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02 DEC 2008
BY: LACA

Disability (Access to Premises - Buildings) Standards Guidelines 2009

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Part 1 General

1.1 Name of Guidelines

These Guidelines are the *Disability (Access to Premises - Buildings) Standards Guidelines 2009*.

1.2 Purpose of Guidelines

- (1) The purpose of these Guidelines is to provide information and comment on the *Disability (Access to Premises - Buildings) Standards 2009* (the Premises Standards) in order to assist in their interpretation and application.
- (2) These Guidelines are not mandatory and should only be considered interpretive.

1.3 Guiding principles - the purpose and objects of the Premises Standards

- (1) The purpose of the Premises Standards is:
 - (a) to ensure that reasonably achievable, equitable and cost effective access to buildings, and facilities and services within buildings, is provided for people with disabilities; and
 - (b) to give certainty to building certifiers, building developers and building managers that, if access to buildings is provided in accordance with the Premises Standards, to the extent covered by the Standards, it will not be unlawful under the *Disability Discrimination Act 1992* (DDA).
- (2) The Premises Standards specify how the objects of the DDA are to be achieved in the provision of accessible premises.
- (3) The Premises Standards prescribe national requirements for new buildings and where new building work is being undertaken in existing buildings, in order to comply with the DDA in the areas covered by those Standards. The Premises Standards detail mandatory Performance Requirements covering a range of accessibility issues, and set out technical specifications ('Deemed-to-Satisfy Provisions') that if met, will satisfy the Performance Requirements.
- (4) The following objects of the DDA are the guiding principles of the Premises Standards:
 - (a) to eliminate, as far as possible, discrimination against persons on the basis of their disabilities in various areas, and in particular access to premises, work, accommodation and the provision of facilities, services and land;
 - (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
 - (c) to promote recognition and acceptance within the community of

the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Part 2 How do the Premises Standards work?

2.1 Premises Standards made under the DDA

- (1) The Premises Standards are delegated legislation made under section 31 of the DDA.
- (2) Under section 32 of the DDA, it is unlawful to contravene the Premises Standards. If a person complies with the Premises Standards, then the unlawful discrimination provisions of the DDA do not apply (see section 34 of the DDA). In other words if a person complies with the Premises Standards they know they are complying with the DDA on those matters covered by the Premises Standards.
- (3) With the exception of public transport buildings (which are covered by certain compliance timeframes) if an existing building is not undergoing new building work or renovations, it is not covered by the Premises Standards and the general provisions of the DDA will continue to apply.
- (4) The DDA will continue to apply to persons who have responsibility for access to and within buildings, in relation to matters not covered by the Premises Standards. A person with disability will continue to be able to make a complaint under the DDA in respect of those matters.

Example:

1. The general provisions of the DDA will continue to apply in relation to furniture and fit-out of buildings, and other aspects of buildings, such as discriminatory behaviour of building management not covered by the Premises Standards.

2.2 How do the Premises Standards apply?

- (1) The Premises Standards provide that the provisions set out in the Access Code for Buildings (the Access Code), which is Schedule 1 to the Premises Standards, are taken to be part of the Premises Standards.
- (2) The Access Code (being part of the Premises Standards) sets out:
 - (a) in Part A – general provisions, including definitions of terms and building classifications used in the Code, and a list of Australian Standards referenced in the Code;
 - (b) in Parts D, E and F – Performance Requirements; and
 - (c) in Parts D, E, F and H – Deemed-to-Satisfy Provisions.
- (3) *Performance Requirements:* The Premises Standards specify Performance Requirements, in the Access Code, applicable to certain classes or types of buildings and parts of buildings. The Performance Requirements are expressed broadly. For example, Clause DP9 states that ‘an inbuilt communication system for entry, information, entertainment, or for the provision of a service, must be suitable for

occupants who are deaf or hearing impaired'. The Performance Requirements are the mandatory provisions of the Access Code.

- (4) A building covered by the Premises Standards can meet the Performance Requirements, and therefore comply with the Premises Standards by:
 - (a) complying with the relevant Deemed-to-Satisfy Provisions of the Access Code; or
 - (b) formulating an Alternative Solution to the Deemed-to-Satisfy Provisions that satisfies the Performance Requirements of the Access Code, or can be shown to be equivalent to the Deemed-to-Satisfy Provisions of that Code.
- (5) The Deemed-to-Satisfy Provisions are prescriptive technical requirements within the Access Code that describe one way to satisfy the Performance Requirements. They include reference to technical details found in Australian Standards, such as AS 1428.1 (which is currently the primary Australian Standard covering building access related issues for people with a disability).

