



17-05-2025- Issue B

Project No: 25112

Address: 52A Abbott Road, North Curl Curl

Subject: Letter to support non-provision of accessible path of travel from site boundary to the main entry door of the dwellings on the basis that this is only a duplex with the requirement of step free access only being triggered due to a Class 2 BCA classification

To Whom It May Concern,

This Access Compliance letter is to accompany a Development Application (DA) for the development proposed at 52A Abbott Road, North Curl Curl NSW. The site is located to the Northern kerb side of Abbott Road and is a battleaxe block with a vehicular access handle between 50 and 52 Abbott Road.

The development is within Northern Beaches Council LGA and proposes a New Building which includes a Basement Carpark, 2 x Sole occupancy dwellings and 2 x private swimming pools for the use and the enjoyment of the residents of the dwellings.

The Development has a statutory obligation to comply with :

- Disability (Access to Premises - Buildings) Amendment Standards 2010, and
- Building Code of Australia (BCA) 2022, Volume 1- Performance requirements of D1P1, D1P2
- The Warringah Development Control Plan 2011

The compliance with legislation is discussed below:

a. Disability (Access to Premises - Buildings) Amendment Standards 2010

The Disability Discrimination Act and Access to Premises standard both recognize that a Class 2 building is considered to be private residential building and under the Access to Premises Standards, access requirements only apply in Class 2 buildings where one or more Sole Occupancy Units are made available for short-term rent as holiday units, serviced apartments or time-share facilities. This is because Disability Discrimination Act doesn't apply to residential buildings and would not apply to this residential building as both are proposed for private use dwellings.

As such in this case Disability (Access to Premises – Buildings) Amendment Standards 2010 does not apply to the development as proposed.

b. Building Code of Australia (BCA) 2022, Volume 1- Performance requirements of D1P1, D1P2

The development has building classification as detailed below:

- Class 2 (building containing more than 2 SOUs i.e., sole-occupancy units)
- Class 7a (car park)
- Class 10b (swimming pool)

In accordance with Section D, Part D4 access is required to the following in accordance with the classifications as detailed:

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The requirements for compliance in accordance with the NCC/BCA under the deemed to satisfy provisions are outlined as follows:

Class 2 - building containing more than 2 SOUs i.e. sole-occupancy units

For residential use components, access is required:

- *From a required accessible pedestrian entrance to at least 1 floor with SOUs and to the entry of door of each SOU on that level.*
- *To and within 1 of each type of room or space in common use.*
- *Where floor is accessed by an AS1428.1 ramp or lift, access is required to the entry doorway of each SOU on that level and to and within all common use areas on that level.*

Class 7a - Covered car park.

- *To and within any level containing accessible carparking spaces.*

Class 10b - Swimming pool

- *Swimming pool with perimeter more than 40M associated with Class 1b, 2, 3, 5, 6, 7, 8 or 9 that is required to be accessible, but not swimming pools for exclusive use of occupants of Class 1b or a SOU in Class 2 or 3 building.*

However, as the dwellings are proposed to be constructed over a common basement, this does trigger the classification of the dwellings to be a Class 2 in accordance with the BCA.

The BCA/NCC outlines “deemed to satisfy” provisions and where this cannot be achieved, a “performance based” solution can be considered.

In this case a “performance based solution” will be provided at the CC stage of works and will address the requirements of D1P1 Access for people with disability as outlined below:

Access must be provided, to the degree necessary, to enable—

(a) people to—

- (i) approach the building from the road boundary and from any *accessible* carparking spaces associated with the building; and
- (ii) approach the building from any *accessible* associated building; and
- (iii) access work and public spaces, accommodation and facilities for personal hygiene; and

(b) identification of *accessways* at appropriate locations which are easy to find.

The Deemed-to-Satisfy Solution as provided at the CC stage of works will show compliance with the Deemed-to-Satisfy Provisions through one or more of the following Assessment Methods:

- i. Evidence of suitability in accordance with Part A5 that shows the use of a material, product, plumbing and drainage product, form of construction or design meets a Deemed-to-Satisfy Provision, and
- ii. Expert Judgement
- c. The Warringah Development Control Plan, Part D Design, Clause D18 Accessibility and Adaptability, Requirement 9, requires:
“Where a development comprises at least five(5) dwellings, 10% rounded up to the nearest whole number) of dwellings shall be capable of being adapted (Class C) under AS4299.”

The development as proposed, only provides a total of 2 dwelling and in this case the requirement to provide adaptable dwellings is not triggered by the DCP.

