



BCA & ACCESS COMPLIANCE REPORT

Warringah Golf and Community Club
292 Condamine Street North Manly

Client	Warringah Golf Club Limited
Report No.	J4417
Revision	FINAL
Date	7/02/2023

EXECUTIVE SUMMARY

Building

TABLE 1: BUILDING AND LOCATION

Client	Warringah Golf Club Limited
Building:	Warringah Golf and Community Club
Project Address	292 Condamine Street North Manly

Assessment - Requirements

TABLE 2: REQUIRED CONSIDERATIONS IN LEGISLATION

Clause	Issue	Applicable	Assessed
Environmental Planning and Assessment Regulation 2000			
69	Condition on DA, new works to comply with BCA	Yes	Yes
Disability (Access to Premises – Buildings) Standards 2010			
DAPS	New part to comply with Access Code	Yes	Yes
DAPS	Affected part upgrading required	No	No
Warringah Development Control Plan 2011			
D18	Additional design requirements	Yes	Yes

Assessment – Outcomes

POTENTIAL Performance Solutions – New works

TABLE 3: DtS NON-COMPLIANCES TO BE ADDRESSED PERFORMANCE BASED DESIGN SOLUTIONS

No.	Issue	BCA
1.	Subject to final designs – location/proximity of the fire hydrant booster assembly vs the main entry to the building and main entry to the building.	E1.3
2.	If justification is not otherwise provided that the commercial bar and kitchen areas are uses that are inappropriate to be used by a person with a disability – the omission of access to these spaces.	D3.1, D3.4
3.	Subject of final designs being provided by Council in relation to accessible pathways connecting Kentwell Street to the building – the omission of an accessible pathway from the street frontage to the building. These paths are outside the Designated WGC site.	D3.2
4.	The weathertightness of the bounding construction of the building is to be subject of a performance solution verifying compliance with FP1.4 of the BCA (required for all external walls, roofs, etc). There are no 'deemed-to-satisfy' Note that if the application for construction certificate is made under BCA 2022, this performance solution <i>may</i> not be required.	FP1.4

Notable Compliance Matters – Proposed Works

TABLE 4: NOTABLE BCA COMPLIANCE MATTERS TO BE INCLUDED IN COMPLETED DESIGN

No.	Issue	BCA
5.	Emergency egress from the upper-level balcony relies on egress back into the building. Designated doors on the path of travel to the internal stair from the external stairs are to be fitted with electronic latches that fail safe (unlock) on fire alarm. An AS1670.1-2018 smoke detection and alarm system is required to be installed throughout the building.	D2.21, E2.2

No.	Issue	BCA
6.	Relatively flat accessible paths are capable of being provided between the accessible carparking spaces to the main entry of the building. Of note most of the paths are outside the area of the designated WGC site and will be reliant on Council providing AS1428.1-2009 compliant pathways to the site. Details of the proposed Council pathways should be reviewed to ensure compliance and integrated to the design.	D3.2
7.	Should an amplified system be provided (e.g., within the function rooms), hearing augmentation systems, with associated signage are to be provided.	D3.7
8.	Ambulant accessible WCs are not shown on plan however can be readily accommodated in the final designs. These are to be provided in both the female and male sanitary facilities on both levels of the building	F2.4
9.	AS1428.4.1-2009 tactile ground surface indicators are required to be provided at the top and base of stairs as well as at the junction of the pedestrian path outside the main entry and vehicular movement area should no kerb be proposed in the final designs. Spatial set out of the building allows for compliant TGSIs to be installed.	D3.8

TABLE 5: NOTABLE WDCP 2011 COMPLIANCE MATTERS TO BE INCLUDED IN COMPLETED DESIGN

No.	Issue	WDCP
10.	Secondary handrails located 665 to 700mm above the nosings and landings of the stairs, under the principal handrails located 865-1000 above the nosings and landings of the stairs, are to be provided per Figure 10.1 of AS1428.2	D18
11.	Visual alarm devices forming part of the BOWS forming part of the fire detection and alarm system	D18
12.	Light switches and GPOs are to include 30 x 30mm toggle switches located (centreline) 600mm to 1100mm AFFL and not <500mm from an internal corner.	D18
13.	Joinery, desks, counters, etc shall be designed to accommodate the reach ranges required by clause 22 and design requirements of clause 24 of AS1428.2	D18

Glossary of Terms

ATTACHMENT A: Glossary includes definitions and/or explanations of the various terms used throughout this report.

Basis

The inspections and information relied upon in the preparation of this report are detailed in ATTACHMENT B: Basis

Application

This report applies to 292 Condamine Street North Manly and is for the exclusive use of Warringah Golf Club Limited. This report should not be used in full or part to support any other development or any issue identified in relation to this or any other development. DPC do not warrant or will not accept any responsibility for misuse of the report as well as any discussions or outcomes within this report.

History

Date	Revision	Extent of Revision
31/01/2023	DRAFT	
07/02/2023	FINAL	Minor corrections

Project Contact

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INTRODUCTION

Brief & Scope

DPC have been engaged by Warringah Golf Club Limited to undertake a review of the design documentation available with a view to determine the proposals **capability** to achieve compliance with the relevant statutory requirements, such as the Environmental Planning and Assessment Regulation 2021 & Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Regulations”), the Disability (Access to Premises – Buildings) Standards 2010 (the “Premises Standards”) and provide recommendations as to the works required to achieve the specified outcomes of this legislation.

