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STAGE 2 (DETAILED) SSDA ACCESSIBILITY DESIGN COMPLIANCE STATEMENT

Project Name	INTERCONTINENTAL HOTEL
Project Address	115-119 Macquarie Street Sydney 2000
Prepared by:	Francis Lenny
Prepared for:	Mulpha Australia Limited c/- Built
Job Number:	38189
Date:	5 th August 2020
Revision:	3

INTRODUCTION

Description of the site

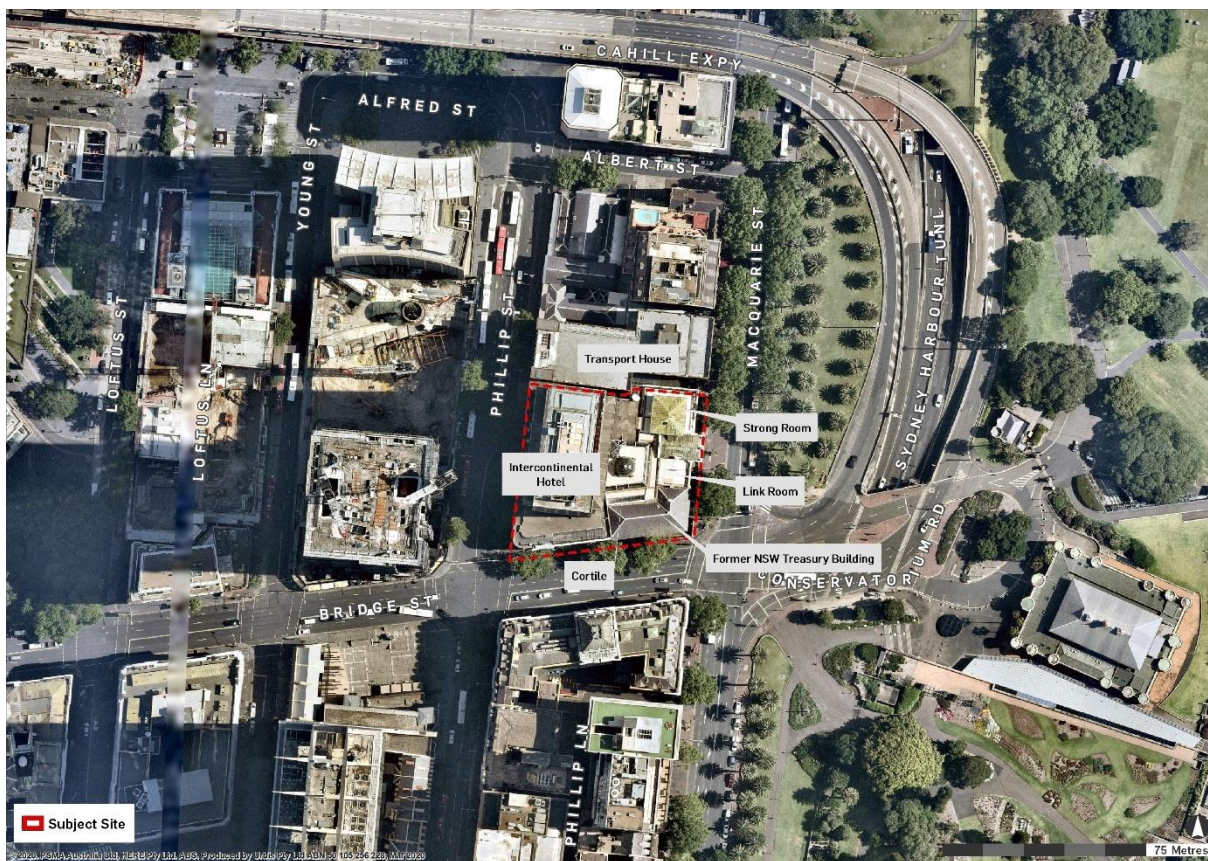
The site comprises two allotments containing the Intercontinental Hotel (incorporating the former NSW Treasury Building) at 115-119 Macquarie Street. The legal description of the site is:

- Lot 40 DP 41315; and
- Lot 4 DP 785393,

The site (115-119 Macquarie Street) contains two interconnected buildings that comprise:

- The 32-storey Intercontinental Hotel tower, which is located on the corner of Phillip and Bridge Streets set above a podium.
- The State Heritage listed former NSW Treasury Building, which is located on the corner of Macquarie and Bridge Streets.

