

Submission No 56

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

RECEIVEDSM
12 MAR 2009
BY: LACA

Dear Sir/Madam,

Subject: Inquiry into the Draft Disability (Access to Premises – Buildings) Standards

I am pleased to see that the draft 'Premises Standard' has, after many years of stagnation waiting for its formal commencement, been enlivened by the Parliamentary committee hearing.

Although the community has forgone many years of new buildings being constructed with enhanced access features through the draft Standard, it is encouraging that the Premises Standard will now be progressed through the Inquiry process.

It is hoped that the draft Standard will be introduced promptly to ensure that our built environment is provided with access features to benefit the whole community.

I have reviewed the documentation available on the Parliamentary website including the three draft Australian Standards that were issued late in the exhibition process. My comments, suggestions and recommendations are provided in the attached 'submission'.

Although the draft Premises Standard provides greater level of accessibility in buildings than what currently exists, there are a number of provisions of the previous draft Standard that have been removed or decreased which, I believe, is a backward step in terms of ensuring that a larger range of buildings are made accessible. This issue is highlighted and discussed further in my submission.

A further point that I wish to make is the aspect relating to 'universal access' rather than using the term 'access for persons with disabilities'. All buildings should be designed and constructed in such a way as to make them fully and easily accessible to all people including features that ensure buildings are provided with safe and convenient access for all occupants and visitors.

There are numerous aspects of the draft Australian Standards, particularly AS 1428.1 that have design elements which not only benefit persons with disabilities but also provide a significant benefit to the broader community. It is therefore considered that the Building Code of Australia should incorporate

many of the design provisions of AS 1428.1. The Australian Standards should also be amended to place less emphasis on access for persons with disabilities and greater focus on standards for 'universal access'.

As a practising building surveyor working within a major city council (the City of Sydney) I have encountered many issues associated with general access in buildings and also within the public domain spaces. I therefore hope my submission is beneficial to the Committee in its deliberations and consideration of the draft Premises Standard.

Should the Committee require additional information or wish me to clarify or expand on any of the matters raised, I would be happy to attend the public hearing in Sydney to answer any questions the Committee may have.

Yours faithfully

Peter Conroy

12 March 2009

Submission

1.0 Summary

The draft Premises Standard contains many sound provisions to enhance access to and within buildings including facilities for persons with disabilities.

The proposed changes will have a significant and beneficial impact on the community as whole by providing safer and more convenient access to buildings. The proposed changes will also have a significant positive impact on the aged community in addition to the access sector by making building access more convenient and safer. This is a significant factor that has not been sufficiently highlighted in the documentation issued as part of the Inquiry process.

The proposed changes will also have long-lasting positive impacts therefore the draft Standard and the draft Australian Standards are generally supported, subject to a number of issues being addressed as set out in this submission.

There are several aspects of the draft Premises Standard that I believe are inadequate and require greater attention and reconsideration not just in relation to people with disabilities but also for the broader community including elderly members of the community.

Finally, it would be beneficial and appropriate to see a change in the focus of building code and the Australian Standards to better address the needs and standing of people with disabilities by moving away from the focus of building design being associated with 'people with disabilities' to a more broader objective and terminology of 'universal access' which benefits everyone.

1.1 Key points

There are two key aspects of the draft Premises Standard that I believe require further reconsideration. They are:

1. To exclude Class 2 buildings from the Premises Standard is a poor outcome and will have long-lasting impacts on the availability of convenient, safe and accessible residential accommodation for the whole community; and
2. To exclude Class 5 and 6 buildings, and very importantly public-type Class 6 buildings such as restaurants, cafes, bars etc, which do not exceed 3 storeys and have floor areas less than 200 square metres will significantly affect access and availability of choice within the disability sector.

It is considered that Class 2 buildings should be included in the Standard as this form of residential accommodation is increasing in all state and territory

capital cities and it is essential that these buildings are accessible, at least in part.

There are broad access benefits to the whole community and not just the disabled sector that should be considered for Class 2 buildings. These factors do not appear to have been adequately considered in the re-draft of the initial Premises Standard.

1.2 Recommendations

To address the issues raised and to improve the Premises Standard and the Australian Standards the following changes recommendations are suggested:

