

City of Ryde Development Control Plan 2014

Part: 9.2 Access for People With Disabilities

In this part, references to access requirements and provisions under the *Building Code of Australia (BCA)*, *Commonwealth Disability (Access to Premises-Buildings) Standards (the Premises Standards)* and *Australian Standards* are under review. Updates have been included where possible and further advice should be sought from Council.

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إننا نعتذر عليك فهم محتويات هذه الوثيقة، نرجو للحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթէ այս գրութիւնը չէք հասկնար, խնդրեմ եկէք՝ Րայդ Բիւրոյ Սիւվիլ Ենթըր, 1 Տելվին փողոց, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիէն Ուրբաթ կ.ա. ժամը 8.30 – կ.ե. ժամը 4.30, կամ հեռաձայնեցէք Հեռաձայնի եւ Թարգմանական Սպասարկութեան՝ 131 450, եւ խնդրեցէք որ թարգմանիչ մը Րայդ Քաղաքապետարանին հետ կապ հաստատուէ ձեզի համար, հեռաձայնելով՝ 9952 8222 թիվի:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後你可以要求一位傳譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی، شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여러분 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁드립니다.

Amend. No.	Date approved	Effective date	Subject of amendment

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1.0 INTRODUCTION

1.1 Purpose

The purpose of this Part is to provide guidance to the requirements for access by people with disabilities to and within buildings, the streetscape and open areas in the City of Ryde.

1.2 Land to which this Part applies

This Part applies to all land within the City of Ryde.

1.3 Objectives of this Part

The objectives of this Part are to:

1. Ensure that builders, developers and others provide access for people with disabilities in new and refurbished premises as required by the Disability Discrimination Act 1992 and the new Commonwealth Disability (Access to Premises-Buildings) Standards.
2. Provide design criteria that achieve access for people with disabilities
3. Promote the concept of an accessible environment for the whole community

2.0 BACKGROUND

2.1 Preparation of Controls

It has been known for some time that the provisions for access for people with disabilities in the Building Code of Australia (BCA) do not meet the requirements of the Disability Discrimination Act (DDA). This has meant that developments approved by Council, although complying with the BCA, may nevertheless not provide sufficient access, leaving the building developer / owner subject to a complaint to the Human Rights and Equal Opportunity Commission. Defending such a complaint can be time consuming, costly and poor publicity. Defending a complaint may in fact be more expensive than providing for access for people with disabilities.

A decision in the Human Rights and Equal Opportunity Commission (Cooper vs Coffs Harbour Council) clearly places an onus on councils to take account of the DDA when considering Development Applications. This is over and above the requirements of the Environmental Planning and Assessment Act.

Council has therefore decided that Council officers and developers need further guidance on the access requirements of people with disabilities and that the most appropriate way to provide this is via a Development Control Plan (Access for People with Disabilities).

Whilst this Development Control Plan has been in operation, the Commonwealth Government in 2000, in response to the known inconsistency between the BCA and DDA, amended the Disability Discrimination Act to allow for the development of Disability Standards for access to premises (Premises Standards).

In 2001 the Australian Building Codes Board (ABCB), an intergovernmental body that sets building standards, was asked to develop a proposal, which could form the basis of the Premises Standards. After years of extensive national consultation and enquiries, the new Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards) has been introduced and came into force on 1 May 2011.

The Premises Standards set out administrative provisions and an Access Code detailing technical requirements and applicable set of Performance Requirements in providing non-discriminatory access to, and use of, those buildings and areas of buildings to which they apply. The Access Code is mirrored in the Building Code of Australia (BCA), and, to ensure consistency with the BCA, sets out performance requirements and detailed deemed-to-satisfy provisions.

While the Premises Standards can address a broader range of access issues in the built environment, as at May 2012 they only apply to public buildings of the type covered by the BCA and only to new buildings and existing buildings that undergo renovation that requires a building approval. This means that there are a number of situations where the Premises Standards are either not triggered or do not apply.

Council through this Development Control Plan (Access for People with Disabilities) provides further guidance on the requirements of this new Premises Standards and on general access issues of people with disabilities.

2.2 Access Committee

The City of Ryde Access Committee is a committee of Council and has members who are Councillors, staff and community representatives who may be residents, carers or service providers for people with disability. Meetings are held bi-monthly and are open to the public.

2.3 Mission Statement

The City of Ryde is committed to working towards a fully accessible locality, and working in partnership with other authorities and the community to achieve this. Council shall adopt and implement strategies which aim to ensure that Ryde City becomes an accessible community to all people regardless of their abilities / disabilities.

- To raise the profile of disability needs and access issues within Council, the local community and appropriate authorities and to recommend appropriate action in response to access needs as they are identified
- To ensure that developers comply with the Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards), the provisions of the Building Code of Australia (BCA), the Australian Standard 1428 in respect of the provision of access and facilities for people with disabilities.
- To encourage designers / developers to consider the needs of people with disabilities and provide for greater than minimum requirements for access.
- To ensure that Council complies with the requirements as outlined in these objectives in respect of all buildings erected by Council. That Council further set an example by ensuring that all buildings, structures and recreation areas which Council erects have access and other facilities for people with disabilities.
- To affirm that no person who lives in or works in, or visits the City shall be denied access to any Council provided facility or service on the grounds of personal disability
- To adopt principles which facilitate the employment of people with disabilities, and to note this policy in employment advertisements
- To give priority to the provision of ongoing education to Council employees about the needs and requirements of people with disabilities
- To plan in Council's forward estimates for a progressive works programme designed to achieve a barrier free environment in the City of Ryde
- To develop and maintain a community information and education campaign about the requirements of people with disabilities and the advantages of access for the whole community

2.4 People with Disabilities

2.4.1 Definition of disability

There are many definitions of disability, each developed to meet the particular circumstances under consideration. Here we are primarily concerned with the issue of building developments and the issue of providing adequate access for people with disabilities. If adequate access is not provided, a person with a disability might make a formal complaint, under the provisions of the Disability Discrimination Act 1992, to the Human Rights and Equal Opportunity Commission.

The definition of "person with a disability" used in the Disability Discrimination Act 1992 is very broad. It includes:

- | | |
|----------------|---|
| ▪ Physical | ▪ neurological and |
| ▪ Intellectual | ▪ learning disabilities, as well as |
| ▪ psychiatric | ▪ physical disfigurement and |
| ▪ sensory | ▪ the presence in the body of disease-causing organisms |

The DDA covers disabilities which people:

- have now
- had in the past (for example a past episode of mental illness)
- may have in the future (for example a family history of a disability which a person may develop in the future)
- are believed to have (for example a person may be thought to be living with AIDS)

The DDA also covers people with a disability being discriminated against because:

- they are accompanied by an assistant, interpreter or reader; or
- they are accompanied by a trained animal, such as a guide or hearing dog; or
- they use equipment or an aid, such as a wheelchair or a communication device.

The DDA also protects relatives, friends, carers and co-workers of people with a disability, from discrimination.

2.4.2 Incidence of disability in the community

A survey of the Australian population by the Australian Bureau of Statistics in 1993 revealed that some 18% of Australians have a disability. About 14% of the population have a “handicap”, that is, their disability limits them in relation to one or more of the following activities:

- Self care (showering, toileting, dressing, etc.)
- Mobility (moving around the home, using public transport, etc.)
- Verbal communication (understanding or being understood in one’s own language)
- Schooling (attending school, or learning)
- Employment (ability to work, need for assistance, equipment, etc.)

Disability is closely related to age. People aged 60 and over represent only 16% of the population but account for almost half of people with a handicap. As the population “ages”, the incidence of disability is expected to rise.

Over 94% of people with a handicap live in the community – only 5.7% live in institutions.

Of all the residents in Ryde local government area (92 977 in 1996 census), assuming proportions are the same as NSW as a whole, it is estimated that:

6.1% have high support needs – that is, they always or sometimes need help from another person to perform one or more of the tasks of daily living;

3.5% need no help but have difficulty performing one or more of the tasks of daily living;

5.8% need no help but use an aid or have difficulty walking 200 metres, or going up and down stairs, or in using public transport, or in picking up an object from the floor.

This gives a total of about 14,318 people who experience specific restrictions in self-care, mobility or communication. About 40% of these would be people aged 65 years and over.

These figures are estimates based on the ABS survey of Disability, Ageing and Carers 1998.

3.0 LEGISLATION

3.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act (EPAA) 1979, regulates and controls the carrying out of developments in NSW.

Council when assessing applications for development, construction certificates and complying development certificates, needs to ensure that the any proposed building works meet the requirements (where applicable) of the new Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards and the Access Code which came into force on 1 May 2011 and contained within the Building Code of Australia (BCA).

3.2 SEPP Housing for Seniors or People with a Disability 2004

The aim of the Seniors housing is to encourage a greater supply and diversity of housing, including small scale housing, to meet the needs of older people and people with disabilities, to make better use of existing infrastructure and services and to encourage better housing design.

Provisions in the new policy relating to the location of the development and support services stress the issue of access to services and facilities.

3.3 Building Code of Australia

The BCA details the technical requirements that are applied to buildings and structures that require building approval. The BCA includes the Access Code which is part of the new Premises Standards and sets out performance requirements and detailed deemed-to-satisfy provisions which need to be satisfied before a certifying authority issues construction certificates and complying development certificates.

3.4 Disability Discrimination Act 1992

The Disability Discrimination Act 1992 (DDA) is now known to take precedence over the EPAA and the BCA, where there is conflict in the area of access for people with disabilities (see Coffs Harbour Cases at 3.5).

The objectives of the Discrimination Act 1992 (DDA) are:

1. to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - a. work, accommodation, education, access to premises, clubs and sport; and
 - b. the provision of goods, facilities, services and land; and
 - c. existing laws; and
 - d. the administration of Commonwealth laws and programs; and
2. 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
3. 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.

