



5 March 2026

Our Ref: PRO-10406-B2X9

BWSLD Killara Pty Ltd
Level 1, Suite 1A, 5 Belmore Street
Burwood NSW 2134

Attention: William Lee
Email: williamlee@sldsyd.com.au

Dear William,

251-257 Maroubra Road, Maroubra NSW 2035
BCA2022A2 Consistency Statement for Development Application (DA) Lodgement

This letter, as a result of a review of architectural plans detailed in *Appendix A*, determines capability of compliance with the deemed to satisfy provisions of the Building Code of Australia (BCA) 2022 Amendment 2 Volume One, suitable for Development Application lodgement purposes.

As a result of a review of architectural plans detailed in *Appendix A*, compliance with the Deemed-to-Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022 Amendment 2 Volume One within the scope has been determined subject to the use of appropriately tested systems and correct construction methodology.

Upon review of the architectural plans detailed in *Appendix A*, this letter highlights areas throughout the building which are capable of complying with the performance requirements of the BCA through either Deemed-to-Satisfy (DtS) compliance or via Performance Solution undertaken prior to the issue of the final Construction Certificate (CC) and which include the following Deemed-to-Satisfy variations:

- **Clause A6G12 & Spec 5** – Storage within the Basement carpark appears to be greater than 10% of the total floor area;
- **Clause C2D2 & Spec 5** – All attachments and external walls or parts of an external wall are to be non-combustible and comply with Clause C2D10, Clause C2D11, Clause C2D14 and Specification 5 of the BCA. Should material that does not form part of a tested system be utilised such as Dincel, AFS Rediwall or the like, compliance can be achieved via a fire engineering performance solution undertaken prior to the issue of the Construction Certificate;
- **Clause C2D2 & Spec 5** – The Basement 1 and Ground Floor garbage rooms are to be enclosed with FRL 120/120/120 construction and fitted with FRL –/120/30 fire doors in accordance with Specification 5 of the BCA.
- **Clause C2D2 & Spec 5** – The Ground Floor is provided with reduced FRLs and requires a performance solution due to the multiple classifications;
- **Clause C4D3 & C4D5** – Openings within 3m of an allotment boundary shall be protected by sprinklers, fire doors, fire windows etc, in accordance with Clause C4D5 of the BCA;
- **Clause D2D3** – The Ground Floor is provided with one (1) exit in lieu of two (2) exits as required by D2D3(3);
- **Clause D2D5** – Greater than 20m to a point of choice and/or greater than 40m a single exit when two (2) exits are provided within the Basement carpark, Ground and First Floor Levels;
- **Clause D2D5** – Greater than 6m to a single exit on the First to Seventh Floor Levels;
- **Clause D2D6** – The basement carpark levels retain a distance of greater than 60m between alternative exits.
- **Clause D2D8** – Required stairways, corridors and accessways are to retain an unobstructed width of not less than 1m. The path of travel to and from the path of travel within the carpark levels provide less than 1m clear exit width;
- **Clause D2D12** – The current design of the fire isolated stairways serving the residential units discharges in an open area within the confines of the building not 2/3 of the perimeter open and/or is further than 20m to a road or open space;
- **Clause D2D12** – The subject fire isolated stairways converge into one (1) passageway on the Ground Floor Level and do not appear to be provided with independent egress to an open space;



- **Clause D2D12** – Path of travel from the fire-isolated stairways discharges within 6m of unprotected external wall openings on the Ground Floor Level;
- **Clause D2D15** – The subject paths of travel from the discharge points converge on the ground floor;
- **Clause D3D13** – The subject Ground Floor rooftop area appears to be required to act as an open space as required by this clause.
- **Clause D3D24 & D3D26** – The subject roller shutter doors within the Basement carpark are required to be provided with a performance solution as per Clauses D3D24 and D3D26;
- **Clause D3D24 & D3D26** – The subject sliding doors serving as required exits from the Ground Floors must comply with Clauses D3D24 and D3D26 of the BCA;
- **Clause E1D15** – A fire control centre is required on the ground floor, not more than 300m level difference from the street level and must comply with all relevant parts of Specification 19 of the BCA.
- **Clause E1D17** – The electric vehicle (EV) chargers are recommended to be provided with sprinklers due to the excessive hazard;
- **Clause E1D17** – The solar panels are recommended to be provided with sprinklers due to the excessive hazard;
- **Clause E2D4** – The proposed fire isolated stairways serving the basement and residential levels are to be provided with a stair pressurisation system installed in accordance with AS 1668.1-2015;
- **Clause F6D3** – Numerous rooms require review to ensure sufficient light and ventilation is provided to satisfy the requirements of Part F6 of the BCA.

