



Building and Development Dispute Resolution Committees—Decision

Sustainable Planning Act 2009

Appeal Number:	75 - 10
Applicant:	Keystone Architects Pty Ltd
Assessment Manager:	Atlas Building Certification Pty Ltd (Shane Macklin)
Concurrence Agency:	Queensland Fire and Rescue Services (QFRS)(Greg Walters)
Site Address:	23 Royle Street, Marborough, Qld., and described as Lot 1 on SP 225236 the subject site

Appeal

Appeal under section 541 of the *Sustainable Planning Act 2009* (SPA) against the decision of the QFRS and subsequently, the Assessment Manager to refuse the amended application on the basis that the building requires the following:-

- Fire Detection and Alarm System
 - Smoke Exhaust system
 - Sound System and Intercom System for Emergency Purposes.
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Date of hearing:	26 October 2010
Place of hearing:	The subject site
Committee:	Mr Leo Blumkie Chair Mr Bruce Shephard General Referee
Present:	Mr Greg Gillham Applicant (Keystone Architects Pty Ltd) Mr Greg Walters QFRS Mr Michael Corser QFRS Mr Shane Macklin Atlas Building Certification Pty Ltd Mr Tony Deans Principal Riverside Christian College Mr Bruce Shephard Committee Mr Leo Blumkie Committee Chair

Decision:

The Committee, in accordance with section 564 (2)(b) of the SPA changes the decision appealed against and directs the concurrency agency and assessment manager to approve the amended application subject to the following conditions:-

OPTION 1

The performing arts rooms 1 and 2 are separated from the remainder of the building in accordance with C2.7(b) of the BCA this includes

- separated from both the stage area and hall with a 120/120/120 fire wall, and
- doors in the fire wall leading to the stage area being automatic self-closing fire doors complying with C3.5 and
- The combined area of the stage (including the area in front of the curtain) and the open area/props/storage (including unisex toilet, storage under stage and excluding the ramp) does not exceed a total of 300 square metres in area.
- The ramp in the backstage area is to comply as though it were a required access way, and must remain clear at all times, and the certificate of classification is conditioned accordingly.
- The multi purpose hall must be made available for use to the local community in accordance with the B.E.R guidelines (specifically "Conditions for funding") and in accordance with the written statement of use (dated 26 October 2010) provided by the "Riverside Christian College" and signed by the Principal. The certificate of classification is conditioned to include the use as outlined in the written statement provided the Riverside Christian College.

OR

OPTION 2

- Delete all direct access from the performing arts rooms to the stage area, and
- The combined area of the stage (including the area in front of the curtain) and the open area/props/storage (including unisex toilet, storage under and excluding the ramp) does not exceed 300 square metres in area, and
- The multi purpose hall must be made available for use to the local community in accordance with the B.E.R guidelines (specifically "Conditions for funding") and in accordance with the written statement of use (dated 26 October 2010) provided by the "Riverside Christian College" and signed by the Principal. The certificate of classification is conditioned to include the use as outlined in the written statement provided the Riverside Christian College.

Background

Keystone Architects made application to the assessment manager for construction of a Multi Purpose Hall at the Riverside Christian centre under the Building Education Revolution (B.E.R) scheme.

The application was approved on the 26 May 2010. The application included a sprinkler system, a smoke alarm system and a fire alert link to the fire brigade.

Application was made to change the existing approval by Keystone Architects Pty Ltd.

The amended application was reassessed by the concurrency agency and refusal correspondence was issued to the assessment manager on 11 October 2010. The refusal was basis on non-compliance for the following matters:-

Sprinklers
Fire detection and Alarm Systems

Smoke Exhaust System
EWIS (Sound System and intercom system for emergency purposes)

The assessment manager advised the applicant of the refusal on the 13 October 2010.

An appeal was lodged with the Registrar on the 18 October 2010.

The Registrar advised the assessment manager on 20 October 2010 that an appeal had been lodged in relation to the refusal of the amended application.

On 20 October 2010 the Building and Development Committee Chairperson advised Assessment Manager, QFRS and the applicant of the date, time and place for the hearing.

Material Considered

The material considered in arriving at this decision comprises:

1. 'Form 10 – Appeal Notice', grounds for appeal, correspondence and plans accompanying the appeal lodged with the Registrar on 18 October 2010.
2. Re-assessment decision of the concurrence agency of the amended application dated 11 October 2010.
3. Decision Notice on the re-assessment of the amended application issued by the assessment manager on the 13 October 2010.
4. Extract from the B.E.R guidelines titled "*Conditions of funding*" (page 6)
5. Written statement (dated 26 October 2010) from Mr Tony Deans (Principal Riverside Christian College) on the intended use of the hall in relation to use by the local community.
6. Correspondence from the Architects to the Certifier dated 22 October 2010.
7. *Sustainable Planning Act 2009* (SPA)
8. Building Code of Australia (BCA) 2009

Findings of Fact

The Committee makes the following findings of fact:-

The proposal is a Class 9b two-storey building requiring Type B construction.

A USE OF HALL

The proposal is for the construction of a multi purpose hall at an independent school namely the "Riverside Christian College".

The definition of a 'school' under the BCA and the oxford dictionary includes a college, university etc.

The BCA has different requirements for the construction of "Theatres, Stages and Public Halls" depending on the intended use.

