Weir Phillips Heritage and Planning

28 May 2021

Sydney Eastern City Planning Panel
Planning Panels Secretariat
12 Darcy Street
Parramatta NSW 2150
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Attn: Brianna Cheeseman

Re: DA/2020/0578, 2 Station Street, Marrickville
Response to Council's Development Assessment Report for Sydney Eastern City Planning Panel, 10 June 2021

We have reviewed the Development Assessment Report (the Report) prepared by Inner West Council in respect of the above development application. We disagree with its recommendation for refusal and the specific issues it raises. These are addressed individually below:

1. **Site History (Report p. 6):**
   The Report omits reference to the fact that a planning proposal seeking an increase in the height controls to 16 storeys and density controls to 5:1 was supported by Marrickville Council in 2013 and received a Gateway Determination from the Department of Planning in December 2013. Two independent peer reviews of the planning proposal were subsequently commissioned by Council, one of which was prepared by Simpson and Wilson Architecture and Urban Design, and the other by Architectus. The review prepared by Architectus supported a 10-12-storey built form which would also act as an urban place marker for the railway station in the broader urban context. Nevertheless, in early 2014, Council withdrew its support and the proposal was not progressed.

2. **SEPP 55 (Report p. 8):**
   We note that the applicant was not advised by Council of any requirement for a Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) until receipt of the Development Assessment Report and was thus not provided the opportunity to address this issue. Although the applicant has not been allowed procedural fairness, it is worth noting that this matter could be addressed by way of a deferred commencement consent.

3. **SEPP (Affordable rental housing) 2009 – cl. 29(2)(d)(ii), Private open space for the boarding house manager (Report p. 8):**
   The space provided is only 100mm short of the nominated width but between 1.4m^2 and 6.2m^2 greater in area. This is not a mandatory requirement and Council is at liberty to grant consent regardless, particularly given that the minor deficiency in width could not realistically be argued to materially compromise the functionality of the space. Even should Council expect full compliance, this minor dimensional deficiency could readily be addressed by way of condition.

4. **SEPP (Affordable rental housing) 2009 – cl. 30A, Compatibility (Report p. 9):**
   4.1. Impacts on surrounding development:
   Issue has been raised with the physical effect of the bulk and dominance of the building in relation to the adjacent low density residential land. A compliant height and scale relationship would be 26m compared to 9.5m (8 storeys compared to 3 storeys) whereas the proposal is for

one of 32.7m compared to 9.5m (10 storeys compared to 3 storeys). Although there appears to be a superficial numerical difference, for buildings of this height, the visual impact would be essentially identical regardless of the difference. This is due to:

- The tight urban form which makes it very difficult to view the proposal side by side with adjacent low density dwellings simultaneously – ie the north elevation shown on Drawing No. 200 is not how the building and its surroundings would be perceived for the viewer.
- Because of its height and the close proximity of any viewer (due to the tight urban form) it would not be possible to perceive the full height of the building and its relationship to surrounding low density buildings in a single view and both a compliant development and that proposed would not appear to the viewer on the ground to have a materially different impact.

It is further noted that the 'physical impact' noted above has not been specifically defined and appears to refer only to a perceived undesirable visual scale relationship as opposed to one of adverse impacts upon amenity (such as overshadowing or privacy).

4.2. Lack of harmony with surrounding buildings and the street (Report p. 9):

The applicable height standard provides for a building on this site of a substantially greater height than every adjacent site. It is clearly the intent of the development standards that this should be a landmark site in a pivotal location which is not in harmony with surrounding development and provides a deliberate contrast. This contrast would exist regardless of whether the height were fully compliant or not and is clearly the outcome envisaged. Notwithstanding this, the proposal does moderate its scale so that it provides a clear three dimensional relationship to the adjacent properties to the south by stepping down to a fully compliant height (on the east) or less than a storey over (to the west) where a pattern of incremental steps would present to the primary Illawarra Road aspect. Only the northern façade fronting Marrickville Railway Station would be of the greater non-compliant height which is consistent with the objective of providing a landmark structure while providing compliant or near compliant elements where the building has a more sensitive scale relationship to directly adjacent properties where there is a direct attachment.

4.3. Architectural style (Report p. 10):

As above, the Report asserts that the proposal is inappropriate because the architectural style is 'unusual'. Given that the clear intent of the planning controls is that this site should accommodate a landmark structure, it is appropriate that the architectural expression should be distinctive and not in harmony with the surrounding buildings.

5. FSR/GFA Calculation (Report p. 12):

The Report calculates the GFA at 3,996m^2 whereas the applicant's calculation is 755.2m^2 less at 3,241m^2. This is due to the inclusion by Council of many of the open corridor spaces. The applicant's calculation is based upon relevant caselaw and is supported by legal advice from Andrew Pickles, Senior Counsel (Attachment A).

Council's rationale is based on the argument that the more recessed elements of the open corridors would not be exposed to rain or inclement weather. This is a false assumption; although these more sheltered areas may be less exposed to rain, they remain unenclosed, uninsulated and unsealed and would still be exposed to:

- driving rain in strong wind;
- wind; and
- extremes of hot and cold air prevailing in the external environment.

6. Clause 4.6 Requests (Report p. 13):

The Report dismisses the rationale presented by the accompanying clause 4.6 requests to vary the height and FSR without specifically addressing the majority of the arguments. Where it does, however, its logic is flawed:

6.1. The Report asserts that the argument for the building as an urban place marker is poor because the railway station performs this function just as effectively. This is doubtful, especially when considered from a distance on the broader town centre skyline given that the railway station is a relatively low generally single storey building which is only visible at close quarters. The additional height would clearly result in a greater visibility of this location from a distance and would, in time, inevitably become associated with the location of the railway station.

6.2. The Report also observes that: *'The proposal is well beyond the height that is envisaged in the development standard and the desired future character as expressed within the site-specific controls within the DCP. The site has a height that is well above the maximum heights of the surrounding sites and the design cannot be said to consistent with the desired future character of the area. The height differential between the development and the surrounding sites will be at significant variance to a point where a lay observer would find that the appearance is jarring due to the discrepancy in scale.'*

It is noted that the LEP specifically nominates a height for this site which is at significant variance from surrounding sites:

- 16.5m higher than the R2 land to the east and west (5 storeys);
- 6m higher than the adjacent site to the south (2 storeys).

The LEP thus clearly intends that this site presents a scale in strong contrast to the surrounding sites – in particular the R2 zoned land. The proposal achieves this.

6.3. The Report also asserts that the remaining environmental planning grounds would be achieved by a compliant development. This is not correct given that both the increased height and floor space would provide more efficient use of public transport and local infrastructure and associated sustainability benefits along with increased supply of affordable rental housing than a compliant development.

Initial Action [23], establishes these matters as relevant environmental planning grounds for consideration under clause 4.6 where 'environmental planning grounds' refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act and include:

- Social and economic welfare (1.3(a));
- Ecologically sustainable development (1.3(b) due to the more efficient utilisation of public transport and other urban infrastructure;
- Delivery of affordable rental housing (1.3(d)).

The proposal clearly facilitates these.

6.4. The Report appears to dismiss provision of 'affordable rental housing' as an environmental planning ground and observes that there is no requirement for a boarding house development to be used as 'affordable housing' (as defined by the *EPA Act 1979*) and that this would not, therefore, be considered to contribute to 'sufficient environmental planning grounds' to justify the clause 4.6.

It should be noted, however, that the objects of the Act include 'provision of affordable rental housing' which is not defined in the Act (it only defines 'affordable housing'); 'affordable rental housing', then, could be considered to be the range of development types encompassed by the SEPP (ARH) - which includes boarding houses. Although there is no requirement for them to be restricted to any particular maximum rental, they are considered to be 'affordable' simply by

virtue of their limited size and facilities; this is the manner in which the SEPP (ARH) regulates this.

The Economic Impact Assessment (p. 12) accompanying the application notes that the estimated yearly requirement for social/affordable dwellings, or other affordable rental accommodation such as boarding rooms under the Inner West Draft Housing Strategy 2019 is 571 units. The yearly average is only around 231 boarding rooms and clearly falls well short of these estimates.

It should also be noted that the applicant, EMAG Apartments Pty Ltd, will be the ultimate owner and operator of the development and is currently undergoing process of registration as a community housing provider under the National Regulatory System for Community Housing. It is intended to operate the development as more affordable housing as per the Memorandum of Understanding signed with the Police Association of New South Wales (accompanying the application) which guarantees accommodation to PANSW members;

- Free of rental bond;
- At 10-15% less than market rental.

It is therefore reasonable to assert that the provision of a greater number of boarding rooms constitutes one of several sufficient 'environmental planning grounds' to demonstrate that the provided clause 4.6 requests are well founded.

6.5. The Report (p. 16) further asserts that *'The architectural studies and urban planning strategies referred to are of relevance to planning proposals and not an application for a Clause 4.6 variation'*; it should be noted that there is no maximum number or percentage by which a development standard may be varied and no numerical limitation on the size of a variation to a development standard under the Standard Instrument clause 4.6 wording. This has been emphasised by the Court in SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 which approved a height of 21.21m where the control was 14.7m – representing a maximum variation of approximately 44% (or 6.51m) – and a floor space ratio (FSR) of 3.54:1 where the control was 2.5:1 – representing a variation of approximately 41%. These variations exceed or are comparable to those proposed by this development.

7. DCP Compliance (Report p. 22):

It is emphasised that cl. 4.15(3A) of the Environmental Planning and Assessment Act 1979 contains the following relevant provisions regarding development control plans:

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,

It is therefore necessary for the consent authority to apply the provisions of a DCP flexibly with consideration of the context and appropriate alternative solutions.

By way of example, it is noted that the DCP masterplan for the site specifies an elevated public square to the north west of the site which clearly is an element no longer sought by Council.

8. Urban Design (Inner West Architectural Excellence Panel comments – Report p. 23):

8.1. 10 Storey height (Report p. 23):

The Inner West Architectural Excellence Panel report of 12/10/2020 (Attachment B) concluded that:

The Panel would support an additional height of 2 storeys (such as a clause 4.6 variation) for the part of the building addressing the Illawarra Road frontage if the proposal incorporates a suitable step down in height with an appropriate built form transition to the east.

The design has been modified in accordance with this advice to:

- Provide an additional 2 storeys fronting Illawarra Road and the Railway Station;
- Step down to the south-east so that the majority of the eastern façade (approx. 2/3 – excepting the element facing Marrickville Station to the north) is under the height limit; and
- A step down to the south west (although not explicitly requested) to create a better scale transition with the adjacent site to the south at 20-22 Station Street.

This height would continue to provide compliant solar access to surrounding properties.

It is noted that this portion of the Architectural Excellence Panel report supportive of a 10 storey height has been omitted from the Report but is included as an attachment to this document.

8.2. Building separation to the east (Report p. 23):

The Panel asserts that the separation between the proposal and the dwellings to the east is inadequate and would result in adverse privacy, amenity and visual (ie scale) impacts.

The Apartment Design Guide does not apply to the proposal and its guidelines regarding separation are not strictly applicable. Nevertheless, the proposal has been designed to recognise the privacy of the surrounding low density dwellings and addresses this by:

- Locating balconies and windows on the part of the eastern façade that primarily overlooks the main part of Leofrene Street or the front gardens of the dwellings;
- Avoiding windows and balconies on the part of the eastern façade in a direct line of sight with the rear private open space of the dwellings.

The main body of the Report recognises this and notes that 'the proposal provides for adequate visual separation from the surrounding dwellings' and that 'acoustic impacts upon the amenity of surrounding residents can be suitably mitigated by conditions of consent' (p. 25).

If the eastern balconies are of concern, they could be rendered inaccessible by way of condition given that balconies are not required for boarding rooms.

8.3. Excessive height and massing (Report p. 24):

The Panel's preference for an LEP compliant height is inconsistent with its earlier advice (see 7.1 above) which supported a 10 storey height and massing as appropriate for part of the site.

8.4. Fire separation of void (Report p. 24):

This issue would be addressed at CC stage.

8.5. Waste (Report p. 24):

Refer to Elephant's Foot Waste Management Plan which demonstrates that the provision of waste facilities is adequate.

8.6. Privacy of Leofrene Avenue dwellings (Report p. 24):
As noted above, the eastern windows and balconies have been located to overlook the main streetscape of Leofrene Avenue and not the side windows or rear private open spaces of the dwellings to the east.

8.7. Windows to desk spaces (Report p. 24):
The rooms are provided with ample natural light and it is not a requirement for desk spaces to be directly served by a window (many built in desks are located along walls with no windows and this is arguably a preferable outcome which allows for reduced glare and space for a pin board or the like).

8.8. Limited size of balconies (Report p.24):
There is no requirement for boarding rooms to have balconies and many often do not. Even the modest balconies proposed provide at least some access to an external outlook which exceed minimum requirements and also serve to articulate the building façade.

8.9. Acoustic concerns (Report p. 24):
These are addressed in the acoustic report and mitigation measures could be conditioned in any consent.

8.10. Documentation of plant equipment (Report p. 25):
Plant rooms have been shown on the ground floor plan as well as plant zones shown on level 10. Conditions could be applied to any consent.

8.11. Communal laundry facilities (Report p. 25):
Although these could be provided, it is noted that each room is provided with a built in washer dryer which would render a communal laundry unnecessary.

