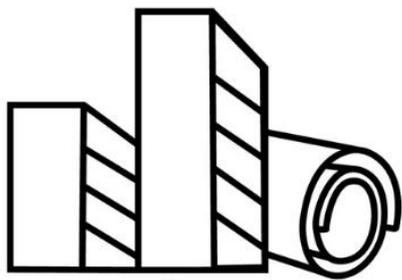


# BCA CAPABILITY REPORT



*Mainey*

BCA CONSULTANCY | PLANNING | CERTIFICATION

**PROJECT ADDRESS:** Davis Marina - Gourley Avenue, Balgowlah NSW 2093

**PROJECT NO:** 230117-01

**DATE:** 02 November 2023

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This report incorporates information and events up to date as listed in the report status table and excludes any information arising, or event occurring, after that date which may affect the validity of the opinion raised in this report. Mainey Pty Ltd prepared this report on the instructions, and for the benefit only, of Addenbrooke Pty Ltd (Instructing Party) for the purpose of supporting a Development Application and not for any other purpose or use.

Whilst Mainey Pty Ltd has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Mainey Pty Ltd is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Mainey Pty Ltd relies, provided that such errors or omissions are not made by Mainey Pty Ltd recklessly or in bad faith.

This report has been prepared with due care and diligence by Mainey Pty Ltd and the statements, opinions and recommendations given by Mainey Pty Ltd in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

02 November 2023

Addenbrooke Pty Ltd  
5 Wunulla Road  
POINT PIPER NSW 2027

Attention: Ned O'Neil

Dear Ned,

**REFERENCE: DAVIS MARINA - GOURLEY AVENUE, BALGOWLAH  
BUILDING CODE OF AUSTRALIA (BCA) CAPABILITY REPORT**

Mainey Pty Ltd have been commissioned by Addenbrooke to undertake an assessment of the proposed alterations and additions to the existing building and change of use of part of the existing building to a café against the relevant requirements of the National Construction Code Series - Building Code of Australia (BCA) 2022.

Our assessment of the concept design documentation was based on the following:

- Architectural Plans prepared by Vision Group Architects, dated October 2023
- National Construction Code Series – Volume 1 – Building Code of Australia 2022
- National Construction Code Series – Guide to the Building Code of Australia 2019 – Amendment 1
- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021

The purpose of this report is not to provide a holistic assessment of the building, but is to provide an assessment of the proposed works so as the Consent Authority (Council) can be satisfied that the works can be capable of compliance with the Building Code of Australia prior to the determination of the Development Application.

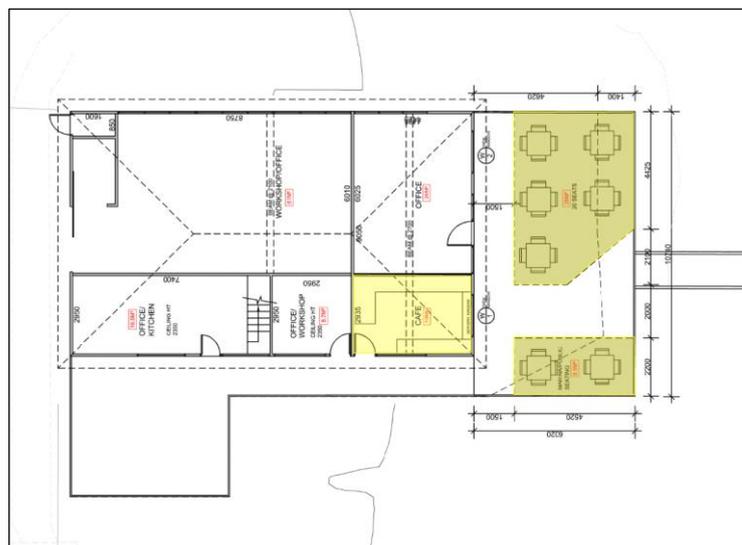


Figure 1: Site Plan showing the area of works subject to this assessment (Source: Vision Group Architect, 2023)

**REPORT PURPOSE**

The key objectives of the report are as follows:

- Undertake an assessment of the proposed development against the deemed to satisfy provisions of the National Construction Code Series – Volume 1 - Building Code of Australia 2022.
- Identify any Deemed-to-Satisfy compliance departures that require further resolution/attention by the design team, by way of design changes or Performance Based Solutions prior to the approval of the Construction Certificate.

