

Guidelines to the Disability Standards for Access to Premises (Buildings) 200X

Part 1 General

Division 1.1

1.1 Name of Guidelines

These Guidelines are the *Disability Access to Premises (Buildings) Guidelines 200X*.

1.2 Purpose of Guidelines

The purpose of these Guidelines is to provide information and comment on the *Disability Standards for Access to Premises (Buildings) 200X* (the Premises Standards) in order to assist in their interpretation and application.

1.3 Guiding principles - the purpose and objects of the Premises Standards

- (1) The purpose of the Premises Standards is to remove discrimination on the basis of disability from access to and use of premises.
- (2) The Premises Standards specify how the objects of the *Disability Discrimination Act 1992* (DDA) are to be achieved in the provision of accessible premises.

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- (3) The Premises Standards prescribe national minimum requirements that those responsible for premises must meet in order to comply with the DDA in the areas covered by those Standards. The Premises Standards detail mandatory Performance Requirements covering a range of accessibility issues, and set out technical specifications ('Deemed-to-Satisfy Provisions') that if met, will satisfy the Performance Requirements.
 - (4) The following objects of the DDA are the guiding principles of the Premises Standards:
 - (a) to eliminate, as far as possible, discrimination against persons on the basis of their disabilities;
 - (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
 - (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.
 - (5) The objects of the Premises Standards are to give certainty to building developers and building managers, that if they provide access to, and within, buildings in accordance with the Premises Standards, then the provision of access will not be unlawful discrimination under the DDA (to the extent that those matters are covered by the Premises Standards).

Part 2 How do the Premises Standards work?

2.1 Premises Standards made under the *Disability Discrimination Act 1992* (DDA)

- (1) The Premises Standards are delegated legislation made under Section 31 of the DDA.
- (2) Under Section 32 of the DDA, it is unlawful to contravene the Premises Standards. However, if a person complies with the Premises Standards, then the unlawful discrimination provisions of the DDA do not apply (see Section 34 of the DDA).
- (3) The DDA will continue to apply to persons who have responsibility for access to and within buildings, in relation to matters beyond the scope of the Premises Standards.

Examples:

1. With the exception of public transport buildings which are covered by the compliance timeframes, if an existing building is not the subject of new building work, it is not covered by the Premises Standards and hence the general provisions of the DDA will continue to apply.
2. The general provisions of the DDA will continue to apply in relation to furniture and fit-out of buildings, and other aspects of buildings, such as discriminatory behaviour of building management not covered by the Premises Standards.

2.2 How do the Premises Standards apply?

- (1) The *Disability Standards for Access to Premises (Buildings) 200X* prescribes 'the Premises Standards' as those provisions set out in the Access Code for Buildings (which is a document annexed to the Premises Standards).
- (2) The Access Code for Buildings (being part of the Premises Standards) sets out:
 - in Part A – general provisions, including definitions of terms and building classifications used in the Code, and a list of Australian Standards referenced in the Code;
 - in Parts D, E and F – Performance Requirements; and
 - in Parts D, E, F and H – 'Deemed-to-Satisfy' Provisions.
- (3) *Performance Requirements*: The Premises Standards specify Performance Requirements, in the Access Code for Buildings, applicable to certain classes of buildings and parts of buildings. The Performance Requirements are expressed broadly – for example, Clause DP1 states that access must be provided 'to the degree necessary to enable safe, equitable and dignified movement of people to and within a building'.
- (4) The Performance Requirements are the mandatory provisions of the Premises Standards. There are two ways that a building covered by the Premises Standards can meet the Performance Requirements, and therefore comply with the Premises Standards:
 - (a) by design, construction and maintenance of the building in accordance with the relevant Deemed-to-Satisfy Provisions of the Access Code for Buildings; or
 - (b) by design, construction and maintenance of the building in a way that satisfies the Performance Requirements of the Access Code for Buildings, other than by complying with the Deemed-to-Satisfy Provisions of that Code.
- (5) *Deemed-to-Satisfy Provisions*: The 'Deemed-to-Satisfy' provisions are prescriptive technical requirements within the Access Code for Buildings that detail one way to satisfy the Performance Requirements. They include reference to technical details found in Australian Standards, such as AS1428.1 (which is currently the main Australian Standard covering access related issues for people with disabilities).

2.3 When will the Premises Standards start to apply to building works?

- (1) The Premises Standards apply to:
 - (a) new buildings;
 - (b) new work on existing buildings, which includes a renovation or extension to an existing building; and
 - (c) parts of existing buildings that may be affected by new work.
- (2) For new buildings, or new work on existing buildings, the Premises Standards will apply from the following dates:
 - (a) if an application for building approval is made to a State or Territory building authority on or after 1 May 200X (when the revised Building Code of Australia comes into effect) – from the date that application is made; or
 - (b) if the work is done for or on behalf of a Commonwealth or State instrumentality, and no application for approval of the building work is made to a State or Territory building authority – from the date of commencement of the work on or after 1 May 200X.
- (3) The Premises Standards will only apply to parts of an existing building that are affected by new work on a building if required by a State or Territory building authority. This will occur when an authority, in considering an application for approval of building work on the new part, requires building work also to be carried out in relation to an existing part, through the use of a trigger mechanism. In this case, the Premises Standards will apply to the work done on the existing 'affected part' and the new part of the building, from the date of the application for building approval is made after 1 May 200X.

