



ACCESS REPORT

Alma

20 Albert Street, Freshwater



Date
March 2021

Prepared for
Alma
c/- Five Foot One Design

Reference No.
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AUTHOR		REVIEWER	
 <u>Anthony Banham</u> Director Grad Dip Build Surv. (UWS) ACAA Member – No. 291		 <u>Michael Zora</u> Director Dip. Access Consulting (Access Institute) Grad Dip Build Surv. (UWS) B. Construction Mgmt (Hons) (UWS) ACAA Member – No. 596	
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1.0 INTRODUCTION

1.1 General

This Access Report has been prepared at the request of *Alma c/- Five Foot One Design* for the purpose of completing an assessment of the architectural drawings associated with the proposed works to the premises at 20 Albert Street, Freshwater.

This report specifically relates to the alterations and additions to the existing building including:

- CDC works involving the fitout of the existing retail premises.
- DA/CC works involving the provision of a new external courtyard dining area.

1.2 Purpose

The purpose of this report is to identify the compliance status of the architectural design documentation against the following –

- Relevant accessibility related 'deemed-to-satisfy' (DTS) requirements of Building Code of Australia (BCA) 2019, Amendment 1. These provisions are generally contained within Part D3 and Clause(s) E3.6, F2.4 & F2.9 of the code.
- Accessibility related Australian Standards as referenced by BCA 2019, as relevant to this project and as directly nominated in the report.
- Disability (Access to Premises – Building) Standards 2010 (*Premises Standards*) – Schedule 1 'Access Code' (*as aligns with the above BCA access provisions*).
- Disability (Access to Premises – Buildings) Amendment Standards 2020.

1.3 Relevant Legislation

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (DDA) prohibits discrimination against people with disabilities in employment, education, access to premises, provisions of goods, services & facilities, accommodation, buying land, sport clubs and incorporated associations.

The 'access to premises' component of the DDA is captured by Section 23 of the DDA which states as follows (paraphrased):

"It is unlawful for a person to discriminate against another person on the ground of the other persons disability in relation to the provision of means of access to such premises."

The DDA per se is philosophical in approach and 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.

The Act is enforced primarily through a complaint's mechanism, which allows individuals who have directly or indirectly experienced unlawful discrimination to seek a conciliated outcome through the Australian Human Rights Commission.

Compliance with the DDA is a decision for the building owner / occupier to enhance access on matters which are not covered by the applicable prescriptive requirements.

Disability (Access to Premises – Buildings) Standards 2010

On the 1st of May 2011, the DDA adopted the Disability (Access to Premises – Buildings) Amendment Standards 2020 (DAPS) which partially codified the 'access to premises' principles of the DDA by setting mandatory prescriptive requirements for the provision of access to new, and in some cases, existing buildings.

DAPS is limited to those aspects of the built environment which are governed by the BCA.

Access matters not addressed in the Premises Standards / BCA continue to be subject to possible discrimination complaints under the DDA if a person with disability experiences an access barrier.

The key parts under DAPS are as follows:

Affected Part

When new works to an existing building is proposed, the Premises Standards require that, in some situations, upgrading what is called the 'affected part' of a building. Refer to Section 2.0 for further commentary on the application of the 'Affected Part'.

Schedule 1 Access Code for Buildings

Schedule 1 of the Premises Standards contains the prescriptive deemed-to-satisfy provisions / Performance Requirements which new building works must comply with.

Building Code of Australia

In NSW, the Environmental Planning and Assessment Act & Regulation contains the legislation applicable to the development of buildings.

The EP&A Act & Reg applies the Building Code of Australia as the technical requirement to be met for all new buildings and new building work to or within an existing building.

An existing part of a building, that is not subject to new works, is not required to comply with the BCA retrospectively unless specifically required by a State Environmental Planning Policy, DAPS or a condition of development consent.

1.4 Documentation Relied Upon

Architectural package prepared by *Five Foot One Design*, plans detailed as Rev A dated 11/02/21.

1.5 Exclusions

The content of this report relates only to the matters directly nominated in this report and does not assess / include the following –

- Any parts of the BCA / standards not directly referenced in this report.
- Any federal, state, and local: policies / guidelines / legislations (except where directly referenced).
- Preparation of Performance Solution Reports.
- Technical assessment for door operating forces, lighting levels, slip resistance ratings and luminance contrast levels.
- Gradients and crossfalls for ramps, landings and walkways unless provided on referenced drawings.
- Review of any fixtures &/or fittings unless detail provided.
- Disability Discrimination Act 1992 (DDA focuses on results. No prescriptive compliance options).
- Work Health & Safety considerations.
- Services / equipment operating capacity / design.
- Any loose furniture shown on plan is treated as indicative only. The person/s responsible for furnishing the building should ensure their furnishing layout/s do not cause AS 1428.1-2009 circulation deficiencies.