- Issue a summary outlining the key compliance departures from the Deemed-to-Satisfy provisions of the BCA that require further consideration by the design team to satisfy the Performance Requirements of the BCA (either via a Deemed-to-Satisfy Solution or Performance Based Solution).
- Identify essential fire safety measures that are applicable to the proposed development in accordance with Section 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- Verify that the referenced documentation has been reviewed by an appropriately qualified Building Surveyor to demonstrate that compliance with the Accessibility requirements of the BCA / Access to Premises – Building Standard 2010 is readily achievable.
- It is important to note that this Report is not a design development or design contribution report. This is a desktop assessment carried out against the presented design using the Building Code of Australia as a benchmark and no contribution to design advice has been provided.

## REPORT LIMITATIONS AND EXCLUSIONS

The limitations and exclusions of this report are as follows:

- This report is based on a review of the referenced documentation as listed above.
- This Report does not address issues in relation to the following:
  - i. Encroachments on neighbouring land.
  - ii. The structural adequacy of the building including the Fire Resistance Levels (FRL's) of any existing building elements (unless specifically referred to).
  - iii. Any previous conditions of Development Consent issued by the relevant Local Council.
  - iv. The design, maintenance or operation electrical, mechanical, hydraulic or fire services.
  - v. Utility Services Provider Requirements (Water, Gas, Telecom' & Electricity supply authorities).
  - vi. Local Government Act and Regulations.
  - vii. Work Health and Safety Act and Regulations.
  - viii. Work Cover Authority requirements.
  - ix. Requirements of other Regulatory Authorities including, but not limited to, Telstra, Sydney Water, Electricity Supply Authority, RTA, Council and the like.
  - x. Construction Safety Act.
  - xi. Disability Discrimination Act 1992 (DDA) other than matters covered by the Disability (Access to Premises – Buildings) Standards 2010.
  - xii. Design and Building Practitioners Act 2020 and/or the Design and Building Practitioners Regulation 2021.
- This assessment does not incorporate an assessment against the detailed requirements of the BCA Referenced Australian Standards. It is the responsibility of design and installation contractors to demonstrate and achieve compliance for all new works.
- This assessment does not incorporate an assessment under Part D4 or F4D5 of the BCA, detailed assessment is excluded from our services, and this is to be undertaken by an Accessibility Consultant; or addressed via design certification from the Architect.
- This assessment does not incorporate an assessment under Part J of the BCA, detailed assessment is excluded from our services, and this is to be undertaken by an Energy Efficiency Consultant; or addressed via design certification from the Architect.
- The commentary within this BCA Assessment Report does not relieve the Design Practitioners, Principal Building Practitioners, Accredited Fire Safety Practitioners and/or any associated Building Suppliers and Sub Contractors from their statutory obligations under the Work Health Safety Act, Safety in Design Principles, EP&A Regs/Act and /or their statutory duty of care obligations under the Design and Building Practitioners Act 2020.
- The commentary within this BCA Assessment Report does not relieve the Registered Certifier/Principal Certifier from their statutory obligations under EP&A Regs/Act, Building and Development Certifiers Act/Regs and they are to be satisfied that the proposal meets their requirements prior to approval.

- The commentary within this BCA Assessment Report does not relieve the C10 Fire Safety Engineer from their statutory obligations under EP&A Regs/Act, Building and Development Certifiers Act/Regs.
- Mainey Pty Limited cannot guarantee acceptance of this report by the Local Council, NSW Fire Brigades or other approval authorities.

## SUBJECT SITE AND PROPOSED DEVELOPMENT

The subject site is located at Gourlay Avenue, Balgowlah NSW 2093, and is situated on the northern side of Gourley Avenue. It has a legal description of Lot 10 in DP 1192010. The property is within the Local Government Area (LGA) of Northern Beaches Council. The subject site is not identified as an item of environmental heritage, nor is it located within a heritage conservation area under the provisions of the Manly Local Environmental Plan 2013. The proposed development relates to the alterations and additions to the existing building and change of use of part of the existing building to a café.



