

A: PO Box 791 Spit Junction NSW 2088

P: 0420 312 721

E: info@essentialaccess.com.au

W: www.essentialaccess.com.au



Date: 8 November 2024 (V1 FINAL)
Prepared for: Baxter & Jacobson
Job Reference: BAX-KV-0424-DAA

Performance Solution Assessment Report

*Access “To and Between”
Student Classrooms and Gym
No. 369 Jacks Corner Road
KANGAROO VALLEY NSW*

0420 312 721 
info@essentialaccess.com.au 
www.essentialaccess.com.au 
PO Box 791 Spit Junction NSW 2088     

1 BUILDING DETAILS

Report Type: Performance Solution (PS) Assessment Report – Alternative Access Plan to and Between new Classrooms

Job Address: No. 369 Jacks Corner Road KANGAROO VALLEY NSW 2577

Consent Authority: SHOALHAVEN CITY COUNCIL

Construction stage: Development Application (DA)

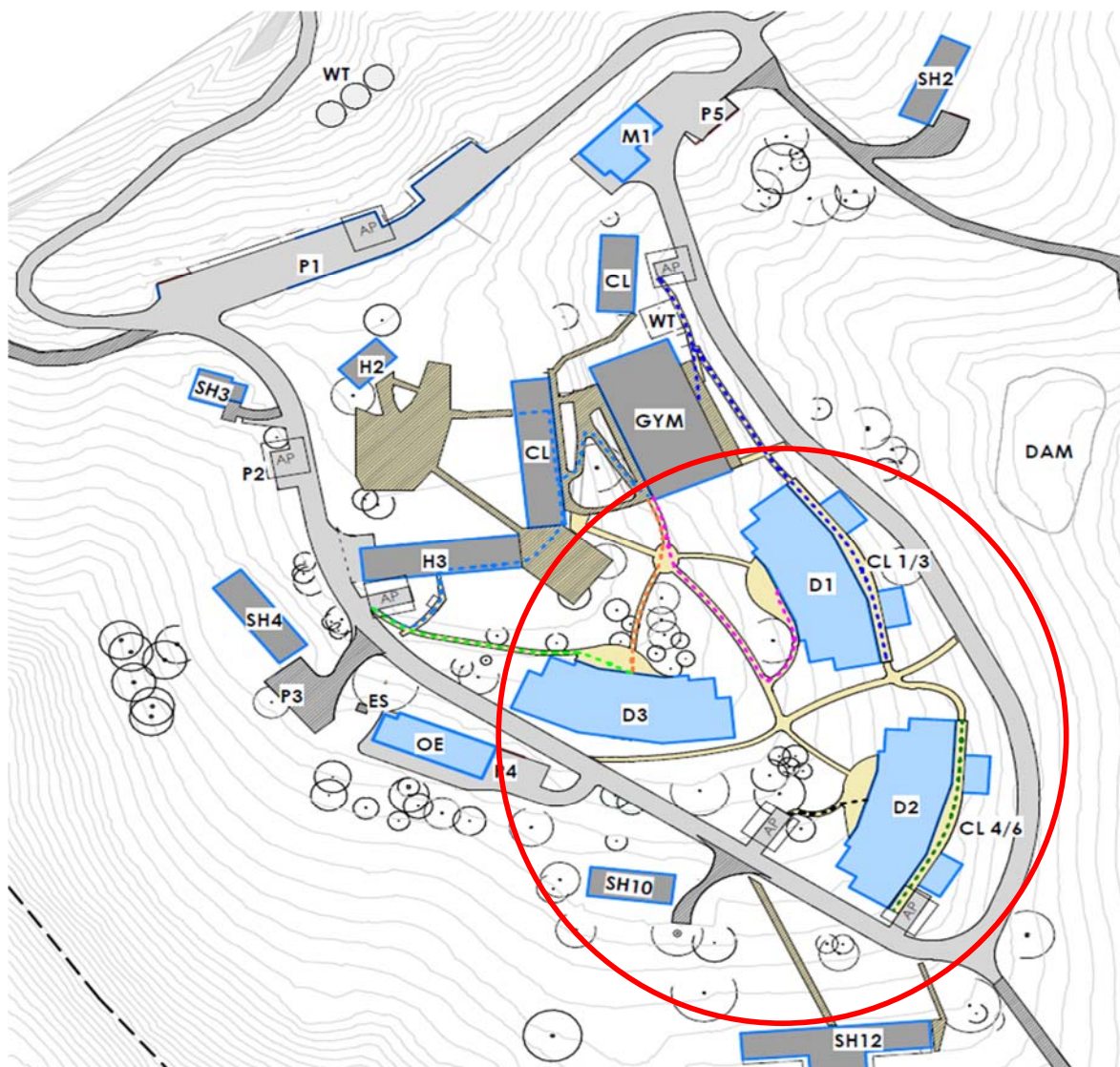


Plate 1: Plate 1: Site Plan: Proposed new dormitories and classrooms (circled in red).
See Page 12 for a graphic representation and key for the Access plan between buildings

Report Revision History:

Date	Issue	Status	Prepared By	Reviewed by
16 Aug 2024	Draft 1 Version 1	Issued to client	Bruce Carr	Barry Cotton
8 November 2024	Version 1 Final	Issued to client	Bruce Carr	Barry Cotton

2 INTRODUCTION AND SCOPE

Essential Access has been engaged by the architects – *Baxter and Jacobson Architects* – to prepare a Performance Solution (PS) to address the fact that there is no Continuous Accessible Path of Travel (CAPT) between some of the buildings and levels.

There are three new buildings proposed (see next page for ‘*Building Description*’). These buildings will be part of the Scots College campus and used by Year 9 students and staff to intermittently live on site for approximately 6-9 months each year. It is mandatory for all students to attend (irrespective of their physical or mental capability). Due to the slope of the site, access to and between each of these buildings is restricted. As a result, an alternative solution is required to ensure there is fair and equitable access for ALL students and staff to and between each building.