1.6 Building Classification Assessment

Listed below is our assessment of the relevant BCA classification(s) in relation to the subject building.

BCA Building Classification(s)*: Class 6 | Retail

Note (*) - BCA Consultant / Certifier shall have the final say in determining building classifications.

2.0 PREMISES STANDARDS COMMENTARY

2.1 General

The following commentary summarises the compliance status of the architectural design in relation to the Premises Standards.

For the proposed alterations / new work to the existing building, we highlight that the BCA applies only to the extent of new building work. No need occurs within the BCA for upgrade to the existing portions of the building.

However, an existing building upgrade provision at Part 2.1(5) of the *Premises Standards*, known as the 'affected part' can trigger the need for upgrade of the existing building and a compliant *continuous accessible path of travel* from the building principal pedestrian entrance to new work. Such is applicable only when building works trigger the need for a building approval.

Where the Premises Standards 'affected part' is triggered, the need would exist to upgrade existing building parts as necessary to achieve a *continuous accessible path of travel* from the principal pedestrian entrance to new work; irrespective of the initial project intention to upgrade the subject existing building part(s).

Outcome

In this instance, we confirm that a single building occupant / building owner is undertaking the proposed building works, and subsequently there is a 'mandatory' necessity to upgrade the 'affected part'. To this extent, any recommendations within this report reflect this understanding. On the basis that the works incorporate a new building entry and work to all parts, a suitable affected part upgrade is proposed, subject to compliance with the provisions of Section 3.0 of this report.

Commentary within Section 3.0 of this report will reflect the above requirements.

2.2 Premises Standards - Summary

For this project, on the basis that a single building tenant / building owner is undertaking the proposed works, the trigger for the need of an 'affected part' upgrade is applicable.

Compliance is achieved by way of compliance with commentary detailed at Part 3.0 of this report.

3.0 TECHNICAL ASSESSMENT & COMMENTARY

3.1 General

This section incorporates the access related provisions contained in the BCA (Parts D3, Cl. F2.4 & Cl. E3.6) and as also contained in the Premises Standards (Schedule 1). A summary of the compliance status of the architectural design is subsequently provided relevant to each clause.

Alongside each clause heading; compliance shall be indicated by using one (or more) of the following compliance categories –

Complies	Indicates that Deemed-to-Satisfy design compliance is achieved.
Does not comply	Indicates that a Deemed-to-Satisfy compliance departure/s is noted. Resolution options are provided.
Not applicable	Not applicable or not directly relevant.
Design Detail	Compliance commentary is provided. Such should not be considered deficiencies but matters for consideration by the design team / assessment authority at relevant / nominated stages of design.
For Info	General informational commentary.

3.2 Part D3: Access For People With Disabilities

Clause D3.1: General building access requirements

Buildings and parts of buildings must be accessible (unless exempt by Clause D3.4) as required by Table D3.1 and as summarised below:

Class 6 – Retail

To and within all areas normally used by the occupants.

Compliance Status	
Design Detail	<p>Access is required to and throughout all areas in accordance with AS1428.1-2009, as includes to all areas normally used by the occupants, to the extent of the new building works and affected parts.</p> <p>Access is required to be provided to the external courtyard, both from the boundary and the opening to the main restaurant; currently provided with stairs forming an access barrier. We understand it is the intention to have this matter addressed by a <i>Performance Solution</i> based on the premise that the courtyard operates in conjunction with the restaurant and no unique services are offered in this area.</p> <p>Compliance is readily achievable subject to the above detailing / reporting.</p>

Clause D3.2: Access to building

An accessway must be provided to a building required to be accessible:

- From the main points of pedestrian entry at the allotment boundary; and
- From another accessible building connected by a pedestrian link; and
- From any required accessible carparking space on the allotment.

An accessway must be provided through the principal pedestrian entrance, and:

- a. through not less than 50% of all pedestrian entrances including the principal pedestrian entrance; and
- b. in a building with a floor area more than 500m², a pedestrian entrance which is not accessible must not be located more than 50m from an accessible pedestrian entrance.

Doors on an accessway having multiple leaves must have a clear opening width of not less than 850mm for a single leaf.

Compliance Status	
For Info	Existing building features not subject to alterations.