Figure 2: Subject site as indicated by yellow highlight (Source: Six Maps, 2023)

## NSW LEGISLATION AND RELEVANT BCA

The Building Code of Australia (BCA) is enforced by the Commonwealth, State and Territory Governments. In NSW, the BCA is given power by the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021 (as relevant to DAs and CDCs), and the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as relevant to CCs).

## BUILDING CODE OF AUSTRALIA 2022:

Pursuant to Section 69 of the Environmental Planning and Assessment Regulation 2021 and Section 19 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, all new building work must comply with the current provisions of the National Construction Code Series (Volume 1) Building Code of Australia (BCA). At the date of this assessment it was understood that a Part 6 Construction Certificate Application for the development would be made with a Registered Certifier after the 01 May 2023 and as such the relevant edition of the BCA is BCA 2022.

## CATEGORY 1 FIRE SAFETY PROVISIONS

Pursuant to Section 62/142 of the Environmental Planning and Assessment Regulation 2021, an application that relates to a change of building use to an existing building is required to comply Category 1 Fire Safety provisions as applicable to the building's proposed use. The term "change of building use" is not a defined term under the Regulation but is defined under Environmental Planning and Assessment Act 1979 as follows:

***change of building use*** means a change of use of a building from a use that the *Building Code of Australia* recognises as appropriate to one class of building to a use that the *Building Code of Australia* recognises as appropriate to a different class of building.

Having regard to the application relating to the first use as a food and drink premises/ business premises/ retail premises, it is recognised that the building will result in a "change of building use" (as defined). The requirements of Section 62 of the Environmental Planning and Assessment Regulation 2021 apply to the proposed development and therefore the Consent Authority is to (amongst other items) be satisfied that the building complies, or will comply when the development is completed, with the Category 1 Fire Safety Provisions. The term "Category 1 Fire Safety Provisions" is defined under the Environmental Planning and Assessment Regulation 2021 as follows:

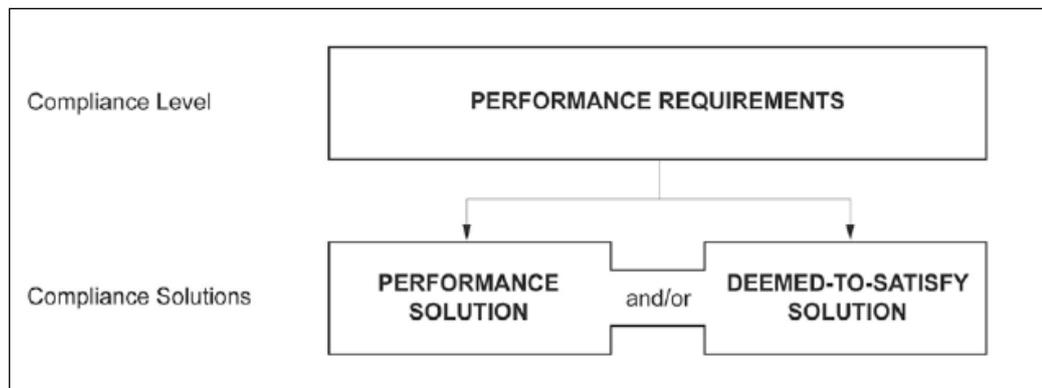
***Category 1 fire safety provision*** means the following provisions of the *Building Code of Australia*—

- (a) Volume 1, E1P3, E1P4, E1P6, E2P1, E2P2 and E3P2,
- (b) Volume 2, H3P2.

The above-mentioned provisions (Performance Requirements) relate to the following fire safety measures as outlined under the BCA:

Performance Requirement	Fire Safety Measure
E1P3	Fire Hydrants
E1P4	Automatic Fire Suppression Systems
E1P6	Fire Control Centres
E2P1	Smoke Alarms
E2P2	Automatic Fire Detection and Alarm Systems
E3P2	Emergency Lifts

In accordance with Part A2.1 of the BCA (Compliance with the Performance Requirements), a Performance Requirement is satisfied by either a Performance Solution or a Deemed-to-Satisfy (DTS) Solution (or a combination of both).