8.12. Architectural expression diminishing internal amenity and usability of balconies (Report p. 25):
As noted above, the rooms are provided with ample natural light and the balconies exceed minimum requirements (ie no balconies are required) and as such the boarding rooms would provide an appropriate standard of amenity.

8.13. Monotonous architectural expression (Report p. 25):
The repetitive façade pattern has a strong precedent in many well regarded building projects internationally. The repetition of small building elements creates a feeling of movement in the façade. Coupled with the colour variation it creates a dynamic façade which adds visual interest, particularly to the railway line and Illawarra Road.

8.14. Pre-finished panels (Report p. 25):
I tis intended that the façade would most likely consist of pre-cast panels finished with a product called Nawkaw. This is the same product used to treat Silk apartments in Pyrmont. This building won the 2013 NSW Architecture Award for Multi Residential.

8.15. Use of self-finished materials and colours drawn from surroundings (Report p. 25):
Painted surfaces are not proposed. The proposed colour scheme has drawn cues from the character of the local area (see sheets 130 and 160 of the architectural plans for the design rationale).

8.16. Lack of 1:50 and 1:20 details (Report p. 26):
The drawings provided indicate general design intent which is appropriate at DA stage. This allows for flexibility and choice in the chosen construction system.

8.17. Glazed awning (Report p. 26):
The awning has been amended to be more than 50% solid.

8.18. Visible downpipes and drainage (Report p. 26):
It is not intended to provide any externally mounted services such as downpipes or the like and this could be conditioned in any consent for certainty.

It is noted that the applicant has not sighted the report of the Architectural Excellence Panel addressing the amended scheme and many of the above comments appear to relate to the original scheme only.

9. Inadequate Accessible Rooms and Parking (Report p. 26):
The DCP requires 1 accessible room for every 5 boarding rooms (ie 20% of rooms). This is vastly in excess of the number of people statistically with a mobility impairment and the actual demand for accessible rooms which is about 3% (An Assessment of Accessible Accommodation in Australia: Supply and Demand, Department of Resources, Energy and Tourism, 2013).
Subject to the advice of the specialist access consultant, around 5% of the rooms provided are accessible. This satisfies the requirements of the BCA/NCC which is considered to be the accepted standard and is more reflective of actual requirements. Refer to page 7 of the supplementary Access Report (Attachment D).

10. Parking (Report p. 27):
A response to the traffic and parking issues has been prepared by the applicant's traffic engineer, PDC Consultants, and is provided separately.
In general, however, the following points are emphasised:

- The site is located directly adjacent a major public transport node with excellent access to all parts of Greater Sydney as well as within a major mixed use town centre;
- The locality is generally recognised for very high levels of traffic congestion and it is arguable that only a small amount of car parking would be appropriate on the site to minimise additional traffic congestion and facilitate the use of public transport;
- Any shortfall in parking spaces on site has been addressed by provision of Go-Get car share spaces which is provided for in the DCP; and
- It is arguable that this is a more appropriate solution in this context.

Refer to the supplementary report Traffic Report for further detail.

11. Water sensitive urban design (Report p. 27):
A WSUD Strategy Report or MUSIC model is not required for sites under 2,000m^2.

12. Waste Management (Report p. 28):
The Report expresses concern that the eastern side of Station Street forms a primary access to Marrickville Station and that this part of the street would be blocked during waste collection twice a week. This is not a valid concern given that:

- the western side of Station Street provides the principal access to Marrickville Station;
- the eastern side of Station Street has very low vehicular and pedestrian traffic and does not provide a primary vehicular thoroughfare (except to service the subject site and for drop off vehicles travelling from the west of Station Street);

- the eastern side has no footpath and collects only a small amount of pedestrian traffic to the Station (which could also easily be directed via Schwebel Street to the south) in the rare event that there was a blockage;
- Waste collection would be infrequent and transient (ie twice a week) so any pedestrian inconvenience would be rare and transient and could be conditioned to take place outside of peak hours;
- The proposal would significantly improve existing conditions which involve the collection of waste from the eastern part of Station Street from multiple individual properties at as many different times; in contrast the proposal would involve one collection point no more than twice per week.

13. Boarding house controls:

13.1. Size of managers' private open space (Report p. 29):

The minor deficiency of 100mm is trivial and, although it would not impact functionality, could be rectified easily possibly by condition of consent.

13.2. Floor to ceiling height (Report p. 30):

The report asserts that 'the plans show an unrealistically small floor thickness' and that a ceiling height of 2.7m may not be possible. The proposal allows 3m floor to floor which would provide a ceiling height of 2.7m with a structural thickness of 0.3m. This is very achievable – particularly where the bathrooms and kitchens are located directly above each other. It is noted that the BCA requires a ceiling height of 2.4m.

13.3. Site master plan (Report p. 30):

The master plan for the site is extremely prescriptive and is problematic in the following ways: In particular, it nominates:

- a built form which specifies a lower height than the LEP (7, 5 and 2 storeys where the LEP would permit 8);
- a void area specific to the requirements of a residential flat building to allow for a 24% area of communal open space and ADG separation distances which are not relevant to a boarding house development;
- a large opening to the south east which would not necessarily produce a better urban design outcome and would expose to public view the northern side wall of the adjacent existing and permissible 6 storey building to the south at 20-22 Station Street;
- an eastern boundary setback inconsistent with the two adjacent properties on the same street;
- an isolated two storey element under the recess on the eastern side bounded by a permitted 6 storey element immediately to the south at 20-22 Station Street and a 5 storey element to the north of the subject site which would look incongruous in the streetscape and not provide any particular benefit in respect of improved solar access to adjacent properties or minimisation of scale impacts given that the recess is located more at the visible termination of Leofrene Street than adjacent the arguably more sensitive rear private open spaces of the residential properties.

Finally, it is inconsistent with the initial advice of Council's Architectural Excellence Panel which advised that a 10 storey building would be acceptable where orientated towards Illawarra Road and steps down towards the rear and east.

13.4. Compatibility with surrounding development (Report p. 31):
The Report observes that the '*development does not complement the existing siting, scale, form, proportions or rhythm of the surrounding developments. The colours and appearance of the building is unusual in its surroundings.*'
It is noted that the intent of the LEP is clearly for a landmark building of quite different scale to its neighbours and that a distinctive aesthetic treatment is also appropriate in this context to complement the contrasting scale.

14. Draft Conditions of Consent:
The applicant requests the deletion or modification of the following draft conditions of consent:

- Condition 47:
  This requires:
  No buildings works or obstructions shall be permitted on the splay corners to a height of 4.5m above the existing road on the north eastern corner.

  This height (and anything over about 3.8m) would conflict with both the proposed awning and part of the first floor structure and require significant adjustments to the design with some potentially negative aesthetic impacts. Further, the condition has bene reviewed by the applicant's traffic engineer who considers that it is unnecessary in the context and that the 4.5m dimension should be modified to 3.5m:

  To satisfy Council's request, a 2.5 metre by 2.0 metre visual splay can be provided on the egress side of the car park driveway, at the property boundary, in accordance with Figure 3.3 of AS 2890.1. This area will be kept clear of all vertical obstructions and will provide a height clearance of 3.5 metres.
  As previously mentioned, the entry to Station Street (from Schwebel St) is signposted with turn restrictions that read – 'No Right Turn (or No Left Turn), Vehicles under 7m Excepted'. This means that only vehicles with a length less than 7.0 metres are permitted to access Station Street. This would be comparable to a 6.4m long Small Rigid Vehicle (SRV) defined under AS 2890.2, which requires a head height clearance of 3.5m.
  The above condition requires a splay to be provided at the north-east corner of the building to allow for turn movements by an 8.8m long MRV defined under AS 2890.2, which requires a head height clearance of 4.5m. In this regard, we understand that Council is proposing that the condition include a requirement to provide a 4.5m head height clearance within the splay zone. It is clear from the above that an MRV is not legally permitted to access Station Street, with the largest legal vehicle being comparable to an SRV, requiring a 3.5 metre head height clearance. In our opinion, it is unreasonable for Council to impose a 4.5 metre head height clearance within the splay zone. As per the above, the splay zone should only need to allow for a 3.5 metre head height clearance to cater for an SRV.

- Deferred Commencement Condition A: Loading Dock:
  This requires:
  This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied that a suitable loading dock has been provided off Station Street East that will allow for the servicing of the site without impeding on through traffic or pedestrian movements. The loading dock shall be suitable for use by a Medium Rigid Vehicle.

  This condition should not be imposed given the alternative proposition in the accompanying traffic report proposing a service vehicle bay as an alternative.

- Deferred Commencement Condition B: Loading Dock:
  This requires:
  This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied that the architectural plans have been amended to allow for creation of 2mx2m Splayed Corners at both corners of the building. The splays shall apply to a height of 4.5m above the footpath level.

  This condition relates to Condition 47 which, as discussed above, should require no greater than a 3.5m high splay.

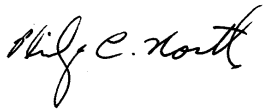
- Deferred Commencement Condition C: Additional Parking:
  This requires:
  This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied that the architectural plans have been amended to allow for creation of 2mx2m Splayed Corners at both corners of the building. The splays shall apply to a height of 4.5m above the footpath level.
  This consent will not operate and it may not be acted upon until the Council or its delegate is satisfied that the plans have been amended to provide an additional basement level so as to provide an 15 additional carparking spaces."

  This condition is not necessary given the parking reduced parking rationale provided by the applicant's traffic engineer in the accompanying traffic report.

Conclusion:

The above analysis demonstrates that the reasons cited for refusal by the Development Assessment Report are not valid and that the proposal is an appropriate response to the site which is not only consistent with the objectives of the development standards and controls but would also provide broader benefits to the locality and town centre. We therefore urge the Panel to grant development consent subject to appropriate conditions.

Yours faithfully,



Philip North MPIA CPP RAIA RIBA
Certified Practising Planner | Architect (NSW Reg: 6490)
Associate Director

Attachment A

Advice on Calculation of GFA (Andrew Pickles, SC)

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MEMORANDUM OF ADVICE

EMAG APARTMENTS PTY LIMITED

8-12 STATION STREET MARRICKVILLE

Tier Architects
1/32-34 Bunn Street
PYRMONT
NSW 2009

Attention: Mr Nicholas Nasser

EMAG APARTMENTS PTY LIMITED

2-18 STATION STREET MARRICKVILLE

MEMORANDUM OF ADVICE

Instructions

1. My instructing architect acts for EMAG Apartments Pty Limited in relation to a proposed boarding house development at 2-18 Station Street Marrickville.

2. As part of the design it is proposed to leave the common circulation corridors from the first floor and above open to the elements. In particular, from the plans I have been shown the building is proposed to have a "U-shape" around a communal open space on the first floor with a lift bank in the centre and a corridor running on a generally east-west axis, also open at both ends. Above the first floor the area south of the lifts will contain a small landscaped 'social space' adjacent to a void, open to the elements, and the east-west corridor open on each end on the first floor is replicated throughout the building.

3. My advice is sought as to whether the area devoted to the communal open space on the first floor, the corridors on all levels above level 1 and the 'social spaces' on each level adjacent to the lifts constitute gross floor area within the relevant definition under the Standard Instrument.

Advice

4. The site is zoned B2 Local Centre under Marrickville Local Environmental Plan 2011 (MLEP). In that zone, development for the purposes of a boarding house is permissible with consent.

5. The floor space ratio (FSR) provisions are contained in clause 4.5 and adopt the provisions of the Standard Instrument – Principal LEP. For the purposes of calculating the FSR, clause 4.5(2)

provides that the FSR is the "ratio of the gross floor area of all buildings within the site to the site area". Gross floor area is defined as (emphasis added):

> *gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*
> *(a) the area of a mezzanine, and*
> *(b) habitable rooms in a basement or an attic, and*
> *(c) any shop, auditorium, cinema, and the like, in a basement or attic,*
> *but excludes—*
> *(d) any area for common vertical circulation, such as lifts and stairs, and*
> *(e) any basement—*
> *(i) storage, and*
> *(ii) vehicular access, loading areas, garbage and services, and*
> *(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
> *(g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
> *(h) any space used for the loading or unloading of goods (including access to it), and*
> *(i) terraces and balconies with outer walls less than 1.4 metres high, and*
> *(j) voids above a floor at the level of a storey or storey above.*

6. Importantly, the key criterion is to determine the areas within the internal face of external walls. It is, therefore, necessary to know what the external walls are. Once the external walls are identified, it is only the area within the internal face of those walls that are to be counted.

7. A number of decisions in the Land and Environment Court have considered a similar issue. The leading decision is *GGD Danks Street Pty Limited and CR Danks Street Pty Limited v City of Sydney* [2015] NSWLEC 1521 in which O'Neill C made the following observations at [31]:

> *The definition of GFA in LEP 2012 requires the floor area of each level to be measured from the internal face of external walls, measured at a height of 1.4m above ground. The corridor is contained on either side by the external face of walls that form the external walls of the units on either side of the corridor (except for the courtyard of units 7, 20 and 32 on each floor, as the corridor is contained next to these units by the outer fence or wall*

that forms the edge of the private courtyard). The external face of the wall cannot be characterised as an internal face, because an external wall must provide the weatherproofing that maintains the internal wall or face as a dry wall, in other words, an external wall has a specific function that distinguishes it from an internal wall. In full brick construction, where the wall forms the façade of a building, the outer skin of brickwork is wet during inclement weather and the purpose of the cavity between the brickwork skins is to maintain the inner or internal wall as dry. The internal face of an external wall in the definition of GFA must refer to the interior surface of the wall that forms the façade or exterior of a dwelling, being the wall that weatherproofs the interior space, and cannot refer to the exterior surface of the outer wall. Therefore, the sum of the floor area of each floor of a building measured from the internal face of external walls requires the floor area that is included in the GFA calculation to be internal floor space. The corridor will be wet during inclement weather by rain blown along the gap, the walls containing the corridor function as external walls and so the corridor cannot be characterised as internal floor space.

