



BCA Capability Statement

37 Roseberry Street (210-216 Condamine Street) Balgowlah 2093



Prepared for: McDonalds Australia

Our Ref: 25000057 | Issue date: 10 February 2025

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Authorisation

Revision	Comment / Reason for Issue	Issue Date	Prepared by	Reviewed by
01	For DA Submission	10 February 2025		
			Angus Peters	Curtis Schumann

Revision History

Revision	Comment / Reason for Issue	Issue Date	Prepared by
01	For DA Submission	10 February 2025	Angus Peters

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1 Executive Summary

MBC Group have assessed architectural design documents prepared by Webber Architects (refer appendix A) for compliance with the National Construction Code - Building Code of Australia Volume One 2022 (referred to as BCA).

The purpose of the assessment is to provide surety to the Consent Authority, Northern Beaches Council, that the proposed development has been assessed and is capable of complying with the BCA and that subsequent compliance with the provisions of Parts C, D and E of the BCA will not give rise to significant design amendments.

This statement does not consider Section 62 of the Environmental Planning and Assessment Regulation 2021, this clause is a consent authority consideration.

The application for Construction Certificate shall be assessed under the relevant provisions of the Environmental Planning & Assessment Act 1979 (As Amended) and the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021.

2 Introduction

2.1 Purpose

The purpose of this statement is to assess the current design proposal against the Deemed-to-Satisfy (DtS) provisions of Sections C, D and E of the National Construction Code Series 2022 (Volume 1) – Building Code of Australia (referred to as BCA), and provide surety to the Consent Authority that the design is capable of compliance without significant design amendments.

The following MBC Group Team Members have contributed to this assessment:

- Angus Peters

This Capability Statement is not intended to identify all issues of compliance or non-compliance with the BCA with such other issues to be appropriately addressed prior to issue of the Construction Certificate.

2.2 Methodology

The methodology applied in undertaking this assessment has included: -

- A desktop review of architectural plans, as listed in Appendix A
- Assessment of the architectural plans against the following relevant codes:-
 - Sections C, D & E (as applicable / relevant) of the National Construction Code Series (Volume 1) Building Code of Australia 2022 (BCA)
 - Environmental Planning and Assessment Act 1979 (EPAA)
 - Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR)
- Discussions with the design development team to gain an understanding of the development proposed.

2.3 Limitations

This statement **does not include** or imply any detailed assessment for design, compliance or upgrading for:

- the structural adequacy or design of the building;
- the inherent derived fire-resistance ratings of any proposed structural elements of the building (unless specifically referred to); and
- the design basis and/or operating capabilities (including pressure & flows) of any proposed
 - electrical
 - mechanical
 - hydraulic
 - fire protection services.
- Section 62 of the Environmental Planning and Assessment Regulation 2021

This statement does not include, or imply compliance with:

- the National Construction Code – Plumbing Code of Australia Volume 3
- the Disability Discrimination Act 1992 including the Disability ((Access to Premises – Buildings) Standards 2010 – unless specifically referred to)

- The deemed to satisfy provisions of Part D4 and F4D5 of BCA 2022
- The deemed to satisfy provisions of Sections B, F, G, H & J of BCA 2022
- Demolition Standards not referred to by the BCA;
- Work Health and Safety Act 2011;
- An out of cycle change to the Building Code of Australia.
- Requirements of other Regulatory Authorities including, but not limited to, Telstra, Telecommunications Supply Authority, Water Supply Authority, Electricity Supply Authority, Work Cover, Roads and Maritime Services (RMS), Roads and Transport Authority, Local Council, ARTC, Department of Planning and the like; and
- Conditions of Development Consent issued by the Local Consent Authority.

2.4 Conflict of Interest

This statement prepared by MBC Group was provided as part of MBC Group's contracted scope for this project, which is "Certification Work", as defined in the Building and Development Certifiers Regulation 2020.