The DDA protects persons with disability from both “direct discrimination”, where the person is treated less favourably because of their disability, and “indirect discrimination”, where all people are treated equally but persons with disability are thereby disadvantaged.

If providing access for people with disabilities will cause “unjustifiable hardship”, the Human Rights and Equal Opportunity Commission can rule that the building owner / occupier is not unlawfully discriminating. It should be noted that unjustifiable hardship takes account of more than the cost to the owner. Also considered are the benefits to the community of the premises being accessible.

3.5 The Commonwealth Disability (Access to Premises - Buildings) Standards (the Premises Standards)

The Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards) commenced on 1 May 2011.

The Premises Standards set out administrative provisions and an Access Code detailing technical requirements. The Access Code is mirrored in the Building Code of Australia (BCA), to ensure consistency with the BCA, and sets out performance requirements and detailed deemed-to-satisfy provisions.

The purpose of the Premises Standards (and corresponding changes to the Building Code of Australia) is:

- to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability, and
- to give certainty to building certifiers, developers and managers that if the Standards are complied with they cannot be subject to a successful complaint under the DDA in relation to those matters covered by the Premises Standards.

4.0 APPLICATION OF THIS PART

4.1 Coverage of this Part

The following information sets out the provisions of this Part as applicable to particular Classes of buildings and includes the requirements of the new Premises Standards (and corresponding changes to the Building Code of Australia).

Compliance with the new Premises Standards, simultaneously with the BCA, is to be achieved by compliance with the Performance Requirements. This can be achieved by compliance with the deemed-to-satisfy provisions or the development of an alternative solution, or by a combination of both, as specified in the BCA.

A person may be excused from complying if compliance would impose unjustifiable hardship on the person. The person still needs to comply to the maximum extent not involving unjustifiable hardship.

If unjustifiable hardship is claimed, all relevant matters as specified in section 4.1(3) of the Premises Standards must be considered prior to determining any application for a complying development certificate or construction certificate.

However, unjustifiable hardship, may only be conclusively determined by a Federal Court or the Federal Magistrates Court. Decisions made by a certifying authority in consultation with suitably qualified persons to address the matters in section 4.1 of the Premises Standards would however, play an important and meaningful role in guiding a court about the existence of unjustifiable hardship in the event of a complaint.

Further details and information on a case of unjustifiable hardship are provided in Part 7 Unjustifiable Hardship.

When the Premises Standards apply

The Premises Standards apply to buildings and structures governed by the BCA that require building approval, that is applications for:

- a construction certificate
- a complying development certificate.

The Premises Standards apply to any application lodged on or after 1 May 2011 for:

- the erection of a building
- alterations and additions to an existing building
- an application for a change in building use where building works are proposed or required to meet fire safety standards.

Persons to whom the Premises Standards apply

Section 2.2 of the Premises Standards specifies that the Standards apply to the building certifier, building developer and building manager.

In NSW, a building certifier is the certifying authority who issues a Part 4A certificate or complying development certificate for any works, including those subject to the Premises Standards.

Building work to which the Standards apply

The Premises Standards apply to:

- a new building
- a new part of an existing building
- the *affected part* of an existing building.

Affected part means:

- *the principal pedestrian entrance of an existing building that contains a new part and*
- *any part of an existing building that contains a new part, that is necessary to provide*
- *a continuous accessible path of travel from the entrance to the new part.*

The affected part of a building must comply with the new access requirements where alterations and/or additions are proposed to an existing building, and the proposed work is subject to a complying development certificate or a construction certificate.

How the affected part applies

The affected part of the building:

- must be “upgraded” to comply with the Premises Standards subject to any exceptions or concessions (see page 3)
- only applies to any part of an existing building once work requiring building approval is to be undertaken.

The affected part of the building does not apply to:

- existing parts of buildings outside the area of the new work and the affected part upgrade
- an accessway from the allotment boundary, from any accessible car parking space on the allotment or between other buildings on the allotment.

Upgrading works for an affected part may include:

- accessibility of upper floors to new work
- providing lift access features such as Braille or tactile buttons
- signage
- removing a step at a building entrance
- upgrading handrails on a ramp
- minimum width requirements of doorways or passageways, including passing and turning spaces.

4.1.1 Applications under the EP&A Act

Development Applications

While the Premises Standards do not apply at development application stage, best practice will be to show any necessary building works for the affected part upgrade on the development application plans (although technical compliance details are required only for any subsequent construction certificate application). This will avoid unnecessary delays and reduce the need for section 96 modifications of the development consent.

The certifying authority will be responsible for checking compliance with the Premises Standards in the same way compliance with the BCA is currently determined by the certifying authority at construction certificate stage.

Complying Development Certificate Applications

Where proposed work to an existing building is the subject of a complying development certificate, the certifying authority will need to consider whether the required work to any affected part is also complying development so as to include it in the certificate issued.

If the required affected part upgrade falls outside the scope of what is permissible as complying development, the proposed building works, together with the required upgrade works to the affected part, will need to be the subject of a development application.

Exceptions and concessions under the Premises Standards

Part 4 of the Premises Standards sets out applicable exceptions and concessions.

Lessees

Lessees submitting an application for approval for the building work to their leased area only do not need to ensure that the affected part of the building complies with the Premises Standards.

However, this concession does not apply if the new part is within a building with only one lessee, or where the works include works to other parts of the building.

Lift concession

The requirement in the Access Code for a lift to have a floor dimension of not less than 1400mm x 1600mm does not apply to an existing passenger lift that is in a new part, or an affected part, of a building, if the lift:

- travels more than 12 metres
- has a lift floor larger than 1100mm by 1400mm.

If the building is not the subject of the lessee concession and the new part is on a floor other than the ground floor, the affected part upgrade will require that the path of travel from the principal public entrance to the new part be by way of an access ramp or passenger lift.

The provision of a ramp or lift to provide access to upper levels of a building is not required to a Class 5, 6, 7b or 8 building of no more than three storeys where the floor area of each successive storey does not exceed 200m²

Toilet concession

It is not necessary to upgrade an existing accessible sanitary facility that is the subject of new building works provided the existing sanitary facilities comply with AS 1428.1 – 2001. Toilets that are within the 'new part' or the 'affected part' of the building that do not comply with this version of the Standard will need to be upgraded. However, any new toilets must comply with the Premises Standards.

4.1.2 Class of Building – Class 1

A residence which may comprise one or more buildings including any habitable outbuildings which in association constitute:

1. a single dwelling-house, terrace house, townhouse, row house, villa house, or the like, which may be detached or separated by a common wall; or
2. a dwelling-house used as a boarding house, hostel, group house, or the like, in which not more than 12 persons would ordinarily be resident.

Requirements under this Part

- **Class 1a – New development**
 - An accessible path of travel from the street to and through the front door, where the level of land permits.
- **Class 1a - Existing building/change of use or alterations**
 - This Part does not apply
- **Class 1b – New development**
 - Must comply with all applicable provisions of this Part
- **Class 1b - Existing building/change of use or alterations**
 - Does not apply

Premises Standards

Requirements apply to certain specified Class 1b buildings - refer to the Premises Standards and seek advice.

4.1.3 Class of Building – Class 2

A building containing two or more sole-occupancy units each being a separate dwelling, excluding buildings of Class 1.

Requirements under this Part

- **New development**
 - An accessible path of travel from the street to and through the front door of all units on the ground floor, where the level of the land permits. If the development has three or more residential storeys, with 10 or more units, to all units on all storeys.
 - In developments with three or more habitable storeys and with 10 or more units a percentage of units shall comply with the provisions of a Class A adaptable unit as specified in AS4299, in accordance with the following ratio:
 - *up to 9 units, the provision does not apply*
 - *10 – 15 units, 1 adaptable unit*
 - *16 – 20 units, 2 adaptable units*
 - *21 – 30 units, 3 adaptable units*
 - *10% of units thereafter'*

(Refer to Part D of this Part for guidance)

- **Existing building/change of use or alterations**
 - This Part does not apply.

Premises Standards

Requirements apply to Class 2 common areas - refer to the Premises Standards and seek advice.

4.1.4 Class of Building – Class 3

A residential building, other than a building of Class 1 or 2, which is a common place of living for a number of unrelated persons, including:

- a boarding house, guest house, hostel, or lodging house,
- a residential part of a hotel or motel,
- a residential part of a school,
- accommodation for the aged, disabled or children; and
- a residential part of a health-care building which accommodates members of staff.

Requirements under this Part

- **New development**
 - must comply with all applicable provisions of this Part
- **Existing building/change of use or alterations**
 - does not apply

Premises Standards apply - refer to the Premises Standards and seek advice.

4.1.5 Class of Building – Class 4

A dwelling in a building that is Class 5, 6, 7, 8, or 9 if it is the only dwelling in the building

4.1.6 Class of Building – Class 5

An office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Requirements under this Part

- **New development**
 - The ground floor must comply with all applicable provisions of this Part and in developments with two or more storeys, where the aggregate floor area of all storeys above the ground storey is 400 m² or more, all storeys must comply with all applicable provisions of this Part. In particular, lift access is to be provided to the upper storey or storeys.
- **Existing building/change of use or alterations**
 - Must comply with all applicable provisions of this Part where there are structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the gross floor area of the premises.
 - Where there is minor refurbishment to an existing building, accessibility shall not be made worse.

Premises Standards apply - refer to the Premises Standards and seek advice.

4.1.7 Class of Building – Class 6

A shop or other building for the sale of goods by retail or the supply of services direct to the public, including:

1. an eating room, café, restaurant, milk or soft-drink bar;
2. a dining room, bar shop or kiosk portion of a hotel or motel;
3. a hairdresser's or barber's shop, public laundry, or
4. undertaker's establishment;
5. market or sales room, showroom, or service station.