In accordance with the Northern Beaches Council’s letter dated 15 December 2022 (“Council’s letter”), the focus of this report will be capability of the proposed development to comply with:

1. National Construction Code 2019 Amendment 1 **Building Code of Australia** Class 2 to 9 Buildings (the “BCA”)
2. The Access Code of the **Premises Standards**
3. The Accessibility provisions of **Warringah Development Control Plan 2011**.

Capable of Complying

Much of compliance requirements of the BCA, Access Code and Warringah DCP relate to matters of detailed design which are not included in plans submitted with development applications, and therefore this report cannot attest that the design complies with these design standards in all regards.

It is the express intent of this report to confirm that the proposed designs are **capable of complying** with these design standards – notably that the form and spatial set out of the building can accommodate a compliant outcome, and detailed ‘for construction’ designs developed for any application for construction certificate will not necessitate changes, to achieve compliance, that result in inconsistencies with any development consent based on the assessed plans, and the submission of s4.55 modifications.

Summary Description

Proposed Development

The proposed development is for the construction of a new two storey Golf and Community Club comprising of meeting rooms, dining and function areas, Pro shop, administration and back of house areas.

We understand that the preliminary works including the demolition of existing structures and tree removal will be completed by others prior to the commencement of the development works.

Property Description

TABLE 6: PROPERTY DESCRIPTIONS

Address	292 Condamine Street North Manly
Title	Lot 2472, DP752038
Surrounds	The development is located in the southwestern corner of the northern half of the existing Warringah Golf course. The subject building will have primary frontages to Kentwell Road to the south and Pittwater Road to the east. The area of the site affected by the development is relatively flat. The subject allotment is bound on all sides by public roadways



FIGURE 1: SITE LOCATION AND SURROUNDS

BCA 'Description'

TABLE 7: PROPOSED DESCRIPTIONS

BCA Classifications:	Level	Use	Classification
	Ground Floor	Club (Assembly Building)	9b
		Pro shop	6
		Administration Offices	5
	First Floor	Club (Assembly Building)	9b
Rise in Storeys	2		
Type of Construction	Type B		
Effective Height	4.4m		
Large Isolated Building	No		
Compartmentation	N/A		
United Building	N/A		
Existing Fire Fighting Equipment	N/A		

ASSESSMENT

The Environmental Planning and Assessment Regulation 2021 and the Disability (Access to Premises – Buildings) Standards 2010 (“DAPS”) are the principal legislative instruments that detail the extent to which new building works are required to comply with the BCA and Access Code.

In addition, Council’s letter has requested that the accessibility of the development comply with the access requirements of Warringah Development Control Plan 2011.

Detailed discussions regarding the legislative requirements are included in ATTACHMENT D: Detailed Explanations.

Version of BCA

In relation to the new works the following version of the National Construction Code Volume 1 Building Code of Australia Class 2 to 9 Buildings (the “BCA”) that has been considered is

BCA 2019 Amendment 1

BCA 2022 is due to be adopted on 1 May 2023, therefore should application for construction certificate be made before this date BCA 2019 will apply. A relatively recent notification from the Australian Building Codes Board indicates that the adoption date for BCA 2022 may be postponed. Given (potentially delayed) adoption date, BCA 2019 has been used for this assessment.

Notwithstanding, it is considered that the adoption of BCA 2022 is unlikely to materially change this report’s assessments & outcomes.

Assessment Summary

TABLE 8: REQUIRED CONSIDERATIONS IN LEGISLATION

Clause	Issue	Applicable	Assessed
Environmental Planning and Assessment Regulation 2000			
69	Condition on DA, new works to comply with BCA	Yes	Yes
Disability (Access to Premises – Buildings) Standards 2010			
DAPS	New part to comply with Access Code	Yes	Yes
DAPS	Affected part upgrading required	No	No
Warringah Development Control Plan 2011			
D18	Additional design standards	Yes	Yes

Scope

Based on the legislative framework above, the following assessment schedules include our assessment of the proposed development against the provisions of the BCA, Access Code and WDCP in the context of these legislative requirements.

BCA CAPABILITY REVIEW

The following is a summary assessment of the **capability** of the proposed **Warringah Golf and Community Club** to comply with the DtS provisions of the BCA. It is important to note that:

- This assessment relates to only to “key” compliance elements of the proposed works.
- Issues of detail have not been considered and it is assumed they will be resolved in documentation submitted with the application for construction certificate.
- In no way should this review be considered as verification that the design documentation assessed complies with all aspects of the BCA.

Background

In relation to the commentary below, DPC highlights the following underlying assessments relative to the assessment comments below:

Exits and Paths of Travel

Figure 2 and Figure 3 illustrate the location of exits from the building and map principal travel paths within the building.