Due to the strict requirements and limits in terms of conflicts of interest imposed under that regulation, MBC Group has not and cannot undertake any services other than Certification Work services on this project. Hence, the contents of this statement, and any associated correspondence, were provided in the context of a certification assessment, and should not be construed to constitute involvement in building design, the preparation of plans and specifications, the provision of advice on how to amend a plan or specification to ensure that the aspect will comply with legislative or code requirements, or to breach any other restriction or limitation imposed under the conflict of interest provisions of that or any other legislation.

3 Development Description

3.1 Proposed Development

The proposed development comprises the new construction of a Class 6 food and drink premises.

3.2 Location

The site is located at 37 Roseberry Street, Balgowlah NSW 2093 (Lot 100, DP 1199949).

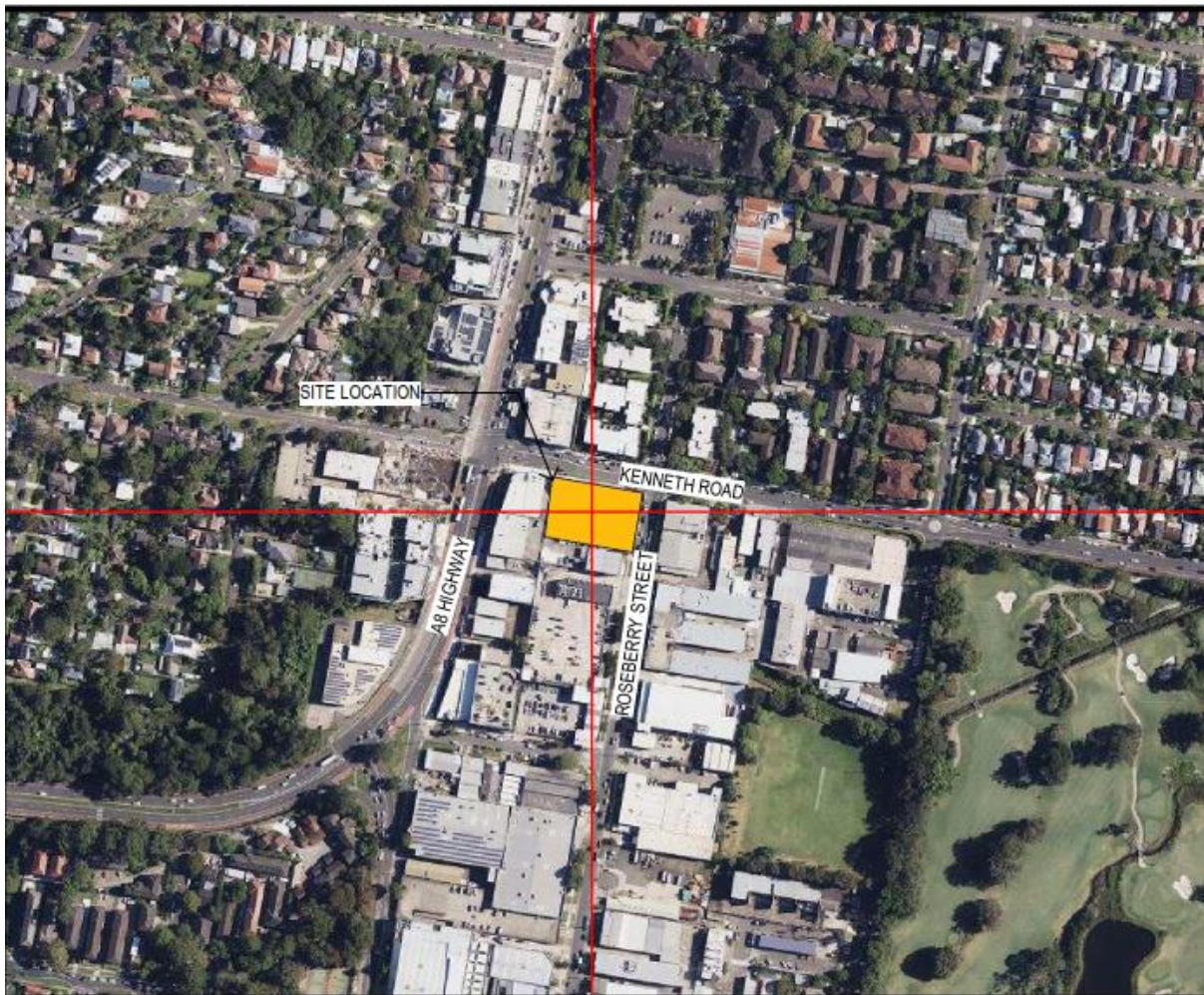


Figure 1: Site Location

3.3 BCA Classification (Part A6)

The proposed development has been classified as:

- Class 6: being a retail building or part

3.4 Rise in Storeys (Clause C2D3)

The proposed development is within a building that has been assessed to have a rise in storeys of 1

3.5 Effective Heights (Part A1)

The proposed development has been assessed to have an effective height of 0m.

The BCA now defines effective height as: -

“Effective height means the vertical distance between the floor of the lowest storey included in a determination of rise in storeys and the floor of the topmost storey (excluding the topmost storey if it contains only heating, ventilating, lift or other equipment, water tanks or similar service units).”

3.6 Type of Construction Required (Clause C2D2 / Table C2D2)

The proposed development is required to be Type C Construction. Specification 5 outlines the fire resistance required by certain building elements.

3.7 Building Data Summary

Part of Development	Use	Class	Floor Area (approx.) m ²	Population (using D2D18)
Ground Floor	Retail Premise	6	370sqm	100

Summary of Construction and Building				
Use(s)	Retail Premise			
Classifications(s)	6			
