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20 March 2026

NSW Department of Planning and Environment
Att: Minister for Planning
GPO Box 39 Sydney
NSW 2000

Dear Minister Scully

BUILDING CODE OF AUSTRALIA CAPABILITY STATEMENT – Modification 2 - Rev B
Property: 27 Tiral Street Charlestown NSW
SSDA Reference Number: SSD-35370706

The purpose of this submission is to advise that we have undertaken a preliminary assessment of the revised architectural drawings by Plus Architecture as listed below in Table 1 Appendix A, against the provisions of the Building Code of Australia 2022 Amendment 2 ("BCA") as per the requirements under Section 19 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulations 2021 ("EP&A Regs Fire Safety").

Proposed Changes:

Changes to various concrete slab Levels as illustrated.

Changes to internal layouts as illustrated.

Removal of the Level 2 skylights to the pool enclosure.

Changes to window sizes and locations as illustrated.

Changes to window hoods as illustrated.

Changes to the carpark louvres as illustrated.

Changes to the enclosure Bridge to Building A to B.

Changes to the M3 cladding type to Building A.

Note no changes to Building D as part of this Modification application.

Proposed Development:

The overall development will consist of 4 x major buildings as illustrated in Figure 1 below. However, Buildings A, B & C are considered as the one building and Building D as a separate standalone building.

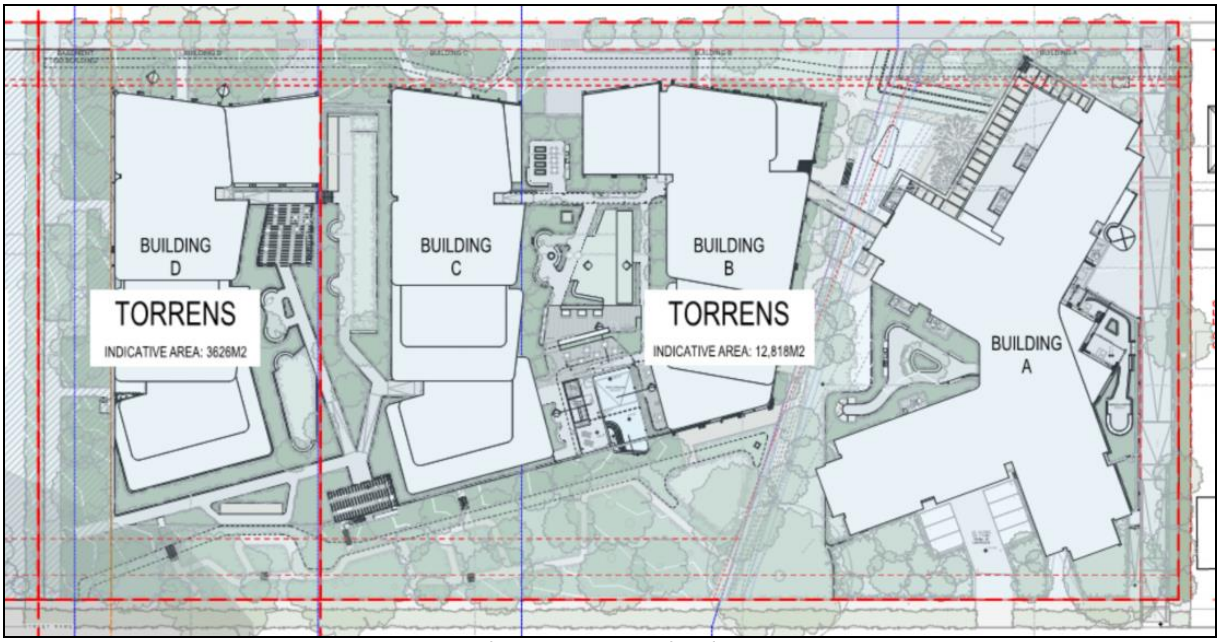

Figure 1 – Current Site Plan

Buildings A, B & C will be contained within one Torrens Title lot and Building D in its own separate Torrens Title lot. The lot to the furthest west is known as B4 and will also exist on a separate standalone Torrens Title lot. There is also an existing drainage easement between proposed Buildings A & B that will be released, and a new easement created via a likely Condition the DA, however this is not considered to impact the BCA assessment as it is not a BCA defined *fire source feature*.