1. Include all Class 2 buildings in the Premises Standard to require access to at least the ground floor and also to all common areas where located above or below an accessible ground floor. (2.1.1)
2. Review the current BCA classification system to address the issue of Class 2 buildings being used as Class 3 buildings (tourist/business accommodation). (2.1.2)
3. Require all parts (floors) of Class 6 buildings located above or below the ground floor and which have a floor area of more than 100 square metres to be accessible. (2.1.3)
4. The hearing augmentation parts of the Code should be expanded to require specific passive design features at service counters and reception desks to improve acoustic quality. (2.1.4)
5. Require all or at least a minimum percentage of service counters and reception desks in 'public-type' buildings to be accessible in accordance with the provisions of Clause 24 of AS 1428.2. (2.1.5)
6. Include clear and prescriptive provisions to address surface finishes in public areas of buildings and in accessways to improve safety. (2.1.6)
7. Provide a clear definition or design criteria for 'slip-resistance' of surface finishes. (2.1.6)
8. Give further consideration to the design of accessways to accommodate mobility scooters for the aged and ambulant community including the provision of ramps and pathways to all Class 2 buildings and specifically to residential dwellings associated with retirement villages and housing for people with disabilities. (2.1.7)
9. Review parts of the draft AS 1428.1, specifically step ramps, luminance contrast, floor finishes and sanitary facilities (provision of a detailed single diagram). (2.2.1, 2.2.2, 2.2.3 & 2.2.4)

10. Investigate the feasibility of making the access provisions of the BCA and the access Standards more widely and freely available to the broad community and specifically to property owners and business proprietors to provide assistance to these groups in improving and maintaining access to and within buildings. (2.3)
11. Review parts/clauses in the BCA to better address the additional design requirements set down in the Australian Standards for access i.e. incorporate some of the specific provisions of the Standards directly within the relevant BCA provision or alternatively reference the specific clause of the Standard against the BCA provision. (2.4)
12. Amend the heading of Part D3 to 'Access to buildings' to more clearly identify that the provisions of this part apply to general building access which benefits the whole community rather than one sector i.e. the disability sector. (2.5)
13. Implement, with the assistance of the state and territory administrations, a broadly based awareness, education and training program for the building design, construction and building regulatory sectors to ensure the effective implementation of the new access provisions. (2.1.8)
14. Give further consideration to address some of the provisions within the Protocol to refine its application particularly relating to changes to existing buildings and allow for performance-based building solutions for new buildings be dealt with through the current system permitted under Part A0 of the BCA rather than through access panels. (3.0)
15. The Commonwealth work with local authorities and the states and territories to develop a common manual or guidelines to address the design of public places, particularly footway design and street (footway) lighting systems, to provide safer accessways for the whole community including persons with disabilities. (2.2.6)
16. The Commonwealth (through the ABCB) immediately commence work on developing acceptable standards to address evacuation systems and personal safety of people with disabilities during building emergencies. (2.1.9)
17. That an additional clause be included in Part D3 of the BCA to clearly prescribe minimum requirements for artificial lighting systems along external accessways to buildings including external stairways rather than relying on or referring to AS 1680. (2.1.10)

2.0 Specific observations and comments

2.1 Draft Premises Standard

2.1.1 Access to multi-unit residential buildings (BCA Class 2 buildings)

It is very disappointing to note that these buildings have been excluded from the Premises Standard. As a result of State planning strategies in NSW to accommodate growing populations in urban centres, a significant number of people within NSW will be accommodated in multi-unit residential buildings in the future. This trend is likely to be repeated in other capital cities of the states and territories.

These types of buildings are more likely to service rental accommodation needs and therefore, unlike single dwelling housings, will be associated with a 'public use'. It is therefore essential that Class 2 residential buildings be fully accessible where passenger lifts are installed, and for smaller residential buildings without lifts, access should be provided to at least the ground floor containing sole occupancy units and all common areas and facilities.

Provision of access in these types of buildings will ensure that there is a broad selection of housing stock available for persons with disabilities. Requiring access to these buildings will also have other benefits for the broader community such as:

- parents with young children will be provided with more convenient access to buildings (pram and stroller use);
- ambulant persons will be afforded easier and safer access (via a level entry or access ramp) thereby reducing the risk of falls if required to access a building via a stairway;
- easier access for residents using wheeled devices such as shopping carts and small wheelie bags (commonly used by workers to transport work related items);
- easier and safer access when moving furniture and appliances in and out of these buildings. This also addresses occupation health and safety issues associated with commercial removalists as stairways are inherently dangerous for normal use and are particularly dangerous when carrying heavy goods such as furniture;
- access to buildings by ambulant residents who need to use mobility scooters; and
- easy access for delivery and maintenance personnel who may be required to transport heavy equipment and tools into a building.

For the above reasons I strongly believe that Class 2 buildings should be included in the Premises Standard.

2.1.2 Class 2 buildings being used as Class 3 (serviced apartment) buildings

There is a growing trend to construct Class 2 residential buildings and use them as serviced apartments for casual and transient accommodation (business, holiday and tourist). This is particularly prevalent in major cities and holiday/tourist localities. These buildings are for all intents and purposes Class 3 hotel or motel accommodation buildings and should therefore be fully accessible.

The current BCA does not require these types of buildings (Class 2 buildings) to be accessible for persons with disabilities nor does it require accessible sanitary facilities and accessible car parking. This is an anomaly of the BCA and is an issue for local councils. In addition, under the current draft Premises Standard Class 2 buildings are not included therefore serviced apartment buildings will continue to be used for tourist-type accommodation similar to Class 3 hotel/motel buildings without any access and facilities for people with disabilities.