8. Commissioner O'Neill's decision has been applied in *MGT 6 Pty Ltd v City of Sydney* [2017] NSWLEC 1211 at [70]-[73]. Similarly, in *Glenn McCormack v Inner West Council* [2017] NSWLEC 1559, without citing any other decisions, Chilcott C held, at [122]-[127], that open corridors did not need to be included as FSR.

9. The only decision I can find to the contrary is *Landmark Group Australia Pty Limited v Sutherland Shire Council* [2016] NSWLEC 1577 per Morris C. In that case, Commissioner Morris distinguished *GGD Danks Street* on the facts, but did not consider that O'Neill C's decision was wrong. The differentiating characteristic in *Landmark* was that much of the walls along the corridors were not outdoor walls and would not have been treated as such (see fig. DL 1 at [34]).

10. In this case I am instructed that the walls of all of the boarding rooms adjoining the corridors on levels 1 and above will be finished as external walls. The corridors will also be open at

each end, and in the case of the corridors and meeting spaces around the void, will be open to the void along the sides. Accordingly, in my opinion, based on the plans I have been provided with, the corridors will not constitute gross floor area within the internal face of external walls.

5 March 2020

ANDREW PICKLES SC
Chambers

Attachment B

Inner West Architectural Excellence Panel Report (12.10.2020)

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Astragal Heritage t/a
Weir Phillips Heritage and Planning
ABN 40 600 197 859

INNER WEST
ARCHITECTURAL EXCELLENCE PANEL – REPORT

Site Address:	2 Station Street Marrickville
Proposal:	An 11 storey boarding house proposal with commercial use on ground floor over a basement carpark
File Reference:	DA/2020/0578
AEP members in attendance:	Michael Harrison (Strategic Advisor, Architectus); Jocelyn Jackson (Director, TKD Architects); Vishal Lakhia (Urban Design Advisor, Inner West)
Assessment Planner:	Glen Hugo (Executive Officer, Inner West)
Meeting Date:	30/09/2020
Report Date:	12/10/2020
Previous AEP:	Planning Proposal stage
Disclosure of Interest:	None

BACKGROUND:

The Architectural Excellence Panel reviewed the architectural drawings and discussed the proposal through an online conference.

DISCUSSION & RECOMMENDATIONS:

1. **Height, Massing and Contextual Fit:**
   a. The Panel considers that the proposed height of 11 storeys significantly exceeds the Inner West LEP control of 26m and expresses concerns regarding the visual impact and additional overshadowing impacts from the additional height.
   b. The proposal lacks an appropriate built form transition to the low density residential dwelling houses located to the east of the site. The Panel notes that an approximately 4m building separation is provided by the laneway (Station Street), which is considered to be inadequate. The proposal creates potential visual privacy, amenity, overlooking and visual impacts on the existing low density residential dwellings along Leofrene Avenue.
   c. The Panel considers the overall height, massing and density outcomes of the proposal are substantially greater than those anticipated by the Inner West controls, and are not a suitable contextual fit for the site. The proposal requires a reduction in the overall building height to match with the LEP height limit.
   d. Additionally, a building setback should be added to the east, to create a suitable built form transition. One strategy is that the applicant could consider appropriate building separation distances based on the requirements of the SEPP 65 Apartment Design Guide Parts – 2F Building Separation and 3F Visual Privacy. An additional setback for zone and built form transition should also be provided for a change of zone from B2 local centre to R2 low density residential zone.

2. **Building Configuration:**
   a. Rearrangement and resolution of the building services including the plant room, substation and waste collection area should be considered so that the entire Illawarra Road frontage has an active use, and no building services are allocated to this street frontage.

b. The void space provided on the residential levels create potential fire separation concerns along the southern boundary, if the future potential building on the adjacent property is proposed abutting from the side boundary.

c. The waste storage and collection area shown on ground floor seems undersized given the scale of the development for 130 rooms or 244 residents.

d. The Panel recommends a minimum ceiling height of 2.7m and a floor-to-floor height of 3.1 should be provided to all habitable areas.

e. The Panel notes there are potential visual amenity concerns for the residents within the low density dwelling houses addressing Leofrene Avenue, with potential overlooking from the eastern balconies into the private open spaces of these dwelling houses.

f. The Panel expresses a concern for the residential amenity within the boarding rooms, due to a lack of storage areas or wardrobe spaces.

g. The desk spaces should benefit from addition of windows to allow natural light and ventilation.

h. The bathroom sizes for all boarding rooms are very constrained.

i. The kitchenettes appear constrained with a lack of utilities.

j. All balconies seem constrained offering limited usability. Provision of dual balconies to the middle rooms seems unnecessary. These balcony areas could be consolidated to form a bigger balcony with improved usability.

k. The Panel notes that there are acoustic amenity concerns from rail and aircraft noise. The design of the open balconies and large glazed openings seem to lack any acoustic considerations. Design solutions should be considered to improve quality of life in affected boarding rooms by minimising potential noise (for example use of enclosed balconies, changes in façade texture to dissipate noise, limiting openings, use of balcony soffits or other possible measures). The Panel expresses a similar acoustic amenity concern for the rooftop communal open space from aircraft noise, which needs to be addressed.

l. The development application documentation should include details on the locations and sizes and of plant rooms, any mechanical equipment or condensers for 130 boarding rooms and common areas. The equipment should not be located within the balconies, above the rooftop or within the communal open space areas.

m. It seems that lift overruns (typically up to 4.5m above the last floor level served) are omitted from the proposal. The DA documentation should account for realistically scaled and dimensioned lift overruns confirmed in all elevations, sections, 3D images, photomontages and shadow diagrams. Similarly, visual and overshadowing impacts from plant rooms over the rooftop should also be included.

n. The proposal should provide a common laundry facility, particularly for clothes drying. The clothes drying should not occur within private balconies facing the public domain.

Aesthetics:

a. The Panel considers that an application of a repetitive pattern across the façade diminishes internal amenity of the rooms and usability of the balcony spaces.

b. The proposed finishes predominantly include 'pre-finished panels' that appear monotonous with a lack of variety. Further details of 'pre-finished panels' should be provided, in terms of materials, texture, assembly, colours, composition and BCA compliance.

c. The panel encourages use of self-finished materials. Rendered and painted surfaces should be avoided considering the longevity and associated long-term costs. The materials and finishes could be drawn from positive cues evident within the surroundings.

d. A level of refinement and enrichment in the architectural expression is required for the project to be successful. The elevations need refinement and consideration in terms of design, composition and material selection due to high visibility of the proposal, particularly within the Illawarra Road streetscape and the railway corridor.

e. The Panel expresses concerns regarding provision of glass awnings along north and west, and recommends that more than 50% awning should be solid.

f. The applicant should ensure integration of functional aspects such as how rainwater drainage system including any downpipes is well-integrated with the façade design.

Conclusion: The Panel would support an additional height of 2 storeys (such as a clause 4.6 variation) for the part of the building addressing the Illawarra Road frontage, if the proposal incorporates a suitable step down in height with an appropriate built form transition to the east. Additionally, the proposal should demonstrate that a greater consistency is achieved with the recommendations for the overall massing and contextual fit, building configuration and architectural expression discussed in Parts 1, 2 and 3 of this AEP Report.

Attachment C

Registration as Community Housing Provider Confirmation Letter

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Astragal Heritage t/a
Weir Phillips Heritage and Planning
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NATIONAL REGULATORY SYSTEM
COMMUNITY HOUSING
A joint initiative of Commonwealth, State and Territory Governments

10 March 2021

Mr Joseph GHOSN
Director
EMAG Apartments Pty Ltd

By email: emag@optusnet.com.au

Dear Joe,

Re: Registration as a Community Housing Provider.

This letter confirms that EMAG Apartments Pty Ltd (EMAG) has engaged with the Registrar and seeks registration as a community housing provider under the National Regulatory System for Community Housing.

EMAG will enter the formal registration process in March 2021.

Please do not hesitate to contact me on 8741 2581 if you would like to discuss the matter.

Andrew Forster
Principal Compliance Officer
Registrar of Community Housing NSW

Attachment D

Supplementary Access Report

Level 19, 100 William Street, Sydney NSW 2011 Australia
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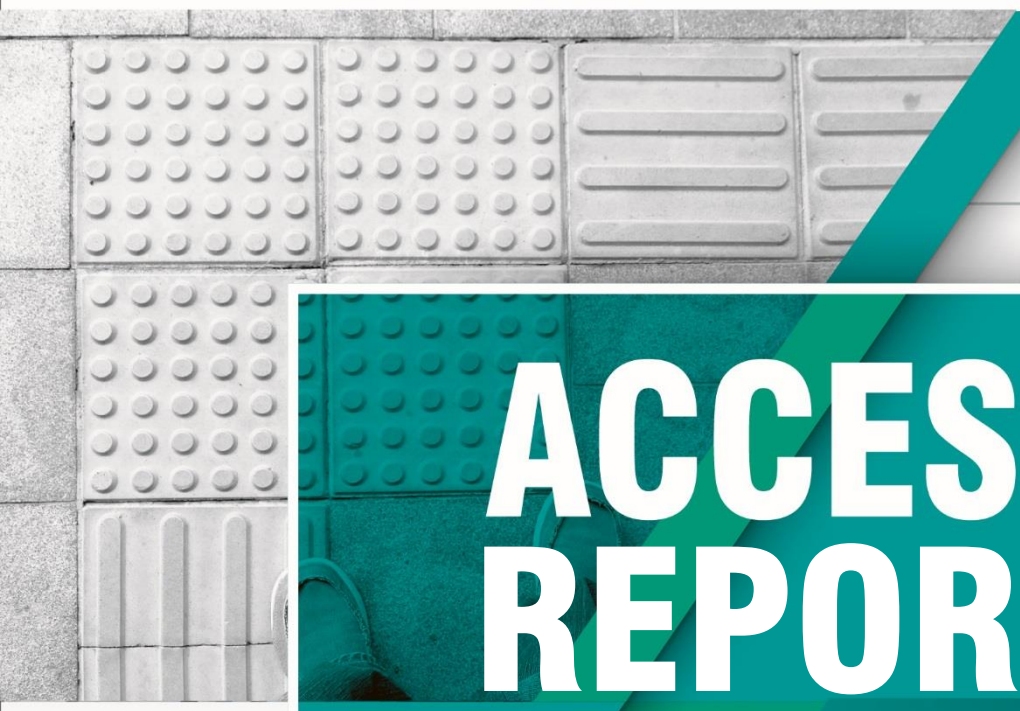
Report Type: DA Access Report
Reference Number: 20147
Client: Emag Apartments
Site Address: 2-18 Station Street, Marrickville, NSW



ACCESS REPORT

Vista Access Architects

Company Details
Vista Access Architects Pty. Ltd
ABN 82 124 411 614 ARN 6940
ACAA 281, CP 006, LHA 10032

Postal Address
POBox 353
Kingswood
NSW 2747

Contact details
www.accessarchitects.com.au
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Farah Madon 0412 051 876

Project Compliance Statement:

This Access Compliance Report is to accompany a Development Application for the development proposed at 2-18 Station Street, Marrickville, NSW.

This development proposes a New Building with a total of 130 Residential units and 1 Commercial use unit. The development is within Inner West Council LGA which required one accessible room per 5 rooms and 1 accessible parking per 10 rooms which would generate 28 Accessible rooms and 14 Accessible parking spaces. This is considered to be excessive and does not represent the number of accessible facilities required. Therefore this report assess the Accessibility requirements based on what is required under the BCA for Boarding houses. In this case to comply with the BCA, this development requires 7 Accessible rooms and 3 Accessible parking spaces allocated to the Accessible rooms.

1 Accessible parking space is also provided for the Commercial component.

The development has building classification as detailed below;

- Class 3 (residential boarding house, hostel accommodation or similar)
- Class 5 (office building for professional or commercial use)
- Class 6 (shops, sale of goods and services by retail)
- Class 7a (car park)

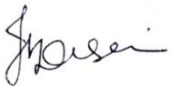
This Access report is based on the relevant components of;

- Building Code of Australia (BCA) 2019, Volume 1- Performance requirements of DP1, DP2, DP8, DP9, EP3.4, FP2.1 and Parts D2, D3, E3 and F2 (where applicable)
- Disability (Access to Premises-Building) Standards 2010 (henceforth referred to as APS)
- AS1428.1-2009 Part 1: General requirements for access, including any amendments
- AS1428.4.1-2009 Part 4.1: TGSIs (Tactile ground surface indicators), including any amendments
- AS2890.6-2009 Part 6: Off-street parking for people with disabilities.
- AS1735 Lifts types included in the BCA including Part 12: Facilities for persons with disabilities

The assessment of the proposed development has been undertaken to the extent necessary to issue DA (Development application) consent under the Environmental Planning and Assessment Act. The proposal achieves the spatial requirements to provide access for people with a disability and it is assumed that assessment of the detailed requirements such as assessment of internal fit-out, details of stairs, ramps and other features will occur at CC (Construction Certificate) stage.

