

28 April 2022  
Project No: 3283

Lennie Huntly  
Email: [lennie.huntly@foralus.com](mailto:lennie.huntly@foralus.com)

Dear Lennie,

**Re: Accessibility Letter – Market Lane Wine Garden, Manly**

**A. Introduction**

I refer to your instructions to undertake an access/accessibility assessment of the proposed layout of the proposed Market Lane Wine Garden pop-up bar to be located in the Manly CBD against the access related Deemed-to-Satisfy (DTS) Provisions of the Building Code of Australia (BCA) 2019 Amendment 1.

The proposed Market Lane Wine Garden pop-up bar will be located in public space within the Manly CBD, east of the Manly Library. The Manly Library has an external egress stairway discharging adjacent to the proposed Market Lane Wine Garden pop-up bar.

This letter has been prepared for submission to Northern Beaches Council with the development application submission.

**B. Author's Qualifications and Expertise**

I, Greg Murrow, am registered at the highest level in NSW as an Unrestricted Building Surveyor with NSW Fair Trading, which recognised my post graduate qualifications and 23 years experience as a professional building surveyor. I also hold a Diploma of Access Consulting and Associate Membership with the Association of Consultants in Access Australia (ACAA). Please refer to Annexure 1 for a full copy of my curriculum vitae.

**C. Report exclusions**

The following exclusions / limitations apply to this report:

1. This report only applies to the proposed layout of the proposed Market Lane Wine Garden pop-up bar to be located in the Manly CBD;
2. This report does not address any matters that are outside the scope of access related DTS Provisions of the BCA 2019 Amendment 1 or the Disability (Access to Premises - Buildings) Standards 2010;
3. There was no assessment of any documentation other than that specifically listed in the table below;
4. No inspection was undertaken;
5. This report is not be used as a Tender Specification for tendering purposes. This report is intended as a broad identification of accessibility works and not a detailed scope of works;
6. This report does not provide any Performance Solutions as recognised in the BCA;
7. This report does not provide any guarantee against complaints made under the Disability Discrimination Act 1992;
8. This report does not consider Work Health & Safety considerations; and
9. This report does not consider Council's local planning policies such as DCPs and LEPs.

**D. Information Relied Upon**

The following information has been relied upon in the execution of this report:

Item No.	Documentation	Date
<b>Plans</b>		
1.	Proposed plan (Job No. 21012, Drawing No. DA01, Revision b), issued by SARM Architects.	28.04.22
<b>Applicable BCA</b>		
2.	National Construction Code – Volume One – Building Code of Australia 2019 Amendment 1 – published by the Australia Building Codes Board (ABCB).	2020
3.	National Construction Code – Guide to Volume One 2019 Amendment 1 – published by the Australia Building Codes Board (ABCB).	2020

#### **E. Disability (Access to Premises - Buildings) Standards 2010 Provisions**

The “Disability (Access to Premises - Buildings) Standards 2010” applies under clause 2.1(1)(b)(iii) to “a new part, and any affected part, of a building, to the extent that the part of the building is a Class 3, 5, 6, 7, 8, 9 or 10 building”. These parts must comply with the “Access Code for Buildings” contained within Schedule 1 of the “Disability (Access to Premises - Buildings) Standards 2010”. Any new building works i.e. any proposed works must comply with the “Access Code for Buildings” contained within Schedule 1 of the “Disability (Access to Premises - Buildings) Standards 2010” which is superfluous as any new works are required to comply with the BCA anyway.

There is no building proposed, as the proposal relates to a proposed Market Lane Wine Garden pop-up bar to be located in public space within the Manly CBD, which is in open space.

In this regard, there is no legislative obligation to consider the “Disability (Access to Premises - Buildings) Standards 2010” however this report assesses compliance of the layout of the proposed pop-up bar against the access related DTS Provisions of the BCA 2019 Amendment 1 which repeats the access-related DTS Provisions of the BCA.

#### **F. BCA Definitions**

The following BCA definitions are pertinent to this report.