Clause D3.3: Parts of building to be accessible

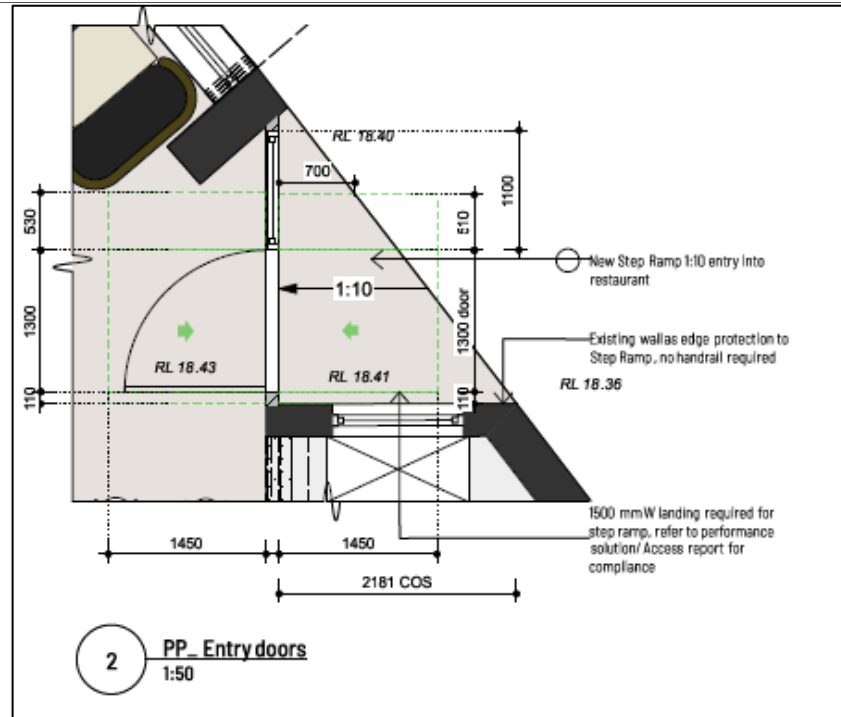
In a building required to be accessible:

- a. every ramp & walkway (*except if fire-isolated*) must comply with Clause 10 of AS1428.1-2009;
- b. every stairway (*except if fire-isolated*) must comply with Clause 11 of AS1428.1-2009;
- c. all fire-isolated stairways are required to comply with Clause 11.1(f) and (g) of AS 1428.1-2009;
- d. passing spaces must be provided as per Clause 6.4 of AS 1428.1-2009 at maximum 20m intervals on those parts of an accessway where a direct line of sight is not available;
- e. turning spaces must be provided as per Clause 6.5 of AS 1428.1-2009 as follows:
 - o Within 2m of the end of accessways; and
 - o At maximum 20m intervals along the accessway.
- f. carpet installed in an accessway must comply with clause D3.3(g) and (h)

Concession – A ramp complying with AS 1428.1-2009 or a passenger lift need not be provided to serve a storey or level other than the entrance storey in a Class 5, 6, 7b or 8 building:

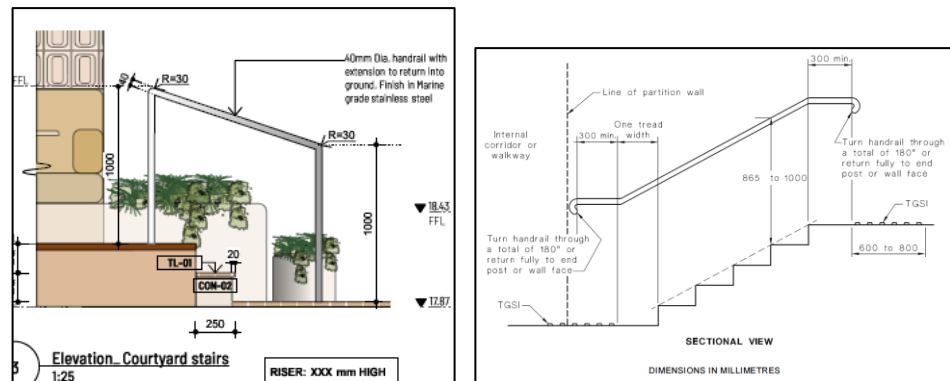
- containing not more than 3 storeys; and
- with a floor area for each storey, excluding the entrance storey, of not more than 200m².