The NCC 2022 states:

Part D4D2: *An accessway must be provided to a building required to be accessible—*

*For a **Class 3** building, access requirements are as follows:*

(a) Common areas:

- (i) From a pedestrian entrance required to be accessible to at least 1 floor containing sole-occupancy units and to the entrance doorway of each sole-occupancy unit located on that level.*
- (ii) To and within not less than 1 of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, swimming pool, common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunch room, lounge room, or the like.*
- (iii) Where a ramp complying with AS 1428.1 or a passenger lift is installed—*
 - (A) to the entrance doorway of each sole-occupancy unit; and*
 - (B) to and within rooms or spaces for use in common by the residents.*
- (iv) The requirements of (iii) only apply where the space referred to in (A) and (B) are located on the levels served by the lift or ramp.*

(b) To and within sole-occupancy units — in accordance with Table D4D2b.

*For a **Class 9b** building, access requirements for schools and early childhood centres — to and within all areas normally used by the occupants.*

Part D4D3 of the NCC 2022 also states that an accessway must be provided to a building required to be accessible—

- (a) from the main points of a pedestrian entry at the allotment boundary; and*
- (b) from another accessible building connected by a pedestrian link; and*
- (c) from any required accessible carparking space on the allotment*

The following is a summary of where the proposed aspects of the development will not comply with the above NCC 2022 requirements:

Building		Storeys	Level	Access	Not Accessible from...	Notes
D1	New	3	L1 & L2 L3	Accessible Not Accessible	D2 + Gym (Lower level) D2	L1 is accessible from the Gym at lower level by path plus vehicle access (past the Gym)
D2	New	3	L1 L2 L3	Vehicle Vehicle Not Accessible	D1 (L1) D1 + D3 (L1 & L2) D3 (L1 & L2)	L1 & L2 is accessible from the Designated Accessible Parking Bay
D3	New	2	L2 L3	Accessible Not Accessible	D2 (L1)	
Gym	Existing	2	Ground Upper Level	Vehicle Accessible	D2 D3 (L3)	Accessible to/from D1/L1 Upper level Gym is accessible via pathways from D1,D2,D3/L2

Consequently, a Performance Solution is required to ensure that the Performance Requirements of the NCC 2022 are met, so that fair and equitable access is still provided for persons with a disability.

No other aspects of the new building works and affected parts will form part of this report in regards to compliance with the National Construction Code (NCC/BCA) Vol 1 or the Australian Standards (AS).

A Performance Solution is therefore required to ensure that the alternative solution meets the relevant performance requirements of the NCC 2022 Volume 1.

NCC 2022 Building Classifications:

Class 9b: Classrooms: “an assembly building, including a trade workshop, laboratory or the like, in a primary or secondary school, but excluding any other parts of the building that are of another class”.

Class 3: Dormitories and Staff Accommodation: “a residential building, other than a Class 1 or 2 building, which is a common place of long term or transient living for a number of unrelated persons. Example: a boarding house, hostel, backpackers accommodation or residential part of a hotel, motel, school or detention centre.”

Building Description:

The DA involves the construction of 3 new buildings: One will be two storey (D3) and two will be three storeys (D1 & D2). This development is part of The Scots College and will be used for Year 9 students from the school to live on-site for a period of 6-9 months each year and to undertake various outdoor activities and in-class learnings. In addition to the student accommodation and

classrooms, there will also be accommodation for the school staff (See Appendix A for floor plans of a typical 3 storey building). There is an existing 2 storey gym on the site as well.

The new buildings will contain the following space on each level:

- Level 1 (D1 & D2): 4 student classrooms plus, staff room & a bank of sanitary facilities including an accessible sanitary facility
- Level 2 (D1, D2 & D3): Student dormitories and Common Rooms
- Level 3 (D1, D2 & D3): Staff Accommodation consisting two bedrooms and a living room/kitchen

There are no passenger lifts provided between any of the levels. The access between the Classrooms and Dormitories appears to be via external pathways. The only access to the Staff Accommodation is via an internal stairwell from level 2.

As outlined in the Disabled Access Compliance Report (Dated 7th Nov 2024 V2) prepared by *Essential Access for this development*, Access is only required to one level of a Class 3. As Access is to be provided to level 2 dorms of each of the buildings, access is therefore not required to be provided to level 3 containing the teacher accommodation.

The 2-storey building (D3) will not contain any classrooms. They will consist only of the student dormitories and Staff accommodation.

Note: Even though the site plan shows additional new buildings (H1, H2, H3, H4 & H5), these will be part of a separate DA in the future and therefore do not form part of the scope of this report.

This performance solution assessment addresses the following matters and the related NCC Performance Requirements:

Description of Non-Compliance	Applicable DTS Clauses - NCC	*Performance Requirement - NCC
No CAPT to and between some buildings &/or levels	D4D2 & D4D3	D1P1, D1P2 & D1P4

NB: * See definitions of Performance Requirements in Part 4 of this report.

Documents Referenced:

- NCC 2022 Vol.1 – (Applicable Access Provisions)
- Disability (Access to Premises – Buildings) Standard 2010
- AS 1428.1-2009 – General requirements for access – new building work

NB. The relevant Sections and Parts of each of each of these documents will be referenced in the main report below.

