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## ACCESSIBILITY

### PERFORMANCE SOLUTION REPORT

**Project Name**            **Bakaa Cultural Centre**

**Project Address**        **44 Reid Street, Wilcannia, NSW 2836**

**Prepared by:**            Francis Lenny

**Prepared for:**            Bakaa Cultural Centre c/- Kaunitz Yeung Architecture

**Job Number:**            38265

**Date:**                      22<sup>nd</sup> May 2023

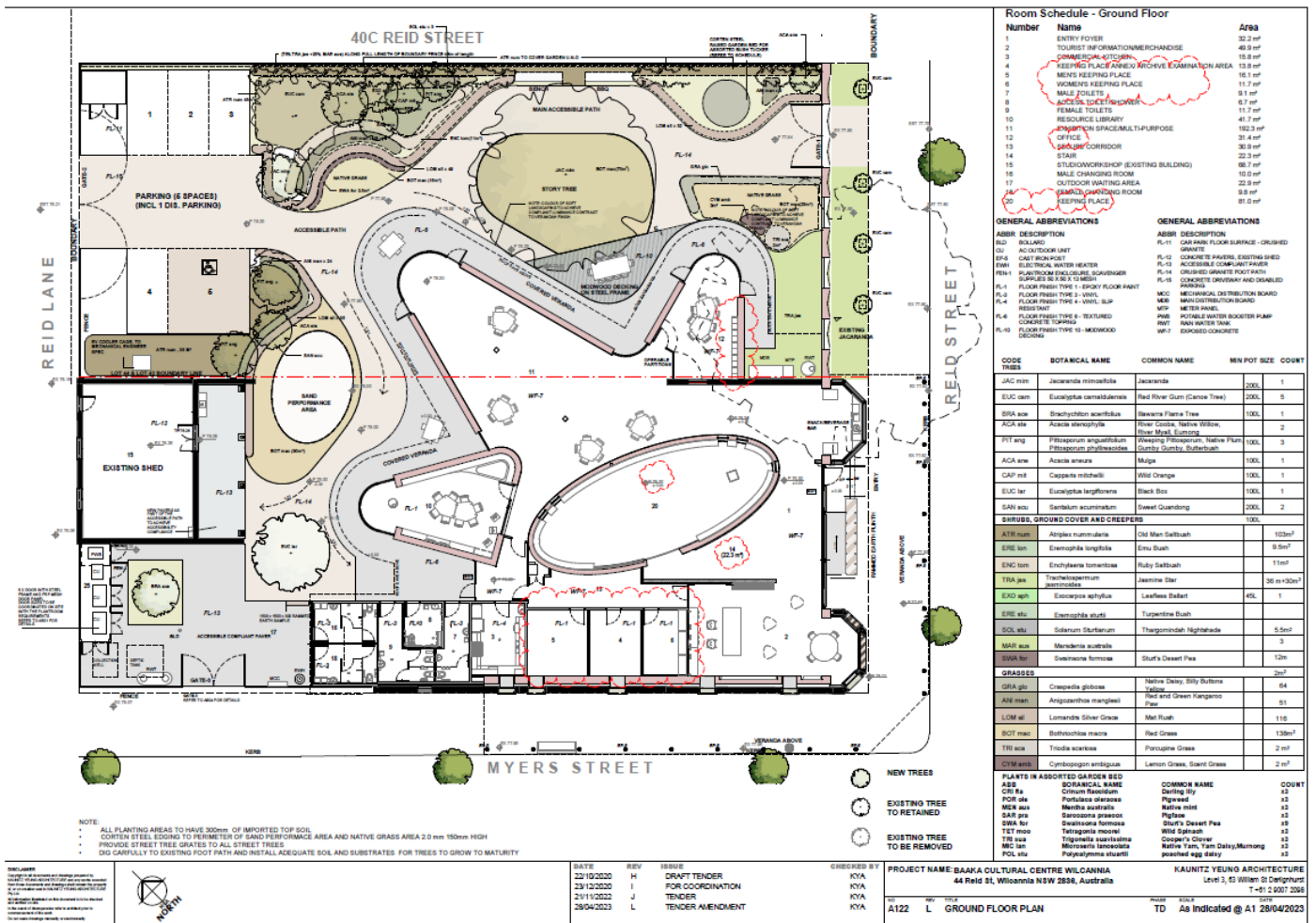
**Revision:**                 2

## TABLE OF CONTENTS

1.	INTRODUCTION	6
2.	PERFORMANCE SOLUTION NO 1	9
3.	CONDITIONS	11
4.	METHODOLOGY	11
5.	SUPPORTING EVIDENCE	12
6.	AUTHORISATION BY ACCESS CONSULTANT	12
7.	FRANCIS LENNY; EVIDENCE OF PROFESSIONAL CURRENCY	13
8.	FRANCIS LENNY; CURRICULUM VITAE	15

Date	Rev No	No. of Pages	Issue or Description of Amendment	Checked By	Approved By	Date Approved
17.06.20	-	23	Initial issue for review	Francis Lenny	Francis Lenny	17.06.20
10.08.20	1	21	Final Approved report	Francis Lenny	Francis Lenny	10.08.20
22.05.23	2	16	Final Amended Approved report, following deletion of Basement level	Francis Lenny	Francis Lenny	22.05.23

# Overview of performance solution



This performance solution report has been produced in respect of the proposed building to operate as the 'Baaka Cultural Centre' located at 44 Reid Street Wilcannia NSW 2836. The report will aim to demonstrate that the performance requirements of the National Construction Code / Building Code of Australia have been satisfied by providing a suitable alternative performance-based solution in relation to a single item which will not fully meet the Deemed-to Satisfy provisions of the National Construction Code / Building Code of Australia 2019 Amendment 1.