Requirements under this Part

- **New development**
 - The ground floor must comply with all applicable provisions of this Part and in developments with two or more storeys, where the aggregate floor area of all storeys above the ground storey is 400 m² or more, all storeys must comply with all applicable provisions of this Part. In particular, lift access is to be provided to the upper storey or storeys.
- **Existing building/change of use or alterations**
 - Must comply with all applicable provisions of this Part where there are structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the gross floor area of the premises.
 - Where there is minor refurbishment to an existing building, accessibility shall not be made worse.

Premises Standards requirements may apply - refer to the Premises Standards and seek advice.

4.1.8 Class of Building – Class 7

A building which is:

1. a public carpark; or
2. for storage, or display of goods or produce for sale by wholesale.

Requirements under this Part

- **New development**
 - The ground floor must comply with all applicable provisions of this Part and in developments with two or more storeys, where the aggregate floor area of all storeys above the ground storey is 400 m² or more, all storeys must comply with all applicable provisions of this Part. In particular, lift access is to be provided to the upper storey or storeys.
- **Existing building/change of use or alterations**
 - Must comply with all applicable provisions of this Part where there are structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the gross floor area of the premises.
 - Where there is minor refurbishment to an existing building, accessibility shall not be made worse.

Premises Standards requirements may apply - refer to the Premises Standards and seek advice.

4.1.9 Class of Building – Class 8

A laboratory, or a building in which handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale or gain.

Requirements under this Part

- **New development**
 - The ground floor must comply with all applicable provisions of this Part and in developments with two or more storeys, where the aggregate floor area of all storeys above the ground storey is 400 m² or more, all storeys must comply with all applicable provisions of this Part. In particular, lift access is to be provided to the upper storey or storeys.
- **Existing building/change of use or alterations**
 - Must comply with all applicable provisions of this Part where there are structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the gross floor area of the premises.
 - Where there is minor refurbishment to an existing building, accessibility shall not be made worse.

Premises Standards requirements may apply - refer to the Premises Standards and seek advice.

4.1.10 Class of Building – Class 9

A building of a public nature:

1. Class 9a - a health-care building;
2. Class 9b - an assembly building; and

Class 9a includes a pathology laboratory in a health-care building and Class 9b includes a trade workshop, laboratory or the like in a primary or secondary school, but excludes any other part of these buildings that are of another Class.

Requirements under this Part

- **New development**
 - The ground floor must comply with all applicable provisions of this Part and in developments with two or more storeys, where the aggregate floor area of all storeys above the ground storey is 400 m² or more, all storeys must comply with all applicable provisions of this Part. In particular, lift access is to be provided to the upper storey or storeys.
- **Existing building/change of use or alterations**
 - Must comply with all applicable provisions of this Part where there are structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the gross floor area of the premises.
 - Where there is minor refurbishment to an existing building, accessibility shall not be made worse

Premises Standards requirements may apply - refer to the Premises Standards and seek advice.

4.1.11 Class of Building – Class 10

A non-habitable outbuilding or structure:

1. an open garage, private garage, shed or the like;
2. a fence, mast antenna, retaining or free-standing wall, swimming pool, or the like.

Requirements under this Part

- **Class 10a - New development**
 - An accessible path of travel from the outbuilding or structure to and through the front door of any associated building where the levels of the land permit.
- **Class 10a - Existing building/change of use or alterations**
 - this Part does not apply
- **Class 10b - New development**
 - Swimming pools that are for public use are to have a continuous accessible path of travel to and from them to any entrance, change rooms or shops associated with the swimming pool
 - Swimming pools are to have access for people with disabilities into the pool – either by a ramp, hoist or other means.
- **Class 10b - Existing building/change of use/major structural change or alterations**
 - Swimming pools that are for public use are to have a continuous accessible path of travel to and from them to any entrance, change rooms or shops associated with the swimming pool
 - Swimming pools are to have access for people with disabilities into the pool – either by a ramp, hoist or other means.

Premises Standards requirements may apply - refer to the Premises Standards and seek advice.

5.0 DESIGN REQUIREMENTS

5.1 Introduction

One of the objects of this Part is to ensure that people with disabilities have equitable access to all buildings that are approved by Council for construction or refurbishment.

This equitable access involves more than providing ramps and toilets for people who use wheelchairs. Also included are the provision of appropriate lighting and colour contrast for people with visual impairment, tactile surface indicators for people who are blind, visible alarms for people who are hearing impaired or deaf, appropriate signage for people with visual impairment and those with intellectual disability.

Note: The Disability Discrimination Act 1992 (DDA) makes it unlawful to discriminate against people with disabilities in a number of areas including access to public buildings the provision of goods and services, accommodation and employment unless this would cause “unjustifiable hardship”. When these provisions are taken together it can be seen that the DDA requires access for people with disabilities to all parts of premises which the public or an employee might want or need to go.

Although private free standing dwellings are not considered to be covered by the provisions of the Disability Discrimination Act and the new Premises Standards, Council wants to encourage accessibility to as many houses as possible. This is so people with disabilities have a greater range of homes to choose from when they want to buy a home and also to enable them to visit their friends.

Blocks of home units, multi dwelling housing (attached), etc. are covered by this Part because having more accessible units increases the amount of accessible housing stock.

The Premises Standards and the Access Code as contained within the BCA, specify a nationally applicable set of Performance Requirements in providing non-discriminatory access to, and use of, those buildings and areas of buildings to which they apply and provide technical Deemed-to-Satisfy Provisions for these Performance Requirements.

One of the main objectives behind developing the Premises Standards was to develop a single set of design and construction requirements covering access to new buildings and upgrades to existing buildings.

The DDA definition of premises extends well beyond the scope of the BCA, which is primarily concerned with the construction and safety of buildings. The DDA includes areas such as parkland, playgrounds, transport vehicles and could apply to non-building facilities such as some fixtures and fittings.

While the Premises Standards addresses a broader range of access issues in the built environment, at this stage they only apply to public buildings of the type covered by the BCA and only to new buildings and existing buildings that undergo renovation that requires a building approval.

This means that there are a number of situations where the Premises Standards are either not triggered or do not apply, including:

- Existing buildings – those buildings that existed before the Premises Standards came into force (or where an application for building/construction approval was sought before the Premises Standards came into force) and are not undergoing any building work.
- Fitout features of a building for which building approval is not required – this might include reception desks, drink fountains, change rooms in clothes shops, moveable furniture, fixtures and fittings.

- Some way finding features of buildings not covered by the signage requirements of the Premises Standards – for example tenants' boards, room identification, directions to key building facilities or features.
- Some short-term holiday accommodation buildings such as those bed and breakfast facilities or holiday cabins that are specifically excluded from the Premises Standards (see discussion under Part D3 of the Access Code below).
- Public footpaths, parks, recreation areas, transport conveyances – those parts of the built environment which are not covered by the Premises Standards.

If a building or feature is not within the scope of the Premises Standards and someone experiences discrimination because the building or feature is not accessible a complaint can be made directly under the provisions of the DDA.

So, for example, it will continue to be possible for a person with disability to complain about access to a local shop or hotel that was built before the Premises Standards commenced or about the inaccessibility of certain fixtures and fittings or directional information not covered by the Premises Standards.

The Premises Standards allow for and encourage innovative solutions to meet the Performance Requirements through the development of new technologies and through the use of alternative approaches, so long as the proposed solution provides equivalent or better access than the Deemed-to-Satisfy Provisions.

For example, although the Premises Standards only refer to specific editions of AS 1428.1 and other Australian Standards, the Australian Standards are regularly updated to take account of new technologies and new ways of doing things.

While the Premises Standards only require compliance with the specific editions of Australian Standards referenced in the Access Code, this does not prevent a building owner from complying with a newer Australian Standard if to do so would satisfy the Performance Requirements of the Access Code.

Similarly there may be situations, particularly in relation to existing buildings such as heritage buildings, where it might not be possible to meet the Deemed-to-Satisfy Provisions of the Access Code but an acceptable alternative approach might be proposed.

Building professionals are familiar with this approach referred to as an Alternative Solution in the BCA. Subsections 3.2(2) and (3) of the Premises Standards should be interpreted as allowing for alternative approaches to meeting the Performance Requirements of the Access

The Premises Standards are a set of minimum requirements for the provision of access. While compliance with the Deemed-to-Satisfy Provisions of the Access Code fulfils legal responsibilities in relation to the DDA there is nothing to stop someone from providing a greater degree of access than required by the Deemed-to-Satisfy Provisions.

The Access Code through the BCA only requires the provision of limited access in some situations. For example, ramp or lift access is only required to the upper floor of a two- or three-storey office block if either of the upper floors is greater than 200 m².

These limited access requirements address situations where achieving higher levels of access might be extremely difficult in every instance.

Where it is possible to achieve higher levels of access than the minimum requirements of the Access Code it would be good practice to do so.

For example, the Access Code includes a limit in relation to the number of accessible entrances to a building, requiring only 50% of entrances (including the principle public entrance) to be accessible. However, where there are no topographical or significant financial considerations associated with making all entrances accessible, designing beyond minimum requirements by making all those entrances accessible should be considered as good practice.

Similarly, a building developer or manager may provide more accessible rooms in a motel, or more accessible car parking spaces in a carpark than the minimum number required by the Access Code. They may also decide to install a fixed hearing-augmentation system in a room that does not have an inbuilt public address system to ensure better access.

Some of the important factors that need to be considered in providing access are discussed below.

However, for details of the precise specifications required, reference should always be made to the various Australian Standards shown opposite each section. A list of the relevant Standards is provided in Part 8 of this DCP.

5.2 Terms

Accessible:

Describes all or part of a site, building or facility that complies with AS1428.2 and that can be approached, entered and used by people with disabilities.

Angle of approach:

The angle between the centre line of one path of travel and the centre line of an adjoining path of travel.

Ambulant people with disabilities:

People who are able to walk but have mobility or manipulative impairments.

Circulation space:

Is the space surrounding built elements, landscape elements, and fixtures required for movement into and around buildings and includes an unobstructed area for a minimum height of 2000 mm above the finished floor.