Part 3 Relationship to the Building Code of Australia

- (1) The Building Code of Australia (BCA) is a uniform set of requirements for the design and construction of buildings and other structures throughout Australia.
- (2) The main aim of the BCA is to maintain acceptable standards of building construction in Australia by promoting a performance-based code. The BCA is given legal effect at State and Territory level by building regulatory legislation.
- (3) The BCA is produced and maintained by the Australian Building Codes Board on behalf of the Australian Government and each of the State and Territory Governments.
- (4) The technical requirements of the Access Code for Buildings within the Premises Standards are equivalent to those reproduced in the Building Code of

Australia (BCA). The purpose of this alignment between the Premises Standards and the BCA is that if a building complies with the BCA, it will also be compliant with the Premises Standards. Any complaint of discrimination in relation to a building that is compliant with the Premises Standards is unlikely to be successful.

- (5) However, there may be features within a building that are not subject to the BCA or the Premises Standards, but which may still give rise to a complaint of discrimination – for example, the height of ticketing machines, service desks or drinking water fountains. These matters would continue to be covered by the general complaints provisions of the DDA.
- (6) The Access Code for Buildings references some definitions and provisions of the BCA. This reference incorporates a specific version of the BCA, as defined in the Access Code for Buildings. Later and earlier versions of the BCA are not recognised in the Access Code, unless the Premises Standards are amended.

Part 4 Scope of the Premises Standards

4.1 Building access matters not dealt with by the Premises Standards

- (1) The Premises Standards do not deal with all matters relevant to access to or use of a building. For example, issues such as the height of service counters, or discriminatory actions of staff in not allowing access to a building, are outside the scope of the Premises Standards.
- (2) If a matter relates to access to premises but is not dealt with in the Premises Standards, then the existing prohibitions in the *Disability Discrimination Act 1992* (particularly Section 23 of the Act, prohibiting disability discrimination in relation to access to public premises) will continue to apply for that matter. Complaints on such matters will continue to be processed under the DDA.

4.2 Buildings and areas of buildings covered by the Premises Standards

- (1) The Premises Standards cover new buildings and new building work (and some parts of existing buildings when new building work approval is required).
- (2) The Premises Standards apply to certain stages of building work, described in the Premises Standards as 'new' buildings, 'new parts' of buildings, and 'affected parts' of buildings.
- (3) The Premises Standards apply to certain categories of buildings. These are defined in the Access Code for Buildings, adopting the building classification terms used in the Building Code of Australia (BCA). The Premises Standards do not apply to all those buildings covered by the BCA. For example, they do not extend to 'Class 1a' buildings (single dwellings such as detached houses,

townhouses or villa units), or the internal parts of a sole occupancy unit in a 'Class 2' building.

- (4) The Premises Standards require that access be provided to certain areas of buildings (see Table D3.1 of the Access Code for Buildings), being areas to which the public and building occupants would normally have access. There are some areas of buildings that will not be covered by the Premises Standards. (For example, the Premises Standards do not require every sole occupancy unit in a hotel to allow for use by a person with a mobility impairment – Table D3.1 of the Access Code for Buildings sets out requirements for provision of accessible sole occupancy units according to a ratio based on the number of units in the building).
- (5) Clause D3.4 of the Access Code for Buildings also details exemptions for particular areas to the requirements for access. This includes areas such as lift or ventilation shafts, rigging lofts, waste containment areas, foundry floors, staff serving areas behind bars, and loading docks.
- (6) While the Premises Standards allow for some exemptions and limitations, it is expected that those responsible for premises will work to achieve the greatest level of access possible in keeping with the overall objective of the DDA. Also, if an aspect of building access is beyond the scope of the Premises Standards, there may still be obligations arising under the DDA.

4.3 To whom do the Premises Standards apply?

- (1) The Premises Standards give a broad definition of who has responsibilities in relation to compliance with the Premises Standards in the design, construction, certification and operation of premises (see Section 3.1). They apply to people who have responsibilities in relation to public and private buildings across a wide range of activities, including:
 - (a) property developers;
 - (b) property owners;
 - (c) building designers;
 - (d) builders;
 - (e) project managers;
 - (f) building certifiers;
 - (g) operational staff; and
 - (h) building managers.
- (2) The Premises Standards apply to a building developer or a building manager to the extent that the person has responsibility for, or control of, the matters covered by the Premises Standards in relation to a building covered by the Premises Standards.

4.4 What actions are covered by the Premises Standards?

- (1) The Premises Standards apply to the design, construction and maintenance of access of those buildings and parts of buildings covered by the Premises Standards.
- (2) The Premises Standards apply to actions that relate to the provision of access to and within premises, to the extent that those access matters are covered by the Premises Standards.

4.5 Maintenance and management of accessways

- (1) The Premises Standards specify how buildings shall be made accessible. They do this (in part) by imposing requirements for the provision of accessways. However, the obligations arising under the Premises Standards continue past the completion of construction of the building. The Premises Standards impose a continuing obligation on those who have responsibility and control of that aspect of the building to maintain and manage accessways so that they remain accessible as required by the Premises Standards.
- (2) If an accessway (or part of an accessway) becomes inaccessible, those responsible for the maintenance of the accessway may be subject to a complaint of unlawful discrimination.

