

Re: 24-221697 H&E\_40MyooraRd\_TerreyHills\_RevisedDA\_BCACapStat\_R02

04 April 2025

**Gardoxi P/L**  
**C/- H&E Architects**  
Suite 04.02, 80 Cooper Street  
Surry Hills NSW 2010

**Attention:**      **Megan Naylor**  
Designer

**Re:**                Building Code of Australia (BCA) 2022 Capability Statement for DA Submission  
**Project:**        Proposed Restaurant Development  
**Address:**       40 Myoora Road, Terrey Hills, NSW 2084

## INTRODUCTION

At the request of the client, we offer an assessment in respect to the Deemed-to-Satisfy requirements of the Building Code of Australia for the proposed Class 6 (Restaurant) and 7a (Car Park) Development at 40 Myoora Road, Terrey Hills NSW 2084. Where compliance with the deemed-to-Satisfy provisions is not met, compliance is met via a performance solution pathway as permitted by the BCA.

The proposal subject to the development application before the Council includes construction of a new two-storey development including a restaurant with a basement car park. Philip Chun has carried out a high-level assessment of DA drawings against the Deemed to Satisfy requirements of the Building Code of Australia 2022. Our review excludes those matters relating to Part B (Structure), Part D4 (Accessibility) and Part J (Energy Efficiency). Service engineers to review and confirm compliance with Part E of the BCA.

## CLASSIFICATIONS FOR THE BUILDING

The different parts of the building are classified as follows.

**Class 6 Building:** A Class 6 building is a shop or other building used for the sale of goods by retail or the supply of services direct to the public, including—

- (1) an eating room, café, restaurant, milk or soft-drink bar; or
- (2) a dining room, bar area that is not an assembly building, shop or kiosk part of a hotel or motel; or
- (3) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (4) market or sale room, showroom, or service station.
- (5) small live music or arts venue.

**Class 7 buildings:** A Class 7 building is a storage-type building including the following sub-classifications:

- 1. **Class 7a — a carpark.**
- 2. **Class 7b — a building that is used for storage.**

BCA Parameters	
BCA Classifications	Basement - Class 7a (Car Park)
	GF Restaurant Level - Class 6 (Restaurant) w/ Ancillary Loading Dock / Storage Areas
Rise in Storeys (RIS)	2



Effective Height	<12m (5.2m)
Type of Construction	Type C Construction

This capability statement is based upon the drawings issued by H&E Architects as noted below.

Drawing No. / Revision	Title	Dated
DA1-1010 / 18	General Arrangement Plan – Myoora Road Venue Entry & Basement	07/04/2025
DA1-1013 / 17	General Arrangement Plan – Restaurant	07/04/2025
DA1-1023 / 17	General Arrangement Plan – Roof	07/04/2025
DA1-1024 / 08	General Arrangement Plan – Landscaped Open Area & Mona Vale Road	07/04/2025
DA1-1201 / 08	Detail Plan - Restaurant	07/04/2025
DA1-9030 / 08	Fire Compartmentation – Proposed	07/04/2025

The following identified fire safety items and performance solutions are currently tabled, needing either amended design or justification through fire engineering. This is a preliminary list and may change at the design development stage.

Requiring Fire Engineering	
DtS Clause	Variance from deemed to satisfy provisions
C3D8, C4D6, C4D11 and Spec 5	Lift doors within a fire wall separating the basement car park from the upper levels will not achieve the required FRL of at least -/90/30.
C4D6 & Spec 5	Glazed doorway and walls to the fire separated lift / stair lobby within the basement car park not achieving the required FRL of at least -/90/30 and -/90/90 respectively.
D2D5	<u>Basement Car Park Level:</u> <ul style="list-style-type: none"><li>Egress travel distances of up to 60m to the nearest exit in lieu of 40m.</li></ul> <u>Restaurant Level:</u> <ul style="list-style-type: none"><li>Egress travel distances of up to 48m to the nearest exit in lieu of 40m.</li></ul>
D2D6	<u>Basement Car Park Level:</u> <ul style="list-style-type: none"><li>Distances between alternate exits of up to 100m in lieu of 60m.</li></ul> <u>Restaurant Level:</u> <ul style="list-style-type: none"><li>Distances between alternate exits of up to 72m in lieu of 60m.</li></ul>
D2D8	Clear widths of less than 1m within the restaurant kitchen areas.
E1D3	Omission of fire hose reel coverage to the fire separated basement car park lift / stair lobby.
Requiring Minor Design Amendments	
C4D3	Shield wall to be provided to the unprotected basement car park vehicle entry opening within 3m of the side boundary / fire source feature.
C4D4	The external walls of the Restaurant Amenities Corridor and Loading dock which bound different fire compartments and are at 90° to each other must achieve an FRL of at least 60/60/60 for a distance of 4m from each other.
C4D4	Compliant separation between the Loading Dock and Restaurant Bar fire compartments must be provided.
D3D24	The auto sliding loading dock gates must fail-safe open on fire-trip and power failure, otherwise a pedestrian swing door must be provided to allow egressing occupants out from the loading dock to open space.
E1D2 & AS	As the building is not proposed to be sprinkler protected throughout (only the basement is



2419.1-2021	proposed to be protected), the fire pump room must have compliant access to a door that directly opens and leads to open space.
-------------	---

On review of the documentation, we confirm that the works proposed will be capable of achieving compliance with the deemed-to-satisfy and Performance Requirements of the Building Code of Australia, subject to normal design development and assessment reviews required at the next stage of documentation and prior to the issue of a Construction Certification for the works.

Fire ratings, egress, fire safety systems and general health and amenity have all been considered in our evaluation of the documentation provided.

In our opinion, Development Consent should not be withheld for concern that the building / works cannot meet the performance requirements of the Building Code of Australia.

If you have any queries in regard to the above, please do not hesitate to contact the undersigned.

Regards

Shaneel Sharma  
Building Code Consultant  
**PHILIP CHUN BC NSW PTY LTD**