The easiest way to address the issue is to require all Class 2 buildings to be accessible to all areas if a passenger lift is installed and, as a minimum, require access to the ground floor of Class 2 buildings and to all common areas/facilities anywhere in a building.

An alternative is to have the Australian Building Codes Board review the current building classification system for Class 2 buildings to address their use as serviced (Class 3) apartments.

2.1.3 Exemptions for Class 5, 6, 7b and 8 buildings with floor areas not exceeding 200 square metres in buildings up to 3 storeys in height (Clause D3.4)

The exemptions, particularly for Class 5 and 6 buildings, is considered discriminatory. The exemption provisions based on floor area limitations of up to 200 square metres per floor is considered too generous.

Some Class 5 buildings can be 'public-type' buildings which the disability sector and also the general community should have convenient and safe access. Class 6 buildings are more public orientated buildings. This includes uses such as general retail shops, retail service industries, restaurants, cafes and bars. It is therefore critical that 3-storey buildings be accessible with reduced exemption provisions. It is suggested that the exemption provisions for Class 6 uses would be better limited to floor areas up to 100 square metres.

For restaurant and bar uses a floor area of 100 square metres would generally be capable of accommodating approximately 50 seated patrons, based on Table D1.13 of the BCA which prescribes one person per one (1) square metre of floor area (assuming that approximately 50% of the total floor area would be used to accommodate services areas such as kitchen, bar, reception and sanitary facilities).

It is worthy of noting that the current BCA provisions, as they apply to NSW, requires a Class 9b 'assembly building' used as a place of public entertainment of any floor area to be accessible within the 'auditorium'. 'Auditorium' is defined in the BCA (NSW variation) as "*such part of a place of public entertainment as is designed to accommodate the audience to an entertainment or public meeting*".

It is therefore considered reasonable to require a 'non-entertainment' Class 6 use to be accessible where the floor area exceeds 100 square metres.

2.1.4 Hearing augmentation (Clause D3.7)

In relation to D3.7(1)(b), this clause requires hearing augmentation systems to be provided where an inbuilt amplification system is used in ticket booths, teller booth, reception area or the like, where the public is screened from the service provider. I have encountered many situations at banks, reception desks, service counters and ticket offices where no screens or partial screening is installed where, due to the local environment and the type of venue, it is often difficult to communicate effectively with service personnel.

The design of service counters and public spaces adjoining these areas are often poorly designed. Some examples which have been encountered include:

- partial and full screening can often muffle voice projection;
- hard surface finishes on the public side of counters can cause noise reverberation making it difficult to hear clearly; and
- the location of some service counters near sources of environmental noise such as road traffic, rail movements and public address systems can cause excessive background noise making it difficult to hear.

To address this issue it is considered appropriate that the BCA prescribe minimum acoustic performance design features in the vicinity of service and reception counters.

2.1.5 Accessible service counters and reception desks

It is noted that that the Premises Standard and the draft AS 1428.1 do not include minimum design criteria for accessible service counters, reception desks and the like.

These facilities/features, particularly in public buildings such as retail stores, cafes, banks, government buildings, bars, hotel reception desks etc, are very important in terms of dignified access for wheelchair users. Low level service counters and reception desks are also helpful to ambulant persons and the aged who often find it tiring to stand at reception and service counters.

Although low level accessible desks and counters are now becoming a more common feature in some buildings such as banks and some government agencies e.g. Medicare offices, it is a sufficiently important feature of public type buildings where it should be a mandatory requirement.

AS 1428.2 (Clause 24) includes minimum design criteria for service counters and reception desks which should be incorporated into the draft AS 1428.1 to form part of the Premises Standard.

2.1.6 Surface finishes

It is further noted that the current Building Code of Australia and the draft Premises Standard fail to adequately address surface finishes in accessways. The draft AS 1428.1 requires accessible paths such as ramps to have slip-resistant surfaces. The BCA also requires stair treads or nosings to have 'non-slip' or 'non-skid' finishes. Neither document however includes a definition as to what is slip-resistant and non-skid.

Properly designed and selected surface finishes in buildings, particularly in public spaces and accessways such as building entrances, lift lobbies, stairways, landings, pathways and ramps are very important to the whole community. They are particularly important to persons with permanent disabilities and also for permanent and temporary ambulant persons.

In addition, surface finishes of spaces in buildings that are likely to be affected by water such as at building entrances where rainwater is tracked into buildings on clothing and footwear, is particularly critical as water often affects the satisfactory performance of surface finishes in terms of their ability to provide an adequate level of friction and thereby slip-resistance.

