

18 August 2009

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Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Dear Sir/Madam,

BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT
Property: 33 Cross Street, Double Bay Redevelopment

This proposed development includes the construction of a seventeen storey building, containing two levels of below ground basement carpark, retail, a POPE area, hotel and apartments.

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the architectural drawings submitted with the Development Application against the provisions of the Building Code of Australia 2009 as per the requirements under Clause 145 of the Environmental Planning & Assessment Regulation 2000.

BCA Assessment:

- Building Use: Hotel, Retail, Carpark, POPE, Apartment
- Building Classification: Class 3, 6, 9b, 7a, 3
- Type of Construction: Type A
- Rise in Storeys: 15
- Effective Height: 47m (less than 50m)
- Maximum Fire Compartment Size: 2,200m²

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 documentation of alternative solutions in accordance with Clause A0.5 of the BCA, suitably prepared by an Accredited Fire Safety Engineer to achieve compliance with the performance provisions of the BCA.

Notwithstanding the above comments we note that specific detailed compliance with the Building Code of Australia 2009 is not a prescribed head of consideration under Section 79C of the Environmental Planning & Assessment Act 1979 and accordingly, we trust that the determination of the development application will not be subject to the assessment of any technical matters under the State's building regulations.

In this regard and pursuant to Clause 54 (4) of the Environmental Planning & Assessment Regulation 2000, we trust that the Consent Authority will not require any additional information in the determination of the development application for technical BCA matters that will be assessed at the Construction Certificate stage.

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I wish to confirm that matters pertaining to compliance with the Building Code of Australia (BCA) 2009 will be suitably assessed 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 with compliance of the development with the relevant requirements and provisions of the BCA 2009.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Slack-Smith', written in a cursive style.

Charles Slack-Smith

Director

BPB Accredited Certifier - Grade BPB0378