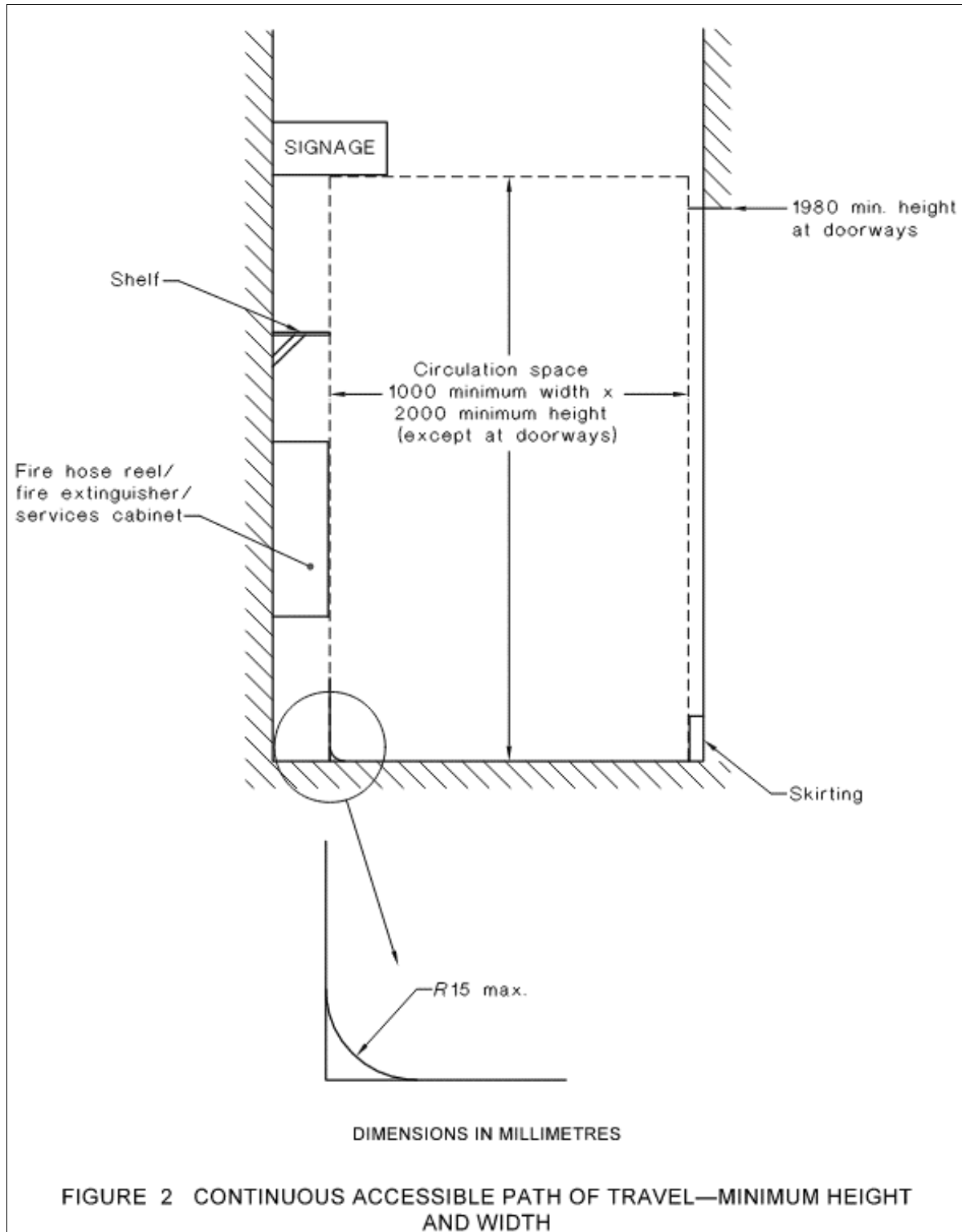
- **Accessible** means having features to enable use by people with a disability.
- **Accessway** means a continuous accessible path of travel (as defined in AS 1428.1) to, into or within a building.