2.3 What buildings do the Premises Standards apply to?

- (1) The Premises Standards apply to:
 - (a) new buildings;
 - (b) new work on existing buildings, which can include a renovation or extension to an existing building. In some situations this will also include an affected part of a building – that is the path of travel from the principal public entrance of an existing building to the new work or renovated part of that existing building. (See section 2.1 of the Premises Standards); and
 - (c) an existing public transport building covered by the *Disability Standards for Accessible Public Transport 2002* ('the Transport Standards').
- (2) The Premises Standards do not apply to existing buildings unless they are undergoing new work, renovation or change of use or classification.
- (3) The Premises Standards require that when a building owner submits an approval for new work in an existing building (eg: an upgrade or renovation), then the Premises Standards apply to the area that is being upgraded (the 'new part'), and the path of travel from the principal entrance to the new work (the 'affected part'). Providing an accessible path of travel may involve upgrading the access features of the lift, removing a step into the building at the entrance, upgrading handrails on a ramp or a combination of such measures.
- (4) A concession for lessees provides that a lessee will generally not need to provide a path of travel to the new work (see Part 5, below).
- (5) If building work is being undertaken on existing sanitary facilities that are located within a new part of a building (ie: the part that is the subject of the building approval), then these will need to be upgraded.

However, it should be noted that sanitary facilities that already comply with the 2001 edition of AS 1428.1 need not be increased in size to comply with the 2009 edition of that standard.

- (6) A 'change of use' could be considered a 'new part' of a building if it triggers a building approval. If so, then a person would need to upgrade the areas subject to the 'change of use' application.

2.4 When will the Premises Standards start to apply to building works?

- (1) The Premises Standards will apply from the following dates:
 - (a) if an application for building approval is made to a building control authority on or after [*commencement date*] – from the date that application is made; or
 - (b) if the work is done for or on behalf of a Commonwealth or State instrumentality, and no application for approval of the building work is made to a State or Territory building authority – from the date of commencement of the work on or after [*commencement date*].

Part 3 Relationship to the Building Code of Australia

- (1) The Building Code of Australia (BCA) is a uniform set of technical requirements for the design and construction of buildings and other structures throughout Australia.
- (2) The BCA is given legal effect at State and Territory level by building regulatory legislation.
- (3) The BCA is produced and maintained by the Australian Building Codes Board on behalf of the Australian Government and each of the State and Territory Governments.
- (4) The technical requirements of the Access Code within the Premises Standards are equivalent to those in the BCA (2009). The purpose of this alignment between the Premises Standards and the BCA is that if a building complies with the BCA (2009), it will also comply with the Premises Standards.

Part 4 Scope of the Premises Standards

4.1 Building access matters not dealt with by the Premises Standards

- (1) The Premises Standards do not deal with all matters relevant to access to or use of a building. For example, issues such as the height of service counters, or discriminatory actions of staff in not allowing access to a building, are outside the scope of the Premises Standards.
- (2) If a matter relates to access to premises but is not dealt with in the Premises Standards, then the existing prohibitions in the DDA (particularly section 23 of the Act, prohibiting disability discrimination in relation to access to public premises) will continue to apply for that matter. Complaints on such matters will continue to be processed under the DDA. For example, existing buildings that are not undergoing an upgrade or change of use are not covered by the Premises Standards, so complaints relating to discrimination in their access can still be made under the relevant part of the DDA.

4.2 Buildings and areas of buildings covered by the Premises Standards

- (1) The Premises Standards apply to certain categories of buildings. These are defined in the Access Code, adopting the building classification terms used in the BCA. The Premises Standards do not apply to all buildings covered by the BCA. For example, they do not extend to 'Class 1a' buildings (single dwellings such as detached houses, townhouses or villa units), or Class 2 buildings (residential apartment-type buildings). Descriptions of the different Classes of building can be found in the Access Code.
- (2) The Premises Standards require that access be provided to certain areas of buildings (see Table D3.1 of the Access Code), being areas to which the public and building occupants would normally have access.
- (3) There are some areas of buildings covered by the Premises Standards that are not subject to any access requirements. For example, the Access Code does not require every sole occupancy unit in a Class 3 building (hotel or motel) to be able to be used by a person with a mobility impairment.
- (4) Clause D3.4 of the Access Code details exemptions to the requirements for access for small buildings and particular areas within buildings. These areas include rigging lofts, waste containment areas, foundry floors, staff serving areas behind bars, and loading docks.

4.3 Who do the Premises Standards apply to?

- (1) The Premises Standards give a broad definition of who has responsibilities in relation to compliance with the Premises Standards in the design, construction, certification and operation of premises (see sections 2.2 and 3.1). They apply to people who have responsibilities

in relation to public and private buildings across a wide range of activities, including:

- (a) property developers;
 - (b) property owners;
 - (c) building designers;
 - (d) builders;
 - (e) project managers;
 - (f) building certifiers;
 - (g) operational staff; and
 - (h) building managers.
- (2) The Premises Standards will only apply to a person mentioned above to the extent that the person has responsibility for, or control of, the matters covered by the Premises Standards.

4.4 Maintenance and management of accessways

- (1) The Premises Standards specify how buildings are to be made accessible. The Premises Standards do this (in part) by imposing requirements for the provision of accessways. However, the obligations arising under the Premises Standards continue past the completion of construction of the building. The Premises Standards impose a continuing obligation on those who have responsibility and control of that aspect of the building to maintain and manage accessways so that they remain accessible as required by the Premises Standards.
- (2) If an accessway (or part of an accessway) becomes inaccessible as a result of management or maintenance actions/inactions, those responsible may be subject to a complaint of unlawful discrimination.

