



ACCESS REPORT

Plus Fitness Belrose
Level 1, 3 Minna Close, Belrose NSW

Date
1st October 2024

Prepared for
JT Evolution Group Belrose Pty Ltd

Reference No.
24202-DA

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AUTHOR		REVIEWER
 <u>Michael Zora</u> Director Dip. Access Consulting Grad Dip. Build Surv. B. Construction Mgmt (Hons) ACAA Accredited Member No. 596 LHA Assessor No. 20298		 <u>Anthony Banham</u> Director Grad Dip Build Surv. Certificate in Access Appraisal Associate Dip. Environment, Health & Building Surveying ACAA Member – No. 291
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1.0 INTRODUCTION

1.1 General

This Access Report has been prepared at the request of *JT Evolution Group Belrose Pty Ltd* for the purpose of completing an assessment of the Development Application architectural drawings associated with the proposed Plus Fitness gym fitout to be located at L1, 3 Minna Cl, Belrose NSW.

1.2 Purpose

The purpose of this report is to identify the compliance status of the architectural design documentation against the following (as relevant to the project):

- a. The accessibility provisions under the Building Code of Australia (BCA) 2022 – Volume 1, as includes:
 - All of Part D4.
 - Clauses F4D5, F4D6, F4D7, F4D12, E3D7 and E3D8.
 - Schedule 5 – NSW variations to the BCA.
- b. AS 1428.1-2009, AS 1428.4.1-2009 and AS 2890.6-2009.
- c. Disability (Access to Premises — Buildings) Standards 2010 and Amendment Standards 2020.

1.3 Documentation Relied Upon

This report has been prepared on the basis of the following:

- Architectural plans prepared by Archi Spectrum, listed as follows:

Drawing No.	Revision	Date	Title
DA01.01	a	19.9.24	Site plan
DA02.01	a	19.9.24	Existing tenancy plan
DA03.01	a	19.9.24	Proposed tenancy plan

1.4 Exclusions & Limitations

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

- Any parts of the BCA or standards not directly referenced by this report.
- Any federal, state, and local: policies / guidelines / legislations (except where directly referenced by this report).
- Assessment of SDA / SEPP 65 / SEPP (Housing) 2021.
- Disability Discrimination Act 1992 (*DDA focuses on results. Does not offer prescriptive compliance options*).
- 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.
- Work Health & Safety considerations.
- Services & equipment operating capacity &/or 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.

1.5 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 2010 (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 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.

1.6 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 9b | Gym

Note 1 – BCA Consultant / Certifier shall have the final say in determining building classifications.

2.0 PREMISES STANDARDS – AFFECTED PART COMMENTARY

Requirement

The following commentary summarises the extent of application of the Premises Standards 'affected part' provision in relation to the subject project.

For the proposed new works within the existing building, we highlight that the BCA applies only to the new works. 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 to require 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 whether to upgrade or not the subject existing building part(s).

If the person making the application for the building approval for the new work in an existing building is the owner or a tenant who occupies the whole building, the requirement for an upgrade of the 'affected part' is triggered. However, if the person making the application for building approval for the new work in an existing building is one of a number of lessees in the building, the requirement for 'affected part' upgrade is not triggered.

Project outcome

It is our understanding that the applicant for the proposed works is a lessee within a multi-tenanted building.

Based on the above, a lessee concession is achieved per Cl. 4.3 of the Premises Standards 2020.

3.0 BCA (ACCESS PROVISIONS) - TECHNICAL ASSESSMENT

3.1 General

This section incorporates the access related provisions contained in the BCA (Part D4, Clauses F4D5, F4D6, D4D7, F4D12, E3D7 and E3D8) and as reciprocated in the Premises Standards 'Schedule 1 – Access code for buildings'.

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 design compliance has been achieved with the Deemed-to-Satisfy provisions.
Performance Solution	Indicates that compliance is achieved with the Performance Requirements (by way of performance solution).
Capable of compliance	Specific details not provided; however, compliance is readily achievable.
Does not comply	Indicates that design compliance has not been achieved with the Deemed-to-Satisfy provisions.
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.
Not applicable	The Deemed-to-Satisfy provision is neither applicable nor relevant.
For Info	For information purposes only.