Continuous accessible path of travel:

An uninterrupted path of travel to or within a building providing access to all required facilities. For non-ambulatory people this accessible path shall not include any step, stairway, turnstile, revolving door, escalator or other impediment which would prevent it from being safely negotiated by people with disabilities.

Grabrail:

A rail used to give a steadying or stabilizing assistance to a person engaged in a particular function.

Handrail:

A rail used in circulation areas such as corridors, passageways, ramps and stairways to assist in continuous movement. The handrail must be parallel to the floor.

Hazard:

Any area or object within the environment that may place people at risk.

Kerb:

A side barrier to a trafficable surface.

Kerb ramps:

(AS 1428.1 Clause 5.8) – have a max rise of 190mm, a gradient of 1:8, a landing 1330 mm from top of ramp and a width of 1000mm. Kerb ramps are located within a kerb.

Threshold ramps:

(AS1428.1 Clause 7.1, figure 10) – have a rise less than 56 mm, a gradient of 1:8, a width of 1000mm, no landing and no handrail or kerb required. The length is not more than 450mm.

Step ramps:

(AS 1428.1 Clause 5.8) – have a rise greater than 56mm but a maximum rise of 190mm with a gradient 1:8, width 1000mm, length less than 1520mm and a landing of 1330mm. A handrail and kerb is not required with a step ramp.

Ramps:

(AS 1428.1 Clause 5.3) – have a rise above 190mm and a gradient of 1:14min etc – as is outlined in the above Australian Standards.

Landing:

A flat or crowned surface with a gradient not steeper than 1 in 40, e.g. a rest area on a ramp, stairway or walkway or where a ramp changes direction and at the top and bottom of each ramp.

Luminance factor:

The ratio of luminance of a surface to that of a perfect reflector, identically illuminated.

Path of Travel:

A passageway, walkway, ramp, landing or other space used for circulation.

Ramp:

An inclined accessway with a gradient steeper than 1 in 20 but not steeper than 1 in 14 and should include non slip floor covering.

Sensory impairment:

Any significant loss of hearing or sight.

Step ramp:

An inclined accessway with a length not greater than 1520 mm and a gradient not steeper than 1 in 8, located in, or instead of, a step other than a kerb.

Walkway:

Any accessway with a gradient not steeper than 1 in 20.

(Source AS1428.1 and AS1428.2)

5.3 Continuous Accessible Path Of Travel

The provision of a continuous accessible path of travel is the basic tenet on which access to premises is based. It allows people with disabilities to move without restriction into and throughout the building or other area.

In general, it is expected that all parts of buildings will be accessible to people with disabilities. To do this requires careful planning so that access is not prevented by the inappropriate design or construction of minor aspects of the building that undo or negate the efforts that have been made in other areas.

Note : There is little point in providing an accessible parking bay if a wheelchair user cannot get from the parking area and through the front door because of a step at the door. There is little point in making the entrance accessible if access throughout the building is impeded by steps or narrow doors or obstacles placed in the path of travel.

Australian Standard, AS1428.2 provides technical details of what needs to be done to ensure a continuous accessible path of travel for most people with disabilities and should be referred to for complete specifications. Some of the major factors, however, are explained below.

(AS1428.2 Clause 7)

5.4 Width Of Path

A wheelchair user needs a minimum of 1200 mm except at doors where more space is required. In addition, passing spaces need to be provided every 6 metres to allow two wheelchair users to pass.

(AS1428.2 Clauses 6.1 to 6.5)

5.5 Changes in Level

Even small steps or lips can prevent some wheelchairs from movement and may also be a hazard to ambulant people with disabilities. Any change in level that exceeds 3 mm must be ramped or an alternative access means provided (e.g. a lift).

(AS1428.2 Clause 6.6)

5.6 Vertical Clearance

People who have visual impairment or who are blind need to be sure that the path of travel is free from obstacles that might strike them on the head or upper body. There must be clearance above the path of at least 2000 mm.

(AS1428.2 Clause 6.7)

5.7 Ramps and Landings

Wheelchairs are difficult for many users to push up slopes. This is because of the effort involved and because a steep slope may tip the wheelchair over backwards. Generally ramps must not have a gradient greater than 1:14.

Ramps must have landings every 6 metres to allow users to rest. Ramps must also have kerbs to prevent a wheelchair from leaving the ramp and handrails to assist ambulant people with disabilities.

(AS1428.2 Clauses 8.1 to 8.4.6)



Ramps are to have dual handrails on both sides of the ramp. The top rail is to be 865 to 900 mm from and parallel to the ground or floor and the lower rail is to be 665 to 700 mm from and parallel to the ground or floor. Railings are to be a minimum of 30 and a maximum of 50 mm diameter.

(AS1428.2 Clause 10.1)

Figure 9.2.01

The transition to this ramp involves a step of about 50 mm making the ramp virtually useless.

There is no handrail on the left hand side. Handrail does not conform to the standard

5.8 Ground and Floor Surfaces

Floor surfaces must be slip resistant so as not to be a hazard to people with disabilities. Where carpet is used it must provide a firm surface and be attached so that there are no changes in level greater than 3 mm between the carpet and any other surface.

(AS1428.2 Clause 9)

5.9 Approaches and Entrances

All public entrances and employee entrances are to be accessible to people with disabilities.

Thresholds are to be avoided but where they are essential, they must be no higher than 56 mm and be ramped using a threshold ramp with a gradient of no more than 1:8.

(AS1428.1 Clause 11.2)

5.10 Doors and Doorways

People who use wheelchairs and people using other mobility aids need clear door openings of at least 960 mm wide to enable equitable access. There also needs to be sufficient circulation space at doors to allow people with disabilities to open and close the doors independently. Where they can be used, automatically operated sliding doors offer a good solution for most people with disabilities. Where revolving doors and turnstiles are installed, an alternative entrance shall be provided.

(AS1428.2 Clause 11)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.



Figure 9.2.02 The false floor prevents access and the doors are less than 960mm in width

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.11 Lifts

Lifts should be provided in easily accessible locations in all buildings of more than two levels, excluding carparking levels, as required by Part B (Coverage of Development Control Plan) of this document.

Lifts must be able to be operated independently by people with disabilities. There must be sufficient room for a wheelchair user to turn around in the lift car and control buttons are to be within reach of a wheelchair user. Handrails are to be provided.

(AS1428.2 Clause 12)

Information in lifts must be provided in tactile, aural and visual formats. Visual information must be able to be read by a person with visual impairment.

(AS1428.4)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.12 Tactile Ground Surface Indicators

People who are visually impaired or blind need to be warned of hazards in or adjacent to the path of travel. This can be done by including tactile indicators in the path of travel ahead of hazards such as ramps, steps, roadways or before overhead obstacles that are close to the path of travel.

In addition, directional information can be provided by appropriate tactile indicators at points in the path of travel where there are changes of direction.

(AS1428.4)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

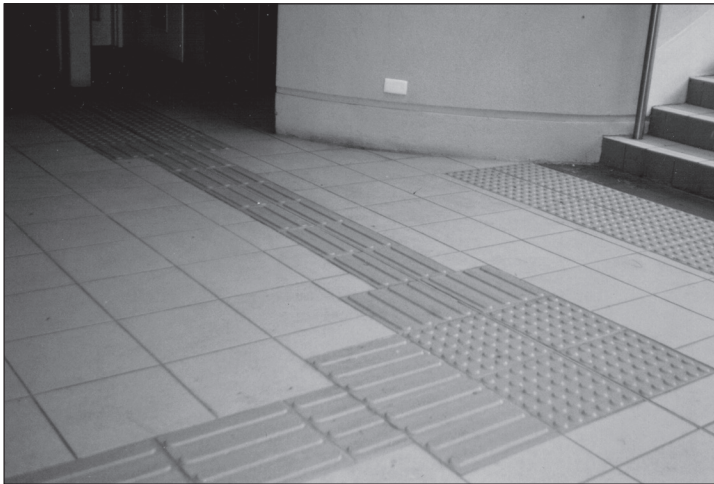


Figure 9.2.03
Effective use of Tactile Ground Surface Indicators

5.13 Stairways, Escalators and Moving Pathways

Some people with ambulant disabilities prefer stairs to ramps. However, any stairs, escalators or moving pathways used must be provided in addition to the continuous accessible path of travel and not as part of it.

Stairs may have a rise of 150 to 165 mm and a tread of 275 to 300 mm. However, where possible, the rise should be 95 to 105 mm with a tread of 575 to 600 mm which suits people using assistive devices such as walking frames.

Stairways are to have dual handrails on both sides of the stairway. The top rail is to be 865 to 900 mm from the top of a step and the lower rail is to be 665 to 700 mm from the top of a step. Railings are to be a minimum of 30 and a maximum of 50 mm diameter.

(AS1428.2 Clause 10.1)

5.14 Lighting

Poor lighting can cause a safety hazard for all people. People with disabilities, particularly people with vision impairment, need good lighting for both safety and so they can find their way around.

Lighting should not glare nor reflect unduly off surfaces as this can cause confusion and disorientation.

In general, the minimum lighting level that complies is 150 lx. Some areas, such as toilets, counter tops and general displays, require more light – up to 300 lx.

(AS1428.2 Clause 19)

5.15 Gateways and Checkouts

If access to, or egress from, a premises is through a gateway or checkout, care needs to be taken that people with disabilities can negotiate it.

Gateways and checkouts suitable for people with disabilities are to be identified by the international symbol for access.

Turnstiles are not appropriate for people with disabilities.

An opening of at least 850 mm is required and any coin device or ticket machine is to be located at a height of between 800 and 900 mm to enable wheelchair users to use it.

Any barrier must be at least 1200 mm past the ticket or coin feed point to allow a wheelchair user access.

(AS1428.2 Clauses 28.1 to 28.4)

5.16 Parking Areas

Many people with disabilities use motor vehicles, at least in part because most public transport is inaccessible.