#### **G. Access Compliance Assessment**

The following summary details the compliance of the proposed layout of the proposed Market Lane Wine Garden pop-up bar to be located in the Manly CBD against the access related DTS Provisions of the BCA 2019 Amendment 1:

- **Elevated timber stage:**
  - The timber stage is elevated 100mm above the finished floor level. It requires removal or a step ramp complying with Clause 10.6 of AS 1428.1-2009 (see Annexure 2) to provide wheelchair access to the elevated timber stage.
  - The step ramp shall have a rise of 100mm and shall have a length not greater than 1000mm and a gradient not steeper than 1 in 10.
- **Flooring:**
  - The pop-up bar area shall have a continuous accessible path of travel throughout that does not include a step or other impediment.
  - All new flooring (including that of the elevated timber stage) shall have a slip-resistant surface in accordance with Clause 7.1 of AS 1428.1-2009 (see Annexure 3). The texture of the surfaces of all new flooring (including that of the elevated timber stage) shall be traversable by people who use a wheelchair and those with an ambulant or sensory disability.
  - All new flooring (including that of the elevated timber stage) shall have construction tolerances for the abutment of surfaces in accordance with clauses 7.2 and 7.3 of AS 1428.1-2009 (see Annexure 3). Abutment of surfaces shall have a smooth transition.
  - Any new recessed matting shall be in accordance with Clause 7.4.2 of AS 1428.1-2009 (see Annexure 3).
  - Any new stormwater grates shall be in accordance with Clause 7.5 of AS 1428.1-2009 (see Annexure 3).
- **Height under pergolas and steel stairway frame:**

- The minimum unobstructed height of a continuous accessible path of travel shall be not less than 2000mm.
- Positioning of furniture and other movable fixtures:
  - The minimum unobstructed width (see Figure 2 of AS 1428.1-2009 below) of a continuous accessible path of travel between pieces of furniture and other movable fixtures (games and pot plants) shall be not less than 1000mm.
  - Turning spaces complying with AS 1428.1-2009 (of dimensions of 1540mm x 2070mm) shall be provided within 2 m of the end of accessways where it is not possible to continue travelling along the accessway.



## H. Accessibility Statement

In view of the above assessment, the proposed layout of the proposed Market Lane Wine Garden pop-up bar to be located in the Manly CBD will comply with the access related Deemed-to-Satisfy (DTS) Provisions of the BCA 2019 Amendment 1 subject to:

1. Either remove the elevated timber stage or provide a step ramp to the elevated timber stage in accordance with Clause 10.6 of AS 1428.1-2009 (see Annexure 2).
2. The pop-up bar shall have a continuous accessible path of travel throughout that does not include a step or other impediment.
3. All new flooring (including that of the elevated timber stage) shall have a slip-resistant surface in accordance with Clause 7.1 of AS 1428.1-2009 (see Annexure 3). The texture of the surface of all new flooring (including that of the elevated timber stage) shall be traversable by people who use a wheelchair and those with an ambulant or sensory disability.
4. All new flooring (including that of the elevated timber stage) shall have construction tolerances for the abutment of surfaces in accordance with clauses 7.2 and 7.3 of AS 1428.1-2009 (see Annexure 3). Abutment of surfaces shall have a smooth transition.
5. Any new recessed matting shall be in accordance with Clause 7.4.2 of AS 1428.1-2009 (see Annexure 3).
6. Any new stormwater grates shall be in accordance with Clause 7.5 of AS 1428.1-2009 (see Annexure 3).
7. The minimum unobstructed height of a continuous accessible path of travel including under pergolas and under the Manly Library external stairway frame shall be not less than 2000mm.
8. The minimum unobstructed width of a continuous accessible path of travel between pieces of furniture and other movable fixtures (games and pot plants) shall be not less than 1000mm.
9. The furniture and other movable fixtures (games and pot plants) shall be positioned to allow clear turning spaces complying with AS 1428.1-2009 (of dimensions of 1540mm x 2070mm) within 2 m of the end of accessways where it is not possible to continue travelling along the accessway.