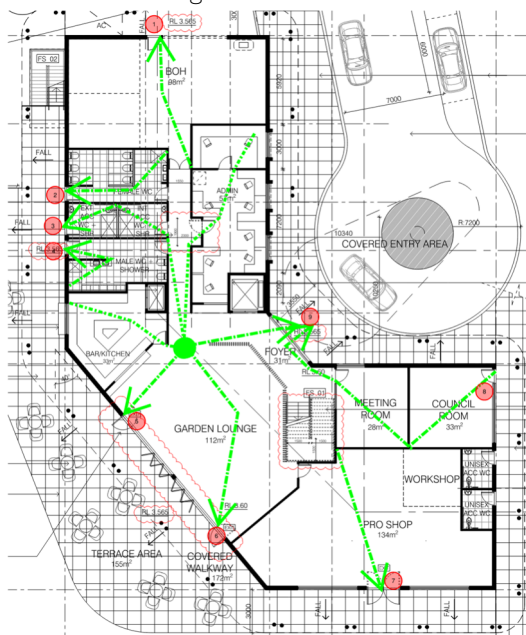


FIGURE 2: GROUND FLOOR LEVEL EGRESS

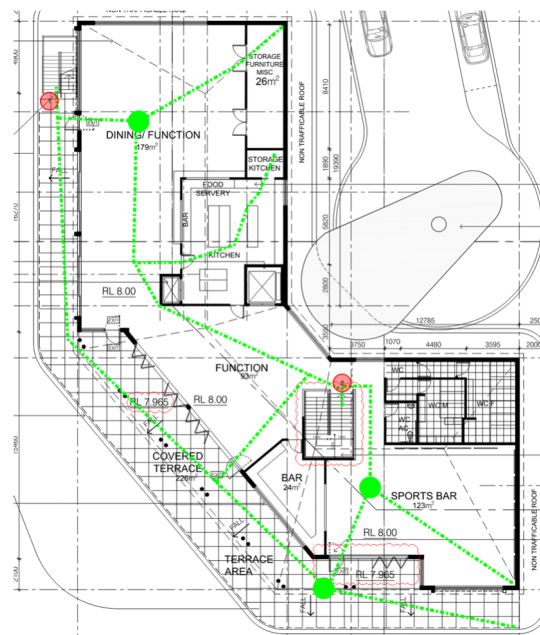


FIGURE 3: FIRST FLOOR LEVEL EGRESS

Assessment

Based on our review of the provided design and other documentation listed in ATTACHMENT B: Basis, it is our considered opinion that compliance with the BCA can be achieved, without recourse to a Section 4.55 application, subject to the inclusion of detail elements and resolution of the following matters with the application for construction certificate:

Section B – Structure

1. Design documentation is to demonstrate compliance with the structural provisions of Section B of the BCA.

Section C – Fire Resistance

2. Given remote location of the building from fire source features (i.e. common boundaries and other buildings on site), limited fire rated construction will apply to the building.
3. The following Fire Resistance Levels will apply to various components of the building.

TABLE 9: REQUIRED FIRE RESISTANCE LEVELS

Building Element	FRL (in minutes)
EXTERNAL WALL (including any column and other building element incorporated therein) or other external building element, where the distance from any fire-source feature to which it is exposed is	
For loadbearing parts –	
Supporting upper floor	180/-/-
All other walls	-/-/-
For non-loadbearing parts –	
All walls	-/-/-
EXTERNAL COLUMN not incorporated in an external wall –	
Supporting upper floor	180/-/-
All other walls	-/-/-
FIRE/ COMMON WALLS	-/-/-
INTERNAL WALLS –	
Loadbearing – Ground Floor	180/-/-
Loadbearing – 1 st Floor	-/-/-
Nonloadbearing	-/-/-
OTHER LOADBEARING, INTERNAL BEAMS, TRUSSES AND COLUMNS—	
Loadbearing – Ground Floor	180/-/-
Loadbearing – 1 st Floor	-/-/-
Nonloadbearing	-/-/-
FLOORS	30/30/30
ROOFS	-/-/-

4. In relation to the FRLs above, for the purposes of C2.8 of the BCA, the higher FRLs of the applicable class of building have been applied.
5. All internal loadbearing walls are required to be of concrete or masonry.
6. All components of the external wall systems are required to be of non-combustible construction. Of note, cladding materials nominated appear to be non-combustible per BCA C1.9.
7. All new signage, attachments or other ancillary elements are to comply with the combustibility / fire performance requirements of clause C1.14 of the BCA.
8. All materials, linings and assemblies are to comply with the fire hazard properties of BCA C1.10.
9. Service penetrations through the floor slab, and any other fire rated element, are to be fire sealed to maintain the FRL of the applicable element.
10. Should a motor room be provided the lift motor / equipment room is to be enclosed with FRL 120/120/120 construction.

Section D – Access and Egress

11. Based on the egress routes illustrated in Figure 2 and Figure 3, compliant egress can be achieved.
12. The aggregate egress widths of the stairs serving the first-floor level are a 'clear' 1m (Stair 1) plus 1.5 (Stair 2) = 2.5m. This is sufficient to accommodate 260 persons, staff included. DPC understands the DA submission proposes limiting the upper level to 230 persons – therefore sufficient egress widths are provided.
13. Emergency egress from the upper-level balcony relies on egress back into the building. Designated doors on the path of travel to the internal stair from the external stairs are to be fitted with electronic latches that fail safe (unlock) on fire alarm. Refer to Section E regarding the required smoke detection system.
14. Paths of travel between elements are to maintain a minimum 1000mm in clear width (e.g. corridors, ramp & stair handrails, etc). These are currently dimensioned or scale as compliant.
15. BCA D2.15 & AS1428.1-2009 compliant thresholds can be provided to external door openings. A 35mm change in level between internal and external areas is proposed.
16. D2.17 compliant handrails are to be provided to all stairs and ramps.
17. Balustrades and other appropriate barriers are provided to all landings, stairs, etc in accordance with D2.16.
18. Details are to be provided with the application for construction certificate confirming that stairs and handrails are to comply with D2.13, D2.14 & D2.17.
19. New external power operated (exit) doors & power operated doors in the path of travel to an exit are to comply with D2.19.
20. All door furniture is to comply with D2.21
21. Note: Areas of the building that are <200m² and served by a single exit can be provided with a door that does not swing in the direction of egress.

Refer to commentary below regarding accessibility.