5.16.1 Off Street Parking

Parking spaces for people with disabilities are to be located close to exits of the parking area or close to entrances to premises (including close to lifts, ramps or walkways).

There must be a continuous accessible path of travel from all parking spaces for people with disabilities to entrances to the premises.

In undercover parking areas, lifts are to provide access to all levels.

The ground surface of parking bays is to be smooth, but non-slip and have a slope in any direction not exceeding 1:40. (There are special provisions for outdoor car parks – see AS2890.1 Clause 2.4.5 (a)).

Parking spaces are to be a minimum of 3660 mm wide to allow a wheelchair user to fully open the car door and then transfer from the car to the wheelchair.

Wheelchairs are often carried on the roof of the car using a wheelchair hoist. A vertical clearance of at least 2500 mm is required to allow the hoist to operate. This clearance must extend from the entrance to the parking bays for people with disabilities.

Parking spaces are to be identified by the international access symbol.

Where boom-gates are used at either the entrance or the exit, any ticket machine is to be within reach of a driver seated in the car and, for drivers who cannot operate the ticket machine, an intercom system provided that can be operated from the driver's seat of the car.

(AS1428.2 Clauses 14.1 and 14.2; AS2890.1 Clauses 2.4.5 to 2.4.6.1, 5.3.1 to 5.4, Appendix C and Table C1.)

Sufficient parking is to be provided for people with disabilities. Minimum numbers required are specified in Table 9.2.01.

TYPE OF FACILITY	NUMBER OF WIDE-BAY SPACES
Class 1a	Nil
Class 1b	If a parking area is provided, 1 wide bay space
Class 1c	Nil
Class 2	1 wide bay space for each accessible or adaptable unit At least 1 wide bay visitors' space
Class 3	The greater of a. or b. c. At least 1 wide bay space for each accessible unit or, d. In parking areas with: less than 10 spaces - nil In parking areas with more than 10 spaces, 3% of spaces are wide bay. That is : 10 to 33 spaces - 1 space 34 to 66 spaces - 2 spaces 67 to 100 spaces - 3 spaces 101 to 133 spaces - 4 spaces, etc
Class 4	At least 1 wide bay for each accessible dwelling
Class 5, 6, 7 and 8	In parking areas with more than 10 spaces, 3% of spaces are wide bay. That is : 10 to 33 spaces - 1 space 34 to 66 spaces - 2 spaces 67 to 100 spaces - 3 space 101 to 133 spaces - 4 spaces, etc
Class 9a	In parking areas of upto 10 spaces, 1 space is wide bay In parking areas with more than 10 spaces, 4% of spaces are wide bay. That is : Up to 25 spaces - 1 space 36 to 50 spaces - 2 spaces 51 to 75 spaces - 3 spaces 76 to 100 spaces - 4 spaces 101 to 125 spaces - 5 spaces, etc
Class 9b	In parking areas with more than 10 spaces, 3% of spaces are wide bay. That is : 10 to 33 spaces - 1 space 34 to 66 spaces - 2 spaces 67 to 100 spaces - 3 spaces 101 to 133 spaces - 4 spaces, etc
Class 10	Nil (parking areas associated with any swimming pool or the like are to comply with the parking provisions for Classes 5, 6, 7 and 8)

Table 9.2.01 Numbers of Parking Spaces for People with Disabilities

5.16.2 On Street Parking

Parking bays for people with disabilities are to be a minimum of 3200 mm wide and 5500 mm long if the bay is at the end of the parking area and 6700 mm long in other circumstances.

Kerb ramps are to be provided at each end of the parking bay.

Where possible the footpath is to be cut away to provide a clear 3200 mm width.

The number of parking bays for people with disabilities will also comply with the provisions of Table 1.

(AS2890.5 Clause 4.5.1 and 4.5.2.)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.17 Sanitary Facilities

Accessible sanitary facilities are to be provided in every location where other sanitary facilities are provided.

Many people with disabilities need assistance with toileting and this is often provided by a person of the opposite sex to the person with a disability. It is therefore required that accessible facilities should be located so they can be accessed without the need to enter a male only or female only area.

Generally, one unisex accessible facility is required to be provided near each block of male and female facilities.



Developers are particularly urged to consult AS1428.2 Clause 15 before settling on a sanitary facility design.

Accessible sanitary facilities will be a minimum of 2300 mm by 1900 mm, unless a wash basin or other facility is also provided in the same area, in which case extra space is required.

Figure 9.2.04
Toilet centreline is more than 460 mm from wall, putting paper and the handrail out of easy reach

As some wheelchair users are able to transfer to one side only, where more than one accessible sanitary facility is provided there will equal numbers of facilities that allow transfer from wheelchair to toilet from the left and from the right hand side of the wheelchair.

At least one emergency call button will be provided in each facility.

Grabrails will be provided which comply with AS1428.2 Clause 10.2.

(AS1428.2 Clauses 15.1 to 15.3)

In each single sex facility there will be a cubicle that people with ambulant disabilities can use. It will comply with AS1428.2 Figure 12.

5.18 Washbasins

Washbasins will allow a wheelchair user to sit front-on to the basin with room under it for clearance over the person's knees. Provision should also be made for an area which allows for the easy placement of such things as hair brushes.

(AS1428.2 Clause 15.7)



Figure 9.2.05
Towel dispenser is too high above floor and soap dispenser is too close to corner. Mirror is too high for wheelchair users.

Taps will be either lever type, capstan type or sensor plate controlled or the like.

Hot water will be provided through a mixer valve.

(AS1428.1 Clause 11.3)

5.19 Shower Facilities

Where shower facilities are provided, they will also be provided for people with disabilities. The accessible shower facility may be incorporated into the accessible sanitary facility provided sufficient circulation space is provided.

The minimum circulation space required for an accessible shower is 1600 by 2350 mm.

A fold-away seat and grabrails will be provided. A shower hose will be provided. An adjustable temperature control valve will be installed to prevent scalding. There shall be two levers on which to hang the shower hose.

(AS1428.2 Clause 15.4)

5.20 Bedrooms in Motels etc

Many people with disabilities stay in motels and other accommodation facilities. As well as toilets and showers needing to be accessible, bedrooms also need to have sufficient circulation space to enable their use.

On each side of all beds there will be 1200 mm clear space to allow a wheelchair to be positioned on either side of the bed. In addition, there will be sufficient space at the foot of the beds to enable a 180° turn (2070 mm in direction of travel and 1540 mm in width).

Controls for any TV, air conditioner, radio or other facility will be located where they can be operated from the bed.

Any telephone will be able to be operated from the bed. The telephone cable should be long enough to enable location on either side of the bed.

The height of the top of the bed mattress will be not less than 480 mm or more than 500 mm from the floor when compressed by a weight of 90 kg.

(AS1428.2 Clause 24.3)

5.21 Controls, Handles, Fixtures

Many people with disabilities are limited in their reach, in their strength and in their hand function. Controls for such things as lights, doors and power outlets must be designed and positioned to allow their operation by people with disabilities. In addition there needs to be sufficient contrast between the control and its background to enable a person with vision impairment to detect it.

Door handles must be able to be operated with one hand and be of a design that enables a person with no grip to use it – a “D” handle will often suffice where the door is unlocked. Lever handles allow people with limited hand function to open locked doors.

Controls are to be located no less than 900 and no more than 1100 mm from the floor. Switches are to be no less than 500 mm from any corner to allow a wheelchair user to reach them.

Should an outwards opening door be used, for example in a sanitary facility, a horizontal handrail or pull bar will be fitted to the inside of the door. A preferable solution is the use of sliding doors as internal doors.

(AS1428.2 Clause 23.1 to 23.5; AS1428.1 Clause 11)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.22 Symbols and Signs

Access will be identified by use of the international symbol for access. The figure will be white on a blue background.

In general, a sign using the international symbol for access will face in the direction of the travel and may also include an arrow and a sign or word indicating a facility.

Where hearing augmentation is provided it will be notified by use of the international symbol for deafness.

(AS1428.1 Clauses 14.1 to 14.4)

Signs need to be clear and easily understood. The height of lettering and the colour contrast between lettering and the background needs to be sufficient to ensure signs can be read from a distance.

For example, for a sign to be read from 2 metres the lettering must be at least 6 mm high, to be read from 12 metres, 40 mm high and from 50 metres, 150 mm high.

(AS1428.2 Clause 17.2)

Signs are to be illuminated without glare or reflection.

(AS1428.2 Clause 17.3)

Signs are to be located so they can be read from both a standing and a seated position. In general, signs are to be placed not more than 1600 and not less than 1400 mm from the floor.

(AS1428.2 Clauses 17.4 and 25)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.23 Auditoriums and Assembly Areas

Many people with disabilities patronize theatres, concert halls and the like. As often as other people they are accompanied by family or friends who may or may not have a disability. Seating in these kinds of venues needs to be designed so that people with disabilities have a range of options as to where they sit. That is, seating should be available to people with disabilities in all price areas and levels of the venue.

Provision must be made for people with disabilities to sit with others with disabilities and with others who do not have a disability.

The surface of any wheelchair seating space will have a gradient no greater than 1:40.

Seating for people with disabilities will be accessible along a continuous accessible path of travel from the street or car parking area.

Any stage or podium is to be accessible by ramp or other means. The stage or podium will have sufficient circulation space for a wheelchair user. All controls will be able to be operated by a seated person.

(AS1428.1 Clauses 15.1 to 15.3; AS1428.2 Clauses 26.1 and 26.2)

The edge of the stage or podium will be identified by barriers or other means.

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.24 Listening Systems for Hearing Augmentation

Many people with hearing impairment can benefit from a hearing augmentation system which amplifies sound and in some cases can be used by people with "T" switches on their hearing aids. Other systems use supplied headphones or other devices.

Where a sound amplification system is provided, at least 10% of the audience area in each classification of seating will be provided with a hearing augmentation system.

The several types of hearing augmentation systems that are available are detailed in AS1428.2 Clause 21.