If you require any further information, please contact the undersigned on (02) 8386 0737 or email [greg@murrowconsulting.com.au](mailto:greg@murrowconsulting.com.au)

Yours faithfully,



Greg Murrow

**Director – Murrow Consulting Pty Ltd**

Grad Dip Build Surv, Dip Access Consulting

AIBS National Accredited Level 1 Building Surveyor

NSW Fair Trading Registered Unrestricted Building Surveyor

## ANNEXURE 1 – AUTHOR’S CURRICULUM VITAE



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## CURRICULUM VITAE OF GREG MURROW

Greg Murrow is a specialist Building Code of Australia (BCA) consultant holding the peak registration as an Unrestricted Building Surveyor with NSW Fair Trading since 2010 and AIBS Accredited Membership as Level 1 Building Surveyor, after commencing his professional building surveying career in 1999 and founding Murrow Consulting Pty Ltd in 2015.

Greg is also an accomplished Access Consultant having obtained a Diploma in Access Consulting and Associate Membership with the Association of Consultants in Access Australia (ACAA) which supplemented his existing extensive experience and expertise in the field of access consulting.

Having enjoyed a 10 year (2009-2019) career as a BCA fire safety defects expert witness has allowed Greg to attain an intimate knowledge and deep understanding of the BCA and Disability (Access to Premises – Buildings) Standards 2010.

### ACCREDITATIONS & AFFILIATIONS

- Unrestricted Building Surveyor with NSW Fair Trading – Registration No: BDC1767 since 2010
- Level 1 Building Surveyor Accredited Membership with Australian Institute of Building Surveyors (AIBS) since 2022 and Full Member since 2003
- Associate Member of Association of Consultants in Access Australia (ACAA) since 2019
- Member Association of Australian Certifiers (AAC) since 2010
- Member Engineers Australia Society of Fire Safety (SFS) since 2015
- Member Fire Protection Association (FPA) Australia since 2015

### TERTIARY QUALIFICATIONS

- Bachelor of Applied Science Degree with major studies in Environmental Health with Credit – University of Western Sydney 2001
- Graduate Diploma in Building Surveying – University of Western Sydney 2008
- Diploma of Access Consulting – Access Institute 2020

### SUPPLEMENTARY QUALIFICATIONS

- National WHS General Construction Induction Training – WorkCover NSW 2014
- Advanced Building Regulations Short Course – UTS 2006
- Development Control Short Course – UTS 2001

### DESIGN REVIEWS FOR BCA COMPLIANCE AND ACCESS COMPLIANCE

- Experienced and proficient assessor of building designs to identify Deemed-to-Satisfy (DTS) non-compliances and advisor of design improvements and innovations resulting in value adding for the client.

#### AUTHOR OF PERFORMANCE SOLUTIONS

- Leading author of BCA Part A2 qualitative Performance Solutions for an extensive range of DTS matters concerning:
  - Access and Egress;
  - Services and Equipment;
  - Health and Amenity.

#### FIRE SAFETY DEFECTS EXPERT WITNESS

- Extensive experience as a BCA fire safety defects expert witness attained from the appointment as the expert witness on over 120 significant litigation proceedings predominantly relating to residential buildings and mixed use residential / commercial buildings.
- Inspections of more than 9000 apartments in addition to common areas, and expert witness reporting in accordance with the NSW Civil & Administrative Tribunal Procedural Direction 3 for Expert Witnesses; and the Uniform Civil Procedure Rules 2005 – Schedule 7 Expert witness code of conduct.
- Giving of evidence in the Supreme Court of NSW, the NSW Civil and Administrative Tribunal (NCAT) and the Land & Environment Court.
- Expert witness on other building code and regulations matters with concerted attention to detail, transparency and objectivity.