Examples:

1. If a building owner or occupier allows a unisex accessible toilet to be used as a storage area, thereby reducing circulation space, there may be grounds for a complaint of unlawful discrimination under the DDA, even though the toilet was built to the required specification.
2. If a building owner or occupier allows overgrown trees or advertising material to impede an accessway, this may also be found to be a discriminatory practice under the DDA.

4.6 Premises Standards as minimum requirements

Nothing in the Premises Standards prohibits someone from providing a greater degree of access than required by the Premises Standards. For example, a building developer or manager may provide more accessible rooms in a hotel than required, or may decide to put in a fixed hearing augmentation system in a room that does not have a fixed PA system.

4.7 Innovation beyond the Premises Standards

The Premises Standards also allows for and encourages innovative solutions to meet the Performance Requirements through the development of new technologies and through the use of Alternative Solutions.

In some instances Access Panels may be approached to decide on the appropriateness of an Alternative Solution. Previous decisions of Access Panels may assist others in developing Alternative Solutions.

4.8 Providing the best access possible

- (1) While the Premises Standards sets out minimum requirements for access to and within specified parts of buildings, the overall intent of the DDA is to ensure those responsible for buildings provide access to all areas.
- (2) This means that those responsible for building design and construction shall design buildings in a manner that does not include barriers for people with a disability, unless it is necessary for technical, cost or safety reasons, even in situations where it is allowable under the Premises Standards.

Example

The Premises Standards only require that 50% of entrances to small buildings, (under 500 square meters) be accessible. It is expected, however, that those responsible for premises will not create an inaccessible entry, simply because the Premises Standards allow for it.

4.9 Unjustifiable hardship

- (1) The Premises Standards sets out technical requirements applicable to new buildings or major new building works, when appropriate design decisions can be made at an early stage. The Standards also apply to parts of existing buildings in circumstances where renovation, refurbishment, or extension work is being carried out, or where work is required by an administration to be done.
- (2) However, it is recognised that there are frequently practical constraints on the extent to which a building standard written primarily for new buildings can be applied to existing buildings. To enforce new standards in relation to work on an existing building may, in some circumstances, be unreasonable. Additionally, not to enforce appropriate access requirements may be unreasonable given the intent of the DDA.
- (3) It is for this reason that the DDA allows for an exception, reflected in the Premises Standards, in relation to building work other than the construction of a new building (or a new part of a new building), for cases of 'unjustifiable hardship'. The effect of section 4.1 of the Standards is that, for new work in an existing building, it is not unlawful for a person to fail to comply with the Premises Standards if compliance would impose unjustifiable hardship on the person.

4.10 Compliance requirements for transport buildings

- (1) Standards have also been formulated under section 31 of the DDA in relation to disability access to public transport. The *Disability Standards for Accessible Public Transport 2002* (the Transport Standards) came into effect on 23 October 2002. The Transport Standards apply to operators of public transport services, and set out requirements for accessibility of the premises, conveyances and infrastructure that are used to provide those services. Unlike the Premises Standards, the Transport Standards include a compliance timeframe, which sets target dates for compliance for each specific requirement of those Standards.
- (2) To avoid overlap and duplication of requirements for public transport buildings between the two Standards, relevant requirements for public transport 'premises' previously covered by the Transport Standards have been transferred across to the Premises Standards. These requirements now appear in Part H of the Access Code for Buildings. The compliance timetable previously applying to transport buildings under the Transport Standards has been repeated in the Premises Standards, applying here only to premises covered by Part H.
- (3) The Deemed-to-Satisfy provisions of Part H apply only to the passenger use areas of public transport buildings. The general provisions in other relevant parts of the Access Code for Buildings will apply to other areas of public transport buildings, such as an office area within a public transport building. The general provisions will also apply to passenger use areas of public transport buildings if those general provisions are not inconsistent with Part H. However, if Part H applies, and the requirements of Part H and the requirements of the general provisions are inconsistent, the requirements of Part H take precedence.
- (4) Only certain provisions of Part H apply to airports that do not accept regular public transport services – these buildings were excluded from the application of many of the requirements of the Transport Standards now carried over to the Premises Standards. These buildings will be subject to specific provisions of Part H (being only those provisions which applied to these buildings under the Transport Standards), but otherwise the general provisions of the Premises Standards will apply.

Part 5 Relationship to Australian Standards

5.1 Australian Standards referenced in the Premises Standards

- (1) The Premises Standards make reference to various Australian Standards (or specific parts of Australian Standards). These Australian Standards are referenced to provide the technical detail to support the Deemed-to-Satisfy Provisions of the Premises Standards.
- (2) If there is a difference between the technical requirements of the Premises Standards and any document referenced in the Premises Standards (including

Australian Standards), the Premises Standards take precedence.