In this regard, in addition to the BCA assessment carried out, this report will address the relevant Category 1 Fire Safety provisions as applicable to the proposed use.

### **PERFORMANCE BASED DESIGN BRIEF (PBDB)**

In accordance with Section 18 (1) (b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a Certifier must not issue a Construction Certificate unless the Certifier is satisfied that the report has been prepared in accordance with Clause A2G2 (4) of the BCA.

In accordance Clause A2G2 (4) of the BCA, a Performance Based Design Brief is to be prepared in consultation with all relevant stakeholders. A Performance Based Design Brief is defined under the BCA as:

*Means the process and the associated report that defines the scope of work for the performance-based analysis, the technical basis for analysis, and the criteria for acceptance of any relevant Performance Solution as agreed by stakeholders.*

As of the 01 July 2021, Clause A2G2 (4) of the BCA applies to all Performance Solution Reports requiring a Performance Based Design Brief (PBDB) to be prepared in conjunction with all relevant stakeholders. Having regard to Fire and Rescue NSW position statement on the 29 June 2021, they are to be considered a stakeholder in all PBDBs relating to Fire Safety. As such, any Performance Solution Fire Safety as referenced within this report are to be include FRNSW as a stakeholder in the PBDB process.

### **FIRE AND RESCUE NSW**

In accordance with Section 26 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, any performance solution relating to a fire safety requirement must request the Fire Commissioner's comment on the brief. As such, a copy of the Performance Based Design Brief is to be submitted to FRNSW prior to the issue of the Construction Certificate.

Furthermore, in accordance with Section 27 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the project Certifier within 7 days of receiving an application for a Construction Certificate is to provide the Fire Commissioner with a copy of the Fire Engineering Report and supporting documents. The Fire Commissioner within 10 days of the date of receipt of the documents will confirm if NSW Fire and Rescue will provide an Initial Fire Safety Report (IFSR) for the building/s.

In accordance with Section 50 and 51 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the completed development is to be inspected by FRNSW prior to the issue of the Occupation Certificate.

### **BUILDING CODE OF AUSTRALIA ASSESSMENT:**

Arising from our assessment of the proposed development against the Deemed-to-Satisfy provisions and Performance Requirements of National Construction Code Series – Building Code of Australia 2022, the following key characteristics are noted.

### **BUILDING CHARACTERISTICS:**

The principal building characteristics as defined by the BCA are noted as follows:

Building Characteristics	
BCA Classifications	Class 8 (Workshop) Class 5 (Office Premises) and Class 6 (Retail Premises)
Rise in Storeys:	Two (2) Storeys
Storeys Contained:	Two (2) Storeys
Effective Height:	Less than 25 metres.
Type of Construction:	Type C Construction
Fire Compartments:	The building has been assessed as a single fire compartment.
Climate Zone:	Climate Zone 5
Key Fire Services	Refer to Appendix No. 1

### **SUMMARY OF KEY COMPLIANCE MATTERS:**

#### **Clause C2D11: Fire Hazard Properties**

Fire Hazard The fire hazard properties of all new building materials and assemblies used in the development must comply with the requirements of Specification 7 of the BCA and all new floor materials, floor coverings, wall and ceiling lining materials must comply with Specification 7 of the BCA.

In accordance with Specification 7 of the BCA, the following requirements apply:

#### **Floor Coverings:**

A floor lining or floor covering must have a critical radiant flux for the subject building of not less than 2.2 kW/m<sup>2</sup>.

In this regard, a floor covering schedule is to be provided identifying the product to be installed (and supported by accompanying test report/specifications) and location. Details to be submitted with the application for an Occupation Certificate.

#### **Wall/ Ceiling Linings:**

Wall or ceiling linings are to achieve a material group number of 1, 2 or 3.

In this regard, a wall/ceiling lining schedule is to be provided identifying the product to be installed (and supported by accompanying test reports/specifications) and location. Details to be submitted with the application for an Occupation Certificate.

#### **Clause C4D3: Protection of Openings in External Walls**

Openings in external walls that are required to have an FRL must be protected under Clause C4D5 where the openings are located less than 3 metres from a side or rear boundary or 6 metres from the boundary on the far side of a roadway.