Number of Storeys contained	1			
Rise in Storeys	1			
Type of Construction	C			
Effective Height	0m			
Largest Fire Compartment	Area	370m ²	Volume	1,150m ³
Climate Zone	5			
Importance Level	Structural Engineer is to determine importance level in accordance with BCA and AS1170 Part 0-2002, this must be specified in their design certificate			

4 Proposed Fire Safety Schedule

The following is a draft Fire Safety Schedule for the proposed building, listing the likely measures and standards of performance required, this schedule shall be subject of further development and review as part of the Performance Solutions assessment:

Fire Safety Schedule

Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Premises: McDonalds Balgowlah
Address: 37 Roseberry Street, Balgowlah NSW 2093

The following essential fire safety measures shall be implemented in the whole of the building premises and each of the fire safety measures must satisfy the standard of performance listed in the schedule which, for the purposes of Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is deemed to be the current fire safety schedule for the building.

SCHEDULE – Base Building BCA 2022 Type of Construction C Effective height = 0

	Measure	Status*	Performance Standard
1.	Automatic fail safe devices	N	BCA 2022 Section D3D24, D3D26
2.	Emergency lighting	N	BCA 2022 Section E4D2, E4D3 E4D4, AS 2293.1-2018
3.	Exit and directional signage	N	BCA 2022 Section E4D5, NSW E4D6 & E4D8, Spec E4.8 AS 2293.1-2018
4.	Portable fire extinguishers	N	BCA 2022 Section E1D14, AS 2444-2001

Notes

* Indicate whether the measure is new (N), existing (E) or Modified (M)

5 Assessment

5.1 Relevant BCA Edition

The proposed development will be subject to compliance with the relevant requirements of the BCA as in force at the time that the application for the Construction Certificate is made.

Should an out of cycle change occur to the BCA, then this statement is required to be updated to reflect any applicable changes made and now required by the BCA.

In this regard it is assumed the Construction Certificate application is proposed to be made after the 1st May 2023. As such this statement is based upon the Deemed-to-Satisfy provisions of BCA 2022.