In this instance, the school has received a B.E.R grant for the construction of the hall. The conditions of funding included in the B.E.R guidelines state that the hall must include a use that includes "*reasonable access by any community or not-for-profit groups in the local community*".

It does not make any mention of use as a “Public Hall” as a condition of the grant.

A spokesperson from the Queensland Independent Schools Block Grant Authority confirmed that the Grant included conditions for funding. These included a condition of being available *for “reasonable access by any community or non-for-profit groups in the local community”*. The conditions made no mention of being available for public use.

The written statement from the Riverside Christian College dated 26 October 2010 and signed by the Principal states that the hall is for use mainly by the college and that local community groups, subject to specific conditions being satisfied would be able to hire the hall, however it would not be available for public use.

The committee believes the principle use of the building is an assembly building in a college, with ancillary use by community groups under the direct control and supervision of the college.

Hence, the proposal in the opinion of the committee, should be considered under H1.1 (a)(i) of the BCA, i.e a school assembly, church or community hall and deemed to satisfy, provided the stage and backstage area is less than 300m².

If it was to include a public use, it would be considered under H1.1(a) (ii) of the BCA, other than a school assembly, church or community hall and deemed to satisfy provided the stage and backstage area is less than 200m².

B STAGE AND BACK STAGE AREA

Backstage and stage are defined in the BCA as follows:-

Backstage means a space associated with and adjacent to a stage in a Class 9b building for scenery, props, equipment, dressing rooms or the like.

Stage means a floor or platform in a Class 9b building on which performances are presented before an audience.

Measurement of area.

1 Stage

Stage would include the area in front of the curtain as this area is normally used for the performance.

The stage area when measured in accordance with the drawings submitted to the hearing was 224.39m².

2 Backstage

The backstage area ascertained from the drawings includes the following areas:-

• Open-area/props/storage	59.51m ²
• Unisex toilet	6.66m ²
• Ramp providing access from the hall to the stage	28.12m ²
• Performing art rooms	92.75m ²
• Storage under stage	<u>11.00m²</u>
	198.04m ²

Hence the total stage and backstage area i.e. 1 + 2 is 422.43m²

Reasons for the Decision

Under the definition for backstage area it is clear the unisex toilet should be included under dressing room or the like.

Also the storage area under the prop storage room is a space associated with, and adjacent to the stage.

The ramp is a space within the back stage area, however provided it is not used for storage of scenery, props, equipment, dressing rooms or the like and is kept clear at all times, in the opinion of the committee, it can be excluded from the backstage area.

Hence, the total area for stage and backstage area excluding the performing art rooms is as follows:-

• Open area/props/storage	59.51m ²
• Storage under	11.00m ²
• Unisex toilet	6.66m ²
• Stage	<u>224.39m²</u>
Total	301.56m ²

Provided the combined total area of the above is adjusted to remain under 300m² (area agreed by the Architects to be independently certified) the following options are applicable for assessment of the Performing arts rooms under the BCA.

Option 1

The performing arts rooms are adjacent to the stage and have two pairs of access doors opening directly to the stage area and these rooms could be used for scenery, props, equipment, dressing rooms or the like.

The applicant states in the appeal submission that “These performing arts rooms are learning areas and do not form part or ‘any’ of the back stage area”.

This statement, in the opinion of the committee, is hard to accept, as with access doors directly to the stage, the rooms most likely would be used, (as defined under the definition) for performances.

If the applicant’s statement is correct, the rooms could have been located at the level of the main hall and not have had direct access to the stage. If this were the design then the performing arts areas would not be included in the back stage area.

The BCA, in limiting the area to 300m² for stage and backstage area, in the opinion of the Committee, is to keep the fire load in this area to a manageable size. This can be achieved by separating the rooms with a fire wall and providing automatic self-closing fire doors to any openings in the fire wall.

NOTE Under C2.7(b) parts of the building separated by fire walls may be treated as a separate building for sections C, D and E of the BCA.

It is noted that the wall separating the performing art rooms from the hall (noted as -/120/120) is not a complying fire wall. It should also have a 120/120/120 fire rating.

In order to agree to the amended application, the fire walls and automatic fire doors must comply with C3.5 of the BCA .

Similarly, under Table E2.2b, because the building is a Class 9b used as a school assembly building, church or community hall with a stage and backstage area of less than 300m², an automatic smoke exhaust system complying with Specification E2.2b is not required.

Similarly under E4.9(e), because the building is used as a school with a rise less than 3 stories and is not for use as a theatre or public hall, no sound system and intercom system for emergency purposes is required.

Option 2

If the access from the performing arts rooms to the stage area were deleted, the performing arts rooms would no longer be considered as spaces associated with the *stage* or *back stage* area and would not be required to be counted in the measurement of the total stage/backstage area.

Leo Blumkie
Building and Development Committee Chair
Date: 27 October 2010

Appeal Rights

Section 479 of the *Sustainable Planning Act 2009* provides that a party to a proceeding decided by a Committee may appeal to the Planning and Environment Court against the Committee's decision, but only on the ground:

- (a) of error or mistake in law on the part of the Committee or
- (b) that the Committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

The appeal must be started within 20 business days after the day notice of the Committee's decision is given to the party.

Enquiries

All correspondence should be addressed to:

The Registrar of Building and Development Dispute Resolution Committees
Building Codes Queensland
Department of Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002
Telephone (07) 3237 0403 Facsimile (07) 3237 1248