Section E – Services and Equipment

22. A fire hydrant system complying with BCA Clause E1.3 and AS2419.1-2005 is to be provided to protect the building. It is considered that the location of the booster assembly is likely to be remote from the main entrance to the building due to site conditions. Subject to final designs, this aspect of the design is to be addressed by a fire engineered performance-based design solution with the application for construction certificate.
23. Fire hose reels complying with BCA Clause E1.4 & AS2441-2005 are required to protect all levels of the building (subject to final compartmentation design)
24. Portable fire extinguishers complying with BCA E1.6 & AS2444-2001 are required to protect specified hazards (e.g., cooking areas).
25. Typically, the building would be required to be provided with a smoke detection compliant to clause 6 of BCA Specification E2.2a (skeletal system with detectors at 20m spacings), however to facilitate the fail safe operation of egress doors the required detection system is to be extended to be a compliant AS1670.1-2018 automatic smoke detection and alarm system.
26. Any air-handling system, other than non-ducted individual room units with a capacity not more than 1000 L/s and miscellaneous exhaust air systems installed in accordance with Sections 5 and 6 of AS 1668.1, are required to shutdown on activation of the smoke detection and alarm system.
27. Emergency lighting and exit signage compliant with BCA clauses E4.1 to E4.8 & AS2293.1-2018 is required to be provided throughout the building.

Section F – Health and Amenity

28. The weathertightness of the bounding construction of the building is to be subject of a performance solution verifying compliance with FP1.4 of the BCA (required for all external walls, roofs, etc). Note that if the application for construction certificate is made under BCA 2022, this performance solution may not be required.
29. All stormwater is to be disposed of in accordance with AS/NS 3500.3.
30. The metal sheet roofing is to comply with AS 1562.1
31. Sarking-type material used for weatherproofing of roofs and walls must comply with AS/NZS 4200.1 and AS 4200.2.
32. All new sanitary facilities are to be waterproofed in accordance with BCA clause F1.7 & AS3740-2010
33. The walls and floors of the basement levels are to be provided with appropriate vapour barriers or other measures to prevent moisture accessing the building.
34. All windows and glazed doors are to comply with AS1288 & AS2047.1
35. Whilst all facilities are not nominated on plan, sufficient area is provided to afford facilities for expected populations (if not more than BCA minimum requirements).
36. AS1668.2-2012 compliant mechanical ventilation is to be provided to all occupied spaces of the building, including the ground floor level storage, unless an alternate and appropriate means of natural ventilation can be provided to the space.
37. AS1680.0-2009 compliant artificial lighting is to be provided to all areas of the building.

Section G- Ancillary Provisions

38. Cool rooms are to comply with the BCA G1.2

Section H – Special Use Buildings

39. Nil

Section I

40. No provisions

Section J – Energy Efficiency

41. The provisions of Section J apply to all parts of the building. As these requirements relate to the construction of the new building fabric and services only it is considered that any requirement can be readily accommodated in the Construction Certificate design documentation.

2. A 35mm change in level is proposed between external and internal areas which can facilitate AS1428.1-2009 compliant threshold ramps.
3. An accessible path of travel can be provided to all areas of the building used by the occupants. Given the level of detail provided, compliance with AS1428.1-2009 cannot be confirmed in all regards, however principal spatial requirements for wheelchair circulation spaces are demonstrated on the DA drawings.
4. Details are to be provided with the application for construction certificate confirming that stairs and handrails comply with Access Code and BCA D3.3 and AS1428.1-2009. Of note the set out of the spatial set out of the stairs in the design can accommodate compliant designs, notably handrail extensions and turnoffs at the top and base of the stairs, as well as containing offset flights at landings to enable handrails to be of a consistent height through the landings.
5. Access is not proposed to the bar and commercial kitchen areas of the building. Details provided with construction certificates are to include one of the following:
 - a. Documentation demonstrating that access to the area *"would be inappropriate because of the particular purpose for which the area is used"*; OR
 - b. A performance based design solution to omit accessible paths of travel to and within the space; OR
 - c. Amended designs. As an amendments would be internal and relatively minor in nature it considered designs are likely to remain consistent with any development consent.It is considered the demonstration of access is inappropriate due to the use of the space is the most likely outcome.

Lifts

6. The proposed lift shaft can accommodate a minimum 1100 x 1400mm lift car.
7. Lifts, call buttons and other features can comply with BCA/Access Code E.6 and AS1735.12-1999.

Carparking

8. Accessible carparking is outside the area of the designated WGC site. Notwithstanding, it is considered that the nominated parking is capable of complying with AS2890.6-2009.
9. 132 spaces are proposed, including 4 x accessible car parking spaces. This is greater than the 1 accessible space per 50 spaces required.

Facilities and Services

10. Should an amplified system be provided (e.g. within the function rooms), hearing augmentation systems, with associated signage are to be provided.
11. AS1428.4.1-2009 tactile ground surface indicators are required to be provided at the top and base of stairs as well as at the junction of the pedestrian path outside the main entry and vehicular movement area should no kerb be proposed in the final designs. Spatial set out of the building allows for compliant TGSIs to be installed.
12. BCA D3.6 and Access Code D4.3 compliant Braille and tactile signage can be provided at all sanitary facilities and spaces with hearing augmentation systems.
13. Light switches and GPOs are to include 30 x 30mm toggle switches located (centreline) 600mm to 1100mm AFFL and not <500mm from an internal corner.

Sanitary Facilities

14. A number of unisex accessible sanitary facilities are proposed on both levels of the building, including showers. Those shown appear to be of sufficient dimensions to accommodate the facilities shown.
15. Ambulant accessible WCs are not shown on plan however can be readily accommodated in the final designs. These are to be provided in both the female and male sanitary facilities on both levels of the building.

