

18 February 2021

Thunderbirds Are Go Pty Ltd aff the Gardeners Trust
C/o:
Pier Property Corporation
Suite 305, Level 3, 25 Lime Street
King Street Wharf NSW 2000

Attention: Polly Priday

Dear Polly,

**RE: EDEN GARDENS REDEVELOPMENT
BCA AND ACCESSIBILITY COMPLIANCE STATEMENT FOR DA SUBMISSION**

This statement has been prepared to verify that Blackett Maguire + Goldsmith Pty Ltd have undertaken a review of the architectural documentation that will accompany the Development Application to Ryde Council for the proposed Eden Gardens redevelopment located at 307 Lane Cove Road, Macquarie Park against the Building Code of Australia 2019, Amendment 1 (BCA) and The Disability (Access to Premises-Buildings) Standards 2010 (the Access to Premises Standards).

PROPOSED DEVELOPMENT

The proposed development comprises redevelopment of site area (24,680m²) for Eden Gardens including a commercial mixed-use site, that will incorporate the following:

Current Provision	Proposed
Retail Garden centre and service areas with a café including indoor and outdoor dining	Alterations and additions of the existing garden centre building located on the west of the site including amendments to the garden centre, café, amenities, food and beverage venue, neighbourhood shops
Function and facility hire centre	New and extended function spaces in the south-west of the site
Display gardens	Landscape works and retention of existing landscaping and landscape works in various places
Eden Garden administrative office	Offices will be relocated within the site
Service areas	Some retained with some new services areas added
Underground and at ground car parking	Retention of the existing at grade parking spaces fronting Lane Cove Road and the underground parking spaces directly below. Excavation to provide additional underground spaces on the north-east of the site and construction of a new multi-level car park in the mid-north of the site
	Provision of a new outdoor nursery, as part of the garden centre, in the north-west of the site
	Provision of a storage room, loading bay, waste room, garden store at the ground level of the proposed multi-storey car park



	Provision of a rock climbing wall to the East and South elevation of the proposed multi-storey car park
	A new restaurant including outdoor and indoor dining spaces in the mid-east of the site
	Construction of a new 18-storey commercial office building in the centre of the site
	Provision of end of trip facilities and service rooms in the basement level

For the purposes of BCA/Access Assessment, The retail garden centre, function spaces, commercial office tower and multi-storey carpark are considered a single united building due to the common basement carpark.

The Eastern restaurant will be considered a separate building.

COMPLIANCE STATEMENT OBJECTIVES

The objectives of this statement are to:

- confirm that the DA architectural documentation has been reviewed by an appropriately qualified Building Surveyor and Accredited Certifier.
- confirm that the proposed new building works can readily achieve compliance with the BCA pursuant to clause 145 of the *Environmental Planning & Assessment Regulation 2000*.
- accompany the Development Application submission to enable the Consent Authority to be satisfied that subsequent compliance with the fire & life safety and health & amenity requirements of the BCA, will not necessarily give rise to design changes to the building which may necessitate the submission of an application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

It should be noted that it is not the intent of this statement to identify all BCA provisions that apply to the subject development. The development will be subject further assessment following receipt of more detailed documentation at Construction Certificate stage.

RELEVANT VERSION OF THE BCA

Pursuant to clause 145(1)(b) the proposed building is subject to compliance with the relevant requirements of the BCA as in force at the time the application for the Construction Certificate was made. The current version of the BCA is the BCA 2019, Amendment 1.

REFERENCED DOCUMENTATION

This report has been prepared based on a review of the preliminary DA architectural plans prepared by DKO Architecture dated 13 February 2021.



BUILDING CLASSIFICATION AND DETAILS

The new building works have been classified as follows:

<p>+ BCA CLASSIFICATION:</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building: Class 5 (Office tower and EOTF) Class 6 (Garden Centre, Retail & Restaurant/cafe) Class 7a (Carpark) Class 7b (Storage) Class 9b (Function Rooms) Eastern Restaurant Building Class 6 (Restaurant)</p>
<p>+ IMPORTANCE LEVEL (STRUCTURAL):</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building 3 Eastern Restaurant Building 2</p>
<p>+ STOREYS CONTAINED:</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building Nineteen (19) Eastern Restaurant Building Two (2)</p>
<p>+ RISE IN STOREYS:</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building Eighteen (18) Eastern Restaurant Building Two (2)</p>
<p>+ TYPE OF CONSTRUCTION:</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building Type A Eastern Restaurant Building Type C Construction</p>
<p>+ EFFECTIVE HEIGHT:</p>	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building 72.75m: RL 130.440 (Level 17) – RL 57.690 (Lower Ground carpark (considered RIS due to vehicle entry ramp)) Eastern Restaurant Building 5m (65.700 – 60.700)</p>



+ MAX. FLOOR AREA FIRE COMPARTMENT SIZE:	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building 8,000m² & 48,000m³</p> <p>Eastern Restaurant Building 2,000m² & 12,000m³</p>
+ Maximum Volume:	<p>The retail garden centre, function spaces, commercial office tower and multi-storey carpark Building Type A 33,000m³</p> <p>Eastern Restaurant Building 12,000 m³.</p>
+ SPRINKLER PROTECTED THROUGHOUT:	<p>Nursery, Parking & Office Tower Building Yes</p> <p>Eastern Restaurant Building TBC</p>
+ CLIMATE ZONE:	Zone 5

EXISTING BUILDING BCA COMPLIANCE UPGRADE – EXISTING BASEMENT CARPARK AND RETAIL GARDEN CENTRE

Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the consent authority (Council) may require the building to be brought into total or partial conformity with the BCA. In relation to the subject project, this upgrade provision is triggered by the proposed building works representing more than half the total volume of the building.