By compliance with the recommendation in this report, the development complies with the requirements of Access Code of Disability (Access to Premises-Building) Standards 2010 and the Disability Access relevant sections of Building Code of Australia 2019.

Assessed by



Jenny Desai
Access Consultant and LHA Assessor
ACAA Membership number 572
LHA Assessor Licence number 20242

PEER REVIEWED by

Farah Madon
Accredited Access Consultant and LHA Assessor
ACAA Accredited Membership number 281
LHA Assessor Licence number 10032

Vista Access Architects Pty. Ltd.

Relevant dates:

Fee proposal, number FP-20094 dated 20-02-2020. Fee proposal was accepted by Client on 20-02-2020.

Assessed Drawings:

The following drawings by Tier Architects have been assessed for compliance.

Drawing no	Issue	Date	Details
100A	A	18-05-2020	Calculations
303	A	18-05-2020	Basements 2 & 3 Floor plans
304	A	18-05-2020	Basement 1 & Ground Floor plans
308	A	18-05-2020	Levels 1, 2, 4, 6 & 8 Floor plans
309	A	18-05-2020	Levels 3, 5, 7, 9 & Roof top Floor plans

Document Issue:

Issue	Date	Details
Draft 1	01-06-2020	Issued for Architect's review
Draft 2	05-06-2020	Issued for Architect's review
A	10-06-2020	Issued for DA

Limitations and Copyright information:

This report is based on discussions with the project architect and a review of drawings and other relevant documentation provided to us. No site visit was undertaken for the purposes of this project.

This assessment is based on the provided drawings and not based on constructed works, hence the assessment will provide assurance of compliance only if all the recommendations as listed in this report are complied with and constructed in accordance with the requirements of the current BCA, AS1428.1-2009 and other latest, relevant standards and regulations applicable at the time of construction.

Assessment is based on classification/use of the building. If the Class of the building changes to any other building Class, this access report will have to be updated accordingly.

Unless stated otherwise, all dimensions mentioned in the report are net (CLEAR) dimensions and are not be reduced by projecting skirting, kerbs, handrails, lights, fire safety equipment, door handles less than 900mm above FFL (finished floor level) or any other fixtures/fit out elements. When we check drawings, we assume that the dimensions noted are CLEAR dimensions and therefore the Architect / Builder shall allow for construction tolerances. *Only some numerical requirements from relevant AS (Australian Standards) have been noted in the report and for further details and for construction purposes refer to the latest relevant AS.*

This report is does not assess compliance matters related to WHS, Structural design, Services design, Parts of DDA other than those related to APS or Parts of BCA or Parts of AS other than those directly referenced in this report. VAA gives no warranty or guarantee that this report is correct or complete and will not be liable for any loss arising from the use of this report. We will use our best judgement in regard to the LHA assessments. However, we are not to be held responsible if another licenced LHA assessor comes to a different conclusion about compliance, certification or allocation of a particular Quality mark to us as a number of items are subject to interpretation.

We have no ability to check for slip resistance of surfaces. All wet areas, parking areas, pavement markings shall have the appropriate slip resistance for the location. We also have no ability to check for wall reinforcements once the walls have already been constructed. The builder shall take full responsibility that the requirements listed in this report are met and the construction and slip resistance shall be as per requirements of AS1428.1/ AS4299 / AS2890.6/ AS3661/ AS4586 and any other applicable regulation and Australian Standard.

A report issued for DA (development application) is not suitable for use for CC (construction certificate) application.

BCA Part D3 Access for People with a Disability

BCA D3.1 General building Access requirements

SOU refers to a Sole Occupancy Unit

Requirement

Class 3- residential boarding house, hostel accommodation or similar

Access is required:

- From a required accessible pedestrian entrance to at least 1 floor with SOUs and to the entry of doors of each SOU on that level.
- To and within 1 of each type of room or space in common use.
- Where floor is accessed by an AS1428.1 ramp or lift, access is required to the entry doorway of each SOU on that level and to and within all common use areas on that level.

Accessible SOU requirements:

- Not more than 2 Accessible SOUs to be located adjacent to each other.
- Where more than 2 Accessible SOUs are required, they are to represent a range of available rooms.

Total number of SOUs	Accessible SOUs required
1 to 10 SOUs	1 accessible SOU
11 to 40 SOUs	2 accessible SOUs
41 to 60 SOUs	3 accessible SOUs
61 to 80 SOUs	4 accessible SOUs
81 to 100 SOUs	5 accessible SOUs
101 to 200 SOUs	5 accessible SOUs + 1 per 25 (in excess of 100)
201 to 500 SOUs	9 accessible SOUs + 1 per 30 (in excess of 200)
More than 500 SOUs	19 accessible SOUs + 1 per 50 (in excess of 500)

Compliance Comments

Complies.

- The development has a total of 130 SOUs and therefore 7 accessible SOUs have been provided, representing the range of available rooms with no more than 2 Accessible SOUs adjacent to each other.
- Accessible SOU numbers are 102, 203, 303, 403, 503, 603 and 703.
- SOUs 102, 303, 503 and 703 have been provided with LH transfer toilets and SOUs 203, 403 and 603 have been provided with RH transfer toilets to satisfy the requirement of range of available rooms.
- Access has been provided from the main pedestrian entry doorway to the entry doors of all SOUs on all levels by means of accessible pathways and lifts.
- Access has been provided to at least 1 of each common use spaces such as communal garden and communal rooms on Level 1.
- Where common use areas are on a floor that is accessible by means of a ramp or lift (Level 1 and Roof top Level in this case), access has been provided to the same.
- Access has been provided to common use garbage storage rooms chutes on Ground floor level.

Details to be verified at CC stage of works.

Requirement

Class 5 / 6- Commercial/ Retail.

- To and within all areas that are normally used by the occupants.

Compliance Comments

Complies.

Access has been provided to and within all areas required to be accessible.

Details to be verified at CC stage of works.

Requirement

Class 7a- Covered car park.

- To and within any level containing accessible carparking spaces.

Compliance Comments

Complies.

Access has been provided to Basement level containing Accessible carparking spaces.

Details to be verified at CC stage of works.

Disability discrimination in Australia

Australian Bureau of Statistics

Disability discrimination occurs when people with disability are treated less fairly than people without disability.

The results from the 2015 Survey of Disability, Ageing and Carers provide information on the experience of discrimination by people with disability aged 15 years and over[1].

Almost **1 in 12** people with disability[1] **experienced discrimination**[2] in 2015

Young people with disability[1] were **more likely** to experience discrimination[2] than older people with disability[1]

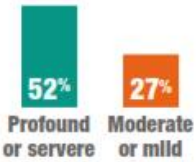
1 in 5 people with **psychosocial** or **intellectual disabilities**[1,3] experienced discrimination[2]

Around **1/3** of people[1] who experienced disability discrimination[2] said a source was **service, hospitality and teaching** staff[4]

Around **1/4** of people[1] who experienced disability discrimination[2] said a source was an **employer**

Almost **1/3** of people with disability[1] **avoided situations**[5] because of their disability

Almost **2/3** of people with **psychosocial disability**[1,3] had avoided situations[5] because of their disability



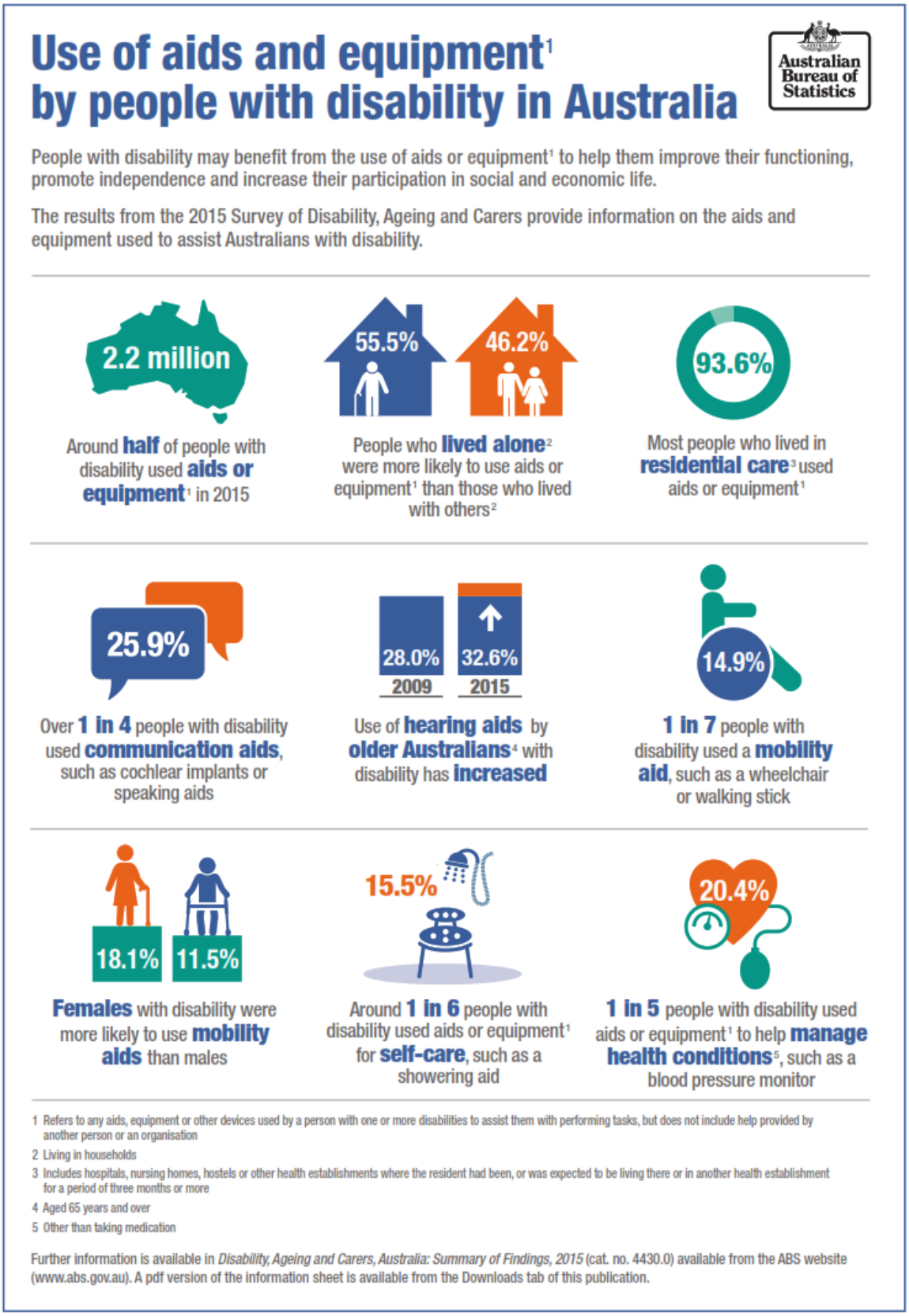
People with **profound or severe** disability[1] were **more likely to avoid situations**[5] than those with moderate or mild disability[1]

Around **2 in 5** people with disability[1] who avoided situations[5] **avoided visiting family and friends**

1 Living in households
2 Experienced discrimination or unfair treatment because of their disability in the previous 12 months
3 For people with multiple disabilities, the discrimination may have been related to one or a combination of disabilities
4 Includes teacher or lecturer; health staff; bus drivers, retail staff or taxi drivers; restaurant or hospitality staff; or sales assistants
5 Types of situations include work, visiting family or friends, school, university or educational facility, medical facilities, shops, banks, restaurants, cafes or bars, public transport, public park or recreation venue, and other social situations and public places

Further information is available in *Disability, Ageing and Carers, Australia: Summary of Findings, 2015* (cat. no. 4430.0) available from the ABS website (www.abs.gov.au). A pdf version of the information sheet is available from the Downloads tab of this publication.

[Image description: Infographic on Disability Discrimination in Australia as available on the ABS website]



[Image description: Infographic on use of aids and equipment by people with a disability in Australia as available on the ABS website]

As can be seen only 1 in 7 people with a disability (of 17% of the Australian population) require use of a mobility device.

In September 2013, Department of Resources, Energy and Tourism funded a research project

An Assessment of Accessible Accommodation in Australia: Supply and Demand

Below are the findings that support that compliance with numbers noted in the BCA/NCC for accessible rooms is more than adequate and exceeds demand.

Key findings

Following the research undertaken as part of this study, PwC made the following key findings.