Examples:

1. If a building owner or occupier allows a unisex accessible toilet to be used as a storage area, thereby reducing circulation space, there may be grounds for a complaint of unlawful discrimination under the DDA, even though the toilet was built to the required specification.
2. If a building owner or occupier allows overgrown trees or advertising material to impede an accessway, this may also be found to be a discriminatory practice under the DDA.

4.5 Premises Standards as minimum requirements

Nothing in the Premises Standards prohibits someone from providing a greater degree of access than required by the Premises Standards. For example, a building developer or manager may provide more accessible rooms in a motel, or accessible car parking spaces in a carpark than required, or may decide to put in a fixed hearing augmentation system in a room that does not have an inbuilt public address system.

4.6 Innovation beyond the Premises Standards

- (1) The Premises Standards also allow for and encourage innovative

solutions to meet the Performance Requirements through the development of new technologies and through the use of Alternative Solutions, so long as the proposed solution provides equivalent or better access than the Deemed-to-Satisfy Provisions.

- (2) The Premises Standards reference specific editions of AS 1428.1 and other technical documents to meet the Deemed-to-Satisfy Provisions of the Access Code. However, these Australian Standards are regularly updated to take account of new technologies and new ways of doing things. While the Premises Standards will only require compliance with the specific editions of Australian Standards referenced in the Access Code, this would not prevent a building owner from complying with a newer Australian Standard if to do so would satisfy the Performance Requirements in the Access Code.

4.7 Compliance requirements for transport buildings

- (1) Disability Standards have also been formulated under section 31 of the DDA in relation to disability access to public transport. The Transport Standards came into effect on 23 October 2002. The Transport Standards apply to operators of public transport services, and set out requirements for accessibility of the premises, conveyances and infrastructure that are used to provide those services.
- (2) To avoid overlap and duplication of requirements for public transport buildings between the two Standards, relevant requirements for public transport 'premises' previously covered by the Transport Standards have been transferred across to the Premises Standards. These requirements now appear in Part H2 of the Access Code. The compliance timetable previously applying to transport buildings under the Transport Standards has been repeated in the Premises Standards, applying only to premises covered by Part H2.
- (3) The Deemed-to-Satisfy Provisions of Part H2 apply only to the passenger use areas of public transport buildings. The general provisions in other relevant parts of the Access Code will apply to other areas of public transport buildings, such as an office area within a public transport building. The general provisions will also apply to passenger use areas of public transport buildings if those general provisions are not inconsistent with Part H2. However, if Part H2 applies, and the requirements of Part H2 and the requirements of the general provisions are inconsistent, the requirements of Part H2 take precedence.
- (4) An exception is maintained for airports that do not accept regular public transport services – they were excluded from the special requirements of the Transport Standards, and so are excluded from the application of requirements in Part H2. However, the general provisions of the Premises Standards apply to those buildings.

Part 5 Exceptions and concessions

Note: there are also exemptions and concessions in the Access Code – see Clause D3.4, below.

5.1 Unjustifiable hardship

- (1) There may, in exceptional circumstances, be some practical constraints on the extent to which a building standard can account for all possible situations. In some circumstances it may be unreasonable to require full compliance, particularly when undertaking new work on existing buildings.
- (2) It is for this reason that the DDA allows for an exception, reflected in the Premises Standards, for cases of 'unjustifiable hardship'. The effect of section 4.1 of the Standards is that it is not unlawful for a person to fail to comply with the Premises Standards if compliance would impose unjustifiable hardship on the person.
- (3) There is, however, no mechanism in the DDA or the Premises Standards for anyone to give prior approval for non-compliance with any part of the Premises Standards on the grounds of unjustifiable hardship. Decisions about unjustifiable hardship can only be made by a Court following an actual complaint.
- (4) If a person responsible for a building chooses to not fully apply the Premises Standards they would make themselves vulnerable to complaints under the DDA.
- (5) When considering the use of the unjustifiable hardship provisions, no hard and fast rules can be used, as the outcome will depend upon individual circumstances. What is unjustifiable in one situation may not be so in another situation. Reference to recent case law may be a useful source of guidance when considering the use of the unjustifiable hardship provisions.
- (6) The factors a court might consider are listed in the Premises Standards in section 4.1. However, none of the factors should be interpreted as leading automatically to unjustifiable hardship being accepted as applying.
- (7) In some cases, specialist advice may be needed on technical factors, the economic viability of an upgrade or heritage issues.
- (8) Where a person responsible for a building does not provide full and equitable access in an existing building (including heritage buildings) because they believe this would involve unjustifiable hardship, providing no access at all would not be appropriate. For example, while enlarging a lift shaft may not be possible, improving access by upgrading lift controls and providing announcements in lifts may be possible. While it may be too difficult to provide access to a small heritage listed building through the front door, it may be possible to design easier access for all visitors through a rear or side door.

5.2 Acts done under statutory authority

- (1) It is not unlawful for a person to fail to comply with the Premises Standards if a person is acting in direct compliance with a law that has been prescribed in the regulations made under the DDA.
- (2) It is also not unlawful to fail to comply with the Premises Standards if a person is acting in direct compliance with one of the industrial instruments, awards or determinations set out in section 47 of the DDA.

