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BY: LACA

The Hon. Mark Dreyfus QC MP  
House of Representatives Legal and  
Constitutional Affairs  
PO Box 6201  
Parliament House  
CANBERRA ACT 2600

Dear Mr Dreyfus,

**SUBMISSION BY MOONEE VALLEY CITY COUNCIL (MVCC) INTO INQUIRY  
INTO DRAFT DISABILITY (ACCESS TO PREMISES – BUILDINGS)  
STANDARDS**

MVCC welcomes the opportunity to make a submission to this important Parliamentary Enquiry. Moonee Valley, like all Local Governments is committed to full access to facilities and services for all of our residents, especially those with a disability, older frail aged, and residents on low incomes. Our Healthy Ageing and Community Wellbeing Strategies identify actions we have taken, and will be taking to ensure equal access to facilities for our citizens. Our submission to this Inquiry meets the advocacy requirements of both strategies.

The inconsistency between Disability Discrimination Act and building standards has in the past created difficulties for Local Government, the disability advocacy sector and the building industry. The Disability Discrimination Act in relation to Building Standards gave no clear guidance in this field, other than 'do not discriminate'. The proposed new standards will lead to improved and more consistent requirements across Australia; there will be improved surety for industry, the approval bodies, and people with a disability, disability advocacy organizations, and consistency with building law.

Council welcomes the broad thrust of the draft recommendations of this Parliamentary Enquiry in that access to some buildings for the whole community, and in particular, people with a disability will be improved. Council commends the Commonwealth Government for taking action regarding this important policy issue forward after having no progress for the past five years.

However, we have identified significant shortcomings with the draft recommendations and have recommended other additions to the draft report and further research in the next two to three years. This is in particular reference to the Class 2 Buildings and Emergency Warning Systems being excluded from the draft standards. Further, there should be reference to new innovative methods to address evacuations of disabled persons via fire-smoke protected lifts.

Of particular note is the lack of details of clear compliance standards for Emergency Warning Systems in buildings. The recent horrific fires in Victoria and the impending Royal Commission may highlight this issue. The destruction of the Marysville Hotel and other facilities by fire highlight the need for very clear measurable standards for Emergency Warning Systems. The Parliamentary Committee may need to conduct additional research to look at additional Emergency Warning Systems in bush fire prone areas. For example, if underground fire bunkers are recommended by the Royal Commission, access for residents (people using wheel chairs) will need to be considered.

For residents with a disability in Moonee Valley, the draft recommendation, if implemented, would improve the quality of life of some of our residents. Government must intervene and vigorously represent those who cannot represent themselves. The additional recommendations of Moonee Valley City Council, if taken up by the Commonwealth in relation to Class 2 Buildings and Emergency Warning Systems would demonstrate a Government willing to put the needs of Australians with a disability ahead of other interests.

Council would like to commend the following positive aspects of the proposed changes to disabled access, namely:

- Increased provision in cinemas and theatres;
- Unisex accessible toilets;
- Ambulant accessible toilets;
- Hearing augmentation requirements;
- Provision of Class 1b buildings, holiday/bed and breakfast accommodation;
- Increased provisions for Class 3 SOU's;
- Access to swimming pools;
- Accessible entrances and doorways; and
- Circulation space, toilets, lifts, turning and passing spaces, doors and doorways, passages with greater than 60 degree turn.

However, the following important areas have been omitted from the draft standards, namely:

### **Emergency Warning Systems**

Clause H2.14 Emergency Warning Systems. The standards are proposed as, 'in the event of an emergency, provisions must be made for people with vision impairment to locate the exit path.' Council would like also consideration given to:

- Standardizations of visual warning devices with a safe visual light;

- Creation of a package of measures for fire refuges;
- Seals on smoke-isolating exit doors;
- Hearing loops-integrated with alarm systems;
- Luminescent evacuation plans and skirting board level arrows indicating fire refuge/exits; and
- Fire rated lifts with separate electricity supply.

## **Class 2 Buildings**

The initial draft Premises Standards released for public comment in 2004 included a provision that would require access is provided to the common areas of Class 2 Buildings, namely apartments and blocks of flats.

This would have required that all new blocks of flats and existing blocks of flats undergoing substantial renovation would have been required to provide an accessible path of travel through the main entrance to the front door of the units on that entry level and to at one of each type of facility used in common by all the residents, e.g., BBQ area, laundry or pool.

Council noted the requirement of the unjustifiable hardship provision in the draft 2004 Premises Standard allowing for concessions, particularly in existing buildings, where topographical or particular features of the block of flats meant it would be too expensive or technically too difficult to provide access.

The municipality of Moonee Valley has many units/apartments where older residents and residents with disabilities live. Flats and apartments are often being demolished, rebuilt and/or substantially renovated in Moonee Valley. Although Council strongly encourages developers to make provision of at least one dwelling in a development to be accessible for people with limited mobility, many developers choose not to, as there is no regulation to this effect.

Accordingly, Council requests that the standard includes a requirement which makes new Class 2 buildings to be accessible for people with disabilities. This could be in the form of a ramp for single storey dwellings or lifts in development above two storeys.

The inclusion of Class 2 buildings in the draft standards, would in the medium to longer term improve the quality of life of these residents.

## **Evacuation via Lifts**

The current Building Code of Australia (BCA) makes no reference to evacuation systems for people with disabilities. More precisely, the BCA requires fire isolated stairways to be provided in certain types of multi-storey buildings. However, stairways do not cater for people with limited mobility.

There has been extensive research in Australia and abroad of using special type lifts in emergencies which cater for disabled persons. Hence, there should be provision in the new standard which makes reference of at least one fire/smoke protected lift in a multi-storey building to ensure that people with limited mobility have a means of escape.

Please contact Peter Whelan, Council's Metro Access Officer (Disability Planner) on 9243 8812 or email on if you have any queries regarding this correspondence.

Yours sincerely

**Anne Coughlin**  
Executive Manager, Community Services

cc Bill Shorten, MHR, Federal Member of Maribyrnong