

# BCA Capability Statement

Flower Power Redevelopment – Fruit & Pet Shop  
277 Mona Vale Road, Terry Hills

## Prepared for:

Flower Power  
C/- State Wide Project  
Management

## Revision 0

09 May 2025  
Reference: S250182



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## + Report Status

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## + Revision History

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+ Revision	0	+ Date	9 <sup>th</sup> May 2025
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## 1.0 Introduction

### 1.1 Background

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This statement has been prepared to verify that **BM+G** Pty Ltd have undertaken a review of the architectural documentation that will accompany the Development Application (DA) to the Northern Beaches Council for the proposed re-development of the existing Flower Power Site at Terry Hills against the Building Code of Australia 2022 (BCA).

### 1.2 Capability Statement Objectives

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The objectives of this statement are to:

- + Confirm that the DA architectural documentation has been reviewed by an appropriately qualified Building Surveyor and Registered Certifier.
- + Confirm that the proposed new building works can readily achieve compliance with the BCA pursuant to Section 19 of the *Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021*.
- + 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*.
- + Identify matters relating to the existing building that are required to be addressed as a result of the statutory upgrade triggers applicable to the works under the Environmental Planning and Assessment Regulations 2021.
- + 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.

The assessment has been undertaken in accordance with Clause 24 and 25 of the Building and Development Certifiers Regulation 2020. BM+G are the proposed Registered Certifier and the advice provided in this Report is limited to whether submitted documentation complies with the Building Code of Australia or a legislative requirement.

### 1.3 Referenced Documentation

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The following documentation has been reviewed, referenced and/or relied upon in the preparation of this report:

- + Building Code of Australia 2022 (BCA)

- + The Guide to the Building Code of Australia 2022
- + Architectural Plans prepared by Leffler Simes Architects numbered:

+ Drawing #	+ Rev.	+ Date
DA15	P1	03/2025
DA01	P1	03/2025

+ Drawing #	+ Rev.	+ Date
DA100	P1	03/2025
-	-	-

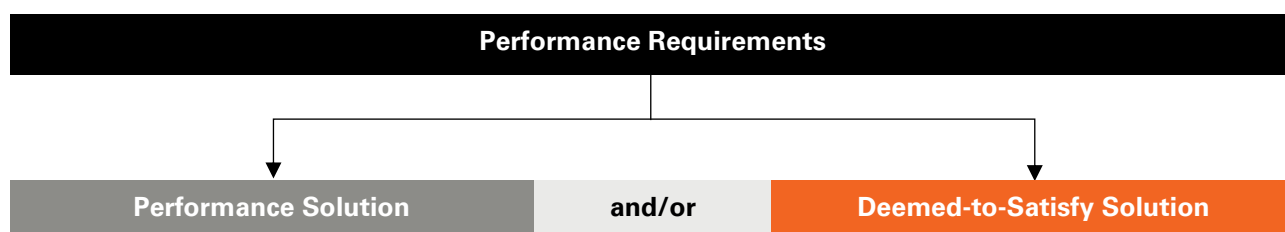
## 1.4 Relevant Version of the BCA

Pursuant to Section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* the proposed building is subject to compliance with the relevant requirements of the NCC BCA as in force at the day on which the application for the Construction Certificate is made. The current version of the BCA is BCA 2022 Amendment 1.

Where the building is a multi-storey building and multiple Construction Certificates will be issued under the same development consent, the relevant version of the BCA may be 'locked in' based on the day in which the application is made for the Construction Certificate which involves the **entrance floor**.

Reassessment will be required where the Construction Certificate application is submitted after the adoption of the next version of the NCC.

## 1.5 Compliance with the BCA



Compliance with the BCA is achieved by complying with:

- + the Governing Requirements of the BCA; and
- + the Performance Requirements.

Performance Requirements are satisfied by one of the following, as shown in the Figure below:

- + A Performance Solution.
- + A Deemed-to-Satisfy Solution.
- + A combination of the above two options.