Drawings Referenced (Refer to Appendix A for plans):

- Architectural plans of proposed development by *Baxter & Jacobson Architects*:

(See Appendix A for plans)

Sheet/Drawing #	Description	Issue Date	Issue/Status
Project No.: 433-06 Drawing Numbers: D101, D110-D113, D120, D121, D130-D132, D140, D201, D210-D213, D220, D221, D230, D232, D240, D301, D310, D311, D312, D320, D321, D330, D331, D340, WD01-WD05 (35 pages)	Floor plans, site and elevations	10/10/2024	1

Abbreviations Table:

Abbreviation	Definition
NCC	National Construction Code
BCA	Building Code of Australia
DAPS	Disability Access to Premises Standard
DDA	Disability Discrimination Act
CAPT	Continuous Accessible Path of Travel
DAPB	Designated Accessible Parking Bay
PPE	Principal Pedestrian Entrance
DTS	Deemed to Satisfy
DA	Development Application
CC	Construction Certificate
OC	Occupation Certificate

Report Exemptions and Limitations:

- This report has been issued for a Development Application (DA) and is not suitable for an Occupation Certificate (OC).
- Essential Access is not responsible to ensure compliance is met and achieved during any building modifications.
- This report does not identify or include checks for the slip resistance of surfaces.
- This report is the copyright of *Essential Access* and has been prepared for the exclusive use and benefit of the client. It must only be used for the purpose that it was originally intended and must only be altered or updated by *Essential Access*.
- *Essential Access* is not responsible for any errors or omissions in the content of the report, or for the outcomes obtained from the use of the report.
- This report does not assess the development for compliance with:
 - The Disability Discrimination Act (1992)
 - Occupational Health and Safety Act
 - Structural Design and Engineering
 - Parts of the NCC and AS other than those Parts referenced in this report

3 ORGANISATIONAL RESPONSIBILITIES

Disability Discrimination ACT (DDA):

All organisations have the responsibility under the Disability Discrimination Act (DDA) to provide equitable & dignified access to goods and services and premises.

The DDA provides uniform protection against unfair treatment for persons with a disability. It also states that it is unlawful to discriminate against a person who is an 'associate' (such as a friend, carer or family member).

Disability is broadly defined and includes disabilities which are: physical, intellectual, psychiatric, cognitive or sensory or persons with a learning difficulty or physical disfigurement. This broad definition means that everyone with a disability is protected and that people with a disability have the same fundamental rights as the rest of the community.

The provisions of the DDA apply to employment, access to premises, education, provision of goods and services and the administration of Commonwealth laws and programs.

Therefore, to comply with the DDA, all business should provide equitable and dignified access. If equitable access is not provided, a complaint could be made under the DDA.

Disability (Access to Premises – Buildings) Standards 2010 (DAPS):

The *Disability (Access to Premises – Buildings) Standards 2010* was introduced with an updated Building Code of Australia (BCA) on May 1, 2011. These Standards are now legislated as the minimum requirements for new buildings or to buildings undergoing an upgrade in Australia.

These Standards provide building designers with information regarding the required access provisions for new or altered buildings.

The DAPS generally aligns with the NCC and reference a range of Australian Standards relating to access and other associated matters. The DAPS aim to provide certainty for the building industry in relation to meeting requirements for access in new and upgraded buildings.

National Construction Code 2022 (NCC):

The NCC in addition with the DDA applies to new buildings and buildings undergoing an alteration.

The NCC outlines the access requirements for different building Classes.

Sections of the NCC require compliance with a range of access provisions.

4 NCC ASSESSMENT METHOD AND DEFINITIONS

The National Construction Code (NCC) 2022 Vol. 1 details the options below (or a combination of them) as acceptable assessment methods to determine a Building Solution that complies with the Performance Requirements.

A Performance Solution must be shown to comply with the relevant Performance Requirements through one or a combination of the following Assessment Methods:

- (a) Evidence of suitability in accordance with Part A5 that shows the use of a material, product, form of construction or design that meets the relevant Performance Requirements.
- (b) Verification Method including the following-
 - (i) The Verification Methods in the NCC; or
 - (ii) Other Verification Methods, accepted by the appropriate authority that shows compliance with the Performance Requirements
- (c) Expert Judgement
- (d) Comparison with the Deemed-to-Satisfy Provisions

We have used the '**Expert Judgement**' assessment method for this Performance Solution.

5.1 Relevant Performance Requirements:

D1P1 Access for people with a disability

Access must be provided, to the degree necessary, to enable—

- (a) people to—
 - (i) approach the building from the road boundary and from any accessible carparking spaces associated with the building; and
 - (ii) approach the building from any accessible associated building; and
 - (iii) access work and public spaces, accommodation and facilities for personal hygiene; and
- (b) identification of accessways at appropriate locations which are easy to find.

D1P2 Safe movement to and within a building

So that people can move safely to and within a building, it must have—

- (a) walking surfaces with safe gradients; and
- (b) any doors installed to avoid the risk of occupants—
 - (i) having their egress impeded; or
 - (ii) being trapped in the building; and
- (c) any stairways and ramps with—
 - (i) slip-resistant walking surfaces on—
 - (A) ramps; and
 - (B) stairway treads or near the edge of the nosing; and
 - (ii) suitable handrails where necessary to assist and provide stability to people using the stairway or ramp; and
 - (iii) suitable landings to avoid undue fatigue; and
 - (iv) landings where a door opens from or onto the stairway or ramp so that the door does not create an obstruction; and
 - (v) in the case of a stairway, suitable safe passage in relation to the nature, volume and frequency of likely usage.

D1P4 Exits

Exits must be provided from a building to allow occupants to evacuate safely, with their number, location and dimensions being appropriate to—

- (a) the travel distance; and
- (b) the number, mobility and other characteristics of occupants; and
- (c) the function or use of the building; and
- (d) the height of the building; and
- (e) whether the exit is from above or below ground level