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BCA Building Characteristics

The following high level use description is noted for each building:

- Building A – Residential Aged Care Facility
- Building B – Independent Living Unit
- Building C – Independent Living Unit
- Building D - Residential Apartment Building

Building Description – Building A+B+C (one building)

Characteristic	Description
Classifications	Basement: Class 7a Lower Ground: Class 2 Residential, Class 7a Carpark, Class 7b Storage, Class 5 Office, Class 6 Shop, Class 8 electricity network substation, Class 9b assembly building. Upper Ground: Class 2 Residential, Class 5 Office, Class 7a Carpark, Class 7b Storage, Class 9b assembly building. Level 01: Class 2 Residential, Class 9b assembly building, Class 9c residential aged care building, Class 10a pergola's. Level 02/03: Class 2 Residential, Class 9c residential aged care building. Levels 04 to 12: Class 2 Residential
Type of Construction:	Type A
Floor Area of Building:	*TBC m^2
Volume of the Building:	*TBC m^3
Max Fire Compartment Size – Area:	*6,770 m^2 *(Lower Ground Level + Upper Ground Carparking Compartment)*
Max Fire Compartment Size – Volume:	*22,341 m^3 *(Lower Ground Level + Upper Ground Carparking Compartment)*
Rise in Storeys:	14
Levels Contained:	15 (Including Basement)
Effective Height:	43.2 m (LG Building C Carpark RL 90.650 to Level 12 Building C RL 133.850)
Climate Zone:	Zone 5
Building Importance Level:	Building A is 3 (as advised by the Structural Engineer) Building B & C is 2 (as advised by the Structural Engineer)
Earthquake Design Category:	EDC II – as per AS 1170.4-2007

Table 1 – Building Characteristic

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Building Description – Building D

Characteristic	Description
Classifications	Basement: Class 7a Carpark Lower Ground: Class 2 Residential, Class 7a Carpark, Class 8 electricity network substation Upper Ground: Class 2 Residential, Class 7a Carpark, Class 7b Storage Level 01: Class 2 Residential, Class 10a pergola's Levels 02/03 to 12: Class 2 Residential
Type of Construction:	Type A
Floor Area of Building:	*TBC m^2
Volume of the Building:	*TBC m^3
Max Fire Compartment Size – Area:	*5,240 m^2 *(Basement + Lower Ground Level + Upper Ground Carparking Compartment)*
Max Fire Compartment Size – Volume:	*17,500 m^3 *(Basement + Lower Ground Level + Upper Ground Carparking Compartment)*
Rise in Storeys:	14
Levels Contained:	15 (Including Basement)
Effective Height:	42.9 m (LG Building D Carpark RL 93.200 to Level 12 Building D RL 136.100)
Climate Zone:	Zone 5
Building Importance Level:	2 (as advised by the Structural Engineer)
Earthquake Design Category:	EDC II – as per AS 1170.4-2007

Table 2 – Building Characteristic

Compliance with the BCA for these specific works will be able to be achieved by a combination of compliance with the deemed-to-satisfy (DTS) provisions and the Performance Requirements. Several performance solutions will be justified to the degree necessary as the detailed design progresses. Such performance solutions will be scrutinised by Group DLA and approved by the project Principal Certifier at the relevant Construction Certificate Stage when found to demonstrate compliance.

At this stage of the documentation the following DTS issues have been identified which are to form part of the performance solution justifications and/or be rectified accordingly, either way compliance will be illustrated as the Detailed Design Stage:

- Fire Engineering – Potential relaxation of fire resistance levels (FRL's) is some instances.
- Fire Engineering - Justification of minor smoke leakage potential to 2-way swinging smoke doors.
- Fire Engineering - Extended travel distances to various areas.
- Fire Engineering – rationalisation of exit configurations and discharge points.
- Fire Engineering – Rationalisation of certain sliding exit doors not failsafe opening upon fire trip due to alternative methods proposed to support safe egress operation.