Assessment – Warringah DCP 2011

Section D18 of the Warringah DCP specifies the accessibility development standards for buildings used for non-residential purposes.

Section D18

TABLE 10: WDCP 2011 – SECTION D18 REVIEW

Requirement	Comment
The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
There is to be effective signage and sufficient illumination for people with a disability.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
Access for people with a disability is to be provided at the main entrance to the development.	Capable – refer to discussions above in relation to BCA and Access Code Compliance. Details are required to be provided with detailed construction drawings to verify compliance.
Development is to comply with Australian Standard AS1428.2.	Capable – refer to discussions below
Where a development comprises at least five (5) dwellings, 10% (rounded up to next whole number) of dwellings shall be capable of being adapted (Class C) under AS4299	Not Applicable

AS1428.2 Compliance

In accordance with Requirement 8 of Section D18 of WDCP, the development is required to comply with AS1428 Design for access and mobility Part 2: Enhanced and additional requirements – Building and facilities.

Of note, the last published version of this standard was in 1992. As such there have been several subsequent publications of Part 1 of the standard, as well as the BCA and Access Code, that have adopted if not exceeded the enhanced design standards within the 1992 version of AS1428.2 therefore earlier commentary in relation to BCA and Access Code compliance addresses most design requirements of this standard.

Commentary below demonstrates that the proposed design **is capable of complying** with unique or additional design requirements in AS1428.2 from those required by the BCA and Access Code.

1. Additional wheelchair passing bays are required – 6m intervals having dimension of 1800 x 1600mm. These are generally accommodated in the open floor plates. Passing bay has been included in the corridor between the administrative offices and the ground floor sanitary facilities.
2. 1200mm clear paths of travel are proposed throughout the design.
3. Secondary handrails located 665 to 700mm above the nosings and landings of the stairs, under the principal handrails located 865-1000 above the nosings and landings of the stairs, are to be provided per Figure 10.1 of AS1428.2

4. Building Occupant Warning Systems (“BOWS”) forming part of the fire detection and alarm system are to include sound outputs 15 dB(A) above the noisiest background should pressure level averaged over a period of 60 seconds, and the level shall not exceed 75 dB(A)
5. Visual alarm devices forming part of the BOWS forming part of the fire detection and alarm system.
6. Light switches and GPOs are to include 30 x 30mm toggle switches located (centreline) 600mm to 1100mm AFFL and not <500mm from an internal corner.
7. Joinery, desks, counters, etc shall be designed to accommodate the reach ranges required by clause 22 and design requirements of clause 24 of AS1428.2

ATTACHMENT A: GLOSSARY

"The Act" and "EPA Act" means the Environmental Planning and Assessment Act 1979 (NSW). All amendments and references to the Act also mean amendments and references to the Regulations.

"Access Code" means the Access Code contained in the Premises Standards. Includes design requirements for a building to be accessible

"Access way" means a continuous accessible path of travel (as defined in AS1428.1) to, into or within a building.

"Accredited Certifier" or "AC" has the same meaning as "Accredited Certifier" in the Act.

"Affected Part" has the same meaning as that in the Premises Standards, being the Principal Public Entrance to a building and access way to new work.

"Alternative Solution" has the same meaning as "Performance Solution".

"Ambulant Disabilities" means mobility disability that does not prevent persons from being able to walk.

"AS1428.1" means AS1428 'Design for access and mobility' Part 1: 2009; General requirements for access – New building work', unless specified.

"AS" means Australia Standard

"Assessment Guidelines" means IFEG and/or the Australian Building Codes Board's "Development of Performance Solutions – Guidance Document".

"Building" means that the building or part of the building which is the subject of the Building Works.

"BCA" if not otherwise specified, means National Construction Code 2016 Volume 1 Building Code of Australia Class 2 to 9 Buildings.

"Certificates" mean statutory certificates and non-statutory certificates.

"Certifying Authority" or "CA" means a Certifying Authority within the meaning of the Act.

"Circulation Space" means a clear unobstructed area to enable persons using mobility aids to manoeuvre.

"Competent people" means people authorised to carry out any work associated with Building Works under the Act and includes contractors or independent consultants appropriately experienced and qualified, licenced, accredited or the like to provide design and consultancy services relative to the discipline, building element or service of the Building Works concerned.

"Compliant" means to the standards specified by the Access Code & BCA. Note: works may be specified in this report and may omit reference to 'compliant' or a specific standard. Those works are to be 'compliant' to the extent required by this definition.

"CDC" or "Complying Development Certificate" or "CDC" means a Complying Development Certificate within the meaning of the Act.

"Consent Authority" or "CA" means a Consent Authority within the meaning of the Act. This is the entity that issues development consents and can include local Council as well as State Government Agencies.

"Construction Certificate" or "CC" means a Construction Certificate within the meaning of the Act. This is the building approval issued by a CA subsequent to the issue of the development consent and prior to the commencement of works.

"DAPS" means the same as Premises Standards.

"Deemed to Satisfy Provision" has the same meaning as the same term in Volumes 1 & 2 of the National Construction Code. These are the prescriptive

design standards deemed to achieve compliance with the BCA or Access Code, as applicable.

"Development Consent" means a Development Consent within the meaning of the Act.

"DDA" means the "Disability Discrimination Act 1992"

"DPC", "we" or "us" means DP Property Consulting Pty Ltd and its staff.

"Fire Engineering Brief", "FEB" or "Brief" has the same meaning as the term in the IFEG. It is a summary document of proposed assessment methods and goals for a Performance Solution relating to a fire safety matter.

