign some documentation, **you should be asking** - “What section of the EP&A Design & Certification Act 2018 and Regulations 2021 are being asked to exempt and **under what authority** is this request being made?”

Remember, the public totally relies on the installed essential (fire safety) measures to operate correctly when required (fire and smoke dampers are a significant part of these essential services).

***The test*** - you are a witness in the coroner's court, after some horrific incident – **your name** is on the certificate - **you explain** why it failed to work when required!



## 2.11 THE IMPORTANCE OF OCCUPANCY CERTIFICATES (ISSUED BY THE PCA) TO YOU

Remember that the issue date of the occupancy certificate is the trigger for the **12 month DLP** period to start the installers liability for any defective work identified after which the site works liability transfer from builder/installer onto to owner.

**No** occupancy certificate, **no** trigger, so your **liability** (and the entire design/installation/construction term) **may stay open ended**.

You should always request the owner/agent/PC **issues you** with a copy of the occupancy certificate, that way your liability is time capped. The owner moving in and occupying does not start the DLP clock ticking, **only the** PC/Council sign off via the **occupancy certificate**.

## THE IMPORTANCE OF OCCUPANCY CERTIFICATES (ISSUED BY THE PCA) TO YOU

Be aware that any defects identified and outstanding prior to the issue of the Occupation Certificate must be remedied in a timely fashion and under the management of the Principal Certifier.  
ie. The items must be fixed, commissioned and the PC notified.

Any defects identified during the 12-month period and not remedied during that period shall be deemed as an outstanding defect and still necessitate remediation by the builder/installer.

Some building owners contract for extended DLP and this shall continue the DLP liability for that extension.

## 2.12 THE SIGNIFICANCE OF THE DATE OF CONSENT AUTHORITY APPROVAL

The date of the DA Approval Sets the Relevant Date for **Approved Standards versions**.

This is particularly important for older buildings, refurbishments and upgrades in existing buildings.

Generally in buildings, regulation compliance relates to the **most recent** development consent (DA) for that building or part of building and usage.

The regulations in force may relate to superseded building regulations and Australian Standards - so the PC (council or private) for the current works, **must** indicate what regulations and standards are applicable.

It is certainly **not mandatory** for old buildings to have **all aspects** of structure and services brought up to current BCA and Standards - unless the consent authority specifically indicates this is required via an order and notice process.

New buildings are most likely to require correct compliance in all respects (check the CC and DA) (see **NCC A2G2** (BCA A2.2) performance based solutions). *Watch for council concessions or performance based solutions which could provide variations.*

Older buildings may have very different compliance regimes according to what regulations and standards were in force at the date of granting of DA and to which compliance may still be linked.

*All **new works must conform** to the codes for the approved BA/DA. i.e. new works in hospitals will need smoke dampers.*

## 2.13 WATCH FOR PERFORMANCE BASED SOLUTIONS WHICH DIFFER FROM BCA PRESCRIPTIONS

Since 1996 the BCA (and now NCC) has allowed regulation compliance by either:

1. following the NCC prescriptive (Deemed to Satisfy) as specified, or
2. by an approved “performance” solution (ref. **NCC A2G2** / BCA A2.2)

As a consequence, many “performance” solutions have been approved with ‘non-standard’ features as part of compliance.