(AS1428.2 Clauses 21.1 to 21.3)

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

5.25 Background Sound Levels

For hearing systems to be effective, there needs to be a low level of background noise. Particular care should be taken with the installation of air conditioning and computer systems.

(AS1428.2 Clause 20 & AS2107)

5.26 Furniture and Fitments

People with disabilities need to be able to use the furniture installed in premises. Tables, counters and worktops all need to be designed so that access is provided.

No one table height suits all people with disabilities. Therefore it is necessary to provide for adjustment to table and worktop height or, where this is impractical, to provide tops at a range of heights between 700 and 850mm.

Tables, counters and worktops also need to have clearance under them for a wheelchair user. Generally this clearance should be no less than 710mm.

The width of clearance under a table or counter must be no less than 800 mm.

(AS1428.2 Clauses 24.1 and 24.2)



Figure 9.2.06 Lower counter area is good for wheelchair users but lack of space under counter means it cannot be used to write on

5.27 Street Furniture

Street furniture will not be situated so that it causes a hazard to people with disabilities. Items such as seats, tables, drinking fountains, planter boxes, etc will be positioned at least 500 mm from any accessible path of travel.

All seating should have armrests at a height of 210 to 300 mm above the seat, and have a seat height of 450 mm unless a high proportion of elderly people are likely to use the seating. In this case at least some of the seats are to have a seat height of 520 mm which enables people to stand up from the seat more easily.

(AS1428.2 Clauses 27.1 to 27.3)

5.28 Emergency Warning Alarms

Emergency warning systems need to include both visual and audible alarms so that as many people as possible can be alerted to any emergency.

Signs that warn of danger are to be placed sufficiently ahead of the hazard to allow avoidance.

(AS1428.2 Clauses 18.2 and 18.3)

5.29 Emergency Egress

Emergency exits need to be accessible to people with disabilities. Where egress is required from upper levels, the use of fire rated lifts or other means may be required. There is no Australian Standard dealing with this issue, however the Human Rights and Equal Opportunity Commission's Advisory Notes on Access to Premises provide advice.

(HREOC Advisory Notes on Access to Premises Section 5.21)

5.30 Outdoor Areas – Parks, etc

It is just as important for people with disabilities to have access to outdoor areas as it is for them to have access to buildings.

Continuous accessible pathways of travel are to be provided from all entrances to all of the facilities in the area – e.g. toilets, change rooms, barbecues, activity areas, tables and seats.

In addition, all facilities are to be constructed so as to provide access to them or to enable their use by people with disabilities.



Figure 9.2.07 Leg of table prevents use by wheelchair user



Figure 9.2.08 This table has an extended top and can be used by a wheelchair user

5.31 Infrastructure

People with disabilities need to be able to move between buildings and between transport nodes and their destinations.

This means all train stations, bus interchanges, footpaths, shopping malls and the like must not only be accessible in themselves but also linked by continuous accessible paths of travel.

Kerb ramps are particularly important and must conform to AS1428.1.

To ensure that wheelchair accessible buses can be effective, all kerbs must be a minimum of 150 mm high.

When footpath upgrading occurs, there needs to be a concerted effort to use the opportunity to increase access to shops. This might involve encouraging the shopkeeper / owner to meet some of the cost of making their shop accessible. Shops can often be made accessible by ramps within the shop, perhaps in combination with a threshold ramp on the footpath.

Premises Standards requirements may also apply. Refer to the Premises Standards, BCA and seek advice.

6.0 ADAPTABLE HOUSING

6.1 Introduction

As people age, experience ill health or acquire a disability, their housing needs will change. Homes which have been perfectly satisfactory become unsuitable due to access problems – for example, steps, small bathrooms, high kitchen benches. This usually means either modifications to improve access or the need to purchase a new home. Either way this is an expensive and disruptive exercise.

Buying a house or unit that is accessible or that can be easily adapted, is extremely difficult due to the lack of accessible housing stock.

Many people with disabilities are often isolated in their communities because most homes are inaccessible. This means that people with disabilities are unable to visit friends and neighbours who live nearby.

Adaptable housing is an approach to housing that builds features into new homes that make them immediately visitable by people with disabilities and considerably less expensive to modify for accessibility when that need arises.

In this context, visitable by people with disabilities means there is access to and through the front door, and to at least a sitting room, as well as ensuring that a toilet is usable by people with disabilities.

Council is committed to increasing the amount of housing stock that is adaptable.

Australian Standard AS4299 sets out the requirements of adaptable housing. Some of the more important features are summarized in the following pages.

AS4299 encourages the certification of adaptable houses into one of three classes of adaptable housing, A, B and C.

A house is classified as Class A, B or C depending on the number of features specified in AS4299 that are incorporated in the design. AS4299 designates features as being “essential”, “first priority desirable” or “desirable” depending on their importance to a person with a disability.

An Adaptable House Class A is one in which all essential and desirable features are incorporated.

An Adaptable House Class B has all essential and at least 50% of desirable features, including all those designated as “first priority”.

An Adaptable House Class C has all essential features incorporated.

Adaptable housing can apply to all kinds of housing – single dwellings, semi detached, bed sitters, urban housing, town houses and units in multi storey blocks.

6.2 Requirements

Developments with 10 or more units shall have a percentage of those units that meet the specifications for the Adaptable Housing Standard AS4299, in accordance with the following ratio;

- up to 9 units, this provision does not apply;
- 10-15 units, 1 adaptable unit
- 16-20 units, 2 adaptable units
- 21-30 units, 3 adaptable units, and

- 10% of units thereafter

As explained below, AS4299 provides for three Classes of adaptability. To meet Council's requirements, all adaptable units shall be designed and constructed to Class A.

With regard to urban housing provision needs to be made for 50% of developments containing 4 or more dwellings to be able to be accessed from the street. Common areas and carparking areas by older people and people with a disability.

6.3 Definitions

Accessible:

Able to be approached, entered and used by people with disabilities, including those who use wheelchairs, crutches or other mobility aid.

(Comply with AS 1428.1)

Accessible housing unit:

Housing unit with facilities already in place which allow a person with a disability or progressive frailty to live there.

(Comply with AS1428.1 and AS1428.2)

Adaptable housing unit:

Housing unit which is designed and constructed to meet the performance requirements of AS4299 Clause 2.2 and includes the essential features in AS4299 Appendix A.

Circulation space:

The unobstructed area around built elements, landscape elements, and fixtures and fittings required for movement into and within premises.

General purpose outlet (GPO):

An electrical power outlet (power point).

Housing unit:

A single residence or part of a residence, containing living area and sleeping space, kitchen, toilet and bath or shower room. The term includes bed-sitter flats, detached and semi-detached houses, villa homes, townhouses and apartments in multi-storey blocks.

Ramp:

An inclined accessway with a gradient steeper than 1:20 but not steeper than 1:14.

Shall:

Refers to an essential requirement.

Should:

Refers to a desirable requirement.

Visitable housing unit:

A housing unit that has at least one wheelchair accessible entry with an accessible path of travel to the living area and to a toilet that is either accessible or visitable.

Visitable toilet:

A toilet that has a minimum width of 900 mm clear of any door and fixtures and a minimum of 1250 mm in front of the toilet bowl.

Multi Unit Dwellings attached:

means a residential flat building containing 3 or more dwellings in a group arranged so that each dwelling has attached private open space and separate access from an unbuilt portion of the site.

Walkway:

Any accessway with a gradient not steeper than 1:20.

6.4 Design requirements

6.4.1 Drawings

Where a housing unit is to be certified as complying with AS4299 drawings shall be prepared that show the design of the house before and after adaption.

(AS4299 Clause 2.3)

6.4.2 Siting

1. People with disabilities enjoy outdoor facilities and generally should have access to all outdoor facilities. To facilitate this access, a level site should be selected with a maximum of 1:14 gradient in any direction.

(AS4299 Clause 3.2.2)

2. To allow access to the unit, a continuous accessible path of travel shall be provided from the street frontage and the car parking areas to the entry.

(AS4299 Clause 3.3.2; AS1428.1)

3. Additional paths and walkways should form a continuous accessible path of travel and be slip resistant and hard surfaced.

(AS4299 Clause 3.3.2)

4. Like other people, people with disabilities need to access common use facilities in residential estate developments. All common use facilities should be accessible.

(AS4299 Clause 3.3.3)

5. To aid with the location of residences within residential estate developments, street numbers should be displayed along with street names at intersections.

(AS4299 Clause 3.3.3)

6. In residential estate developments, internal roadways and pedestrian walkways should be kept separate.

(AS4299 Clause 3.3.3)

6.4.3 Security

1. Pathway lighting should be positioned at a low height to avoid glare. Minimum lighting level on pathways to be 50 lx at ground level.
(AS4299 Clause 3.6.1)
2. To assist with security there should be a clear line of sight from any vehicle drop-off point to a safe pedestrian entry point.
(AS4299 Clause 3.6.2)

6.4.4 Letterboxes in Estate Developments

1. Lockable letterboxes should be provided in a central position near a street entrance.
2. Letterboxes shall be on a hard surface area connected to an accessible path of travel.
3. Letterbox area should be roofed and well lit.
4. Letterboxes should have a parcel rack.
(AS4299 Clause 3.8)

6.4.5 Private Car Accommodation

1. Car space or garage shall have a minimum area of 6.0m x 3.8 m with the vertical clearance above the car space a minimum of 2.5 m.
2. Car space should be roofed. and any garage door should be a power operated roller door.
3. There should be a covered, accessible path of travel from the car space to the unit.
4. Car parking area should be illuminated to a minimum of 50 lx.
(AS4299 Clauses 3.7.1 to 3.7.3 and 4.10)