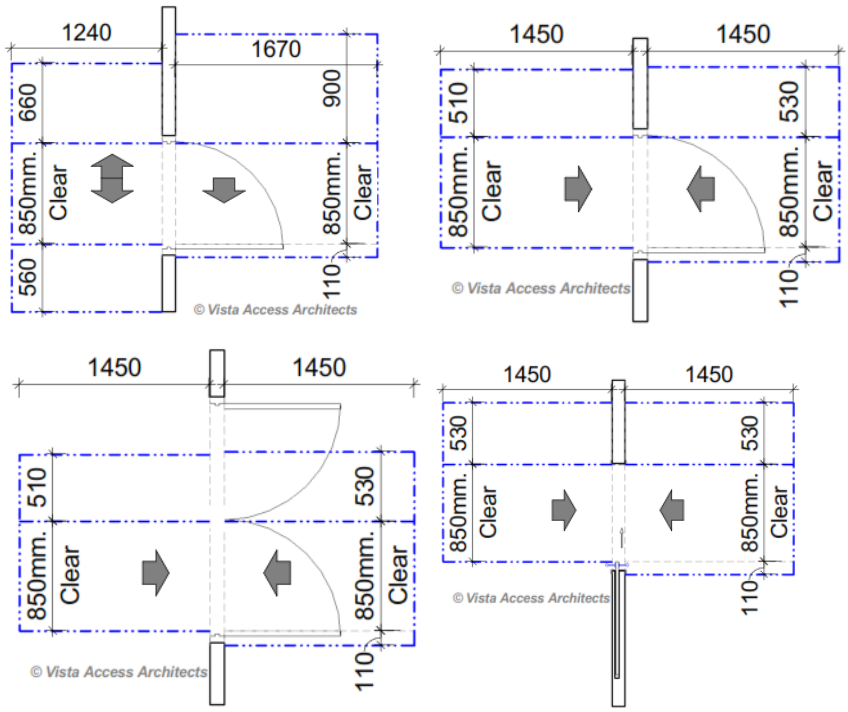
- Accessible rooms may be used by any guest, but establishments typically hold accessible rooms on a 'last to let' basis, primarily for guests with accessible room needs, but also in some cases because of the room attributes,[2] which is reflected in lower occupancy rates of accessible rooms.
- On average, accessible rooms are rented by people with disability around 30.2% of the time. The remaining time (69.8%) is split between demand from people without disability (34.9%) that have an accessibility need and demand from those that require accommodation and have no accessibility need (34.9%).[3]
- PwC has estimated that accessible rooms currently comprise 4.0% of the total supply of all accommodation and represent 2.8% of the rooms demanded. That is, the current occupancy rate for accessible rooms across Australia is estimated at 45.5%, compared with 65.9% for all rooms.

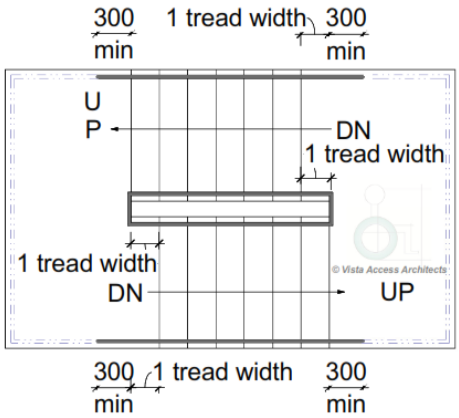
Summary table - supply[4]

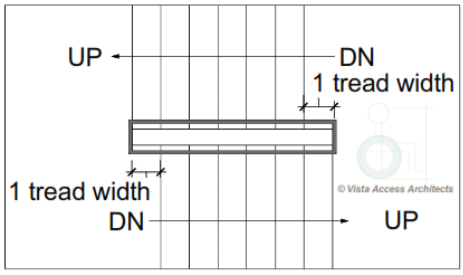
	2012	2017	2022	2027	2032
Supply, room nights (mil)					
Total	112.5	125.5	133.1	141.7	149.2
Accessible rooms	4.5	6.3	7.8	8.3	8.8
Accessible rooms, %	4.0%	5.0%	5.9%	5.9%	5.9%

Summary table - occupancy

	2012	2017	2022	2027	2032
Occupancy rates					
All rooms	65.9%	68.3%	70.9%	73.5%	76.1%
Accessible rooms	45.5%	51.5%	56.2%	58.2%	60.3%
Requesting guests(s) with disability	13.8%	11.6%	10.2%	10.6%	11.0%
Requesting guest(s) without disability	15.8%	13.2%	11.7%	12.1%	12.6%
Placed guest(s) without disability	15.8%	26.7%	34.2%	35.5%	36.7%

Requirement	**Accessway is required from;** - Main pedestrian entry at the site boundary for new buildings. - Any other accessible building connected by a pedestrian link. - Accessible car parking spaces.
Compliance Comments	Complies. Residential component: - Level Access has been provided from the main pedestrian entry at the site boundary. Commercial / Retail component (two entries provided) - Entry 1- Access has via a 1:10 grade step ramp been provided from the main pedestrian entry at the site boundary. - Entry 2- Access has been provided via steps to secondary entry Access has been provided from accessible car parking spaces by means of lifts. Details to be verified at CC stage of works.
Requirement	**External Walkway / Pedestrian Access-** to be as per requirements of AS1428-2009.
Compliance Comments	Capable of compliance. Details to be verified at CC stage of works.
Requirement	**Accessway** is required through: - Principal pedestrian entry; and - Not less than 50% of all pedestrian entrances; and - In building with floor area over 500m², a non-accessible entry must not be located more than 50M from an accessible entry.
Compliance Comments	Complies. Details to be verified at CC stage of works.
Requirement	**All common use doorways and doorways to and within Accessible and Adaptable units** to comply with AS1428.1. Where accessible pedestrian entry has Multiple doorways: - At least 1 to be accessible if 3 provided - At least 50% to be accessible, if more than 3 provided - Where doorway has multiple leaves, at least 1 leaf is to have clear opening of 850mm (excluding automatic doors)
Compliance Comments	Capable of compliance. In common use areas, all single hinged doors and in case of multiple leaf doorways, at least 1 operable leaf is required to provide a clear opening of 850mm with the door circulations spaces as per AS1428.1-2009.  [Image description: Different types of doorways with door circulation requirements as per AS1428.1]

	Note that the circulation spaces to have a maximum floor grade of 1:40 (doorway threshold ramps are permitted within the circulation space). Sliding doorways to be provided with recessed floor tracks to enable flush transition from the inside of the building. Where there is an external level difference at the door threshold, the maximum level difference can be 35mm if provided with a 1:8 doorway threshold ramp. This is achievable and the door selections are to be verified at CC stage of works.
	BCA Part D3.3 Parts of buildings required to be accessible
Requirement	Every **Ramp** with grades steeper than 1:20 and less than or equal to 1:14 (excluding fire-isolated ramp) is to be compliant with Clause 10 of AS1428.1: - AS1428.1-2009 (including but not limited to - maximum grade of 1:14 with appropriate landings at a maximum of 9M of a flight of ramp). - 1M clear width to be provided between handrails / kerb / kerbrails. - Handrails and kerbs to be provided on both sides with appropriate handrails extensions. - Slip resistance of ramp and landings to comply with BCA Table D2.14
Compliance Comments	N/A No 1:14 ramps have been identified in the development.
Requirement	**Step ramp** if provided is to be compliant with: - AS1428.1-2009 including max grade of 1:10, max height of 190mm, max length of 1.9M - Slip resistance of ramp and landings to comply with BCA Table D2.14. - A landing for a step ramp must not overlap a landing for another step ramp or ramp
Compliance Comments	Capable of compliance. Detailed features of the step ramp will be assessed with the requirements of AS1428.1-2009 at the CC stage of works.
Requirement	**Kerb ramp** if provided is to be compliant with: - AS1428.1-2009 including max grade of 1:8, max height of 190mm, max length of 1.52M - Slip resistance of ramp and landings to comply with BCA Table D2.14.
Compliance Comments	N/A No kerb ramps have been identified in the development.
Requirement	Every **Stairway** (excluding fire-isolated stairway) is to be compliant with: - Clause 11 of AS1428.1-2009 (including but not limited to opaque risers, handrails on both sides including appropriate handrail extensions between 1M clear width and compliant nosing strips). - Slip resistance to comply with BCA Table D2.14 when tested in accordance with AS4586.
Compliance Comments	Capable of compliance. Where non-fire-isolated stairways have been provided, the features of the stairway will be assessed with the requirements of AS1428.1-2009 at the CC stage of works.  [Image description: Diagram shows the requirements of a non-fire-isolated stairway as per AS1428.1] **Note:** In some cases, the stairway from the basement to the ground floor level is considered to be non-fire-isolated, in which case full compliance will be required as per AS1428.1-2009. Verify with the BCA consultant. **Note:** For stairways with 90˚ to 180˚ turns at landings, in order for the handrails to comply with the consistent height requirement, the risers have to be offset at the mid-landings OR provided with a 300mm handrail extension, so that no vertical sections are created in the handrails. This applies to both non- fire-isolated and fire-isolated stairways.

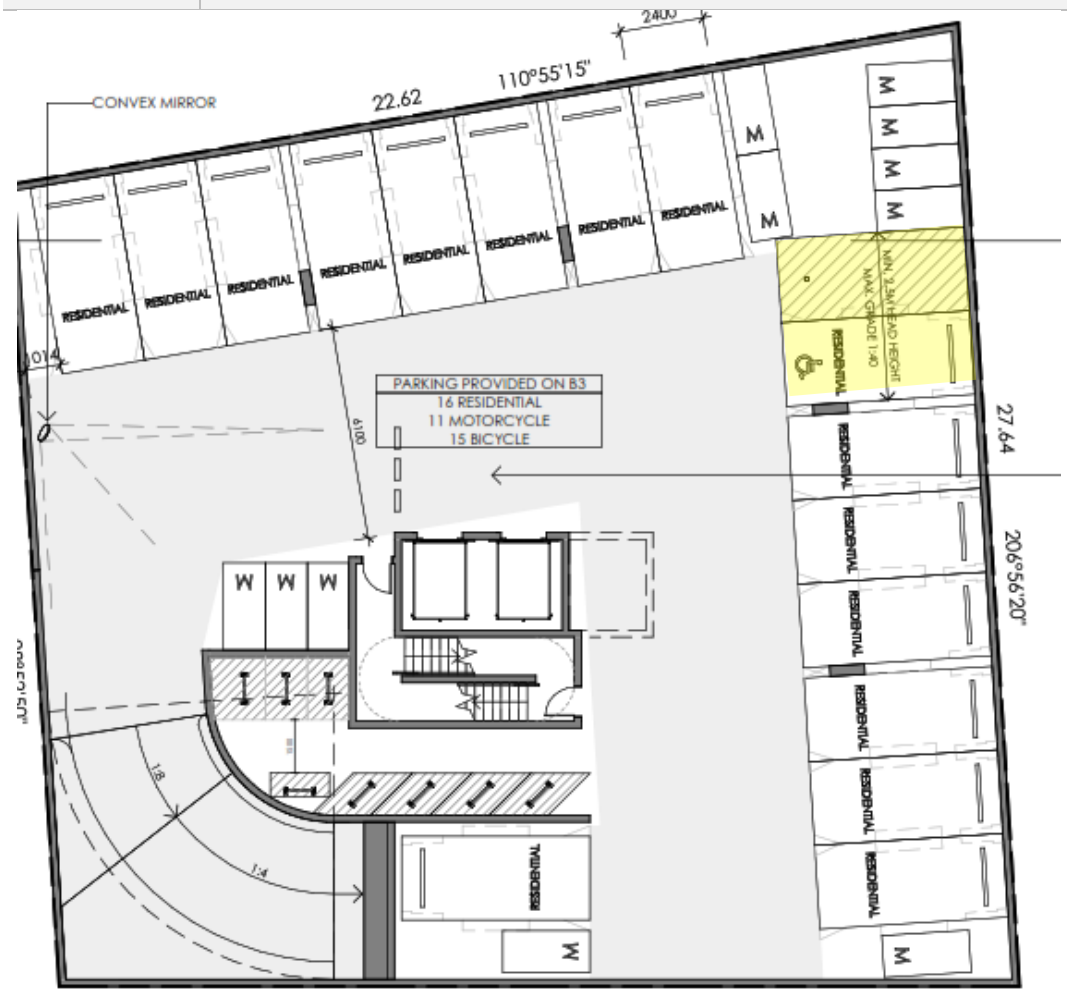
Requirement	Every **Fire-isolated Stairway** is to be compliant with AS1428.1-2009 in the following aspects: - Handrail on one side (requirement under D2.17) with 1M clear space. Handrail extensions are not required however since the handrails cannot have any vertical sections and since handrail is required to be at a consistent height throughout the stairway including at landings, it may be essential to either provide handrail extensions or offset first riser going up at mid landings to achieve this at 90˚ to 180˚ turns. - Slip resistance to comply with BCA Table D2.14 when tested in accordance with AS4586.
Compliance Comments	Capable of compliance. Detailed features of the fire-isolated stairways will be assessed with the requirements of AS1428.1 at the CC stage of works.  **Note:** For stairways with 90˚ to 180˚ turns at landings, in order for the handrails to comply with the consistent height requirement, the risers have to be offset at the mid-landings OR provided with a 300mm handrail extension, so that no vertical sections are created in the handrails. This applies to both non- fire-isolated and fire-isolated stairways. [Image description: Diagram shows the requirements of a fire-isolated stairway as per AS1428.1]
Requirement	**Nosing strips to both fire-isolated and non-fire-isolated stairways** - Each tread to have a nosing strip between 50mm-75mm depth (of any one colour) for the full width of the stair, which can be setback for a maximum of 15mm from the front of the nosing. - Multiple strips making up the 50mm-75mm depth is NOT permitted. - This strip is to have a minimum luminance contrast of 30% to the background and to comply with any change in level requirements if attached on the treads. - Where the nosing strip is not set back from the front of the nosing then any area of luminance contrast shall not extend down the riser more than 10mm - Slip resistance to comply with BCA Table D2.14 when tested in accordance with AS4586.
Compliance Comments	Capable of compliance. Detailed features of the nosing strips will be assessed with the requirements of AS1428.1 at the CC stage of works.
Requirement	**Handrail cross-sectional profile** – for stairways and ramps to comply with AS1428.1 - Diameter of handrails to be between 30mm-50mm and located not less than 50mm from adjacent walls with no obstructions to top 270˚ arc.
Compliance Comments	Capable of compliance. Detailed features of the handrails will be assessed with the requirements of AS1428.1 at the CC stage of works.
Requirement	**Slip resistance requirements as per BCA** BCA Table D2.14 has the following Slip –resistance requirements when tested in accordance with AS4586:

Application	**Surface conditions**	
	Dry	**Wet**
Ramp steeper than 1:14	P4 or R11	P5 or R12
Ramp steeper than 1:20 but not steeper than 1:14	P3 or R10	P4 or R11
Tread or landing surface	P3 or R10	P4 or R11
Nosing or landing edge strip	P3	P4

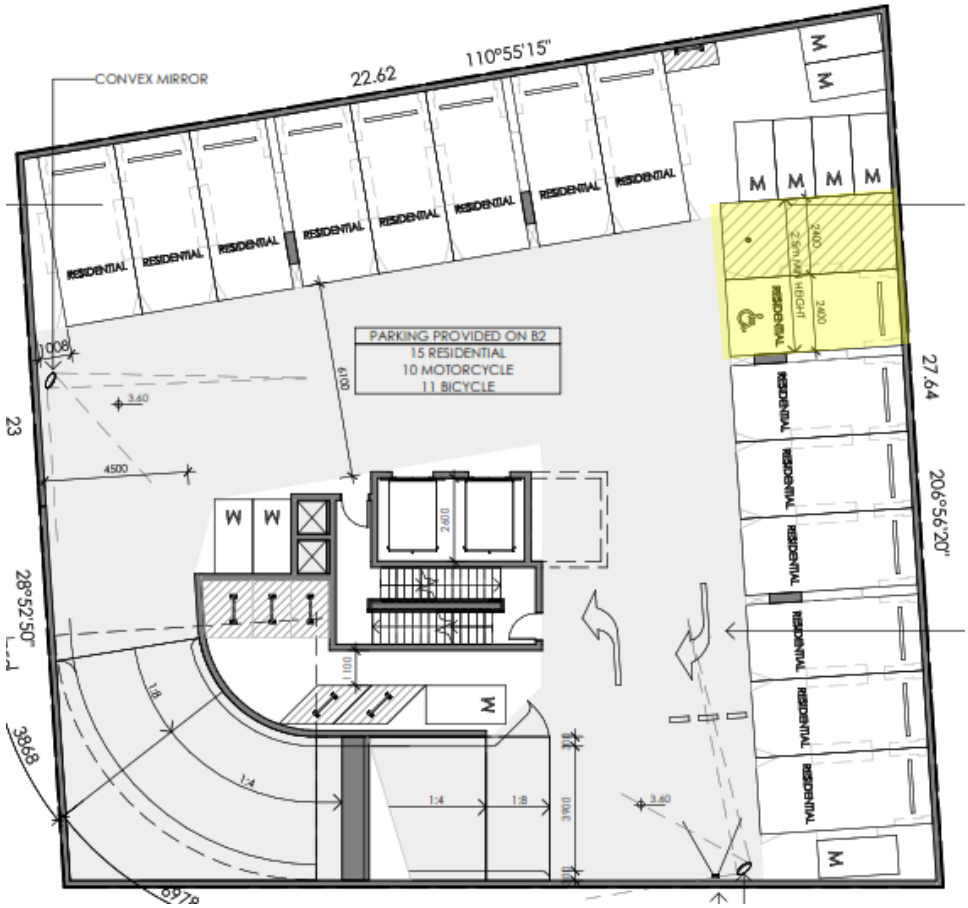
	HB 197/ HB198 An introductory guide to the slip resistance of pedestrian surface materials provides guidelines for the selection of slip-resistant pedestrian surfaces
Compliance Comments	Capable of compliance. For Slip resistance of surfaces the builder is required to provide a Certificate stating that the Slip resistance of the surfaces comply with the above listed requirements when tested as per AS4586. Details to be provided at the CC stage of works.

Requirement	Every **Passenger lift** is to comply with the requirements of BCA E3.6.
Compliance Comments	This has been assessed further in the report in the Lifts section. Refer to Lifts section.
Requirement	**Passing spaces requirement** It is a requirement to provide passing spaces in accessways complying with AS1428.1 at maximum 20 M intervals, where a direct line of sight is not available. Space required is 1800x2800mm (in the direction of travel). Chamfer of 400x400mm is permitted at corners.
Compliance Comments	N/A There are no accessways over 20M lengths in the development where a direct line of sight is not available.
Requirement	**Turning spaces requirement** It is a requirement to provide turning spaces in accessways complying with AS1428.1-2009 within 2M of the end of accessways where it is not possible to continue travelling and at every 20M intervals. CLEAR Space required is 1540mmx2070mm in the direction of travel (measured from skirting to skirting).
Compliance Comments	Complies. - Adequate turning spaces have been provided with minimum common use passageway widths being 1540mm clear or alternatively a space of 1540mmx2070mm provided at or within 2M of the end of the passageway. - A space of 1540mmx2070mm is also required / provided in front of all passenger lift doors. Details to be verified at CC stage of works.
Requirement	**Carpet specifications** Carpet if used in areas required to be accessible are to be provided with pile height or thickness not more than 11mm and carpet backing not more than 4mm bringing the total height to a maximum of 15mm.
Compliance Comments	Capable of compliance if carpets are provided in the common use areas and commercial use areas and accessible units. Carpet selections generally take place at CC stage of works. Selection of carpets as specified above will lead to compliance. Details to be verified at CC stage of works.
	BCA Part D3.4 Exemption
Requirement	**Access is not required to be provided in the following areas:** - Where access would be inappropriate because of the use of the area - Where area would pose a health and safety risk - Any path which exclusively provides access to an exempted area
Compliance Comments	For information only. Areas such as lift machine rooms, fire services room, commercial kitchens etc. in the development are exempted from providing access under this clause due to WHS concerns. Where a caretaker is provided in the development, the toilet provided exclusively for use by the caretaker can be excluded from providing access based on the provisions in this clause.

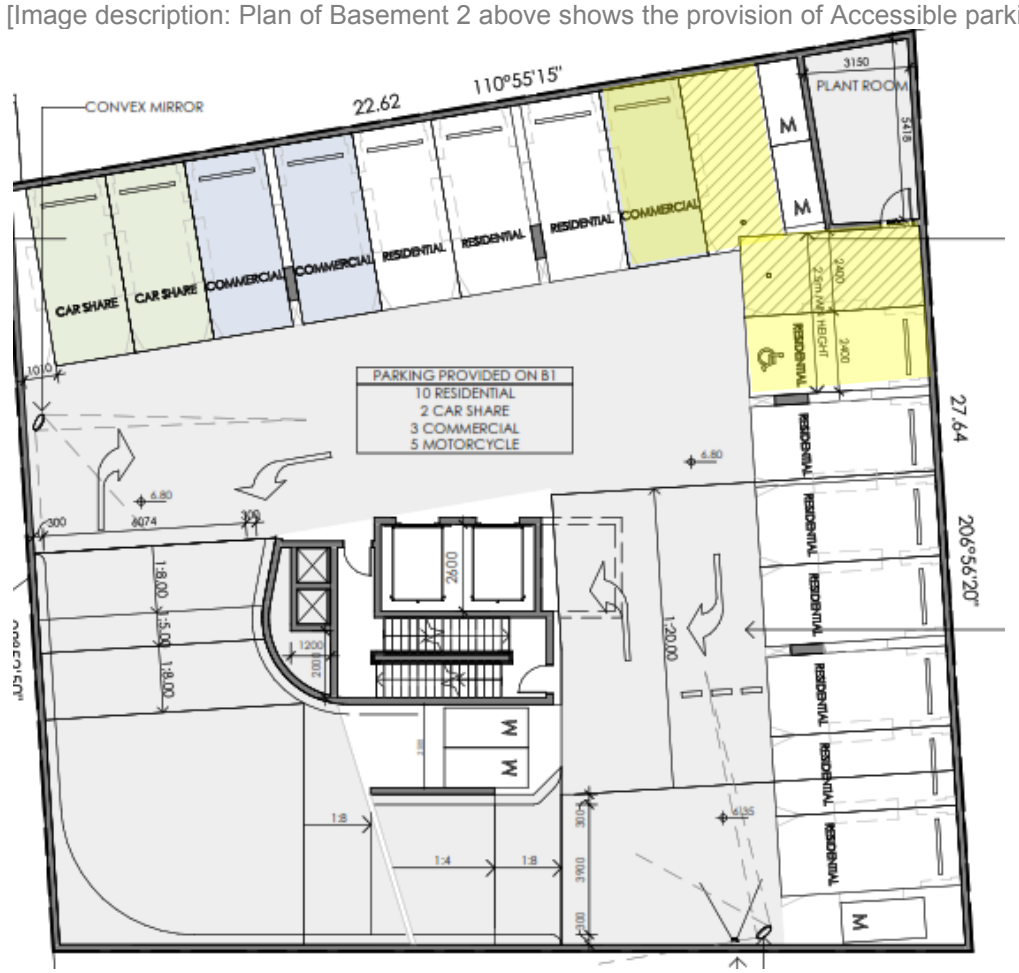
	BCA Part D3.5 Accessible Carparking
Requirement	**Class 3** For Accessible parking requirements for boarding house, guest house, hostel etc. Multiply total number of carparking spaces provided by the % of - Accessible SOUs to the total number of SOUs or - Accessible bedrooms to the total number of bedrooms Calculated to the next whole number For Accessible parking requirements for residential part of school, accommodation for the aged, the disabled or children, residential part of health care building etc. - 1 space per 100 carparking spaces
Compliance Comments	Complies. Total number of carparking spaces provided = 45 allocated to the Residential component Total number of accessible parking spaces required / provided as per the formula listed above in the requirements = 3 Detailed features of the accessible parking space to be verified at CC stage of works.
Requirement	**Class 5** - 1 Accessible car parking space per 100 carparking spaces **Class 6** - 1 Accessible car parking space per 50 carparking spaces (up to 1000 spaces) and additional 1 Accessible car parking space per additional 100 spaces provided
Compliance Comments	Complies. Total number of Accessible parking spaces required / provided for the commercial component of the development = 1 Detailed features of the accessible parking space to be verified at CC stage of works.



[Image description: Plan of Basement 3 above shows the provision of Accessible parking space]

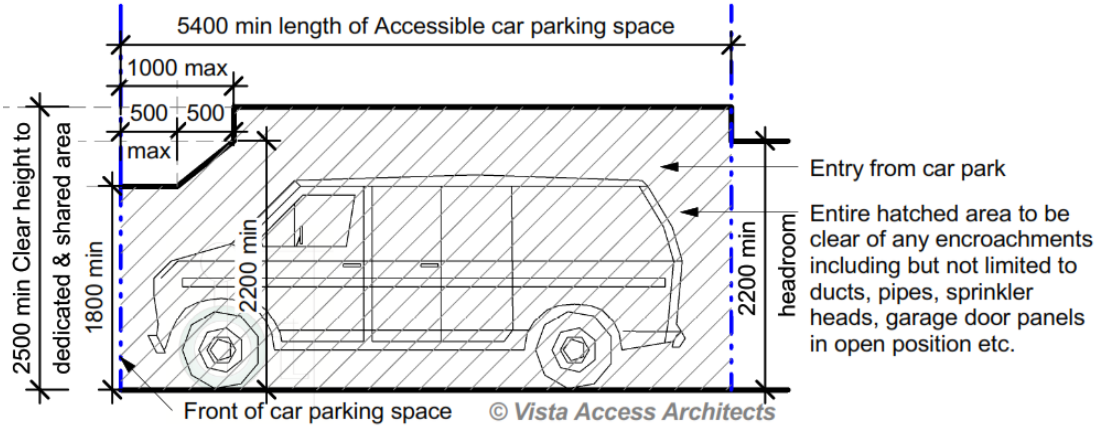


[Image description: Plan of Basement 2 above shows the provision of Accessible parking space]

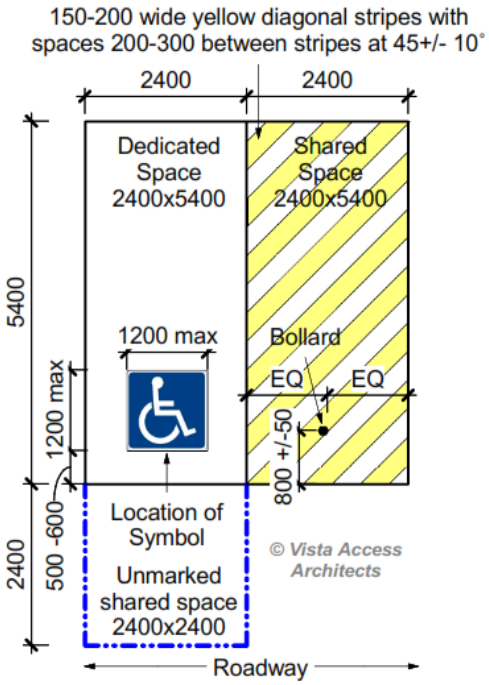


[Image description: Plan of Basement 1 above shows the provision of Accessible parking spaces]

	AS2890.6-2009 requirements for Accessible car parking space
Requirement	- Dedicated space 2.4Mx5.4M, Shared space 2.4Mx5.4M at the same level - Slip resistant flooring surface with maximum fall 1:40 in any direction or maximum 1:33 if bituminous and outdoors. - Central Bollard in shared space at 800+/-50mm from entry point. - Pavement marking in dedicated space by means of access symbol between 800mm-1000mm high placed on a blue rectangle of maximum 1200mm and between 500mm-600mm from its entry point (marking not required where allocated to an Adaptable unit). - Minimum headroom of 2.2M at entrances and 2.5M is required over shared space as well as dedicated spaces. - Non-trafficked area of the shared space to have marking strips at 45˚, 150-200mm wide at 200mm-300mm spaces (not required where driveways are used as shared spaces)
Compliance Comments	Capable of compliance. Details to be verified at the CC stage of works. Refer to diagrams below for requirements, especially in regards to head height requirements. **Note:** The pavement marking shall have the appropriate slip resistance for the location. This requirement is to be added to the project specifications to ensure compliance.