Having regard to the inter-allotment boundary (see Figure 3), it is recognised that the proposed development will incorporate new openings located within 3 metres of an allotment boundary resulting in a technical non-compliance under

this Clause. In this regard, a Performance Solution is to be prepared by C10 Fire Safety Engineer addressing Performance Requirement C1P2 of the BCA.



Figure 3: Inter-Allotment Boundary resulting in unprotected openings (Source: Six Maps, 2023)

#### BCA Specification 5: Type C Construction – Fire Resisting Construction

In accordance with BCA Specification 5, an external wall of a building of Type C Construction located within 3 metres of an allotment boundary is to achieve an FRL of 90/90/90. Having regard to the inter-allotment boundary (see Figure 3), it is recognised that the proposed development will incorporate external walls located within 3 metres of a boundary that are not proposed to achieve an FRL.

In this regard, a Performance Solution is to be prepared by C10 Fire Safety Engineer addressing Performance Requirement C1P1 and C1P2 of the BCA.

#### Clause D2D3: Number of Exits Required

Every building must have at least one (1) exit from each storey for a building with an effective height of less than 25 metres.

The term “open space” is defined under the BCA as:

Open space means a space on the allotment, or a roof or similar part of a building adequately protected from fire, open to the sky and connected directly with a public road.

Having regard to the proposed development being constructed over two (2) separate allotments it is recognised that an occupant seeking egress from the subject building is required to cross allotments therefore causing a technical non-compliance under this Clause.

In this regard, a Performance Solution is to be prepared by C10 Fire Safety Engineer addressing Performance Requirement D1P4 and E2P2.

#### Clause D2D5: Exit Travel Distances

In accordance with the provisions of this clause, no point on the floor must be more than 20 metres from a single exit or a point of choice where travel in different directions is available. Where alternative exits are available the total distance may be increased to 40m accordingly. In this regard, the proposed works is located within 20 metres of an exit and as such the design complies.

Note: The compliance comment under this Clause relies on a Performance Solution addressing the DTS departure under Clause D2D3 of the BCA.

Clause D2D8: Width of Exits and Paths of Travel to Exits

The unobstructed width of a required exit or path of travel to an exit, except for doorways, must not be less than 1 metre if the storey accommodates not more than 100 persons. In this regard, the design is capable of compliance.

Clause D2D9: Width of Exits and Paths of Travel to Exits

The unobstructed width of a doorway is the unobstructed width of each exit provided to comply with D2D8 minus 250 mm. In this regard, the minimum door widths required is 750 mm. In this regard, the design is capable of compliance.

Clause D3D8: Installations in Exits and Paths of Travel:

Access to service shafts and services other than to firefighting or detection equipment as permitted in the Deemed-to-Satisfy Provisions of Section E, must not be provided from a fire-isolated stairway.

Services or equipment comprising—

- (i) electricity meters, distribution boards or ducts; or
- (ii) central telecommunications distribution boards or equipment; or
- (iii) electrical motors or other motors serving equipment in the building,

may be installed in—

- i. a required exit, except for fire-isolated exits specified in (a); or
- ii. in any corridor, hallway, lobby or the like leading to a required exit,

If the services or equipment are enclosed by non-combustible construction or a fire-protective covering with doorways or openings suitably sealed against smoke spreading from the enclosure.

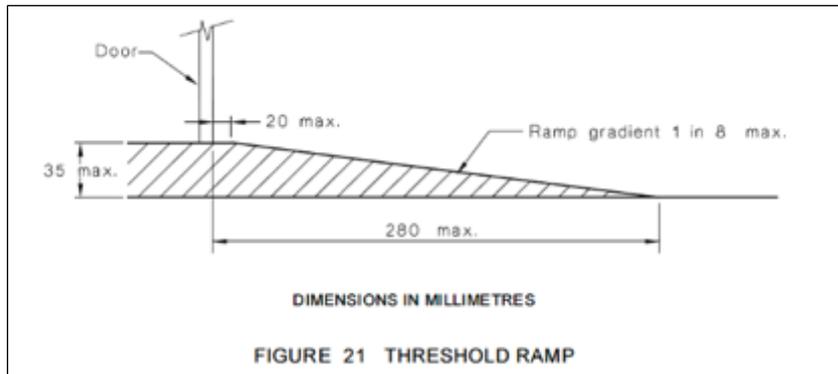
The architectural plans do not indicate the provision of any electrical/comms distribution boards located in public corridors/hallways.