5.2 Compliance with the BCA

A desktop assessment was carried out against the technical provisions of the BCA and compliance matters will be addressed in the Construction Certificate documentation. It is noted that the proposed development must comply with the relevant requirements, and this can be achieved by complying with the Performance Requirements of the BCA:

5.2.1 A2GA Compliance with the Performance Requirements

1. A Performance Solution
2. A Deemed-to-Satisfy Solution
3. A combination of (1) and (2)

Upon assessment of architectural plans, MBC Group can verify that the proposed design can readily achieve compliance with the performance requirements of the BCA.

Departures from the Deemed to Satisfy Provisions of the BCA are identified below and will need to be addressed during design development:

DTS Clause	Description of Non-Compliance	Performance Requirement
	<u>Width of Exits and Paths of Travel to Exits</u>	
D2D8	There are reduced egress widths less than 1000mm throughout. A 1000mm unobstructed width is required for all paths of travel to an exit. This may be addressed via redesign or under a performance solution from a Fire Safety engineer.	D1P4
	<u>Accessible Sanitary Facilities</u>	
F4D5	Ambulant sanitary facilities must have a width of 900-920mm in lieu of the 860mm proposed. Additionally, they must incorporate a 900x900mm circulation space forward of the pan that is clear of any obstructions.	F4P1

6 Conclusion

This statement outlines the findings of an assessment of the referenced architectural documentation for the proposed development against the Deemed-to-Satisfy provisions of the National Construction Code Series (Volume 1) Building Code of Australia 2022.

As outlined in section 2.3 of this report excludes the design basis and/or operating capabilities proposed hydraulic and fire protection services. Mains water pressure and flows must be obtained and assessed by hydraulic engineer fire services engineers immediately to ascertain if mains are adequate or onsite water storage is required which can often be substantial in size and require modification of the development consent.

In view of this assessment we can confirm that compliance with the National Construction Code Series (Volume 1) Building Code of Australia 2022 is readily achievable.

We trust that the above submission is of assistance to Council and should you wish to discuss any aspect of this advice, please do not hesitate to contact the undersigned.

