



4 September 2023

Our Ref: P216\_045

ESQ 1818 Panthers Pty Ltd  
c/o - CABE  
**Sent Via Email**

Attention: Matthew Twohill

**ESQ Stage 4 & 5  
Panthers North Precinct  
Penrith NSW 2750  
Accessibility Capability Statement for DA Submission**

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## 1. INTRODUCTION

An assessment of the subject development has been undertaken by Design Confidence at the request of EQS 1818 Panthers Pty Ltd c/o- CABE and relates to the proposed mixed-use development located at Panthers North Precinct, Penrith NSW 2750.

## 2. BACKGROUND

Design Confidence has been engaged to provide building regulatory advice regarding the compliance status of the proposed development when assessed against the relevant prescriptive requirements as contained within the Building Code of Australia (BCA) 2022– Volume 1, including the Part D4 Access for People with a Disability, E3D7 and E3D8 Passenger Lifts, Parts F4D5, F4D6, F4D7 Accessible Sanitary Facilities and Part F4D12 Accessible Adult Change Facilities as applicable to this development.

This correspondence has been provided to assist with development of the design documentation, a broad assessment has been undertaken of the proposed design as detailed within the documentation listed in **Appendix 1**.

The advice being provided to date has been in the context of the following—

- » Building Code of Australia (BCA) 2022– Volume 1
- » AS1428.1-2009 Design for access and mobility Part 1: General requirements for access – New building work
- » AS1428.4.1-2009 Means to assist the orientation of people with a vision impairment – Tactile Ground Surface Indicators
- » AS2890.6-2009 Off-street parking for people with disabilities
- » AS1735.12-1999 Lifts, escalators and moving walks: Part 12 Facilities for persons with disabilities

## 3. ASSESSMENT

This assessment has been prepared to address the proposed mixed-use development, which consists of 349 sole occupancy units across four building over a common basement car park facilitating 614 car bays for residents, visitors and retail. Ground floor provides 18 retail spaces, amenities and the ESQ Club. Upper levels of the residential building provide a swimming pool, gym, communal roof top gardens, lounge, massage and spa areas.

In the context of this report and the BCA the building use can be described as follows—

**Table 1 – Building Classification**

STOREY	CLASSIFICATION	DESCRIPTION
Ground, Levels 1 - 13	Class 2	Multi-unit residential building
Ground	Class 6	Retail (Shops / Restaurants / Café)
Basement 1 & Ground	Class 7a	Car parking
Ground (ESQ Club) Level 6 (Lound & Gym area)	Class 9b	Assembly building
Level 1	Class 10b	Swimming pool

**Table 2** below outlines the relevant accessibility measures that will be provided as part of the development such that compliance with the BCA is achieved, specifically with Part D4 Access for People with a Disability, E3D7 and E3D8 Passenger Lifts, Parts F4D5, F4D6, F4D7 Accessible Sanitary Facilities and Part F4D12 Accessible Adult Change Facilities.

**Table 2 – Accessibility Measures**

DESCRIPTION / PROPOSED STANDARD OF PERFORMANCE	STATUTORY REQUIREMENT	COMMENT
<p><b>General building access requirements</b></p> <p>DTS compliance Clause D4D2</p>	<p><b>Class 2</b></p> <p>Access is required to be provided—</p> <p>From a pedestrian entrance required to be accessible to at least one (1) floor containing sole-occupancy units and to the entrance doorway of each sole-occupancy unit located on that level; and</p> <p>To and within not less than one (1) of each type of room/space for use in common by the residents; and</p> <p>To the entrance doorway of each sole-occupancy unit located on the levels served by the lift/ramp;</p> <p>To and within rooms/spaces for use in common by the residents located on the levels served by the lift/ramp.</p> <p><b>Class 6 &amp; 9b</b></p> <p>Access is required to and within all areas normally used by the occupants.</p> <p><b>Class 7a</b></p> <p>Access must be provided to and within any level containing accessible car parking spaces.</p> <p><b>Class 10b</b></p> <p>Access is required to and into swimming pools with a total perimeter greater than 40 m, associated with a Class 2 building that is required to be accessible.</p>	<p>The building is capable of achieving compliance.</p> <p>Detailed construction documentation to show compliance with AS1428.1-2009.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern.</p>