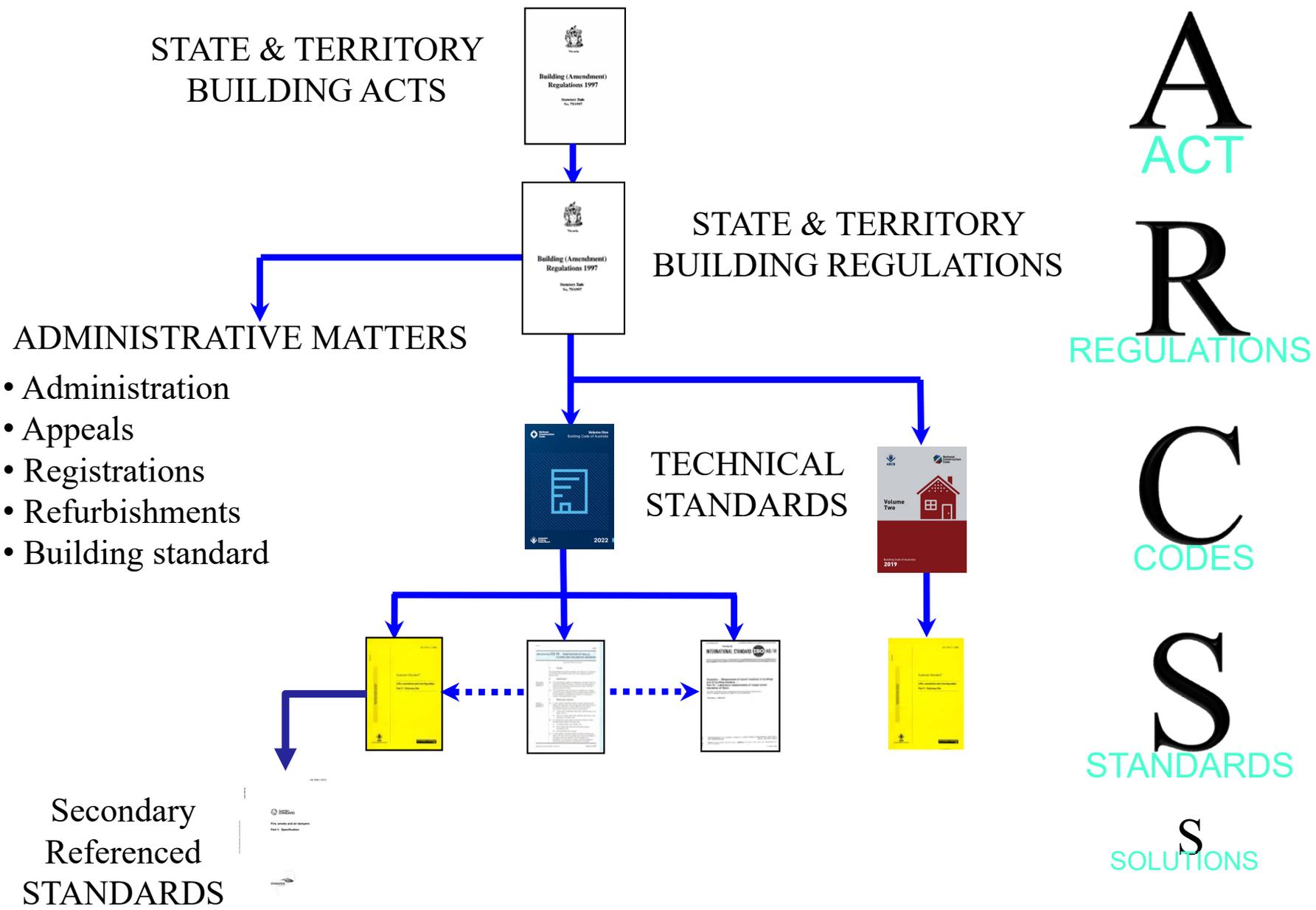
If this is the case, **you must understand** the full design intent and **installation requirement** of any “performance” solution, as well as the testing and certification **consequences** and these should be found within the Fire Engineering Report Document.

You ***need to see this documentation*** – ref. the DA/CC from Council records which allows and describes the “**Performance Solution**” and how it operates.