Where a *Performance Requirement* is proposed to be satisfied by a *Performance Solution*, the following steps must be undertaken:

- + Prepare a performance-based design brief in consultation with relevant stakeholders.
- + Carry out analysis, using one or more of the Assessment Methods listed in A2G2(2), as proposed by the performance-based design brief.
- + Evaluation the results against the acceptance criteria in the performance-based design brief.

- + Prepare a final report that includes:
  - All Performance Requirements and/or Deemed-to-Satisfy provisions identified through A2G2(3) or A2G4(3) as applicable; and
  - Identification of all Assessment Methods used; and
  - Details of steps (a) to (c); and
  - Confirmation that the Performance Requirement has been met; and
  - Details of conditions or limitations, if any exist, regarding the Performance Solution.

## 2.0 Proposed Development

### 2.1 Description

The proposed development comprises the re-development of the existing Flower Power Site at Terry Hills. The project will develop the rear of the site to accommodate the additional tenants, the Fruit and Pet Shop. The new shops are approx. 2,600m<sup>2</sup> in floor area with circa 140 car spaces and associated driveways, loading areas and landscaping. The front of the site (Flower Power Store) will remain unchanged and there is no intention to undertake any works to this store which includes the Café, Nursery Area and Bulky Goods (landscape materials).

### 2.2 Building Classification

The building has been classified as follows:

+ BCA Classification(s)	Class 6 (Retail)
+ Rise in Storeys	One (1)
+ Storeys Contained	One (1)
+ Type of Construction	Type C Construction
+ Importance Level (Structural)	Importance Level 2 – <i>To be confirmed by structural engineer</i>
+ Sprinkler Protected Throughout	No
+ Effective Height	N/A (single storey only)
+ Floor Area	2,600 m <sup>2</sup>
+ Max. Fire Compartment Size	2,000 m <sup>2</sup>
+ Climate Zone	Zone 5



## 3.0 BCA Assessment – Key Issues

We note the following BCA compliance matters with relation to proposed building works are capable of complying with the BCA. Please note that this is not a full list of BCA clauses, they are the key requirements that relate to the proposed work and the below should be read in conjunction with the BCA.

### 3.1 Section B – Structure

#### Part B1

- + New building works are to comply with the structural provisions of the BCA 2022 and referenced standards including AS 1170.
- + The Importance Level provisions of BCA (Section B) are to be acknowledged by the Structural Engineer and addressed to the degree necessary.
- + Seismic Restraint of parts and components is required in accordance with Section 8 of AS 1170.4-2007 (refer to section 8.1.4 for specific parts and components that are subject to these provisions). Architect, Electrical, Hydraulic, Mechanical and Fire Services Consultant to note and provide certification that their respective design documentation complies accordingly.

### 3.2 Section C – Fire Resistance

#### C2D2 / Spec 5

**Type of Construction Required / Fire Resisting Construction:** The minimum type of fire-resisting construction of a building must be that specified in Table C2D2 and Specification C2D2 except as allowed for in this clause.

The new building works are required to comply with the requirements detailed within Specification 5 for Type C Construction.

Refer to Spec 5 of the BCA for the applicable FRLs to the project.

#### C2D11 / Spec. 7

**Fire Hazard Properties:** A schedule of all wall, floor, and ceiling linings along with associated test reports are to be provided for review to ensure compliance with the fire hazard property requirements of the BCA. Noting:

- + Minimum Group Numbers apply to wall and ceiling linings. AS 5637 test reports must be provided to determine compliance.
- + Minimum Critical Radiant Flux values apply to floor linings. AS ISO 9239.1 test reports must be provided to determine compliance

#### C3D3

**General Floor Area and Volume Limitations:** The building is to achieve fire compartment sizes not in excess of the DtS requirements of this clause.

The following maximum fire compartment sizes apply to the building:

- + **Class 6:** 2,000m<sup>2</sup> & 12,000m<sup>3</sup>

BM+G have been advised that a fire wall has been proposed as shown below. Accordingly, the building will not contain any fire compartments that exceed the limitations under clause C3D3.