Immediately to the north of the site (99-113 Macquarie Street) is a seven-storey commercial building known as Transport House, which is locally heritage listed. This site was part of the SSD 7693 Concept approval. Works relating to this portion of the Concept SSDA site will be progressed via a separate planning approval/application. The building is separated from the Treasury Buildings by a narrow laneway, known as Macquarie Lane.



Description of the Proposal

The proposal is a Stage 2 (Detailed) SSDA that seeks approval for:

- Various refurbishments to the Intercontinental Hotel tower.
- Alterations to the roof of the Intercontinental Hotel, including expansion of the club lounge and terrace – in compliance with the approved envelope under SSD 7693 (the Concept approval).

The proposed land use is 'tourist and visitor accommodation' (including ancillary uses), consistent with the existing use and what was considered/approved under the Concept approval.

From a staging perspective, no works will be undertaken to Transport House due to its sensitivity and requirement for more consideration, including a competitive design process. It is also noted that internal fit outs to hotel rooms has been progressed via a Complying Development Certificate (CDC) process.

The proposal would increase the GFA of the Intercontinental Hotel tower by 250sqm. The proposal also provides a maximum height of building of RL 114.55 (consistent with the envelope approved under the Concept approval).

Mulpha Hotel Sydney Trust c/- Built have engaged the services of DDA Consult as Accessibility and DDA consultants to provide Accessibility Consulting Services in respect of the project documentation to ensure that functional and compliant accessibility has been applied to the design.

PROJECT CONTEXT – ACCESSIBLE ELEMENTS

This DA application Access report has been developed to satisfy SEARs # 10 & specifically Stage 1 Consent Condition C10

The design has been evaluated against the performance requirements of the BCA, applicable provisions of Sydney City Council's Access DCP and the Disability (Access to Premises – Buildings) Standards 2010.

The following compliance statement has been prepared for the Intercontinental Hotel Tower project design with respect to confirming compliance with the Building Code of Australia 2019 Amendment 1 (BCA) and the spirit and intent of the Disability Discrimination Act 1992 (DDA), within the project scope.

The proposed project works applicable to *Access Elements*, may be summarised as follows:

Level 5

1. Architectural and Finishes Upgrade to Facade Entry of Phillip and Bridge Street Corner. New Balustrade and Handrail.
2. New DDA Compliant Ramp.
3. New Floor Finish and Handrail to Existing Ramp.
4. Replanning and Refurbishment of Existing Cortile with New Bar and Banquette Seating Joinery, Some Minor Changes in Floor Levels and New Steps.
5. Finishes Upgrade to Existing Stairs and Lift and New Handrail to Stairs.
6. Compliance Upgrade to DDA Bathroom.