## 2.13.2 The Building Code of Australia

- The NCC **establishes minimum standards** for new building work
- The NCC -
  - is referenced in State / **Territory law** — (see next slide)
  - is amended **3-yearly**  
requirements are intended to be **cost effective**
  - requirements are intended to **eliminate poor practice**
  - **does not address** best practice

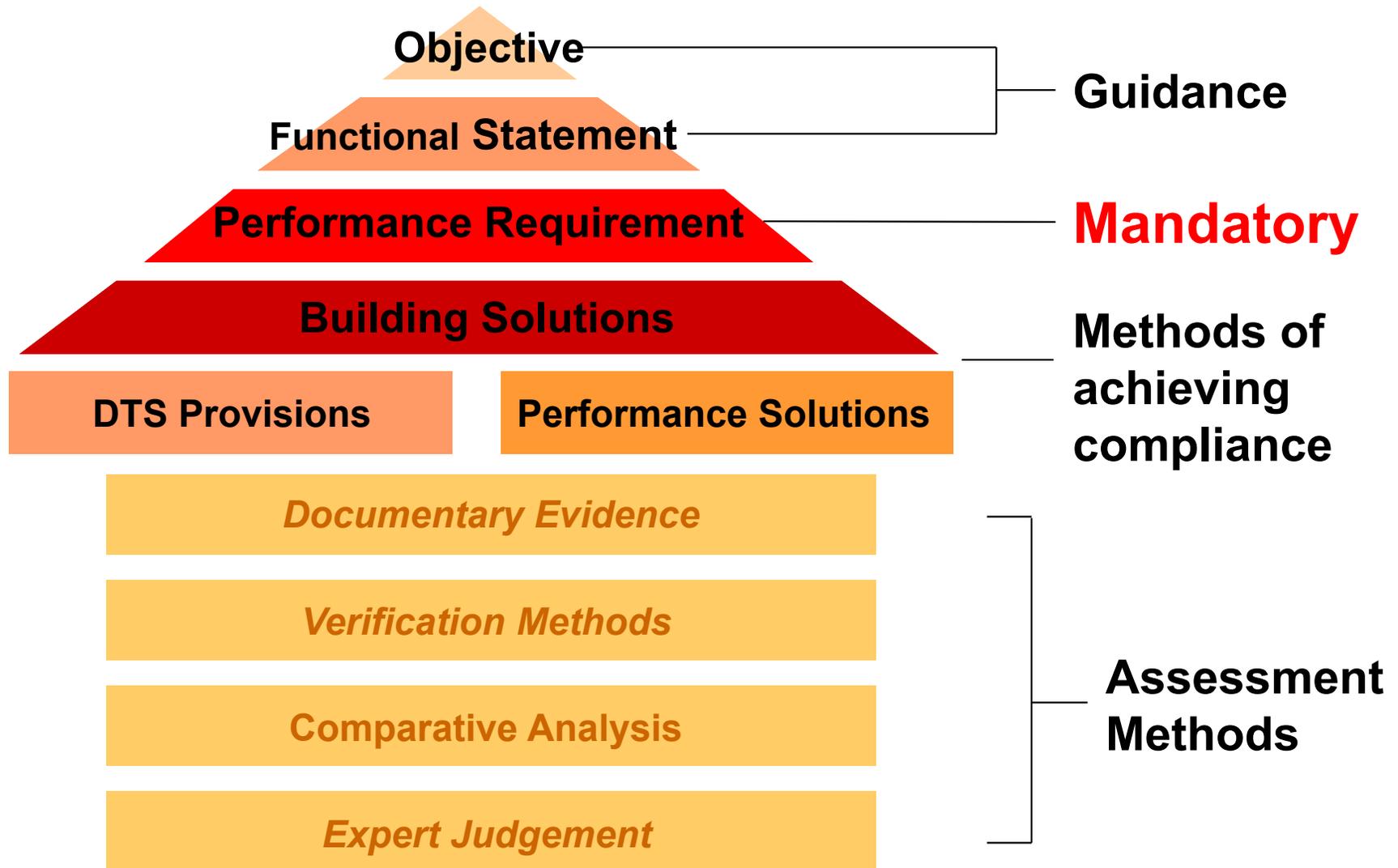




## 2.13.3 NCC Volumes

Together known as the NCC or National Construction Code

- **Volume One** contains requirements for the design and construction of **commercial, industrial, retail & community** buildings; i.e. NCC/BCA **Class 2 to 9** buildings, plus some Class 10 matters
- **Volume Two** contains requirements for the design and construction of **domestic** buildings; i.e. **Class 1 and 10** buildings, plus some Class 10 structures (not applicable for this course)
- **Volume Three** is the plumbing code requirements (not applicable for this course)
- **Volume Four** is the Gas code requirements (not applicable for this course)