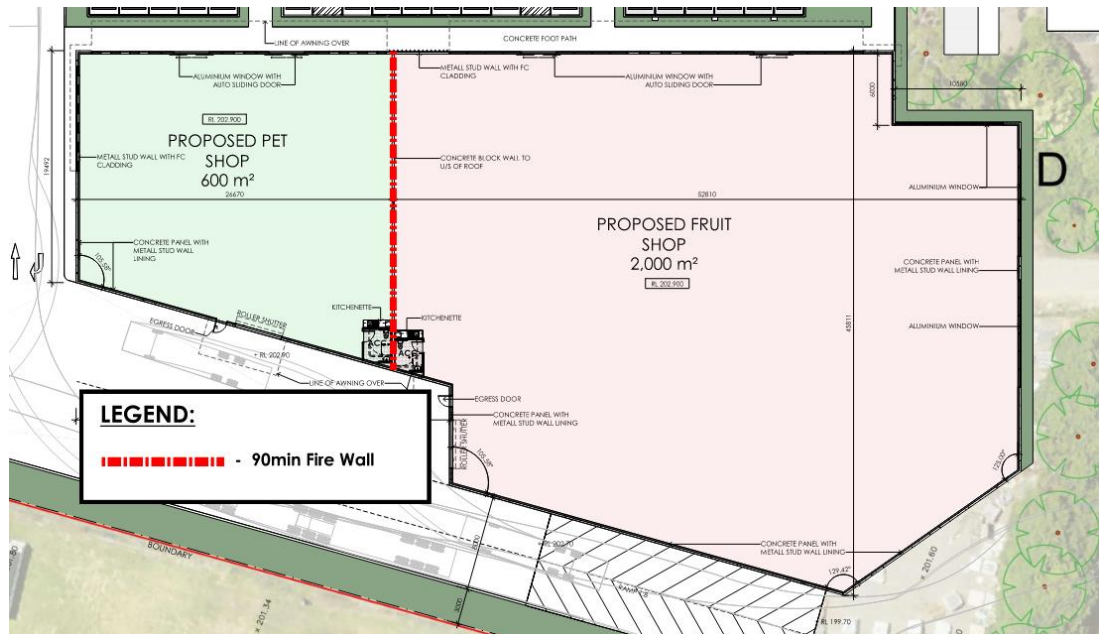


Figure 1: Ground Floor Fire Separation

### C3D8

**Separation by Fire Walls:** A fire wall must be in accordance with the following:

- + The fire wall has the relevant FRL prescribed by Spec 5.
- + Unless permitted by Part C4, must not reduce the FRL prescribed by 5.
- + Building elements (other than roof battens of 75x50 or sarking-type material) must not pass through a fire wall unless the FRL of the wall can be maintained.

Separation of fire compartments- A part of a building, separated from the remainder by a fire wall, may be treated as a separate fire compartment if the fire wall extends to the underside of:

- + A floor having an FRL required for a fire wall; or
- + The underside of the roof covering.

A fire wall has been proposed to separate the two tenancies into fire compartments as to not exceed the fire compartment limitations requirements of C3D3.

In this regard, the following fire separation is required on the Ground Floor (as detailed within C3D3):

- + 90/90/90 FRL fire separation between the proposed Pet Shop and Fruit Shop tenancies.

### C3D13

**Separation of Equipment:** Equipment as listed below must be separated from the remainder of the building with construction that achieves an FRL of 120/120/120 (or that required by Spec 5, whichever is greater) and doorways being self-closing /120/30 fire doors:

- + Lift motors and lift control panels; or
- + A battery or batteries installed in the building that have a voltage exceeding 24 volts and a capacity exceeding 10 ampere hours.

The referenced do not show any rooms containing the equipment listed in this clause, or plantrooms/comms rooms that would typically accommodate this equipment.

### C4D3 / C4D5

**Protection of Openings in External Walls:** Openings that are less than 3m from the allotment boundary are required to be protected in accordance with BCA Clause C4D5. It is noted that there are currently no openings within 3m from the allotment boundary or 6m from an otherwise considered fire source feature.

No protection of openings is required in accordance with this clause and clause C4D5.