- (3) The following Australian Standards are relevant to the Premises Standards (this table is set out in Clause A1.3 of the Building Access Code within the Premises Standards):

Table 1: SCHEDULE OF REFERENCED DOCUMENTS		
No.	Date	Title
AS 1428		Design for access and mobility
Part 1	200X	General requirements for access – New building work
Part 1	1999	General requirements for access – New building work
Part 1	1993	General requirements for access – New building work
Part 1 (Supplement 1)	200X	Design for access and mobility: General requirements for access – Buildings - Commentary
Part 2	1992	Enhanced and additional requirements – Buildings and facilities
AS/NZS 1428		Design for access and mobility
Part 4	200X	Tactile ground surface indicators for orientation of people with vision impairment
AS 1735		Lifts, escalators and moving walks (SAA Lift Code)
Part 2	2001	Passenger and goods lifts - Electric
Part 3	2002	Passenger and goods lifts – Electrohydraulic
Part 7	1998	Stairway lifts
Part 8	1986	Inclined lifts
Part 12	1999	Facilities for persons with disabilities
Part 14	1998	Low-rise platforms for passengers
Part 15	2002	Lifts for people with limited mobility – Restricted use – Non-automatically controlled
AS 2890		Parking facilities
Part 1	200X	Off-street carparking

5.2 Updated Australian Standards

- (1) The Premises Standards refer to specific versions of Australian Standards. Later and earlier versions of the Australian Standards are not recognised in the Premises Standards, unless the Premises Standards are amended.

- (2) Australian Standards are, however, constantly under review to take account of new technologies or means of achieving better performance. Every effort will be made to revise the Premises Standards to take account of these changes where appropriate. Inevitably there will be some delay between changes being made to the Australian Standards and the Premises Standards being amended to update the referencing of Australian Standards.

Part 6 Issues requiring further investigation

- (1) Some technical issues require further investigation and research before suitable Deemed-to-Satisfy Provisions can be developed. These include provisions about emergency egress, and a number of wayfinding issues as they relate to premises.
- (2) The Building Access Code within the Premises Standards presently contains Performance Requirements, but not Deemed-to-Satisfy Provisions, in relation to egress from a building, and for some wayfinding issues.

Part 7 Review of the Premises Standards

- (1) The Premises Standards will be reviewed within 5 years of commencement, and every 5 years after the initial review. The review will be convened by the Minister for Industry, Tourism and Resources in consultation with the Attorney-General.
- (2) The review will cover the effectiveness of the Premises Standards in achieving their objectives, including identification of any necessary amendments to the Premises Standards.

Access Code for Buildings

Section A General Provisions

A.1 Accessways

- (1) An accessway is a path of travel suitable for use by people with a disability. The Premises Standards define an accessway as a 'continuous accessible path of travel' and refer to AS 1428.1 to provide details of what makes a path of travel an accessway. An accessway is a key feature of the Premises Standards and is required to provide access to, into or within buildings for people with a range of disabilities, but most importantly for people who use mobility aids such as wheelchairs.
- (2) An accessway must not incorporate any step, stairway, turnstile, revolving door, escalator, traveller, moving walkway or other impediment which would prevent it from being safely negotiated by people with a disability.
- (3) The Premises Standards define where and in what circumstances an accessway must be provided.

A.2 Classifications of buildings

- (1) The use of a building determines its classification. Use is determined on the basis of its design, construction or adaptation.
- (2) The Premises Standards detail different kinds of access depending on the classification of a building. The classification of a building, therefore, assists owners/operators to identify what specific responsibilities they have for providing access.
- (3) It is possible for a single building to have parts with multiple classifications, such as a theatre with a number of retail shops on the road frontage. Part of a building can also have more than one classification, such as a hotel used as a nightclub.
- (4) Where there is any conflict about what access requirements a particular part of a building should comply with, the more stringent requirement applies. Where it is unclear which classification should apply, appropriate certification authorities such as Local Government and Building Certifiers have the discretion under State and Territory building control legislation to decide. Their decision is based on an assessment of the building proposal and would consider:
 - (a) the classification the building most closely resembles;
 - (b) the likely consequences of any risks to the safety, health and amenity of people using the building, and

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- (c) any relevant court decisions or determinations of the State or Territory body responsible for considering appeals on building classification matters. It should be noted that appeals body determinations and, in some States and Territories, certain court decisions are usually not precedent creating. Such decisions are determined on a case-by-case basis.

Class 1 buildings

- (1) While the Premises Standards do not apply to Class 1a buildings, (typically a detached house, town house or terrace house), it does apply to certain Class 1b buildings used for short-term accommodation such as cabins in caravan parks, tourist parks, farm stay, holiday resorts and similar tourist accommodation. This accommodation itself is typically rented out on a commercial basis for short periods which would not necessitate the signing of tenancy agreements, as is the case with longer-term accommodation.
- (2) Short-term accommodation can also be provided in a boarding house, guest-house, hostel or the like. This type of accommodation can often be provided as part of a person's private dwelling, as with bed and breakfast accommodation. The requirement to provide access to this type of accommodation applies:
- a. where there are 3 or more dwelling on a single allotment which are used for holiday accommodation; or
 - b. where hostel or bed and breakfast type accommodation has 3 or more bedrooms used for rental accommodation. It is only intended with this type of accommodation that the part of the building used by the guests be accessible to people with disabilities.
- (3) Although the requirements for access only apply where 3 or more dwellings or bedrooms are provided, there is nothing in the Premises Standards to prevent an owner or operator from providing access where only one or two dwellings or bedrooms are available.