In providing for greater parts of buildings to be accessible through the provisions of the draft Premises Standard it is suggested that greater emphasis needs to be directed at the surface finishes of accessible paths for persons with disabilities. The better treatment of surface finishes in these areas will also benefit the community as a whole, by making buildings safer and thereby reduce costs to the community through a reduction in personal injuries (savings in medical costs, insurance premiums and workers compensation etc).

2.1.7 Mobility scooters

The use of motorised scooters by the elderly and ambulant persons is a growing area in personal transport systems. With the aging population increasing there is likely to be an increase in the use of these mobility devices. It is therefore important that building designs, particularly public-type buildings accommodate these types of personal mobility devices.

It is noted that the draft AS 1428.1 specifically excludes design provisions for scooters. It is unclear why this is the case. I believe that some current scooter makes/models are capable of negotiating conventional wheelchair access ramps.

The use of scooters and their likely future increase in use is a further reason for requiring access to Class 2 buildings. This is particularly important for Class 2 buildings in retirement or aged care facilities where scooter use is popular and increasing.

The NSW *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* prescribes minimum access design features for

this type of residential accommodation. The Policy includes some sound and fundamental design features that are necessary for aged and disability living. The Policy, through Clause 2 (reproduced below) requires wheelchair access to all dwellings on sites that have gradients less than 10% and to at least 50% of residences where sites have a gradient greater than 10%.

2. Siting standards

(1) Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

(2) If the whole of the site does not have a gradient of less than 1:10:

(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and

(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

Note. *For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.*

(3) Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

It is preferable to have fully complying access to all dwellings irrespective of site gradient. It would also be advantageous for the SEPP to deal more specifically with scooter access including provisions to allow these mobility devices to be conveniently stored in or directly outside dwelling houses/units. I believe, through discussion with some importers and retailers of scooters that although access and safe/convenient storage of scooters can be problematic, a bigger issue is gaining access to a power outlet to charge batteries where scooters are stored externally to dwelling units.

Although access to aged care buildings is addressed to some extent in NSW through the SEPP, it is considered that greater attention, at a national level, through the Building Code of Australia is needed to better regulate the design of general Class 2 buildings in terms of access to at least the ground floor and for Class 2 buildings associated with 'seniors living'. This needs to include retirement villages where more specific attention is needed to address access by users of both wheelchairs and mobility scooters.

2.1.8 Complexity of the access package and implementation

Although I fully support the enhancements to building access as proposed through the draft Premises and Australian Standards, the complexity and size of the various provisions is significant and will be challenging for designers and regulators to implement.

In addition to the access provisions within the BCA there are some nine Australian Standards relating to various access requirements that are either already referenced in the BCA or will be called up in the Code as a result of the Premises Standard. There are no other aspects or parts of the Code that relate to one single objective or aspect of building design (access) that has this level of complexity.

To assist building designers and regulators there may be some merit including in an appendix within each access Standard a checklist that could be used to assist readers.

It will also be essential that the various industries, particularly the design and access consultancy sectors, be appropriately 'skilled up' and qualified to apply all of the access provisions (Standards). More importantly, it will be critical that the regulatory sector (building certifiers) also have the necessary skills and knowledge to effectively check and enforce the various provisions to ensure that buildings are provided with complying access systems and facilities.

2.1.9 Emergency egress for people with disabilities

The draft Premises Standard provides greater access opportunities for people with disabilities however there are no details on how such people are to escape from buildings in an emergency. This is an important factor that needs to be considered.

I believe that the Australian Building Codes Board is aware of this issue and there are plans to deal with this matter at a future date. It is therefore critical that this next step in the further development of the BCA be taken as soon as possible. The Commonwealth (through the ABCB) should immediately commence work on developing acceptable standards/systems to deal with emergencies in buildings and how best to deal with the safety of persons with disabilities.

2.1.10 Artificial lighting of external accessways

The draft Premises Standard and the draft AS 1428.1 both deal with access to buildings. External accessways (paths, ramps and stairways) that lead to buildings must be provided with adequate artificial lighting to ensure safe and convenient use at night.

It is my experience that external accessways to buildings are generally poorly illuminated and therefore it is considered appropriate that the BCA include a specific clause within Part D3 to specify minimum lighting requirements for external accessways including external stairways.

AS 1428.2 (Clause 19.1) prescribes requirements for lighting of various parts of buildings including accessways and stairways. The clause specifies minimum lux levels for the various parts of accessible building elements. Rather than requiring designers, builders and regulators to have to refer to the

Australian Standard to obtain the acceptable lighting levels it would, for ease of access, be more convenient for the BCA to prescribe this information.