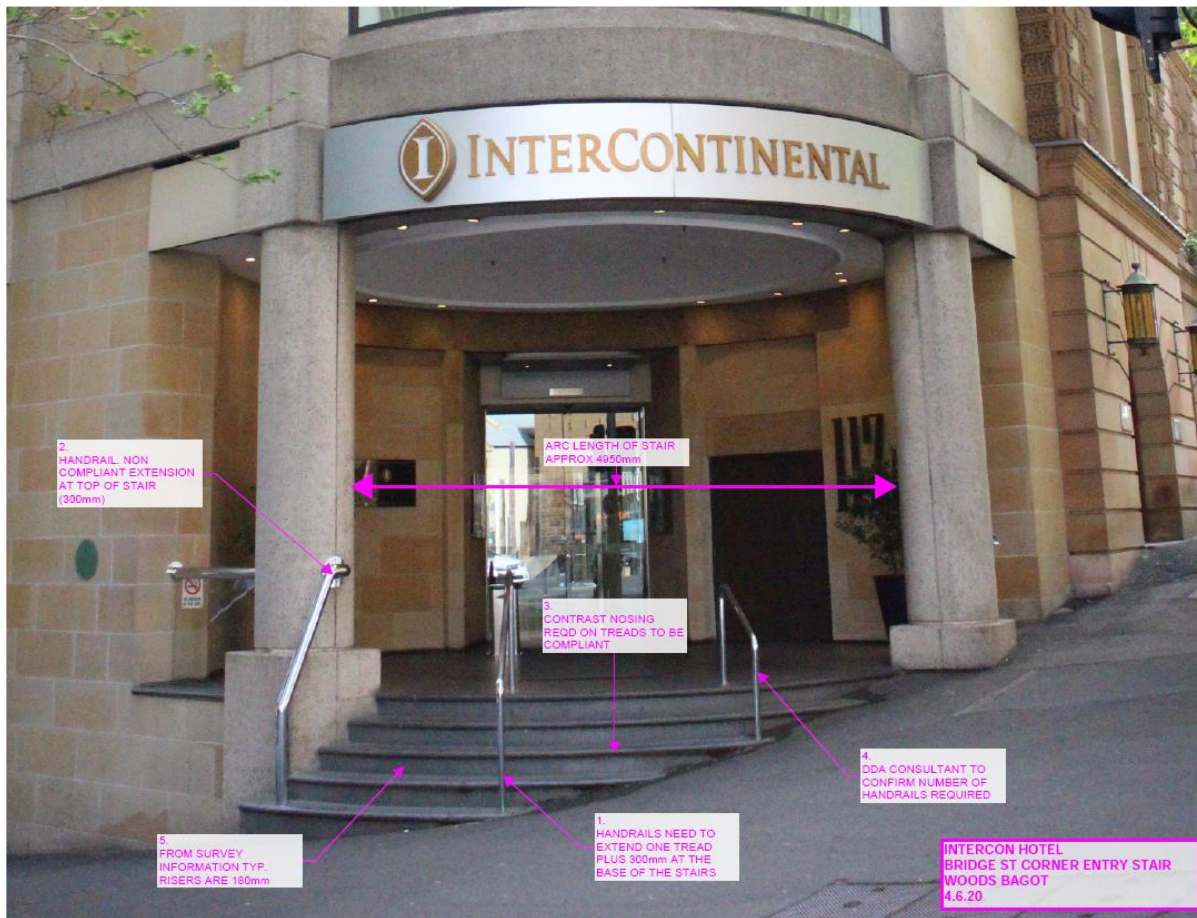
Level 6 & Level 7

1. Architectural Upgrade to Facade Entry of Phillip and Bridge Street Corner.
2. Finishes Upgrade to Existing Stairs and Lift. New Balustrade and Handrail to Stairs.

Level 32

1. Repurpose Existing Kitchen to be accessible Shower/WC and part of Female Toilet. Replanning and Refurbishment of Existing Bathrooms, including new Shower Facilities

PROJECT CONTEXT – ACCESS LEGISLATIVE PROVISIONS COMMENTARY



Although the state enacted NCC / BCA legislation is considered to apply to works at the premises / building only, the Disability Discrimination Act 1992 (Section 4, Interpretation) references that “Premises” include:

- (a) a structure, building, aircraft, vehicle or vessel; and
- (b) a place (whether enclosed or built on or not); and
- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b)).

It is noted that the Accessibility legislation understood to applicable to these project works, in order of hierarchy includes:

- the Disability Discrimination Act (DDA)1992; &
- the Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards); &
- the National Construction Code / Building Code of Australia 2019 Amendment 1 (BCA); & associated referenced Australian Standards
- City of Sydney Access Development Control Plan 2004 (SYD DCP)

Complaints-based legislation

DDA

Following the broad principles of Choice & Control for people with disabilities, the author of this report and other key stakeholders acknowledge that these proposed upgrade works do not substitute the enduring right for a disabled person to make a complaint if they feel disadvantaged when in future, accessing the facilities and services provided by the Hotel, post-completion of the proposed project works.

Compliance-based legislation

Premises Standards

The proposed project scope will address the 'affected part' element of these Standards as far as is practicable given the external topographical constraints & internal structural constraints applicable in relation to the Project Scope – further commentary is provided under the SYD DCP sub-heading below.

BCA

Consultation has been taking place & a consensus has been reached that a performance-based approach, in lieu of fully meeting the Deemed-to-Satisfy provisions of the BCA will be followed where applicable, due to the constraints of this building discussed throughout this report, notwithstanding that access to & within the Hotel Tower building will be significantly improved following completion of this project

SYD DCP (City of Sydney Access Development Control Plan 2004)

The subject building is existing - a continuous accessible path of travel to and within the Building will be provided so that access is provided through the main entrance and to all public areas, albeit through a combination of meeting the deemed-to-satisfy provisions and following a performance-based approach as referenced and permitted by the BCA.

