

17 May 2009

Committee Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs

RECEIVED SM
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BY: LACA

By email to: laca.reps@aph.gov.au

Re: Submission to the Inquiry into the draft Disability (Access to Premises - Buildings) Standards

Hello, my name is Anne-Marie Howarth, and I drive around in circles.

I have been a manual wheelchair user since an accident in 2005. I live on a steep hill, I need a car to go anywhere, I need to park to arrive anywhere.

If 10-13% of all vehicles in Australia have a disability parking permit of some kind, why is there such a gap between this and the parking percentages defined in the Australian Standards?

I drive to the shops, drive around in circles, drive home again and order pizza. I ask strangers to push me to where I need to get to, to move my car for me when I can't return to it, to help me up gutters and down stairs.

I have repeatedly spoken with councils and shopping centres and contested parking fines in court. A friend told me the other day that I can't sue the world. He's right. I don't have the energy. I look to this committee to implement a standard on behalf of those of us who don't have the energy, so we can get on with our lives.

1. Scope of Disability Standards Review

A review of the draft Disability (Access to Premises - Buildings) Standards is not complete without a review of the Australian Standard for *On-street parking AS 2890.5 Section 4.5 – Parking for People with Disabilities*.

All new development and redevelopment approvals by State and Local Government must give consideration to the streetscape and adequacy of parking and access from the street, given that, in most cases it will be unlikely that the building itself will provide sufficient parking for all users.

1.1 Assessing the aggregate of on and off-street parking

Changes to AS 2890.1 *Off-street car parking* directly impact the On-street requirements.

General requirements for on-street parking, as articulated in AS 2890.5 Section 4.5.1 state:

"A guide to the proportion of car parking spaces which should be provided for people with disabilities in a parking zone, taking into account the aggregate of both on-street and off-street spaces available in the locality, is given in AS 2890.1".

Any such guide would need to be included in *Section 6 of AS2890.1 Off-street carparking for people with disabilities*.

In practice, when following this standard, local governments assess the quantity of off-street parking available when assessing requests for on-street parking. When making this assessment, consideration should be given to the cost charged for the off-street parking. If this cost is prohibitive, the off-street parking becomes as inaccessible as any other parking. When calculating the aggregate of off and on-street parking, the cost of the off street parking should be considered, and ideally the aggregate would only take free parking into account. This needs to be clearly articulated in the standards.

1.2 Standards for on-street parking

On-street parking space design requirements, as articulated in *AS 2890.5 Section 4.5.2 (c)* state:

“(c) Space width—parallel parking

Parallel parking spaces shall not be marked as disabled spaces, nor included in the count of spaces available for people with disabilities unless-

(i) a 3.2 m wide space can be provided, e.g. by indenting the space into the footpath area; and

(ii) kerb ramps as shown in Figure 4.2(a) are also provided”.

What measures can be undertaken when the existing streetscape doesn't allow for parking that will meet the above standards? For example, when residents are living on streets that are particularly narrow, or shops or government services are on steep hills.

The City of Sydney Council has not approved a request for a residential disabled parking spot in more than 12 months, as they have been unable to comply with the Australian Standards.

In a recent request to the City of Sydney Council for a disabled parking space on a major shopping strip, the following response was provided by the Lord Mayor:

“The current Australian standards for parallel kerb-side parking require a width of 3.3 metres and 6.7 metres for all disabled parking spaces. This includes provision for a kerb ramp at one end, either at the front or at the rear of the parking space.

The City has considered how parking for people with disabilities can be made compliant with the Australian Standards. As you are aware, the City has very narrow streets and narrow footpaths and significant gradient issues. There are only two ways that these parking spaces for people with a disability can be made compliant. This would involve a reduction in width of either traffic lanes or footpath, neither of which is desirable for safety and amenity reasons”.

There must be a clearly articulated process of how to assess requests for accessible on-street parking, including a requirement to physically conduct an assessment of the site and the potential options available. If it is still found that suitable options are not available, there needs to be a mechanism to allow for a modification or exception to the standards, should the requestor find this appropriate, so designated parking can be provided.

This may raise concerns of safety and potential litigation but it is never good enough to do nothing. If a resident becomes disabled, and a council refuses to install a designated space due to an inability to comply with the standards, the resident will still park outside their house, or further away, as the space will not always be available, and ultimately will suffer more hardship and **undertake greater risk as a result of inaction.**

2. Access Panels

The proposed scope of the Access Panel described in the Model Process should be extended to cover matters relating to on-street parking of the sort described above.