Compliance Status	
Design Detail	<p>New or existing ramps and stairs undergoing works are to accord with the provisions of Clause 10 and 11 of AS1428.1-2009.</p> <p>Compliance generally indicated. Following considerations to form part of the design documentation at the relevant phase;</p> <ul style="list-style-type: none"> - The front entry door is indicated as having a 1:10 step ramp leading directly to it without the required 1500mm deep landing. Detailing required to determine suitable options in regards to falls / crossfalls where the ramp meets the property boundary. <p>We understand it is the intention to have this matter addressed by <i>Performance Solution</i> to negate the need for a landing subject to further detailing and discussions by placing reliance on either an automated door or a suitable management plan.</p>



- The two sets of stairs are to have compliant handrails with projections and extensions noting that the bottom handrails are to extend 1x tread plus 300mm projection plus termination, all inside the property boundary.

Noting below, the 300mm projection to top and bottom landing must be parallel to the landing, with the 300mm measured between transition points and excluding the termination component.



Compliance is readily achievable subject to the above detailing / reporting.

Clause D3.4: Exemptions

An area where access would be inappropriate because of the particular purpose for which the area is used or would pose a health or safety risk for people with a disability; such area is not required to be accessible.

Compliance Status

For Info

Concessions for access are considered to be suitable to the storeroom, commercial kitchen and bar area.

Clause D3.5: Accessible carparking

Accessible carparking spaces complying with AS 2890.6-2009 must be provided in accordance with Table D3.5 in a Class 7a building required to be accessible and/or a carparking area on the same allotment as a building required to be accessible.

Compliance Status	
Not applicable	No carparking proposed.

Clause D3.6: Signage

In a building required to be accessible, braille and tactile signage complying with BCA Spec D3.6 and AS 1428.1-2009 must be provided as follows –

- signage incorporating the international symbol of access must identify each sanitary facility (except those located within a Sole Occupancy Unit of a Class 1b or 3 building);
- identify each door required by BCA Clause E4.5 to be provided with an exit sign to state "Exit" and "Level" followed by the floor number;
- signage incorporating the international symbol of deafness, must be provided within a room containing a hearing augmentation system identifying the hearing augmentation type, area covered and location of receivers (if being provided);
- signage in accordance with AS 1428.1-2009 must be provided for accessible unisex sanitary facilities to identify left or right handed use;
- signage to ambulant accessible facilities;
- directional signage where a pedestrian entrance is not accessible.
- directional signage at bank of toilets not incorporating an accessible unisex sanitary facility.

Compliance Status	
Design Detail	<p>Signage shall be installed in this project as necessary, but shall include as a minimum:</p> <ul style="list-style-type: none"> identify each door required by BCA Clause E4.5 to be provided with an exit sign which states the word "Exit" followed by "Level" followed by the floor number, as includes braille and tactile signing. signage in accordance with AS 1428.1-2009 must be provided for accessible unisex sanitary facilities to identify left-handed use. <p>All signage is to be design detailed to comply with the relevant requirements of Specification D3.6.</p>

Clause D3.7: Hearing augmentation

Hearing augmentation system must be provided where an inbuilt amplification system (other than emergency warning) is installed:

- In a room in a Class 9b building; or
- Meeting room, conference room, auditorium, or room for judicatory purposes; or
- At any ticket office, teller booth, reception area or the like, where the public is screened from the service provider.

If provided in the form of an induction loop, it must cover no less than 80% of the floor of the room served. If in the form of receivers, it must cover no less than 95% of the floor of the room served with a minimum of two (2) in any case but depending on number of people accommodated.

Any screen or scoreboard associated with a Class 9b building and capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.

Compliance Status	
For Info	Hearing augmentation system must be provided where an inbuilt amplification system (other than emergency warning) is proposed.

Clause D3.8: Tactile indicators

For a building required to be accessible, Tactile Ground Surface Indicators (TGSIs) complying with Sections 1 & 2 of AS/NZS1428.4.1-2009 shall be required to warn blind or vision impaired people of approaching stairways (other than fire-isolated), escalators, ramps (other than fire-isolated, step or kerb ramp), any overhead obstruction less than 2m above floor level and an accessway meeting a vehicular way adjacent to any pedestrian entrance to a building.

Compliance Status	
Design Detail	<p>TGSIs are required to top and bottom landings of all proposed new ramps and stairs, or existing ramps and stairs that are subject to alterations / upgrade.</p> <p>The proposed stairs are to have necessary 600-800mm deep TGSIs to bottom landings and to the top landing to the courtyard (300mm currently indicated).</p> <p>The landing to the restaurant are to have TGSIs 300-400mm deep to the top landing and 600-800mm to the bottom landing (300mm currently indicated).</p> <p>TGSIs are to be provided within the property boundary and are to have the necessary contrasting reliant to the type of TGSIs provided (ie. between 30 – 60% contrast required).</p> <p>Compliance readily achievable subject to the above detailing.</p>

Clause D3.9: Wheelchair seating spaces in Class 9b buildings

Where fixed seating is provided in a Class 9b assembly building, wheelchair seating spaces complying with Clause 18 of AS 1428.1-2009 must be provided in accordance with the number and grouping of wheelchair seating spaces per Table D3.9.

