

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

**DISALLOWABLE INSTRUMENT FOR THE
PURPOSES OF 27(1)**

EXPLANATORY STATEMENT

NO. 43 OF 1994

It is a requirement of the *Building Act 1972* (the Act) that all work undertaken on a project shall be in accordance with the Building Code of Australia (BCA). Subsection 27(1) of the Act provides that the Minister may exempt a government agency from the application of all or any of the provisions of the Building Code. The BCA consists of sections A to H and each section has an attachment that is identified as a 'Specification'.

The instrument made under subsection 27(1) of the Act exempts the Public Works and Services Group, being a government agency, from the application of the provision of the Building Code specified in the Exemption in respect of the building works known as the Refurbishment of the Hotel Kurrajong.

To determine which exemptions would be appropriate while still achieving the required level of amenity, fire safety and design efficiency, the Design Manager, Philip Cox Richardson Taylor & Partners Pty Ltd, has tested the requirements of the BCA against other refurbished buildings of heritage significance. The Design Manager after assessing the problem has recommended eight (8) exemptions to the requirements of the BCA. These exemptions, and the reasons for the exemption, are listed in the Attachment.

The proposed exemptions have been examined by Public Works and Services and circulated for comment and endorsement by the ACT Fire Brigade, the ACT Building Controller and the Canberra Institute of Technology. All of these organisations have supported the exemptions to the BCA.

ATTACHMENT

A summary of these modifications and the specific clauses of the BCA which are affected is as follows:

Item 1

The purpose is to retain the existing timber framed loadbearing internal walls.

Exemption from the requirements of the following:
BCA Specification C1.1 Clause 4.1(e)
Fire resistance of building elements.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing timber framed internal walls. To remove the timber structure would result in an extensive removal of existing material at a substantial cost and loss of its heritage value. To meet the intent of the BCA in respect to fire safety, it is proposed to provide a sprinkler system throughout the building.

Item 2

The purpose is to retain the existing timber framed non loadbearing internal walls.

Exemption from the requirements of the following:
BCA Specification C1.1 Clause 4.1(f)
Fire resistance of building elements.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing timber framed internal walls. To remove the timber structure would result in an extensive removal of existing material at a substantial cost and loss of its heritage value. To meet the intent of the BCA in respect to fire safety, it is proposed to provide a sprinkler system throughout the building.

Item 3

The purpose is to use steel beams to support the existing timber structure when walls are removed.

Exemption from the requirements of the following:
BCA Specification C1.1 Clause 4.1(i)(ii)
Fire resistance to building elements.

Reason for exemption

To provide a high level of protection to new steel and timber structure is inconsistent with the treatment of the rest of the building. To meet the intent of the BCA in respect to fire safety, it is proposed to provide a sprinkler system throughout the building.

Item 4

The purpose is to retain the existing timber floor structure, doors and stairs.

Exemption from the requirements of the following:
BCA Clause C3.11 Parts (d)(ii) and (e)
Bounding construction: Class 2, 3 and 4 buildings.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has an existing timber floor, timber structure, timber doors and timber stairs. To remove the timber structure would result in an extensive removal of existing material at a substantial cost and loss of its heritage value. To meet the intent of the BCA in respect to fire safety, it is proposed to provide a sprinkler system throughout the building.

Item 5

The purpose is to retain the existing stairs.

Exemption from the requirements of the following:
BCA Clause D1.6 Part (b)(i)
Dimensions of exists.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing timber stairs. To remove the timber stairs would result in an extensive removal of existing material at a substantial cost and loss of its heritage value.

Most of the problems of stair width occurs at the landing where distances are reduced to 870mm. These landings are no more restrictive than doorways and are within the provision of Clause D1.6 Part (f)(iii). In all cases there is an alternative means of egress and the building is only two storeys high. All new stairs comply.

Item 6

The purpose is to retain the existing structure.

Exemption from the requirements of the following:

BCA Clause F5.3

Sound insulation of floors between units.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing walls, floors and doors which are to be retained. To upgrade these walls, floors and doors to comply with the requirements of the BCA would require removal of most of the interior at a substantial cost and loss of its heritage value.

Tests have been undertaken which detail certain level of acoustic insulation which is considered to generally provide acceptable acoustic environments.

Item 7

The purpose is to retain the existing structure.

Exemption from the requirements of the following:

BCA Clause F5.4

Sound insulation of walls between units.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing walls, floors and doors which are to be retained. To upgrade these walls, floors and doors to comply with the requirements of the BCA would require removal of most of the interior at a substantial cost and loss of its heritage value.

Tests have been undertaken which detail certain level of acoustic insulation which is considered to generally provide acceptable acoustic environments.

Item 8

The purpose is to retain the existing structure.

Exemption from the requirements of the following:

BCA Clause F5.5(a)

Walls between a bathroom, laundry or kitchen and a habitable room in adjoining unit.

Reason for exemption

The Hotel Kurrajong is a building of heritage significance and has existing walls, floors and doors which are to be retained. To upgrade these walls, floors and doors to comply with the requirements of the BCA would require removal of most of the interior at a substantial cost and loss of its heritage value.

Tests have been undertaken which detail certain level of acoustic insulation which is considered to generally provide acceptable acoustic environments.