In this case based on the following facts:

- Only 2 dwellings are located to the site
- The BCA/NCC is the reason that access is triggered to the development
- The Council DCP does not require the provision of adaptable units to the development.
- A private lift is provided in the basement carpark which provides direct access to each dwelling
- The lift has the ability to provide a compliant floor plate of 1100 x 1400 to comply with AS1735.12
- Carparking is for private use within the basement and no visitor space have been provided to the development and therefore access is not triggered to the basement carpark.
- The swimming pool is not for common use, and has a perimeter of less than 40M and therefore access is not triggered.
- The battle handle for access to the site is approximately 46m in length with the dwelling setback an additional 13.5M approximately. This equates to a length of 59M which is a considerable distance from the kerb roadway, in which fatigue would be a factor for consideration in this case.

Conclusion

Based on the information it is reasonable in this case for the proposed development to consider a performance-based solution at the CC stage of works and Access related requirements would apply for accessible path of travel from site boundary to the main entry doorways of the units.

Assessed by

Vanessa Griffin

Accredited Access Consultant and LHA Assessor
ACAA Accredited Membership number 500
Qualified- Certificate IV in Access Consulting
LHA Assessor Licence number 20035



Peer reviewed by

Farah Madon

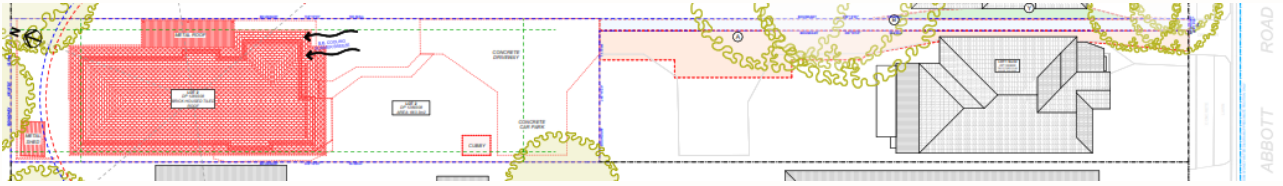
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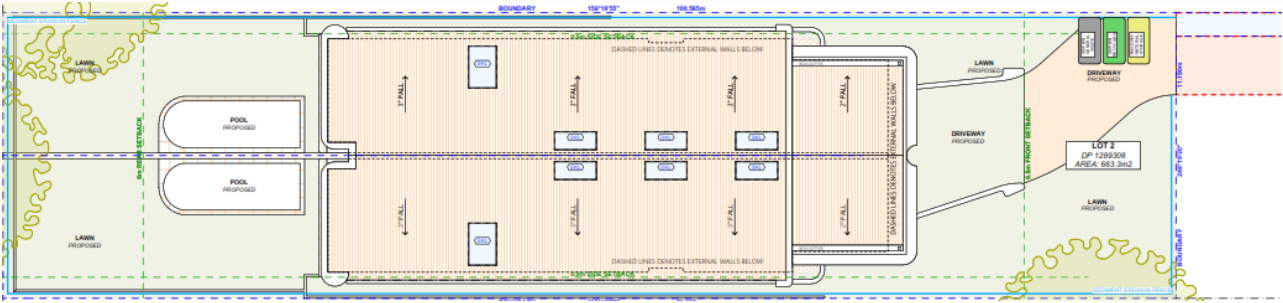
Vista Access Architects Pty. Ltd.

