

**City of Sydney**

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BY: LACA

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Committee Secretary  
House of Representatives Standing Committee on Legal and Constitutional Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

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

Dear Sir/Madam,

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

The City of Sydney is pleased to provide a submission to the inquiry into the Draft Disability (Access to Premises - Buildings) Standards. The extension to the deadline for providing submissions to this important document was also appreciated.

It is very pleasing to see that after many delays these new standards are again set to be adopted. Along with Australia's ratification of the United Nations Convention on the Rights of People with a Disability and the changes to the Disability Discrimination Act this is an important time to move forward on these issues.

Like the commonwealth government, the City of Sydney is committed to the inclusion of people with a variety of disabilities throughout all parts of civic, social, educational, recreational and economic life. These new standards, once adopted, will assist all of us to ensure that this happens in a mainstream, systematic and holistic way.

The City of Sydney recognises that community diversity is of enormous value. The improvement of access to the built environment is central to increasing participation of a growing segment of the community. The City of Sydney also recognizes that the improvement of access for people with a disability improves amenities and facilities for people in other sectors of the community such as the aged and parents with prams.

For your reference, the City of Sydney's Inclusion (Disability) Action Plan 2007 - 2011 is available on our website [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

Should you wish to speak with a Council officer about this submission, please contact Joanna Nicol, Inclusion Project Co-ordinator (Disability) on \_\_\_\_\_ or at \_\_\_\_\_

Yours sincerely

**GARRY HARDING**  
Acting Chief Executive Officer

*city of villages*



**Submission to the Legal and Constitutional  
Committee regarding the Draft Disability (Access to  
Premises - Buildings) Standards**

**City of Sydney Council**

**March 2009**

## **Introduction**

The City of Sydney appreciates the opportunity to provide comment on the Disability (Access to Premises - Buildings) Standards. This is an important document for a variety of sectors of the community and an increasing number of Australians with a disability and an ageing population. It also provides an important opportunity to align operational standards with the goals and objectives of the government and community. This includes the implications arising from the ratification by Australia of the United Nations Convention on the Rights of People with a Disability as well as the Optional Protocols that Australia adopted as part of that Convention.

Recent figures published in the National Disability Strategy Discussion Paper indicate a largely untapped resource that can be opened up by enabling more complete participation by people of all abilities. In addition, the City's experience would suggest that many people who do not directly identify as having a disability benefit from the provisions of accessible facilities.

Our comments to the Draft Disability (Access to Premises – Buildings) Standards are as follows:

### **1. General Comments**

#### **a) Further clarification needed**

As a certifying authority, the City is also keen to see that clarity and consistency are achieved wherever possible within these Standards and between these Standards, the *Disability Discrimination Act* and the Building Code of Australia. It appears that further definition and some clarification may be required within the Standards themselves, particularly in relation to interpretation of the Standards.

In addition, there is very little in the way of guidelines as to the appropriate interpretation of the Standards. The City would urge the Committee to recommend further written clarification be provided as to appropriate interpretation of the adopted Standards and widespread training to be provided.

While on the subject of interpretation the City of Sydney would recommend the inclusion of additional diagrams where appropriate. This would assist in maintaining correct and consistent interpretation throughout the building process.

#### **b) Unjustifiable Hardship**

As they are outlined in Section 4 of the Draft Disability (Access to Premises -- Buildings) Standards, it is somewhat disappointing to see how broad the provisions for potential unjustifiable hardship claims are. Given the Commonwealth's commitment to these issues, it seems it will be difficult to achieve ongoing and consistent improvement in access to buildings. This will be important given the

proportion of the population that are affected. This proportion will increase with an ageing population.

The development of buildings and the renovation of existing buildings provide the best opportunity to improve the consistency of accessibility for people with a disability, regardless of the building's use over time. Committing to these processes will assist us in meeting our commitments under the UN Convention on the Rights of People with a Disability, as well as improving amenity and opportunity for a broad cross-section of the community. This is particularly true in relation to the opportunity to apply for an exemption on the basis of the costs of providing access. The City believes that the provision of access should be considered, in the vast majority of developments, as one of the expected and automatic costs because of the potential increased business opportunity that it will provide.

Additional consideration should also be given to the development of heritage-listed buildings or to those in conservation areas. As the Committee would no doubt be aware, there are many countries where their heritage is much older than our own and many innovative and heritage sensitive alterations have been made to buildings to provide access for people with a disability, to ensure equity of access. In the City of Sydney, this has recently become more of a concern and while there may be instances where a building's heritage significance prevents the provision of any access, it is our experience that this is rare and must be discouraged.