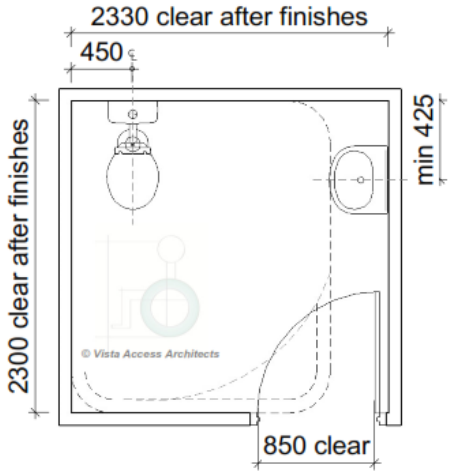
[Image description: Diagram shows head height requirements as per AS2890.6 for both dedicated accessible parking space and the shared space. No beams, pipes, sprinklers or any other encroachments are permissible within the required clear head height space]

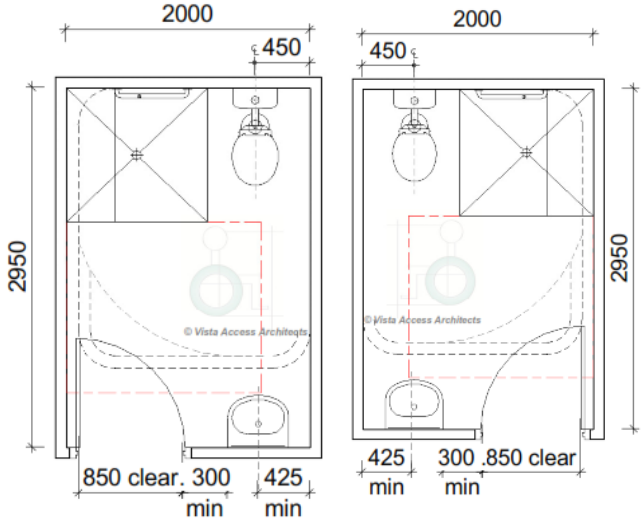


[Image description: Diagram shows spatial requirements of AS2890.6 including line marking, symbol and bollard requirements]

	BCA Part D3.6 Signage
Requirement	**Braille and Tactile signage is required to identify Accessible Sanitary facilities**  Signage must incorporate the international symbol of access in accordance with AS 1428.1 and identify each sanitary facility, except a sanitary facility associated with a bedroom in a Class 1b building or a SOU unit in a Class 3 or Class 9c building. Signage in accordance with AS 1428.1 must be provided for accessible unisex sanitary facilities to identify if the facility is suitable for left or right handed use. [Image description: Image of Signage]
Compliance Comments	Capable of compliance. One unisex accessible RH transfer toilet has been provided in common use area of the Residential component. Signage selections generally take place at CC stage of works. Selection and location of signage as specified above will lead to compliance. Details of selected signage to be verified at CC stage of works.
Requirement	**Braille and Tactile signage is required to identify Ambulant Sanitary facilities**
Compliance Comments	N/A No common use, ambulant sanitary facilities have been provided in the development.
Requirement	**Braille and Tactile signage is required to identify Hearing Augmentation**
Compliance Comments	N/A Hearing augmentation is not provided since there is no inbuilt amplification system proposed in the development.
Requirement	 **Braille and Tactile signage is required to identify a Fire exit door** required by E4.5 by stating the 'Exit' and 'Level', followed by either: - The floor level number or floor level descriptor or a combination of both of the above. - Sign must be located on the side that faces a person seeking egress The "?" shown in image above is to be replaced with the floor level where the door is located. [Image description: Image of Signage]
Compliance Comments	Capable of compliance. All doors nominated as Exit doors require signage as described above. Signage selections generally take place at CC stage of works. Selection of signage as specified above will lead to compliance. Details of selected signage to be verified at CC stage of works.
Requirement	 **Signage is required to a non-accessible pedestrian entrance** as per AS1428.1-2009 to direct to the nearest accessible pedestrian entry. [Image description: Image of Signage] *Arrow direction on this signage is indicative only and the direction of the arrow will be based on the location of the accessible entry.*
Compliance Comments	Capable of compliance. This signage is required to the non-accessible entry door of the commercial use unt. Signage selections generally take place at CC stage of works. Selection of signage as specified above will lead to compliance. Details of selected signage to be verified at CC stage of works.
Requirement	**All signage is required to be as per Specification D3.6 Braille and Tactile Signs** This includes location of signage, specifications in regards to braille and tactile characters, luminance contrast and lighting.
Compliance Comments	Capable of compliance. Signage selections generally take place at CC stage of works. Selection of signage as specified above will lead to compliance. Details of selected signage to be verified at CC stage of works.

	BCA Part D3.7 Hearing Augmentation
Requirement	**Hearing Augmentation** is only required where an inbuilt amplification system (other than emergency) is installed in a Class 9b building, or in an auditorium, conference / meeting room or a reception area where a screen is used.
Compliance Comments	N/A No areas with provision of inbuilt amplification have been identified on plans and hence no hearing augmentation requirements apply to this development.
	BCA Part D3.8 Tactile indicators (TGSIs)
Requirement	**TGSIs are required when approaching:** - Stairways other than fire-isolated stairways. - Escalators / passenger conveyor / moving walk. - Ramp (other than fire-isolated ramps / kerb or step or swimming pool ramps). - Under an overhead obstruction of <2M if no barrier is provided. - When accessway meets a vehicular way adjacent to a pedestrian entry (if no kerb / kerb ramp provided at the location). Compliance is required with AS1428.4.1 including Luminance contrast and slip resistance requirements for all TGSIs.
Compliance Comments	Capable of compliance. TGSI selections generally take place at CC stage of works. Selection of TGSIs as specified will lead to compliance and these selection details are to be verified at CC stage of works.
	BCA Part D3.11 Limitations on Ramps
Requirement	**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 Comments	N/A No ramps have been identified in the development. (Ramp in bin area is exempt under BCA Clause D3.4)
	BCA Part D3.12 Glazing on Accessways
Requirement	**Glazing requirements:** - 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 are required to have a glazing strip - The marking should be for the full width with a solid and non-transparent 75mm wide, contrasting line located 900-1000mm above FFL and provide a minimum luminance contrast of 30% when viewed against the floor surface within 2M of the glazing on the opposite end. Graphical representation or cut-outs are not permitted.
Compliance Comments	Capable of compliance Glazing strips are required to be provided to full length glazed areas (doors and windows) used in common use areas such as lift lobbies and common passageways and in all commercial use areas. Glazing strip selections generally take place at CC stage of works. Selection of glazing strips as specified above will lead to compliance and these selection details are to be verified at CC stage of works.

	BCA Part F Accessible Sanitary Facilities BCA F2.4 Accessible sanitary facilities
Requirement	**Accessible unisex toilet** is to be provided in accessible part of building such that; - It can be entered without crossing an area reserved for 1 sex only - Where male and female sanitary facilities are provided at different locations, Accessible unisex toilet is only required at one of the locations - Even distribution of LH and RH facilities - An accessible facility is not required on a level with no lift / ramp access.
Compliance Comments	Complies. One unisex accessible RH transfer toilet has been provided in common use area of the Residential component.
Requirement	**Accessible unisex toilet is to be designed in accordance with AS1428.1-2009**
Compliance Comments	Capable of compliance. Detailed features of the Accessible unisex toilet will be assessed with the requirements of AS1428.1-2009 at the CC stage of works.  RH transfer toilet shown above ***Note:*** *Location of door is indicative only.* [Image description: Diagram showing requirements for circulation spaces for fixtures in an Accessible toilet as per AS1428.1]
Requirement	**Ambulant use male / female toilets** are to be provided if an additional toilet to the Accessible unisex toilet is provided
Compliance Comments	N/A. No common use ambulant use facilities have been provided in the development.
	BCA F2.4(a) Accessible unisex sanitary compartments
Requirement	**Class 3** - 1 Accessible toilet within every accessible SOU provided with sanitary compartments. - At least 1 unisex Accessible toilet when sanitary compartments are provided in common areas.
Compliance Comments	Complies. <u>Common use sanitary facilities:</u> - 1 unisex accessible RH transfer unisex accessible toilet has been provided in the common use areas for the residential component. <u>Accessible sanitary facilities within the Accessible SOUs:</u> - Each Accessible SOU has been provided with Accessible toilet and accessible shower
Requirement	**Class 5, 6** - 1 unisex Accessible toilet on every storey containing sanitary compartments. - Where more than 1 bank of sanitary compartments on a level, at 50% of banks
Compliance Comments	N/A No common use sanitary facilities have been identified for the commercial component in the development.

	BCA F2.4(b) Requirements for Accessible unisex showers
Requirement	**Class 3** - 1 Accessible shower within every accessible SOU provided with showers and - At least 1 unisex Accessible shower for every 10 showers provided in common areas.
Compliance Comments	Complies Common use sanitary facilities: - No common use showers have been provided in the residential component. Accessible sanitary facilities within the Accessible SOUs: - Each Accessible SOU has been provided with Accessible toilet and accessible shower
Requirement	**Class 5, 6** - When BCA requires provision of 1 or more showers, then 1 for every 10 showers.
Compliance Comments	N/A No common use shower facilities have been identified for the commercial component in the development.
Requirement	**Showers for Accessible use are to be designed in accordance with AS1428.1.**
Compliance Comments	Capable of compliance Detailed features of the Accessible shower will be assessed with the requirements of AS1428.1 at the CC stage of works.  *Dimensions can change based on selected fixtures such as size of basin. Location of the door is indicative only. Note that minimum 1900mm clear width is required when the shower is in the folded position.* [Image description: Diagram showing requirements for circulation spaces for fixtures in an Accessible toilet cum accessible shower as per AS1428.1]
	BCA Part E Lift Installations
	BCA E3.2 Stretcher facility in lifts
Requirement	A **Stretcher lift** is to be provided if a passenger lift is installed to serve any storey with an effective height of 12M. The space requirement is 600mm wide x 2000mm deep x 1400mm high above the floor level. Confirm this requirement with your BCA consultant.
Comments	For information only. Contact BCA consultant / PCA in regard to applicable requirements.
	BCA E3.6 Passenger lift
Requirement	In an accessible building, **Every Passenger Lift** (excluding electric passenger lift, electrohydraulic passenger lift, inclined lift) must be subject to limitations on use and must comply with **Tables E3.6a and E3.6b**
Compliance Comments	Capable of compliance. A certificate of compliance from the lift supplier will be required at the CC stage of works stating that the proposed lift complies with the requirements of BCA Part E3- Lift installations.

	BCA E3.6 Table E3.6a -Limitations on use of types of passage lifts
Requirement	Limitations on use of Stairway platform lifts, Low-rise platform lift, Low-rise, low-speed constant pressure lift and small sized, low-speed automatic lift
Compliance Comments	N/A Not identified in the development.
	BCA E3.6 Table E3.6b -Application of features to passenger lifts
Requirement	**Handrail requirements for passenger lifts.** Apart from stairway platform lift and low-rise lifts, a handrail is required as per AS1735.12.
Compliance Comments	Capable of compliance. Details to be verified at CC stage of works.
Requirement	**Lift floor dimensions** (excluding stairway platform lift) - Lifts traveling **12M** or under, floor size, **1100mm wide x 1400mm deep** - Lifts travelling **more than 12M**, floor size **1400mm wide x 1600mm deep**
Compliance Comments	Capable of compliance Details to be verified at CC stage of works. Additional lift car size may apply if stretcher lift is required under the BCA.
Requirement	Minimum **Door opening size** complying with AS1735.12, not less than 900mm clear (excluding stairway platform lift).
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.
Requirement	All lifts with a power operated door are required to have a **Passenger protection system** complying with AS1735.12.
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.
Requirement	**Lift landing doors** to be provided at upper landing (excluding stairway platform lift).
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.
Requirement	**Lift car and landing control buttons** to comply with AS1735.12 (excluding stairway platform lift and low-rise platform lift).
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.
Requirement	**Lighting** (for all enclosed lift cars) to be provided in accordance with AS1735.12 and AS1680. Minimum illuminance of 100 lx is required at the level of the car floor and average of 50 lx is required on the control panel surface.
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.
Requirement	**To all lifts serving more than 2 levels**, audible and visual indication to be provided as per AS1735.12.
Compliance Comments	Capable of compliance. Details to be verified at CC stage of works.
Requirement	**Emergency hands free communication** (excluding stairway platform lift) – provide a button that alerts a call centre and a light that the call has been received.
Compliance Comments	Capable of compliance Details to be verified at CC stage of works.