#### CAREER

##### **Murrow Consulting Pty Ltd**

Founder and Director – October 2015 to present

##### **AED Group**

Associate Director – April 2008 to October 2015

##### **City of Sydney Council – January 2005 to April 2008**

- Specialist Building Surveyor (May 2007 to April 2008)
- District Building Surveyor (January 2006 to May 2007)
- Building Compliance Officer (Contract Position) January 2005 to June 2005

##### **Leichhardt Municipal Council – October 2004 to January 2005**

Building Surveyor (Contract Position)

##### **Penrith City Council – February 2004 to September 2004**

Building Surveyor (Contract Position)

##### **Fairfield City Council – January 1999 to April 2003**

- District Building Surveyor (December 2000 to April 2003)
- Trainee Health & Building Surveyor (January 1999 to December 2000)

## ANNEXURE 2 – STEP RAMPS REQUIREMENTS IN AS 1428.1-2009

### **10.6 Step ramps**

#### **10.6.1 General**

Step ramps shall have—

- (a) a maximum rise of 190 mm;
- (b) a length not greater than 1900 mm; and
- (c) a gradient not steeper than 1 in 10.

Step ramps shall be as shown in Figures 22(A) and 22(B), as appropriate.

The edges of step ramp shall have a 45° splay where there is pedestrian cross-traffic. Otherwise, it shall be protected by a suitable barrier, as shown in Figure 22(B), such as—

- (i) a wall or suitable barrier with a minimum height of 450 mm; or
- (ii) where an open balustrade is provided a kerb or kerb rail shall be provided.

#### **10.6.2 Finishes**

Step ramps shall have a slip-resistant surface.



## 7 FLOOR OR GROUND SURFACES ON CONTINUOUS ACCESSIBLE PATHS OF TRAVEL AND CIRCULATION SPACES

### 7.1 General

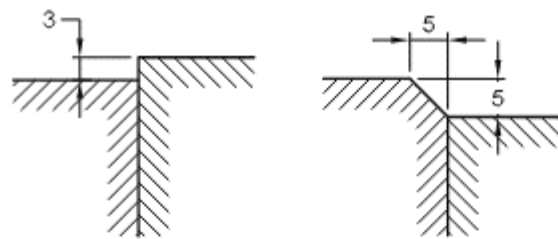
A continuous accessible path of travel and any circulation spaces shall have a slip-resistant surface. The texture of the surface shall be traversable by people who use a wheelchair and those with an ambulant or sensory disability.

### 7.2 Construction tolerances for abutment of surfaces

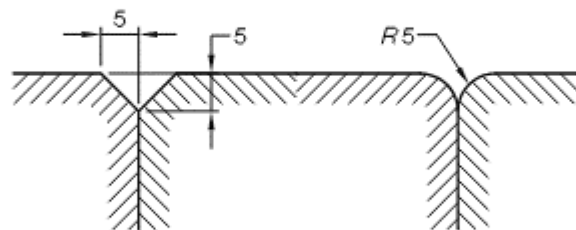
Abutment of surfaces shall have a smooth transition. Design transition shall be 0 mm. Construction tolerances shall be as follows:

- (a)  $0 \pm 3$  mm vertical, as shown in Figure 6(a).
- (b)  $0 \pm 5$  mm, provided the edges have a bevelled or rounded edge to reduce the likelihood of tripping, as shown in Figure 6(b).

Tolerances for raked joint pavers shall be as shown in Figure 7.