## 2. Section specific comments

In regards to comments relating to other specific sections of the Draft Disability (Access to Premises - Buildings) Standards, the City of Sydney offers the following comments:

The City of Sydney is pleased to note the commitment within **Part 5** of the Draft Disability (Access to Premises - Building) Standard to conduct a review of the effectiveness of the Standard and its application after 5 years. The City urges all parties to ensure that this review is planned ahead of schedule, clearly defined, thorough, consultative and independent. Likewise it will be important to consider commitments made under other national policies and legislation as well as international conventions.

**Section 2.1 subsection 2** refers to the scope to which these Standards apply to Class 10 buildings and includes two notes. The City believes that further clarification is required as to whether Note 2 applies only to that section or is intended to apply to the whole document. This is particularly the case given the breadth of people who will be trying to interpret this important document.

Also in relation to the specific interpretation of **luminous contrast**, the City of Sydney would recommend that the Committee seek to ensure that measurable aspects of the Access Code are easy to interpret and execute for anyone seeking to apply the Access Code. Research into the most effective methods of testing for luminous contrast is needed to help ensure consistency.

In relation to the building classifications given under **Section A4.1, subsection (b)** the City urges the Committee to reconsider why the 2009 draft of these Standards appear to exempt the Class 1b buildings if they have fewer than 4 dwellings.

Particularly in the case of new developments, the City believes that this exemption might be unnecessary. The City urges the committee to recommend that, in the case of new developments, regardless of size, at least 1 unit should be accessible as was recommended in the 2004 draft Disability (Access to Premises - Buildings) Standards.

Being able to travel as a tourist with a disability, or to conduct business and have some sense of security about standards of accessibility in accommodation will enable more inclusive practices to be incorporated within the daily lives of all Australians. It will help Australia meet the goals set out in the UN Convention on the rights of people with a disability. In addition, as a world-class tourist destination there is a strong business case for ensuring that short stay accommodations of all types incorporate the needs of an increasing segment of the population who need some level of accessibility. This will also include an increasingly mobile ageing population.

As the Committee would no doubt be aware, accessible facilities, infrastructure and information have a range of often-unforeseen benefits to other sectors of the community such as families with small children, those from a non-English speaking background, as well as those with more apparent impairment. All these groups will have a viable interest in making use of a Class 1b building at some stage, and must be accommodated.

Within **Part DP 1**, relating to the performance requirements of access and egress to buildings, there appear to be some instances where there are typographical errors. We understand this section to be intended to read:

"Access must be provided, to the degree necessary, to enable:

- (a) approach to the road boundary and from any accessible car parking spaces associated with the building; and
  - I. approach to the building from any accessible associated building; and
  - II. access to work and public spaces, accommodation and facilities for personal hygiene; and
- (b) identification of accessways at appropriate locations which are easy to find."

The City believes that it would be beneficial for the committee to recommend that research be undertaken so that the effective emergency communications could be provided to those who are deaf or hearing impaired in future revisions of these Standards. This would mean that the second limitation, listed under performance measure DP9, would not be necessary so that all people regardless of disability could be notified of an emergency.

**Part D3** relates to the deemed-to-satisfy provisions for Class 10a buildings. The City of Sydney seeks to have some provision of accessible showering facilities included along with accessible change room facilities. The provision of such showers has been a request made to the City of Sydney on several occasions.

In relation to the specifications required for access to and from **swimming pools**; the addition of a definition and measurement for "slip-resistant" would be useful.

### **3. Conclusion**

The City of Sydney shares the Government's clear commitment to the inclusion of people with disabilities into all aspects of Australian life. During 2007-2008 the City developed its Inclusion (Disability) Action Plan 2007-2011 to guide it in the inclusion of people with disabilities in all aspects of City life. One of the objectives is to ensure that such "inclusion" becomes a mainstreamed and automatic part of our activities.

The City of Sydney's Inclusion (Disability) Action Plan 2007 -- 2011 is available on the City's website: [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

Two of the key principles guiding the City's Action Plan read: "The City seeks to remove existing barriers wherever possible" and, "The City seeks to be guided by universal design principles within the built environment". We also recognise that improving accessibility for people with disability improves amenity for many people.

Once again the City of Sydney appreciates the opportunity to comment on this important document and wishes the Committee well in its deliberations. Should you wish to discuss this submission further please contact Joanna Nicol Inclusion Project Coordinator Disability on \_\_\_\_\_ or by e-mail at \_\_\_\_\_