<p><b>Access to buildings</b></p> <p>DTS compliance Clause D4D3</p>	<p>An accessway must be provided to a building required to be accessible—</p> <ul style="list-style-type: none"> <li>a) from the main points of a pedestrian entry at the allotment boundary;</li> <li>b) from another accessible building connected by a pedestrian link; and</li> <li>c) from any required accessible carparking space on the allotment, and from any required accessible carparking spaces on the allotment.</li> </ul> <p>Add comment if existing building and Premises Standard Concession applies i.e only review form the principle pedestrian entrance and along affected part.</p>	<p>Pedestrian links from the main points of pedestrian entry at the allotment boundary are capable of achieving compliance with the requirements of this clause and Item 35 as required by Council.</p> <p>Pedestrian links between buildings are capable of achieving compliance with the requirements of this clause.</p> <p>Pedestrian links from the accessible car bays to entry points of each building are capable of achieving compliance with the requirements of this clause.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Pedestrian Entrances</b></p> <p>DTS compliance Clause D4D3</p>	<p>Multiple entrances are shown on ground level with minimum 50% of those entrances to be accessible and no more than 50m to the nearest accessible entrance.</p>	<p>The building is capable of achieving compliance with this clause.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern and requirements of further confirmation and details.</p>
<p><b>Parts of building to be accessible</b></p> <p>Stairways and Ramps</p> <p>DTS compliance Clause D4D4</p>	<p>For a circulation stairway, except a fire-isolated stairway, clause 11 of AS 1428.1 to be achieved. This requires handrails on both sides with horizontal extensions, TGSI's etc.</p> <p>For a fire-isolated stairway, clause 11.1(f) and (g) of AS 1428.1 are to be provided only, this being contrasting nosings and a single handrail.</p> <p>Continuous accessible paths of travel, being ramps and walkways, are to comply with this clause and AS1428.1.</p>	<p>The building is capable of achieving compliance with this clause.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern and requirements of further confirmation and details.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Parts of building to be accessible</b></p> <p>Passing and turning spaces</p> <p>DTS compliance Clause D4D4</p>	<p>Pathways from the allotment boundary, to each building entrance, from the accessible carspaces and within all areas normally used by the occupants internally to be provided with passing places and turning spaces.</p>	<p>The building is capable of achieving compliance with this clause.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern and requirements of further confirmation and details.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Exemptions</b></p> <p>DTS compliance Clause D4D5</p>	<p>The following rooms / areas and associated accessways have been afforded the concession under D4D5 based on the health or safety risk and therefore access for people with</p>	<p>Written confirmation at CC stage required from client confirming areas to be considered under D4D5 exemptions.</p>

