

11 July 2024  
Our Ref: 220643

**Marilyn Anecchini**  
Pilu at Freshwater  
80 Undercliff Road  
Freshwater, NSW 2096

[marilyn@pilu.com.au](mailto:marilyn@pilu.com.au)

Dear Marilyn,

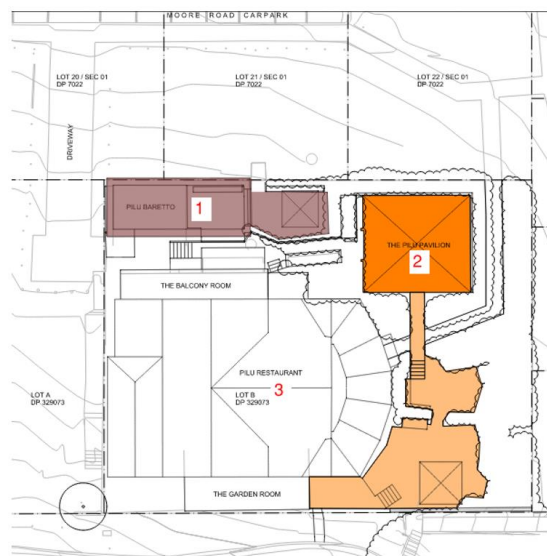
## REVIEW OF ACCESSIBILITY MATTERS PILU RESTAURANT, 80 UNDERCLIFF ROAD, FRESHWATER NSW

City Plan Services has reviewed the access assessment review prepared by Jensen Hughes (JH) Reference 118680 Rev 1 dated 08 December 2023 against City Plans original Accessibility report Reference RE220634.02 dated 06 June 2023 and undertake further assessment of the site to ascertain appropriate level of access with reasonable recommendations.

### 1. DESCRIPTION OF BUILDING

The site is an existing Restaurant (Pilu), which consists of an existing three storey building (primary building), listed as a local heritage item and has been used as Pilu licensed restaurant for many decades. The site contains three (3) main buildings:

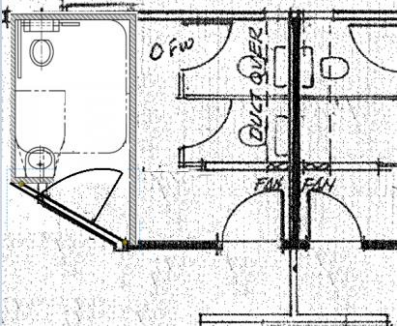
1. Pilu Baretto
2. The Pilu Pavilion
3. Pilu Restaurant


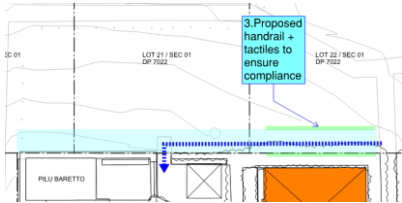
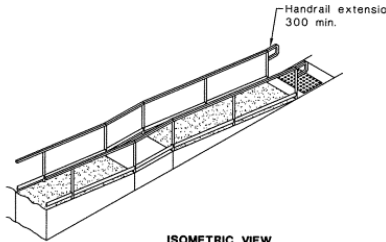


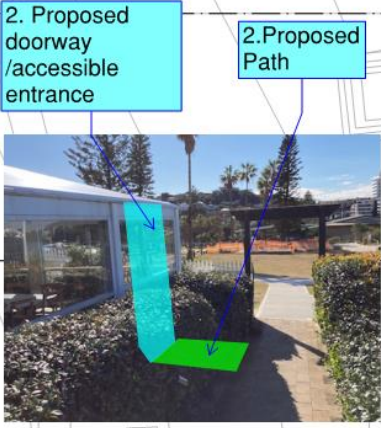
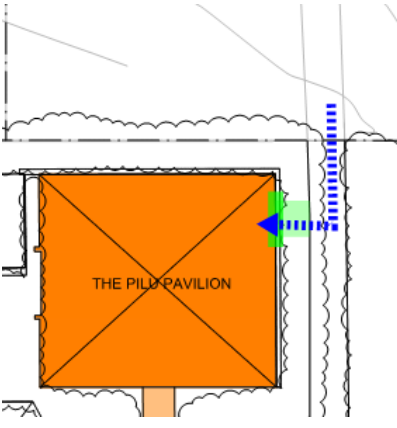
The address is 80 Undercliff Rd, Freshwater. Pedestrian access is provided via Undercliff Road, and via Moore Road Carpark and associated beach/park access.

## 2. REVIEW OF JENSEN HUGHES ASSESSMENT

We have undertaken further site inspection and reviewed recommendations made by JH and provide the following commentary.