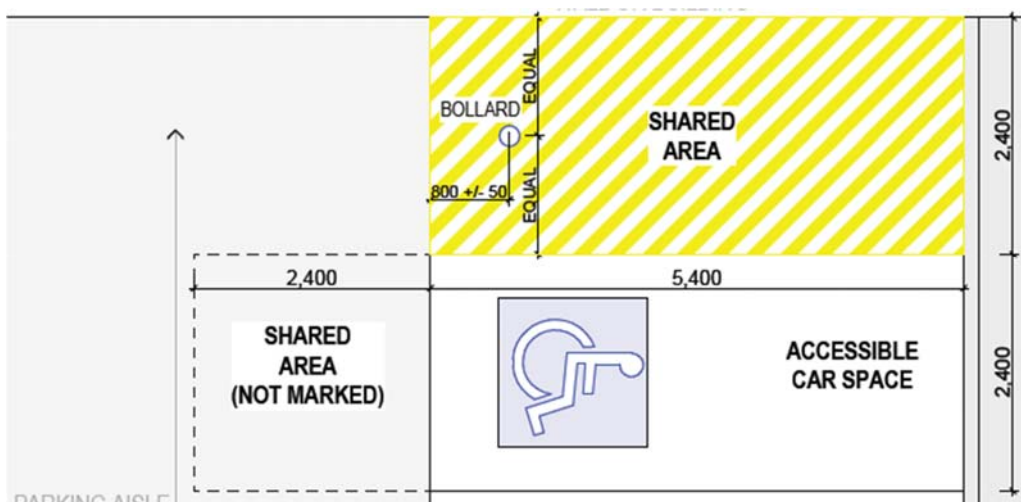
5.2 Proposed Performance Solution:

The proposed performance solution is to provide a Continuous Accessible Path of Travel (CAPT) to and between buildings D1, D2, D3 and the gym.

The objectives of this performance solution are to meet the following Performance Requirements and to provide access that is both dignified and equitable: **D1P1, D1P2 & D1P4**.

The following are the key factors that support the case that the relevant Performance Requirements of the NCC will be met (see a map of the proposed accessibility plan in Diagram 1 below):

- *Ensure the dedicated accessible parking bays be provided (in the locations indicated in Diagram 1 below) which meet the below specifications as per AS-NZS-2890.6-2009.*

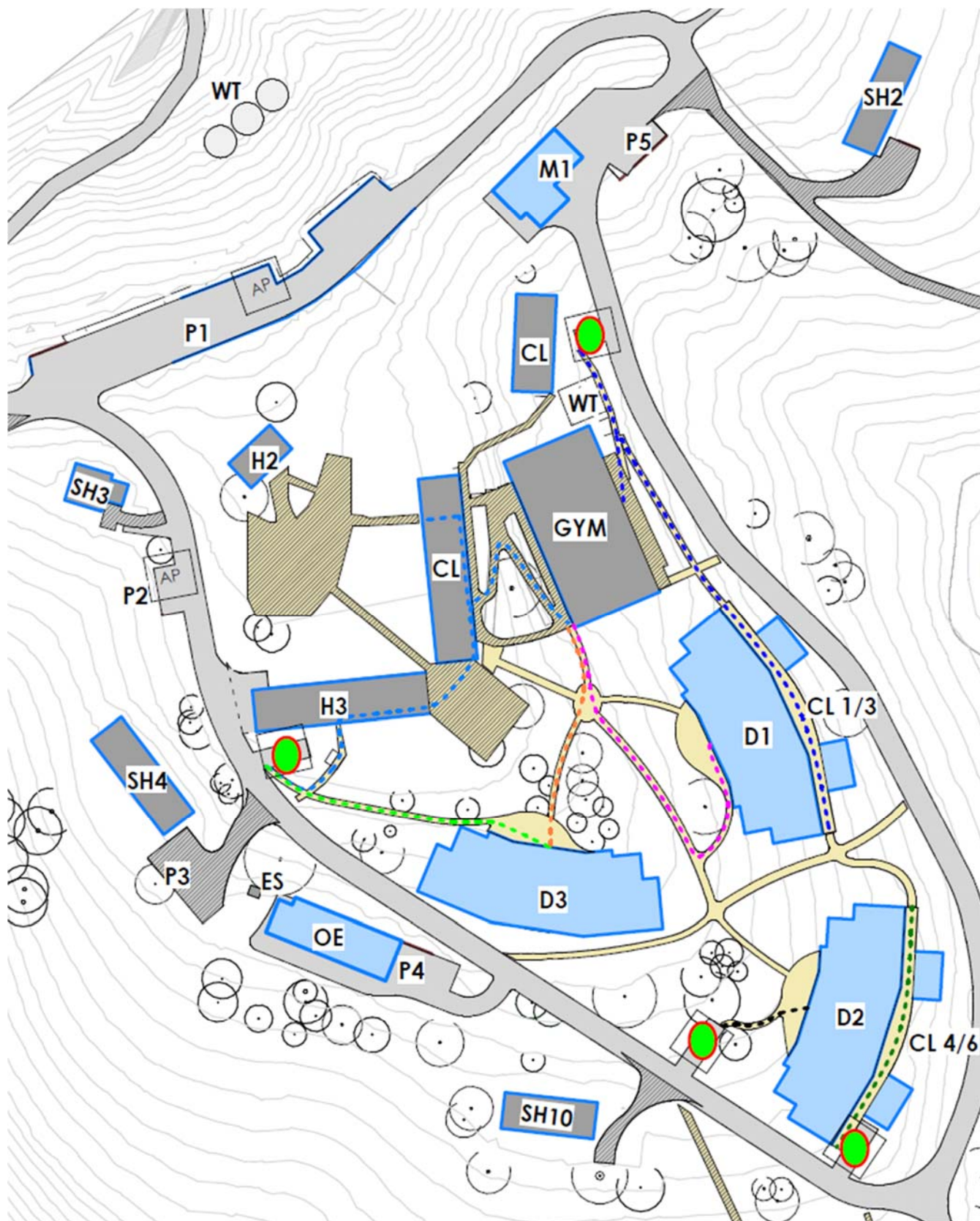


- *Ensure there is a CAPT from each of the designated accessible vehicle drop-off points to the Principal Pedestrian Entrances (PPE) of each building that meets the requirements of Part 6 of the AS1428.1-2009. This includes a flat and continuous path of travel on a slope no greater than 1 in 20 and not less than 1000mm wide.*
- *Due to the fact that level 2 of D1 and D3 are accessible, these will be prioritised for children with disabilities (over D2). There are 2 accessible dorm rooms in each of these buildings (with each room containing 4 beds). This equates to a total of 16 beds that are accessible.*
- *Ensure signage is installed at each of the accessible vehicle drop-off points (indicated on the map in Diagram 1 below) indicating that the bay is dedicated as an accessible dropout point and that permanent parking by other vehicles is not permitted.*
- *That a vehicle and driver be provided and available whenever students and/or teachers are staying at the site that is capable of the following. The vehicle must be capable of accessing all buildings and roads on the premise:*
 - *Accessibility: the vehicle is equipped with features such as a ramp or lift for entry and exit that accommodates a person in a wheelchair allowing them to board the vehicle without leaving their wheelchair.*
 - *The interior is designed to provide ample space to accommodate a wheelchair, ensuring that the wheelchair can be securely positioned within the vehicle*

