

Submission No 94



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House of Representatives Standing Committee on
Legal and Constitutional Affairs
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RECEIVED
17 MAR 2009
BY: LACA

February 19th 2009.

Dear Standing Committee Members,

This is a personal letter from a private citizen, a person with a disability and an accredited access consultant to express my frustration/concerns with the draft Disability (Access to Premises-Buildings) standards 2009, recently released for public comment and put before the House of Representatives Standing Committee on Legal and Constitutional Affairs. My concerns relate to the processes/procedures for acquiring critical, or not critical, comment and technical criterions/detail/makeup for inclusion to ensuring the best possible outcome is achieved for this legislation when enacted.

I feel that I, as an individual, can be frank, forthright, honest and to the point, where as peak bodies and such must be political correct in their submissions, without the thought of compromising funding or the like. Attached also is a copy of the draft Disability (Access to Premises-Buildings) standards 2009 with my technical findings/input in case it is more appropriate for technical matters to be directed to the appropriate department/persons.

We must also consider when will common sense prevail over a sector who lobbies for a minimum requirement, which then becomes the norm, when an enhanced requirement has more positive contributing factors than those on the detriment side.

This legislation, if correct technically when enacted, will have a significant effect on Australian society as a whole not just for people with disability, and our status as one of the forerunner in social inclusion for all and have a major impact for service provider such as the fire and ambulance services. The wellbeing of the community by simply having a hallway a little wider and not having hallway rage when confrontations occur in a limited space of the greater ease at which ambulance personnel can gain egress with a person on a stretcher.

With Australia's ageing population it is expected that by the year 2051 we will have between 26% and 28% of our population over the age of 65 (ABS statistic Note 3222.0 Population projections, Australia, 2004 to 2101) and 6% to 8% over the age of 85 which is a 450% increase from the current 1.5%. This will put a strain on our current housing stock and mix of housing available as a large proportion of these people will

(due to their age, health or a mobility impairment) will require housing that is accessible and designed to be adaptable to meet their specific requirements. A larger proportion than the national average of 20% of these people will have a disability and if accessible/adaptable housing is not provided greater demand will be put on the health system due to falls and such. The accessible/SEPP (Seniors Living) 2004 housing design also target, and is relevant for, people with disability. This type of housing, as far as circumstances permit, will help maintain their independence, lifestyle and ability to remain a part of the community without undue burden on family, friends and the different levels of Government providing services to this sector of the community.

Forecasts show (NSW Government Metropolitan Strategy) it is expected Sydney's population will grow by about **1.1 million by 2031** and will **need an additional 640,000 dwellings** which will lead to pressures (availability, lifestyle, family connections, price and associated infrastructure) on the current housing/land/transport/retail/commercial infrastructures.

This will mean accessible/adaptable housing, as well as general building infrastructure, is critical to be built now as well as providing equitable **access to premises** in the built environment for what will be a large proportion of the Australian population.

It is not just access for people with disability but the whole community benefits.

The benefits are also there for all the community in the ease of access to buildings for parents with prams who do not have to struggle up stairs or through doors ways which are not conducive to ease of entry or white good delivery personnel struggling with a delivery. The benefits are also in employment for people with disability with a larger proportion becoming available and as such the number relying on Government support diminishes as well as the tax intake increases.

A feeling of being like a shag on a rock in the middle of a river with everything passing you by emanates when you are confronted with barriers to providing a valid critique on this proposed legislation which will have a profound effect on a large marginalised sector of our community. Many of us who will be providing critical reviews, some like my own will be extremely technical others not so, are doing it in a voluntary capacity as we are not employed by peak bodies or such. This time expended impacts directly on the time available to, in my case and others in like business situations, consult and earn a buck to pay our mortgage, keep food in our and kids mouth or just carry on in the community.

The disability sector is also significantly disadvantaged as it does not have the financial resources or the dedicated personnel for research, lobbying and the formulation of policies and submissions for such things as draft Disability (Access to Premises-Buildings) standards 2009.

I will not go into the history of this document except to say the formulation of these standards commenced in 2000 some seven years after the introduction of the Disability Discrimination Act 1992.

The draft standards were released for comment on 3rd December 2008 with submissions (I hate the use of that word as it conjures up the image of a dog submitting to its master for a morsel of food to offset the effects of starvation) to Legal and Constitutional Committee closing within a very short time considering the holiday period in the middle. An extension has been granted to the 27th February 2009.

We have been given the premises standards but the associated standards are still held in review eliminating a valid critique of this legislation and the mounting of valid alterations for a truly reflective/representative documentation. The consequences of legislation put into power without all the "i"s dotted and "t"s crossed would be diabolical but if it is gotten correct could be looked on as best practice in legislation and governance.

CONCERNS:

As it, draft Disability (Access to Premises-Buildings) standards 2009 stands, and the associated Australian standards, which are also in review, there are inconsistencies in their relationship with each other and the DDA. There are also technical details which would have dire ramifications if enacted and hoped to be "put right" at the five year review however I feel there would be substantial reluctance for change (by some quarters involved) with claims of acceptable compliance with standards and no real criteria for assessing otherwise..

1 **Monitoring;**

One implication of the individual complaints based model, as provided by the DDA, means that the onus continues to be on an already disadvantaged individual to enforce the breach of the Standards. Predominately for this reason, breaches of both the *Disability Standards for Public Transport 2002* and the *Disability Standards for Education 2005* have not yet been heard in a Court.

1. Complaints via AHRC by individual should be made more accessible as a large number of legitimate complaints are not pursued due to financial, time/technical and stress/psychological factors. At the moment only an individual can make a complaint of discrimination. Allow for an association or peak body the person is associated with represent them as the instigator of the complainant as other individuals would/could have the same degree of discrimination with the discriminator.
2. Even when a complaint is resolved at conciliation, the settlement is only binding between the parties to the complaint. This means that if the respondent fails to fulfill their obligations under the settlement agreement, only the complainant who is party to that settlement agreement can enforce the settlement. There is no enforcement agency and enforcement (usually through the Local Court) is not an easy process and therefore it rarely occurs making, to mind, the process inequitable to the person with disability who initiated the complaint.

3. If a known case of discrimination is present (but no complaint has arisen at this stage) allow AHRC to instigate an independent assessment. It may be in a case of a blatant disregard for compliance with standards.
4. The standards are meaningless if they are not adhered to or enforced. Relying on individual complaints to enforce the standards has not worked in relation to the Disability Standards for Education and the Disability Standards for Accessible Public Transport and for this reason a monitoring body is required.
5. You can not and should not rely on the individual to monitor (although this already happens as there is no body or such to do so) breaches of the implementation of the standards. The barriers to monitoring the standards are more significant for people with disability as usually they will be the ones to observe the breach AND THEN they will be required to instigate the claim through AHRC. Thus we are referred back to points 1 & 2 (above) for the appropriateness to the individual of financial, time/technical and stress/psychological factors and the likelihood of not proceeding with a claim. The breach would not be identified/verified and thus, I think, would not appear as statistical data in the five year review of the standard.
6. We all know from experience that self regulation does not work and a regulatory monitoring framework need to be established with appropriate legal/constitutional powers. We just have to look at the financial sector and the outcomes of an insufficient regulatory and monitoring system.

2 Review;

The five year review of *Disability Standards for Public Transport 2002* is still in limbo with the sighted draft paper not truly reflecting input at the consultations conducted.

Could this be a forerunner of the proposed five year review of Disability (Access to Premises-Buildings) standards 2009? Will the review be carried out independent of outside influence and have sufficient benchmarks/details to assess if in fact the required goals have been achieved. If goals have not been achieved, why not and who/what was responsible for that outcome and course of action to rectify situation.

1. Who is to gather/keep the statistical data and vouch for the correctness of such data and relevance to benchmarked criteria?
2. Would the review assess whether the agreed compliance target for existing buildings had been met (i.e 50% of existing buildings having undertaken works which resulted in the inclusion of all require building access elements) to validate the objectives.
3. The periodical upgrading of buildings would need to look at these access elements as part of that process.

3 Associated standards;

The associated/called on standards (AS1428.1 200X, AS2890 Part 6 Off Street parking for PWD, AS1428.4.1 Tactile indicators etc) may not, as seen for this review, be what comes into force when their review is completed. We are assessing the draft Disability (Access to Premises-Buildings) standards 2009 without knowing if our assessment is valid when associating these standards. Or will it be after review be know as AS1428.1 20XX.

Will we get the wider hallways which are also needed for emergency workers evacuating patients or the fire department trying to get to extinguish a fire?

Common sense says make it wider (1200mm at least) for ease of access for all including delivery personnel, emergency workers, people who want to walk side by side.

4 Triggers for ATP;

Will the "green building" upgrade program trigger a DA and access requirements? What degree/size of "green building" upgrade program be needed to trigger a DA or are they all exempt of DA requirement and would the additional "ATP" requirements be able to be claimed as "unjustifiable hardship". The claim could be that the "green building" costs could be covered and viable but the ATP costs (combined with or separate to "green building" costs) impose unreasonable expenses.

The building owner may at separate times have tenants do DA refurbishments which would not, as ATP now reads, trigger the access requirements.

5 Omission of Class 1 A (ii) & Class 2 buildings;

- 1) At present Class 1 A (ii) villas/townhouses and Class 2 units buildings access and "adaptable housing" requirements are governed by the varies, and usually different requirements, Council Development Control Plans (DCP or LEP) with ad hock uniformity, between Councils, for developers.
- 2) There is no mention of Class 1 A (ii) or Class 2 buildings in the standards so are Council DCPs/LEPs to be given equal standing as ATP so those who wish to can deny me access to visit someone or buy/ rent somewhere where I do not have exorbitant finances to install ramps etc or to fight a corporate body to be allowed. A corporate body my deny my requests for this item and as it is not in the standards I probably would be denied the right to a claim of discrimination through the Australian Human Rights Commission process.
- 3) With ATP compliance given the status of meeting the requirements of DDA (and BCA) am I then denied the right of complaint if a developer does not provide access/adaptability specified under a Council DCP/LEP.
- 4) Class 2 buildings access to common areas were in the 2004 draft and were recommended by the standards advisory group yet they are now omitted.

- 5) Following is part of a recent article from USA which debunks the long held myth that providing accessibility is costly;

HOUSING BILL HR 1408 OFFERS ACCESSIBILITY FOR DISABLED

Schakowsky Legislation Seeks "Fairness" and "Common Sense" for Mobility-Impaired

WASHINGTON, DC (March 10, 2009) ? People with mobility impairments have limited access to most homes constructed with federal assistance because there are currently no federal standards for accessibility features that these homes must include.

However, new legislation introduced today by Rep. Jan Schakowsky, D-IL, the Inclusive Home Design Act (HR 1408) would greatly increase the number of homes that are accessible for people with disabilities.

"Universal standards for homes built with federal money are long past due," said Rep. Schakowsky. "Implementing accessible features when homes are built is a simple matter of fairness, cost effectiveness, and common sense."

Currently, 95 percent of new single-family homes and townhouses built with federal assistance fail to include any features that make it possible for people with mobility impairments to live in or visit the homes.

The Inclusive Home Design Act, authored by Rep. Schakowsky, aims to increase the residence and accessibility options available to mobility-impaired individuals by employing "visitability" standards. The principles of visitability and inclusive home design seek to create homes that are affordable, sustainable, and utilize a design approach that integrates accessibility features into newly-built homes.

- ✦ Include at least one accessible ("zero step") entrance into the home
- ✦ Ensure all doorways on the main floor have a minimum of 32 inches of clear passage space
- ✦ Build at least one wheelchair accessible bathroom on the main floor
- ✦ Place electrical and climate controls (such as light switches and thermostats) at heights reachable from a wheelchair

The legislation applies to new construction, not renovations of existing homes. **The average added cost per home for the required features run from \$98 (for homes built on a concrete slab) to \$573** (for homes with a basement or crawl space); however, retrofitting a home can cost several thousand dollars. In multi-story homes, the requirements apply only to the main floor.