5.3 Lessees

- (1) As set out above, in an existing building undergoing new work, there is a requirement to upgrade the 'affected part' - that is, the path of travel from the principle public entrance of a building to the new work.
- (2) The concession for lessees in section 4.3 of the Premises Standards provides that, if the building applicant for the new work is one of the lessees in the building, there is no requirement for an upgrade of the path of travel from the entrance of the building to the new work.
- (3) So for example, if a lessee applies for an approval for a renovation of level six of an existing multi-storey building, and this approval triggers the application of the Premises Standards, then the lessee would only need to upgrade the area the subject of the building approval. That is, the lessee would not need to provide an accessible path of travel from the entrance of the building to level six.
- (4) If the application for the renovation of level six included renovation of the toilets, then the lessee would be required to upgrade the toilets on level six to meet the Premises Standards requirements (subject to the toilet concession described below).
- (5) This concession recognises that, in most instances, the lessee is not responsible for common areas of the building and requiring them to upgrade the path of travel themselves would be unreasonable.
- (6) However, the concession is not available if the applicant for the new work in any part of the building is the owner of the building or if the lessee occupies the whole building.

5.4 Lift concession

- (1) This concession relates to the floor dimensions of a lift in an existing building. The Premises Standards require the floor space of a lift that travels more than 12 metres to be a minimum of 1400mm by 1600mm.
- (2) This concession means that, in an existing building undergoing new work, where there is a lift travelling more than 12 metres, there would be no need to upgrade the size of the floor dimensions as long as the existing lift was at least 1100mm by 1400mm.
- (3) This concession recognises that the earlier access requirements for lifts under the BCA only required floor dimensions of 1100mm by 1400mm and that rebuilding a lift shaft to house the larger lift floor dimensions could impose an unreasonable cost.

5.4 Toilet concession

- (1) This concession relates to the size and features of existing accessible toilets in existing buildings.
- (2) The Premises Standards require particular features and layout of new accessible toilets including floor dimensions of 1900mm by 2300mm.
- (3) This concession means that, where there is an existing accessible toilet in an existing building that meets the layout requirements and floor dimension requirements of the 2001 edition of AS 1428.1 of 1600mm by 2000mm, there would be no need to increase the size of the facility to meet the new requirements.
- (4) This concession recognises that, where an accessible toilet compliant with AS 1428.1 (2001) is already available, requiring a person to rebuild it could impose an unreasonable cost.

Part 6 Relationship to Australian Standards

1.2 Australian Standards referenced in the Premises Standards

- (1) The Premises Standards make reference to various Australian Standards or specific parts of Australian Standards. These Australian Standards are referenced to provide the technical detail to support the Deemed-to-Satisfy Provisions of the Access Code.
- (2) If there is a difference between the technical requirements of the Access Code and any document referenced in the Access Code, including Australian Standards, the Access Code takes precedence.

1.3 Updated Australian Standards

- (1) The Premises Standards refer to specific versions of Australian Standards. Later and earlier versions of those Australian Standards are not recognised in the Premises Standards.
- (2) Over time Australian Standards are reviewed to take account of new technologies or means of achieving better performance.
- (3) Where Australian Standards are revised to provide more effective or efficient ways of providing access, there is nothing to stop those responsible for buildings to propose using the revised technical specifications as an Alternative Solution. While the Premises Standards will only require compliance with the specific editions of Australian Standards referenced in the Access Code, this would not prevent a building owner from complying with a newer Australian Standard if to do so would satisfy the Performance Requirements in the Access Code.

Part 7 Emergency egress

The Access Code refers to the BCA fire safety provisions relating to the construction of buildings. These fire safety provisions include emergency egress for all building occupants. Therefore, compliance with the BCA fire safety provisions is deemed to be compliance with the Premises Standard in respect of egress for people with a disability.

Part 8 Review of the Premises Standards

- (1) The Premises Standards will be reviewed five years after their commencement, and every five years after the initial review. The review will be convened by the Minister for Innovation, Industry, Science and Research in consultation with the Attorney-General.
- (2) The review will cover the effectiveness of the Premises Standards in achieving their objects, including identification of any necessary amendments to the Premises Standards.

Access Code for Buildings

Part A – General Provisions

A.1 Accessways

- (1) An accessway is a path of travel suitable for use by people with a disability. The Access Code defines an accessway as a 'continuous accessible path of travel' and refers to AS 1428.1 to provide details of what makes a path of travel accessible. An accessway is a key feature of the Access Code and is required to provide access to, into or within buildings for people with a range of disabilities.
 - (a) An accessway must not incorporate any step, stairway, turnstile, revolving door, escalator, moving walkway or other impediment which would prevent it from being safely negotiated by people with a disability. These elements are excluded from an accessway because they may present a barrier or a safety hazard for a person with a disability.
 - (b) The Access Code defines where and in what circumstances an accessway must be provided.