2.2 Draft Australian Standard 1428.1 – Design for access and mobility

The draft AS 1428.1 is a significant improvement on the current Standard. The document contains a considerable number of additional diagrams which will assist designers, builders and regulators. There are however a number of areas of the draft Standard where I believe further improvements can be made including the transfer of some of the provisions from the Standard to the Building Code of Australia. More specific comments are provided as follows:

2.2.1 Step ramps

It is unclear why the gradient for step ramps has changed from 1:8 to 1:10. It is noted that the gradient for kerb ramps has remained unchanged at 1:8. It is considered that if the gradient for kerb ramps is satisfactory then step ramps should have the same gradient.

2.2.2 Luminance contrast (Clause 6)

It is noted that the draft Australian Standard now provides in Appendix B, more detailed information and guidance on how to determine luminance contrast. This information is helpful however it is still a very difficult and time consuming task to accurately determine a complying contrast.

It would be helpful for designers and regulators if a simpler system for determining contrast could be included in the Standard such as range of common colour swatches to determine minimum (30%) contrast.

Similar difficulties exist for determining luminance contrast for visual indicators on glazing.

2.2.3 Floor finishes (slip-resistance) – Clause 8

There is no satisfactory definition or guidance on what is considered 'slip-resistant'. Surface finishes which provide adequate frictional forces are very important considerations for all surface finishes in buildings and on external pathways.

Surface finishes in accessible accessways for persons with disabilities and ambulant persons are particularly critical and therefore it is important that clear criteria be specified in the Standard to allow designers, builders and regulators to accurately assess whether a surface finish will be 'slip resistant'.

It is therefore strongly recommended that the Standard include more prescriptive criteria on this aspect.

2.2.4 Sanitary facilities (Clause 16)

As pointed out earlier, the draft Standard is a considerable improvement on the current AS1428.1. The inclusion of a greater number of diagrams has improved the Standard and made it more user-friendly. It is noted that more detailed and a greater number of diagrams have been included in Clause 16 (sanitary facilities). This is a positive outcome.

There are however some issues with the complexity of this section of the Standard in terms of the number of overlapping provisions that apply to sanitary facilities. I believe that a simple change involving the inclusion of a single additional and comprehensive diagram will make this section easier to use and apply.

As a practising building surveyor I often encounter building designs and built works that do not comply with AS 1428.1. My experiences and exposure to a large amount of development has revealed that a significant number of designers, builders, and building contractors are often not fully conversant with all of the provisions of the Standard, particularly the more detailed provisions such as stair and ramp design (luminance contrast on nosings, handrails and TGSIs), fixtures and the internal design of sanitary facilities, glazing and signage.

Personal experience in development control and regulation also reveals that detailed architectural drawings for small developments are rarely provided for construction purposes to provide clear design and installation requirements to builders and contractors. For larger development this is generally not the case as the development cost and the significance of the building demands a greater level of detailing at the design and construction phases.

For smaller developments (up to 3-4 storeys) design drawings generally address access the BCA and Australian Standards requirements for ramp and sanitary facilities requirements however in most cases only references to the Standards are nominated on drawings. Detailed and fully dimensioned drawings are often not provided. There are several likely reasons for this including greater costs to developers and building owners to produce detailed design drawings and/or a lack of detailed knowledge and understanding in the design industry of the access provisions of both the BCA and the applicable Australian Standards.

Some examples of common issues encountered are:

- lack of detailing for handrails and TGSIs on stairways and ramps;
- lack of fully detailed internal design drawings for accessible sanitary facilities;
- deficiencies in circulation space at ramp landings and at doorways, particularly the wall setbacks required on the latch side of doors;
- slippery surface finishes in accessible paths particularly at building entrances, ramps, landings and lift lobbies;
- poor signage indicating accessible facilities and access paths; and

- inadequate visual banding on glazed partition walls and doors.

It is noted that the draft AS 1428.1 has been enhanced to better address some of these issues of building design including the addition of more comprehensive diagrams.

It is however my experience that in the majority of cases access features are rarely installed that comply fully with all of the various provisions of the access standards. Some elements that are found non-compliant are minor matters and can be easily rectified however there are some elements of construction such as ramps, stairways and sanitary facilities that are often difficult to rectify post construction.

One of the common problem areas encountered relates to the fit-out of accessible sanitary facilities. As a building surveyor I have inspected numerous new buildings and existing buildings for BCA compliance and not once have I found a sanitary facility that is fully compliant with AS 1428.1. In the majority of cases the pan and grab-railing installations are compliant however very often elements such as:

- washbasins;
- toilet paper dispensers;
- flush controls;
- tap design and position;
- door design and latch design/location;
- light switches; and
- mirror heights/width,

are found non-compliant. In the majority of cases, clothes-hanging devices are also either not installed or not located at the correct height and location from wall intersections.

Most of these minor elements are easily rectified or installed however this requires contractors to return to the site to undertake rectification work. It also requires the building certifier to re-inspect rectified works. This adds unnecessary time and financial costs on development and can delay the use of a building or facility.