6 Wayfinding;

Items such as wayfinding information, reception desks etc are historically not addressed by BCA and are not covered in the Premises Standards. We need solution based research into wayfinding indicators and needs of the varies levels of vision impairments.

We have Councils doing their own thing in regard to wayfinding without any regard to complying with standards or infrastructure installation. This leads to confusion for the vision impaired as they travel from area to area finding differences in say the way TGSI's are installed.

7 Pool ramps and sling lifts; (also covered in technical critique D5.2).

Ramps;

For a new pool the ramp is usually designed into the side of the pool outside the line of the side of the pool. This gives no obstructions, such as hand rails, in the pool area for OH&S issues for swimmers.

Retrofitting of existing pools also usually involve the external of the pool area installation of a built in ramp rather than a ramp of probably 14metres + length within the existing pool area.

A fixed or movable (need a crane to move a ramp of this size) ramp eliminates at least one lane of the pool and introduces OH&S issues such as swimmers running into the handrails.

The bottom landing for a ramp, built outside the line of side of pool will require a larger landing area to facilitate ease of entry into the pool from the ramp.

Sling-style swimming pool lift;

This style of pool lift would be the least preferred type of lifting mechanism, chair type usually preferred by users and pool attendants/swim instructors, for the following reasons,

- 1) They are not able to be, in near all cases, independently used by the individual with the need of assistance being required to enter the sling as well as getting out into the wheelchair or onto seating on the deck.
- 2) The indignity felt by user of the sling type lifting mechanism is combined with the need to always have assistance and a higher probability of falling out of the sling.
- 3) The technical complexity of getting into and out of the sling also introduces OH&S issues like falling onto the deck or submersion if an inexperienced helper is present.

8 REGULATORY IMPACT STATEMENT

I would like to draw the committee's attention to the fact that the Regulatory Impact Statement (RIS) resulted in a net benefit to Australia and the Australian society:

In aggregate terms, the Present Value (PV) of the expected benefits over 30 years is estimated at \$11.4 (\$7.31) billion, while the costs are estimated to total \$9.3 (\$6.9) billion over the same period. Thus, the adoption of the currently proposed Premises Standard is expected to result in a positive Net Present Value (NPV) of almost \$2.1 (\$0.4) billion over a 30 year time horizon.

Also: *'One tangible benefit is the likely increase in participation in employment for people with a disability due to the availability of more accessible workplaces. However, while such a benefit is certainly possible, it is subject to uncertainty in light of experience from the United States which has similar provisions.*

Another potential benefit is the likely reduction in the costs of living for people with a disability that would result from the implementation of the Premises Standard.'^b

And:

An additional source of benefits identified by several access experts is a reduction in accidents and, therefore, in associated health care costs and costs in terms of lost production. These safety-related benefits would accrue in respect of all building users, not just people with a disability.

I would further add that an appropriate and inclusive Access to Premises Standard will result in:

- Benefits to the greater community;
- A stimulating of the economy; and
- Increased intergenerational sustainability, as building will not need to be modified to accommodate an ageing population.

3222.0 - Population Projections, Australia, 2006 to 2101. Australian Bureau of Statistics

1 The draft RIS employed a 4% real discount rate to determine the Net Present Value of future costs and benefits. Therefore, to allow for a proper comparison and consistency between the draft and final proposals, we have again used a rate of 4%. We note that the Victorian Competition and Efficiency Commission recommend a rate of 3.5% (*Guidance Note on Discounting*, VCEC Melbourne 2007). However, the Commonwealth Office of Best Practice Regulation recommends a 7% real discount rate. For this reason, both figures are shown throughout this RIS with the 7% rate shown in brackets.

b b Proposal to Formulate Disability (Access to Premises - Buildings) Standards and Amend the Access Provisions of the Building Code of Australia (R^{IS} 2008-02) Australian Building Codes Board. October 2008

TECHNICAL CRITIQUE & RECOMMENDATIONS.

A technical critique, as far as possible with information at hand, of the draft Disability (Access to Premises-Buildings) standards 2009 will also reference the associated standards (some of which are also in review).

Part 1.4 Interpretation; Specified Class 1b building.

If a change of Class (1A to 1B. A class 1A single dwelling changed to a Class 1B after construction) then access should be provided to at least one bedroom and common areas as this change would indicate the initial classification was for expedience of DA approval.

Number of bedrooms should be 3 or more.

Part 2.1 Buildings to which standards apply;

Class 1 A (ii) Villas and townhouses & Class 2 Units are not mentioned in any way even access to common areas like the entrance lobby. This is at present covered by most Councils in their DCPs or LEPs which require a certain amount of "adaptable housing" be supplied which in requiring that automatically mandates accessibility to the development.

If the development is, from the beginning, designed to accessible standards there is no additional costs compared to non accessible design.

The result of designing a number of units to adaptable standards, which also incorporates accessibility, is a more functional design for all residents and a premium product due to features incorporated.

As ATP compliance dictates that DDA is satisfied does this automatically override Council DCP/LEP and could be a defence to a claim under AHRC. This could be something like "I have as far as possible complied with ATP, and thus DDA/BCA so why should I also have to do something else for legislation which does not have the same status.

Part 4.1 Unjustifiable hardship;

The claim of "unjustifiable hardship" is still, to my mind as clear as mud with it left up to the interpretation of the individual. Any guidelines are also confusing with Part 5.1 *Unjustifiable hardship* of draft Disability (Access to Premises-Buildings) standards guidelines 2009 still not providing any more substantial clarity to the subject.

It is up to the individual to interpret a situation if it could qualify yet the interpretation of a legal oriented mind would be totally different to that of an engineering oriented mind which would be different to that of a person with disability.

Guidelines on what degree of additional costs or operating/other costs or loss of revenue or comparing against gains of the above items (gains could only be theoretical until they actually showed as results after the fact) and who would determine if these gains/losses could be directly attributed to the "unjustifiable hardship" in question. They may be due to other unrelated outside influences.

There may be a value loss to the premises due to providing access by say the installation of a ramp which took a substantial amount of the retail floor area. The premises may have a two stage refurbishment where the provision of access on the first

stage would mean that access has to be totally removed during the second stage which will provide access by a different means. The PCA and/or Council going by BCA and ATP call for access at the first stage but can not consider the waste of money to provide it at the first stage.

I would think common sense would come to the fore and question the waste of finance and materials. Could it also be seen as a conflict of interest? I would think a heritage consultant would automatically put more value to a heritage premises than a non heritage consultant.

Schedule 1;

Part A1.1 Definitions. Mezzanine;

Needs a better description on what constitutes a mezzanine and refer to BCA definition of a story. It would not be hard, or extensive word wise, to say something additional like "if this level has walls forming part of the outer line which forms enclosed areas (offices or work areas) then it is not a mezzanine".

Part A2.4 Fire safety;

The BCA Fire safety provisions do not detail fire safety egress for people with disability whether it is a physical disability or vision/hearing of other disability.

Part A4.1 Building classification;

Class 1 a (ii) and Class 2 access and adaptable housing it would appear still come under Council DCP as detailed previously in item 5 of "Concerns"

Part D Access and egress;

Part DP 8 Limitations; (a).

What about if the individuals vehicle modifications does not allow parking service.

Part D3.1 General building requirement; Table D3.1.

Class 1b (a) Access requirement. Should also read "To and within common areas associated with any or all of such dwellings"

Class 3 Sole occupancy units; Should also read "representative of the range AND LOCATION of rooms available.

Part D3.2 Access to buildings;

(1) (a); Should read "to a building (and separate parts of that building if they are a compound part of the building) required to be accessible. Such as where you have multi retail premises on the one level with access off a common area or footpath.

(5) Should read "the active leaf must have a clear opening width of not less than 850mm"

Part D3.5 Accessible car parking;

Class 5, 7, 8 & 9c. Recommend 3 spaces per 100.

Class 6 Recommend 6 per 100 for the first 1000 then 3 per 100.

In NSW over 13% of drivers have the Mobility parking scheme passes and combined with an estimated 5% of use of these spaces by the general driving population who use them just for convenience.

The number of spaces allocated should be limited on the levels where the only independent access is by a lift and no alternative ramp or such is provided. When the lifts are out there is no way of getting to the car

Class 9a. hospital; Recommend at least 3% accessible parking in all areas (outpatient as well as non outpatient).

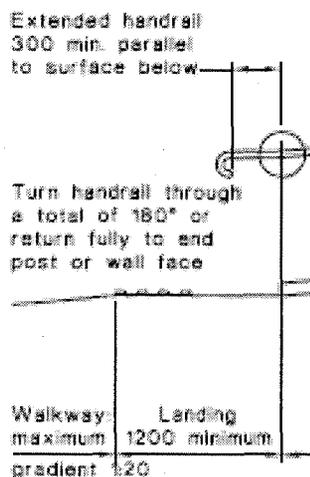
Part D3.9 Wheelchair seating space in Class 9b Assembly building.

Seating must be representative of available seating not segregated or of less status or in a demeaning location (out the front on display or hidden away near the toilets).

Part D5.2 Fixed and movable ramp for pools.

Ramps; For a new pool the ramp is usually designed into the side of the pool outside the line of the side of the pool. This gives no obstructions, such as hand rails, in the pool area for OH&S issues for swimmers. Drawing attached to PDF of standard.

This style of ramp would require the **lower landing** to have a **length of at least 1600mm (preferable 1800mm) minimum** to allow for turning into the pool, and coming out of, clear of the level end and turn down of the handrail.



Part D 5.5 Sling style pool lifts.

- (a) Depth of water at lift should be between 1200mm and 1300mm for ease of entry/exit to sling/chair. If water is too shallow difficulty is encountered by the person using apparatus.
- (b) Chair/sling height should be 500mm above the deck for transfer as 450mm is too low for a direct transfer even with assistance.
- (f) The sling/seat must submerge to 700mm from pool bottom as either lower or higher makes it significantly harder to access the sling/seat.

Part D 5.6 Aquatic wheelchair.

(a) The seat height should be 500mm as a 430mm height makes it significantly harder to transfer even with assistance.

(b) Add “and the seat length should have a length of 450mm to minimise the possibility of slipping off the front.

Part D5: Figure D5.7 Clear pool surround space for sling lift;

- 1) The proposed clear floor space (900mm X 1300mm) does not appear to recognise the requirement of turning a wheelchair around to put under the sling or the need for space beside the chair for a helper.
- 2) The usual practice for a pool chair lift is for the wheelchair to be positioned beside the pool chair for side transfer.
- 3) The required clear floor area would be the minimum area for a wheelchair to perform a 180degree turn to provide a realistic clear area.



4)

If time permitted this assessment could be even more thorough.

Yours sincerely

Peter Simpson

Accredited by,
Association of Consultants in Access Australia



Disability (Access to Premises — Buildings) Standards 2009¹

Disability Discrimination Act 1992

I, ROBERT McCLELLAND, Attorney-General, make these Standards under subsection 31 (1) of the *Disability Discrimination Act 1992*.

Dated 2009

[DRAFT ONLY - NOT FOR SIGNATURE]

Attorney-General

Part 1 Preliminary

1.1 Name of Standards

These Standards are the *Disability (Access to Premises — Buildings) Standards 2009*.

1.2 Commencement

These Standards commence on [*commencement date*].

Note These Standards take effect as provided by subsections 31 (3) and (4) of the Act.

1.3 Objects

The objects of these Standards are:

- (a) to ensure that reasonably achievable, equitable and cost-effective access to buildings, and facilities and services within buildings, is provided for people with disabilities; and

CONSULTATION DRAFT ONLY

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- (b) to give certainty to building certifiers, building developers and building managers that, if access to buildings is provided in accordance with these Standards, the provision of access, to the extent covered by these Standards, will not be unlawful under the Act.