### 3.3 Section D – Access and Egress

D2D3	<b>Number of Exits Required:</b> The building is required to be provided with 2 exits to each storey. The number of exits provided, as shown on plan, comply with the requirements of this clause.															
D2D4	<b>When Fire-Isolated Stairways and Ramps are Required:</b> This clause sets out the requirements for stairways and ramps to be fire-isolated in buildings. No fire isolated exits are required within this development.															
D2D5	<b>Exit Travel Distances:</b> Exit travel distances within the building are required to be not more than 20m to a point of choice between alternative exits and 40m to the nearest one from Class 6 areas.  To allow for the following extended travel distances within the Ground Floor:  + Fruit Shop: Maximum 52m to an exit in lieu of the DtS 40m.  This is to be addressed during Design Development or via a <b>Fire Engineered Performance Solution</b> .															
D2D6	<b>Distance between Alternative Exits:</b> The maximum distance permitted between alternative exits in Class 6 areas is 60m. This must be measured back through the point of choice. Alternative egress paths are not permitted to converge to less than 6m, and alternative exits must be located more than 9m apart.  To allow for the following extended travel distances within the Ground Floor:  + Fruit Shop: Maximum 70m to an exit in lieu of the DtS 60m.  This is to be addressed during Design Development or via a <b>Fire Engineered Performance Solution</b> .															
D2D7/ D2D8/ D2D9/ D2D10/ D2D11	<b>Dimensions of Paths of Travel to an Exit:</b> The minimum clear height through all egress paths is required to be no less than 2m, and a minimum of 1m wide (this width dimension is measured clear of any obstructions such as handrails and joinery). <table><tr><th>+ Level</th><th>+ Occupant numbers</th><th>+ Required Aggregate Egress Width</th><th>+ Proposed Agg. Egress Width</th><th>+ Complies</th></tr><tr><td>GF (Pet Shop)</td><td>140</td><td>1.5m</td><td>&gt;2m</td><td>Yes</td></tr><tr><td>GF (Fruit Shop)</td><td>467</td><td>4m</td><td>&gt;4m</td><td>Yes</td></tr></table> <p><i>Note: Occupant numbers were based on the calculations of the floor area. The retail portions are based on 3m<sup>2</sup> as per Table D2D18 with a 30% reduction to allow for fitout.</i></p>	+ Level	+ Occupant numbers	+ Required Aggregate Egress Width	+ Proposed Agg. Egress Width	+ Complies	GF (Pet Shop)	140	1.5m	>2m	Yes	GF (Fruit Shop)	467	4m	>4m	Yes
+ Level	+ Occupant numbers	+ Required Aggregate Egress Width	+ Proposed Agg. Egress Width	+ Complies												
GF (Pet Shop)	140	1.5m	>2m	Yes												
GF (Fruit Shop)	467	4m	>4m	Yes												
D2D15	<b>Discharge From Exits:</b> The path of travel to the road from a required exit leading to open space must have an unobstructed exit width of that of the required exit, or if larger, 1m.  Consideration is to be to egress doors exiting within the Loading Dock area.  This is to be addressed prior to the issue of the Construction Certificate.															
D3D14/ D3D15/ D3D16/ D3D22	<b>Stairways, Balustrades, and Handrails:</b>  + Stairway dimensions must comply with Table D3D14. + A stairway must have no more than 18, nor less than 2, risers in each flight. + Landings must be not less than 750mm in length. + Slip Resistance of stair nosings and landings must comply with Table D3D15. + A step is not permitted on either side of a doorway, closer than the width of the door swing. Doorways leading to external areas are exempted if the step down is ≤190mm, though an accessible threshold ramp is required in accessible areas (refer to Part D4).  Details to be provided at Construction Certificate stage.															

**D3D25/  
D3D26**

**Doors and Latching:** The final exit doors must swing in the direction of egress and all doors within a path of travel must be readily openable without a key from the side that faces a person seeking egress, by a single handed downward or pushing action on a single device which is located between 900mm and 1100mm from the floor.