Best regards,



Angus Peters
Senior Building Surveyor
MBC Group

7 Appendix A – Design Documentation

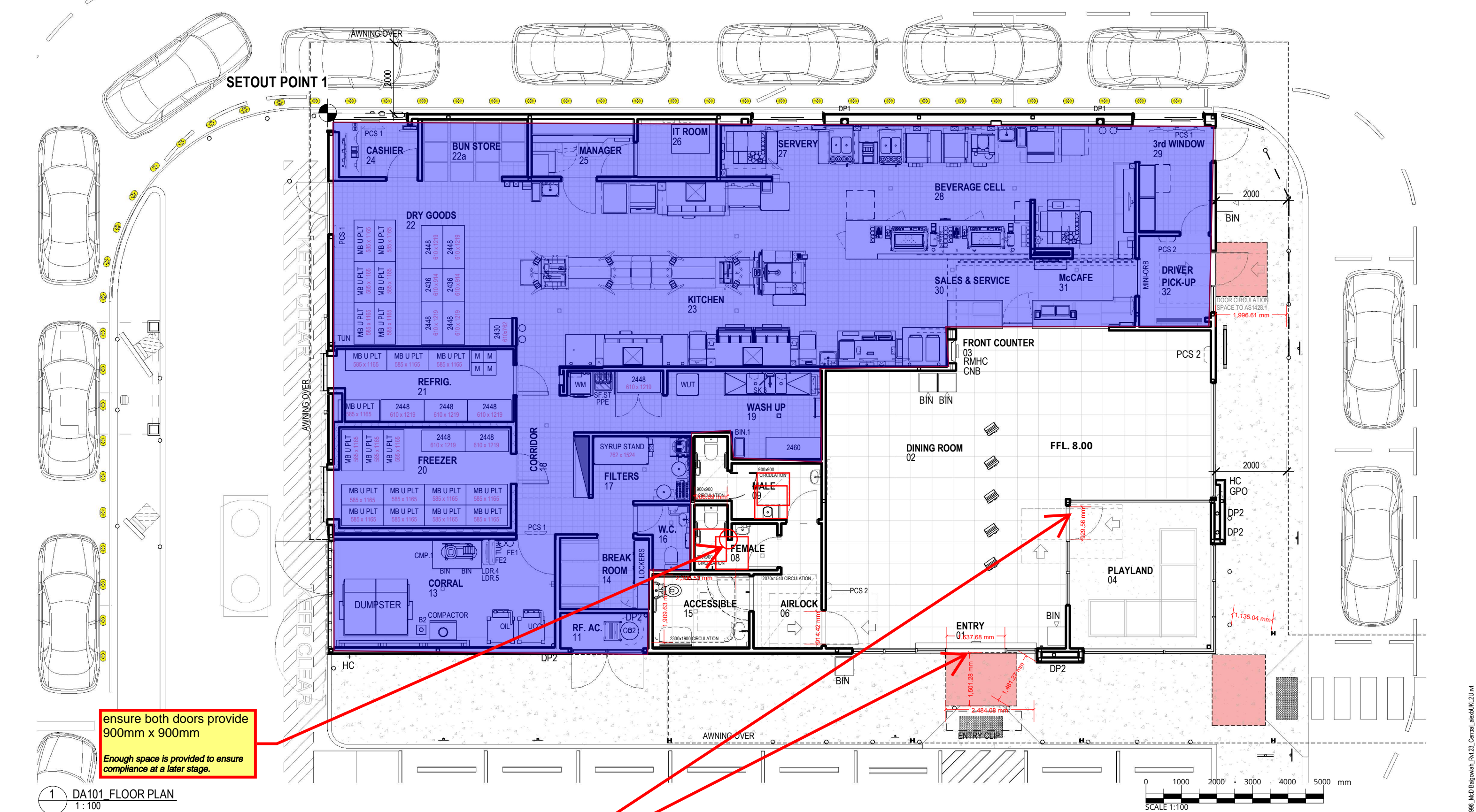
The following documentation was used in the assessment and preparation of this statement:

Drawing No.	Title	Date	Drawn By	Revision
DA005	Site Plan - Proposed	12.12.24	KD, AB	C
DA101	Floorplan	12.12.24	KD, AB	C
DA102	Roof Plan	12.12.24	KD, AB	B
DA300	Building Sections X1, X2	12.12.24	KD, AB	B



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31/01/25 - MBC
Markups - DA



Revisions		General Notes	
C	FOR DA	12.12.24	KD AB
B	FOR REVIEW	02.12.24	KB AB
A	PRE DA	18.11.24	KB AB
Issue Description		Date	Chk Int

Drawing Notes

Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.

Doors threshold level required

Enough space is provided to ensure compliance at a later stage.

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Project

McDonald's Balgowlah

Location

37 ROSEBERRY STREET BALGOWLAH 2093

FOR DA APPROVAL NOT TO BE USED DURING CONSTRUCTION		
Scale	Series	
As indicated @ A3	BIOMOD 380	
Drawing FLOORPLAN		
Project Number	Drawing Number	Issue
2996	DA101	C

File Name C:\Users\AlexanderBogdan\Documents\2996_McD Balgowlah_Rv.23_Central_alexukl2U.rvt

KENNETH ROAD

LANDSCAPING LEGEND:

- MIX B (4 PLANTS PER M2)
Stagger planting in species groups of 3-5.
- MIX A (4 PLANTS PER M2)
Stagger planting in species groups of 3-5.
- Loropetalum chinense 'little china ruby'
- 30 X Diets grandiflora
- Proposed Tree Planting
- Lawn
- Retaining wall (blockwork) below timber fence
- Timber Fence on retaining wall (blockwork)

It is noted that level access will be provided

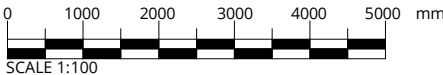
Kerb ramps will comply with AS1428.1.

