

Date: 24/10/2022  
The CEO  
Midwestern Regional Council  
86 Market st  
Mudgee NSW 2850

## **Performance Solution Report**

### **Part 1.**

#### **Erect Patio, 97 Lewis Street, Mudgee**

The proposal is to erect a patio cover 500mm from the southern allotment boundary attached to a Class 1 structure. The structure will be built on the non-combustible fence line as the fence is currently 500mm off the actual allotment boundary. This Solution is made in accordance with Section A2.2 of the Building Code of Australia 2019

#### **Relevant Deem To Satisfy (DTS) Provisions**

The applicable DTS provisions are Clause 3.7.2.5, 3.7.2.6 and 3.7.2.7 which require an attached 10a structures to be provided with a minimum separation distance to the allotment boundary to prevent the spread of fire from the boundary to the dwelling via the attached class 10a structure.

#### **Relevant Performance Requirement Criteria**

The relevant Performance Requirement to the application is P2.3.1.

#### **Assessment Method**

The assessment methods utilised to determine the compliance of the alternative building solution with Performance Requirement P2.3.1 is a comparison with the Deemed-to-satisfy provisions by way of demonstration of equivalence as per Clause A2.2(1)(b) of the BCA.

#### **Alternative Building Solution**

Despite the patio cover being constructed no differently from that of a carport – having similar size, design, materials, fire load and configuration, the patio cover has more than 1/3 of its sides open and therefore complies with the carport concession provisions of the BCA (3.7.2.6.) Despite this, the patio will be constructed entirely out of non-combustible steel products. In this regard the Performance Solution demonstrates that the structure, although not a carport, is equivalent to a carport and complies with Performance Requirement P2.3.1.

#### **General Information**

All neighbouring residents have either built structures on the boundary line or over the boundary line of 97 Lewis st. It seems to be a very common occurrence in the area after looking through plans of the area

None of the structures will block any sunlight or provide unwanted shade to any of the areas and due to the structures non-combustible material, will not spread fire to any neighbouring structures

The building of these structures will provide a better use of the land for tenants of the property

#### **Conclusion**

The proposed patio, with full steel non-combustible construction will not cause fire to spread to the existing dwelling as the structure will not ignite as it is non-combustible construction and hot air and gases will not build up under the roof sheets as there is enough open sides to allow the hot air and gases to escape. As such, the proposed carport will comply with the Performance Requirements of the BCA and should be supported.

## **Part 2.**

### **Demolish Existing Carport/Shed, Erect New Carport/Shed, 97 Lewis Street, Mudgee**

The proposal is to demolish and erect a new Carport/Shed on the northern allotment boundary. The structure will be built on the non-combustible fence line on the actual allotment boundary. This Solution is made in accordance with Section A2.2 of the Building Code of Australia 2019

#### **Relevant Deem To Satisfy (DTS) Provisions (Patio)**

The applicable DTS provisions are Clause 3.7.2.5, 3.7.2.6 and 3.7.2.7 which require a 10a structures to be provided with a minimum separation distance to the allotment boundary to prevent the spread of fire from the boundary to the dwelling via an attached or detached class 10a structure.

#### **Relevant Performance Requirement Criteria**

The relevant Performance Requirement to the application is P2.3.1.

#### **Assessment Method**

The assessment methods utilised to determine the compliance of the alternative building solution with Performance Requirement P2.3.1 is a comparison with the Deemed-to-satisfy provisions by way of demonstration of equivalence as per Clause A2.2(1)(b) of the BCA.

#### **Alternative Building Solution**

The carport has more than 1/3 of its sides open and therefore complies with the carport concession provisions of the BCA. Despite this, the carport will be constructed entirely out of non-combustible steel products. In this regard the Performance Solution demonstrates that the structure, is equivalent to a carport and complies with Performance Requirement P2.3.1.

#### **General Information**

All neighbouring residents have either built structures on the boundary line or over the boundary line of 97 Lewis st. It seems to be a very common occurrence in the area after looking through plans of the area

None of the structures will block any sunlight or provide unwanted shade to any of the areas and due to the structures non-combustible material, will not spread fire to any neighbouring structures

The building of these structures will provide a better use of the land for tenants of the property

#### **Conclusion**

The proposed Carport/Shed, with full steel non-combustible construction will not cause fire to spread to the existing dwelling as the structure will not ignite as it is non-combustible construction and hot air and gases will not build up under the roof sheets as there is enough open sides to allow the hot air and gases to escape. It is also located more than 1.8m from the current class 1 structure Figure (3.7.2.4d) As such, the proposed carport will comply with the Performance Requirements of the BCA and should be supported.