It is noted that all future references in this report to the term "BCA" relate to the applicable provisions of the Access Code of the Disability (Access to Premises – Buildings) Standards 2010 & the deemed-to-satisfy provisions of the National Construction Code / Building Code of Australia 2019 Amendment 1 (these provisions are mirrored – the Premises Standards are Federal Legislation, whilst the BCA is State enacted legislation)

As the Project Construction works are being initiated by the single lessee / operator of the building, the "affected part" provisions of the Disability (Access to premises – Buildings) Standards 2010 (Premises Standards) are triggered (refer to further detail in Section 1.5 of this report).

Further, as these works have been initiated by the single lessee / operator of the Building, the lessee concession available under the Disability (Access to Premises – Buildings) Standards 2010 – 'Premises Standards' will not apply

The key driver framing the need for the need for this report is:

- a) Some Deemed-to Satisfy (D-t-S) provisions of the National Construction Code / Building Code of Australia 2019 Amendment 1 namely Parts D3.1, D3.3 & E3 are not able to be met.

It is proposed to demonstrate that a performance- based outcome that responds to Part A2.1 (of the BCA) has been achieved in lieu of fully meeting the D-t-S provisions of the BCA 2019 Amendment 1 in relation to the design & construction of the following items:

1. Accessible path to covered verandah & Sand Performance area access
  - Portable 1:10 ramp to be stored on site 3.5 m length. Staff to assist someone in a wheelchair.

### Summary

It is noted that the provisions of the Access Code of the Premises Standards and the applicable access provisions of the BCA as noted above (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.