#	JH Comments	CP Review	STATUS
	<p>The access report is seeking to limit the extent of accessibility upgrades within the floorspace of the restaurant due to the building being an existing heritage building.</p> <p>The accessibility issues within the floorspace of the restaurant include internal ramping to the garden room and a step down to the verandah seating.</p> <p>This is largely accepted due to there not being proposed "building works" within that portion of the building and the "affected part" path of travel upgrade provisions of the Disability (Access to Premises – Buildings) Standards, 2010 not strictly applying.</p> <p>The recommendations of the Access Report are limited to the accessway from the allotment boundary. If a compliant accessway is provided to the restaurant it will be possible to achieve an adequate level of accessibility within the restaurant.</p>	<p>Based on the recent site inspection undertaken, we do not agree with JH comments.</p> <p>It is considered that a satisfactory level of accessibility upgrade can be achieved through minor proposed works to modify the existing female bathroom, where adequate room is available for the provision of an accessible sanitary facility within the Pilu restaurant.</p>  <p>This will ensure equitable accessible facilities, in lieu of requesting patrons with a disability to exit the restaurant and traverse more than 50m via Council's stairs to reach the existing accessible bathroom.</p> <p>The works to the female bathroom will need to be complemented by an accessible upgrade of the existing path to the restaurant off Undercliff Road. Please refer to further comments below regarding the proposed upgrade to this path</p>	<p>Council to review</p>

	<p>The path of travel to the kiosk is understood to be relatively recent and does not comply with the requirements of AS1428.1-2009. Issues identified include:-</p> <p>a. Crossfall is more than 1:40; and b. Gradient is more than 1:20 and does not contain handrails to both sides and does not have tactile indicators at top/bottom.</p> <p>The access report does not recommend upgrade except where major building works are proposed within the complex.</p> <p>It is considered that the proposed works are sufficiently major, and due to the fact that the accessway was constructed on Council land by Pilu, the upgrade of the walkway should be included as part of the Development Consent Conditions.</p>	<p>Partially agreed.</p> <p>The complete upgrade of the walkway is considered to be unreasonable. Only minor works are required to ensure compliant access to the Pilu Baretto, as outlined below.</p> <p>The existing Council path between the walkway may remain given that AS1428.1 permits a crossfall of 1 in 33.</p>  <p>We have no objection to the provision of handrails and tactiles should Council require it. The proposed works will ensure a compliant walkway in accordance with AS1428.1.</p>   <p style="text-align: center;">ISOMETRIC VIEW</p>	<p>Council to review</p>
	<p>The access report recommends an accessible path of travel be provided to the eastern side of the wedding pavilion in accordance with AS1428.1-2009. This recommendation is accepted. And the accessible path of travel should commence at the property boundary and the existing pathway gradient modified as necessary to ensure gradient as per AS1428.1-2009</p>	<p>We do not agree.</p> <p>Following a reassessment as part of the recent site inspections, it was identified that compliant access can be provided with relatively minor works.</p> <p>The markup below identifies the proposed minor works that involve provision of a landing and new</p>	<p>Council to Review</p>

		<p>accessible door opening to the Pilu Pavilion within the lot boundary. The relatively new Council footpath to this entrance is compliant</p>  	
	<p>The access report outlines that access is not currently provided to the restaurant and two options to provide access are outlined.</p> <p>A review of the options has been undertaken:-</p> <p><b>Proposal 1</b> – This proposal outlines a stair platform lift to be provided to the existing internal stair. The City plan report indicates that this is not practical and viable.</p> <p>The stair and associated handrails do not appear to have significant heritage value and commentary shall be provided by heritage consultant to verify whether the installation of a stair platform lift would be possible.</p>	<p>We do not agree.</p> <p>Following a reassessment as part of the recent site inspections, it was identified that the address of the site is 80 Undercliff Rd Freshwater. A pedestrian entrance has always been provided to the building from this road dating back as far as records show.</p>	<p>Council to Review</p>

Subject to heritage consultant confirmation that a stair platform lift would be permitted, this could be a viable solution due to the sizeable bottom and top landings. And subject to the upgrade of the lower ground floor level doorway to ensure minimum 850mm clearance and doorway latchside circulation space in accordance with AS1428.1-2009 this could be achieved with minimal disruption and works.

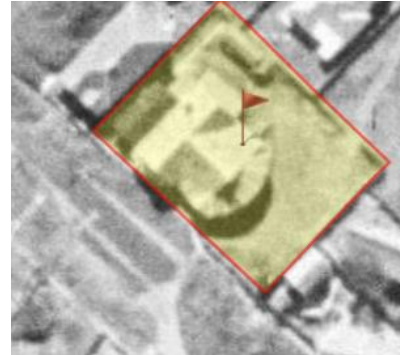
This is certainly an option to consider and requesting the applicant to review and provide details upfront, or via Deferred Commencement Condition approach.

**Proposal 2** – This proposal outlines a deck connection to Undercliff Road and an external unroofed platform lift to provide an accessway to the Garden Room.

It is understood that the current arrangement is to limit and/or prevent access from the Undercliff Road side. And due to the primary access being from the Moore Road elevation, the provision of access from Undercliff Road would only serve a small population when compared to an accessway from Moore Road entrance.