	<p>disabilities need not be provided to these areas –</p> <ul style="list-style-type: none"> <li>■ Plant and equipment rooms;</li> <li>■ Services meters;</li> <li>■ Substations;</li> <li>■ Loading Bay;</li> <li>■ Waste / Garbage Rooms;</li> <li>■ Bulky Waste Rooms;</li> <li>■ CP Ventilation Rooms;</li> </ul>	
<p><b>Accessible carparking</b> DTS compliance Clause D4D6</p>	<p><b>Class 2</b> Accessible car parking spaces are not required for Class 2 buildings under the BCA.</p> <p><b>Class 6</b> 1 accessible space for every 50 car parking spaces or part thereof. Carparking spaces to comply with AS2890.6:2009. In particular, ensure ceiling height clearances designed to achieve minimum 2.5m clear above required accessible spaces and sharded spaces.</p>	<p>A total of ninety (90) car parking spaces have been provided on levels within Stage 4 for the retail portion of the building. Four (4) have been designated as accessible parking spaces, therefore meeting the requirements of Clause D4D6 of the BCA in regards the minimum number of accessible parking spaces required in a car parking area associated with a Class 6 building.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Signage</b> DTS compliance Clause D4D7 and Specification 15 &amp; 27</p>	<p>Signage in accordance with this clause and details within AS1428.1 to be provided to identify sanitary facilities, directional signage and exit levels, where applicable.</p>	<p>The building is capable of achieving compliance with this clause.</p> <p>Signage package to be submitted with detailed design documentation in accordance with this clause.</p>
<p><b>Tactile indicators</b> DTS compliance Clause D4D9</p>	<p>TGSI's required for accessible circulation stairs and ramps in accordance with AS1428.4.1.</p>	<p>The building is capable of achieving compliance with this clause.</p> <p>Further details required with construction documentation.</p>
<p><b>Swimming Pools</b> Clause D4D11 and Specification 16</p>	<p>Access is required to and into swimming pools with a total perimeter greater than 40m, associated with a Class 2 building that is required to be accessible.</p> <p>An accessible entry/exit must be by means of:</p> <ol style="list-style-type: none"> <li>a) a fixed or movable ramp and an aquatic wheelchair; or</li> <li>b) a zero depth entry at a maximum gradient of 1:14 and an aquatic wheelchair; or</li> <li>c) a platform swimming pool lift and an aquatic wheelchair; or</li> <li>d) a sling-style swimming pool lift.</li> </ol>	<p>The building is capable of achieving compliance with this clause.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern and requirements of further confirmation and details.</p>

	Where a swimming pool has a perimeter of more than 70 m in length, at least one accessible water entry/exit must be provided by a means specified in Specification 16 (2) (a), (b) or (c).	
<p><b>Glazing on accessways</b></p> <p>DTS compliance Clause D4D13</p>	On an accessway where frameless or full glazed doors provided, a solid horizontal decal is required in accordance with AS1428.1. Detailed design documents to be provided with finishes schedule for our review of selected decals and 30% LRV contrast with surrounding background.	<p>The building is capable of achieving compliance.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Passenger lifts</b></p> <p>DTS compliance Clause E3E7 &amp; E3D8</p>	Lifts to be designed and installed in accordance with E3E7 & E3D8 of the BCA and AS1735.12.	<p>The building is capable of achieving compliance.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Accessible sanitary facilities</b></p> <p>DTS compliance Clause F4D5 &amp; F4D6</p>	<p>In a building required to be accessible—</p> <ul style="list-style-type: none"> <li>a) accessible unisex sanitary compartments must be provided in accessible parts of the building in accordance with F4D6; and</li> <li>b) the circulation spaces, fixtures and fittings of all accessible sanitary facilities provided in accordance with F4D6 and F4D7 must comply with the requirements of AS 1428.1; and</li> <li>c) an accessible unisex sanitary facility must be located so that it can be entered without crossing an area reserved for one sex only; and</li> <li>d) where two or more of each type of accessible unisex sanitary facility are provided, the number of left and right handed mirror image facilities must be provided as evenly as possible.</li> </ul> <p>For <b>Class 6</b> buildings, where F4D4 requires closet pans—</p> <ul style="list-style-type: none"> <li>a) 1 on every storey containing sanitary compartments; and</li> <li>b) where a storey has more than 1 bank of sanitary compartments containing male and female sanitary compartments, at not less than 50% of those banks.</li> </ul> <p>For a <b>Class 10a</b> building, at each bank of sanitary compartments containing</p>	<p>The building is capable of achieving compliance.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern.</p> <p>Ensure an even spread of LH and RH transfer pans are provided throughout the building.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>