3.2 Part D4: Access for People with a Disability

Clause D4D2: General building access requirements

Buildings and parts of buildings must be accessible as follows (unless exempt by Clause D4D5):

Class 9b (gym)

To and within all other areas normally used by the occupants.

Compliance Status	
Capable of compliance	1. Access throughout) the gym is readily capable of compliance (except for the matters noted below). A review of the finer design details is needed at CC stage.
Does not comply	2. Only 1 of 3 changerooms shall be accessible. A performance solution can be prepared at CC stage to support this outcome.

Clause D4D3: Access to buildings

Compliance Status	
Not applicable	No adjustments proposed or required to the accessway from the allotment boundary.

Clause D4D4: Parts of buildings to be accessible

In a building required to be accessible:

- every ramp & walkway (*except a fire-isolated ramp*) must comply with Clause 10 of AS1428.1-2009.
- every stairway (*except a fire-isolated stairway*) must comply with Clause 11 of AS1428.1-2009.
- all fire-isolated stairways are required to comply with Clause 11.1(f) and (g) of AS 1428.1-2009.
- 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.
- turning spaces must be provided as per Clause 6.5 of AS 1428.1-2009 as follows:
 - Within 2m of the end of accessways; and
 - At maximum 20m intervals along the accessway.
- carpet installed in an accessway must comply with clause D4D4(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	
Capable of compliance	- Passing & turning spaces suitably provided throughout except where noted below. - Proposed step ramp is readily capable of compliance with AS 1428.1-2009.
Does not comply	- The space inside the accessible change room is insufficient to accommodate a 180-degree turn. Design adjustment is needed at CC stage to ensure there is 1540mm by 2070mm circulation space inside the room. - The amenities corridor is not sized 1540mm by 2070mm within 2m at the end of the corridor to allow a 180-degree turn. A performance solution can be provided at CC stage to support this outcome.

Clause D4D5: 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 nor the path of travel providing access to such area.

Compliance Status	
For Info	In accordance with Cl. D4D5, the following rooms have been excluded from access: Utility room (contains HWS + cleaners sink)

Clause D4D6: Accessible carparking

Compliance Status	
Not applicable	No carparking proposed as part of the new works.

Clause D4D7: Signage

In a building required to be accessible:

- a. Braille and tactile signage complying with BCA Spec 15 must:
 - incorporate the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1-2009 and identify each:
 - Sanitary facility, except a sanitary facility associated with a bedroom in a Class 1b or a SOU in a Class 3 or 9c building.
 - space with a hearing augmentation system.
 - identify each door required by BCA Clause E4D5 to be provided with an exit sign and state the word "Exit" followed by the "Level".
- b. 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 to obtain receivers (if being provided).
- c. signage in accordance with AS 1428.1-2009 must be provided for accessible unisex sanitary facilities to identify left or right handed use.
- d. signage to identify an ambulant accessible sanitary facility in accordance with AS 1428.1-2009 must be located on the door of the facility.
- e. directional signage where a pedestrian entrance is not accessible (incorporating international symbol of access).
- f. directional signage at bank of toilets not incorporating an accessible unisex sanitary facility.
- g. In a building subject to Clause F4D12, directional signage complying with Spec 15 shall be provided at each bank of sanitary facilities and accessible unisex sanitary facility, other than one that incorporates an accessible adult change facility, to direct a person to the location of the nearest accessible adult change facility within that building.

Compliance Status	
Capable of compliance	Signage shall be required as per (a), (b), (c) and (d). Compliance is readily capable of being achieved at the CC design phase &/or during construction.

Clause D4D8: Hearing augmentation

A hearing augmentation system must be provided where an inbuilt amplification system (other than one used only for emergency warning) is installed:

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

If hearing augmentation system is an induction loop, it must cover no less than 80% of the floor area of the room or space served by the inbuilt amplification system.

If hearing augmentation system is a system requiring the use of receivers, it must be available to not less than 95% of the floor area of the room or space served by the inbuilt amplification system, and the number of receivers provided must be per Clause D2D18.

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	
Capable of compliance	Any proposed in-built amplification systems will require hearing augmentation as per the requirements of this clause. Details to be provided at the CC stage for further review.

Clause D4D9: Tactile indicators

Compliance Status	
Not applicable	No tactiles proposed or required for this project.