Part 3.3 of the SYD DCP allows for Alternative Solutions (term now superseded by Performance Solutions) to be considered 'as a last resort' which in the case of this project is precipitated by the existing topographical & structural constraints of this Building – items are summarised within elsewhere the report; it is understood that the Access Performance Solution report will be developed at the future CC application stage for the works

It is perceived that this Statement may also serve as a variation request, as referenced by the SYD DCP (Parts 3.1, 3.3 & 3.5)

EXEMPTIONS

Based on the use of some areas within the building, it is reasonable to not provide access to some spaces where it is deemed inappropriate because of the required duties to be carried out in the space or if the area poses as a health or safety risk for people with a disability.

These areas, as examples may include:

- Commercial Kitchens, Plant rooms, Storerooms, cleaner's rooms, loading docks & the like;

It is accepted & understood that the Hotel Operator will provide documentary evidence confirming this strategy, including that many Hotel Staff members will be expected to have a minimum level of physical fitness in order to effectively perform their day-to-day duties, at the CC application stage for the project.

IDENTIFIED PERFORMANCE SOLUTION ITEMS

Overview

It is noted that the provisions of the Access Code of the Premises Standards and the applicable access provisions of the BCA (Parts D3, E3.6 and F2.4) are identical.

Further, both documents (Premises Standards & BCA) also allow for Performance requirement DP1 to be met in lieu of fully meeting the Access Code / deemed-to-satisfy provisions of the BCA.

However, as assessment methods are not prescribed within the Premises Standards, for ease of understanding & reporting, in accordance with the Building Code of Australia (BCA) A2.2_2(c) (Assessment methods) it is proposed that any agreed design departures will be documented in the context of a Performance Solution report (subject to approval, in principle) as referenced by the NCC / BCA 2019 Amendment 1.

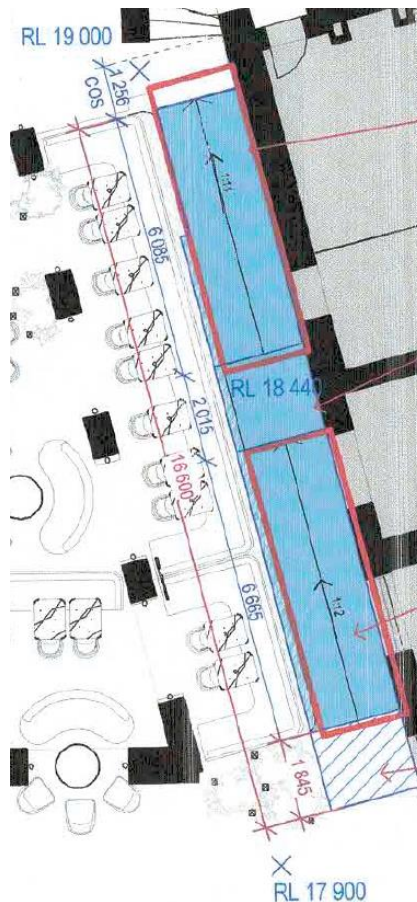
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A review of the proposed project scope in terms of the Accessible Elements included as part of the future layouts of the building has identified the following items for consideration an inclusion within an Access Performance Solution report, which, it is understood will be developed at the CC application stage for the project:

- a) L5 External; Query grade of 'walkway' between top landing of new 1:10 step ramp and zone leading to property boundary – to be confirmed, as the design develops:



- b) L5 External; set-out of existing retained stairs – departure items may include absence of stair handrail horizontal terminations (300 mm minimum) at landing areas; domed buttons *may* be installed in lieu of TGSI's
- c) L5 Internal; some stair handrails *may* encroach into the traverse path of travel
- d) L5 Internal 'Cortile' ramp; retained non-compliant grades of 1:11 / 1:12 in lieu of 1:14; upper landing will have a length of 1256 mm in lieu of 1500 mm minimum to facilitate a 90° turn:



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The tracking table below assesses compliance (whether by D-t-S or performance-based means) with the relevant parts of the BCA & associated prescribed document namely, City of Sydney Council's Access DCP 2004:

Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
1. BCA; D3.1	From a pedestrian entrance <i>required</i> to be <i>accessible</i> to at least 1 floor containing <i>sole-occupancy units</i> and to the entrance doorway of each <i>sole-occupancy unit</i> located on that level. 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, <i>swimming pool</i> , common laundry, games room, individual shop, eating area, or the like. Where a ramp complying with AS 1428.1 or a passenger lift is installed— (a) to the entrance doorway of each <i>sole-occupancy unit</i> ; and (b) to and within rooms or spaces for use in common by the residents, located on the levels served by the lift or ramp.	Capable of compliance	Details to be verified at CC stage of works; see also discussion item 2 below
2. BCA; D3.2	(a) An <i>accessway</i> must be provided to a building <i>required</i> to be <i>accessible</i> — (i) from the main points of a pedestrian entry at the allotment boundary; and (ii) from another <i>accessible</i> building connected by a pedestrian link; and (iii) from any <i>required accessible</i> carparking space on the allotment. (b) In a building <i>required</i> to be <i>accessible</i> , an <i>accessway</i> must be provided through the principal pedestrian entrance, and— (i) through not less than 50% of all pedestrian entrances including the principal pedestrian entrance; and (ii) in a building with a total <i>floor area</i> more than 500 m ² , a pedestrian entrance which is not <i>accessible</i> must not be located more than 50 m from an <i>accessible</i> pedestrian entrance	Capable of compliance	Details to be verified at CC stage of works: understood Compliance will be demonstrated by a combination of meeting the D-t-S provisions of the BCA <i>and</i> demonstrating that a performance-based outcome is achieved in terms of the external walkway gradient at the intersect with the property boundary, and the set-out of the retained stair access at the upgraded L5 entrance point to the building

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Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
3. BCA; D3.3	<p>In a building <i>required</i> to be <i>accessible</i>—</p> <p>(a) every ramp and stairway, except for ramps and stairways in areas exempted by D3.4, must comply with—</p> <p>(i) for a ramp, except a <i>fire-isolated ramp</i>, clause 10 of AS 1428.1; and</p> <p>(ii) for a stairway, except a <i>fire-isolated stairway</i>, clause 11 of AS 1428.1; and</p> <p>(iii) for a <i>fire-isolated stairway</i>, clause 11.1(f) and (g) of AS 1428.1; and</p> <p>(b) every passenger lift must comply with E3.6; and</p> <p>(c) <i>accessways</i> must have—</p> <p>(i) passing spaces complying with AS 1428.1 at maximum 20 m intervals on those parts of an <i>accessway</i> where a direct line of sight is not available; and</p> <p>(ii) turning spaces complying with AS 1428.1—</p> <p>(A) within 2 m of the end of <i>accessways</i> where it is not possible to continue travelling along the <i>accessway</i>; and</p> <p>(B) at maximum 20 m intervals along the <i>accessway</i>; and</p> <p>(d) an intersection of <i>accessways</i> satisfies the spatial requirements for a passing and turning space; and</p> <p>(e) a passing space may serve as a turning space;</p>	Deemed to Satisfy compliance will not be <i>fully</i> achieved	As referenced in the Performance Solution item section of the report, the set-out of walkway & ramp gradients, landing dimension & handrail design will demonstrate that <i>equivalent access</i> is provided by means of a partial alternative performance-based outcome in lieu of full D-t-S being achieved
4. BCA; D3.4	<p>The following areas are not <i>required</i> to be <i>accessible</i>:</p> <p>(a) An area where access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(b) An area that would pose a health or safety risk for people with a disability.</p> <p>(c) Any path of travel providing access only to an area exempted by (a) or (b).</p>	n/a in terms of Access, BCA DtS provisions	Areas such as access to the Commercial Kitchen, designated Back of House areas, plant rooms, lift machine rooms, and the like in the development are understood to be exempted from providing access under this clause due to WHS concerns.
5. BCA; D3.5	<p><i>Accessible</i> carparking spaces—</p> <p>(a) subject to (b), must be provided in accordance with Table D3.5 in—</p> <p>(i) a Class 7a building <i>required</i> to be <i>accessible</i>; and</p>	not within project scope	note