"Fire Engineering Report" or "FER" has the same meaning as the term in the IFEG. It is a detailed report of assessment methods, calculations and outcomes of a Performance Solution relating to a fire safety matter.

"Fire Safety Certificate" means a Fire Safety Certificate within the meaning of the Act.

"Hazard" means any area or fixed object in or immediately adjacent to a direction of travel, which may place people at risk of injury.

"IFEG" means the International Fire Engineering Guidelines 2005.

"Luminance Contrast" means the light reflected from one surface or component, compared to the light reflected from another surface or component.

"Occupation Certificate" or "OC" means an Occupation Certificate within the meaning of the Act. Is required prior to the occupation of a building and/or commencement of a use.

"Order" means an Order within the meaning of the Act.

"Performance Requirement" or "PR" has the same meaning as the term in Volumes 1 & 2 of the National Construction Code.

"Premises Standards" means the "Disability (Access to Premises – Buildings) Standards 2010"

"Performance Solution" has the same meaning as the term in Volumes 1 & 2 of the National Construction Code as in force at the time of application for a CDC or CC including all applicable amendments.

"Principal Certifying Authority" or "PCA" is a building practitioner as defined by the Act

"Regulations" or "EP&A Reg" means the Environmental Planning and Assessment Regulation 2000 (NSW) (as amended) and all applicable amendments.

"State Environmental Planning Policy" or "SEPP" is in n EPI and has the same meaning as in the Act. These apply to specified regions or the entirety of the state of New South Wales as specified in the SEP

"Sanitary Compartment" means a room or space containing a closet pan or urinal.

"Slip Resistant" means a property of a surface having a frictional force-opposing movement of an object across a surface.

"Tactile Ground Surface Indicators" or "TGSIs" means truncated cones and / or bars installed on the ground or floor surface, designed to provide pedestrians who are blind or vision-impaired with warning or directional orientation information.

"Tactile Signs" means signage incorporating raised text, and / or symbols and Braille to enable touch reading by people who are blind or who are vision-impaired.

ATTACHMENT B: BASIS

Reference Documentation

Architectural

Designer

Group Architects

Project No.

GA2020-023

No.	Title	Date	Rev
000	TITLE PAGE	11.11.2022	9
001	TITLE PAGE	11.11.2022	9
002	TITLE PAGE	11.11.2022	9
003	LOCATION PLAN	11.11.2022	9
D01	DEMOLITION PLAN	11.11.2022	9
100	OVERALL SITE PLAN	11.11.2022	9
101	MASTER PLAN	11.11.2022	9
101a	SITE PLAN – Landscaping set out	11.11.2022	9
101b	SITE PLAN – Landscaping set out	11.11.2022	9
101c	SITE PLAN – ZONES Landscaping set out	11.11.2022	9
102	GROUND FLOOR PLAN	24.01.2023	10
103	FIRST FLOOR PLAN	24.01.2023	10
104	ROOF PLAN	11.11.2022	9
200	SOUTH AND EAST ELEVATIONS	11.11.2022	9
201	NORTH, SOUTH-WEST ELEVATIONS	11.11.2022	9
202	SITE ELEVATIONS	11.11.2022	9
300	SECTIONS 1,2,3	11.11.2022	9
900	AREA DIAGRAM	11.11.2022	9

ATTACHMENT C: FIRE SERVICES

Proposed Fire Safety Schedule

Measure	Type				Minimum Standards of Performance
	Critical	Existing	Proposed	Modified	Proposed /Modified
Automatic fail safe devices	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause D2.21
Automatic fire detection and alarm system, including visual alarm devices	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause D2.21, BCA Specification E2.2a clause 6 AS1670.1-2018
Fire Hydrants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause E1.3 & AS2419.1-2005 Fire Engineering Report
Fire Hose Reels	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause E1.4 & AS2441-2005
Emergency Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause E4.2, E4.4 & AS/NZS 2293.1-2018
Exit Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause E4.5, E4.5 & AS/NZS 2293.1-2018
Fire Seals Protecting Openings in Fire-Resisting Components of the Building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause C2.12 C3.15, Specification C3.15 & manufacturer's specifications
Mechanical Air Handling Systems Shutdown	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA NSW Table E2.2b
Portable Fire Extinguishers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BCA Clause E1.6, AS2444-2001

END OF SCHEDULE

ATTACHMENT D: DETAILED EXPLANATIONS

BCA Compliance

The introduction of the Building Code of Australia 1996 (adopted 1 July 1997) commenced the use of 'performance based building codes' in Australia. BCA 1996 and subsequent amendments and revisions, nominate a series of Performance Requirements that *"outline the levels of accomplishment different buildings must attain. The Performance Requirements are the only NCC hierarchy levels that must be satisfied."*¹ Compliance with a relevant Performance Requirement is achieved in one of three (3) ways:

Adherence to the prescriptive "deemed-to-satisfy" provisions.

Development of a Performance Based Design Solution – "Performance Solution" or "Alternative Solution"

A combination of both.

Performance solutions can address all aspects building code compliance including, but not limited to, fire resistance, emergency escape, sanitary facilities, building amenity, accessibility and energy efficiency.

Whilst performance based design solutions can relate to any matter of BCA compliance, those typically worthy of the most attention generally relate to fire safety matters.

The current BCA and guidelines to its application and performance based can be accessed on-line – [click here](#).

It is important to note that **the BCA is a design document for new building work**. The BCA contains no provisions regarding its application or the administration of building approvals nor does it directly provide for retrospective application to existing building elements. These are administered in legislation.