There are I believe, three principal reasons why sanitary facilities (and other access features) are often built non-complaint:

1. Detailed design drawings are rarely provided at construction stage;
2. Building projects are rarely supervised by design architects or access consultants; and
3. Builders and building contractors are unfamiliar with the various provisions of the BCA and Australian Standards and often, even when access to the Standards is available, key elements are missed.

One of the common problems that builders and contractors experience in terms of working with the BCA and Australian Standards is the complexity and layout of the Code and Standards including, to some extent, the overlap between these two documents. Convenient access to the Code and Standards is also often an issue.

A good example of this issue is the provisions for sanitary facilities. Although the draft Standard contains some very detailed and useful diagrams setting out the principal provisions such as pan heights, handrail locations, cistern position and washbasin design, there are many other elements specified within the text that must also be satisfied. For sanitary facilities these requirements are set out over some 16 pages within Clause 16 and several other pages for related elements such as light switches, taps and signage.

My general experience and observations in the construction industry is that builders and building contractors are very much visual and practical orientated people who generally relate positively to drawings rather than reading text such as the BCA, Australian Standards and specifications. They are also far more competent reading and working from drawings and sketches than reading and deciphering written text, particularly codes or standards that can be quite complex and have numerous cross-references to various provisions.

Although the draft Standard includes diagrams to explain the text provisions the diagrams do not include all of the requirements within the text. This therefore requires the reader to refer to both the text and diagrams which can be tedious and time consuming and result in some aspects being missed.

An example of this problem can be found in Clause 16 where there are some 33 references to clauses and figures that must be satisfied when designing and constructing an accessible sanitary facility.

To address this issue I believe that the Standard should include in a single detailed drawing all of the necessary and required information for the design of sanitary facilities. A single detailed diagram would assist designers, builders and regulators to ensure that accessible sanitary facilities are constructed fully compliant. This will reduce building costs and time delays by minimising defective work.

This matter has been drawn to the attention of Standards Australia based on the structure of the current AS 1428.1. An example of how a single diagram concept for an accessible sanitary facility could appear in the Standard is included at **Appendix A**. Although the clause references are different to the draft AS 1428.1, the concept does not change.

2.2.5 Other minor issues and suggested amendments

There are several other minor issues with the draft Standards that may need to be reviewed or clarified. These matters do not affect the draft Premises Standard.

These issues will be brought to the attention of Standards Australia directly rather than raising them through this submission to the Inquiry.

2.2.6 Access within the public domain

The draft Premises Standard contains very good provisions dealing with access to and within buildings however in terms of the design of public spaces such as streets, squares, parks etc sound access outcomes for infrastructure at a local level is generally very haphazard and in most cases poorly designed and managed.

It is therefore recommended that once the Premises Standard is adopted and fully implemented that the Commonwealth work with the states and territories to develop a common design code for public places, mainly footway design and street lighting systems, to provide safer access systems for the whole community including persons with disabilities.

2.3 Design of the Standards and availability

With the commitment of the Commonwealth government to now progress with the implementation of the Premises Standard it will become even more important that required access systems and facilities are constructed and installed smoothly and effectively across the nation. This, in part, could be assisted through ensuring that design and regulatory controls and codes are easy to understand and use.

It is also important that the various access Standards, particularly Parts 1 and 4, be made more easily and widely available and preferably made available free of charge to ensure a greater uptake of access facilities in buildings. This is important for existing buildings undergoing change. It may be feasible for the Australian Building Codes Board or the Human Rights and Equal Opportunity Commission to enter into a license agreement with Standards Australia to make the access standards available through their websites.

Simpler, user-friendly, freely and conveniently available access Standards will assist building owners and tenants design and maintain accessible features in buildings. It will also minimise design and construction defects with a resultant reduction in costs to building owners and the construction industry. Furthermore, it will also ensure that fully compliant, effective and enhanced features and facilities are made available to the whole community including the elderly members of the community in addition to the disability sector.

2.4 Inclusion of some key access provisions into the Building Code of Australia

As the draft premises Standard will expand the types and areas of buildings that will need to be accessible, it is considered that some parts of the draft AS 1428.1 should be removed from the Standard and incorporated within the BCA.

The BCA currently contains minimum design criteria for ramps, stairways, handrails, thresholds, doorways and doors, and operation of latches (door handles). Some of these provisions deal with both general access and fire egress. The draft Standard also addresses these building elements and sets further minimum requirements in addition to the BCA.