A.2 Classification of buildings

- (1) The use of a building determines its classification. Use is determined on the basis of its design, construction or adaptation.
- (2) The Access Code contains different requirements depending on the classification of a building. The classification of a building, therefore, assists owners/operators to identify what specific responsibilities they have for providing access.
- (3) It is possible for a single building to have parts with different classifications, such as a theatre (Class 9b) with a number of retail shops (Class 6) on the road frontage. A part of a building can also have more than one classification, such as a hotel (Class 6) used as a nightclub (Class 9b). Where there is any doubt about what access requirements a particular part of a building should comply with, the more stringent requirement applies. Where it is unclear which classification should apply, appropriate certification authorities such as Local Government and Building Certifiers have the discretion under State and Territory building control legislation to decide.

Class 1 buildings

- (1) While the Premises Standards do not apply to Class 1a buildings, (typically a detached house, town house or terrace house), they do apply to certain Class 1b buildings used for short-term accommodation such as cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation. This accommodation itself

is typically rented out on a commercial basis for short periods and generally does not require the signing of a lease agreement.

- (2) Short-term accommodation can also be provided in a boarding house, guest-house, hostel or the like. This type of accommodation can often be provided as part of a private dwelling, as with bed and breakfast accommodation. The requirement to provide access to this type of accommodation applies:
 - (a) where there are four or more dwellings on a single allotment which are used for short term accommodation; or
 - (b) where hostel or bed and breakfast type accommodation has four or more bedrooms used for rental accommodation. With this type of accommodation, only the part of the building used by the guests is required to be accessible to people with a disability.
- (3) The Premises Standards do not apply to Class 1b buildings with less than four bedrooms used for rental accommodation or where there are less than four dwellings used for short term accommodation on one allotment. These buildings will continue to be subject to the general provisions of the DDA.

Class 2 buildings

- (1) The Premises Standards do not apply to a Class 2 building (typically a block of residential flats or apartments). These buildings will continue to be subject to the general provisions of the DDA, to the extent that it applies to Class 2 buildings.

Class 3 buildings

- (1) A Class 3 building is typically a hotel, motel, or a larger boarding house or hostel. The Premises Standards require that the common areas on one floor containing sole occupancy units (SOUs) be accessible. Where a lift or accessible ramp serves other levels, common areas on the levels served must also be accessible.
- (2) The Premises Standards also require access to be provided to at least one of each type of room or space used in common by the residents, such as TV lounges and dining rooms. For example, a two storey Class 3 building need not have the upper storey accessible so long as there is no unique room or space available to all residents on the upper storey and that upper storey is not served by a lift or accessible ramp.
- (3) Where more than two accessible SOUs are required in a Class 3 building, they are to be representative of the range of rooms available, taking into account amenity and pricing. For example, in a large hotel required to have ten accessible rooms, the rooms must be distributed to provide a variety of views, proximity to features and price ranges.
- (4) No more than two accessible SOUs can be located adjacent to each other.
- (5) When there is more than one accessible SOU, alternate left and right-handed sanitary facilities must be provided in the accessible

SOU. This ensures the availability of choice for people who, for example, need to transfer from a wheelchair from one side or the other.

- (6) Whilst not covered by the Premises Standards, consideration should be given to ensure that furniture and fittings do not interfere with circulation spaces within accessible SOUs.

Class 5, 6, and 8 buildings

- (1) These classifications typically include offices, shops, cafes, libraries, factories, showrooms and service stations. The Premises Standards require that access be provided to all areas and levels within the building normally used by the occupants, with the exception of those areas that are specifically exempted by Clause D3.4.
- (2) The term “occupants” refers to any person using the building including visitors, employees, employers and owners.

Class 7a carpark

- (1) Access must be provided to any level containing accessible carparking spaces.

Class 9b buildings

- (1) A Class 9b assembly building includes a theatre, concert hall, school, and university or trade workshop.
- (2) Access must be provided to all areas normally used by the occupants with the exception of those areas that are specifically exempted by Clause D3.4. In an assembly building other than a school or an early childhood centre, access need not be provided to tiers or platforms containing seating areas if no wheelchair seating spaces are provided on those levels.
- (3) Wheelchair seating spaces must be provided in locations that are representative of the fixed seating locations provided. Wheelchair seating spaces must be located to take into account amenity, proximity to facilities, available sightlines and pricing. It would not be acceptable in any Class 9b building in which fixed seating is provided to have all wheelchair seating spaces provided in a single location.
- (4) In the case of assembly buildings such as theatres and concert halls, areas used by the occupants include change rooms, offices, orchestra pits, stages or the like.
- (5) Some Class 9b buildings may be public transport buildings. The passenger use areas of these buildings may be subject to Part H2 in addition to the general provisions in the Access Code.

Class 9c buildings

- (1) A Class 9c building is an aged care building. The Premises Standards and AS 1428.1 are focused on the needs of people with a disability and not specifically aged persons. For this reason, the access provisions of AS 1428.1 have not been applied to all SOUs in Class 9c buildings but

only to those specific rooms that are required to be provided for people with a disability.

- (2) The extent of access to be provided in Class 9c aged care buildings is similar to that for Class 3 buildings.