## 2.13.4

# Complying with Performance Requirements

- Compliance with the *Performance Requirements* can only be **achieved by**:
  - a) complying with the ***Deemed-to-Satisfy Provisions***, or
  - b) **formulating a *Performance Solution*** which-
    - (i) complies with the *Performance Requirements*, or
    - (ii) is shown to be at least *equivalent* to the *Deemed-to-Satisfy Provisions*; or
  - c) a **combination** of a) and b)

## 2.15.5 Design Flexibility

- The NCC provides **two pathways** to formulate a “*Performance*” Solution; i.e.
  - formulating a *Performance Solution* to **meet the Performance Requirements**, or
  - formulating a *Performance Solution* to **at least equate to Deemed-to-Satisfy Provisions**
- **Either of these options** can be explored to establish the most appropriate pathway for a particular *Performance Solution*
- A decision regarding the **most appropriate pathway** may be influenced by the views of the Building Control Authority

## 2.13.6

## Consultation

- It is beneficial to **discuss** a *Performance Solution* with the authority **before lodging an application for approval**
- Also discuss **the scope of supporting documentation** needed to be provided
- The Authority can advise on likely **Assessment Methods** – but should **not** become involved in **development of the design**

## 2.13.7 Assessment Methods

**Four Assessment Methods are listed in Part A5;**

- **Evidence of Suitability** as per Clause A5G2, A5G3, &/or A5G4
- **Verification Methods** as per Clause A2G2, C1V4
- **Comparison with Deemed-to-Satisfy Provisions** as per Clause A2G2(2)(d)
- **Expert Judgment** as per Clause A2G2(2)(c)

## 2.13.8 Evidence of Suitability

- Evidence of Suitability to **A5G2, A5G3, &/or A5G4**
- The listed processes are generally **third party mechanisms** that **may** be used to assist either the **formulation or assessment** of *Building Solutions*

# IMPORTANT CAUTION

When a designer/installer/commissioner is complying with **ANY** NCC Deemed to Satisfy (**A2G3**) provision, they can rely on the internal **consistency of the NCC** so that all other NCC DtS provisions can be **assumed**.

However, outside of the NCC DtS provisions, any proposed “Performance” Solution, in addition to having to be verified according to A2G2 and A2G4, it **must** also be checked for consistency with (that is, **not conflicting with**) **all** other NCC DtS and performance solution provisions.

This requires that designers must not focus purely upon their own part of a solution but take on responsibility of any consequences arising from their design.

## 2.14 DO NOT SIGN "CERTIFICATES" REQUIRED UNDER THE BUILDING RULES CONSENT UNLESS YOU ARE QUALIFIED AND ACCREDITED TO DO SO.

Before **you** sign, whatever the issue/work/data - requiring to be signed off, always ensure

- The description of **what is to be approved** is **clear** and **accurate** and does not include general descriptions, systems, data, equipment, you do not have knowledge of.
- The Standard or specification to which you are agreeing you work/data does comply, with specific **reference to date**, section or **version** of that specification or reference.
- Clarify what authority/competence you have to sign. *If you hold accreditation, then this must be identified.*

## *Satisfy yourself*

(on behalf of your Company if appropriate)

- What **liability** you are taking on, and for how long, by your signing.
- What regulation or **contractual obligation** are you satisfying by your sign off.
- Are you **insured** for and/or have you been paid for, taking on this liability

**END OF PAPER No. 2**