SUMMARY OF KEY BCA COMPLIANCE ISSUES

Arising from our review of the DA plans, compliance matters raised to the design team are not uncommon for a development of this nature. In this instance, we are of the opinion that any amendments required to the design documentation in order to comply with the BCA can be addressed in the preparation of the detailed documentation for Construction Certificate without giving rise to significant changes to the proposal as submitted for Development Application.

However, It is proposed the following fire engineered performance solutions will be prepared to address DtS departures identified from the assessment;

BCA (DtS) CLAUSE			DESCRIPTION
1.	C1.1, Spec C1.1		<p>We note that a Fire Engineered Performance Solution may be required to permit the following reduced FRLs</p> <ul style="list-style-type: none"> + Class 6 Retail: from FRL 180/180/180 to 120/120/120. + Class 7b loading bays, waste storage area: From FRL 240/240/240 to 120/120/120. <p>The proposed skylight serving the basement EOTF East corridor is located with 6m of a separate building (restaurant) on ground floor;</p>
2.	C3.3		<p>On ground floor, the neighborhood retail East façade and West façade of the commercial office tower are considered separate fire compartments. The external walls are positioned <6m apart as such required to be fire rated and openings protected. Information required on the proposed protection method</p>



BCA (DtS) CLAUSE		DESCRIPTION
3.	D1.4, D1.5	<p>A Fire Engineered Performance Solution is to be documented to allow the following extended travel distances</p> <ul style="list-style-type: none">+ Maximum of 70m to the nearest exit from Lower Ground carpark in lieu of 40m.+ Maximum of 25m to a single exit from Function Room 3 in lieu of the DTS max of 20m.+ Maximum of 49m to the nearest exit in lieu of 40m from Ground Floor Loading Bay and Waste Room.+ Up to 122m between exits in lieu of 60m on Lower Ground carpark.+ Up to 85m between exits in lieu of 60m on Ground Floor neighbourhood shops area+ Up to 63m between exits in lieu of 60m on Ground Floor Garden Centre retail.
4.	D1.7	<p>Where path of travel necessitates passing within 6m of external wall of the building (being the commercial tower, neighbourhood shops or Garden Centre) the wall shall have an FRL of not less than 60/60/60 and openings protected internally. Alternatively, a Fire Engineered Performance Solution to be prepared.</p>
5.	D1.8	<p>We note that a Fire Engineered Performance Solution will be required to allow the proposed external stairway in lieu of a fire isolated stairway to serve the commercial office tower in a building over 25m effective height.</p>
6.	D1.9	<p>The total distance from the basement carpark to road or open space via non fire isolated stair is greater than 80m (approx. 90m)</p>
7.	E1.3, E1.5	<p>The Hydrant and Sprinkler Booster will not be located adjacent to the main vehicle entry and within sight of the principal pedestrian entry.</p>
8.	E1.8	<p>Fire Control Room will not be accessible from front entrance of the building.</p>

+ OTHER PROPOSED PERFORMANCE SOLUTIONS

BCA (DtS) CLAUSE		DESCRIPTION
Performance Requirement FP1.4		<p>Performance Solution Reports and associated documents (Test Reports, Codemark Certification or other suitable evidence) is to be provided to demonstrate that the roof and external walls (including openings around windows and doors) comply with the weatherproofing requirements of Performance Requirement FP1.4.</p>

A further detailed assessment(s) of the architectural plans will need to be undertaken prior to issue of the Construction Certificate, which result in further performance solutions to addressed DtS departures.



PRELIMINARY FIRE SAFETY SCHEDULE

The following comprises a preliminary fire safety schedule containing statutory fire safety measures that will apply to the new buildings.