In the instance that the final design includes distribution boards located in the corridors leading to the required exits, details are to be provided indicating the electrical distribution cupboards are to be enclosed in non-combustible construction and provided with smoke seals in accordance with the requirements of this Clause.

Clause D3D16: Thresholds

The threshold of a doorway must not incorporate a step or ramp at any point closer to the doorway than the width of the door leaf unless the doorway opens to an external stair landing, external balcony or a road or open space and the door sill is not more than 190mm.

Note: A doorway threshold ramp is permitted through a doorway required to be accessible complying with AS 1428.1. See figure below.



Clause D3D17: Barriers to Prevent Falls

A continuous barrier must be provided along the side of –

- (a) A roof to which general access is provided; and
- (b) A stairway or ramp; and
- (c) A floor, corridor, hallway, balcony, deck, verandah, mezzanine access bridge or the like; and
- (d) Any delineated path of access to a building.

If the trafficable surface is 1 metre or more above the surface beneath.

A barrier as required above, must be constructed in accordance with the D3D18, D3D19, D3D20, and, if a wire barrier is used, D3D21.

In this regard, details are to be provided on the architectural plans submitted with the application for a Construction Certificate detailing the change in level between the edge of the deck and adjacent area below. In the instance, that there is a risk of fall in excess of one (1) metre, a balustrade having a minimum height of 1 metre with apertures no greater than a 125 mm is to be provided.

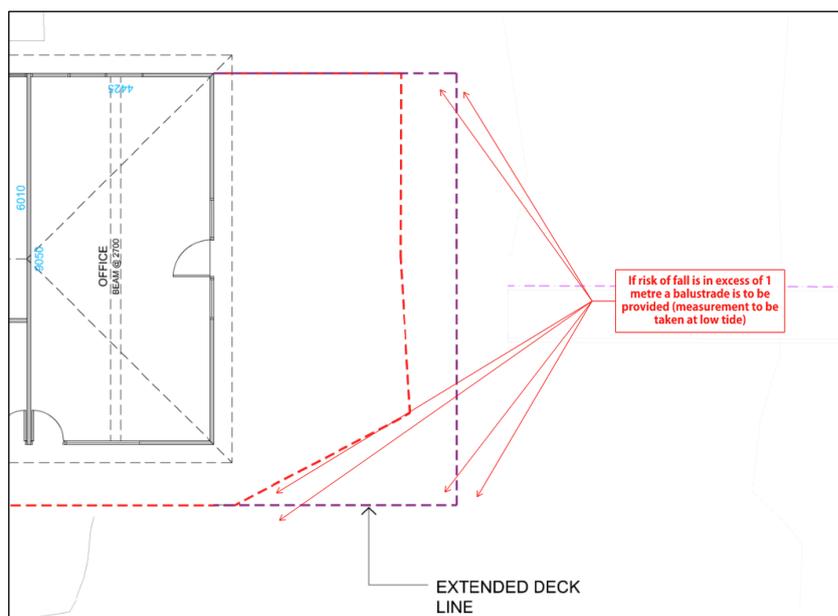
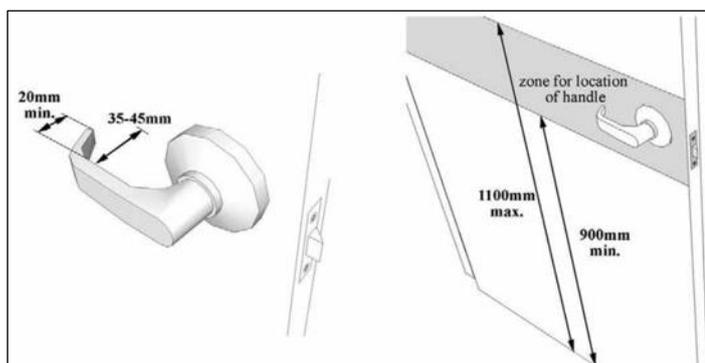


Figure 4: Barrier may be required to prevent risk of fall (Source: Vision Group Architects, 2023)

#### Clause D3D26: Operation of Latch

A door in a required exit or in a path of travel to an exit must be readily openable from the side facing a person seeking egress, by a single hand downward action or pushing action on a device located between 900mm and 1100mm above finished floor level. The hardware is to also comply with Section 13 of AS1428.1-2009 (as applicable to the use).



