



BCA Capability Statement

53 East Esplanade, Manly, 2095



Prepared for: GG Constructions

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Authorisation

Revision	Comment / Reason for Issue	Issue Date	Prepared by	Reviewed by
01	DA lodgement	2 Jul 2024		
			Jack Hogarth	Joel Lewis

Revision History

Revision	Comment / Reason for Issue	Issue Date	Prepared by
01	DA lodgement	2 Jul 2024	Jack Hogarth

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1 Executive Summary

MBC Group have inspected the subject premises and assessed architectural design documents prepared by Keeyuen Design (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:

- Jack Hogarth

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.
- Inspection of the subject premises on 53 East Esplanade, Manly.

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 Healthy 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 construction of a change of use from restaurant to office premises at lot 21.

3.2 Location

The site is located at 53 East Esplanade, Manly 2095.



Figure 1: Aerial view of site location

3.3 BCA Classification (Part A6)

The proposed development being an office premise has been classified as:

- Class 5: being an office 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 4

3.5 Effective Heights (Part A1)

The proposed development has been assessed to have an effective height of less than 25m, assumed.

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

The proposed development is required to be Type A 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)
Lot 21	Office	5	155m ²	15

Summary of Construction and Building				
Use(s)	Office			
Classifications(s)	5			
Number of Storeys contained	4			
Rise in Storeys	4			
Type of Construction	A			
Effective Height	<25			
Largest Fire Compartment	Area	TBC	Volume	TBC
Climate Zone	8			
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: Manly - Office
Address: 53 East Esplanade, Manly, 2095

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 A

Effective height = <25

	Measure	Status*	Performance Standard
1.	Automatic fire detection and alarm system	M	BCA 2022 Section E2D3, E2D9, Spec 20 Section S20C2, S20C3, S20C4, Spec 31, AS 1670.1-2018,
2.	Emergency lighting	E	BCA 2022 Section E4D2, E4D3 E4D4, AS 2293.1-2018
3.	Exit and directional signage	E	BCA 2022 Section E4D5, NSW E4D6 & E4D8, Spec E4.8 AS 2293.1-2018
4.	Emergency warning and intercommunication systems	M	BCA 2022 Section E4D9, G3D8, AS 1670.4-2018

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

Performance requirements are satisfied by one of the following:

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 DtS provisions of the BCA and as such meet the performance requirements.

DTS Clause	Description of Non-Compliance	Performance Requirement
<u>Fire Resistance Levels</u>		
Spec 5	<p>The wall separating our building from the adjoining building, as well as the slab separating the floors, will be required to have an FRL of no less than 120/120/120.</p> <p>A structural engineer will be required to confirm the required FRL is achieved. Should the required FRL not be achieved, this may be addressed by a Performance Solution as part of the fire engineering.</p>	C1P1, C1P2

DTS Clause	Description of Non-Compliance	Performance Requirement
<u>Separation of Classification in Different Storeys</u>		
C3D10	<p>The slab separating the floors, will be required to have an FRL of no less than 120/120/120.</p> <p>A structural engineer will be required to confirm the required FRL is achieved. Should the required FRL not be achieved, this may be addressed by a Performance Solution as part of the fire engineering.</p>	C1P1, C1P2
<u>Protection of Openings</u>		
C4D5	<p>External windows are less than 6m from an adjoining building. Windows will need to be provide with protection in accordance with BCA Clause C4D5.</p> <p>Alternatively, this can be addressed by a Performance Solution as part of the fire engineering.</p>	C1P1, C1P2, C1P8
<u>Width of paths of travel to an exit</u>		
D2D8	<p>The unobstructed width of the path of travel to an exit can be no less than 1m. The width of the front stairs has been assessed to be 940mm and the hallway is 980mm.</p> <p>A minimum unobstructed width of 1m is required to be provided, or this may be addressed by a Performance Solution as part of the fire engineering.</p>	D1P2, D1P4, D1P6
<u>Number of Persons Accommodated</u>		
D2D18	<p>The populations calculated by counting the chairs in the office exceed the 10m² per person requirement in D2D18.</p> <p>Mechanical consultant to confirm if compliance can be achieved.</p>	D1P2
<u>Thresholds</u>		
D3D16	<p>Plans provided show a step at the threshold of the door that lead into the sanitary compartments.</p> <p>Further information is required to determine if the new door creates a non-compliance with the existing step.</p>	D1P1

DTS Clause	Description of Non-Compliance	Performance Requirement
<u>Accessible Sanitary Facilities</u>		
F4D5	<p>An accessible unisex sanitary compartment and shower will need to be installed to comply with the deemed to satisfy provisions of the BCA.</p> <p>Alternatively, a performance solution can be obtained.</p>	F4P1
<u>Door Circulation</u>		
AS1428.1-2009	<p>Latch side clearance of 510mm is required for doors that are opening away from the user. A latch side clearance of 99mm are present at the boardroom and storage room doors.</p> <p>Plans will need to be amended. Alternatively, a performance solution can be obtained.</p>	D1P1

Please be advised further full floor plans are required to assess travel distance from bottom of the stairs to exit.

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,



Joel Lewis
Director
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
PL-00	Location Plan	15/05/24	Keeyuen	-
PL-01	Existing Floor Plan	15/05/24	Keeyuen	-
PL-02	Demolition Floor Plan	15/05/24	Keeyuen	-
PL-03	Proposed Floor Plan	15/05/24	Keeyuen	-



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