Enough space is provided to ensure compliance at a later stage.

1m min. clear circulation space is to be provided

Enough space is provided to ensure compliance at a later stage.

Key	Botanical Name	Common Name	Pot Size	Mature Height	Mature Width	Quantity
Trees						
E	Elaeocarpus Eumundi	Native Quandong	75L	7m	2m	6
D	Eucalyptus leucosylon 'Euky Dwarf'	Euky Dwarf	75L	6m	5m	6
P	Podocarpus elatus	Illawarra Plum	75L	12m	5m	3
T	Tristanopsis laurina 'Luscious'	Kanooka	75L	8m	5m	6
Feature Plants						
C	Cordyline fruticosa 'Rubra'	Cordyline	200mm	2.5m	1m	3
S	Strelitzia reginae	Bird of Paradise	200mm	1.2m	1m	13
Low Border Plants						
Dg	Diets grandiflora	Diets	200mm	0.8m	0.8m	30
Lc	Loropetalum chinense 'little china ruby'	Chinese Fringe	200mm	1m	1.5m	30
Li	Nandina domestica alba 'lemon lime'	Scadred Bamboo	200mm	0.9m	0.9m	35
LI	Philodendron xanadu	Xanadu	200mm	1m	1m	3
Mix A						
Md	Brachyscome 'Mauve Delight'	Native Daisy	150mm	0.2m	0.5m	
Cr	Carpobrotus rossii	Native Pigface	150mm	0.2m	2m	
Mix B						
Cr	Carpobrotus rossii	Native Pigface	Tube	0.2m	2m	
Dc	Dianella caerulea 'Little Jess'	Dianella 'Little Jess'	Tube	0.4m	0.4m	
Eg	Eremophila glabra	Common Emu Bush	Tube	0.3m	1m	
Lk	Lomandra longifolia 'Katrinus'	Tanika	Tube	0.7m	0.7m	
Mp	Myoporum parvifolium	Creeping Boobialla	Tube	0.1m	0.5m	



FOR DA APPROVAL
NOT TO BE USED DURING CONSTRUCTION

Scale	Series
As indicated @ A3	
Drawing LANDSCAPING PLAN	
Project Number	Drawing Number
2996	DA007
	B

2 DA007 LANDSCAPING PLAN
1 : 250

Revisions

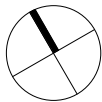
Issue	Description
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General Notes

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Drawing Notes

North



Client



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IN ASSOCIATION WITH GREEN
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Project

McDonald's Balgowlah


Location

37 ROSEBERRY STREET BALGOWLAH 2093



Revisions		General Notes		Drawing Notes	
C	FOR DA	12.12.24	KD AB	Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacture. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	
B	FOR REVIEW	02.12.24	KB AB		
A	PRE DA	18.11.24	KB AB		
	Issue Description	Date	Chk Int		