1.4 Interpretation

- (1) In these Standards:

Access Code means the Access Code for Buildings, published by the Australian Building Codes Board, a copy of the text of which is set out in Schedule 1.

Note The Access Code is based on the provisions in the Building Code of Australia 2008.

Act means the *Disability Discrimination Act 1992*.

affected part, of a building, has the meaning given by subsection 2.1 (5).

building certifier has the meaning given by subsection 2.2 (2).

building developer has the meaning given by subsection 2.2 (3).

building manager has the meaning given by subsection 2.2 (4).

existing public transport building has the meaning given by subsection 2.1 (6).

new building has the meaning given by subsection 2.1 (3).

new part, of a building, has the meaning given by subsection 2.1 (4).

relevant building means a building, or a part of a building, to which these Standards apply under section 2.1.

specified Class 1b building means a building:

- (a) with 4 or more bedrooms used for rental accommodation; or
- (b) that comprises 4 or more single dwellings that are:
 - (i) on the same allotment; and
 - (ii) used for short-term holiday accommodation.

Transport Standards means the *Disability Standards for Accessible Public Transport 2002*.

Note Unless the contrary intention appears, a term that is used in these Standards and in the Act has the same meaning in these Standards as it has in the Act.

- (2) In these Standards, a reference to a class of building by a number, or by a number and letter, is a reference to a building of that class within the meaning of the Access Code.
- (3) For these Standards, a building is constructed, and building work is carried out, for the Crown if the building is constructed, or the building work is carried out, for any of the following:
- (a) the Commonwealth;
 - (b) a State;
 - (c) a Territory;
 - (d) a public authority of the Commonwealth;

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- (e) an instrumentality of a State.
- (4) The Access Code is taken to be part of these Standards.

Part 2 Scope of Standards

2.1 Buildings to which Standards apply

- (1) Subject to subsection (2), these Standards apply to the following:
- (a) a new building, to the extent that the building is:
 - (i) a specified Class 1b building; or
 - (ii) a Class 3, 5, 6, 7, 8, 9 or 10 building;
 - (b) a new part, and any affected part, of a building, to the extent that the part of the building is:
 - (i) a specified Class 1b building; or
 - (ii) a Class 3, 5, 6, 7, 8, 9 or 10 building;
 - (c) an existing public transport building that is still in use on the target date mentioned in an item in the table in section 3.1.
- (2) These Standards do not apply to a new Class 10 building, a new part of a Class 10 building, or an affected part of a Class 10 building if it is associated with:
- (a) a Class 1a building; or
 - (b) a Class 2 building; or
 - (c) a Class 4 part of a building.
- Note 1* The building classifications mentioned in subsections 2.1 (1) and (2) have the meanings set out in clause A4.1 of the Access Code in Schedule 1.
- Note 2* The Act applies to actions relating to buildings to which these Standards do not apply.
- (3) A building is a **new building** if:
- (a) it is not a part of a building; and
 - (b) either:
 - (i) an application for approval for its construction is submitted, on or after [*commencement date*], to the competent authority in the State or Territory where the building is located; or
 - (ii) all of the following apply:
 - (A) it is constructed for or on behalf of the Crown;
 - (B) the construction commences on or after [*commencement date*];
 - (C) no application for approval for the construction is submitted, before [*commencement date*], to the competent authority in the State or Territory where the building is located.

This does not mention Class 2 or Class 1 a ii villas/ownhouses or common areas of Class 2 buildings. Currently covered under Council DCP's. It would appear these are remaining under Council DCP control along with requirements for adaptable housing.

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- (4) A part of a building is a ***new part*** of the building if it is an extension to the building or a modified part of the building about which:
- (a) an application for approval for the building work is submitted, on or after [*commencement date*], to the competent authority in the State or Territory where the building is located; or
 - (b) all of the following apply:
 - (i) the building work is carried out for or on behalf of the Crown;
 - (ii) the building work commences on or after [*commencement date*];
 - (iii) no application for approval for the building work is submitted, before [*commencement date*], to the competent authority in the State or Territory where the building is located.
- (5) An ***affected part***:
- (a) is part of an existing building that contains a new part; and
 - (b) is made up of:
 - (i) the principal pedestrian entrance to the building; and
 - (ii) any part of the building that is necessary to provide a continuous accessible path of travel from the entrance to the new part of the building.
- (6) An ***existing public transport building*** is a building (other than a new building) that is the passenger use area of a Class 9b building used for public transport (being the whole or part of the building).

Note An existing public transport building may be a building with or without any new part or affected part.

2.2 Persons to whom Standards apply

- (1) These Standards apply to the following persons to the extent that they are responsible for, or have control over, matters in the Access Code for a relevant building:
- (a) a building certifier;
 - (b) a building developer;
 - (c) a building manager.

Note For the meaning of ***relevant building*** see section 1.4.

- (2) A ***building certifier***, for a relevant building, is a person who has responsibility for, or control over, the building approval process for a building.

Example

The following persons could be building certifiers for these Standards:

- (a) private certifiers;
- (b) building surveyors;
- (c) local councils.

-
- (3) A **building developer**, for a relevant building, is a person with responsibility for, or control over, its design or construction.

Example

The following persons could be building developers for these Standards:

- (a) property developers;
 - (b) property owners;
 - (c) building designers;
 - (d) builders;
 - (e) project managers;
 - (f) property lessees.
- (4) A **building manager**, for a relevant building, is a person who has responsibility for, or control over, any of the matters in the Access Code that apply to the building other than matters about the design or construction of the building.

Example

The following persons could be building managers for these Standards:

- (a) property owners;
- (b) property lessees;
- (c) property managers;
- (d) operational staff.

2.3 Actions to which Standards apply

These Standards apply to an action concerning the provision of access to relevant buildings (and facilities and services within them) to the extent that the provision of access is:

- (a) a matter to which any of paragraphs 31 (1) (a) to (f) of the Act applies;
and
- (b) a matter covered by the Access Code.

Note These Standards are subject to section 12 of the Act. That is, the provisions of these Standards are limited application provisions within the meaning of that section.

2.4 Construction of Standards

These Standards are intended to be within the power conferred by the Act, and are to be construed accordingly.

Note A provision that, despite this section, cannot be construed as being entirely within the power conferred by the Act has effect to the extent that the provision is within that power — see subsection 13 (2) of the *Legislative Instruments Act 2003*.

Part 3 Requirements of Standards

3.1 Building certifiers, developers and managers to ensure buildings comply with the Access Code

- (1) A building certifier, building developer or building manager of a relevant building (other than an existing public transport building) must ensure that the building complies with the Access Code.
- (2) A building certifier, building developer or building manager of an existing public transport building must comply with subsection (3) if:
 - (a) the building certifier, building developer or building manager is an operator or provider within the meaning of the Transport Standards; and
 - (b) any existing public transport building provided for passenger use as part of a public transport service provided by the building certifier, building developer or building manager is still in use on the target date mentioned in an item in the table in this section.
- (3) For subsection (2), the building certifier, building developer or building manager must ensure that the public transport service meets the performance requirements of the Access Code that apply to it for each aspect of the public transport building mentioned in an item of the following table, on and after the target date mentioned in the item, to at least the level of compliance mentioned in the item.

Item	Target date	Aspect	Level of compliance
1	<i>[commencement date]</i>	(a) symbols and signs (b) lighting (c) hearing augmentation (d) emergency warning systems	100%
2	<i>[commencement date]</i>	(a) accessways (b) manoeuvring areas (c) passing areas (d) ramps (e) doorways and doors (f) lifts (g) stairways (h) toilets (i) tactile ground surface indicators (j) controls	25%
3	31 December 2012	(a) surfaces (b) handrails and grabrails	100%

Item	Target date	Aspect	Level of compliance
4	31 December 2012	(a) accessways (b) manoeuvring areas (c) passing areas (d) ramps (e) doorways and doors (f) lifts (g) stairways (h) toilets (i) tactile ground surface indicators (j) controls	55%
5	31 December 2017	(a) accessways (b) manoeuvring areas (c) passing areas (d) ramps (e) doorways and doors (f) lifts (g) stairways (h) toilets (i) tactile ground surface indicators (j) controls	90%
6	31 December 2022	all aspects applicable to public transport buildings	100%

Note The level of compliance in this table is expressed as a percentage of existing public transport buildings provided by the building certifier, building developer or building manager for passenger use as part of that type of public transport service that are still in use on the target date.

3.2 Compliance with Access Code

- (1) For section 3.1, a building certifier or building developer of a relevant building is taken to have ensured that the building complies with the Access Code if the building complies with:
 - (a) clauses D3.1 to D3.12 of the Access Code; and
 - (b) for a public transport building — Part H2 of the Access Code.

Note The provisions mentioned in paragraphs (a) and (b) are described in the Access Code as deemed-to-satisfy provisions. They are limited to matters relating to the design and construction of a building so this subsection applies only to building certifiers and developers.

- (2) Subsection (1) is not intended to limit the way in which a relevant building may otherwise satisfy the applicable performance requirements.

-
- (3) Without limiting subsection (2), a relevant building is taken to comply with the Access Code if the building provides a level of access that is not less than the level that the building would have provided if it had complied with the provisions mentioned in subsection (1).

Part 4 Exceptions and concessions

4.1 Unjustifiable hardship

Amendments to Disability Discrimination Act 1992

- (1) It is not unlawful to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on a person or organisation.
- (2) However, compliance is required to the maximum extent not involving unjustifiable hardship.

Example

While enlarging a lift may impose unjustifiable hardship, upgrading the lift controls panel to provide braille and tactile buttons may not.

- (3) In determining whether compliance with a requirement of these Standards would involve unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including the following:

- (a) any additional capital, operating or other costs, or **loss of revenue**, that would be directly incurred by, or reasonably likely to result from, compliance with the requirement;
- (b) any reductions in capital, operating or other costs, or increases in revenue, that would be directly achieved by, or reasonably likely to result from, compliance with the requirement;
- (c) the extent to which the building is provided by or on behalf of a public authority for public purposes;
- (d) the **financial position** of a person or organisation required to comply with these Standards;
- (e) any effect that compliance with the requirement is reasonably likely to have on the **financial viability** of a person or organisation required to comply;
- (f) any exceptional technical factors (such as the effect of load bearing elements on the structural integrity of the building) or geographic factors (such as gradient, topography or regional or remote location), affecting a person or organisation's ability to comply with the requirement;
- (g) financial, staffing, technical, information and other resources reasonably available to a person or organisation required to comply with these Standards, including any grants, tax concessions, subsidies or other external assistance provided or available;
- (h) whether the cost of alterations to make a premises accessible is **disproportionate to the value of the building**, taking into consideration the improved value that would result from the alterations;
- (i) **benefits reasonably likely to accrue from compliance** with these Standards, including benefits to people with disabilities, to building users or to other affected persons, or detriment likely to result from non-compliance;

The Disability Discrimination and other Human Rights Legislation Amendment Bill (2008) proposes amendments to the Disability Discrimination Act 1992.

clarify the matters to be considered when determining "unjustifiable hardship"

Still any fairly does not give guidelines for assessing costs incurred or disproportionate or viability etc.