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- Fire Engineering - Omission of certain fire services to the substation that Ausgrid will not permit their installation.
- Fire Engineering – Rationalisation of the location of the fire booster.
- Fire Engineering - Omission of fire extinguishers reels to certain areas of the RAC.
- Fire Engineering - Omission of manual call points to certain areas of the RAC.
- Fire Engineering - Omission of zone smoke control to the residential towers.
- Fire Engineering – Manual call points and Mimic Panels to be located within staff areas within the 9c aged care areas.
- Fire Engineering – The use of a smoke seal at the wall to slab junctions in lieu of a fire rated seal.
- Fire Engineering – Interactive exits signs in lieu of illuminated exit signs to some areas of the 9c aged care facility.
- DDA Access – Refer Jensen Hughes submission report.
- Façade Engineer – Eternal façade weatherproofing design.

Notwithstanding the above comments we note that specific detailed compliance with the BCA is not a prescribed head of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 and accordingly, we trust that the determination of the development application will not be subject to the assessment of any technical matters under the state's building regulations.

In this regard and pursuant to Clause 36 of the Environmental Planning & Assessment Regulations 2021 ("EP&A Regs 2021"), we trust that the Consent Authority will not require any additional information in the determination of the development application for technical BCA matters that will be assessed at the Construction Certificate stage.

As such we hereby confirm that matters pertaining to compliance with the BCA will be suitably assessed by the appointed Certifying Authority (as supported by Group DLA as the BCA Consultant) prior to the issue of the construction certificate in accordance with Clause 69 of the EP&A Regs 2021.

We trust this submission satisfies any concerns of the Consent Authority with compliance of the development with the relevant requirements and provisions of the BCA.

Should you require further assistance or clarification please do not hesitate to contact the undersigned at your convenience.

Yours sincerely

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Appendix A – Plan Documentation Assessed

Drawing No.	Title	Prepared By	Revision	Date
PLA-CT-B-DWG-AR-P4-00341	GFA - Building B	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00100	Floor Plan -Basement	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00101	Floor Plan – Lower Ground	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00102	Floor Plan – Upper Ground	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00103	Floor Plan - Level 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00104	Floor Plan - Level 02-03	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00105	Floor Plan - Level 04	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00106	Floor Plan - Level 05-06	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00107	Floor Plan - Level 07	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00108	Floor Plan - Level 08	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00109	Floor Plan - Level 09	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00110	Floor Plan - Level 10	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00111	Floor Plan - Level 11	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00112	Floor Plan - Level 12	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00113	Roof Plan	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00340	GFA – Ground Levels	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00344	GFA – RAC	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00345	GFA – RAC LG	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-001500	Masterplan Subdivision	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-001501	Masterplan Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01510	Floor Plan – Lower Ground Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01511	Floor Plan – Upper Ground Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01512	Floor Plan – Level 01 Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01550	Floor Plan – Lower Ground Stage 02	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01551	Floor Plan – Upper Ground Stage 02	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01552	Floor Plan – Level 01 Stage 02	Plus Architecture	A	22/01/2026

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Drawing No.	Title	Prepared By	Revision	Date
PLA-CT-MP-DWG-AR-P4-00003	External Finishes	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00200	North Elevation James St	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00201	South Elevation Tiral St	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00202	Building A East & West Elevation	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00203	Building B East & West Elevation	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00204	Building C East &West Elevation	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00205	Building D East & West Elevation	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00210	Site Sections	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00211	RAC Sections	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00212	BLDG B Sections	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00213	BLDG C Sections	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-00214	BLDG D Sections	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01520	North Elevation James St Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01521	South Elevation Tiral St Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01522	Building B West Elevation Stage 01	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01560	North Elevation James St Stage 02	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01561	South Elevation Tiral St Stage 02	Plus Architecture	A	22/01/2026
PLA-CT-MP-DWG-AR-P4-01562	Building C West Elevation Stage 02	Plus Architecture	A	22/01/2026