Some clauses of the BCA make specific reference to AS 1428.1 however other clauses are silent. This can result in designers, builders and regulators achieving compliance with the BCA but, through oversight, fail to satisfy the additional provisions of AS 1428.1. Examples are as follows:

1. **Clause D2.10** – Pedestrian ramps: mainly deals with ramps for emergency egress however also refers to ramps that are used for both egress and general access (Part D3). In these cases ramps must satisfy AS 1428.1 i.e. 1:14 gradient and not just 1:8 which applies to egress ramps. D2.10 should also cross-reference the new clause D3.11 as set out in the draft Premises Standard;
2. **Clause D2.13** – Goings and risers (stairway design): No cross-reference to AS1428.1 (Clause 12) to address additional required features such as tread nosings to have 30% luminance contrast in a 50-75mm strip, opaque risers, stair nosings to project not more than 30mm past the riser, stair nosing profiles and specific minimum tread (going) dimension for spiral stairways;
3. **Clause D.17** – Handrails: References D3.3(a)(ii) however this may change as a result of the draft Premises Standard. The clause may need to reference AS 1428.1 directly;
4. **Clause D2.15** – Thresholds (at doorways): Does not reference AS 1428.1 (Clause 11.6);
5. **Clauses D1.6 and D2.19** – Dimensions of exits and paths of travel to exits and doorways and doors: Deals with the design of doorways and doors for emergency egress purposes however does not reference the additional requirements set down in AS 1428.1 (Clause 14) i.e. minimum door widths for wheelchair movement, circulation space at doorways, luminance contrast and distance between consecutive doors. Clause D1.6 should also reference Clause H2.2 for accessways that may also be used for emergency egress; and
6. **Clause D2.21** – Operation of latch (door handles): Deals with the design of latches and handles for emergency egress however some exit doors or doors in paths of travel may also be used for general access to, from and within buildings. Door handles should therefore comply with AS 1428.1 (Clause 14.6). D2.21 should be amended to include a reference to the 14.6 in AS 1428.1.

It is therefore recommended that the BCA include the additional design requirements of the Australian Standard directly within the applicable BCA

clauses. If this is not feasible, a specific reference to the relevant Australian Standards and/or clauses should be included in the BCA to provide additional assistance and clarification. The preferred option is to incorporate the Standard's requirements directly within the BCA for convenience purposes.

2.5 Schedule 1 - Access Code for Buildings - Part D3

The heading of this part of the Code is 'Access for people with disabilities'. As the draft Premises Standard will essentially make all Class 3-9 buildings and some Class 1b buildings accessible (at least to the ground floor) and to other levels in specific cases, it is considered that these facilities will not only benefit persons with disabilities but will have wider benefits to the broader (able-bodied and ambulant) community.

It is therefore recommended that the heading of this part of the Code be changed to a more general description such as 'Access to buildings' as is highlighted in Clause D3.2. This will remove what could be viewed as a negative connotation on the disabled members of the community where a building design is required to make special provision for their needs.

The proposed changes put forward in the draft Premises Standard will benefit the whole community in various ways therefore it is important that a more general term (heading) as suggested, be used and Part D3 be amended where necessary.

3.0 Model process to administer building access (The Protocol)

The draft Model Protocol contains some sound provisions to ensure that effective building access is administered at a state and territory level. There are however some points that may require further consideration.

3.1 New building

The BCA is currently structured to permit a building design to comply with the performance provisions or the deemed-to-satisfy criteria (or a combination of both). The access parts of the BCA will have clear performance provisions therefore it will be possible for building designers and regulators to design and approve a building which, in theory, should have effective accessible components.

It is anticipated that there will not be a great need or desire to develop and implement a performance-based access solution for new buildings as in most cases access should be capable of complying with the deemed-to-satisfy provisions of the Code.

Access panels for new development may therefore not be necessary.

3.2 Existing buildings undergoing change

For building upgrades or alterations and additions to existing buildings it may be difficult to achieve full compliance with the deemed-to-satisfy access provisions of the BCA.

Not only may it be difficult to achieve compliance with the access parts of the Code but often other requirements of the BCA such as structural aspects (e.g. earthquake loads), fire resistance, fire-fighting facilities and emergency egress systems may also be incapable of achieving full compliance.

Older significant and heritage listed buildings require special consideration in all aspects of BCA upgrading, including access. It is important that both heritage significance and acceptable access be accommodated to ensure that persons with disabilities have access to and can participate in the enjoyment of using and visiting our built heritage. Full access to these buildings will also ensure that heritage buildings continue to be effective and valued structures in the community. To achieve sound outcomes in these cases, access panels may provide the conduit to achieve satisfactory results for both heritage significance and access.

In cases of alterations to existing buildings and changes of use where compliance with the deemed-to-satisfy provisions cannot be achieved, designers and regulators will either have to fall back to the performance provisions to achieve compliance or, under the NSW planning and approval system (Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000), seek an exemption from the local consent authority to allow non-complying elements to remain without change or to permit a partial upgrade or improvement.

Access issues in existing buildings often arise and local consent authorities deal with these issues, to varying levels of acceptability and quality, as part of the development assessment process. This process however varies widely across local consent authorities and in terms of dealing adequately with the DDA is, in my opinion, not a sound process.