-
- (j) detriment reasonably likely to be suffered by a building developer, building certifier or building manager, or a person with a disability or other building user, including in relation to means of access, comfort and convenience, if compliance with these Standards is required;
 - (k) if detriment under paragraph (j) involves loss of heritage values — the extent to which relevant heritage value or features of the building are essential, and to what extent incidental, to the building;
 - (l) whether compliance with the requirement may reasonably be achieved by less onerous means than those objected to by a person as imposing unjustifiable hardship;
 - (m) any evidence regarding efforts made in good faith by a person to comply with these Standards, including consulting access consultants or building certifiers;
 - (n) if a person has given an action plan to the Commission under section 64 of the Act — the terms of the action plan and any evidence about its implementation;
 - (o) the nature and results of any processes of consultation, including at local, regional, State, national, international, industry or other level, involving, or on behalf of, a building developer, building manager or building certifier and people with a disability, about means of achieving compliance with the requirement, including in relation to the factors listed in this subsection;
 - (p) any decisions of a State or Territory body established to make recommendations to building authorities about building access matters.
- (4) If a substantial issue of unjustifiable hardship is raised having regard to the factors mentioned in paragraphs (3) (a) to (p), the following additional factors are to be considered:
- (a) the extent to which substantially equal access to public premises is or may be provided otherwise than by compliance with these Standards;
 - (b) any measures undertaken, or to be undertaken by, on behalf of, or in association with, a person or organisation to ensure substantially equal access.
- (5) For these Standards, *unjustifiable hardship* is to be interpreted and applied having due regard to the scope and objects of the Act (in particular the object of removing discrimination as far as possible) and the rights and interests of all relevant parties.

4.2 Acts done under statutory authority etc

These Standards do not render unlawful anything done in a circumstance mentioned in section 47 of the Act.

4.3 Lessees

- (1) If the lessee of a new part of a building submits an application for approval for the building work, the following people do not have to ensure that the affected part of the building complies with these Standards:
 - (a) the building developer;
 - (b) the building certifier;
 - (c) the building manager.
- (2) Subsection (1) does not apply if a building with a new part is leased to only 1 person.

4.4 Lift concession

The requirement in Table E3.6 (b) of the Access Code that a lift is to have a floor dimension of not less than 1 400 mm x 1 600 mm does not apply to an existing passenger lift that is in a new part, or an affected part, of a building, if the lift:

- (a) travels more than 12 m; and
- (b) has a lift floor that is not less than 1 100 mm by 1 400 mm.

4.5 Toilet concession

- (1) Paragraphs F2.4 (c) and (e) of the Access Code, to the extent that they require compliance with AS 1428.1—200X, *Design for access and mobility, Part 1: General requirements for access—New building work*, do not apply to the following:
 - (a) existing accessible sanitary compartments;
 - (b) existing sanitary compartments suitable for use by a person with a disability.
- (2) For subsection (1) to apply, a sanitary compartment mentioned in paragraph (a) or (b) must:
 - (a) comply with AS 1428.1—2001, *Design for access and mobility, Part 1: General requirements for access—New building work*; and
 - (b) be located in either a new part, or an affected part, of a building.

Part 5 Review

5.1 Timetable for review

- (1) The Minister for Innovation, Industry, Science and Research, in consultation with the Attorney-General:
 - (a) is to review, 5 years after these Standards commence, the effectiveness of these Standards in achieving their objects; and
 - (b) is to carry out a subsequent review every 5 years after the completion of the previous review.
- (2) A review includes identifying any necessary amendments to these Standards.

(Schedule 1 prepared by Australian Building Codes Board)

Schedule 1 Access Code for Buildings

(section 1.4)

Part A1 Interpretation

A1.1 Definitions

accessible means having features to enable use by people with a disability.

accessway means a continuous *accessible* path of travel (as defined in AS 1428.1) to, into or within a building.

aged care building means a Class 9c building for residential accommodation of aged persons who, due to varying degrees of incapacity associated with the ageing process, are provided with personal care services and 24-hour staff assistance to evacuate the building during an emergency.

assembly building means a building where people may assemble for:

- (a) civic, theatrical, social, political or religious purposes; or
- (b) educational purposes in a *school, early childhood centre, preschool, or the like*; or
- (c) entertainment, recreational or sporting purposes; or
- (d) transit purposes.

atrium has the same meaning as in the *BCA*.

BCA means the Building Code of Australia.

carpark means a building that is used for the parking of motor vehicles but is neither a *private garage* nor used for the servicing of vehicles, other than washing, cleaning or polishing.

early childhood centre means a preschool, kindergarten or child-minding centre.

exit has the same meaning as in the *BCA*.

fire-isolated ramp means a ramp within a fire-resisting enclosure which provides egress from a *storey*.

fire-isolated stairway means a stairway within a fire-resisting shaft and includes the floor and roof or top enclosing structure.

floor area means:

- (a) in relation to a building — the total area of all *storeys*; and
- (b) in relation to a *storey* — the area of all floors of that *storey* measured over the enclosing walls, and includes:
 - (i) the area of a *mezzanine* within the *storey*, measured within the finished surfaces of any external walls; and
 - (ii) the area occupied by any internal walls or partitions, any cupboard, or other built-in furniture, fixture or fitting; and
 - (iii) if there is no enclosing wall, an area which has a use that:
 - (A) contributes to the fire load; or
 - (B) impacts on the safety, health or amenity of the occupants in relation to the provisions of the *BCA*; and
- (c) in relation to a room — the area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting; and
- (d) in relation to a fire compartment — the total area of all floors within the fire compartment measured within the finished surfaces of the bounding construction, and if there is no bounding construction, includes an area which has a use which contributes to the fire load; and
- (e) in relation to an *atrium* — the total area of all floors within the *atrium* measured within the finished surfaces of the bounding construction and if no bounding construction, within the external walls.

health-care building means a building whose occupants or patients undergoing medical treatment generally need physical assistance to evacuate the building during an emergency and includes:

- (a) a public or private hospital; or
- (b) a nursing home or similar facility for sick or disabled persons needing full-time nursing care; or
- (c) a clinic, day surgery or procedure unit where the effects of the predominant treatment administered involve patients becoming non-ambulatory and requiring supervised medical care on the premises for some time after the treatment.

luminance contrast means the amount of light reflected from one surface or component, compared to the amount of light reflected from the background or surrounding surfaces.

mezzanine means an intermediate floor within a room.

private garage means:

Refer *BCA* definition of "storey" for clarification of floor.

-
- (a) any garage associated with a Class 1 building; or
 - (b) any single *storey* of a building of another Class capable of accommodating not more than 3 vehicles, if there is only one such *storey* in the building; or
 - (c) any separate single *storey* garage associated with another building where such garage is capable of accommodating not more than 3 vehicles.

required means *required* to satisfy a Performance Requirement or a Deemed-to-Satisfy Provision of the Access Code as appropriate.

residential aged care building means a building whose residents, due to their incapacity associated with the ageing process, are provided with physical assistance in conducting their daily activities and to evacuate the building during an emergency.

sanitary compartment means a room or space containing a closet pan or urinal.

school includes a primary or secondary *school*, college, university or similar educational establishment.

sole-occupancy unit (SOU) means a room or other part of a building for occupation by one or joint owner, lessee tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes:

- (a) a dwelling; or
- (b) a room or suite of rooms in a Class 3 building which includes sleeping facilities; or
- (c) a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or
- (d) a room or suite of associated rooms in a Class 9c *aged care building*, which includes sleeping facilities and any area for the exclusive use of a resident.

storey has the same meaning as in the *BCA*.

swimming pool means any excavation or structure containing water and used primarily for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa.

A1.2 Language

A reference to a building in the Access Code is a reference to an entire building or part of a building, as the case requires.

Part A2 Adoption of Standards etc

A2.1 Adoption of Standards and other references

Where a Deemed-to-Satisfy Provision references a document, rule, specification or provision, that adoption does not include a provision:

- (a) specifying or defining the respective rights, responsibilities or obligations as between themselves of any manufacturer, supplier or purchaser; or
- (b) specifying the responsibilities of any trades person or other building operative, architect, engineer, authority, or other person or body; or
- (c) requiring the submission for approval of any material, building component, form or method of construction, to any person, authority or body other than a person or body empowered under State or Territory legislation to give that approval; or
- (d) specifying that a material, building component, form or method of construction must be submitted to any person, authority or body for expression of opinion; or
- (e) permitting a departure from the code, rule, specification or provision at the sole discretion of the manufacturer or purchaser, or by arrangement or agreement between the manufacturer and purchaser.

A2.2 Referenced Standards etc

- (1) A reference in a Deemed-to-Satisfy Provision to a document under clause A2.1 refers to the edition or issue, together with any amendment, listed in clause A3.1 and only so much as is relevant in the context in which the document is quoted.
- (2) Any:
 - (a) reference in a document listed in clause A3.1 (primary document) to another document (secondary document); and
 - (b) subsequent references to other documents in secondary documents and those other documents;is a reference to the secondary and other documents as they existed at the time of publication of the primary document listed in clause A3.1.
- (3) The provisions of subclause (2) do not apply if the secondary referenced document is also a primary referenced document.

A2.3 Differences between referenced documents and the Access Code

The Access Code overrules in any difference arising between it and any Standard, rule, specification or provision in a document listed in clause A3.1.

A2.4 Fire safety

Fire safety provisions relating to the construction of buildings are located in the *BCA*.

Part A3 Access Code — documents adopted by reference

A3.1 Documents adopted by reference

The Standards and other documents listed in column 1 of Table 1 are referred to in the clauses of the Access Code listed in column 4 of the table.

Table 1 Schedule of referenced documents

No.	Date	Title	Provision(s) of Access Code
AS 1428		Design for access and mobility	
Part 1	200X	General requirements for access — New building work	A1.1, D3.1, Table D3.1, D3.3, D3.6, D3.8, D3.11, Spec D3.10, F2.4
Part 1	2001	General requirements for access — New building work	H2.7, H2.8, H2.10, H2.15
Part 1 (Supplement 1)	1993	General requirements for access — Buildings — Commentary	H2.2
Part 2	1992	Enhanced and additional requirements — Buildings and facilities	H2.2, H2.3, H2.4, H2.5, H2.7, H2.10, H2.11, H2.12, H2.13, H2.14
Part 4	1992	Tactile ground surface indicators for the orientation of people with vision impairment	H2.11
AS/NZS 1428		Design for access and mobility	
Part 4.1	200X	Tactile ground surface indicators for the orientation of people with vision impairment	D3.8
AS 1735		Lifts, escalators and moving walks (SAA Lift Code)	
Part 1	2003	Lifts, escalators and moving walks	Table E3.6 (a)
Part 2	2001	Passenger and goods lifts — Electric	Table E3.6 (a)
Part 3	2002	Passenger and goods lifts — Electrohydraulic	Table E3.6 (a)
Part 7	1998	Stairway lifts	Table E3.6 (a), Table E3.6 (b)
Part 8	1986	Inclined lifts	Table E3.6 (a)
Part 12	1999	Facilities for persons with disabilities, Amendment 1	Table E3.6 (b), H2.6

No.	Date	Title	Provision(s) of Access Code
Part 14	1998	Low-rise platforms for passengers	Table E3.6 (a), Table E3.6 (b)
Part 15	2002	Lifts for people with limited mobility — Restricted use — Non-automatically controlled	Table E3.6 (a), Table E3.6 (b)
Part 16	1993	Lifts for persons with limited mobility — Restricted use — Automatically controlled	Table E3.6 (a), Table E3.6 (b)
AS/NZS 2890		Parking facilities	
Part 6	200X	Off-street carparking for people with disabilities	D3.5

When is AS2890.6 going to have an update.
 Number of accessible spots still only a maximum of 2% whereas over 12% of drivers have MPS stickers.

Part A4 Building classifications

A4.1 Classifications

Class 1 — one or more buildings which in association constitute:

- (a) **Class 1a** — a single dwelling being:
 - (i) a detached house; or
 - (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or
- (b) **Class 1b**:
 - (i) a boarding house, guest house, hostel or the like:
 - (A) with a total area of all floors not exceeding 300 m² measured over the enclosing wall of the Class 1b; and
 - (B) in which not more than 12 persons would ordinarily be resident; or
 - (ii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation;

which are not located above or below another dwelling or another Class of building other than a *private garage*.

Class 2 — a building containing 2 or more *sole-occupancy units*, each being a separate dwelling.