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Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
	<p>(ii) a carparking area on the same allotment as a building <i>required</i> to be <i>accessible</i>; and</p> <p>(b) need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and</p> <p>(c) subject to (d), must comply with AS/NZS 2890.6; and</p> <p>(d) need not be designated where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.</p>		
6. BCA; D3.6	<p>In a building <i>required</i> to be <i>accessible</i>—</p> <p>(a) braille and tactile signage complying with Specification D3.6 must—</p> <p>(i) incorporate the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1 and identify each—</p> <p>(A) sanitary facility, except a sanitary facility within a <i>sole-occupancy unit</i> in a Class 1b or Class 3 building; and</p> <p>(B) space with a hearing augmentation system; and</p> <p>(ii) identify each door <i>required</i> by E4.5 to be provided with an <i>exit</i> sign and state—</p> <p>(A) "Exit"; and</p> <p>(B) "Level" ; and either (aa) the floor level number; or (bb) a floor level descriptor; or</p> <p>(cc) a combination of (aa) and (bb); and</p> <p>(b) signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying—</p> <p>(i) the type of hearing augmentation; and</p> <p>(ii) the area covered within the room; and</p> <p>(iii) if receivers are being used and where the receivers can be obtained;</p>	Capable of compliance	Details to be verified at CC stage of works

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Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
7. BCA; D3.7	<p>(a) A hearing augmentation system must be provided where an inbuilt amplification system, other than one used only for emergency warning, is installed—</p> <p>(i) in a room in a Class 9b building; or</p> <p>(ii) in an auditorium, conference room, meeting room or room for judicatory purposes; or</p> <p>(iii) at any ticket office, teller's booth, reception area or the like, where the public is screened from the service provider.</p>	Capable of compliance, subject to further review, as the design progresses	Note
8. BCA; D3.8	<p>For a building <i>required</i> to be <i>accessible</i>, tactile ground surface indicators must be provided to warn people who are blind or have a vision impairment that they are approaching—</p> <p>(i) a stairway, other than a <i>fire-isolated stairway</i>; and</p> <p>(ii) an escalator; and</p> <p>(iii) a passenger conveyor or moving walk; and</p> <p>(iv) a ramp other than a <i>fire-isolated ramp</i>, step ramp, kerb ramp or <i>swimming pool</i> ramp; and</p> <p>(v) in the absence of a suitable barrier—</p> <p>(A) an overhead obstruction less than 2 m above floor level, other than a doorway; and</p> <p>(B) an <i>accessway</i> meeting a vehicular way adjacent to any pedestrian entrance to a building, excluding a pedestrian entrance serving an area referred to in D3.4, if there is no kerb or kerb ramp at that point</p>	Capable of compliance	Details to be verified at CC stage of works
9. BCA; D3.9	<p>Where fixed seating is provided in a Class 9b <i>assembly building</i>, wheelchair seating spaces complying with AS 1428.1 must be provided in accordance with the following:</p> <p>(a) The number and grouping of wheelchair seating spaces must be in accordance with Table D3.9.</p> <p>(b) In a cinema—</p> <p>(i) with not more than 300 seats — wheelchair seating spaces</p>	n/a, for this project, as providing fixed seating is not part of the scope for this project	Note

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Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
	<p>must not be located in the front row of seats; and</p> <p>(ii) with more than 300 seats — not less than 75% of <i>required</i> wheelchair seating spaces must be located in rows other than the front row of seats; and</p> <p>(iii) the location of wheelchair seating is to be representative of the range of seating provided.</p>		
11. BCA; D3.11	<p>On an <i>accessway</i>—</p> <p>(a) a series of connected ramps must not have a combined vertical rise of more than 3.6 m; and</p> <p>(b) a landing for a step ramp must not overlap a landing for another step ramp or ramp.</p>	Capable of compliance	Details of proposed Step ramp landings to be verified at CC stage of works
12. BCA; D3.12	On an <i>accessway</i> , where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.	Capable of compliance	Details to be verified at CC stage of works
13. BCA; E3.6	<p>In an <i>accessible</i> building, every passenger lift must—</p> <p>(a) be one of the types identified in Table E3.6a, subject to the limitations on use specified in the Table; and</p> <p>(b) have <i>accessible</i> features in accordance with Table E3.6b; and</p> <p>(c) not rely on a constant pressure device for its operation if the lift car is fully enclosed</p>	Capable of compliance	Details to be verified at CC stage of works