There may therefore be some merit in implementing state and territory based access panels as identified in the Protocol to deal with performance-based building solutions affecting existing buildings. This would set common assessment and approval criteria and processes at a broad state and territory level. This would however result in a significant workload for the larger states such as NSW, Victoria and Queensland that have significant existing building stock undergoing change.

An alternative is to establish access panels at a local level through councils and shires however this too will impact on smaller local government bodies that may not have the staff or financial resources to effectively administer locally based panels.

3.3 Consistency at a national level

It is preferable that a consistent approach and application of the Protocol is achieved at a national level. The Commonwealth must therefore work effectively with the states and territories to achieve a broad and consistent outcome.

4.0 Suggested changes and improvements

The following amendments and improvements are suggested:

- 4.1 Include all Class 2 buildings in the Premises Standard to require access to at least the ground floor and also to all common areas where located above or below the ground floor.
- 4.2 Review the current BCA classification system to address issues associated with Class 2 buildings being used as Class 3 buildings (tourist/business accommodation).
- 4.3 Require all parts (floors) of Class 6 buildings located above or below the ground floor which have a floor area of more than 100 square metres be accessible.
- 4.4 The hearing augmentation parts of the Code be expanded to require specific passive design features at service counters and reception desks to enhance voice communication.
- 4.5 Require all or a minimum percentage of service counters and reception desks in 'public-type' buildings to be accessible in accordance with the provisions of AS 1428.2.
- 4.6 Include clear and prescriptive provisions to address surface finishes in public areas of buildings and in accessways. Provide a clear definition or design criteria for 'slip-resistance' of surface finishes.
- 4.7 Give further consideration to the design of accessways to accommodate mobility scooters for the aged and ambulant community including the provision of ramps and pathways to all Class 2 buildings and specifically to residential dwellings associated with retirement villages and housing for people with disabilities.
- 4.8 Review some of the provisions of the draft AS 1428.1, specifically step ramps, luminance contrast, floor finishes and sanitary facilities (provision of a detailed single diagram).
- 4.9 Investigate the feasibility of making the access provisions of the BCA and the access Standards more widely and freely available to the broad community and specifically to property owners and business proprietors to provide assistance to these groups to improve and maintain access to and within buildings.

- 4.10 Review several parts/clauses in the BCA to better address the additional design requirements set down in the Australian Standards for access i.e. incorporate some of the specific provisions of the Standards directly within the relevant BCA provision or reference the specific clause of the Standard within the BCA provision.
- 4.11 Amend the heading of Part D3 'Access to buildings' to more clearly identify that the provisions of this part apply to general building access which benefits the whole community rather than one sector i.e. the disability sector.
- 4.12 The Commonwealth, in conjunction with the states and territories, implement a broadly based awareness program and education and training program for the building design, construction and building regulatory sectors to ensure the effective implementation of the new access provisions.
- 4.13 Further consideration be given to some of the provisions within the Protocol to refine its application to deal with changes to existing buildings and allow for performance-based building solutions for new buildings be dealt with through the current system permitted under Part A0 of the BCA.
- 4.14 The Commonwealth work with the states and territories to develop a common code or guidelines to address the design of public places, mainly footway design and street lighting systems, to provide safer access systems for the whole community including persons with disabilities.
- 4.15 The Commonwealth (through the ABCB) immediately commence work on developing acceptable standards/systems to address emergency evacuation in buildings and how best to deal with the safety of persons with disabilities and their safe evacuation.
- 4.16 An additional clause be included in Part D3 of the BCA to prescribe requirements for artificial lighting systems along external accessways to buildings including external stairways.

5.0 Conclusion

The draft Premises Standard contains many features to enhance access to and within buildings. The proposed changes will not only have a significant positive outcome for people with disabilities but will also have a significant beneficial impact on the community as whole by providing safer and more convenient access to buildings. The draft Premises Standard and the draft Australian Standards are therefore supported, subject to the matters identified in 4.0 being addressed.

There are however two key aspects of the draft Premises Standard that I believe are poor provisions/outcomes for the general community. They are:

1. Excluding Class 2 buildings from the Premises Standard; and
2. Not requiring access to all floors in Class 5 and 6 buildings not exceeding 3 storeys with floor areas less than 200 square metres.

It is considered that Class 2 buildings should be included as this form of residential accommodation is growing in use in all state and territory capital cities and therefore it is important that these buildings be accessible to all people.

There are broader benefits to the whole community, not just the disabled sector that should be considered in addition to Class 2 buildings. These factors do not appear to have been adequately considered in the re-draft of the initial Premises Standard.

Finally, it would be beneficial and appropriate to see a change in the focus of building code and the Australian Standards to better address the needs and standing of people with disabilities by moving away from the use and design of buildings for 'people with disabilities' to a broader objective and terminology relating to 'universal access' which will benefit the whole community.

Appendix A

Example: Diagram of an accessible sanitary facility showing all relevant text provisions included.