Performance (Alternative) Solutions

Performance based design solutions provide greater flexibility in achieving an appropriate building solution specific to the parameters and limitations of the proposed building, its fuel loads and the capabilities of its occupants. Performance based solutions are typical advantageous in building design.

However sometimes, because of this flexibility, the underlying design as well as the outcomes and recommendations of the reports can impact on the building's ongoing operation, use and maintenance.

This can include:

1. Solutions relating to specific scenarios that can limit future use types.
2. Increased training and ongoing management-in-use plans to be developed and implemented.
3. Potential impacts on future uses and design.
4. Fire Services can have atypical and/or enhanced operational requirements which are unlikely to be familiar to the maintenance contractors and to the fit-out designers.
5. Additional maintenance costs.

Dispensations

Currently and prior to the introduction of the performance based building codes, in most states enable an appropriate authority to allow exemptions from compliance with the BCA, where the individual circumstances of the building or use permit. These are considered on a case-by-case basis.

¹ABCB, 2016, Guide to the NCC, Volume 1

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (“DDA”) – [click here](#) - was introduced to protect persons against discrimination based on a disability. The DDA applies to the entire gamut of societal interactions, however this report only considers the extent to which the built structure of the building/s described may result in discrimination occurring.

To this extent section 23 of the DDA states that “It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or
- (b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or
- (c) in relation to the provision of means of access to such premises; or
- (d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or
- (e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or
- (f) by requiring the other person to leave such premises or cease to use such facilities.”

Disability discrimination occurs when a person with a disability or a person associated with someone that has a disability is treated unfairly.

The DDA provides no measurable standards by which an existing built structure can be considered against to determine whether unlawful discrimination is occurring or is likely to occur. Please note that the DDA is binding to the Crown, including in the right of the State or New South Wales.

As a result, the DDA serves as a mechanism for complaints to be made to the Australian Human Rights Commission for their consideration regarding potential punishments and/or in the implementation of remedial works.

Disability (Access to Premises – Buildings) Standards 2010

The Disability (Access to Premises – Buildings) Standards 2010 (the “Premises Standards” or “DAPS”) came into effect on 1 May 2011 – [click here](#). *“The purpose of the Premises Standards is to both:*

- *provide for equitable and dignified access to new buildings and those areas of existing buildings that undergo renovation or upgrade that requires a building approval, and*
- *provide greater certainty to those involved in the design, construction, certification and management of buildings in relation to the level of access required in the buildings covered by the Premises Standards.”²*

Effectively the Premises Standards:

- Specifies when new building works are required to comply with measurable standards; and
- Specifies when existing building elements are required to be Upgrade to comply with the most current measurable standards;
- Provides nationally consistent measurable standards; and
- In combination with DDA provisions, provides protection from a successful complaint being made against the building element.

It is important to note that the measurable standards, and protections, do not automatically apply to existing building elements. The Premises Standards applies only to works approved, to the extent necessary, and completed in accordance with the Access Code

² Australian Human Rights Commission, 2011 “Guideline on the application of the Premises Standards”

Access Code for Buildings

Schedule 1 of the Premises Standards contains the “Access Code for Buildings” (the “Access Code”) which is a design based document that provides both the overarching “Performance Requirements” as well as the prescriptive “deemed-to-satisfy” (“DtS”) provisions. These are the measurable standards to which compliance with the Premises Standards and thereby the DDA is determined.

Whilst clause 3.2 of the Premises Standards enables compliance with the Premises Standards to be achieved by strict adherence to the DtS provisions of the BCA, it is not limiting and provides opportunity for the development of “performance solutions” that otherwise demonstrate the compliance with the “Performance Requirements” have been achieved.

Reference Standards

The DtS provisions of the Access Code includes reference to specific Australian Standards or other normative documents that provide specific detail regarding the design and construction of various building elements.

Affected Part

The Premises Standards introduced the concept of the “Affected Part”, which it defines to be:

- “(a) the principal pedestrian entrance of an existing building that contains a new part; and*
- (b) any part of an existing building, that contains a new part, that is necessary to provide a continuous accessible path of travel from the entrance to the new part.”*

The Premises Standards includes scenarios where the ‘affected part’ is required to be upgraded to comply with the Access Code.

Applications for Building Works

Typically, the Affected Part is required to be upgraded where an application is made for building works, except where the application is made by a lessee in a building containing more than one (1) lessee (“exemption criteria”).

Upgrading Risks

Building Code of Australia

It is important to note that the BCA is a design document for new building work. The BCA contains no provisions regarding its application or the administration of building approvals nor does it directly provide for retrospective application to existing building elements. These are administered in legislation.

Environmental Planning and Assessment Act 1979

Approvals

The Act sets out the framework to achieve approval for development works. Details of approval system, particularly in relation to existing building upgrading, is included in the regulation (see below)

Orders

The local Council has the capacity to issue orders for various matters listed under section 121B of the Act – [click here](#) – which can relate to the demolition, alteration, repair or improvements to unauthorised or dilapidated buildings and structures, fire safety upgrading as well as ceasing the unauthorised use of a building, amongst others.

Environmental Planning and Assessment Regulations

Environmental Planning and Assessment Regulation 2000

Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021

Development Applications – Major Works / Inadequate Fire Safety Measures

Clauses 94 of the Reg requires the consent authority in assessing a development application, where the proposed alterations, and any alterations in the preceding 3 years, to an existing building or structure

represent >50% of the total volume of the building, or where they consider the fire safety is inadequate to decide whether if the existing building to be should brought up to compliance, in part of full, with the current requirements of the BCA.