6.4.6 Accessible entry

1. The entry to the unit shall be accessible and have a clear door opening of 850 mm and should be protected by a porch or similar structure.
(AS4299 Clause 4.3.1)
2. The entry shall be level (i.e. no gradient greater than 1:40), with a low level threshold (maximum 56 mm with a threshold ramp with a maximum gradient of 1:8). The entry shall have a landing to allow wheelchair manoeuvrability.
(AS4299 Clause 4.3.2)
3. The entry door should be weatherproofed to prevent water and Adopteds getting in under the door.
(AS4299 Clause 4.3.3)
4. Door handles and other hardware shall comply with AS1428.1. That is, they will be lever type that can be operated by one hand with minimal effort.
(AS4299 Clause 4.3.4)
5. As many people with disabilities have difficulty with separate door / screen door combinations, provision should be made for the installation of a combined door / security door.
(AS4299 Clause 4.3.5)
6. The level of lighting at entrances should be a minimum of 300 lx.
(AS4299 Clause 4.10)

6.4.7 Exterior – General

1. So as to reduce the need for many keys to be carried, all external doors should be keyed alike.
(AS4299 Clause 4.3.4)
2. There should be provision for security screens to be fitted to exterior opening or sliding windows and doors.
(AS4299 Clause 4.7.6)

6.4.8 Interior – General

1. All interior doors shall be a minimum of 820 mm wide to allow easy access for people using wheelchairs and other mobility devices.
(AS4299 Clause 4.3.3)
2. Internal corridors shall have a minimum width of 1000mm and there shall be provision for circulation spaces at doors in compliance with AS1428.1.
(AS4299 Clause 4.3.7)
3. The maximum height of window sills above the floor should be 730 mm in living rooms and 600 mm in bedrooms.
(AS4299 Clauses 4.7.2 and 4.6.2)

6.4.9 Living Room and Dining Room

1. To allow sufficient circulation space in these areas, provision shall be made for a minimum clear space of 2250 mm in diameter after furniture is in place.
(AS4299 Clause 4.7.1)
2. To provide for adequate power, a minimum of four double GPOs should be provided.
(AS4299 Clause 4.7.3)
3. The telephone outlet shall be adjacent to the GPOs and should be between the kitchen and the living area. This minimises the distance needed to travel to answer the phone.
(AS4299 Clause 4.7.4)
4. Two TV antenna outlets should be located adjacent to GPOs so that viewing is possible from both the kitchen and the dining room.
(AS4299 Clause 4.7.5)
5. The potential illumination level shall be 300 lx.
(AS4299 Clause 4.10)

6.4.10 Kitchen

1. To provide sufficient space for a wheelchair user to use the kitchen the kitchen shall be a minimum width of 2.7 m with clearance between benches of 1550 mm and there shall be circulation space at doors to comply with AS1428.1.
(AS4299 Clauses 4.5.1 and 4.5.2)
2. Workbenches shall include at least one that is 800 mm long, adjustable in height from 750 to 850 mm or replaceable.
(AS4299 Clause 4.5.5)

3. The refrigerator shall be positioned adjacent to a work surface.
(AS4299 Clause 4.5.5)
4. The kitchen sink shall be adjustable to heights from 750 to 850 mm or be replaceable and shall have a bowl that is a maximum of 150 mm deep.
(AS4299 Clause 4.5.6)
5. Taps shall be capstan or lever type and there should be a thermostatic mixing valve to reduce the chance of scalding.
(AS4299 Clause 4.5.6)
6. Cooktops shall include either front or side controls and have an isolating switch. Adjacent to the cooktop shall be a work surface that is at the same height and at least 800 mm in length.
(AS4299 Clause 4.5.7)
7. The oven shall be located adjacent to an adjustable height or replaceable work surface.
(AS4299 Clause 4.5.8)
8. Provision should be made for a microwave oven that is mounted between 750 and 1200 mm above the floor.
(AS4299 Clause 4.5.9)
9. The illumination level should be potentially a minimum of 300 lx with 550 lx over work surfaces.
(AS4299 Clause 4.10)
10. To accommodate users with a variety of needs, adjustable shelving should be provided. Cupboard door handles should be "D" handles and in reach of a wheelchair user.
(AS4299 Clause 4.5.10)
11. GPOs shall comply with AS1428.1, with at least one within 300 mm of the front of the work surface. The GPO for the refrigerator shall be easily reachable when the refrigerator is in place.
(AS4299 Clause 4.5.11)
12. Kitchen floors shall be non slip.
(AS4299 Clause 4.5.4)

6.4.11 Main Bedroom

1. At least one bedroom shall have sufficient space to accommodate a queen size bed, wardrobes and have circulation space as specified in AS1428.2. Wardrobes should have sliding doors with full-length mirrors.
(AS4299 Clause 4.6.1 and 4.6.7)
2. Because some people with disabilities and some older people spend considerable time in their bedrooms, it is essential that GPOs, TV antenna outlets and phone connections are positioned to enable operation of these devices from the bed. There also need to be sufficient GPOs.
(AS4299 Clause 4.6.3 to 4.6.6)
3. Electrical wiring should also provide for two way switches for the lights in the bedroom. The potential illumination should be 300 lx.
(AS4299 Clause 4.6.4 and 4.10)

6.4.12 Other Bedrooms

1. In other bedrooms, provision should be made for someone with a disability using the rooms. This should include two double GPOs on one wall and another GPO on the opposite wall, as

well as a telephone outlet and a TV antenna point adjacent to one GPO.

(AS4299 Clauses 4.6.3 to 4.6.6)

2. A two way light switch should be provided and the potential illumination should be 300 lx.

(AS4299 Clauses 4.6.4 and 4.10)

6.4.13 Bathroom

1. The bathroom area is one of the most important areas in an accessible unit. There shall be provision for the bathroom area to comply with AS1428.1.

(AS4299 Clauses 4.4.1, 4.4.2, and 4.4.4)

2. The floor shall be slip resistant and shall fall to the waste which should be a minimum of 80 mm diameter. The shower area shall not have a hob, be waterproofed to AS3740, and be a minimum of 1160 by 1100 mm
3. The shower taps shall be capstan or lever type and shall be within easy reach of a wheelchair user. The soap container shall be recessed as a safety factor.
4. There shall be provision for a detachable, hand held shower rose mounted on a slide rail and for a grabrail to comply with AS1428.1.
5. There should be provision for a folding seat in the shower area.
6. The washbasin and clearances shall comply with AS1428.1.

(AS4299 Clause 4.4.4)

7. A mirror shall be provided extending from a height of not more than 900 mm to a height of not less than 1850 mm above the floor.
8. A double GPO shall be positioned next to the mirror and the potential illumination should be 300 lx generally with 600 lx task lighting.

(AS4299 Clauses 4.4.4 and 4.10)

6.4.14 Toilet

1. There shall be either a visitable toilet or an accessible toilet which complies with AS1428.1. Particular attention needs to be given to the position of the toilet bowl in relation to fixed walls.

(AS4299 Clauses 4.4.1 to 4.4.4)

2. There shall be grabrails and the floor shall be non-slip.

6.4.15 Laundry

1. There shall be sufficient circulation space at all doors to comply with AS1428.1 and circulation space beside or in front of appliances (at least 1550 mm).
2. An automatic washing machine shall be installed and provision should be made for a dryer.
3. Where a clothes line is provided, an accessible path of travel shall be provided to it.

(AS4299 Clause 4.4.8)

4. There should be a thermostatic mixing valve, and taps should be capstan or lever type and positioned on the side of the tub.
5. A shelf for soaps etc. should be no higher than 1200 mm from the floor.

(AS4299 Clause 4.4.8 and 4.10)

6. One double GPO shall be provided and the potential lx should generally be 300 lx with 550 lx task lighting.

7. The floor shall be non-slip.

(AS4299 Clause 4.9.1)

6.4.16 Door Locks

1. Door handles shall be lever or D type, able to be operated with one hand and be located 900 to 1100 mm above the floor.

6.4.17 Floor Coverings

1. Balconies and outside paved areas should be non-slip.

(AS4299 Clause 4.9.1)

6.4.18 Ancillary Items

1. All switches should be located 900 to 1100 mm from the floor in line with door handles. GPOs should be located no less than 600 mm from the floor. The electrical distribution board should be located inside the unit.

(AS4299 Clauses 4.11.1 and 4.11.2)

2. Window controls should be able to be operated from a wheelchair.

(AS4299 Clause 4.11.4)

6.4.19 Garbage

1. There should be provision for garbage bins to be stored in an accessible position.

(AS4299 Clause 4.11.6)

6.4.20 Wheelchair Storage

1. Provision should be made for external wheelchair storage and for an external battery charging facility.

(AS4299 Clause 4.11.6)

6.4.21 Guide Dogs

1. Provision should be made for guide dog accommodation.

(AS4299 Clause 4.11.6)

7.0 UNJUSTIFIABLE HARDSHIP

7.1 Introduction

The Disability Discrimination Act 1992 (DDA) provides that access for people with disabilities is to be provided unless to do so would cause unjustifiable hardship. Past decisions by the Human Rights and Equal Opportunity Commission (HREOC) made it clear that Councils are required to take account of the provisions of the DDA when considering development applications.

The new Commonwealth Disability (Access to Premises – Buildings) Standards (the Premises Standards) which commenced on 1 May 2011, set out administrative provisions and an Access Code detailing technical requirements. The Access Code is mirrored in the Building Code of Australia (BCA), to ensure consistency with the BCA, and sets out performance requirements and detailed deemed-to-satisfy provisions.

The purpose of the Premises Standards (and corresponding changes to the Building Code of Australia) is

- to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with disability, and
- to give certainty to building certifiers, developers and managers that if the Standards are complied with they cannot be subject to a successful complaint under the DDA in relation to those matters covered by the Premises Standards.

Compliance with the Premises Standards, simultaneously with the BCA, is to be achieved by compliance with the Performance Requirements. This can be achieved by compliance with the deemed-to-satisfy provisions or the development of an alternative solution, or by a combination of both, as specified in the BCA.

