

Submission No 19RECEIVED  
24 FEB 2009  
BY: LACA

The Committee Secretariat

**Draft Disability (Access to Premises - Buildings) Standards 2009**

Dear Sir

After having reviewed the proposed amendments to the DDA I provide the following comments from a building certifiers perspective.

The application of the provisions in relation to new buildings is quite straightforward in relation to the deemed to satisfy provisions as they can be simply provided for at the design and certification stage. The issue becomes more complex if an applicant chooses to use an alternative solution to satisfy the performance objectives of the Building Code of Australia.

The process in following the alternative solution provisions would more than likely be undertaken in accordance with Clause A2.2 of the Building Code of Australia and rely on the advice and recommendations of an access consultant who is considered as being appropriately qualified.

The report prepared by the consultant is then accepted by the Principal Certifying Authority as evidence that an alternative solution will be satisfactory and at least equivalent to or better than the deemed to satisfy provisions,

The problems with such a process are twofold in that there are currently no specific criteria that have been endorsed or adopted in relation to a person being an "expert" or appropriately qualified in this particular field and there is currently no protection for a Principal Certifying Authority who accepts the alternative solution on the basis that it is a specialist field and the consultant professes to being appropriately qualified.

On that basis I believe that a clear definition of appropriately qualified person is necessary and a level of protection be provided for a certifier who accepts an alternative solution in good faith based on their consultants' recommendations.

Such a process is currently available within the Environmental Planning and Act which utilises Part 4A Compliance Certificates as a means of placing the onus of responsibility and/or liability at the feet of the consultant who devised the alternative solution.

The "unjustifiable hardship" provisions require far greater clarity in relation to existing buildings as the draft has failed to capitalise on this opportunity to address many of the past problems that have continually confronted certifiers and the practical application of many of the suggestions require further review.

The lack of any certainty or protection afforded by granting a concession under the unjustifiable hardship provisions has retained the status quo which from a practitioners perspective required clearer and more concise guidelines that would provide a certifier with a greater degree of confidence and protection when endorsing such a variation.

In relation to the proposed requirements for alterations and additions the draft appears to have overlooked one of the main restrictions to upgrading work which is the existing structural fabric of the building. The location of structural columns, walls and service shafts etc. often limits the extent that a building can be altered to achieve the improvements to circulation space and access ways to the degree that is being proposed.

The numerous buildings that pre-date the 2001 Australian Standard 1428.1 would appear particularly disadvantaged and it would be disappointing if imposing such standards on these buildings prevented improvements and upgrading work from being undertaken that would generally benefit all occupants of the building.

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A recent example that I encountered were the constraints encountered with a pre-tensioned concrete floor slab within a commercial premises that prevented a 1 in 14 ramp from being installed within that level of the building.

This is also the opportune time to review any anomalies that currently exist in relation to interpretation issues within the Australian Standards and the Building Code of Australia such as 10.2.10 (c) of AS 1428.1 that in certain circumstances requires a door to a WC to be capable of being removed from the outside whereas in the same circumstances Clause F2.5 of the Building Code of Australia only requires a clear space of 1.2m between the closet pan and the nearest part of the doorway.

Yours faithfully

**Stephen Huntington**