Class 3 — a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including:

- (a) a boarding-house, guest house, hostel, lodging-house or backpackers accommodation; or
- (b) a residential part of an hotel or motel; or
- (c) a residential part of a *school*; or
- (d) accommodation for the aged, children or people with a disability; or
- (e) a residential part of a *health-care building* which accommodates members of staff; or
- (f) a residential part of a detention centre.

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.

Class 5 — an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6 — a shop or other building for the sale of goods by retail or the supply of services direct to the public, including:

- (a) an eating room, cafe, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar, shop or kiosk part of a hotel or motel; or

-
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
 - (d) market or sale room, showroom, or service station.

Class 7 — a building which is:

- (a) **Class 7a** — a *carpark*; or
- (b) **Class 7b** — for storage, or display of goods or produce for sale by wholesale.

Class 8 — a laboratory, or a building in which a 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.

Class 9 — a building of a public nature:

- (a) **Class 9a** — a *health-care building*; including those parts of the building set aside as a laboratory; or
- (b) **Class 9b** — an *assembly building*, including a trade workshop, laboratory or the like in a primary or secondary *school*, but excluding any other parts of the building that are of another Class; or
- (c) **Class 9c** — an *aged care building*.

Class 10 — a non-habitable building or structure:

- (a) **Class 10a** — a non-habitable building being a *private garage*, carport, shed, or the like; or
- (b) **Class 10b** — a structure being a fence, mast, antenna, retaining or free-standing wall, *swimming pool*, or the like.

Part D Access and egress

DP1 Performance requirement

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

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

Limitation Clause DP1 does not apply to a Class 4 part of a building.

DP4 Performance requirement

Exits must be provided from a building to allow occupants to evacuate safely, with their number, location and dimensions being appropriate to:

- (a) the travel distance; and
- (b) the number, mobility and other characteristics of occupants; and
- (c) the function or use of the building; and
- (d) the height of the building; and
- (e) whether the *exit* is from above or below ground level.

DP6 Performance requirement

So that occupants can safely evacuate the building, *accessways* to *exits* must have dimensions appropriate to:

- (a) the number, mobility and other characteristics of occupants; and
- (b) the function or use of the building.

Limitation Clause DP6 does not apply to the internal parts of a *sole-occupancy unit* in a Class 3 building or Class 4 part of a building.

DP8 Performance requirement

Carparking spaces for use by people with a disability must be:

- (a) provided, to the degree necessary, to give equitable access for carparking; and
- (b) designated and easy to find.

Limitation Clause DP8 does not apply to a building where:

- (a) a parking service is provided; and

- (b) direct access to any carparking spaces by the general public or occupants is not available.

DP9 Performance requirement

An inbuilt communication system for entry, information, entertainment, or for the provision of a service, must be suitable for occupants who are deaf or hearing impaired.

Limitation

Clause DP9 does not apply to:

- (a) a Class 4 part of a building; or
- (b) an inbuilt communication system used only for emergency warning purposes.

Part D3 Access for people with a disability

D3.0 Deemed-to-satisfy provisions

The Performance Requirements of clauses DP1, DP4, DP6, DP8 and DP9 are satisfied by complying with:

- (a) clauses D3.1 to D3.12; and
- (b) for public transport buildings, Part H2.

To and within;
common areas
associated with
any or all of such
dwellings

D3.1 General building access requirements

Buildings and parts of buildings must be *accessible* as *required* by Table D3.1, unless exempted by clause D3.4.

Table D3.1: Requirements for access for people with a disability

Class of building	Access requirements
Class 1b	
(a) Dwellings located on one allotment* and used for short-term holiday accommodation consisting of: <ul style="list-style-type: none"> (i) 4 to 10 dwellings (ii) 11 to 40 dwellings (iii) 41 to 60 dwellings (iv) 61 to 80 dwellings (v) 81 to 100 dwellings (iv) more than 100 dwellings 	To and within: <ul style="list-style-type: none"> 1 dwelling 2 dwellings 3 dwellings 4 dwellings 5 dwellings 5 dwellings plus one additional dwelling for each additional 30 dwellings or part thereof
(b) A boarding house, bed and breakfast, guest house, hostel or the like containing 4 or more bedrooms used for rental accommodation, other than those described in (a)	To and within: <ul style="list-style-type: none"> 1 bedroom and associated sanitary facilities; and not less than 1 of each type of room or space for use in common by the residents or guests, including a cooking facility, sauna, gymnasium, <i>swimming pool</i>, laundry, games room, eating area, or the like; and rooms or spaces for use in common by all residents on a floor to which access by way of a ramp complying with AS 1428.1 or a passenger lift is provided
* A community or strata-type subdivision or development is considered to be on a single allotment.	

Class of building	Access requirements
Class 3	
Common areas	<p>From a pedestrian entrance <i>required</i> to be <i>accessible</i> to at least one floor containing <i>sole-occupancy units</i> and to the entrance doorway of each <i>sole-occupancy unit</i> located on that level</p> <p>To and within not less than one of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, <i>swimming pool</i>, common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunchroom, lounge room, or the like</p> <p>Where a ramp complying with AS 1428.1 or a passenger lift is installed:</p> <ul style="list-style-type: none"> (a) to the entrance doorway of each <i>sole-occupancy unit</i>; and (b) to and within rooms or spaces for use in common by the residents, <p>located on the levels served by the lift or ramp</p>
<p>Sole-occupancy units</p> <p>If the building or group of buildings contain:</p> <p>1 to 10 <i>sole-occupancy units</i></p> <p>11 to 40 <i>sole-occupancy units</i></p> <p>41 to 60 <i>sole-occupancy units</i></p> <p>61 to 80 <i>sole-occupancy units</i></p> <p>81 to 100 <i>sole-occupancy units</i></p> <p>101 to 200 <i>sole-occupancy units</i></p> <p>201 to 500 <i>sole-occupancy units</i></p> <p>more than 500 <i>sole-occupancy units</i></p>	<p>Not more than 2 <i>required accessible sole-occupancy units</i> may be located adjacent to each other</p> <p>Where more than 2 <i>accessible sole-occupancy units</i> are <i>required</i>, they must be representative of the range of rooms available</p> <p>To and within:</p> <p>1 <i>accessible sole-occupancy unit</i></p> <p>2 <i>accessible sole-occupancy units</i></p> <p>3 <i>accessible sole-occupancy units</i></p> <p>4 <i>accessible sole-occupancy units</i></p> <p>5 <i>accessible sole-occupancy units</i></p> <p>5 <i>accessible sole-occupancy units</i> plus 1 additional <i>accessible sole-occupancy unit</i> for every 25 units or part thereof in excess of 100</p> <p>9 <i>accessible sole-occupancy units</i> plus 1 additional <i>accessible sole-occupancy unit</i> for every 30 units or part thereof in excess of 200</p> <p>19 <i>accessible sole-occupancy units</i> plus 1 additional <i>accessible sole-occupancy unit</i> for every 50 units of part thereof in excess of 500</p>
Class 5	To and within all areas normally used by the occupants
Class 6	To and within all areas normally used by the occupants

Class of building	Access requirements
Class 7a	To and within any level containing <i>accessible</i> carparking spaces
Class 7b	To and within all areas normally used by the occupants
Class 8	To and within all areas normally used by the occupants
Class 9a	To and within all areas normally used by the occupants
Class 9b	
<i>Schools and early childhood centres</i>	To and within all areas normally used by the occupants
<i>An assembly building not being a school or an early childhood centre</i>	To wheelchair seating spaces provided in accordance with clause D3.9 To and within all other areas normally used by the occupants, except that access need not be provided to tiers or platforms of seating areas that do not contain wheelchair seating spaces
Class 9c	
Common areas	From a pedestrian entrance <i>required to be accessible</i> to at least one floor containing <i>sole-occupancy units</i> and to the entrance doorway of each <i>sole-occupancy unit</i> located on that level To and within not less than one of each type of room or space for use in common by the residents, including a cooking facility, sauna, gymnasium, <i>swimming pool</i> , common laundry, games room, TV room, individual shop, dining room, public viewing area, ticket purchasing service, lunchroom, lounge room, or the like Where a ramp complying with AS 1428.1 or a passenger lift is installed: <ul style="list-style-type: none"> (a) to the entrance doorway of each <i>sole-occupancy unit</i>; and (b) to and within rooms or spaces for use in common by the residents; located on the levels served by the lift or ramp
Sole-occupancy units	Where more than 2 <i>accessible sole-occupancy units</i> are <i>required</i> , they must be representative of the range of rooms available.
If the building or group of buildings contain:	To and within:
1 to 10 sole-occupancy units	1 accessible sole-occupancy unit
11 to 40 sole-occupancy units	2 accessible sole-occupancy units
41 to 60 sole-occupancy units	3 accessible sole-occupancy units
61 to 80 sole-occupancy units	4 accessible sole-occupancy units

Class of building	Access requirements
81 to 100 sole-occupancy units	5 accessible sole-occupancy units
101 to 200 sole-occupancy units	5 accessible sole-occupancy units plus 1 additional accessible sole-occupancy unit for every 25 units or part thereof in excess of 100
201 to 500 sole-occupancy units	9 accessible sole-occupancy units plus 1 additional accessible sole-occupancy unit for every 30 units or part thereof in excess of 200
more than 500 sole-occupancy units	19 accessible sole-occupancy units plus 1 additional accessible sole-occupancy unit for every 50 units of part thereof in excess of 500
Class 10a	
Non-habitable building located in an <i>accessible</i> area intended for use by the public and containing a sanitary facility, change room facility or shelter	To and within: (a) an <i>accessible</i> sanitary facility; and (b) a change room facility; and (c) a public shelter or the like
Class 10b	
Swimming pool	To and into <i>swimming pools</i> with a total perimeter greater than 40m, associated with a Class 1b, 3, 5, 6, 7, 8 or 9 building that is <i>required</i> to be <i>accessible</i> , but not <i>swimming pools</i> for the exclusive use of occupants of a 1b building or a <i>sole-occupancy unit</i> in a Class 3 building

D3.2 Access to buildings

- (1) An *accessway* must be provided
 - (a) to a building *required* to be *accessible*:
 - (b) from the main points of a pedestrian entry at the allotment boundary; and
 - (i) from another *accessible* building connected by a pedestrian link; and
 - (ii) from any *required accessible* carparking space on the allotment.
- (2) In a building *required* to be *accessible*, an *accessway* must be provided through the principal pedestrian entrance, and:
 - (a) through not less than 50% of all pedestrian entrances including the principal pedestrian entrance; and
 - (b) in a building with a total *floor area* more than 500 m², a pedestrian entrance which is not *accessible* must not be located more than 50 m from an *accessible* pedestrian entrance;

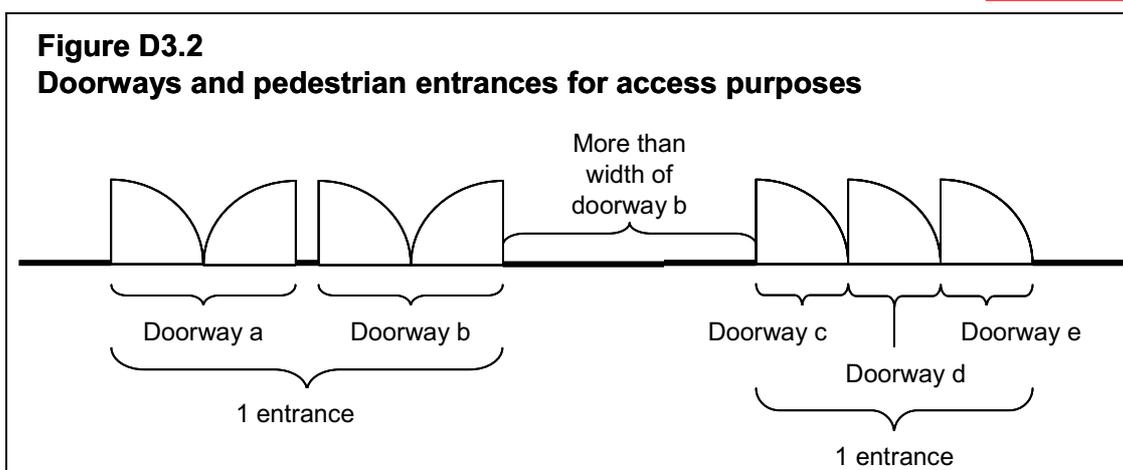
except for pedestrian entrances serving only areas exempted by clause D3.4.