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Item – BCA / SEPP / DCP	Requirements	Compliance	Comments
14. BCA; F2.4	<p>In a building <i>required</i> to be <i>accessible</i>—</p> <p><i>SA F2.4(a)</i></p> <p>(a) <i>accessible</i> unisex <i>sanitary compartments</i> must be provided in <i>accessible</i> parts of the building in accordance with Table F2.4(a); and</p> <p>(b) <i>accessible</i> unisex showers must be provided in accordance with Table F2.4(b); and</p> <p>(c) at each bank of toilets where there is one or more toilets in addition to an <i>accessible</i> unisex <i>sanitary compartment</i> at that bank of toilets, a <i>sanitary compartment</i> suitable for a person with an ambulant disability in accordance with AS 1428.1 must be provided for use by males and females; and</p> <p>(d) an <i>accessible</i> unisex <i>sanitary compartment</i> must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels; and</p> <p>(e) the circulation spaces, fixtures and fittings of all <i>accessible</i> sanitary facilities provided in accordance with Table F2.4(a) and Table F2.4(b) must comply with the requirements of AS 1428.1;</p>	Capable of compliance	Details to be verified at CC stage of works
15. SYD Access DCP	To provide equitable access within all new developments and ensure that substantial building work carried out on or intensified use of existing buildings provides upgraded levels of access and facilities for all people.	Capable of compliance	It is understood Compliance will be demonstrated by a combination of meeting the D-t-S provisions of the BCA and demonstrating that performance-based outcomes are achieved in terms of the identified departures due to the topographical & structural constraints manifested at this Existing Building

REFERENCE DOCUMENTATION

Drawing No.	Revision	Title
ST2 DA- 00001	B	Drawing List
ST2 DA- 10001	B	Site Plan
ST2 DA- 22050	C	Floor Plan – Level 05
ST2 DA- 22060	C	Floor Plan – Level 06
ST2 DA- 22070	C	Floor Plan – Level 07
ST2 DA- 22320	D	Floor Plan – Level 32

DDA (Federal legislation) – Recommendation only

The DDA items refers to compliance with the Disability Discrimination Act 1992 and enacted disability Standards, including the Disability Access to Premises Standards and Disability Standards for Accessible Public Transport. The Disability Discrimination Act is a compliance based law. Compliance with the Disability Access to Premises Standards provides a possible 'defence' against a complaint in respect of the physical premises. Other aspects of the design fall outside the Standards and pose a risk of a DDA complaint. To mitigate the risk, the following items should be addressed:

Item	Action
No items currently identified	Note

STATEMENT

As members of the Access Consultants Association of Australia (ACAA), DDA Consult use experience gained over time to ensure the project complies with the spirit and intent of the Disability Discrimination Act (DDA), within the project scope.

DDA Consult has completed a review of the project documentation to evaluate the compliance and functionality of the project relative to the access provisions of Disability Standards, the NCC / BCA 2019 Amendment 1, & meeting the objects of the DDA.

Subject to addressing the mandatory actions identified above, DDA Consult confirm that the project documentation indicates appropriate accessibility to comply with the BCA & Disability (Access to Premises – Buildings) Standards 2010 and the spirit and intent of the DDA & State / Council applicable provisions, will be provided

PROVIDED BY:



Francis Lenny

MSc. Accessibility & Inclusive Design (UK)

Cert IV Access Consulting

Accredited Member - Association of Consultants in Access Australia

Membership Number 371

DISCLAIMER

This document has been prepared solely for the use of our client in accordance with our current professional standards and as per our agreement for providing compliance consulting services. Although all due care has been taken in the preparation of this document, no warranty is given, nor liability accepted (except that required by law) in relation to the information contained within this document. This document represents the opinions of DDA Consult (through Francis Lenny) based on the facts and matters known at the time of preparation of this document. Opinions, judgements, and recommendations detailed in this document, which are based on our understanding and interpretation of current statutory and regulatory obligations and standards, should not be construed as legal opinions.



Access Institute

Provider No: 22404

This is to certify that

Francis Lenny

Has fulfilled the requirements for

CPP40811

Certificate IV in Access Consulting

Dated: 2/04/2020

Joe Manton
Director

Michael Wheeler
Assessment Manager

*This qualification is recognised within
the Australian Qualification Framework
Client Code: CRPL20-2
Certificate: 00734*



Association of Consultants in Access Australia, Inc

ACAA Membership
Certificate of Currency

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This is to certify that

Francis Lenny

is an Accredited Member of the
Association of Consultants in Access Australia, Inc.
and their membership is current from
01-07-2019 until 30-06-2020



Mr Mark Relf
ACAA National President



Ms Anita Harrop
ACAA Secretary