A person may be excused from complying if compliance would impose **unjustifiable hardship** on the person. The person still needs to comply to the maximum extent not involving unjustifiable hardship.

Unjustifiable hardship relates to non-compliance with one or more requirements of the Premises Standards, and does not relate to non-compliance with the Building Code of Australia (BCA) whether or not building work is involved.

Part 4 of the Premises Standards outlines exceptions and concessions to the Premises Standards, including that it is “not unlawful for a person to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the person.”

If unjustifiable hardship is claimed, all relevant matters as specified in section 4.1(3) and (4) of the Premises Standards must be considered prior to determining any application for a complying development certificate or construction certificates. Appendix 1 includes the full list of matters.

However, unjustifiable hardship and the Premises Standards, may only be conclusively determined by a Federal Court or the Federal Magistrates Court. Decisions made by a certifying authority in consultation with suitably qualified persons to address the matters in section 4.1 of the Premises Standards would play an important and meaningful role in guiding a court about the existence of unjustifiable hardship in the event of a complaint.

Note: Please visit the following link for any further information:
(http://www.humanrights.gov.au/disability_rights/standards/PSguide.html)

7.2 How are unjustifiable hardship cases assessed in NSW?

7.2.1 Access Advisory Committee

Compliance with the Premises Standards is assessed by a certifying authority when considering an application for a construction certificate (CC), complying development certificate (CDC) or occupation certificate (OC). The circumstances of the unjustifiable hardship may mean, however, that certifying authorities may not have the necessary expertise to assess an applicant's grounds for unjustifiable hardship.

The Building Professionals Board has set up an Access Advisory Committee (the Committee) under the Building Professionals Act 2005, with expertise in disability access, quantity surveying, building surveying, structural engineering and heritage conservation. The Committee makes recommendations on applications for exemption from requirements of the Premises Standards on the grounds of unjustifiable hardship.

Applications for an exemption from compliance with a requirement of the Premises Standards can only be made by the relevant certifying authority (Council or an accredited certifier) engaged in relation to the development.

Applicants must provide the Committee with reasons why it would impose unjustifiable hardship upon a person to comply with the requirements of the Access Code in the Premises Standards. They must demonstrate that compliance with the deemed-to-satisfy provisions of the Access Code, or compliance with a performance requirement, or a combination of both, would impose unjustifiable hardship.

The Committee will make a recommendation as to whether one or more requirements of the Premises Standards cannot be complied with on the basis of unjustifiable hardship.

The certifying authority must then consider this recommendation before issuing a CC or CDC, or prior to the issue of an OC depending upon the circumstances of the unjustifiable hardship.

If the Committee forms the view that compliance with a requirement of the Premises Standards will impose unjustifiable hardship on a person, it will also consider how to achieve compliance with that requirement to the maximum extent not involving unjustifiable hardship. This means that other measures, which may not necessarily involve building upgrade works, may need to be employed to satisfy the requirements of the Premises Standards.

7.2.2 Certifying Authority

It is not mandatory for a certifying authority to determine an application for a certificate in accordance with the Committee's recommendation on unjustifiable hardship – the certifying authority can set the recommendation aside after considering all matters. However, the certifying authority is to notify the Committee if it sets the recommendation aside.

If this does occur, and the certifying authority approves a CC for a proposal that involves non-compliance with the BCA in relation to new building work, approval can only be granted with the concurrence of the Director General of the NSW Planning and Infrastructure (as required under clause 187 of the EP&A Regulation).

Similarly, the concurrence of the Director General is required under clause 187 before a CC is granted when the certifying authority accepts a recommendation of the Committee that a person is not required to comply with one or more requirements of the Premises Standards, and the proposal involves non-compliance with the BCA.

7.2.3 When Applications can be Made

Applications can be made to the Committee before the issue of a CC or CDC, or at any time prior to the issue of an occupation certificate.

Applications can also be lodged to modify a Committee recommendation prior to the issue of a certificate. Modifications may only be sought where the design of the building has altered or the circumstances of the building have changed since the original Committee recommendation.

7.2.4 The Application Process

The certifying authority may apply to the Access Advisory Committee for a recommendation but the application must clearly identify the person who will suffer unjustifiable hardship by complying with the Premises Standards.

Applications may only be submitted electronically, via the downloadable form on the Premises Standards page of the Board's website.

The application must:

- address the relevant matters in Part 4.1(3) and (4) of the Premises Standards
- demonstrate that the person seeking an exemption has sought to comply with the requirements of the Premises Standards by complying with the deemed-to-satisfy provisions of the Access Code, by complying with the performance requirements or by using a combination of these
- demonstrate how the development will achieve compliance with the Premises Standards to the maximum extent possible
- include any supporting reports from relevant suitably qualified persons.

When addressing the matters in Part 4.1(3) and (4), the applicant must identify each requirement of the Access Code in the Premises Standards that cannot be complied with and provide detailed reasons for the non-compliance.

Applicants should review all relevant information on the Board's website, including related links, when developing their application. Informal advice is available from the Board's hotline **1300 001 619**.

7.2.5 How the Committee considers Applications

Applications, once confirmed as complete, are considered at the Committee's next available meeting after the application is received.

Seven core members will sit at any one meeting – the Chair, Deputy Chair, a Board member, two access consultants, a quantity surveyor, and a building industry representative. Specialist expertise in building surveying, engineering, heritage conservation and financial accounting will be brought in when needed.

The Committee will provide written advice to the applicant, advising of its recommendation and the reasons for this opinion. The advice will recommend any works or measures required to ensure compliance with the Premises Standards to the maximum extent possible in the circumstances.

Can appeals be made against the Access Advisory Committee's decision?

The Committee's decision is only a recommendation that will guide the final decision of a certifying authority. This means appeals against a decision are not possible.

Applicants can apply for a modification of the Committee's recommendation if circumstances have altered, the design of the building has changed or if new information comes to light (for example, if complying with a performance requirement of the Access Code in the Premises Standards is no longer possible).

Applicants should use the same application form and follow the same process to apply for a modification. The Committee will consider the application in the same way, against the same considerations detailed in Part 4.1(3) and (4) of the Premises Standards.

Reference should also be made to the Premises Standards, in particular Part 4.1, for circumstances to take into account in determining whether compliance with the requirement of the Premises Standards would involve unjustifiable hardship.

8.0 OTHER RELEVANT INFORMATION

8.1 Relevant Australian Standards

There is a large number of Australian Standards that are relevant to access for people with disabilities. They are constantly under review and developers should take care to always refer to the latest version.

The following list of Standards is offered as a guide and should not be considered as necessarily complete and their provisions are not necessarily regarded by Council as binding or appropriate

AS

1088	Hearing aids
1088.4	Part 4: Magnetic field strength in audio-frequency induction loops for hearing aid purposes
1172	Water closet pans
1371	Toilet seats of moulded plastics
1428	Design for access and mobility
1428.1	Part 1; General requirements for access – buildings
1428.1	Supplement 1: General requirements for access – Buildings – Commentary
1428.2	Part 2: Enhanced and additional requirements – Buildings and facilities
1428.3	Part 3: Requirements for children and adolescents with physical disabilities
1428.4	Part 4: Tactile ground surface indicators for the orientation of people with vision impairment
1680	Interior lighting
1680.1	Part 1: General principles and recommendations
1680.2	Part 2: Recommendations for specific tasks and interiors
1735	SAA Lift Code
1735.7	Part 7: Stairway lifts
1735.8	Part 8: Inclined lifts
1735.12	Part 12: Facilities for persons with disabilities
1735.13	Part 13: Lifts for persons with limited mobility – Manually powered
1735.14	Part 14: Lifts for people with limited mobility – Restricted use – Low rise platforms
1735.15	Part 15: Lifts for people with limited mobility – Restricted use – Non-automatically controlled
1744	Forms of letters and numerals for road signs
1924	Playground equipment for parks, schools and domestic use
1924.2	Part 2: Design and construction – Safety aspects
2107	Acoustics – Recommended design sound levels and reverberation times for building

	interiors
2220	Emergency warning and inter-communication systems in buildings
2220.1	Part 1: Equipment design and manufacture
2220.2	Part 2: System design, installation and commissioning
2700	Colour standards for general purposes
2890	Off-street parking
2890.1	Part 1: Car parking facilities
2890.5	Part 5: On-street parking
2999	Alarm systems for the elderly and other persons at risk
3979	Hydrotherapy pools
4299	Adaptable housing

8.2 Further Reading

- Disability Discrimination Act 1992
- Anti-Discrimination Act 1977
- A User Guide to the Disability Discrimination Act, Villamanta Publishing Service
- Right of Access – a Guide to Developing Action Plans and Improving Access for People with Disabilities, Villamanta Publishing Service 1997
- Advisory Notes on Access to Premises, Human Rights and Equal Opportunity Commission, March 1998
- Access Codes as contained within Building Code of Australia
- Australian Human Rights Commission’s Guidelines
- Disability (Access to premises – Building) Standards 2010

8.3 Organisations that can Assist

Human Rights and Equal Opportunity Commission GPO Box 5218 SYDNEY NSW 1042 Phone: 9284 9600 Facsimile: 9284 9611	Anti-Discrimination Board Level 4, 181 Lawson Street REDFERN NSW 2016 Phone: 9318 5400 Facsimile: 9310 2235
Standards Australia 1 The Crescent HOMEBUSH NSW 2140 Phone: 9746 4700 Facsimile: 9746 8450	Australian Building Codes Board GPO Box 9839 CANBERRA ACT 2601 Phone: 1300 134 631 Facsimile: 6213 7287

Australian Attorneys General Department

1 The Crescent
HOMEBUSH NSW 2140
Phone: 6141 6666
Email: enquiries@ag.gov.au

The Building Professionals Board

PO Box 3720
PARRAMATTA NSW 2124
Phone: 9895 5950
Facsimile: 9895 5949



City of Ryde
Civic Centre
1 Devlin Street
Ryde NSW 2112

www.ryde.nsw.gov.au