(and separate parts of that building if they are a compound part of the building) ***

*** A building with multiple classification buildings within it shall have access to ALL buildings accessible. ie Multiple Class 6 shops opening onto a single accessway/footpath

- (3) Where a pedestrian entrance *required* to be *accessible* has multiple doorways:
- (a) if the pedestrian entrance consists of not more than 3 doorways — not less than one of those doorways must be *accessible*; and
 - (b) if the pedestrian entrance consists of more than 3 doorways — not less than 50% of those doorways must be *accessible*.
- (4) For the purposes of subclause (3):
- (a) an *accessible* pedestrian entrance with multiple doorways is considered to be one pedestrian entrance where:
 - (i) all doorways serve the same part or parts of the building; and
 - (ii) the distance between each doorway is not more than the width of the widest doorway at that pedestrian entrance (see Figure D3.2); and
 - (b) a doorway is considered to be the clear, unobstructed opening created by the opening of one or more door leaves (see Figure D3.2).
- (5) Where a doorway on an *accessway* has multiple leaves, (except an automatic opening door) one of those leaves ~~must~~ have a clear opening width of not less than 850 mm in accordance with AS 1428.1.

The active leaf



D3.3 Parts of buildings to be accessible

In a building *required* to be *accessible*:

- (a) an *accessway* must be provided to each area *required* by Table D3.1 to be *accessible*, but need not be provided to areas or buildings exempted by clause D3.4;
- (b) every ramp and stairway, except for ramps and stairways in areas exempted by clause D3.4, *fire-isolated ramps* and *fire-isolated stairways*, must comply with:
 - (i) for a ramp, clause 11 of AS 1428.1; and
 - (ii) for a stairway, clause 12 of AS 1428.1;

- (c) every passenger lift must comply with clause E3.6;
- (d) *accessways* must have:
 - (i) passing spaces complying with AS 1428.1 at maximum 20 m intervals on those parts of an *accessway* where a direct line of sight is not available; and
 - (ii) turning spaces complying with AS 1428.1:
 - (A) within 2 m of the end of *accessways* where it is not possible to continue travelling along the *accessway*; and
 - (B) at maximum 20 m intervals along the *accessway*;
- (e) an intersection of *accessways* satisfies the spatial requirements for a passing and turning space;
- (f) a passing space may serve as a turning space.

D3.4 Exemptions

The following areas are not *required* to be *accessible*:

- (a) a cleaners' store room, a commercial kitchen, a staff serving area in a bar, a foundry floor, a cool room, a fire lookout, a lighthouse, a rigging loft or the like;
- (b) areas only used for building services and maintenance (testing, inspections, verification, repair and overhaul) such as:
 - (i) a cooling tower and power plant;
 - (ii) an equipment or lift motor room, an electrical switchroom, a battery room, a machinery room, a plant room, boiler room and a pump room;
 - (iii) a bunded area;
 - (iv) a fire control centre;
 - (v) a loading dock;
 - (vi) an access route for maintenance, pits, lift shafts and ventilation shafts; and
 - (vii) a sub-station, telecommunication equipment room, metering area; or the like;
- (c) areas containing raw or hazardous materials, produce or bulk storage such as a waste containment area, silo, grain bin, chemical store, storage racks or the like;
- (d) upper floors of warehouses used solely for wholesale and or logistic/distribution purposes which are not accessible to the public;
- (e) *mezzanine* areas used only for storage, plant and equipment or the like;
- (f) in a Class 5, 6, 7b or 8 building:
 - (i) containing not more than 3 *storeys*; and
 - (ii) with a *floor area* for **each** *storey*, excluding the entrance *storey*, of not more than 200m²;

a *storey* or level other than the entrance *storey*, except if the *storey* or level is served by a ramp complying with AS 1428.1 or a passenger lift;

- (g) any path of travel providing access only to an area exempted by this clause.

D3.5 Accessible carparking

Accessible carparking spaces:

- (a) subject to (b), must be provided in accordance with Table D3.5 in:
- (i) a Class 7a building *required to be accessible*; and
 - (ii) a carparking area on the same allotment as a building *required to be accessible*; and
- (b) need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and
- (c) subject to (d), must comply with AS 2890.6; and
- (d) need not be designated where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.

Table D3.5 Carparking spaces for people with a disability

Class of building to which the Class 7a building or carparking area is associated	Number of accessible carparking spaces required
Class 1b and 3	
(a) Boarding house, guest house, hostel, lodging house, backpackers accommodation, or the residential part of a hotel or motel.	To be calculated by multiplying the total number of carparking spaces by the percentage of: <ul style="list-style-type: none"> (a) accessible sole-occupancy units to the total number of sole-occupancy units; or (b) <i>accessible</i> bedrooms to the total number of bedrooms; and the calculated number is to be taken to the next whole figure.
(b) Residential part of a <i>school</i> , accommodation for the aged, disabled or children, residential part of a <i>health care building</i> which accommodates members of staff or the residential part of a detention centre.	1 space for every 100 carparking spaces or part thereof.
Class 5, 7, 8 and 9c	3 per 100 1 space for every 100 carparking spaces or part thereof.
Class 6	6 per 100
(a) Up to 1 000 carparking spaces; and	1 space for every 50 carparking spaces or part thereof.

OVER 12% of NSW drivers have MPS stickers and there is abuse of spaces by non MPS eligible drivers.

The number of spaces should be limited on car park levels where there is only one means (lift) of access by an accessible path of travel. If lifts not functional access to that level is still possible.

Class of building to which the Class 7a building or carparking area is associated	Number of accessible carparking spaces required
(b) for each additional 100 carparking spaces or part thereof in excess of 1 000 carparking spaces.	1 space. 2 spaces
Class 9a	
(a) Hospital (non-outpatient area)	3 spaces 1 space for every 100 carparking spaces or part thereof.
(b) Hospital (outpatient area):	
(i) up to 1 000 carparking spaces; and	3 spaces 1 space for every 50 carparking spaces or part thereof.
(ii) for each additional 100 carparking spaces or part thereof in excess of 1 000 carparking spaces.	1 space.
(c) Nursing home	1 space for every 100 carparking spaces or part thereof.
(d) Clinic or day surgery not forming part of hospital	2 space for every 50 carparking spaces or part thereof.
Class 9b	
(a) School	1 space for every 100 carparking spaces or part thereof.
(b) Other assembly buildings:	
(i) up to 1 000 carparking spaces; and	1 space for every 50 carparking spaces or part thereof.
(ii) for each additional 100 carparking spaces or part thereof in excess of 1 000 carparking spaces.	1 space.

D3.6 Signage

In a building *required* to be *accessible*:

- (a) Braille and tactile signage complying with Part D4 and incorporating the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1 must identify each:
 - (i) sanitary facility, except a sanitary facility within a *sole-occupancy unit* in a Class 1b or Class 3 building; and
 - (ii) space with a hearing augmentation system; and
- (b) signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying:
 - (i) the type of hearing augmentation; and
 - (ii) the area covered within the room; and

- (iii) if receivers are being used and where the receivers can be obtained; and
- (c) signage in accordance with AS 1428.1 must be provided for *accessible* unisex sanitary facilities to identify if the facility is suitable for left or right handed use; and
- (d) signage to identify an ambulant *accessible* sanitary facility in accordance with AS 1428.1 must be located on the door of the facility; and
- (e) where a pedestrian entrance is not *accessible*, directional signage incorporating the international symbol of access, in accordance with AS 1428.1 must be provided to direct a person to the location of the nearest *accessible* pedestrian entrance; and
- (f) where a bank of sanitary facilities is not provided with an *accessible* unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be placed at the location of the sanitary facilities that are not *accessible*, to direct a person to the location of the nearest *accessible* unisex sanitary facility.

D3.7 Hearing augmentation

- (1) A hearing augmentation system must be provided where an inbuilt amplification system, other than one used only for emergency warning, is installed:
 - (a) in an auditorium, conference room, meeting room, room for judicatory purposes, or a room in a Class 9b building; or
 - (b) at any ticket office, teller's booth, reception area or the like, where the public is screened from the service provider.
- (2) If a hearing augmentation system *required* by subclause (1) is:
 - (a) an induction loop, it must be provided to not less than 80% of the *floor area* of the room or space served by the inbuilt amplification system; or
 - (b) a system requiring the use of receivers or the like, it must be available to not less than 95% of the *floor area* of the room or space served by the inbuilt amplification system, and the number of receivers provided must be not less than:
 - (i) if the room or space accommodates up to 500 persons, 1 receiver for every 25 persons (or part thereof), or 2 receivers, whichever is the greater; and
 - (ii) if the room or space accommodates more than 500 persons but not more than 1 000 persons, 20 receivers plus 1 receiver for every 33 persons (or part thereof) in excess of 500 persons; and
 - (iii) if the room or space accommodates more than 1 000 persons but not more than 2 000 persons, 35 receivers plus 1 receiver for every 50 persons (or part thereof) in excess of 2 000 persons; and

-
- (iv) if the room or space accommodates more than 2 000 persons, 55 receivers plus 1 receiver for every 100 persons (or part thereof) in excess of 2 000 persons.
 - (3) The number of persons accommodated in the room or space served by an inbuilt amplification system must be calculated according to clause D1.13 of the *BCA*.
 - (4) Any screen or scoreboard associated with a Class 9b building and capable of displaying public announcements must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.

D3.8 Tactile indicators

- (1) For a building *required to be accessible*, tactile ground surface indicators must be provided to warn people who are blind or have a vision impairment that they are approaching:
 - (a) a stairway, other than a *fire isolated stairway*;
 - (b) an escalator;
 - (c) a passenger conveyor or moving walk;
 - (d) a ramp other than a *fire isolated ramp*, a step ramp, kerb ramp or a *swimming pool* ramp; and
 - (e) in the absence of a suitable barrier:
 - (i) an overhead obstruction less than 2 m above floor level, other than a doorway; and
 - (ii) an *accessway* meeting a vehicular way adjacent to any pedestrian entrance to a building, excluding a pedestrian entrance serving an area referred to in clause D3.4, if there is no kerb or kerb ramp at that point;except for areas exempted by clause D3.4.
- (2) Tactile ground surface indicators *required* by subclause (1) must comply with sections 1 and 2 of AS/NZS 1428.4.1.
- (3) A hostel for the aged, nursing home for the aged, a *residential aged care building*, Class 3 accommodation for the aged, Class 9a *health-care building* or a Class 9c *aged care building* need not comply with paragraphs (1) (a) and (d) if handrails incorporating a raised dome button in accordance with the requirements for stairway handrails in AS 1428.1 are provided to warn people who are blind or have a vision impairment that they are approaching a stairway or ramp.