Class 10 buildings

- (1) A Class 10a building is typically a toilet block in a park, a structure for the purpose of providing shelter, or change rooms associated with a sports field.
- (2) These Class 10a buildings are required to be accessible if they are located in an accessible area. Generally, these facilities would be close to a carpark or at the beginning of a walkway. However, in some circumstances, a Class 10a building may be a considerable way into a bush walk where it may not be possible to provide an accessible path of travel. In such cases the Class 10a buildings need not be accessible.
- (3) A Class 10b structure includes a swimming pool. Where a swimming pool is a public pool such as a hotel pool, health centre pool, council pool or a common use pool associated with a Class 3 building, and has a perimeter measured at the water's edge of more than 40 metres, the Premises Standards require at least one form of entry for people with a disability be provided.
- (4) Methods for accessing a swimming pool can be found in Part D5.

Part D3 – Access for People with a Disability

Clause D3.1 General building access requirements

- (1) In general terms the object of the Premises Standards is to ensure that relevant parts of a building and associated buildings are connected by accessways suitable for use by people with a disability.
- (2) There are, however, some limits to the extent of access required depending on the classification of the building. Table D3.1 provides most of the detail of what parts of buildings need to be accessible depending on their classification.
- (3) In addition, D3.4 provides details on exemptions to the requirement for access in particular buildings or parts of buildings.

Clause D3.2 Access to buildings

- (1) This Clause requires accessways to be provided to accessible buildings from the main points of a pedestrian entry at the allotment boundary and from any accessible car parking space or accessible associated buildings connected by a pedestrian link.
- (2) The principal pedestrian entrance is to be accessible in all cases and not less than 50% of all pedestrian entrances, including the principal pedestrian entrance, are to be accessible. In buildings with a total floor

area more than 500 square metres, an inaccessible entrance cannot be more than 50 metres from an accessible entrance. This ensures that situations where people have to travel an unreasonable distance between entrances are avoided.

- (3) Clause D3.4 exempts particular buildings and parts of buildings from being accessible. An entrance that serves only an area exempted by Clause D3.4 need not be accessible.
- (4) The principal pedestrian entrance is required to be accessible in all cases because it would be the most commonly used entrance by all building users. This is particularly important in public buildings where the principal entrance is often used as a focus for events or as a ceremonial entrance, particularly in hotels and theatres.
- (5) Designers should consider the proximity of ramps or lifting devices to stairs or steps at an entrance. People who require a ramp or lifting device at an entrance should not have to travel significantly greater distances to use the entrance than people without a disability.
- (6) Similarly, for convenience, the ramp or lifting device should be located as close as possible to any vehicular drop off point or taxi rank servicing a building entrance.
- (7) Where an entrance has multiple doorways, the Premises Standards do not require all of them to be accessible:
 - (a) If an entrance doorway is manually operated, the minimum dimensions required to provide access must be provided by the opening of a single leaf, so that a person with a disability only has to negotiate their entry through one door leaf.
 - (b) If the doorway is automatically operated, the minimum dimension can be provided using two leaves.

Clause D3.3 Parts of buildings to be accessible

- (1) This Clause contains the requirements for accessways within buildings required to be accessible.
- (2) In most buildings, access is to be provided to all parts of the building normally used by the occupants with the exception of areas exempted by D3.4. However, it is not intended that access for people who use wheelchairs be provided within non-accessible sanitary facilities or non-accessible SOUs.
- (3) Similarly, although stairs are not allowed on an accessway, they are allowed on other paths of travel. AS 1428.1 provides technical information on how stairs are to be made safe and accessible for people with an ambulant disability or vision impairment. All stairs and ramps, excluding those in fire isolated shafts and those leading only to areas exempted under D3.4, must comply with AS 1428.1.
- (4) Passing spaces on accessways ensure that a person does not have to retrace their journey for an unreasonable distance to pass another person if the accessway is not sufficiently wide for passing to occur at

any point. The minimum dimensions for a passing space are contained in AS 1428.1. Space for passing to occur need only be provided where there is not a direct line of sight to the end of the accessway.

- (5) Turning spaces on accessways ensure that a person does not have to reverse for an unreasonable distance if they encounter a dead-end or need to retrace their journey. The minimum dimensions for a turning space are contained in AS 1428.1. Turning spaces are required within two metres of the end of an accessway if it is not possible to continue to travel along the accessway, and at least every 20 metres along an accessway whether or not there is a direct line of sight.
- (6) A passing space may also serve as a turning space and the circulation space required at an intersection of accessways is sufficient for passing or turning to occur. In this situation a dedicated passing or turning space would not be required at those locations.