The Access Code of the Premises Standards & the National Construction Code / Building Code of Australia 2019 Amendment 1 (mirrored legislative provisions) state that:

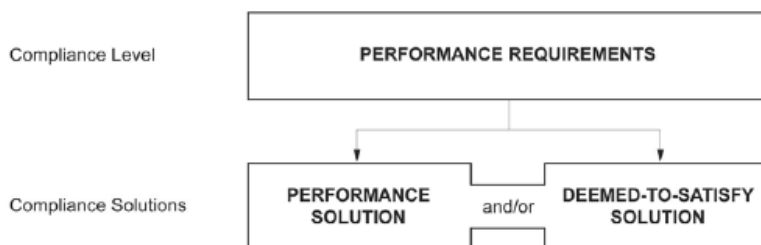
Compliance with the NCC will be achieved by satisfying the *Performance Requirements* (for a building)

### A2.1 Compliance with the Performance Requirements

*Performance Requirements* are satisfied by one of the following, as shown in Figure 1:

- (1) A *Performance Solution*.
- (2) A *Deemed-to-Satisfy Solution*.
- (3) A combination of (1) and (2).

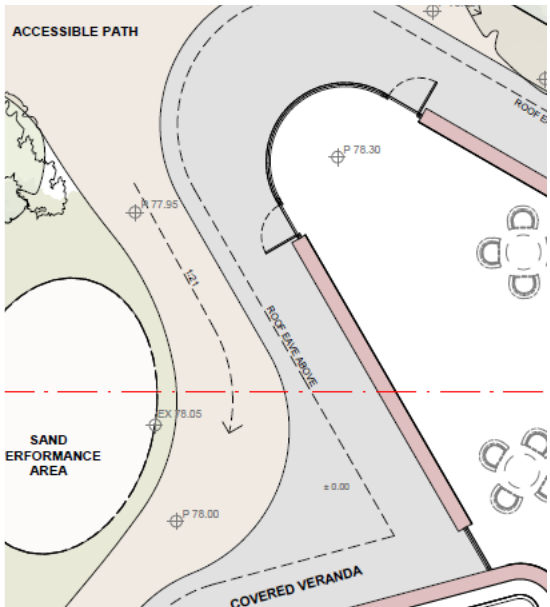
**Figure 1: NCC compliance option structure:**



However, since 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 (Assessment methods) this performance solution report has been documented as follows in the context of determining that a performance -based outcome has been achieved:

In accordance with the Building Code of Australia (BCA) A2.2 (Assessment methods) this performance solution has been documented on the basis of:

- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(c) Expert judgement; &
- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(d) Comparison with the *Deemed-to-Satisfy Provisions*

Item	BCA Clause	Relevant Performance Requirements	Description of Non-compliance	Justification
1	D3.1	DP1	Alternative approach from External Accessible path to access covered verandah & Sand Performance areas	<ul style="list-style-type: none"> <li data-bbox="805 291 1564 414">Externally, there is an 'open' vertical level difference of 350 mm at some areas which are not adjacent to doors leading into the building / access points to the covered verandah area:</li> </ul>  <ul style="list-style-type: none"> <li data-bbox="805 1075 1564 1276">On the basis of recommendation only, it will be beneficial if a 3.5 m length (1:10) portable ramp can be kept on-site by the Centre, to assist visitors who are users of mobility devices to traverse the different levels in the external area &amp; to access the covered verandah, without needing to potentially traverse additional distance to access external amenities or scheduled events</li> </ul>

# 1. INTRODUCTION

This report presents a Performance Solution on behalf of Bakaa Cultural Centre for their proposed new Building / Facility located at 44 Reid Street Wilcannia NSW 2836. This Performance Solution will consider the current Deemed-To-Satisfy provisions of the Building Code of Australia (BCA) 2019 Amendment 1, BCA referenced standards and the requirements of the Disability (Access to Premises –Buildings) Standards 2010.