**Part D4**

**Access for People with a Disability:** The extent of access required depends on the classification of the building. Buildings and parts of buildings must be accessible as set out in Clause D4D2 unless exempted by Clause D4D5. The building is required to comply with AS 1428.1-2009.

We understand a separate access consultant has been engaged to provide advice in this regard. Compliance appears to be readily achievable, though consideration to the accessible path of travel from the road to the new building will require specific attention.

### 3.4 Section E – Services and Equipment

**E1D2**

**Fire Hydrants:** Fire hydrant coverage is required to be provided to the building in accordance with AS 2419.1 – 2021. Design consultant to confirm compliance at the Construction Certificate stage. Fire hydrant coverage plans will be required from the Hydraulic Consultant demonstrating compliance with AS 2419.1-2021 will be required to be provided prior to the issue of a Construction Certificate. The fire hydrant coverage plans are to incorporate the following:

- + Fire Hydrant Booster Location
- + Fire pump location
- + Fire hydrant locations
- + Hose layout plans showing how coverage is achieved throughout the building

*Note:*

1. *Where possible, external fire hydrants must be provided as required by AS 2419.1-2021.*
2. *The Hydraulic consultant is to advise whether any deficiencies are understood to exist in the existing Fire Hydrant system, when assessed against AS 2419.1-2021.*

**E1D3**

**Fire Hose Reels:** A fire hose reel system must be provided to serve a building where one or more internal fire hydrants are installed or in a building with a floor area greater than 500m<sup>2</sup>. Where required to be provided, fire hose reels are to comply with AS 2441 – 2005. Design consultant to confirm compliance at the Construction Certificate stage.

Fire Hose Reels are to be provided within all tenancies, and must be installed in accordance with AS 2441.

Fire hose coverage plans showing the following:

- + Fire Hose Reel Locations
- + Hose layout plans showing how coverage is achieved throughout the building.

*Note: Where required, FHR's must be positioned within 4m of required exits (however not within the fire stairs).*

**E1D4 –  
E1D13**

**Sprinklers:** As the proposed building does not exceed an effective height of 25 m and the floor areas comply with the limitations outlined in clause E1D8; therefore, an automatic sprinkler system is not required to be provided.

**E1D14**

**Portable Fire Extinguishers:** Portable fire extinguishers must be provided as listed in Table E1D14 and must be selected, located and distributed in accordance with Sections 1, 2, 3 and 4 of AS 2444. Design consultant to confirm compliance at the Construction Certificate stage.

**E2D4 –  
E2D20**

**Smoke Hazard Management:** The following smoke hazard management systems are to be installed to the building and will be required throughout:

	<ul style="list-style-type: none"> <li>+ Automatic shut-down of mechanical air handling systems upon fire trip in accordance with Section 5 and 6 of AS 1668.1, requiring provision of a smoke detection &amp; alarm system.</li> </ul>
<b>E2D21</b>	<p><b>Provisions for Special Hazards:</b> Suitable additional provisions must be made for fire-fighting if unique problems could arise due to;</p> <ul style="list-style-type: none"> <li>+ The nature or quantity of materials stored, displayed or used in a building on the allotment; or</li> <li>+ The location of the building in relation to a water supply for firefighting purposed.</li> </ul> <p>In this regard, confirmation is required if the building or site will contain any materials which may need to be considered under the above, though it is understood that this will not be relevant in this instance, based on the fire compartment sizes.</p>
<b>E4D2 – E4D8</b>	<p><b>Emergency Lighting and Exits Signs:</b> Emergency lighting and exit signage to be provided in accordance with E4D2 E4D5 complying with AS 2293.1 – 2018. Design consultant to confirm compliance at the Construction Certificate stage.</p>