Clause D3.4 Exemptions

- (1) This Clause provides details on buildings or parts of buildings not required to be accessible under the Premises Standards. Exempted areas include rigging lofts, loading dock, maintenance areas, areas used only for bulk storage, cleaner's storerooms and waste containment areas.
- (2) While the Premises Standards include a list of specific areas exempted from requirements to provide access, they do allow for some flexibility in application of this Clause through the inclusion of the term 'or the like'. Care should be taken to ensure this flexibility is exercised consistently with the objects of the DDA.
- (3) Some storeys or levels, other than the entrance storey, in certain small buildings are not required to be accessible. This exemption applies only to Class 5, 6, 7b and 8 buildings with two or three storeys (that is a building with one or two storeys in addition to the entrance level). This could be a building with one or two storeys above the entrance level or below it. The exemption states that if the size of each storey (other than the entrance level) is less than 200 square metres access is not required to the upper levels. For example, in a three storey office building, if the floor area of each non-entrance storey is less than 200 square metres, those storeys need not be accessible. However, if the entrance level to a three storey building is 600 square metres, the first storey is also 600 square metres and the second storey is only 150 square metres, access would be required to all levels
- (4) While these areas are not required to be accessible nothing in the Premises Standards prevents a designer from providing greater access than the required provisions, should they desire to do so.

Clause D3.5 Carparking

- (1) Table D3.5 provides details of the number of accessible car parking spaces required in a car park, depending on the classification of the building and based on a ratio of the total number of carparking spaces

provided. The specifications for accessible carparking spaces, contained in AS 2890.6, aim to maximise the area available to people with a disability to get into and out of their vehicles. However-

- (a) while at least one carparking space complying with AS 2890.6 is required in any carpark covered by the Premises Standards signage and markings designating an accessible carparking space are only required in a car park with more than a total of five spaces; and
 - (b) accessible car parking spaces are not required in a carpark where carpark users do not park their own vehicles, such as a carpark that has a valet parking service.
- (2) The most appropriate location for the accessible car parking spaces will be, to some extent, determined by the use and function of the building. For example, a carpark associated with a cinema might have the accessible carparking spaces as close as possible to the main pedestrian entrance and ticketing area.
 - (3) It may be more appropriate in a building with multiple pedestrian entrances, such as a shopping centre, to distribute accessible carparking spaces to ensure that the distance between the accessible car parking spaces and the entrances to the buildings are minimised.

Clause D3.6 Identification of facilities

- (1) The amount of signage required by the Premises Standards is limited to particular situations.
- (2) All sanitary facilities must have Braille and tactile signage compliant with the specifications in Part D4 and AS 1428.1.
- (3) In addition all accessible unisex sanitary facilities must have the international symbol of access and information on whether the facility allows for left or right handed transfer.
- (4) Any space with a hearing augmentation system must have Braille and tactile signage as well as the international symbol for deafness at the entry to the space.
- (5) Directional information including the international symbol for access must also be provided at any pedestrian entrance that is not accessible or a bank of sanitary facilities that does not include a unisex accessible sanitary facility. The directional information must identify where the nearest accessible entrance or accessible sanitary facility can be found.

Clause D3.7 Hearing augmentation

- (1) There are a number of hearing augmentation systems available and a decision on which system to use will depend on a number of factors, such as the size and use of the space, external interferences and building materials used.
- (2) Hearing augmentation coverage is not required to 100% of the floor area of rooms for the following reasons:

- (a) Such coverage could spill over into adjoining rooms and affect the operation of the system installed in those rooms.
- (b) Design considerations such as interference and building design mean that it is difficult to ensure 100% coverage in any room.

Clause D3.8 Tactile indicators

- (1) Warning Tactile Ground Surface Indicators (TGSIs) are intended only to be used for specific hazard identification in those areas identified within the Premises Standards in D3.8. This includes:
 - (a) at the top and bottom of stairs, escalators and ramps except those only leading to areas exempted under D3.4; and
 - (b) where there is an overhead obstruction less than two metres above the floor along the pathway, in the absence of a suitable barrier that would prevent a person from hitting the overhead obstruction.
- (2) Clause D3.8 permits raised dome buttons on handrails as an alternative in some aged care buildings. The reason for the alternatives in aged care buildings is that ground surface indicators may hinder people using walking frames or the like. It also excludes tactile indicators for kerb and step ramps because of the danger of slipping on tactile surfaces on a slope.
- (3) Note that TGSIs are not required on enclosed landings between flights of stairs where no other entrance/exit leads onto/off the landing.
- (4) The specifications for TGSIs are contained in sections one and two of AS 1428.4.1.

Clause D3.9 Wheelchair seating spaces in Class 9b assembly buildings

- (1) This clause contains the number of wheelchair seating spaces to be provided in theatres, cinemas and the like, their positioning within the general seating area and how they are to be grouped with other seats or wheelchair spaces. The size of wheelchair seating spaces is contained in AS 1428.1.
- (2) Grouping all wheelchair spaces together potentially limits the seating options for family or friends accompanying a person using a wheelchair, so requirements are included that spaces be provided both singly and in groups.
- (3) Wheelchair seating spaces may be provided by having removable seats so that, if the wheelchair spaces are not required, seats for other patrons can be installed in those locations.

Clause D3.10 Swimming pools

- (1) Table D3.1 requires that swimming pools with a perimeter greater than 40 metres be accessible if they are associated with a building required to be accessible. Private swimming pools are not required to be accessible. This clause, in conjunction with Part D5 describes how swimming pools are to be made accessible.

