

26 June 2020

Our Ref: 200081

The Hugos Group C/- Squillace Architects

1/80 Albion Street

Surry Hills

NSW 2010

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Dear Gaby Cara,

**BUILDING CODE OF AUSTRALIA ACCESSIBILITY DA CAPABILITY STATEMENT
HUGOS MANLY, MANLY WHARF, 1 EAST ESPLINADE MANLY NSW 2095**

Reference is made to the proposal for the extension to the lower deck and additional seating proposed at the existing restaurant. The building works, as identified on the plans referred to below, have been reviewed for compliance capability with the accessibility requirements of the Premises Standards 2010 and the Building Code of Australia (BCA). Specifically, Part D3 and clauses F2.4, F2.9 and E3.6.

1. BCA DESCRIPTION

The proposal is to extend the existing lower deck dining area at Hugo's Manly. The classification relevant to the proposal is Class 6 (Restaurant).

2. RELEVANT STATUTORY CONSIDERATIONS

This statement is based on:

1. *Environmental Planning and Assessment Act 1979.*
2. *Environmental Planning and Assessment Regulation 2000.*
3. *Disability (Access to Premises – Buildings) Standards 2010.*
4. *The Building Code of Australia 2019, inclusive of NSW variations (See Note 1).*
5. Australian Standards, as referenced within the BCA:
 - *Australian Standard AS1428.1-2009 (incorporating amendment Nos 1 and 2) - Design for access and mobility Part 1: General requirements for access - New building work.*
 - *Australian Standard AS/NZS 1428.4.1:2009 (incorporating amendment Nos 1 and 2) Design for access and mobility Part 4.1: Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*
6. Architectural plans prepared by Squillace Architects, as listed in Appendix 1.

Note 1: *Building Code of Australia (BCA) 2019* was adopted in NSW on 01 May 2019. The amendment of the BCA in force at the date of lodgement of the Construction Certificate application is the version called up by clause 98 of the Environmental Planning and Assessment Regulation 2000 for the purpose of the building design. Therefore, comments may be subject to changes to comply with updated versions of the Building Code of Australia.

3. DISABILITY (ACCESS TO PREMISES – BUILDINGS) STANDARDS 2010

The *Premises Standards 2010* applies to all new buildings and building parts, including existing buildings undergoing upgrade works. The *Premises Standards 2010* aims to provide certainty for the building industry in relation to meeting the DDA requirements for access to buildings. The *Premises Standards 2010* generally aligns with the BCA and provides specific prescriptive requirements for compliance with a range of Australian Standards relating to access and associated matters. If a building is designed and constructed under the current BCA and the *Premises Standards 2010* there is a greater level of assurance that the design complies with the DDA.

The requirements for upgrading access are limited to the area of *new work* and the *affected part* as defined by the *Premises Standards 2010*. The *affected part* provisions for existing buildings requires that a continuous accessible path of travel, compliant with AS 1428.1-2009, be provided from the principal pedestrian entrance to the new or modified part of an existing building.

Access upgrades are not required outside the area of the new work. The provisions of the DDA continue to apply to those areas of the building outside the area of the new work.

4. PRELIMINARY ASSESSMENT

All new works are required to comply with the *Premises Standards 2010*, BCA 2019 and referenced Australian Standards. The following table identifies areas of non-compliance with the deemed-to-satisfy accessibility provisions of the BCA and associated standards, which are intended to be addressed by performance justification or via design modifications at the construction certificate stage:

BCA Clause	Performance Requirements	Issue	Comment	Status
Disability (Access to Premises - Buildings) Standard 2010	n/a	Continuous accessible path of travel	The <i>Premises Standards</i> require that the principal pedestrian entrance is accessible and that a continuous accessible path (complying with AS 1428.1-2009) is provided to the area of new work. The <i>Premises Standards</i> lessee concession (clause 4.3) applies in this instance, whereby Hugos (a leased area within the wharf with multiple lessees) is not obliged to upgrade the entrance to the tenancy.	Capable of complying
BCA D3.1	DP1	General building access requirements	All new work is required to comply with the BCA. Clause D3.1 requires that within a Class 6 building / part of building, access for people with disabilities be required to and within all areas. Due to the levels of the existing wharf it is not possible to provide level access to the	Capable of complying – Performance Solution at CC

BCA Clause	Performance Requirements	Issue	Comment	Status
			new seating areas located on the west side of the wharf. A performance-based approach combined with an Operational Management Plan will be pursued to justify this compliance departure with comparable accessible (step free) seating offered to the south, where new seating is also proposed.	
BCA D3.3	DP1 / DP2	Parts of building to be accessible	All new stairways are required to comply with the requirements of this clause. The relocated stairway on the west side of the wharf is proposed with reduced handrail extensions due to existing spatial constraints. This compliance departure will be addressed at CC via a performance-based approach which will consider the needs of all users.	Capable of complying – Performance Solution at CC
BCA D3.8	DP1	Tactile indicators	The relocated stairway is required to comply with the requirements of this clause. This will be addressed at Construction certificate either with the addition of TGSIs or a performance-based approach.	Capable of complying – Design modification or Performance Solution at CC

5. COMPLIANCE CAPABILITY

It is our opinion that the proposed building works can comply with the accessibility requirements of the Building Code of Australia 2019, subject to the design modification or performance-based approaches as detailed within Section 4 of this statement. Detailed construction drawings are to be provided at Construction Certificate Application phase demonstrating compliance.

6. PLANS ASSESSED

Drawings prepared Squillace Architects:

Title	Drawing no.	Revision	Date
Site Plan Existing	DA-001	P4	12.06.2020
Existing Ground Floor & Demolition Plan	DA-002	P4	12.06.2020

General Arrangement Plan Proposed	DA-100	P9	12.06.2020
Existing / Proposed Elevation	DA-201	P4	12.06.2020
Existing / Proposed Section	DA-301	P4	12.06.2020
Perspectives and Finishes Schedule	DA-903	P4	12.06.2020
Perspectives and Finishes Schedule	DA-904	P3	12.06.2020

Should you need to discuss any issues, please do not hesitate to contact the undersigned on 8270-3500.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Lucy Shepherd'.

Lucy Shepherd
Manager - Access

On behalf of City Plan Services