(a) Change in level

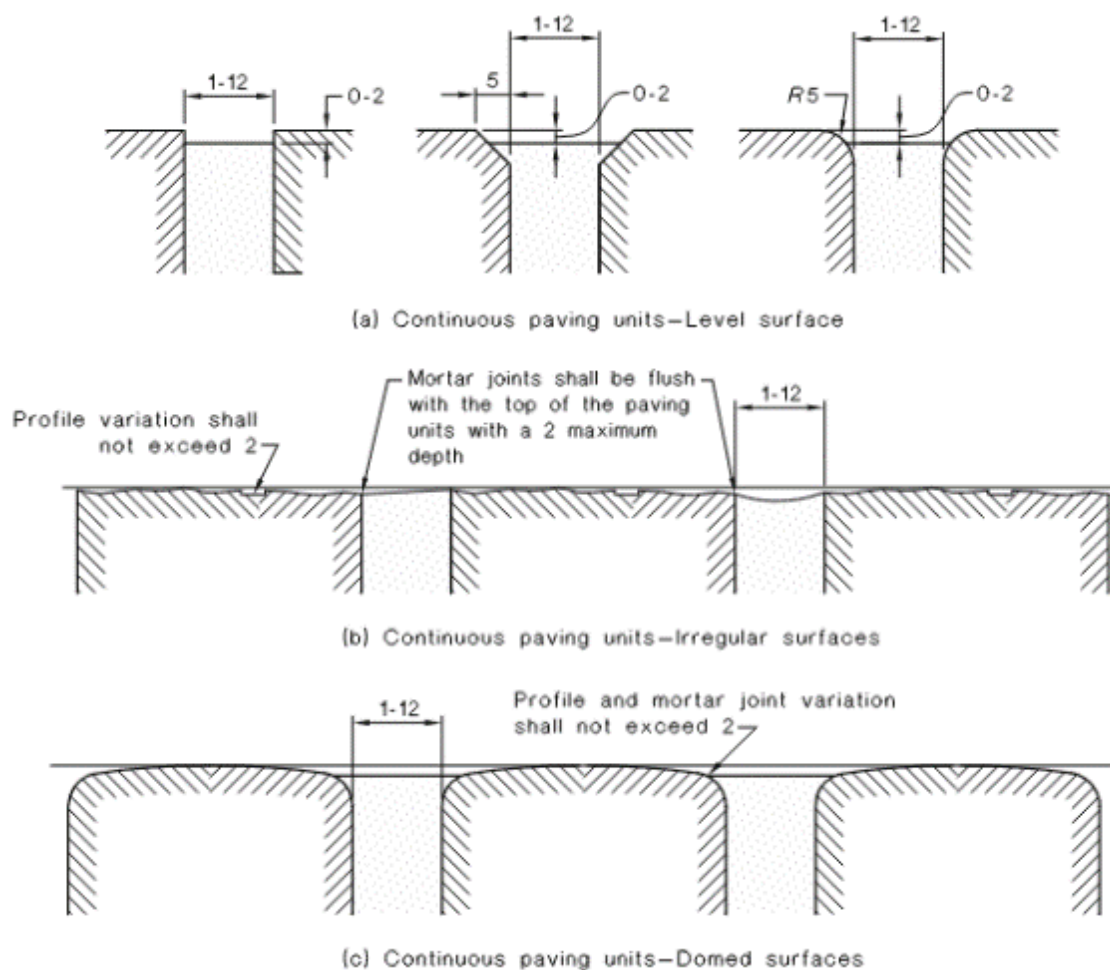


(b) Continuous paving units—flush-jointed with level surfaces

DIMENSIONS IN MILLIMETRES AND ARE MAXIMUM

FIGURE 6 ACCEPTABLE CONSTRUCTION TOLERANCES FOR ABUTMENT OF SURFACES





DIMENSIONS IN MILLIMETRES AND ARE MAXIMUM

FIGURE 7 RAKED JOINT PAVERS

### 7.3 Changes in level

When a vertical change of not more than 5 mm occurs between the abutment of two surfaces along a continuous accessible path of travel, such change in surface level shall comply with the tolerances given in Clause 7.2.

#### **7.4.2 Recessed matting**

Matting recessed within a continuous accessible path of travel—

- (a) where of metal and bristle type construction or similar, its surface shall be no more 3 mm if vertical or 5 mm if rounded or bevelled, above or below the surrounding surface; and
- (b) where of a mat or carpet type material, shall have the fully compressed surface level with or above the surrounding surface with a level difference no greater than 3 mm if vertical or 5 mm if rounded or bevelled.

#### **7.5 Grates**

Grates shall comply with the following:

- (a) Circular openings shall be not greater than 13 mm in diameter.
- (b) Slotted openings shall be not greater than 13 mm wide and be oriented so that the long dimension is transverse to the dominant direction of travel.

NOTE: Where slotted openings are less than 8 mm, the length of the slots may continue across the width of paths of travel.