Basement Carpark, Neighbourhood shops, Function Rooms, Garden Centre and Commercial carpark Building

Statutory Fire Safety Measure	Design / Installation Standard
Access Panels, Doors & Hoppers	BCA Clause C3.13 AS 1530.4 – 2014 and Manufacturer's Specifications
Alarm Signalling Equipment	AS 1670.3 – 2018
Automatic Fail Safe Devices	BCA Clause D2.21
Automatic Fire Detection & Alarm System	BCA Spec. E2.2a AS 1670.1 – 2018
Automatic Fire Suppression Systems	BCA Spec. E1.5 AS 2118.1 – 2017 or AS 2118.6 – 2012
Emergency Lifts	BCA Clause E3.4 AS 1735.2 – 2001
Emergency Lighting	BCA Clause E4.2 & E4.4 AS 2293.1 – 2018
Emergency Evacuation Plan	AS 3745 - 2010
Emergency Warning Intercom System (EWIS)	BCA E4.9 AS1670.4 - 2018
Exit Signs	BCA Clauses E4.5, NSW E4.6 & E4.8 AS 2293.1 – 2018
Fire Control Rooms	BCA Spec E1.8
Fire Blankets	AS 3504 – 1995 & AS2444 – 2001
Fire Dampers	BCA Clause C3.15 AS 1668.1 – 2015 & AS 1682.1 & 2 – 2015 and Manufacturer's Specification
Fire Doors	BCA Clause C2.12, C2.13, C3.5, C3.8 AS 1905.1 – 2015 and Manufacturer's Specification
Fire Hose Reels	BCA Clause E1.4 AS 2441 – 2005
Fire Hydrant Systems	BCA Clause E1.3 AS 2419.1 – 2005
Fire Seals	BCA Clause C3.15, AS 1530.4 – 2014 & AS 4072.1 – 2014 and Manufacturer's Specification
Lightweight Construction	BCA Clause C1.8 AS 1530.4 – 2014 and Manufacturer's Specification
Mechanical Air Handling Systems	BCA Clause E2.2 AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012
Paths of Travel	EP&A Regulation Clause 186
Portable Fire Extinguishers	BCA Clause E1.6 AS 2444 – 2001
Smoke Hazard Management Systems + Stair Pressurisation + Smoke Exhaust + Zone Smoke Control	BCA Part E2 AS/NZS 1668.1 –2015
Warning & Operational Signs	BCA Clause C3.6, D2.23, D3.6, E3.3 & H101.8 AS 1905.1 – 2015 & Section 183 of the EP&A Regulation 2000
Fire Engineered Performance Solutions relating to: TBA	TBA



Eastern Restaurant Building

Statutory Fire Safety Measure	Design / Installation Standard
Automatic Fire Detection & Alarm System	BCA Spec. E2.2a AS 1670.1 – 2018
Automatic Fire Suppression Systems (TBc)	BCA Spec. E1.5 AS 2118.1 – 2017 or AS 2118.6 – 2012
Emergency Lighting	BCA Clause E4.2 & E4.4 AS 2293.1 – 2018
Exit Signs	BCA Clauses E4.5, NSW E4.6 & E4.8 AS 2293.1 – 2018
Fire Blankets	AS 3504 – 1995 & AS2444 – 2001
Fire Hose Reels	BCA Clause E1.4 AS 2441 – 2005
Fire Hydrant Systems	BCA Clause E1.3 AS 2419.1 – 2005
Mechanical Air Handling Systems	BCA Clause E2.2 AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012
Paths of Travel	EP&A Regulation Clause 186
Portable Fire Extinguishers	BCA Clause E1.6 AS 2444 – 2001

Please note that the above schedules will need to be revised prior to issue of the Construction Certificate to reference any proposed Fire Engineering Report and incorporate any additional measures required by the proposed Performance Solutions.

DISABILITY (ACCESS TO PREMISES-BUILDINGS) STANDARDS 2010

The Disability (Access to Premises-Buildings) Standards 2010 (the Access to Premises Standards) requires the building to comply with the Access Code (BCA Part D3 & AS 1428.1-2009).

With respect to the proposed new building, compliance with the Access Code is achieved if the building complies with:

- + BCA clauses D3.1 to D3.12;
- + BCA clause E3.6;
- + BCA clauses F2.2 and F2.4.

The referenced plans show that access for people with disabilities will be available to and within the building from the main points of a pedestrian entry at the allotment boundary and accessible car spaces in accordance with BCA clause D3.1.

Detailed documentation demonstrating compliance with the above BCA provisions and AS 1428.1-2009 will be required for assessment at Construction Certificate stage. However, our review of the DA documentation indicates that compliance with the abovementioned provisions will be readily achievable. In the event that DTS compliance is not achieved, a Performance Solution will need to be documented by an appropriately qualified Access Consultant.

CONCLUSION

This report confirms that BM+G have undertaken a review of the DA architectural plans for the proposed Eden Gardens Redevelopment against the deemed-to-satisfy provisions of the Building Code of Australia 2019, Amendment 1 and the Disability (Access to Premises – Buildings) Standards 2010.

It is our experience that such compliance matters raised in this report are not uncommon for a development of this nature and that they can be readily addressed at Construction Certificate stage. In this instance, we are of the opinion that any amendments required to the design documentation in order to comply with the BCA can be addressed in the preparation of the detailed documentation for Construction Certificate without giving rise to significant changes to the proposal as submitted for Development Application.

Arising from our review, it is considered that the proposed development can readily achieve compliance with the relevant provisions of the BCA and Disability (Access to Premises – Buildings) Standards 2010 Provisions.



Yours sincerely,

Aaron Redfern
Senior Building Surveyor
Blackett Maguire + Goldsmith Pty Ltd