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

Where fixed seating is provided in a Class 9b *assembly building*, wheelchair seating spaces complying with AS 1428.1 must be provided in accordance with the following: ← **and representative of the available seating**

- (a) the number and grouping of wheelchair seating spaces must be in accordance with Table D3.9; and **or in front of**
- (b) in a cinema:
 - (i) with not more than 300 seats — **wheelchair seating spaces must not be located in the front row of seats;** and
 - (ii) with more than 300 seats — not less than 75% of *required* wheelchair seating spaces must be located in rows other than the front row of seats; and
 - (iii) the location of **wheelchair seating is to be representative of the range of seating provided.**

Table D3.9 Number of wheelchair seating spaces in Class 9b assembly buildings

Number of fixed seats in a room or space	Number of wheelchair seating spaces	Grouping and location
Up to 150	3 spaces	1 single space; and 1 group of 2 spaces
151 to 800	3 spaces plus 1 additional space for each additional 50 Seats or part thereof in excess of 150 seats	not less than 1 single space; and not less than 1 group of 2 spaces; and not more than 5 spaces in any other group NOT in 1 grouping overall
801 to 10 000	16 spaces plus 1 additional space for each additional 100 seats or part thereof in excess of 800 seats	not less than 2 single spaces; and not less than 2 groups of 2 spaces; and not more than 5 spaces in any other group; and the location of spaces is to be representative of the range of seating provided
More than 10 000	108 spaces plus 1 additional space for each additional 200 seats or part thereof in excess of 10 000 seats	not less than 5 single spaces; and not less than 5 groups of 2 spaces; and not more than 10 spaces in any other group; and the location of spaces is to be representative of the range of seating provided

D3.10 Swimming pools

- (1) Not less than one means of *accessible* water entry/exit in accordance with Part D5 must be provided for each *swimming pool required* by Table D3.1 to be *accessible*.
- (2) An *accessible* entry/exit
 - (a) a fixed or movable ramp and an aquatic wheelchair; or

**Do not think you would have a "movable" ramp.
Most pools have the ramp built into the side of the pool so the ramp and handrails are NOT an obstruction within the line/side of pool.**

-
- (b) a zero depth entry at a maximum gradient of 1:14 and an aquatic wheelchair; or
 - (c) a platform *swimming pool* lift and an aquatic wheelchair; or
 - (d) a sling-style *swimming pool* lift. Sling/seat style swimming pool lift.
- (3) Where a *swimming pool* has a perimeter of more than 70 m in length, at least one *accessible* water entry/exit must be provided by a means specified in paragraph (2) (a), (b) or (c).
- (4) Latching devices on gates and doors forming part of a *swimming pool* safety barrier need not comply with AS 1428.1.

D3.11 Ramps

On an accessway:

- (a) a series of connected ramps must not have a combined vertical rise of more than 3.6 m; and
- (b) a landing for a step ramp must not overlap a landing for another step ramp or ramp.

D3.12 Glazing on an accessway

On an *accessway*, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.

Part D4 Braille and tactile signs

D4.1 Scope

This Part sets out the requirements for the design and installation of Braille and tactile signage as *required* by clause D3.6.

D4.2 Location of Braille and tactile signs

Signs including symbols, numbering and lettering must be designed and installed as follows:

- (a) Braille and tactile components of a sign must be located not less than 1 200 mm and not higher than 1 600 mm above the floor or ground surface;
- (b) signs with single lines of characters must have the line of tactile characters not less than 1 250 mm and not more than 1 350 mm above the floor or ground surface;
- (c) signs identifying rooms containing features or facilities listed in clause D3.6 must be located:
 - (i) on the wall on the latch side of the door with the leading edge of the sign located between 50 mm and 300 mm from the architrave; and
 - (ii) where (i) is not possible, the sign may be placed on the door itself.

D4.3 Braille and tactile sign specification

- (1) Tactile characters must be raised or embossed to a height of not less than 1 mm and not more than 1.5 mm.
- (2) Sentence case (upper case for the first letter of each main word and lower case for all other letters) must be used for all tactile characters; and
 - (i) upper case tactile characters must have a height of not less than 15 mm and not more than 55 mm; and
 - (ii) lower case tactile characters must have a height of 50% of the related upper case characters.
- (3) Tactile characters, symbols, and the like, must have rounded edges.
- (4) The entire sign, including any frame, must have all edges rounded.
- (5) The background, negative space or fill of signs must be of matt or low sheen finish.
- (6) The characters, symbols, logos and other features on signs must be matt or low sheen finish.

-
- (7) The minimum letter spacing of tactile characters on signs must be 2 mm.
 - (8) The minimum word spacing of tactile characters on signs must be 10mm.
 - (9) The thickness of letter strokes must be not less than 2 mm and not more than 7 mm.
 - (10) Tactile text must be left justified, except that single words may be centre justified.
 - (11) Tactile text must be Arial typeface.

D4.4 Luminance contrast

The following apply to *luminance contrast*:

- (a) the background, negative space, fill of a sign or border with a minimum width of 5 mm must have a *luminance contrast* with the surface on which it is mounted of not less than 30%;
- (b) tactile characters, icons and symbols must have a minimum *luminance contrast* of 30% to the surface on which the characters are mounted;
- (c) *luminance contrasts* must be met under the lighting conditions in which the sign is to be located.

D4.5 Lighting

Braille and tactile signs must be illuminated to ensure *luminance contrast* requirements are met at all times during which the sign is required to be read.

D4.6 Braille

The following applies to Braille:

- (a) Braille must be grade 1 Braille (uncontracted) in accordance with the criteria set out by the Australian Braille Authority;
- (b) Braille must be raised and domed;
- (c) Braille must be located 8 mm below the bottom line of text (not including descenders);
- (d) Braille must be left justified;
- (e) where an arrow is used in the tactile sign, a solid arrow must be provided for Braille readers;
- (f) on signs with multiple lines of text and characters, a semicircular Braille locator at the left margin must be horizontally aligned with the first line of Braille text.

Part D5 Accessible water entry/exit for swimming pools

D5.1 Scope

This Part contains the requirements for types of *accessible* water entry/exit for *swimming pools*.

D5.2 Fixed or moveable ramp

A movable ramp into a pool would have a minimum length of OVER 10 METRES and would not be movable.

A fixed or moveable ramp must:

- (a) have a slip-resistant surface; and
- (b) have a maximum gradient of 1:14; and
- (c) have handrails complying with the requirements for ramps in AS 1428.1, installed on both sides of the ramp; and
- (d) have kerbs in accordance with the requirements for ramps in AS 1428.1; and
- (e) extend to a depth of not less than 900 mm and not more than 1 100 mm below the stationary water level; and
- (f) have landings in accordance with the requirements for ramps in AS 1428.1, with a landing located at the bottom and top of each ramp and a

intermediate landing if required compliant with AS1428.1
Clause 5.3 (b).

D5.3 Zero depth entry

A zero depth entry must have:

- (a) a slip-resistant surface; and
- (b) a maximum gradient of 1:14; and
- (c) a single handrail complying with the requirements for handrails in AS 1428.1, from the top of the entry point continuous to the bottom level area; and
- (d) a level area:
 - (i) 1 500 mm long for the width of the zero depth entry at the entry point; and
 - (ii) located at the bottom of the zero depth entry at a level between 900 mm and 1 100 mm below the stationary water level.

D5.4 Platform swimming pool lift

A platform *swimming pool* lift must be:

- (a) capable of being operated from the *swimming pool* surround, within the *swimming pool*, and on the platform; and
- (b) located where the water depth is not more than 1 300 mm; and

- (c) designed to withstand a weight capacity of not less than 160 kg and be capable of sustaining a static load of not less than 1.5 times the rated load.

D5.5 Sling-style swimming pool lift

Permanent installed or removable? What about retrofit to old pools, or new, with high deck height.

(a) water depth between 1200mm & 1300mm.
(b) 1; Sling/seat MUST be 500mm above the deck height for transfer.
(f) The sling/seat submerge to 700mm from the pool bottom.

A sling lift must comply with the following:

- (a) a sling lift must be located where the water depth is not more than 1 300 mm;
- (b) when the sling is in the raised position and in the transfer position, the centreline of the sling must be located over the *swimming pool* surround and not less than 450 mm from the *swimming pool* edge;
- (c) the surface of the *swimming pool* surround between the centreline of the sling and the *swimming pool* edge must have a gradient of not more than 1:50 and must be slip-resistant;
- (d) a clear space:
 - (i) not less than 900 mm x 1 300 mm; and
 - (ii) with a gradient of not more than 1:50; and
 - (iii) a slip-resistant surface; and
 - (iv) located so that the centreline of the space is directly below the lifting point for the sling;must be provided on the *swimming pool* surround parallel with the *swimming pool* edge on the side remote from the water (see Figure D5.7);
- (e) a sling lift must be capable of being operated from the *swimming pool* surround, within the *swimming pool* and from the sling;
- (f) the sling must be designed so that it will submerge to a water depth of not less than 500 mm below the stationary water level;
- (g) a sling lift must be designed to withstand a weight of not less than 136 kg and be capable of sustaining a static load not less than 1.5 times the rated load.

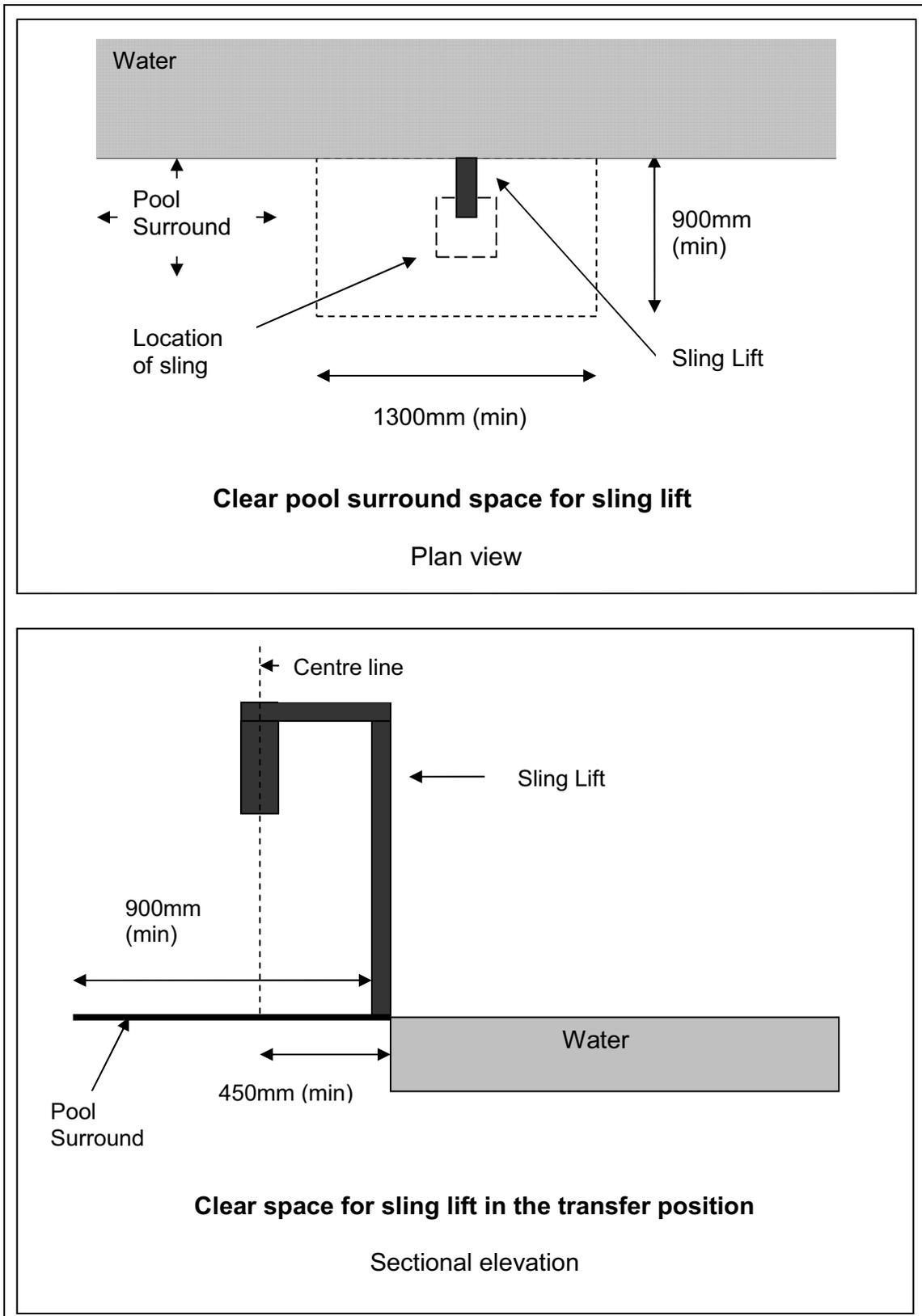
D5.6 Aquatic wheelchair

An aquatic wheelchair must comply with the following:

- (a) the height of the top surface of the seat must be not less than ~~430 mm~~;
- (b) the seat width must not be not less than 480 mm;
- (c) a footrest must be provided;
- (d) armrests must be located on both sides of the seat and must be capable of being moved away from the side of the chair to allow a person to transfer on and off the seat.