Compliance Status	
Not applicable	Not applicable – no Class 9b building parts with fixed seating.

Clause D3.10: Swimming pools

Not less than 1 means of accessible water entry/exit in accordance with Specification D3.10 must be provided for each swimming pool required by Clause D3.1 to be accessible.

Compliance Status	
Not applicable	No swimming pool proposed.

Clause D3.11: Ramps

On an accessway:

- a series of connected ramps must not have a combined vertical rise of more than 3.6m; and
- a landing for a step ramp must not overlap a landing for another step ramp or ramp.

Compliance Status	
Not applicable	No series of ramps proposed.

Clause D3.12: Glazing on accessway

On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1-2009.

Compliance Status	
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For Info	Decals required to proposed new glazing.
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3.3 Part E3: Lift Installations

Clause E3.6: Passenger lifts

Every passenger lift must:

- a. be one of the types identified in Table E3.6a, subject to the limitations on use specified in the Table; and
- b. have accessible features in accordance with Table E3.6b; and
- c. not rely on a constant pressure device for its operation if the lift car is fully enclosed.

Compliance Status	
Not applicable	Not applicable.

3.4 Part F2: Sanitary & Other Facilities

Clause F2.4: Accessible sanitary facilities

In a building required to be accessible:

- Accessible unisex sanitary compartments must be provided as per Table F2.4(a),
- At each bank of toilets where there is one or more toilets in addition to an accessible unisex sanitary compartment at that bank of toilets, a sanitary compartment suitable for a person with an ambulant disability in accordance with AS 1428.1 must be provided for use by males and females.
- An accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or bench top and adequate disposal of sanitary towels.
- Circulation spaces, fixtures and fittings of all accessible sanitary facilities must comply with AS1428.1.
- Where two or more of each type of accessible unisex sanitary facility are provided, the number of left and right handed mirror image facilities must be provided as evenly as possible.
- An accessible unisex facility must be located so that it can be entered without crossing an area reserved for one sex.

Compliance Status	
Design Detail	<p>The proposed accessible sanitary compartment is of a size and in a location that indicates compliance readily achievable.</p> <p>Fixtures and fittings detailed on plan accord with Clause 15 of AS1428.1-2009.</p> <p>Compliance readily achievable.</p>

Clause F2.9: Accessible adult change facilities

- a. Accessible adult change facilities –
 - (i) must be constructed in accordance with Specification F2.9; and
 - (ii) cannot be combined with another sanitary compartment.
- b. One unisex accessible adult change facility must be provided in an accessible part of a—
 - (i) Class 6 building that is a shopping centre having a design occupancy of not less than 3,500 people, calculated on the basis of the floor area and containing a minimum of 2 sole-occupancy units; and
 - (ii) Class 9b sports venue or the like that—
 - (A) has a design occupancy of not less than 35,000 spectators; or
 - (B) contains a swimming pool that has a perimeter of not less than 70 m and that is required by Table D3.1 to be accessible; and
 - (iii) museum, art gallery or the like having a design occupancy of not less than 1,500 patrons; and
 - (iv) theatre or the like having a design occupancy of not less than 1,500 patrons; and
 - (v) passenger use area of an airport terminal building within an airport that accepts domestic and/or international flights that are public transport services as defined in the Disability Standards for Accessible Public Transport 2002.
- c. For the purposes of (b), design occupancy must be calculated in accordance with D1.13, but excluding any area that—
 - (i) can only be accessed by staff, employees, contractors, maintenance personnel and the like; or
 - (ii) is subject to an exemption under D3.4.

Compliance Status	
Not applicable	Not applicable.

4.0 CONCLUSION

This report identifies the compliance status of the architectural design with the following –

- a. Relevant accessibility related 'deemed-to-satisfy' (DTS) requirements of the Building Code of Australia (BCA) 2019, Amendment 1. These provisions are generally contained within Part D3 and Clause(s) E3.6, F2.4 & F2.9 of the code;
- b. The Disability (Access to Premises – Building) Standards 2010 (Premises Standards).

The outcome of the report highlights that the current design is capable of compliance in combination with the access related Deemed-to-Satisfy provisions of the BCA and BCA Performance Requirements. BCA Performance Solutions shall be provided where suggested in Sections 3.0 of this report.