Class 2 buildings

- (1) A Class 2 building is typically a block of residential flats or apartments. While the Premises Standards do not apply to the internal parts of sole occupancy units (SOU's), they do require that any common areas available for use by all residents be accessible where the SOU's are made available to the public for short-term rent.
- (2) The Premises Standards cannot extend the scope of the DDA beyond those areas currently covered. Those areas that could be covered include the common areas of Class 2 buildings where one or more SOU's are rented out for short-term use as;
- (a) holiday units
 - (b) serviced apartments
 - (c) time share arrangements
- (3) In the case of Class 2 buildings, there is no provision in the DDA that would

allow for extension beyond those parts of Class 2 buildings that the public, or a section of the public would be allowed or entitled to enter or use.

- (4) At the time of building certification it may not be possible to determine whether a particular SOU will be owner occupied, long-term or rented short-term.
- (5) Limiting access requirements to only those Class 2 buildings where it is known that SOUs will be used for short-term rental purposes will leave other Class 2 buildings open to potential discrimination complaints if in future an SOU becomes available for short-term rent.
- (6) This would not provide the surety sought under both the Premises Standards and building law.
- (7) As a consequence, while the Premises Standards will apply only to the common areas of Class 2 buildings that include SOUs available for short-term rent, the BCA will not differentiate between owner occupied, long-term or short-term rented buildings.
- (8) Those responsible for premises should comply with the requirements of the BCA in relation to Class 2 buildings so as to ensure the maximum protection possible against future complaints.
- (9) The Premises Standards require that, as a minimum, at least one of each type of common area such as BBQ areas, gardens and sports facilities and the entrance level be accessible. Where a lift or ramp is provided, all common areas on the levels served are to be accessible.
- (10) There is no requirement to make private areas, provided for the exclusive use of a limited number of residents accessible, so, for example, a roof top tennis court or spa that is only available to the penthouse suite would not be required to provide accessible features.

Class 3 buildings

- (1) A Class 3 building is typically a hotel, motel, hostel, or larger boarding house. The Premises Standards require that, as a minimum, access be provided to the entrance level of the Class 3 building. Where a lift or ramp is provided, all common areas on the levels served are to be accessible.
- (2) The Premises Standards also require access to be provided to at least one of each type of room or space used in common by the residents, such as TV lounges, dining rooms, or viewing areas on the entrance level when there is no lift provided, where a lift is provided, all areas normally used by the occupants are to be accessible.
- (3) This means that, for example, a two storey Class 3 building need not have the upper storey accessible so long as there is no unique room or space available to all residents on the upper storey.
- (4) Those responsible for premises are encouraged, however, to make all levels and all areas accessible where feasible. Doing so would assist in avoiding possible future difficulties if, for example, a room in an inaccessible area changes function to become a small conference room.

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- (5) If a lift or ramp provides access to upper levels, an accessway must be provided to all the common areas on those levels.
 - (6) It is intended that accessible rooms required in a Class 3 building be distributed throughout the building, taking into account amenity and pricing. This means, for example, that in a large hotel required to have 10 accessible rooms, the rooms must be distributed to provide a variety of views and price ranges.
 - (7) Furthermore, no more than 2 accessible units can be located next to each other.
 - (8) When there is more than one accessible SOU, alternate left and right-handed sanitary facilities must be provided. This ensures the availability of choice for people who, for example, need to transfer from a wheelchair from one side or the other.
 - (9) Consideration should be given to ensure that there is sufficient circulation space around furniture and fittings in accessible rooms.

Class 5, 6, and 8 buildings

- (1) These classifications typically include offices, shops, cafes, libraries, factories, showrooms and service stations. The Premises Standards require that access be provided to all areas and levels within the building normally used by the occupants, with the exception of those areas that are specifically exempted by Clause D3.4.
- (2) The term “occupants” refers to any person using the building including visitors, employees, employers and owners.
- (3) It is important to ensure that in designing fit outs within buildings, accessways are maintained to provide access to the goods and services available. For example, an inaccessible counter in a shop could lead to those responsible being subject to a discrimination complaint.

Class 7a carpark

If a lift or ramp provides pedestrian access to other floors within the building, they must also be accessible even though the other floors may not have accessible car parking spaces.

Class 9b buildings

- (1) A Class 9b assembly building includes a theatre, concert hall, school, university or trade workshop.
- (2) Access must be provided to all areas normally used by the occupants excluding those areas identified in Clause D3.4.
- (3) In the case of buildings such as theatres and concert halls the term ‘other areas’ referred to in table D3.1, includes change rooms, offices, orchestra pits and stages, or the like.
- (4) The Premises Standards also include, in Part H, specifications covering public transport buildings. In some instances the requirements in relation to transport

related buildings are different due to the earlier adoption of the *Disability Standard for Accessible Public Transport 2002*.

Class 9c buildings

- (1) A Class 9c building is an aged care building. The Premises Standards and AS 1428.1 are focused on the needs of people with a disability and not aged persons. For this reason the access provisions of AS 1428.1 have not been applied to all SOU's in Class 9c buildings but only to those specific rooms that are required to be provided for people with a disability.
- (2) The extent of access to be provided is similar to that for Class 3 buildings.

Class 10 buildings

- (1) A Class 10a building is typically a toilet block in a park, a structure for the purpose of providing shelter, or change rooms associated with a sports field. These facilities are required to be accessible.
- (2) Generally, these facilities would be close to a carpark or at the beginning of a walkway which can be accessed by vehicle. In some circumstances however a Class 10a building may be a considerable way into a bush walk where it may not be possible to provide an accessible path of travel. In this case the facilities may not have to be accessible.
- (3) A Class 10b structure includes a swimming pool. Where the pool is a public pool such as a hotel pool, health centre pool, Council pool or a common use pool associated with a Class 2 building the Premises Standards require at least one form of entry for people with a disability be provided.
- (4) Method for accessing the pool can be found in Specification D3.10.