Clause D4D10: Wheelchair seating spaces in Class 9b assembly buildings

Compliance Status	
Not applicable	No fixed seating proposed.

Clause D4D11: Swimming pools

Compliance Status	
Not applicable	No swimming pools proposed.

Clause D4D12: Ramps

Compliance Status	
Not applicable	No series of ramps proposed.

Clause D4D13: 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	
Performance Solution	All new full height glazed walls, doors and sidelights shall be marked as per Cl. 6.6 of AS 1428.1-2009. Although not detailed on plan, compliance is readily achievable at the CC design phase &/or during construction.

3.3 Part E3: Lift Installations

Clause E3D7: Passenger lift types and their limitations

Compliance Status	
Not applicable	No passenger lifts proposed or required.

Clause E3D8: Accessible features required for passenger lifts

Compliance Status	
Not applicable	No passenger lifts proposed or required.

3.4 Part F4: Sanitary & Other Facilities

Clause F4D5: Accessible sanitary facilities

In a building required to be accessible:

- a. Accessible unisex sanitary compartments must be provided in accessible parts of the building in accordance with Clause F4D6.
- b. Accessible unisex showers must be provided in accordance with Clause F4D7.
- c. 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, not less than one sanitary compartment suitable for a person with an ambulant disability for use by males and one sanitary compartment suitable for a person with an ambulant disability for use by females, must be provided.
- d. An accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or bench top and adequate disposal of sanitary products.
- e. The circulation spaces, fixtures and fittings of all accessible sanitary facilities provided in accordance with Clauses F4D6 and F4D7 must comply with the requirements of AS 1428.1.
- f. An accessible unisex facility must be located so that it can be entered without crossing an area reserved for one sex only.
- g. 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.
- h. an accessible unisex sanitary compartment or an accessible unisex shower need not be provided on a storey or level that is not required by D4D4(f) to be provided with a passenger lift or ramp complying with AS 1428.1.

Compliance Status	
Capable of compliance	1. The accessible unisex sanitary facility is suitably detailed in size and arrangement of fixtures. The finer design details must be documented and reviewed at CC stage. 2. The ambulant sanitary facilities are suitably detailed in size, number and arrangement of fixtures. The finer design details must be documented and reviewed at CC stage.

Clause F4D6: Accessible unisex sanitary compartments

Where required by F4D5(a), the minimum number of accessible unisex sanitary compartments for each class of building is as follows:

Class 5, 6, 7, 8 or 9 buildings (where BCA Clause F4D4 requires close pans)

- Provide 1x accessible unisex sanitary compartment on every storey containing sanitary compartments; and
- where a storey has more than 1 bank of sanitary compartments containing male and female sanitary compartments, at not less than 50% of those banks.

Note – The above is not applicable within a ward area of a Class 9a health-care building.

Compliance Status	
Complies	The number of accessible toilets proposed satisfies this clause.

Clause F4D7: Accessible unisex showers

Where required by F4D5(b), the minimum number of accessible unisex showers for each class of building is as follows:

Class 5, 6, 7, 8 or 9 buildings (where BCA Clause F4D4 requires 1 or more showers)

- Provide 1x accessible shower for every 10 showers or part thereof.

Note – The above is not applicable within a ward area of a Class 9a health-care building.

Compliance Status	
Complies	The number of accessible showers proposed satisfies this clause.

Clause F4D12: Accessible adult change facilities

Compliance Status	
Not applicable	This clause is not applicable to the subject project.

4.0 CONCLUSION

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

- a. The accessibility provisions under the Building Code of Australia (BCA) 2022 – Volume 1, as includes:
 - All of Part D4.
 - Clauses F4D5, F4D6, D4D7, F4D12, E3D7 and E3D8.
 - Schedule 5 – NSW variations to the BCA.
- b. AS 1428.1-2009, AS 1428.4.1-2009 and AS 2890.6-2009.
- c. Disability (Access to Premises — Buildings) Standards 2010 and Amendment Standards 2020.

The outcome of this report highlights that the fundamental aspects of the design are capable of compliance in combination with the DTS provisions and Performance Requirements (by way of Performance Solutions) with the above codes.

The finer design details to be reviewed at CC stage &/or during construction.