The following Deemed-to-Satisfy clauses provide examples that require further information prior to issue of the final Construction Certificate phase to confirm compliance:

- **Clause C2D2 & Spec 5** – All load-bearing and non-load-bearing walls are required to achieve an FRL tested from both sides as stipulated by Tables S5C11a–g of Specification 5;
- **Clause C2D2 & Spec 5** – Any shelf angles provided to the building are to achieve the same FRL as the slab in which it is attached to;
- **Clause C2D2 & Spec 5** – All lintels within walls throughout the building are required to be fire rated;
- **Clause C2D2 & Spec 5** – Open state cavity barriers are required to achieve an FRL in accordance with Tables S5C11a–S5C11g of Specification 5;
- **Clause C2D2 & Spec 5** – All loadbearing external and internal walls are required to be of non-combustible construction in accordance with Clauses C2D10, C2D11, C2D14 and Specification 5. AFS Rediwall or Dincel products are not considered to be non-combustible as required;
- **Clause C4D12** – The internal common areas within the enclosed residential corridors of the residential floors may not be adequately fire separated with a fire rated wall and doorway as required by this Clause;
- **Clause D3D14** – Goings and risers are to be consistent throughout in one flight. The external playground stairways require review;
- **Clause D3D15** – The ground floor stairway does not appear to be provided with a stairway landing of 750mm past the riser on a hard-standing surface not steeper than 1 in 50;
- **Clause D3D22** – The subject fire isolated stairways serving the basement levels require a single handrail along one side of the stairway in the path of travel;
- **Clause D3D22** – The subject ramp within the Ground Floor bin room requires a single handrail along one side of the stairway in the path of travel;
- **Clause D3D22** – A Class 9b primary school or early childhood centre is required to be provided with an additional handrail for children as required by this clause;
- **Clause D3D22** – The internal non-fire isolated stairways within numerous residential units do not appear to be provided with a single handrail;
- **Clause D3D20** – Potentially climbable elements close to balustrades must be relocated or appropriately protected;
- **Clause D4D2** – Sufficient door circulation space does not appear to be provided to the Ground Floor FOGO room doorway and residential bin chutes throughout the building;
- **Clause D4D2** – 850mm clearance through the active door leaf does not appear to be provided to the bin chute rooms on the residential levels;
- **Clause D4D4** – Sufficient turning spaces and dead end zones appear to have been provided within accessways required to be accessible in accordance with AS1428.1-2021, with the exception of numerous turning spaces within Basement 1, Ground Floor, and the Eighth and Ninth Floor residential corridors of Building B;



- **Clause D4D4** – Any non-fire isolated stairways or ramps are required to include double handrails and tactiles in accordance with AS 1428.1-2021. As such, numerous stairways in the Ground Floor childcare centre requires review;
- **Clause D4D4** – Tactile indicators are to be installed on a landing beginning 300mm from a riser or ramp. The location of tactile indicators on the Ground Floor external stairway serving the Basement exit requires review;
- **Clause F4D4-F4D6** – Designated accessible toilet(s) provided are required to include all items (washbasin, WC pan, shower, seat, etc), exclusion zones and circulation spaces required by Sections 12 & 14 of AS 1428.1-2021;
- **Clause F7D4** – Discontinuous construction is required between the habitable rooms of an SOU and the bathroom of an adjoining SOU;
- **Clause F7D4** – Discontinuous construction is recommended between the internal parts of an SOU and mechanical riser(s).

All areas of the development are to comply with the Deemed-to-Satisfy (DtS) provisions of the Building Code of Australia (BCA) 2022 Amendment 2 Volume One throughout the construction process with the exception of the abovementioned Deemed-to-Satisfy variations recommended to be addressed by redesign or via Fire Engineering Performance Solution undertaken prior to the issue of the final Construction Certificate (CC).

The required FRLs of all external walls, loadbearing & non-loadbearing elements are to be provided in accordance with the requirements of Clauses S5C11-S5C20 of Specification 5. Design verification to be provided to the Principal Certifying Authority (PCA) prior to the issue of the final Construction Certificate (CC).

Based on this assessment of the plans detailed in Appendix A of this letter, it is the opinion of this office that this development appears capable of complying with the relevant performance requirements of the Building Code of Australia (BCA) 2022 Amendment 2 Volume One prior to issue of the final Construction Certificate.

Yours Faithfully,

Mardiros Tatian
Director

Building Innovations Australia Pty Ltd

M.Fire.Eng (Master of Fire Engineering)

Grad.Dip.Bld. Survey (Graduate Diploma of Building Surveying)

B.Med.Sci (Bachelor of Medical Science)

Building Professionals Board, NSW- A1 Accredited Certifier BPB 2572

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APPENDIX A: REFERENCED DOCUMENTATION

The following documentation was used in the preparation of this letter:

Drawing No.	Title	Rev.	Project No.	Date	Drawn By
DA 090	Basement 04 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 091	Basement 03 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 092	Basement 02 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 093	Basement 01 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 100	Ground Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 101	Level 01 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 102	Level 02-03 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 103	Level 04 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 104	Level 05-07 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 105	Level 08 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 106	Level 09 Floor Plan	A	24029	12.02.2026	BKA Architecture
DA 107	Roof Plan	A	24029	12.02.2026	BKA Architecture
DA 200	Streetscape Elevation	A	24029	12.02.2026	BKA Architecture
DA 201	North Elevation – Maroubra Road	A	24029	12.02.2026	BKA Architecture
DA 202	East Elevation	A	24029	12.02.2026	BKA Architecture
DA 203	South Elevation – Maroubra Lane	A	24029	12.02.2026	BKA Architecture
DA 204	West Elevation – Garden Street	A	24029	12.02.2026	BKA Architecture
DA 300	Section 1	A	24029	12.02.2026	BKA Architecture
DA 301	Section 2	A	24029	12.02.2026	BKA Architecture
DA 302	Section 3	A	24029	12.02.2026	BKA Architecture
DA 303	Section 4	A	24029	12.02.2026	BKA Architecture
DA 304	Section 5	A	24029	12.02.2026	BKA Architecture