## 1.1. Basis of Report

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This Performance Solution assessment is carried out (for simplicity) in accordance with Clauses A2.0, A2.1, A2.2, A2.3 & A2.4 of the BCA which outlines: Compliance, Compliance with the Performance Requirements, Performance Solution, Deemed-to-Satisfy Solution & A combination of Solutions

The following report has been prepared by Francis Lenny on the basis of a desktop review of the project documentation. Francis is an Accredited Member of Association of Consultants in Access Australia and holds an MSc in Accessibility & Inclusive Design from the University of Salford in Manchester, UK & a Certificate 4 in Access Consulting from the Access Institute

The following report is a performance-based solution using A2.1 of the BCA which demonstrates compliance with the Performance requirements, utilising the following assessment methods:

- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(c) Expert judgement; &
- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(d) Comparison with the *Deemed-to-Satisfy Provisions*

## 1.2. Stakeholders

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Key Stakeholders that are parties to the project works in the context & content of this report include:

- Bakaa Cultural Centre (the client / operator of the proposed facility)
- Kaunitz & Yeung (Architect)
- Visitors / Tourists coming to experience the facilities @ the Cultural Centre
- Staff members that work at this building / precinct
- Francis Lenny (Access Consultant)

## 1.3. Relevant Referral Authority

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- Boyce Built Environment Consulting

## 1.4. Technical Departures

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The following areas of the works have been identified as areas that do not meet the Deemed-to-Satisfy provisions of the BCA and referenced Australian Standards:

1. Accessible path to covered verandah & Sand Performance area access
  - Portable 1:10 ramp to be stored on site 3.5 m length. Staff to assist someone in a wheelchair, as necessary.

## 1.5. Assessment Method used

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I confirm that the following assessment method was used in relation to the design (departure) of the above item noted as a performance-based outcome in lieu of fully meeting the deemed-to-satisfy provisions of the Access Code of the Premises Standards / applicable provisions of Part D3 of the National Construction Code / Building Code of Australia 2019 Amendment 1:

- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(c) Expert judgement; &
- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(d) Comparison with the *Deemed-to-Satisfy Provisions*

## 1.6. Relevant DTS clauses

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The relevant deemed to satisfy provision that is the subject of this performance solution includes:

- D3.1 - General Building access requirements

## 1.7. Relevant Performance Requirements

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The relevant Performance requirements are as follows:

**DP1** 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.

Limitation: DP1 Does not apply to a Class 4 part of a building

**DP2** 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 being trapped in the building; and
  - ii. approach the building from any accessible associated building; and
- c) any stairways and ramps with-
  - i. slip resistant walking surface on-
    - ramps; and
    - 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.

## 1.8. Referenced Standards and Clauses

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- **National Construction Code / Building Code of Australia (2019 Amendment 1)**
- **Disability (Access to Premises – Buildings) Standards 2010**

In addition to the BCA, the Disability (Access to Premises- Building) Standards 2010 (Premises Standards) places requirements on existing buildings where building work is being undertaken. The requirements for the new part of an existing building to comply with the Standards is limited to the actual work identified in the building approval and does not extend to other parts of the building which the new part is located. However, the Premises Standards recognises that in most circumstances it will be necessary to provide an accessible path of travel to the new or modified part and has therefore introduced the concept of 'affected part'.

An 'affected part' is the path of travel between and including the principal pedestrian entrance of an existing building to the new or modified part of the building. This path of travel must be a continuous accessible path of travel. It does not extend to the allotment boundary.

- **AS1428.1 2009** Design for access and mobility. General requirements for access – New building work
  - Clause 6 Continuous Accessible paths of travel

## 1.9. Building and Occupant Characteristics

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### Building Description

The proposed project involves the Construction of a new Building / Precinct to operate as a Class 9b Assembly Building, 'Bakaa Cultural Centre.'

### Location

This subject site is located at 44 Reid Street Wilcannia NSW 2836

### Occupant Characteristics

The typical customers / visitors to / users of this 'Building / Facility' are expected to include people that may have a range of disabilities including mobility impairments that require use of a wheelchair, ambulant disabilities as well as people with sensory disabilities.

It is expected that the majority of staff members working within this environment would have a reasonable level of mobility & dexterity to safely undertake their required daily duties.