### 3.5 Section F – Health and Amenity

<b>Part F1</b>	<p><b>Damp and Weatherproofing:</b> Damp and weatherproofing to comply with the prescriptive requirements of clauses F1D1-F1D8.</p>
<b>Part F2</b>	<p><b>Wet Areas and Overflow Protection:</b> Where urinals are installed, an impervious wall lining must be provided up to the top of the urinal.</p> <p>Where any floor waste is installed (including floor wastes not required by the BCA), they must be provided with falls in accordance with F2D4.</p>
<b>Part F3</b>	<p><b>Roof and Wall Cladding:</b> This section contains DtS provisions for the weatherproofing of certain external wall and roof designs.</p> <ul style="list-style-type: none"> <li>+ Roof coverings must comply with F3D2.</li> <li>+ Sarking must comply with F3D3.</li> <li>+ Glazed assemblies must comply with F3D4.</li> <li>+ Wall cladding must comply with F3D5.</li> </ul> <p>A <b>Performance Solution</b> is required to be obtained in relation to the departures from F3D5 with respect to wall cladding systems. A Façade Engineer is required to prepare the Performance Based Design Brief (PBDB) and Performance Solution Report.</p>
<b>Part F4</b>	<p><b>Sanitary Facilities:</b> Sanitary facilities must be provided to comply with the relevant requirements of this part, as applicable to the building's classification and use.</p> <p>It is noted that staff amenities are located within each tenancy.</p> <p>Staff numbers are required (as per above) to confirm if the number of sanitary facilities shown on the referenced plans are adequate.</p> <p>As per the requirements of Table F4D4C sanitary facilities for patrons within retail stores is not required unless the building accommodates more than 600 patrons, therefore, no sanitary facilities are required to be provided for patrons.</p>
<b>F5D2</b>	<p><b>Ceiling Heights:</b> The floor to ceiling heights must be as follows:</p> <p><i>The minimum ceiling heights in a Class 6 building are as follows:</i></p> <ul style="list-style-type: none"> <li>+ Generally – 2.4m.</li> <li>+ Corridor, passageways, or the like – 2.1m.</li> </ul> <p><i>In any building:</i></p>

	<ul style="list-style-type: none"> <li>+ Bathrooms, sanitary compartments, tea preparations rooms, pantries, store rooms or the like – 2.1m,</li> <li>+ A commercial kitchen – 2.4m,</li> <li>+ Above a stairway, ramp, landing or the like – 2m.</li> </ul>
<b>Part F6</b>	<b>Light and Ventilation:</b> Artificial lighting systems are required to comply with Clause F6D5 and AS 1680 - 2009. All mechanical or air-conditioning installations must be undertaken in accordance with AS 1668.2.-2012.
<b>Part F7</b>	<b>Sound Transmission and Insulation:</b> Floors and walls bounding Class 2, 3 and 9c parts are required to comply with the prescriptive provisions of Part F5 as related to sound transmission and insulation.

### 3.6 Section G – Ancillary Provisions

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<b>Part G5</b>	<p><b>Construction in Bushfire Prone Areas:</b> Provisions do not apply as the building does not contain an early childhood centre nor a primary or secondary school.</p> <p>Notwithstanding the above it is noted that the building is located within Bushfire Prone Land. In this instance AS 3959 will likely apply under the Planning Assessment for the proposed works.</p> <p>Where applicable, Bushfire Consultant to review and provide a compliance report.</p>
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### 3.7 Section J – Energy Efficiency

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<b>Section J</b>	<p><b>Energy Efficiency: Energy Efficiency:</b> The new building works subject to compliance with the Energy Efficiency Provisions of BCA 2022 Section J relating to:</p> <ul style="list-style-type: none"> <li>+ J1: Energy Efficiency Performance Requirements</li> <li>+ J2: Energy Efficiency</li> <li>+ J4: Building Fabric</li> <li>+ J5: Building Sealing</li> <li>+ J6: Air-Conditioning and Ventilation</li> <li>+ J7: Artificial Lighting and Power</li> <li>+ J8: Heated Water Supply and Swimming Pool and Spa Pool Plant</li> <li>+ J9: Energy Monitoring and On-Site Distributed Energy Resources</li> </ul> <p>The Construction Certificate documentation from the architect, mechanical, electrical, and hydraulic engineers are to incorporate details demonstrating compliance with the above provisions (as applicable to their respective disciplines).</p> <p>Section J Report/J1V3 Assessment may be required from the appointed Section J Consultant to verify compliance with Section J.</p> <p>Details or certification demonstrating compliance with J9D3 for energy monitoring, J9D4 for provision for 5 electrical distribution boards, and J9D5 for solar, will need to be submitted with the application for a Construction Certificate.</p>
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## 4.0 Summary of Performance Solutions

The following comprises a summary of the BCA DtS non-compliances that require Performance Solutions.