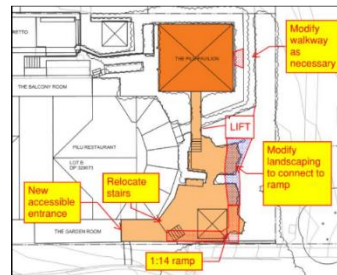
It is alternatively recommended that an accessway is provided from the Moore Road entrance which provides access to the wedding pavilion, the current main entrance and to an external platform lift. An unroofed low rise external platform lift could be provided to the eastern side of the restaurant and connected to a new principle pedestrian entrance to the Garden Room.

When compared to the Cityplan Proposal 2, the alternative recommendation outlined below would only include additional landscaping works to connect the lift to the Garden Room entrance doorway and this is readily achievable within the existing terraced seating area without substantial visual appearance due to the ability for unroofed platform lift to be concealed within existing landscaping.



We note the access is not strictly compliant with current provisions of the BCA/ AS1428.1.

The works suggested by JH in their figure below is considered to be unreasonable, extremely cost prohibitive, and damaging to the building curtilage, biodiversity and physical built form/aspects of the existing development.



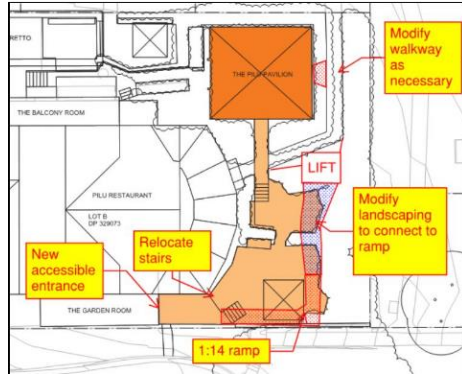
On the basis of a comprehensive reinspection and reassessment to ensure Council and public benefit is achieved. The following is proposed:

Provision of a compliant ramp/pathway (highlighted in green below), skirting a tree and TPZ adjacent to the existing Council walkway (highlighted in yellow below);

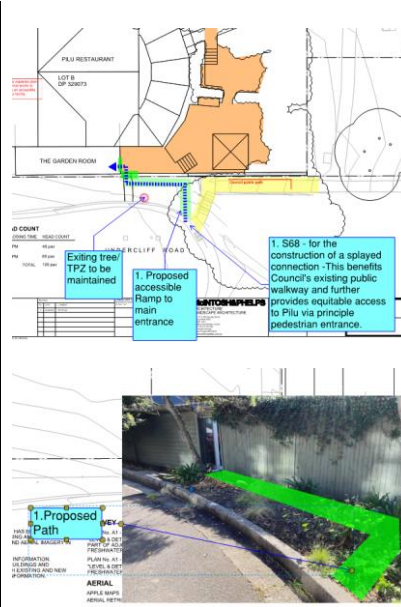
Provision of a splay for joint accessibility i.e. Council footpath and ramp way. (under Section 68 of the Local Government Act); and

The upgrade of the existing entrance door to ensure a clear 850mm and appropriate latching in accordance with BCA and AS1428.1 provisions.





In summary, it is considered that there are potentially two (2) viable access upgrade options that could be implemented however, it would be appropriate to engage with the heritage consultant and the applicant to ascertain if there are any limitations which may prevent one option or another.



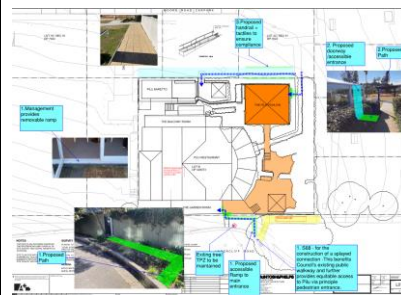
The conclusion does not align with comments within Part 4.2.3 of the Access Report which provides proposals for accessways to the building. The conclusion outlines that it would not be desirable to provide an accessible path of travel to and into the restaurant and only concludes that an accessway only be provided to the pavilion building.

Given that it is proposed to increase population numbers and change the use to permit functions this would increase the likelihood of persons with a disability requiring access to the building. The status quo is that access for persons with a disability is not currently provided in accordance with any recognised standard.

It is accepted that there are heritage restrictions, however, it is possible to provide an accessway to the pavilion building and to the restaurant to provide improved accessibility

Based on assessment of JH comments and reassessment of site, the works proposed in this letter will ensure:

- compliant access to all three buildings.
- provide equitable access sanitary facilities to the restaurant and catering for the population by providing an additional accessible sanitary compartment; and
- improvement to the accessibility to Council's existing walkways/footpaths and compliance with AS1428.1



Council to Review

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

Yours Sincerely,



**Brendan Bennett**  
**Managing Director**

Registration Number: BDC0027  
Building Surveyor - Unrestricted

On behalf of City Plan Services