Clause D3.11 Ramps

- (1) Ramps may be used as part of an accessway where there is a change in level. The ramp must comply with the requirements specified in AS 1428.1 including a maximum gradient, landings, TGSIs, handrails and kerbing, as appropriate for the type of ramp.
- (2) A ramp cannot be used on an accessway to connect one level to another if the vertical rise is greater than 3.6 metres. This is to ensure that the ramp does not cause undue fatigue for a user to the point where the ramp becomes unusable.
- (3) Where a ramp is installed on a path of travel used solely for servicing an area exempted under D3.4 the requirements of AS 1428.1 are not mandatory.

Clause D3.12 Glazing on an accessway

- (1) This Clause requires there to be a contrasting strip, chair rail, handrail or transom across all frameless or fully glazed doorways and surrounding glazing capable of being mistaken for an opening. A contrasting strip with a series of dots, unconnected patterns or shapes that do not provide high levels of contrast would not meet the requirements of this Clause.

Part D4 – Braille and tactile signs

- (1) This Part provides details of the requirements for Braille and tactile signage for use when required by Clause D3.6.
- (2) Note that the Braille signage used must be grade 1 Braille (uncontracted).

Part D5 – Accessible water entry/exit for swimming pools

- (3) This Part describes the options for making swimming pools accessible.
- (4) The term 'zero depth entry' is used to describe entry into pools that provides a gentle gradient into the water not exceeding 1:14.
- (5) A platform swimming pool lift consists of a platform onto which an aquatic wheelchair is wheeled. The platform is then raised, positioned over the water and then lowered into the water.
- (6) A sling-style swimming pool lift is used directly from a wheelchair. The person in the wheelchair may position themselves into the sling when detached from the lifting device. This allows the person to transfer by the poolside or in the privacy of a changing area. The sling is then attached to the lifting device and the person is then transferred into the pool without their wheelchair.

- (7) An aquatic wheelchair is designed to be used and immersed in water and is usually constructed of plastic or a similar material that does not react adversely when exposed to water.
- (8) Clear space is required around swimming pool lifting devices to enable the user to transfer and for the device to operate.

Part E3 – Lift installations

Clause E3.6 Passenger lifts

- (1) This Clause provides information on limitations to the use of various types of passenger lifts in certain situations. It also provides information on the size of lift cars and platforms, the application of features such as lighting, door opening widths, handrails and audible and visual information to specific lift types.
- (2) The floor plate size of low-rise lifts are limited to those sizes specified in the applicable Australian Standard and generally are 810 mm x 1200 mm or 1100 mm x 1400 mm depending on the type of lift.
- (3) New lifts that can travel beyond 12 metres are required to have a larger lift floor plate size of 1400 mm x 1600 mm.

Part F2 – Sanitary and other facilities

Clause F2.2 Calculation of number of occupants and fixtures

- (1) This Clause provides information on how to determine the number of sanitary facilities required for any particular building.
- (2) Note that in calculating the number of sanitary facilities required, a unisex accessible sanitary facility may be counted as one for each sex. For example, if a building is only required to have one male and one female sanitary facility, the provision of a single unisex accessible facility would fulfil the requirements for that building.

Clause F2.4 Accessible sanitary facilities

- (1) This Clause refers to Tables F2.4(a) and F2.4(b) to determine the numbers of accessible sanitary facilities, and AS 1428.1 for details of the construction of accessible facilities. This clause also requires sanitary compartments suitable for use by a person with an ambulant disability to be provided in certain circumstances.
- (2) Note that where two or more of each type of unisex accessible sanitary facilities are provided in a building, the number of left and right handed mirror image facilities must be provided as evenly as possible. This is required because some people transfer from their wheelchairs from the right hand side and some from the left.

Table F2.4(a) Accessible unisex sanitary compartments

- (1) This table provides information on the provision of accessible unisex sanitary compartments, commonly referred to as unisex accessible toilets.
- (2) Unisex accessible sanitary compartments are required on each storey where sanitary compartments are provided. If the male or female toilets are located separately and not in a single bank then the unisex accessible toilet is only required at one of those banks. However, clear directional information about the location of the closest unisex accessible toilet must be provided. If there are multiple banks containing male and female sanitary compartments on a storey, there must be a unisex accessible sanitary compartment at not less than 50% of those banks.

Table F2.4(b) Accessible unisex showers

- (1) This table provides information on the provision of accessible unisex shower facilities in buildings where showers are provided.

Part H2 – Public transport buildings

- (1) This Part specifically relates to buildings associated with public transport services such as railway stations, bus interchanges, airports and ferry terminals. However, as under the Transport Standards, the requirements in this Part will not apply to 'airports that do not accept regular public transport services'.
- (2) These requirements were previously located in the Transport Standards and have now been transferred into the Premises Standards.
- (3) All Access Code related requirements (ie within the scope of the Premises Standards) have been transferred from the Transport Standards to the Premises Standards without reducing or increasing the current requirements. The compliance timeframe has also been transferred into the Premises Standards to apply to these buildings.
- (4) Note that the versions of Australian Standards referred to in Part H2 may be different to those referred to in the remainder of the Access Code. The correct version of the Australian Standard to be used can be determined by checking Part A3, Table 1.