North



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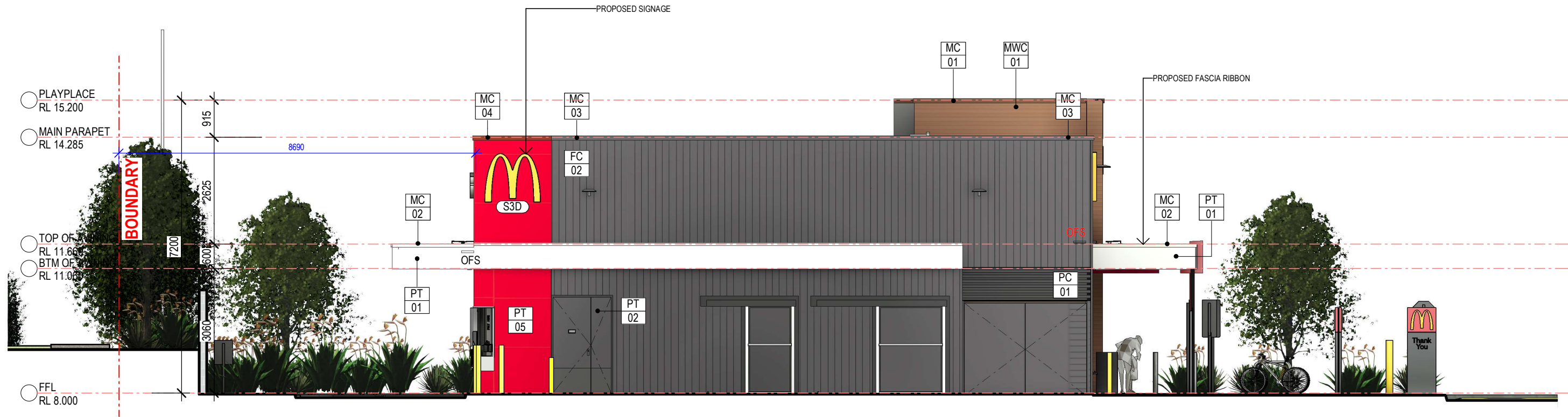
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Project
McDonald's Balgowlah
Location
37 ROSEBERRY STREET BALGOWLAH 2093

FOR DA APPROVAL		
NOT TO BE USED DURING CONSTRUCTION		
Scale 1:100 @ A3	Series BIOMOD 380	
Drawing EAST ELEVATION		
Project Number 2996	Drawing Number DA202	Issue C



1 WEST ELEVATION
1:100

Revisions

Issue	Description	Date	Chk	Int
C	FOR DA	12.12.24	KD	AB
B	FOR REVIEW	02.12.24	KB	AB
A	PRE DA	18.11.24	KB	AB