Access panels in major cities should have state and local government input. The "Person Competent in Access" on these panels should be independent of state and local government.

3. Local Government audits of adequacy of on-street parking

3.1 Audit Regularity

Regular independent audits (5 yearly) funded jointly by State and Local Governments should be held to assess the supply and demand of accessible parking and access to buildings. Regular audits are required due to demographic changes, such as population growth and the ageing population.

3.2 Audit Validity

In recent years, both the City Councils of Canberra and Melbourne have performed audits of the adequacy of on-street accessible parking in the city. Rather than comparing supply with demand, both Councils compared supply to the Australian Standard and found the levels of parking to be adequate.

It needs to be clearly articulated that the standards on supply of parking are a **minimum**, and any audits of adequacy of supply **must consider demand**, and the consequences of demand not met.

The mechanism for calculating demand should also be articulated as the percentage of disabled parking permit holders compared to all registered vehicles. This information can be provided by state regulatory authorities. Where appropriate, more specific statistics could be applied using postcodes.

3.3 Case Study

The City of Sydney Council is also planning an audit.

1. In Sydney there are 88 designated accessible parking spaces in the CBD¹.
2. On an average day, almost 500,000 vehicles enter and leave the City either as through traffic or with origins or destinations in the City².

¹ City of Sydney Council:
<http://www.cityofsydney.nsw.gov.au/AboutSydney/CBDDisabledAccess/AccessibleParkingSpaces.asp>

3. In NSW in 2004, mobility parking scheme holders amounted to 13% of the 2 million vehicles on the road³.
4. On-street kerbside parking in the city centre is estimated to be nearly 4,000 spaces during business hours⁴.
5. An anonymously funded study by Transport and Traffic Planning Associates (TTPA)⁵ in 2007 found that there were 1,200 cars daily on the city streets displaying mobility parking permits.

While the TTPA study focussed on abuse of mobility parking permits, this figure is not surprising. If only 10% of the 500,000 drivers entering the city every day stopped to park, and only 10% of those drivers held mobility parking permits, there would still be a demand for more than 5,000 accessible parking spaces.

However, if the City of Sydney, in undertaking an audit, followed in the footsteps of Melbourne and Canberra, and compared the percentage of designated accessible spaces to the total number of on-street parking spaces available (ie, 88/4000 or approx. 2%), and then compared this with the Australian Standard requirements, they too, along with Melbourne and Canberra, could determine that no further action is required.

In August 2008 I attended a forum held by the NSW Department of Premier and Cabinet held in the Governor Macquarie Tower in the Sydney CBD. The forum was focussed on how to increase the number of people with disabilities working in the NSW public sector. One theme which was repeated throughout by the forum's participants was the need for parking. I drove into the city to attend this session and parked several city blocks away, knowing that I couldn't get there or back without the assistance of strangers. At the end of the conference, I found myself leaving the building with a powered wheelchair user. He was kind enough to tow me most of the way back across the city.

We are out there every day, trying, and coping with the continual uncertainty that we'll actually be able to arrive at our destinations. Destinations such as our workplaces, shopping centres, hospitals and universities.

This committee has the responsibility to endorse a standard that reflects reality and that reality is that more than 10% of vehicles have disabled drivers or passengers.

Until an appropriate standard is enacted, we will continue to drive around in circles.

Anne-Marie Howarth

² Sustainable Sydney 2030, City of Sydney Strategic Plan, Final Consultation Draft, City Strategy, Integrated Transport for a Connected City, Supporting Information, 2008.

http://www.cityofsydney.nsw.gov.au/2030/documents/strategy/03_TRANSPORT.pdf

³ Physical Disability Council of NSW citing NSW Roads and Traffic Authority, Feb 2004.

<http://www.pdcnsw.org.au/archive/04/eligibility.html>

⁴ Pg 2, City of Sydney - Central Sydney On-Street Parking Policy 1996

<http://cityofsydney.nsw.gov.au/development/Documents/PlansAndPolicies/Policies/OnstreetParkingPolicy.pdf>

⁵ Mobility Parking Scheme Authority's Assessment of Misuse in the Sydney CBD Area - Transport and Traffic Planning Associates 2007 <http://www.smh.com.au/pdf/permits.pdf>