Part D3 Access for People with a Disability

D.1 Wayfinding and emergency egress

- (1) It is important to be aware that the Deemed-to-Satisfy Provisions of the Premises Standards do not at this stage specifically address emergency egress or certain wayfinding issues for people with disabilities.
- (2) Research is being undertaken, and until this has been completed, the Premises Standards will not provide Deemed-to-Satisfy Provisions covering emergency egress and certain wayfinding issues for people with a disability.

D.2 Wayfinding

- (1) People who are blind or have a vision impairment need to be able to navigate a building independently. Currently, there are no prescriptive solutions available that can provide for the required level of independent access to, into or within buildings. Areas being addressed through further research include:

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- (a) The identification of a path of travel from the title boundary to the building entrance; and
 - (b) The identification of paths of travel within a building and in particular the potential use of Braille and tactile maps to identify or locate certain facilities and services.
- (2) Although not regulated, there are many ways to provide wayfinding cues using the natural and built environments. Walls, kerbs, surfaces with detectable texture and luminance contrast, and footpaths through flowerbeds and grassed areas can all assist in defining pathways more clearly.

D.3 Emergency Egress

- (1) The Premises Standards contain Performance Requirements for emergency egress, but is not able to provide Deemed-to-Satisfy Provisions that can deliver appropriate emergency egress for people with a disability.
- (2) In the future, once further research has been undertaken and Deemed-to-Satisfy Provisions developed, the Premises Standards will be amended.
- (3) Even in the absence of Deemed-to-Satisfy Provisions available for the design and construction of premises, the following should be considered ways of providing a safer environment, including:
 - (a) fire management plans
 - (b) warden assistance
 - (c) buddy systems
 - (d) refuges
 - (e) staged evacuation systems.

Clause D3.1 General building access requirements

- (1) In general terms the object of the Premises Standards is to ensure that all parts of a building, the building allotment and associated buildings are connected by accessways suitable for use by people with a disability.
- (2) There are, however, some limits to the extent of access required depending on the classification of the building. Table D3.1 provides most of the detail of what parts of buildings need to be accessible depending on their classification.
- (3) In most cases the Premises Standards require all entrances to a building to be accessible. However, in buildings with a small floor area not all entrances need be accessible if topographical difficulties exist. The requirements for accessible entrances are located in D3.2.

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- (4) Similarly, where an entrance has multiple doorways, the Premises Standards do not require all of them to be accessible:
 - (a) If an accessway doorway is manually operated, the minimum dimensions required to provide access must be provided by the opening of a single leaf, so that a person with a disability only has to negotiate their entry through one door leaf.
 - (b) If the doorway is automatically operated, the minimum dimension can be provided using two leaves.
 - (5) In addition, D3.4 provides details on exemptions to the requirement for access in particular buildings or parts of buildings.
 - (6) In the case where access is not required by the Premises Standards, but the provision of access could be easily achieved, those responsible for premises are expected to provide the greatest level of access possible.

Clause D3.2 Access to buildings

- (1) This Clause refers to requirements for entrances to accessible buildings from the allotment boundary and from any accessible car parking space or accessible associated buildings.
- (2) The Clause requires all pedestrian entrances used by the public or employees to be accessible. There are two exemptions from this requirement:
 - (a) entrances associated with those areas exempted under D3.4; and
 - (b) pedestrian entrances to small buildings with a total floor area of less than 500 m². In these types of building only 50% of pedestrian entrances including the main pedestrian entrance need be accessible where there are topographical difficulties that cannot be easily overcome.
- (3) In contrast, each of the pedestrian entrances in a large building over 500 m², which are not exempted under D3.4, must be accessible. This may require the development of design solutions to address topographical difficulties.
- (4) This is particularly important at the principal entrance to a building, which is often used as a focus for events or as a ceremonial entrance, particularly in hotels and theatres.
- (5) Designers should ensure that people who require a ramp at an entrance do not have to travel significantly greater distances in order to access either the ramp or the entrance, than people without a disability.
- (6) Similarly, the ramp should be located as close as possible to any drop off point servicing a hotel entrance.

Clause D3.3 Parts of buildings to be accessible

- (1) This Clause describes the provision of accessways to parts of buildings required to be accessible.
- (2) Although access is to be provided to all parts of the building normally used by the occupants with the exception of areas exempted by D3.4, it is not intended that access for people who use wheelchairs be provided within non-accessible sanitary facilities.
- (3) Similarly, although stairs are not allowed on an accessway, they are allowed on other paths of travel. AS 1428.1 provides technical information on how stairs are to be made safe and accessible for people with an ambulant disability or vision impairment.
- (4) All stairs and ramps, excluding those in fire isolated shafts and those only leading only to areas exempted under D3.4 must comply with AS 1428.1.

Clause D3.4 Exemptions

- (1) This Clause provides details on buildings or parts of buildings not required to be accessible under the Premises Standards. Exempted areas include rigging lofts, loading dock, maintenance areas, areas used only for bulk storage, cleaners storerooms and waste containment areas.
- (2) While these areas are not required to be accessible nothing in the Premises Standards prevents a designer from providing greater access than the required provisions.