#### Clause E1D2: Hydrants

A fire hydrant system must be provided to serve a building having a total floor area greater than 500m<sup>2</sup>. From measurement of the architectural plans, it is recognised that the building has an area less than 500 m<sup>2</sup> and as such is not required to be served by a fire hydrant system.

#### Clause E1D3: Fire Hose Reels

A fire hose reel system complying with AS 2441-2005 must be provided to serve a fire compartment with a floor area greater than 500m<sup>2</sup> unless the building relates to –

- (i) Class 2, 3, 5 or 9c building; or
- (ii) Class 4 part of a building; or
- (iii) Class 8 electricity network substation; or
- (iv) Classrooms and associated corridors in a primary or secondary school.

From measurement of the architectural plans, it is recognised that the building has an area less than 500 m<sup>2</sup> and as such is not required to be served by a fire hose reel system.

#### Clause E1D8: Sprinklers

In a Class 6 building, sprinklers are required in fire compartments where either of the following apply:

- (a) A floor area of more than 3,500 m<sup>2</sup>
- (b) A volume of more than 21,000 m<sup>3</sup>.

From measurement of the architectural plans, it is recognised that the building has an area less than 3,500 m<sup>2</sup> and a volume of less 21,000 m<sup>3</sup>.

#### Clause E1D14: Portable Fire Extinguishers

The building is to be provided with Portable Fire Extinguishers in accordance with this clause and AS 2444-2001. Portable fire extinguishers are to be Selected, located and distributed in accordance with Sections 1, 2, 3 and 4 of AS 2444.

As the area is to be used as a café, it is assumed that it will include a kitchen involving cooking oils and fats. As such, a Class F classification Portable Fire Extinguisher is to be located between 2 metres and 20 metres from the kitchen. Details are to be provided on the architectural plans submitted with the application for a Construction Certificate showing the location of the Portable Fire Extinguishers.

#### Clause E1D15: Fire Control Centres

A fire control centre facility in accordance with Specification 19 must be provided for –

- (a) a building with an effective height of more than 25 m, and
- (b) a Class 6, 7, 8 or 9 building with a total floor area of more than 18000 m<sup>2</sup>.

In this regard, the existing building has an effective height of less than 25 metres and has a floor area less than 18,000 m<sup>2</sup> and therefore is not required to be provided with a fire control centre facility.

#### Clause E2D9: Smoke Hazard Management

In accordance with Clause E2D9, a Class 5, 6, 7, 8 is required to be provided with an Automatic Fire Detection and Alarm System having a rise in storeys of more than two (2).

As the subject building has a rise in storeys of two (2), the building is not required to be provided with an Automatic Fire Detection and Alarm System.

#### Clause E3D5: Emergency Lifts

At least one emergency lift must be installed in –

- (i) a building which has an effective height of more than 25 m; and
- (ii) a Class 9a building in which patient care areas are located at a level that does not have direct egress to a road or open space.

In this regard, as outlined above under building characteristics, the existing building has an effective height of less than 25 metres, and therefore is not required to be provided with an Emergency Lift.

#### Clause E4D2: Emergency Lighting Requirements

Emergency lighting is to be provided to the building in accordance with the requirements of this Clause and AS/NZS 2293.1-2018.

#### Clause E4D5: Exit Signs

An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each-

- a) Door providing direct egress from a storey to-
  - (i) An enclosed stairway, passageway or ramp serving as a required exit; and
  - (ii) An external stairway, passageway or ramp serving as a required exit; and
  - (iii) An external access balcony leading to a required exit; and
- b) Door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space; and
- c) Horizontal exit; and
- d) Door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4D2.

In this regard, Exit Signs are to be provided in accordance with the requirements of this Clause and AS/NZS 2293.1-2018.