### Familiarity

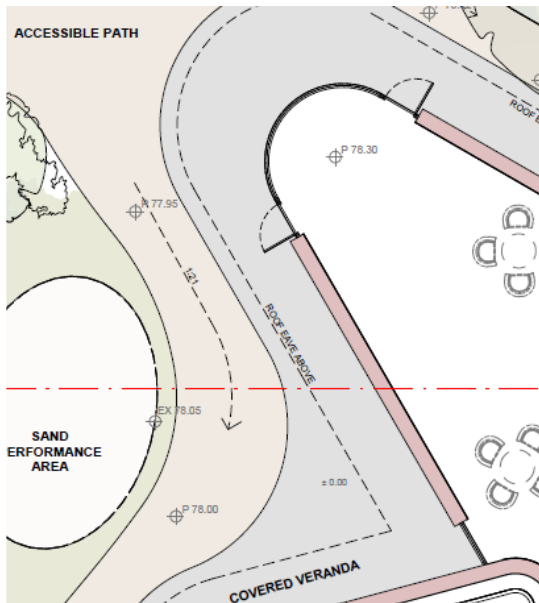
The staff should be familiar with the layout of the building and locations of access and egress points. Tourists/visitors may not be familiar with the building layouts or access/egress methods; however, they may be assisted by staff members as required.



## 2. PERFORMANCE SOLUTION NO 1 – ALTERNATIVE PROPOSED APPROACH FROM EXTERNAL ACCESSIBLE PATH TO ACCESS & USE COVERED VERANDAH & SAND PERFORMANCE AREAS

### 2.1. Location

External public domain area of the 'precinct':



### 2.2. Technical Requirements

Under Clause D3.1 of the BCA applicable access is required 'to and within all areas normally used by the occupants' in a Class 9b Assembly building.

Clause 6 of AS1428.1 2009 states that a continuous accessible path of travel shall not include a step, stairway, turnstile, revolving door, escalator, moving walk or other impediment.

### 2.3. Technical Departure

Accessible path to covered verandah & Sand Performance area access

- Portable 1:10 ramp to be stored on site 3.5 m length. Staff to assist someone in a wheelchair, as necessary.

### 2.4. Assessment method used

I confirm that the following assessment method was used in relation to the verandah access being at designated areas only, along the external continuous accessible path of travel provided (given that a 350 mm vertical rise is indicated) noted as a performance-based outcome in lieu of meeting the deemed-to-satisfy provisions of the Access Code of the Premises Standards / applicable provisions of Part D3 of the National Construction Code / Building Code of Australia 2019 Amendment 1:

- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(c) Expert judgement; &
- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(d) Comparison with the *Deemed-to-Satisfy Provisions*

## 2.5. Relevant DTS Clause

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The relevant deemed to satisfy provision that is the subject of this performance solution includes:

- D3.1

## 2.6. Relevant Performance Requirements

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The relevant Performance requirements are:

- DP1
- DP2

## 2.7. Referenced Standards and Clauses

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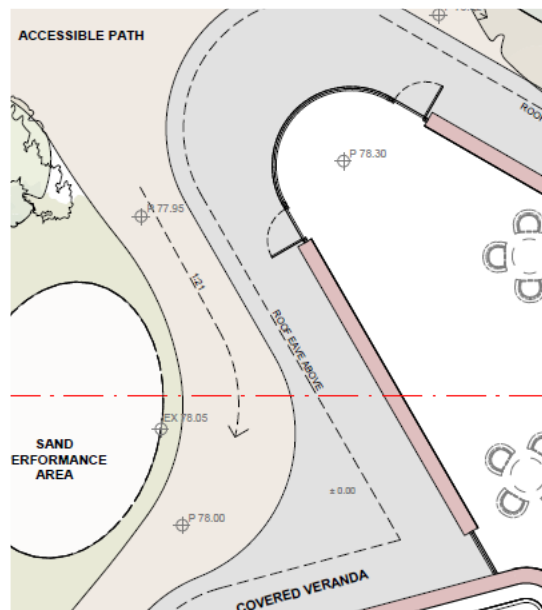
- AS1428.1-2009 – Clause 6