Clause D3.5 Carparking

- (1) Table D3.5 provides details of the number of accessible car parking spaces required in a car park, depending on the classification of the building. The specifications for accessible carparking spaces found in Section 6 of AS 2890.1 aim to maximise the area available to people with a disability to get into and out of their vehicles. However:
 - (a) Signage and markings designating an accessible carparking space are only required in a car park with more than 5 spaces; and
 - (b) It is not intended that accessible car parking spaces be provided to a carpark that has a valet parking service.
- (2) The most appropriate location for the accessible car parking spaces will to some extent be determined by the use and function of the building. For example, a carpark associated with a cinema might have the accessible carparking spaces as close as possible to the main pedestrian entrance and ticketing area.
- (3) It may be more appropriate in a building with multiple pedestrian entrances, such as a shopping centre, to distribute accessible carparking spaces to ensure that the distance between the accessible car parking spaces and the entrances to the buildings are minimised.

Clause D3.6 Identification of facilities

- (1) The amount of signage required by the Premises Standards are limited to particular situations.
- (2) All sanitary facilities must have Braille and tactile signage.
- (3) In addition, all accessible unisex sanitary facilities must have the international symbol of access and information on whether the facility allows for left or right handed transfer.
- (4) Any space with a hearing augmentation system must have Braille and tactile signage as well as the international symbol for deafness.
- (5) Directional information including the international symbol for access must also be provided at any pedestrian entrance that is not accessible or a bank of sanitary facilities that does not include a unisex accessible sanitary facility. The directional information must identify where the nearest accessible entrance or accessible sanitary facility can be found.

Clause D3.7 Hearing augmentation

- (1) There is currently no Australian Standard for the installation of hearing augmentation systems. There are a number of systems available and a decision on which system to use will depend on a number of factors, such as the size and use of the space, external interferences and building materials used.
- (2) Designers should seek expert advice concerning the most appropriate system for their purposes.
- (3) Hearing augmentation is not required to provide coverage to 100% of the floor area for the following reasons:
 - (a) Such coverage could spill over into adjoining rooms and affect the operation of a system; and
 - (b) Design considerations such as interference and building design mean that it is difficult to ensure 100% coverage in any room.

Clause D3.8 Tactile indicators

- (1) Warning Tactile Ground Surface Indicator's (TGSI's) are intended only to be used for specific hazard identification in those areas identified within the Premises Standards. This includes at the top and bottom of all stairs, escalators and ramps except those only leading to areas exempted under D3.4.
- (2) Note that TGSI's are not required on enclosed landings between flights of stairs where no other entrance/exit leads onto/off the landing.

Clause D3.9 Wheelchair seating spaces in Class 9b assembly buildings

- (1) Required wheelchair seating spaces shall not be located in the front rows of cinemas with a capacity of less than 300.
- (2) The intention of providing a range of groupings and individual wheelchair spaces is to provide the greatest range of choice, flexibility and equity for people with a disability.
- (3) Wheelchair space layout and grouping should allow a range of seating patterns without having all wheelchair spaces provided in the one row.
- (4) The placement of groups of wheelchair spaces at the end of rows potentially limits the seating options for family or friends accompanying a person using a wheelchair.
- (5) While not regulated under the Premises Standards, operators of Class 9b buildings are advised to develop booking systems covering the wheelchair seating spaces that ensure the spaces remain available to potential customers using wheelchairs for as long as possible before a performance.

Clause D3.10 Swimming pools

This clause requires that there be at least one means of accessing any swimming pool provided in an accessible building for the use of the public. A swimming pool includes a wading or paddling pool and a spa. So, for example, a guest pool in a hotel would be required to be accessible.

Clause D3.11 Ramps

- (1) Ramps may be used in any accessible building as part of an accessway where there is a change in level. The ramp must comply with the requirements specified in AS 1428.1 including a maximum gradient, landings, TGSI, handrails and kerbing.
- (2) A ramp cannot be used on an accessway to connect one level to another if the vertical rise is greater than 3.5 metres. Where the vertical rise is greater than 3.5 metres a lift must be installed as part of the accessway.
- (3) The use of step ramps on an accessway is limited to an entrance to a building, a computer room with underfloor cabling and at lifts on the lowest floor level of the building. The construction of step ramps must comply with AS 1428.1.
- (4) Where a ramp is installed on a path of travel used solely for servicing an area exempted under D3.4 the requirements of AS 1428.1 are not mandatory.
- (5) Ramps are not required for areas exempted by Clause D3.4.
- (6) Note that while there is a Performance Requirement for floor surfaces to be slip resistant there are no Deemed-to-Satisfy Provisions currently suitable for reference.

Clause D3.12 Glazing on an accessway

This Clause requires there to be a 75 mm contrasting strip across all frameless or fully glazed doorways and surrounding glazing capable of being mistaken for an opening. The strip must be between 900 mm and 1000 mm above the floor and must be continuous. A contrasting strip with a series of dots, unconnected patterns or shapes that do not provide high levels of contrast would not meet the requirements of this Clause.

Specification D3.6 Braille and tactile signs

- (1) This specification provides details of the requirements for Braille and tactile signage for use when required by D3.6.
- (2) Note that the Braille signage used must be grade 1 Braille (uncontracted).