Additional Features required as per AS1428

Refer to AS1428 for full list of requirements.

	The following accessibility requirements apply only to: - Common use areas within the residential component (including passageways leading to SOUs) - To and within all units nominated on the plans as Accessible units - To all areas within the commercial use components
Requirement	**Accessway width requirements** - All Accessway widths are to be a minimum of 1M clear (measured from skirting to skirting) with vertical clearance of at least 2M
Compliance Comments	Complies. Details to be verified at CC stage of works.
Requirement	**Doorway requirements** - All common use doorways in the development to be in accordance with AS1428.1 - Door thresholds are to be level or they can incorporate a doorway threshold ramp as per AS1428.1 i.e. max 1:8 grade, max height of 35mm and located within 20mm of door leaf. - Distance between successive doorways in airlocks to be 1450mm which is measured when the door is in open position in case of swinging doors.
Compliance Comments	Capable of compliance. Details to be verified at CC stage of works.
Requirement	**Door hardware requirements** - Door hardware including door handles, door closers and the in-use indicators / snibs in accessible and ambulant toilets are required to comply with requirements of AS1428.1.
Compliance Comments	Capable of compliance. Door hardware selections generally take place at CC stage of works. Selection of door hardware as specified above will lead to compliance and these selection details are to be verified at CC stage of works.
Requirement	**Luminance contrast requirements for doorways.** - All doorways to have a minimum luminance contrast of 30% provided as per AS1428.1 with the minimum width of the luminance contrast to be 50mm.
Compliance Comments	Capable of compliance. The painting schedule of walls/doors and door frames are to consider the above requirements when colours are selected. Check Contrast requirements via LRV of colours on http://www.accessarchitects.com.au/luminance-contrast-calculator or download free LRV calculator App from Apple Store or Google Play. Add the above listed requirements to project specifications to ensure compliance.
Requirement	**Floor or ground surfaces** - Use slip-resistant surfaces. The texture of the surface is to be traversable by people who use a wheelchair and those with an ambulant or sensory disability. - Abutment of surfaces is to have a smooth transition. Construction tolerances to be as per AS1428.1 - Grates if used in the accessible path of travel is required to comply with the requirements as per AS1428.1
Compliance Comments	Capable of compliance. Floor surface selections generally take place at CC stage of works. Selection of floor surfaces as specified above will lead to compliance and these selection details are to be verified at CC stage of works.
	Switches, Controls and Lighting requirements - All switches and controls (including controls for intercom facilities and external lift control buttons) on an accessible path of travel, Accessible SOUs and Accessible sanitary facilities to be located as per requirements of AS1428.1
Compliance Comments	Capable of compliance. Lighting fixture selections and locations generally take place at CC stage of works. Selection of lighting fixtures and locating them as specified above will lead to compliance. These selection/location details are to be verified at CC stage of works.

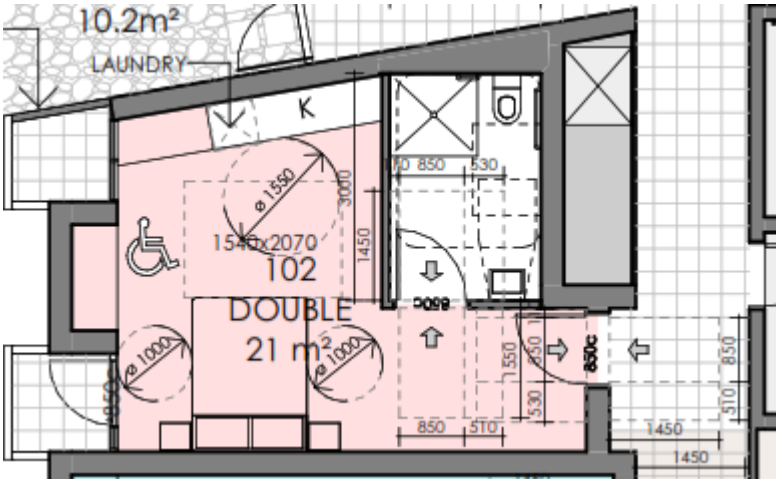
Accessible SOU requirements

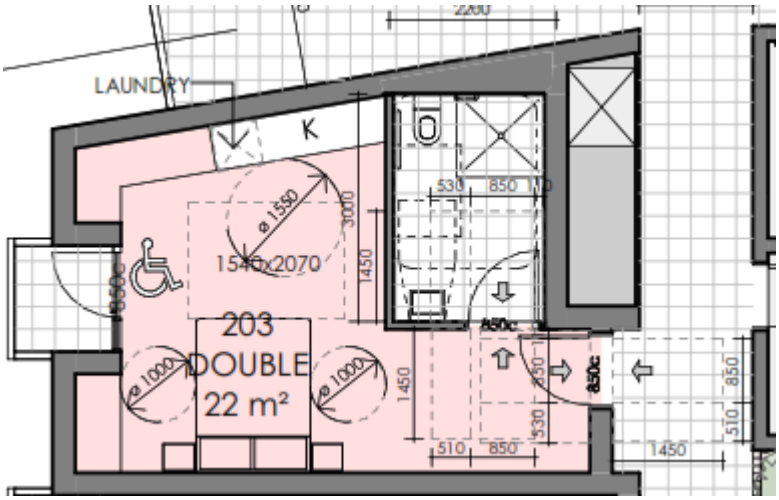
BCA does not specify the features required for an Accessible SOU. The following are selected features of AS1428.1 which are considered suitable for an Accessible SOU.

The development has a total of 130 SOUs and therefore 7 accessible SOUs have been provided, representing the range of available rooms with no more than 2 Accessible SOUs adjacent to each other.

Accessible SOU numbers are 102, 203, 303, 403, 503, 603 and 703.

SOUs 102, 303, 503 and 703 have been provided with LH transfer toilets and SOUs 203, 403 and 603 have been provided with RH transfer toilets to satisfy the requirement of range of available rooms.





R☑= Required;

C☑ =Capable of compliance at **by adding the requirement to the project specifications**.

	Requirements as per AS1428	R	C	Comments
1	**Doorways**			
	All doors including entry door to provide 850mm clear opening space with the necessary door circulation spaces and fixtures as specified under AS1428.1	☑	☑	Complies Details to be verified at the CC stage of works.
2	**Bathroom**			
	At least 1 Bathroom to accommodate, WC pan, Shower and handwash basin with the necessary fixtures and circulation spaces as specified under AS1428.1	☑	☑	Complies Details to be verified at the CC stage of works.

3	**Laundry**			
	Where internal laundry provided, provide for a space of 1550mm space in front of laundry appliances.	☑	☑	Complies Details to be verified at the CC stage of works.
4	**Main bedroom**			
	At least 1 bedroom to have a queen bed with circulation space of 1540mm x 2070mm at the base or side of the bed and at least 1M on the other 2 sides.	☑	☑	Complies Details to be verified at the CC stage of works.
5	**Living areas**			
	Adequate circulation space is to be available after the placement of furniture. Circulation space of minimum 2250mm diameter is considered to be appropriate.	☑	☑	Complies In case of boarding house- Common use living areas have been provided which comply with the requirement. Details to be verified at the CC stage of works.
6	**Kitchen / Kitchenette**			
	Where internal kitchenette provided, 1550mm clear spaces is required in front of the benchtops. Provide long arm lever tap and 1 double GPO within 300mm of front bench. Consideration to be given to provision of an 850mm section without base cabinetry or removable cabinetry to allow for access to benchtop and a benchtop space of 800mm between the fridge and cooktop.	☑	☑	Capable of compliance. Details to be verified at the CC stage of works.
7	**Balconies and outdoor areas**			
	Where access is available from the unit to the outdoor areas such as balconies and courtyards, an accessible threshold is required, with door tracks for sliding doors (if any) to be flush with the internal floor level and max height of external threshold ramp of 35mm height.	☑	☑	Capable of compliance. This requirement also applies to common use areas. Details to be verified at the CC stage of works.
8	**Flooring**			
	All flooring is required to be step free. Construction tolerances, slip resistant and waterproofing to be as required under relevant Australian Standards.	☑	☑	Capable of compliance. Details to be verified at the CC stage of works.
9	**Switches and GPOs**			
	All switches, GPOs and controls (including controls for intercom facilities) to be accessible as required under AS1428.1	☑	☑	Capable of compliance. Details to be verified at the CC stage of works.

Disability Discrimination Act

Advisory Only

The Federal Disability Discrimination Act 1992 (DDA) provides protection for everyone in Australia against discrimination based on disability. Section 32 of the DDA focuses on the provision of equitable and dignified access to services and facilities for people with mobility, sensory and cognitive disabilities.

Disability discrimination happens when people with a disability and their relatives, friends, carers, co-workers or associates are treated less fairly than people without a disability.

Compliance with Access to Premises Standards give certainty to building certifiers, building developers and building managers that, if access to (new parts) of buildings is provided in accordance with these Standards, the provision of that access, to the extent covered by these Standards, will not be unlawful under the DDA. This however applies only to the new building or new parts of an existing building and its affected part. All areas outside the scope of these areas are still subject to the DDA. We cannot guarantee or certify for DDA compliance because DDA compliance can only be assessed by the Courts.

Scope of DDA extends beyond the building fabric and also includes furniture and fittings.

Some recommendations to address common furniture and fittings have been listed below. Non-provision of the below recommendations may not affect compliance under the BCA but may leave the building owner vulnerable to a claim under the DDA.

For new kitchens / BBQ areas in residential common use areas / commercial use areas, it is suggested that this kitchen could be made partially accessible by providing a width of 900mm next to the sink as vacant space (without cabinetry under the bench top) and a long lever tap with spout and handle within 300mm from the front of the benchtop. The distance in between the benches to be 1550mm. 1 double GPO to be provided within 300mm from the edge of the benchtop. This would allow a person in a wheelchair to independently move within the kitchen and use basic facility, being the sink independently.

For new reception tables in offices, it is recommended that a lower section for a width of 900mm could be provided to be able to be used by a person in a wheelchair. Height of the FFL (finished floor level) to the top of the table to be 850+/-20mm and height of clearance beneath the unit from the FFL to be 820+/-20mm.

Statement of Experience

Farah Madon- Director

ACAA Accredited Access Consultant, NDIS SDA Assessor, Livable Housing Assessor & Changing Places Assessor

- Accredited member of the Association of Consultants in Access Australia (ACAA). Membership no 281
- Architect registered with the NSW Architect's Registration Board. Reg number 6940
- Member of Australian Institute of Architects (RAIA), A+ Practice member. No 49397
- Registered Assessor of Livable Housing Australia. Licence no 10032
- Internationally Certified Access Consultant GAATES ICAC. Membership BE-02-021-20
- Registered Assessor of Changing Places Australia. Registration no CP006

Farah's Educational Profile and Qualifications include:

- Bachelor of Architecture Degree with Honours (B.Arch.)
- International Certification of Accessibility Consultants– Built Environment (ICAC-BE) Program, Level 2 Advanced Accessibility Consultant
- Diploma of Access Consulting CPP50711
- Accredited Specialist Disability Accommodation (SDA) Assessor's Course
- Standards Australia's course on 'Writing Australian Standards'
- OHS Construction Induction Training Certificate
- Changing Places Australia's Training for Assessors

Farah has 20 years of experience of working in the field of Architecture and Access. Farah specialises in access consultancy services, including NDIS SDA Assessments, access related advise, auditing and reporting services, performance solution assessments for access related issues under the BCA.
Farah is the lead author of the NDIS SDA Design Standard. She has been invited as an expert witness for Access related matters in the Land and Environment Court.

Farah currently participates on the following key committees concerning access for people with disabilities, on an honorary basis:

- Committee member of ME-064 Committee of Standards Australia responsible for the AS4299 and AS1428 suite of standards.
- Community Representative Member of the Penrith City Council's Access Committee
- Member of Australian Institute of Architect's (RAIA) National Access Work Group (NAWG)
- Management Committee member of NSW Network of Access Consultants
- Livable Housing Australia's Industry Reference Group (IRG) Member

Farah has previously held the following roles:

- Vice President of ACAA from 2016 to 2019 and Management committee member of ACAA from 2011 till 2019.
- Convener of the ACAA's Access related Practice and Advisory Notes

Meet our team

Vanessa Griffin- ACAA Accredited Access Consultant, NDIS SDA Assessor, Livable Housing Assessor & Changing Places Assessor

- Accredited member of ACAA. Membership no 500
- Registered Assessor of Livable Housing Australia.
- Member of AIBS – Australian Institute of Building Surveyors

Vanessa's Educational Profile and Qualifications include:

- Diploma of Surveying and Diploma of Health and Building Surveying
- Certificate IV in Access Consulting
- OHS Construction Induction Training Certificate
- Changing Places Australia's Training for Assessors
- Accredited Specialist Disability Accommodation (SDA) Assessor's Course

Jenny Desai- ACAA Accredited Access Consultant

- Accredited member of ACAA. Membership no 572
- Registered Assessor of Livable Housing Australia.

Jenny's Educational Profile and Qualifications include:

- Master of Design (M.Des) from University of Technology, Sydney
- Certificate IV in Access Consulting
- OHS Construction Induction Training Certificate

Member no BE-02-021-20