

11 August 2023

Our Ref: 230300-Letter-r1

The Owners of SP40956
C/- Bennett Murada Architects
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**Re: Access Consultancy Letter
22-26 Addison Road, Manly**

Reference is made to our engagement to provide a letter to accompany to the DA submission stating whether or not the proposed works to the building will trigger any upgrading for compliance with the Disability (Access to Premises — Buildings) Standards 2010 and Manly Development Control Plan 2013 (Manly DCP).

1. Building and Project Description

The subject building is located at 22-26 Addison Road, Manly. The building consists of a five (5) storey residential flat building with a basement carpark.

It is understood that the proposed works consist of alterations to balconies and external areas of the existing residential flat building. The proposed works include alterations to existing balconies, refurbishments of existing balconies, courtyard and new garden.

2. Building Classification

Location	Class	Use	Floor Area
Subfloor 02	2, 10b	Residential & swimming pool	249m ²
	2	Residential	211m ² (full floor plan for this level wasn't provided)
	10b	Swimming pool	38m ²
Subfloor 01	2, 7a	Residential and carpark	149m ²
	2	Residential	149m ²
	7a	Carpark	- (no plan provided for carpark)
Ground floor	2	Residential	375m ²
First Floor	2	Residential	344m ²
Mezzanine	2	Residential	220m ²

3. Assessment

Manly Development Control Plan 2013

As the subject building is located in the suburb of Manly, the building is subject to the provisions of the Manly Development Control Plan 2013 and this has not changed since the formation of Northern Beaches Council. The purpose of the Manly DCP is to provide more detailed provision than found in the Manly Local Environmental Plan 2013 in respect to development to complement the LEP provisions and be able to achieve the purposes of the LEP.

Under Section 3.6 deals with access and Clause 3.6.1.2 references requirements under the accessibility requirements are the Building Code of Australia and Australian Standards and are only required to be applied to a development when an applicant proposes any substantial changes or any alterations to over 50% of an existing building OR if the applicant can demonstrate an alternative design solution for accessibility to the existing building with the extract below:

3.6.1.2 The Building Code of Australia and Australian Standards

Note: The Building Code of Australia and Australian Standards are the main tools used with respect to access. In order to provide equitable access for people with disabilities both the Building Code of Australia and Australian Standards prescribe the minimum standards that must be achieved in new developments. The Building Code of Australia operates on a performance based basis which allows flexibility when dealing with heritage buildings. The 'deemed-to-satisfy' provisions which provide one possible building solution that satisfies the performance based provisions.

The Building Code of Australia refers to Australian Standards that apply to the design of equitable access. The standards that apply are generally listed in this plan at Schedule 5. The complete Australian Standards is at www.saiglobal.org.au.

- a) In relation to new development, the building classes required to comply with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 are at Schedule 5 of this plan. Other development that increases the public usage of the premises must also comply with the same requirements as new development such as for a building where a new service is provided to the public such as a restaurant, hotel, and retail or health services.
- b) In relation to development involving alterations and additions, development, compliance with the provisions of the Building Code of Australia and Australian Standards AS1428.2 & AS1428.3 is required:
 - i) where an applicant proposes substantial changes or alterations to over 50 percent of an existing building; or
 - ii) if an applicant is able to demonstrate an alternative design solution. See paragraph 3.6.2.
- c) The provisions of this plan do not apply to development that:
 - i) does not require a DA and approval under the Building Code of Australia;
 - ii) is a Class 1a or Class 4 buildings; and
 - iii) is building work where there is no identified barriers to access such as maintenance, repair and replacement works.

This upgrade requirement is reflected in Clause 64 of the Environmental Planning and Assessment Regulations 2000 for consideration of an upgrade for all Development Applications. In this case, the

proposed works to the existing building are around 20% of the total floor area of the existing building and do not exceed the 50% threshold to be considered as a substantial change or alteration in accordance with the Manly DCP and therefore the accessibility requirements would not apply to the proposed works to the existing building.

Disability (Access to premises – Buildings) Standards 2010

The Disability Discrimination Act 1992 (DDA) is Federal Legislation that where ‘*makes it unlawful to discriminate against a person, in many areas of public life, including employment, education, getting or using services, renting or buying a house or unit, and accessing public places, because of their disability*’. The Disability (Access to premises – Buildings) Standards 2010 (Premises Standards) assist in ensuring access outcomes and gives building certifiers, building developers and building managers certainty that providing access in compliance with the standards also complies with the Act.

Under Section 2.1 – Buildings to which Standards apply (as per below) of the Disability Standards 2010, the standard would apply to new buildings and upgrades to existing buildings.

Part 2 Scope of Standards

2.1 Buildings to which Standards apply

- (1) Subject to subsection (2), these Standards apply to the following:
 - (a) a new building, to the extent that the building is:
 - (i) a specified Class 1b building; or
 - (ii) a Class 2 building that has accommodation available for short-term rent; or
 - (iii) a Class 3, 5, 6, 7, 8, 9 or 10 building;
 - (b) a new part, and any affected part, of a building, to the extent that the part of the building is:
 - (i) a specified Class 1b building; or
 - (ii) a Class 2 building that:
 - (A) has been approved on or after 1 May 2011 for construction; and
 - (B) has accommodation available for short-term rent; or
 - (iii) a Class 3, 5, 6, 7, 8, 9 or 10 building;
 - (c) an existing public transport building that is still in use on the target date mentioned in an item in the table in section 3.1.
- (2) These Standards do not apply to the following:
 - (a) the internal parts of a sole-occupancy unit (within the meaning of the Access Code) in a Class 2 building;
 - (b) a new Class 10 building, a new part of a Class 10 building, or an affected part of a Class 10 building if it is associated with:
 - (i) a Class 1a building; or
 - (ii) a Class 4 part of a building.

Note 1 The building classifications mentioned in subsections 2.1 (1) and (2) have the meanings set out in clause A4.1 of the Access Code in Schedule 1.

Note 2 The Act applies to actions relating to buildings to which these Standards do not apply.

In this case, the works to the existing Class 2 building would only apply if the building had accommodation available for short-term rental accommodation. Whilst this is not part of the proposal it is assumed that this may occur so the Premises Standards ‘affected part upgrade’ would apply.

Upgrade requirements start at the principal pedestrian entrance of an existing building so there is no requirement for access from the property boundary to comply including the works in the front courtyard. No works are proposed within the ‘accessible floor’ being Level 03 and the rest of the works are within sole occupancy units or on the lower common areas on levels not required to be accessible.

4. Conclusion

The assessment confirms the proposed works to the subject site would not trigger any upgrading for compliance with the Disability (Access to Premises — Buildings) Standards 2010 & Manly Development Control Plan 2013.

Should you need any clarification or have any queries please do not hesitate to contact me.

Regards,



Quan Pham
Building Surveyor
Credwell Consulting Pty Ltd



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