- *The vehicle contains a specialised restraint system to ensure the occupant in a wheelchair is secured during transit*
 - *The vehicle needs to have the capability to traverse all parts of the site and consequently, may need to be 4WD.*
- *All staff and contractors shall be trained about the above process for transporting and accommodating student or teachers with a disability.*

Note: a (combined) statement has been prepared by Benjamin Williams - *Academic Coordinator* and the Deputy Principle – *Education, Planning and Review* of The Scots College stating both their commitment and strategy to providing fair and equitable access for all employees and children attending the site (see Appendix B at the end of this report).

Accessibility Plan (coloured lines indicate an Accessible path):



Key:

----- Accessible parking Dorm 3 (AP) to Gym Mezz

----- Accessible parking Dorm 3 (AP) to Dorm 3 (D3)

----- Dorm 3 (D3) to Gym Mezz

----- Dorm 1 (D1) to Gym Mezz

----- Accessible parking Gym to Gym and Class 1/3 (CL1/3)

----- Accessible parking Dorm 2 (AP) to Dorm 2 (D2)

----- Accessible parking Dorm 2 (AP) to Class 4/6 (CL 4/6)



6m Wide Vehicle Access Roads



Designated Accessible Vehicle Drop-off Bays

6 CONDITIONS

1. All parties that have responsibility for the management of the building are aware of the existence and conditions of this Performance Solution. This would typically include (but not be limited to) parties including:
 - Persons responsible for development of the evacuation plan, the evacuation coordination procedures and the like;
 - Property and/or facilities management;
 - Construction and maintenance contractors;
 - Staff and teachers
2. Any staff employed will be inducted and trained in this Performance Solution.
3. This Performance Solution may no longer be valid if there is a change of circumstances and compliance with the relevant legislation will be required.
4. This Performance Solution is expected to be referenced on the Construction Certificate (CC) issued by the relevant building certifier and it acknowledges that all assumptions, recommendations and conditions of this report are adhered to as part of the occupation of the subject building.

7 CONCLUSION

In consideration of the related Performance Requirements (D1P1, D1P2 & D1P4) of the NCC 2022, the alternative solution is appropriate in consideration of:

- Flexible Class scheduling
- Appropriate on-site transport to and between each building: the school should provide details of this at DA stage.
- Dedicated accessible drop-off bays for persons with a disability to access the compliant pathways to each building

This Performance Solution has been reviewed and discussed with Access Matters. Barry Cotton is the Principle of Access Matters and concurs that the above performance solution suitably meets the relevant Performance Requirements of the NCC 2022 in regards to Access.

The following is a summary of Barry Cottons' qualifications and experience:

Barry Cotton:

- Member of the Association of Consultants in Access Australia (ACAA) - #721
- Diploma Access Consulting (Access Institute)
- Bachelor of Applied Science Building
- Graduate Diploma Town Planning
- LHA (Livable Housing Australia) - Access Institute
- Attainment in Building Surveying
- Over 20 years' experience in Building, Access & Town Planning

8 STATEMENT OF QUALIFICATIONS, EXPERIENCE AND CAPABILITY

Essential Access provides professional consulting services to clients in the field of disability access. With a comprehensive background in accessibility standards, national regulations and inclusive design principles.

Essential Access, led by Bruce Carr, provide tailored recommendations and strategies to improve accessibility and ensure compliance with relevant regulations and standards. Our expertise encompasses a wide range of areas, including architectural design review, facility access audits and inspections, disability compliance reports and performance solutions.

Bruce's commitment to accessibility extends beyond mere compliance, as he seeks innovative approaches to promote inclusivity and equal access for individuals with disabilities. His collaborative approach, attention to detail, and passion for creating barrier-free environments have earned him a reputation as a trusted advisor in the field.

Bruce is dedicated to advancing accessibility and advocating for universal design principles. His vast knowledge, practical experience, and unwavering commitment make him a valuable asset to any project or organization seeking to enhance disability access and create more inclusive environments.

Bruce's expertise and qualifications are:

- Associate member of the Association of Consultants in Access Australia (ACAA-722)
- Diploma Access Consulting (Access Institute)
- Bachelor of Commerce (Uni of Newcastle)
- LHA (Livable Housing Australia) - Access Institute
- Over 12 years' experience in the field of sustainable building design and access.



Prepared by *Bruce Carr*
Bruce Carr (Dip. Access)

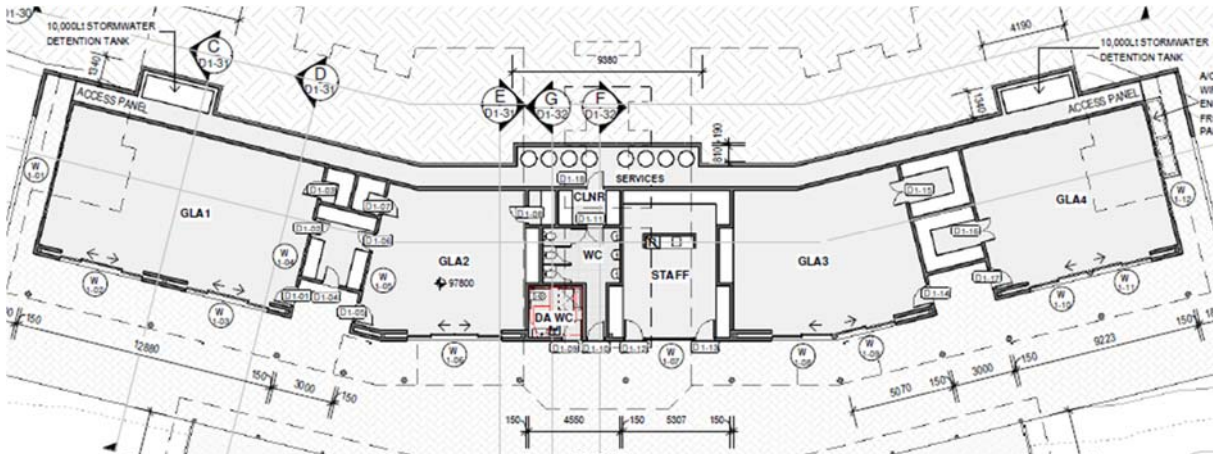
ACA Associate Access Consultant (Member # 722)