Specification D3.10 Accessible water entry/exit for swimming pools

- (1) The term 'zero depth entry' is used to describe beach style entry into pools that provides a gentle gradient into the water not exceeding 1:14.
- (2) A platform pool lift consists of a platform onto which an aquatic wheelchair is wheeled. The platform is then raised, positioned over the water and then lowered into the water.
- (3) A sling lift is used directly from a wheelchair. The person in the wheelchair may position themselves into the sling when detached from the lifting device. This allows the person to transfer by the poolside or in the privacy of a changing area. The sling is then attached to the lifting device and the person is then transferred into the pool without their wheelchair.
- (4) An aquatic wheelchair is designed to be used and immersed in water and is usually constructed of plastic or a similar material that does not react adversely when exposed to water.

Part E – Services and equipment

Clause E3.6 Passenger lifts

This Clause provides information on limitations to the use of various types of passenger lifts in certain situations. It also provides information on the application of features such as lighting, door opening widths, handrails and audible and visual information to specific lift types.

Part F – Health and amenity

Clause F2.2 Calculation of number of occupants and fixtures

- (1) This Clause provides information on how to determine the number of sanitary facilities required for any particular building.
- (2) Note that in calculating the number of sanitary facilities required, a unisex accessible sanitary facility may be counted as one for each sex. So that, for example, if a building is only required to have one male and one female sanitary facility the provision of a single unisex accessible facility would fulfil the requirements for that building.

Clause F2.4 Accessible facilities

- (1) This Clause refers to Table F2.4 to determine the numbers of accessible sanitary facilities and Australian Standard AS 1428.1 for details of the construction of accessible facilities.
- (2) Note that where two or more unisex accessible sanitary facilities are provided in a building, the layout of the facilities should provide for left and right handed transfer as evenly as possible. This is particularly important as some people with a disability, for example, transfer from their wheelchairs from the right hand side and some from the left.

Table F2.4 Accessible sanitary facilities

- (1) This table provides information on the provision of accessible sanitary facilities including unisex accessible toilets, unisex accessible showers, and sanitary compartments suitable for use by people with an ambulant disability.
- (2) Unisex accessible sanitary facilities are required wherever there is a bank of male and female sanitary facilities. If the male or female toilets are located separately and not in a single bank then the unisex accessible toilet is only required at one of those banks. However, clear directional information about the location of the closest unisex accessible toilet must be provided.

Part H – Public transport buildings

- (1) This Part specifically relates to buildings associated with public transport services such as railway stations, bus interchanges, airports and ferry terminals. (However, as under the *Disability Access to Transport Standards 2002*, the requirements in this Part will not apply to 'airports that do not accept regular public transport services').
- (2) These requirements were previously located in the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) and have now been transferred into the Premises Standards.
- (3) All building access code related requirements (i.e. within the scope of the Premises Standards) have been transferred from the Transport Standards to the Premises Standards without reducing or increasing the current requirements.
- (4) Note that all references to Australian Standards are to the following editions
 - (a) AS 1428.1 – 1993 second edition
 - (b) AS 1428.1 – Supplement 1 1993
 - (c) AS 1428.2 – 1992
 - (d) AS 1735.12 – 1994
- (5) Public transport buildings are subject to compliance timeframes. These compliance timeframes have been transferred from the *Disability Standards for Accessible Public Transport 2002* and into the Premises Standards. This will ensure continuity of the compliance requirements for existing public transport buildings, from the time the Premises Standards and consequential amendments to the Transport Standards come into effect.

PUBLIC COMMENT PROCESS

PUBLIC COMMENT

While not a requirement, it is preferred that anyone wishing to provide comments does so using the following response form.

CLOSING DATE FOR COMMENTS: 30 April, 2004

For further information on the draft Guidelines to the Disability Standards for Access to Premises (Buildings) 200X, please contact:

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**To: Mr Matthew McDonald
Australian Building Codes Board**

Name: Date:

Organisation:

Address:
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Email:.....

Telephone No: Fax No:

Respondents are asked, where possible, to comment on the text proposed for specific elements rather than making general comments on the complete package; general comments can be difficult to assess. Clause or sub-clause numbers should be referred to and comment restricted to whether the proposal is not supported or may be supported with changes, whether some situations are not adequately covered or whether there are unforeseen undesirable implications. A "no comment" on a clause will be taken as support. It would be useful if respondents would also substantiate cost-related comments with costing data.

Together with this response sheet, please find attached (on the following pages), a table to insert comments.

Please fax responses to (02) 6213 7288, or e-mail to Matthew.McDonald@abcb.gov.au or mail to the following address.

CLOSING DATE FOR COMMENTS: 30 April, 2004

Guidelines to the Disability Standards for
Access to Premises (Buildings) 200X
Australian Building Codes Board
GPO Box 9839
CANBERRA ACT 2601

CONSULTATION DRAFT

COMMENTS / PROPOSED CHANGES

- 1. Please include a reference to the clause/s to which the comments apply.
- 2. If appropriate, indicate whether you agree or disagree with the proposed clause/s.

[Dashed lines for writing comments]

COMMENTS / PROPOSED CHANGES

A series of 20 horizontal dashed lines for writing comments or proposed changes.