Development Applications – Change of Building Use

Clause 93 & Section 14 of the Reg requires the consent authority and certifier assessing an application that will result in a change of BCA classification (e.g. Class 5 office to Class 6 retail), to ensure that the fire protection and structural adequacy of the building will be appropriate to the new use and the particularly fire services are provided to the use. This clause can impose upgrading works as a result.

Complying Development & Part 6 Certificates – Significant Fire Safety Issues

Section 60 of the EP&A (DC&FS) Regulation require that if certifier in carrying out the required inspections of the areas subject of proposed works as well as egress routes from those areas identify any significant fire safety issue/s, they must notify the local council for their consideration and action. Given the nature of the notification, it is likely that upgrading works will be required.

Complying Development Certificates – Safe Egress

Clauses 132 prevents a certifier from issuing a complying development certificate unless safe egress is achievable, or will be achievable, from the subject space once upgrading works have been completed as part of the development. Upgrading works to buildings may be required to facilitate the approval of a complying development certificate as well as the issue of the corresponding occupation certificate.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The when an application for a Complying Development Certificate is made under the “Codes SEPP” (most common) for the fit out or change of use of an existing building and the proposal involves

- >500m² of commercial space; OR
- >1000m² of industrial space

The area of the building involved is to comply with, and therefore potentially upgraded to, Performance Requirements DP2 – DP5 (various egress related issues), FP2.1& FP2.5 (sanitary facilities) as well as FP4.1-FP4.5 (light and ventilation) of the BCA.

Sanitary Facilities

Notwithstanding all matters required to be addressed under the Codes SEPP provisions, a common notable upgrading results from these provisions include:

- Upgrading or installation of Unisex Accessible Sanitary Facilities
- Upgrading or installation of Ambulant Accessible Sanitary Facilities
- Installation of additional sanitary facilities for population numbers

Premises Standards

Refer to commentary above regarding the Premises Standards and Affected Part Upgrading.

ATTACHMENT E: LIMITATIONS

- Unless specifically stated otherwise within the report, our Report is limited as follows: –
- Applies only the described building at 292 Condamine Street North Manly.
- This report has been prepared solely for the benefit of Warringah Golf Club Limited.
- Where applicable, parts of this report may include limitations as to the reporting provided. These are additional to the general limitations.
- When Draft, the content, recommendations or conclusions shall not be relied upon.
- Relies on the accuracy of the documents provided by others which form the basis of the analysis and DPC accepts on responsibility for inaccuracies in our assessments because of inaccuracies in documents provided by others.
- Detailed engineering assessments with regard structure and services have not been carried out, nor have detailed testing, auditing or maintenance of services been carried out. Commentary regarding structure and services in the building relate on to the visual condition of the element or service as can be reasonably deduced from the inspection or documentation referenced.
- Unless otherwise stated it has been assumed that all services are in full working order.
- Defects, non-compliances or potential non-compliances with building codes that could not be readily deduced from the inspection/s and documentation have not been commented on and are outside the scope of the report. We do not warrant that the building is free of any such defects, non-compliance or potential non-compliances.
- Compliance of termite barriers or the existence of termite activity, past or present, in the building is outside the scope of this report.
- Where limited parts of the building have been inspected, for reporting, we have assumed these to be representative of the overall condition. We do not warrant that parts of the building not inspected are not free from defects, non-compliances or potential non-compliances with building codes.
- This is not a certification or guarantee of compliance and has been prepared in accordance with the instructions given.
- This report is not certification under legislation or a replacement for such certification.
- The scope of the Report is described in the accepted fee proposal and/or as outlined within the body of the report. Separate verbal or email instructions have not been included unless specific stated.
- The outcomes and recommendations of this report are valid for six (6) months from the issue of the Draft or Final report, whichever is the earlier.
- This report may include budget costs regarding issues identified. About costs nominated –
- GST is excluded.
- All costs are ‘Present Value’ and do not include for inflation or other influences on the future value of the element/works.
- Include for business hours’ access for works to occur.
- Are reasonable budget estimates as should not be considered a detail cost analysis.
- Are indicative and intended to represent the comparable significance of the issue.
- A comparative level of finish is assumed for the works, determined against the underlying quality of the existing building or part.
- Unless specified, third party expert reports are not included.
- Builders fees including preliminaries, margins and overheads are excluded
- Approval fees, levies and contributions that may be payable are not included.
- Design and project management fees are not included.
- Replacement and maintenance costs assume a like for like replacement.
- Where a performance solution is recommended in response to an issue it has been assumed that such solution is obtainable from an appropriate qualified and competent person. The report and recommendation does not guarantee such a solution can be obtained nor extensive works would not be required rectify the issue if a performance solution is not obtained.
- Where a performance solution is recommended, the outcomes and requirements of such report have not been included. These are unknown at the time of reporting.
- Do not include Lost Net Lettable Area.
- The report does not include WH&S / OH&S risks, electrical and water authority requirements or any land title based controls or limitations.
- Incorporates all reasonable and practical efforts into producing strategies commensurate with the client's objectives, expectations and operations.
- Assumes that any future design is expected to meet the requirements of all relevant codes and legislation at the time of construction
- Is based on our interpretation of the condition of the building, element of the building or service contained in the building as apparent from the inspection.
- Is not to be reproduced, in whole or in part, without our express written authorisation
- May include cost estimates. All cost estimates provided throughout the Report are indicative only and are provided as a budgetary guide and are provided to represent the significance of the costed item. Costs do not include implications from lost lettable areas, preliminaries, builder's margins, overheads, professional fees, project management fees, WHS obligations, planning and building approval fees, taxes, levies or contributions.