## 2.8. Justification of Proposed Performance Solution

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This performance solution is deemed acceptable based on the following rationale:

- Externally, there is an 'open' vertical level difference of 350 mm at some areas which are not adjacent to doors leading into the building / access points to the covered verandah area:



- On the basis of recommendation only, it will be beneficial if a 3.5 m length (1:10) portable ramp can be kept on-site by the Centre, to assist visitors who are users of mobility devices to traverse the different levels in the external area & to access the covered verandah, without needing to potentially traverse additional distance to access external amenities or scheduled events

I confirm that the proposed works are considered to provide a Performance Solution which meets Performance Requirements DP1 & DP2 to the degree necessary, in relation to the verandah access being at designated areas only, along the external continuous accessible path of travel provided

### 3. CONDITIONS

In order for the proposed work to comply with the Performance Requirements, we require the following additions/amendments to the proposed designs:

The future operator of this Building (Bakaa Cultural Centre) accepts that these departures will need to be addressed / factored in by developing an operational management plan for the proposed alternative access to & use of the mezzanine area of this tenancy.

### 4. METHODOLOGY

In producing this report, the methodology adopted is as prescribed by the BCA.

Meeting the BCA Performance Requirements can be achieved by formulating a "Performance Solution which must-

- comply with the Performance Requirements; (A2.1(1)) or
- be at least equivalent to the Deemed-to-Satisfy Provisions; "(A2.1(2))

A Performance Solution must be assessed according to one or more of the Assessment Methods under A.2.2 A Performance Solution will only comply with the NCC when the Assessment methods used satisfactorily demonstrate compliance with the Performance Requirements (A2.1(1)) Further, in determining the Performance Requirement(s) relevant to the Performance Solution, the following method must be used (A2.2 (3)):

- (a) Where a Performance Requirement is satisfied entirely by a Performance Solution:
  - (i) Identify the relevant Performance Requirement from the Section or Part to which the Performance Solution applies.
  - (ii) Identify Performance Requirements from other Sections or Parts that are relevant to any aspects of the Performance Solution proposed or that are affected by the application of the Performance Solution.
- (b) Where a Performance Requirement is satisfied by a Performance Solution in combination with a Deemed-to-Satisfy Solution:
- (c) When using a combination of solutions, compliance can be shown through the following, as appropriate:
  1. (a)A2.2 for assessment against the relevant *Performance Requirements*.
  2. (b)A2.3 for assessment against the relevant *Deemed-to-Satisfy Provisions*.
- d) Where a *Performance Requirement* is satisfied by a *Performance Solution* in combination with a *Deemed-to-Satisfy Solution*, in order to comply with A2.1(1), the following method must be used to determine the *Performance Requirement* or *Performance Requirements* relevant to the *Performance Solution*:
  - (i) identify the relevant Deemed-to-Satisfy Provisions of each Section or Part that is to be the subject of the Performance Solution.
  - (ii) Identify the Performance Requirements from the same Sections or Parts that are relevant to the identified Deemed-to-Satisfy Provisions.
  - (iii) Identify Performance Requirements from other Sections or Parts that are relevant to any aspects of the Performance Solution proposed or that are affected by the application of the Deemed-to-Satisfy Provisions that are the subject of the Performance Solution.