### A. Matters requiring fire safety engineered performance solutions:

+ BCA (DtS) Clause		+ Description
1.	D2D5	To allow for the following extended travel distances within the Ground Floor: + Fruit Shop: Maximum 52m to an exit in lieu of the DtS 40m.
2.	D2D6	To allow for the following extended travel distances within the Ground Floor: + Fruit Shop: Maximum 70m distance between alternative exits in lieu of the DtS 60m.

### B. Other matters requiring performance solutions:

+ BCA (DtS) Clause		+ Description
1.	F3P1	A Performance Solution may be required for the external walls to confirm the assembly prevents the penetration of water that could cause unhealthy or dangerous conditions, or loss of amenity for occupants; and undue dampness or deterioration of building elements.  Please note that the only DtS wall assemblies are as follows and provide confirmation that the proposed external wall is nominated as one of the assemblies listed below: + Masonry, including masonry veneer, unreinforced and reinforced masonry: AS 3700 + Autoclaved aerated concrete: AS 5146.3. + Metal wall cladding: AS 1562.1
2.	Section J	Section J Report/J1V3 Assessment will be required from the appointed ESD consultant to verify compliance with BCA Section J.  Note: BCA 2022 contains new provisions requiring the carpark to be provided with electrical distribution boards dedicated to electric vehicle charging— (a) in accordance with Table J9D4 in each storey of the carpark; and (b) labelled to indicate use for electric vehicle charging equipment.  It should be noted that there is no requirement to install the charging stations, this is a future proofing exercise.

## 5.0 Preliminary List of Fire Safety Measures

The following table is a list of the required fire safety measures within the building. These measures may be subject to further change pending the outcomes of the final compliance review.

+ Statutory Fire Safety Measure	+ Design/Installation Standard	+ Proposed
Alarm Signalling Equipment	AS 1670.3 – 2018	✓
Automatic Fire Detection & Alarm System	BCA 2022 Spec. 20 AS 1670.1 – 2018	✓
Automatic Fail Safe Devices	BCA 2022 Clause D3D26	
Emergency Lighting	BCA 2022 Clauses E4D2 & E4D4 AS 2293.1 – 2018	✓
Emergency Evacuation Plan	AS 3745 – 2010	✓
Exit Signs	BCA 2022 Clauses E4D5, NSW E4D6 & E4D8 AS 2293.1 – 2018	✓
Fire Hose Reels	BCA 2022 Clause E1D3 AS 2441 – 2005	✓
Fire Hydrant Systems	BCA 2022 Clause E1D2 AS 2419.1 – 2021	✓
Portable Fire Extinguishers	BCA 2022 Clause E1D14 AS 2444 – 2001	✓
Mechanical Air Handling Systems (Automatic Shutdown)	BCA 2022 Clause E2D3 AS/NZS 1668.1 – 2015 & AS 1668.2 – 2012	✓
Required Exit Doors (Power Operated)	BCA 2022 Clause D3D24(2)	✓
Warning & Operational Signs	BCA 2022 Clauses D4D7	✓

Please note that the above schedule 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.



## 6.0 Conclusion

This report contains an assessment of the referenced architectural documentation for the proposed re-development of the existing Flower Power Site located at 277 Mona Vale Rd Terrey Hills NSW 2084 against the Deemed-to-Satisfy provisions and Performance Requirements of the Building Code of Australia 2022.

In view of the above assessment we can confirm that subject to the above measures being appropriately addressed by the project design team, compliance with the provisions of the BCA is readily achievable.

In addition, it is considered that such matters can adequately be addressed in the preparation of the Construction Certificate documentation without giving rise to any inconsistencies with the Development Approval.