List of referenced plans as below

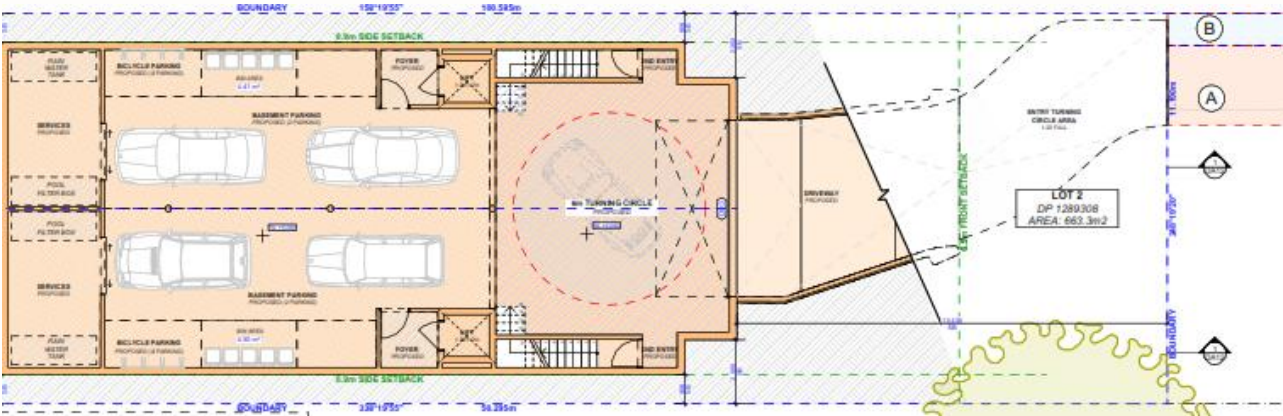
NO.	DRAWING NAME
DA00	COVER
DA01	NOTATION & SAFETY NOTES
DA02	SITE ANALYSIS
DA03	SITE / ROOF / SEDIMENT EROSION / WASTE MANAGEMENT / STORMWATER CONCEPT PLAN
DA04	CUT AND FILL PLAN
DA05	DEMOLISHED FLOOR PLAN FLOOR PLAN
DA06	PROPOSED GARAGE FLOOR LEVEL
DA07	PROPOSED GROUND FLOOR LEVEL
DA08	PROPOSED FIRST FLOOR PLAN
DA09	NORTH / EAST ELEVATION
DA10	SOUTH / WEST ELEVATION



Site plan as shown above showing access from Abbott Road



Site plan as shown above



Basement plan as shown above

Statement of Experience

Vista Access Architects specialises in disability access consultancy services including, Disability Access and inclusion requirements, Access Performance Solutions under the NCC, NDIS SDA Certifications, Livable Housing Certifications and Changing Places Certifications.



Farah Madon - Director

- **ACA Accredited Access Consultant**
- **NDIS Accredited SDA Assessor**
- **Livable Housing Assessor**
- **Changing Places Assessor**

- Accredited and Fellow member of the Access Consultants Association (ACA) - 281
- NDIS Accredited SDA (Specialist Disability Accommodation) Assessor SDA00001
- Architect registered with the NSW Architect's Registration Board - Registration 6940
- Member of Australian Institute of Architects (RAIA), A+ Practice Member 49397
- Registered Assessor of Livable Housing Australia - Registration 10032
- Global Alliance on Accessible Technologies and Environments (GAATES) - BE-02-021-20
- Registered Assessor of Changing Places Australia - Registration CP006

Farah's Educational Profile and Qualifications include:

- Bachelor of Architecture Degree with Honours (B.Arch.)
- International Certification of Accessibility Consultants – Built Environment (ICAC-BE) Program, Level 2 Advanced Accessibility Consultant
- Diploma of Access Consulting

Farah has 20 years of experience of working in the field of Architecture and Access.

Farah is the lead author of the NDIS SDA Design Standard. She has been invited on multiple occasions as an expert witness for Access related matters in the NSW Land and Environment Court.

Farah currently participates on the following key committees concerning access for people with disabilities, on an honorary basis:

- President of Access Consultants Association (previously known as ACAA)
- Member of Standards Australia's ME-064 Committee responsible for the AS4299 and AS1428 suite of standards.
- Community Representative Member of the Penrith City Council's Access Committee
- Member of Australian Institute of Architect's National Enabling Architecture Committee (NEAC)
- Member of Changing Places Australia Technical Advisory Team

Some Recent Awards presented to Farah include:

- 2023 Mulgoa Local Woman of the Year
- 2022 ACAA Fellow Award
- 2021 Australian Access Awards - Winner for the Educational App of the Year - SDA Tools
- 2021 Excellence in Inclusion - Altitude Awards
- 2019 Penrith Citizen of the Year
- 2019 ACAA Access Inclusion Award





Vanessa Griffin

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- NDIS Accredited SDA Assessor
- Livable Housing Assessor
- Changing Places Assessor

- Accredited member of ACA (previously ACAA) - 500
- NDIS Accredited SDA Assessor SDA00009
- Registered LHA Assessor - 20035
- Registered Assessor of Changing Places Australia - CP010



Jenny Desai

- ACA Accredited Access Consultant
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- Livable Housing Assessor

- Accredited member of ACA (previously ACAA) - 572
- NDIS Accredited SDA Assessor SDA00043
- Registered LHA Assessor - 20242
- Master's degree in Design M.Des



Art Phonsawat

- ACA Accredited Access Consultant
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- Bachelor's degree in Architecture B.Arch



Swapna Menon

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- Bachelor's degree in Architecture B.Arch



Rushi Pansare

- ACA Affiliate Access Consultant

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- Bachelor's degree in Architecture B.Arch