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Drawing Notes

North

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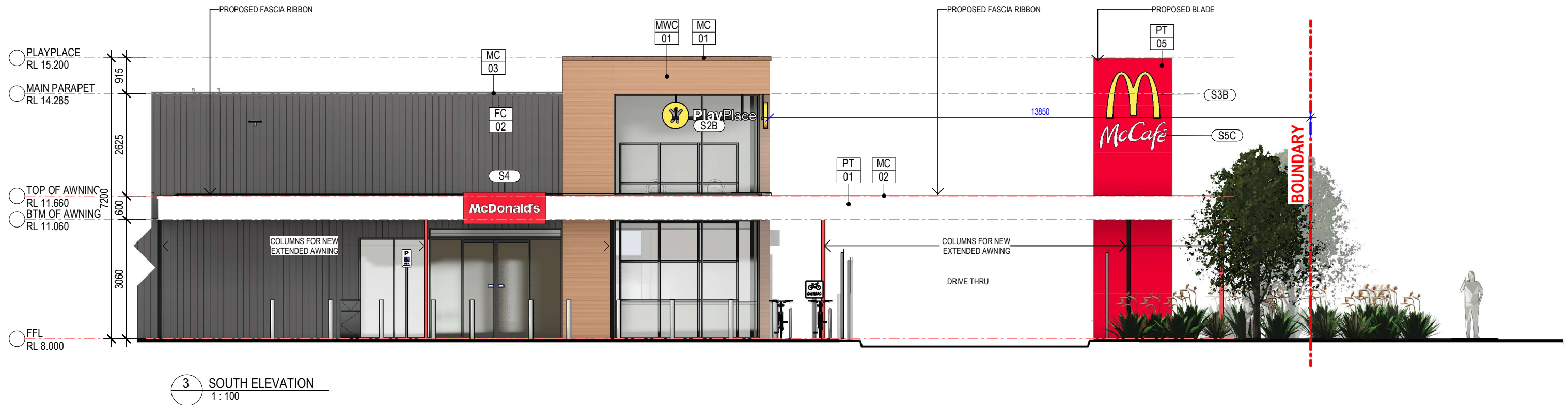
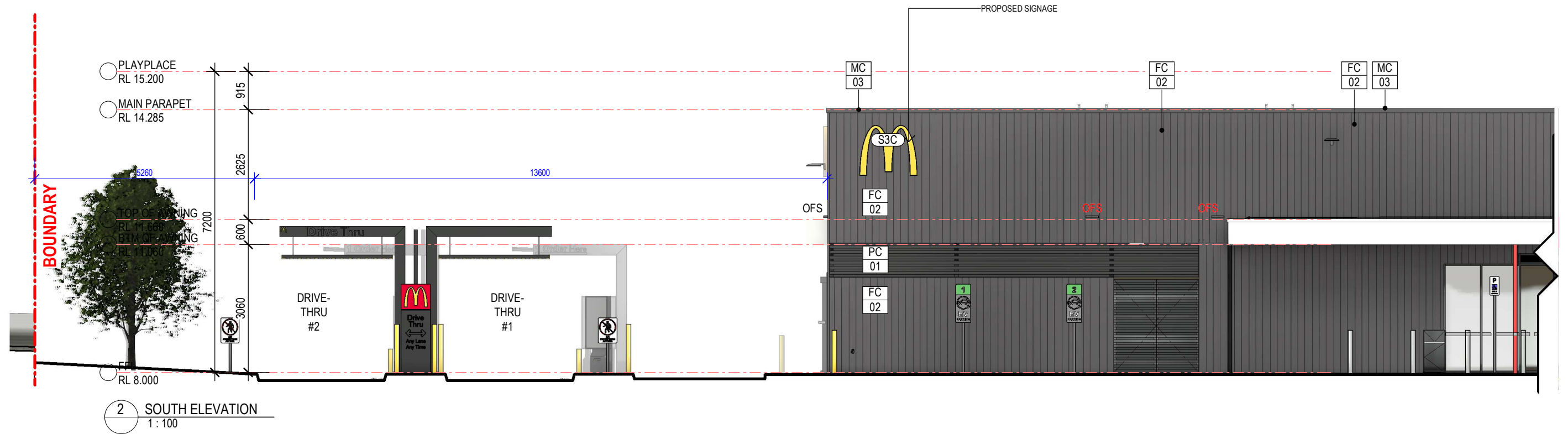
Nominated Architect Jon Webber AIA NSW APR No 6830
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Project
McDonald's Balgowlah

Location
37 ROSEBERRY STREET BALGOWLAH 2093

FOR DA APPROVAL
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Scale	Series	
1: 100 @ A3	BIOMOD 380	
Drawing		
WEST ELEVATION		
Project Number	Drawing Number	Issue
2996	DA203	C



Revisions

Issue	Description	Date	Chk	Int
C	FOR DA	12.12.24	KD	AB
B	FOR REVIEW	02.12.24	KB	AB
A	PRE DA	18.11.24	KB	AB

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Drawing Notes

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Project
McDonald's Balgowlah
Location
37 ROSEBERRY STREET BALGOWLAH 2093


FOR DA APPROVAL
NOT TO BE USED DURING CONSTRUCTION

Scale	Series	
1 : 100 @ A3	BIOMOD 380	
Drawing		
SOUTH ELEVATION		
Project Number	Drawing Number	Issue
2996	DA204	C




Revisions					General Notes				
					Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.				
B	FOR DA	12.12.24	KD	AB					
A	FOR REVIEW	02.12.24	KB	AB					
Issue	Description	Date	Chk	Int					

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Project
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Location
37 ROSEBERRY STREET BALGOWLAH 2093

FOR DA APPROVAL
NOT TO BE USED DURING CONSTRUCTION

Scale 1:100 @ A3	Series BIOMOD 380	
Drawing NORTH ELEVATION		
Project Number 2996	Drawing Number DA205	Issue B



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