The BCA outlines the following Assessment Methods, or any combination of them, that can be used to determine that a building solution complies with the Performance Requirements (A.2.2(2)):

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

## 5. SUPPORTING EVIDENCE

This Performance Solution Assessment is based on the following documentation:

Drawing No.	Revision	Title
A 122	L	Ground Floor Plan
A 134	L	Sections
A 302	L	Public Keeping Place Elevations

## 6. AUTHORISATION BY ACCESS CONSULTANT

In undertaking this assessment, I confirm that the following assessment methods were used:

- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(c) Expert judgement; &
- NCC\_BCA 2019 Amendment 1; Part / Clause A2.2\_2(d) Comparison with the *Deemed-to-Satisfy Provisions*

Subject to the above condition being met, I confirm that the proposed works provide a performance solution which is considered to meet Performance Requirements DP1 & DP2 of the NCC / BCA 2019 Amendment 1 to the degree necessary.



**Francis Lenny**

*MSc. Accessibility & Inclusive Design*

*Cert IV Access Consulting*

Accredited Member - Association of Consultants in Access Australia

Membership Number 371



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## 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

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*Joe Manton*  
Director

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*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

## Accredited Member



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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  
**1st July 2022** until **30th June 2023**

Ms Lindsay Perry  
ACAA National President

Ms Anita Harrop  
ACAA Secretary



## 8. FRANCIS LENNY; CURRICULUM VITAE

### Francis Lenny Accredited Access Consultant

#### Curriculum vitae

##### Contact details

Email: [advice@ddaconsult.com.au](mailto:advice@ddaconsult.com.au)

Mobile: 0410 183283

Francis has been involved in an advisory capacity within the specialist area of Accessibility & Universal Design since 1997

##### Relevant Academic qualifications & professional memberships:

MSc Accessibility & Inclusive Design	(2010)
Certificate IV in Workplace Health & Safety	(2013)
Certificate IV in Training & Education	(2013)
Certificate IV in Access Consulting	(2020)

Accredited member of the Association of Consultants in Access Australia (ACAA) since 2013

Member of the Committee of Management of the ACAA January 2017 – November 2018 & August 2019 – present

##### Experience up to 2011

Engaged on a self-employed basis, professional advice was provided across several projects in relation to Accessibility provisions, & in particular, the implementation of European Union passenger rights legislation in relation to:

- Airline travel
- Bus & Coach travel
- Ferry travel

##### Experience since 2012

Francis relocated to Australia in 2012 working for a couple of different practices. Since September 2017, Francis has been consulting as a sole practitioner in Access Consulting

During this time Francis has worked with colleagues, designers, contractors, public authorities and numerous other key stakeholders to provide the most equitable built environments, infrastructure and public transport systems

Francis has provided advice and assistance across a broad range of Class 2 to Class 10 buildings in terms of:

- Understanding & application of specific project brief requirements, initiated by the client
- Assessment of legislative requirements to determine whether subject buildings are fit for purpose and meet the performance requirements of the NCC; In cases when evidence is necessary to demonstrate that this is the case (when the performance requirements are not wholly met by satisfying the deemed-to-satisfy provisions of the NCC / Access Code of the Premises Standards) to work to develop performance solutions by following all or part of the 4 stage process as outlined in the Guidance document “Development of Performance Solutions” published by the ABCB; Francis prides himself on his pragmatic and common sense approach in the delivery of robust & justifiable performance based outcomes in being part of the decision making process to deliver the design and construction of functional buildings

- Application of Federal, State & Council legislation to be applied to diverse types of projects within different states and territories
- Comprehensive Design reviews
- Detailed and pragmatic interim & final inspections of projects during various stages of Construction
- Leading workshops with designers to navigate the maze of legislation which may apply to a specific project

Examples of typical similar projects (Class 9 & 10) include:

- Slacks Creek Pedestrian Bridge
- Anzac Square Stage 4 Restoration works
- Upgrade works to eight (8) BCC owned buildings
- AFP Forensic Building; Mildura Canberra
- 1WS; Qld State Government, Commercial Office building

Additional selected project types include:

- Specialist Disability Accommodation under the NDIS scheme
- Retail developments
- Residential projects particularly located in New South Wales
- Multiple Hotel buildings
- Student Accommodation facilities