	male and female sanitary compartments, not less than 1.	
<p><b>Accessible showers</b></p> <p>DTS compliance Clause F4D7</p>	<p>Where required by F4D5(b), the minimum number of accessible unisex showers for each class of building is as follows:</p> <p>For a <b>Class 10a</b> building, where showers are provided, 1 for every 10 showers or part thereof</p>	<p>The building is capable of achieving compliance.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern.</p> <p>Detailed construction documentation to show compliance with AS1428.1.</p>
<p><b>Ambulant sanitary facilities</b></p> <p>DTS compliance Clause F4D5</p>	<p>At each bank of toilets where there is one or more toilets in addition to an accessible unisex sanitary compartment at that bank of toilets, not less than one sanitary compartment suitable for a person with an ambulant disability for use by males and one sanitary compartment suitable for a person with an ambulant disability for use by females, must be provided.</p>	<p>The building is capable of achieving compliance.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern.</p> <p>Detailed construction documentation to show compliance with AS1428.1</p>
<p><b>Accessible Adult Change Facilities</b></p> <p>Clause F4D12 and Specification 27</p>	<p>Accessible adult change facilities are not required within this type of building, however, two (2) have been provided on the ground floor level and shall comply with the requirements of the clause.</p>	<p>The building is capable of achieving compliance.</p> <p>Refer to Drawing Mark-ups, issued as a separate document for areas of concern.</p>

#### 4. SUMMARY

Based upon the information contained in the above tables, it can be determined that the proposed mixed use development is capable of achieving compliance with the relevant accessibility requirements of the BCA, subject to the comments provided above.

Compliance can be achieved either by meeting the deemed-to-satisfy requirements of the BCA, as are principally contained within Part D4 *Access for People with a Disability*, E3D7 and E3D8 *Passenger Lifts* and Parts F4D5, F4D6, F4D7 *Accessible Sanitary Facilities* and Part F4D12 *Accessible Adult Change Facilities* as applicable to this development, or via a performance-based approach.

We trust that the above information is sufficient for the consent authority in assessing the merit of the architectural design from a planning perspective.

This statement should not be construed as relieving any other parties of their legislative obligations.

Design Confidence possess Indemnity Insurance to the satisfaction of the building owner.

Kind Regards,

Report By

Reviewed By



John La Scala  
**Associate | Accessibility**  
For Design Confidence (Sydney) Pty Ltd

Luke Sheehy  
**Principal**  
For Design Confidence (Sydney) Pty Ltd

APPENDIX 1 – DOCUMENTATION PROVIDED FOR ASSESSMENT

Architectural Drawings prepared by Turner;

TITLE	DRAWING	REV	DATE
Title Sheet	DA-001-001	05	22.09.2023
Site Plan	DA-001-002	05	22.09.2023
Basement 01	DA-110-007	05	22.09.2023
Ground Level	DA-110-008	06	22.09.2023
Level 01	DA-110-010	05	22.09.2023
Level 02	DA-110-020	05	22.09.2023
Level 03	DA-110-030	05	22.09.2023
Level 04	DA-110-040	05	22.09.2023
Level 05	DA-110-050	05	22.09.2023
Level 06	DA-110-060	05	22.09.2023
Level 07	DA-110-070	05	22.09.2023
Level 08	DA-110-080	05	22.09.2023
Level 09	DA-110-090	05	22.09.2023
Level 10	DA-110-100	05	22.09.2023
Level 11	DA-110-110	05	22.09.2023
Level 12	DA-110-120	05	22.09.2023
Level 13	DA-110-130	05	22.09.2023
Roof Level	DA-110-140	05	22.09.2023
Ground Level	DA-111-008	06	22.09.2023
Level 01 - 03	DA-111-010	05	22.09.2023
Level 04 - Roof Level	DA-111-020	05	22.09.2023
Ground Level	DA-112-008	06	22.09.2023
Level 01 - 04	DA-112-010	05	22.09.2023
Level 05 - Roof Level	DA-112-020	05	22.09.2023
Ground Level	DA-113-008	03	22.09.2023
Levels 01 - 03	DA-113-010	06	22.09.2023
Level 04 - 05	DA-113-020	05	22.09.2023
Levels 06 - 08	DA-113-030	05	22.09.2023
Levels 09 - Roof Level	DA-113-040	05	22.09.2023
Ground Level	DA-114-008	03	22.09.2023
Levels 01 - 02	DA-114-010	07	22.09.2023
Levels 03 - 04	DA-114-020	06	22.09.2023
Levels 05 - 06	DA-114-030	06	22.09.2023
Levels 07 - 13	DA-114-040	06	22.09.2023
Roof Level	DA-114-050	06	22.09.2023