#### Clause F4D4: Facilities in Class 3 to 9 Buildings:

This clause provides the requirements for sanitary facilities to be installed in buildings in accordance with Table F4D4. In accordance with Table F4D4, sanitary facilities need not be provided for patrons if the total number of persons does not exceed 20. Having regard to the number of seats shown it is assumed that the subject cafe will not contain more than 20 persons and as such an assessment against the requirements for patron sanitary facilities has not been undertaken.

As the area is being converted from office (1 person per 10 m<sup>2</sup>) to a commercial kitchen/ café (1 person per 10 m<sup>2</sup>). It is considered that the demand for sanitary facilities is unchanged.

Clause F4D5: Heights of Rooms and Other Spaces

In a Class 5, 6, 7 or 8 building—

- (i) except as allowed in (ii) and (f) of this clause -2.4 m; and
- (ii) a corridor, passageway, or the like — 2.1 m;

In any building—

- (i) a bathroom, shower room, sanitary compartment, airlock, tea preparation room, pantry, store room, garage, car parking area, or the like — 2.1 m; and
- (ii) a commercial kitchen — 2.4 m; and
- (iii) above a stairway, ramp, landing or the like — 2 m measured vertically above the nosing line of stairway treads or the floor surface of the ramp, landing or the like.

In this regard, a Section Plan is to be provided with the application for a Construction Certificate demonstrating compliance with the requirements of this Clause.

Kitchen Local Exhaust Ventilation:

A commercial kitchen must be provided with a kitchen exhaust hood complying with AS 1668.1 and AS 1668.2 where—

- a. any cooking apparatus has—
  - i. a total maximum electrical power input exceeding 8 kW; or
  - ii. a total gas power input exceeding 29 MJ/hour; or
- b. the total maximum power input to more than one apparatus exceeds, per m<sup>2</sup> of floor area of the room or enclosure—
  - i. 0.5 kW electrical power; or
  - ii. 1.8 MJ/hour gas.

In this regard, details are to be provided if cooking apparatus will exceed the requirements of this Clause. In the instance that cooking apparatus does exceed the kW or MJ/hour gas requirements as specified under this Clause, mechanical plans and design certification is to be provided from a suitably qualified Mechanical Engineer and submitted with the application for a Construction Certificate.

**CONCLUSION:**

This report contains an assessment of the referenced documentation for the proposed development at the Davis Marina, against the requirements of the National Construction Code Series (Volume 1) Building Code of Australia 2022 and Category 1 Fire Safety Provisions.

In view of the above assessment, we can confirm that subject development can satisfy the Deemed-to-Satisfy (DTS) provisions of the BCA, subject to the additional information/works as listed within the report being provided.

Should you require further assistance or clarification please do not hesitate to contact the undersigned on 0434 103 896 or [adam@mainey.com.au](mailto:adam@mainey.com.au)

Kind Regards,



Adam Mainey – Director  
A1 – Building Surveyor - Unrestricted  
**Mainey Pty Ltd**

## **APPENDIX 1 – DRAFT FIRE SAFETY SCHEDULE**

The following draft fire safety measures are required to be installed in the building, this table may be required to be updated as the design develops and options for compliance are confirmed. The following fire safety measures are required to be incorporated / upgraded into the redevelopment works to satisfy the requirements of the BCA and the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Item	Proposed Essential Fire Safety Measure	Minimum Standard of Performance
1.	Emergency Lighting	BCA 2022, Clause E4D2, E4D3, E4D4 & AS/NZS 2293.1 – 2018 and Manufacturer's Specifications
2.	Exit Signs	BCA 2022 Clause E4D5, E4D6, E4D8 & AS/NZS 2293.1 – 2018 and Manufacturer's Specifications
3.	Fire Blankets	AS 2444 – 2001
4.	Paths of Travel	BCA 2022 Part D and Section 108 and 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
5.	Portable Fire Extinguishers	BCA 2022 Clause E1D14 & AS 2444 – 2001
6.	Fire Engineering Performance Solution Report	Any required outcomes to address the relevant Performance Requirements of the finalised Fire Engineering report pursuant of the Construction Certificate stage.