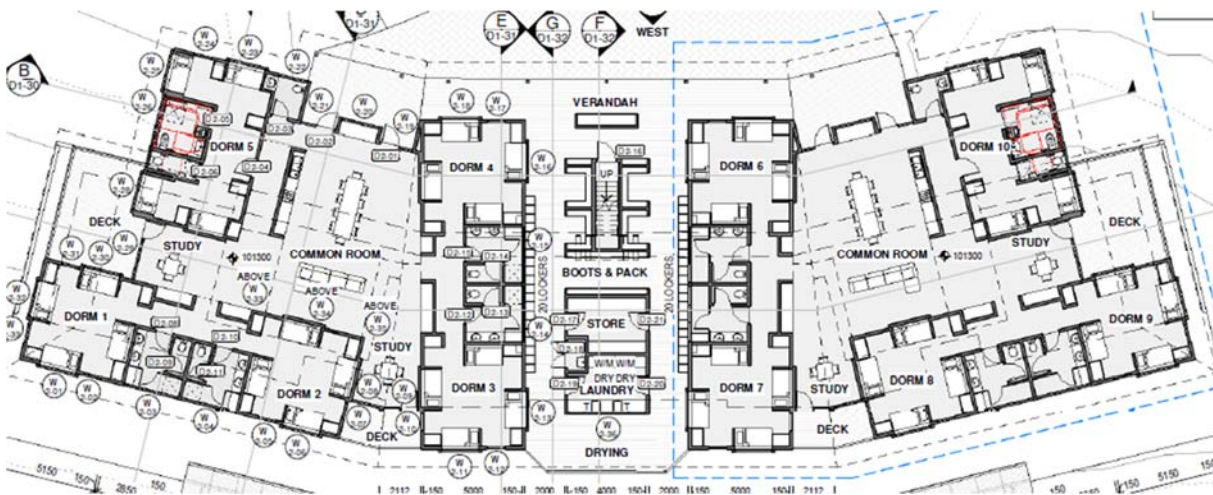
Reviewed by *B Cotten*
Barry Cotten (Dip Access):
ACA Associate Member (#711)
Bach Applied Science – Building

APPENDIX A: Floor Plans

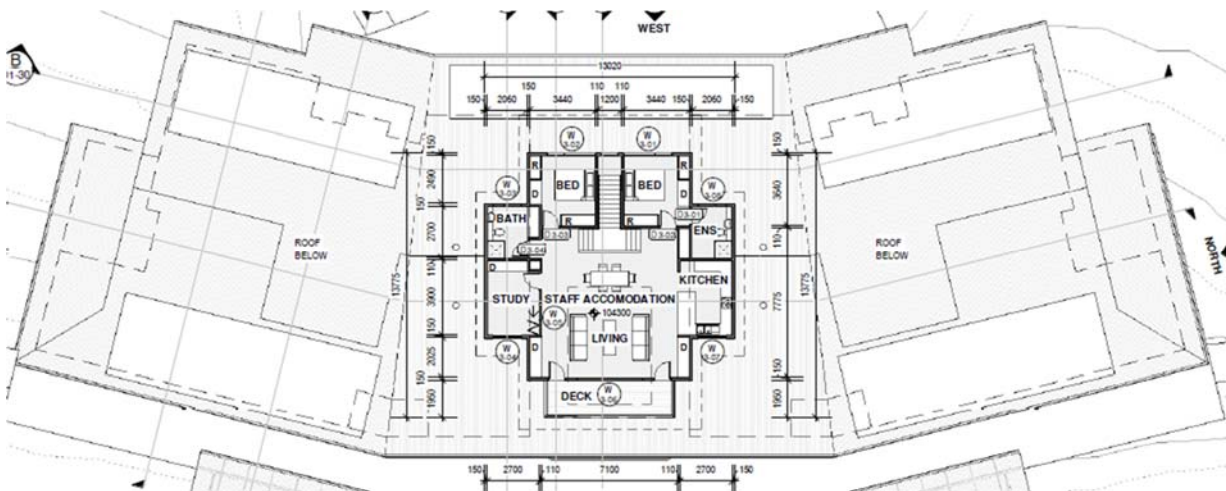
D1 Level 1:



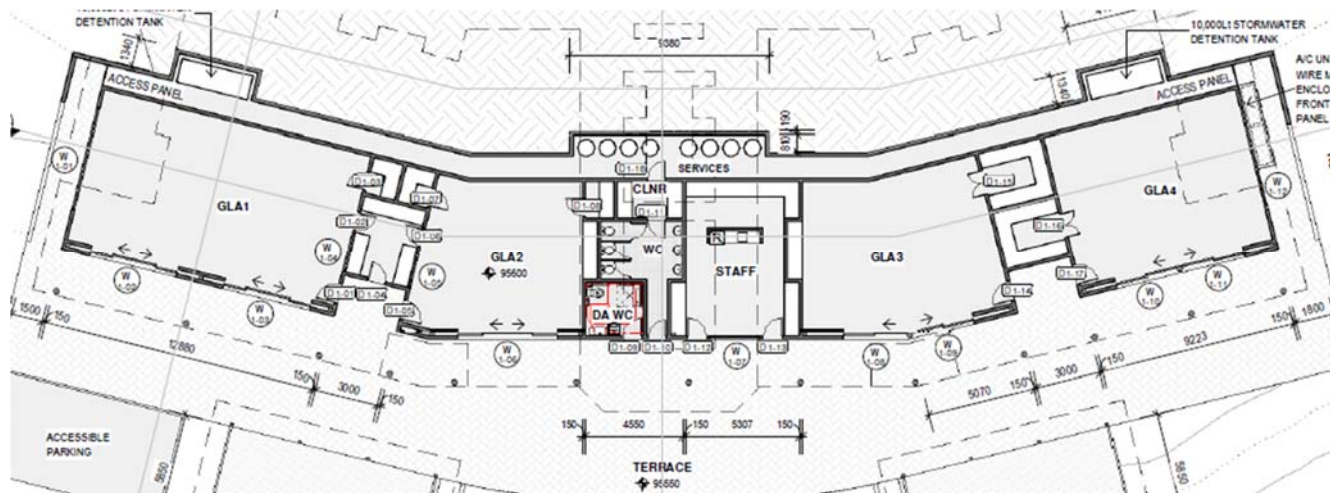
D1 Level 2:



D1 Level 3:



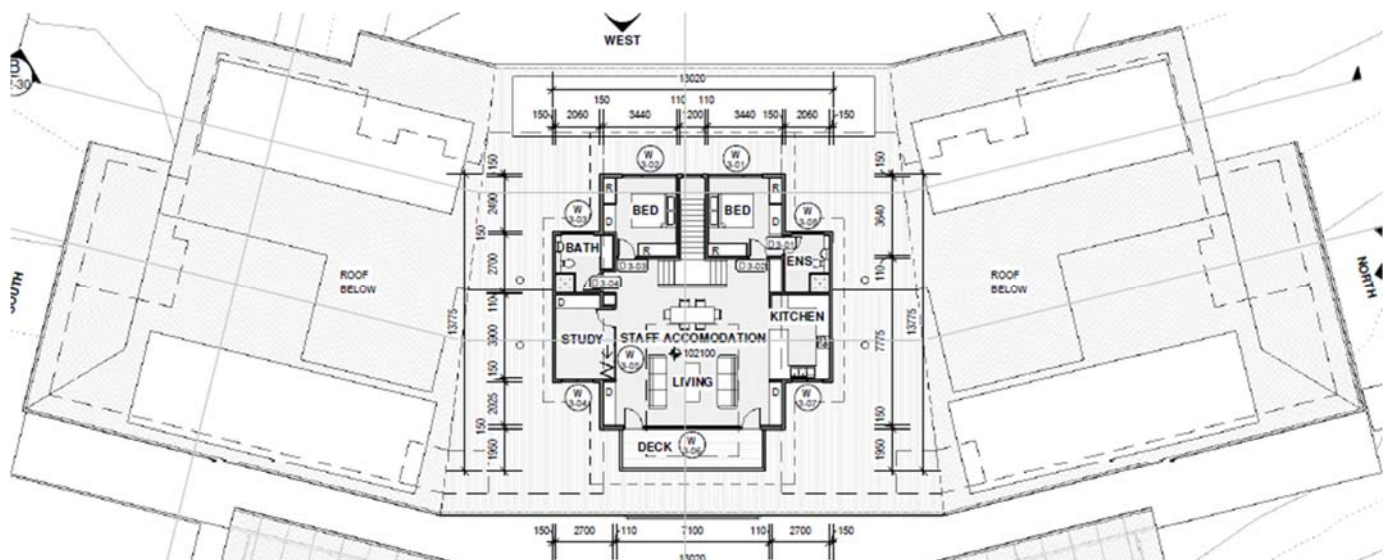
D2 Level 1:



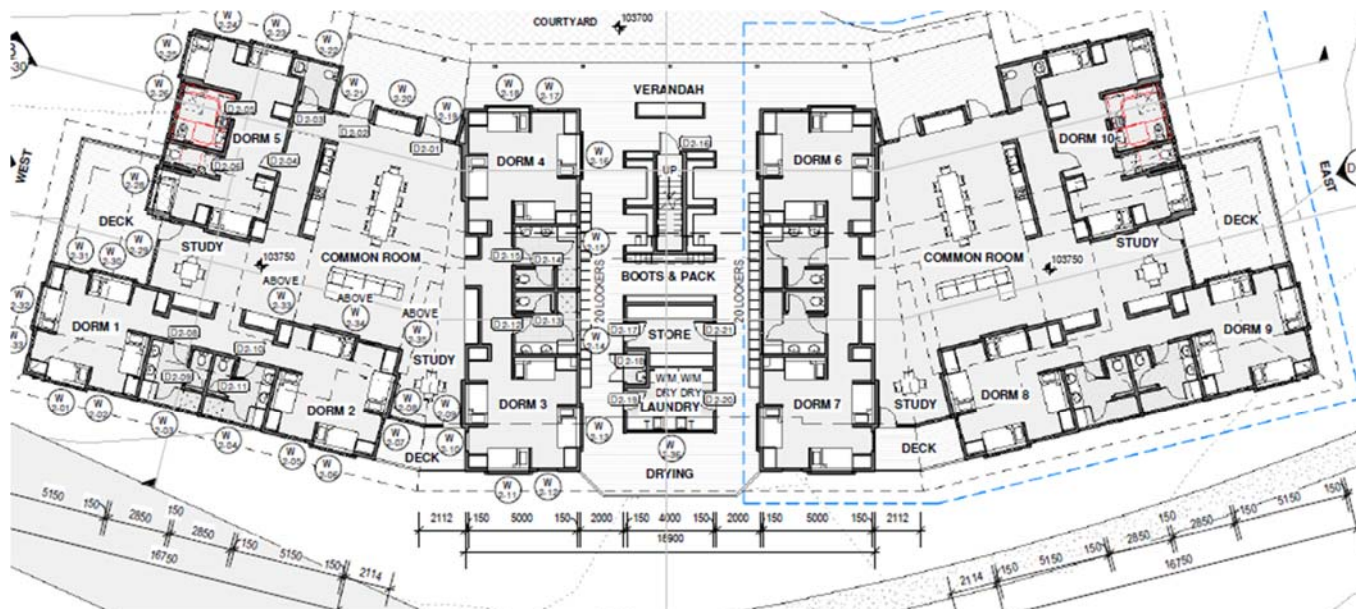
D2 Level 2:



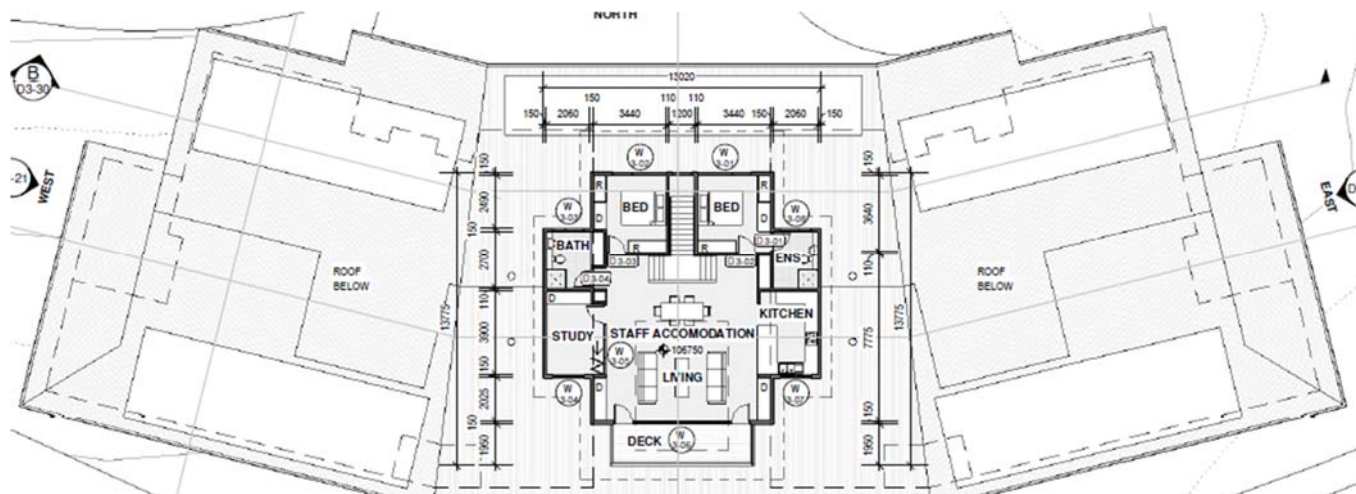
D2 Level 3:



D3 Level 2 (No L1 Classrooms):



D3 Level 3:



APPENDIX B: Statement from School



The Scots College Glengarry
369 Jacks Corner Road Kangaroo Valley
Design for Access re: New Staged Development

BJA are proposing a site access strategy as noted below and as per drawings.

In principle: path access to and between Dining, Kitchen, Common room, Dorms D1 & D3 plus the top level of the Gym.

Disabled access to the Dorm D2 and classrooms below D2 will be via vehicle drop off. Paths and steps are proposed for general access where gradients are too steep for 1 in 20 or 1 in 14 paths. Also, access will be via vehicle drop off to the lower level of the Gym. Lower level classrooms under D1 will not be universally accessible, only accessed by stairs or steeper paths.

Proposed:

- Vehicular access to arrival point at Kitchen & Dining level and then path access to the mid level of 2 of the 3 student Dorms
- Steps access only between Gym and D1 and between D1 + D2
- The classrooms under D2 will be accessible via vehicle/ UTV from the road and accessible drop off point
- Classrooms under D1 will not be accessible by ramps/ paths, only steps
- Classrooms are identical under D1 +D2 therefore the program can support flexible scheduling for students with mobility or other needs with classes held in D2, not D1. TSC Deputy Principal Peter Moulds confirms this is possible.
- The Gym at the lower level will be accessible by vehicle. No accessible path link is proposed to link the Gym and D1 lower level classroom. TSC P Moulds Deputy Principal advises that timetabling of classes can support this.

06/08/24



Peter Moulds

Deputy Principal - Education, Planning and Review
+61 2 9391 7766
p.moulds@scots.college

bja.net.au
Nominated Architect
D Jacobson # 4259
M Baxter # 4831

SYDNEY
Suite 8, 21
Sydney Road
Manly 2095
NSW Australia
P: +61 2 9977 7648
E: mark@bja.net.au

I endorse comments made already by Peter and other staff. Under the Discrimination Act (1992) and the Disability Standards for Education (2005) we have a responsibility to offer educational opportunities to all students (regardless of disability) on the same basis. As Glengarry is a non-optional aspect of their education, this means our program will need to be accessible for all students moving forward. While what our adjustments look like will vary depending on the individual student and their level of ability, our program can and will cater for all students. Some examples in the past: higher staff to student ratios, timetabling changes to accessible classrooms and dorms, time set aside in the timetable for neurodivergent students, small group instruction, etc.

We will need to update our vehicles to suit, but I'd imagine this will come along with the update to buildings. I think Electric UTVs would be perfect - and fine for transporting students who need wheelchair access.

<https://mobilityquad.com/>

Ramps/accessible entries and exits for the dorm that is set up according to UD principles makes perfect sense. We will be able to control where the students with disabilities are (dorms and classes).

Access to natural/outdoor sites can be done by vehicle, but also can be adjusted according to need.

Our staff and OE staff can be used to assist movement around campus and can undertake extra training as part of our on-going professional development and commitment to a fully inclusive school.

07/08/24

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The Scots College
Sydney Australia

Benjamin Williams

Academic Coordinator - Glengarry

+61 2 4465 1089

b.williams@scots.college

End of Report