(a) 500mm seat height (any lower poses difficulties in transfers.
(b) and a seat length of at least 450mm

Figure D5.7 Clear pool surround space for sling lift



Part E3 Lift installations

EP3.4 Performance Requirement

When a passenger lift is provided in a building *required to be accessible*, it must be suitable for use by people with a disability.

E3.0 Deemed-to-Satisfy Provisions

Performance Requirement EP3.4 is satisfied by complying with:

- (a) clause E3.6; and
- (b) for public transport buildings, Part H2.

E3.6 Passenger lifts

In an *accessible* building, every passenger lift must:

- (a) be one of the lift types identified in Table E3.6 (a), subject to the limitations on use specified in the table; and
- (b) have *accessible* features in accordance with Table E3.6 (b); and
- (c) not rely on a constant pressure device for its operation if the lift car is fully enclosed.

Table E3.6 (a) Limitations on use of types of passenger lifts

Lift type	Limitations on use
AS 1735.1 Appendix A	No limitation
AS 1735.2 electric passenger lift	No limitation
AS 1735.3 electrohydraulic lift	No limitation
AS 1735.7 stairway platform lift	Must not: <ul style="list-style-type: none"> (a) be used to serve a space in a building accommodating more than 100 persons calculated according to clause D1.13 of the <i>BCA</i>; or (b) be used in a high traffic public use area such as a theatre, cinema, auditorium, transport interchange, shopping centre or the like; or (c) connect more than 2 <i>storeys</i>; or (d) where more than 1 stairway lift is installed, serve more than 2 consecutive <i>storeys</i>; or (e) when in the folded position, encroach on the minimum width of a stairway <i>required</i> by clause D1.6 of the <i>BCA</i>.
AS 1735.8 inclined lift	No limitation

Lift type	Limitations on use
AS 1735.14 low-rise platform lift	Must not travel more than 1 000 mm
AS 1735.15 lift for persons with limited mobility	Must not: <ul style="list-style-type: none"> (a) for an enclosed type, travel more than 4m; or (b) for an unenclosed type, travel more than 2m; or (c) be used in high traffic public use areas in buildings such as a theatre, cinema, auditorium, transport interchange, shopping complex or the like
AS 1735.16 lift for persons with limited mobility	Must not travel more than 12 m

Table E3.6 (b) Application of features to passenger lifts

Feature	Application
Handrail complying with the provisions for a mandatory handrail in AS 1735.12	All lifts except: <ul style="list-style-type: none"> (a) a stairway platform lift complying with AS 1735.7; and (b) a low-rise platform lift complying with AS 1735.14
Lift floor dimension of not less than 1 400 mm x 1 600 mm	All lifts which travel more than 12 m
Lift floor dimensions of not less than 1 100 mm x 1 400 mm	All lifts which travel not more than 12 m except a stairway platform lift complying with AS 1735.7
Lift floor dimensions of not less than 810 mm x 1 200 mm	A stairway platform lift complying with AS 1735.7
Minimum clear door opening complying with AS 1735.12	All lifts except a stairway platform lift complying with AS 1735.7
Passenger protection system complying with AS 1735.12	All lifts with a power operated door
Lift landing doors at the upper landing	All lifts except a stairway platform lift complying with AS 1735.7
Lift car and landing control buttons complying with AS 1735.12	All lifts except: <ul style="list-style-type: none"> (a) a stairway platform lift complying with AS 1735.7; and (b) a low-rise platform lift complying with AS 1735.14
Lighting in accordance with AS 1735.12	All enclosed lift cars

Feature	Application
<p>(a) Automatic audible information within the lift car to identify the level each time the car stops; and</p> <p>(b) audible and visual indication at each lift landing to indicate the arrival of the lift car; and</p> <p>(c) audible information and audible indication <i>required</i> by (a) and (b) is to be provided in a range of between 20–80 dbA at a maximum frequency of 1 500 Hz</p>	<p>All lifts serving more than 2 levels</p>
<p>Emergency hands-free communication, including a button that alerts a call centre of a problem and a light to signal that the call has been received</p>	<p>All lifts except a stairway platform lift complying with AS 1735.7</p>

Part F2 Sanitary and other facilities

FP2.1 Performance Requirement

Suitable sanitary facilities for personal hygiene must be provided in a convenient location within or associated with a building, to the degree necessary, appropriate to:

- (a) the function or use of the building; and
- (b) the number and gender of the occupants; and
- (c) the disability or other particular needs of the occupants.

F2.0 Deemed-to-Satisfy Provisions

The Performance Requirement of clause FP2.1 is satisfied by complying with:

- (a) clauses F2.2 and F2.4; and
- (b) for public transport buildings, Part H2.

F2.2 Calculation of number of occupants and fixtures

The number of persons accommodated must be calculated according to clause D1.13 of the *BCA* if it cannot be more accurately determined by other means.

F2.4 Accessible sanitary facilities

In a building required to be accessible:

- (a) *accessible unisex sanitary compartments* must be provided in *accessible* parts of the building in accordance with Table F2.4 (a); and
- (b) *accessible unisex showers* must be provided in accordance with Table F2.4 (b); and
- (c) at each bank of toilets where there is one or more toilets in addition to an *accessible unisex sanitary compartment* at that bank of toilets, a *sanitary compartment* suitable for a person with an ambulant disability in accordance with AS 1428.1 must be provided for use by males and females; and
- (d) an *accessible unisex sanitary compartment* must contain a closet pan, washbasin, shelf or bench top and adequate means of disposal of sanitary towels; and
- (e) the circulation spaces, fixtures and fittings of all *accessible* sanitary facilities provided in accordance with Table F2.4 (a) and (b) must comply with the requirements of AS 1428.1; and
- (f) an *accessible unisex sanitary facility* must be located so that it can be entered without crossing an area reserved for one sex only; and

- (g) where two or more of each type of *accessible* unisex sanitary facility are provided, the number of left and right handed mirror image facilities, must be provided as evenly as possible; and
- (h) where male sanitary facilities are provided at a separate location to female sanitary facilities, *accessible* unisex sanitary facilities are only *required* at one of those locations.

Table F2.4 (a) Accessible unisex sanitary compartments

Class of building	Minimum accessible unisex sanitary compartments to be provided
Class 1b	<ul style="list-style-type: none"> (a) Not less than 1; and (b) where private <i>accessible</i> unisex <i>sanitary compartments</i> are provided for an <i>accessible</i> bedroom, common <i>accessible</i> unisex <i>sanitary compartments</i> need not be provided
Class 3 and Class 9c <i>aged-care building</i>	<ul style="list-style-type: none"> (a) In every accessible sole-occupancy unit provided with sanitary compartments within the accessible sole-occupancy unit, not less than 1; and (b) at each bank of <i>sanitary compartments</i> containing male and female <i>sanitary compartments</i> provided in common areas, not less than 1
Class 5, 6, 7, 8 and 9 — except for within a ward area of a Class 9a <i>health-care building</i>	<p>Where clause F2.3 of the <i>BCA</i> requires closet pans:</p> <ul style="list-style-type: none"> (a) 1 on every <i>storey</i> containing <i>sanitary compartments</i>; and (b) where a <i>storey</i> has more than 1 bank of <i>sanitary compartments</i> containing male and female <i>sanitary compartments</i> at not less than 50% of those banks
Class 10a — except: <ul style="list-style-type: none"> (a) a Class 10a appurtenant to another Class of building; and (b) a <i>sanitary compartment</i> dedicated to a single caravan/camping site 	At each bank of <i>sanitary compartments</i> containing male and female <i>sanitary compartments</i> , not less than 1

Table F2.4 (b) Accessible unisex showers

Class of building	Minimum accessible unisex showers to be provided
Class 1b	(a) Not less than 1; and (b) where private <i>accessible</i> unisex showers are provided for an <i>accessible</i> bedroom, common <i>accessible</i> unisex showers need not be provided
Class 3 and Class 9c <i>aged-care building</i>	(a) In every <i>accessible sole-occupancy unit</i> provided with showers within the <i>accessible sole-occupancy unit</i> , not less than 1; and (b) 1 for every 10 showers or part thereof provided in common areas
Class 5, 6, 7, 8 and 9 — except for within a ward area of a Class 9a <i>health-care building</i>	Where clause F2.3 of the <i>BCA</i> requires 1 or more showers, not less than 1 for every 10 showers or part thereof
Class 10a — except: (a) a Class 10a appurtenant to another class of building; and (b) a <i>sanitary compartment</i> dedicated to a single caravan/camping site	Where showers are provided, 1 for every 10 showers or part thereof

Part H2 Public transport buildings

Note: Part H2 contains Deemed-to-Satisfy Provisions for Class 9b public transport buildings additional to those contained in Parts D3, E3 and F2 that apply to public transport buildings.

H2.1 Application of Part

- (1) The Deemed-to-Satisfy Provisions of this Part apply to the passenger use areas of a Class 9b building used for public transport.
- (2) The Deemed-to-Satisfy Provisions of this Part take precedence where there is a difference to the Deemed-to-Satisfy Provisions of Parts D3, E3 and F2.
- (3) For an airport that does not accept regular public transport services, as defined in the Disability Standards for Accessible Public Transport 2002, only clauses H2.8, H2.9, H2.10, H2.11, H2.12 and H2.13 of this Part apply.
- (4) Subparagraph A3.3 (a) (i) of the *BCA* does not apply to this Part.

H2.2 Accessways

- (1) An *accessway* must comply with AS 1428.2. or should it be AS1428.1 200X
- (2) If an *accessway* branches into 2 or more parallel tracks:
 - (a) the ends of each track must be on the main pedestrian traffic routes; and
 - (b) the parallel tracks must have equal convenience and be located as close as practicable to the main pedestrian branch.
- (3) The minimum unobstructed width of an *accessway* must be 1.2 m, except that:
 - (a) the minimum unobstructed width of a moving walkway forming part of an *accessway* may be not less than 850 mm; and
 - (b) the minimum unobstructed width of a doorway in an *accessway* may be not less than 850 mm.
- (4) Poles, columns, stanchions, bollards and fixtures must not project into an *accessway*.
- (5) Obstacles that abut an *accessway* must have a *luminance contrast* with a background of not less than 30%.
- (6) Manoeuvring areas that allow a 180 degree wheelchair turn must comply with clause 6.2 of AS 1428.2.
- (7) A passing area must be provided at least every 6 metres along any two-way *accessway* that is less than 1 800 mm wide.

- (8) Ground and floor surfaces must comply with clause 9 of AS 1428.2 and AS 1428.1. Supplement 1 provides criteria for the selection of floor surfaces.
- (9) The requirements of subparagraph D3.3 (d) (ii) do not apply to Class 9b public transport buildings.

H2.3 Ramps

- (1) A ramp forming part of an *accessway* must comply with clause 8 of AS 1428.2.
- (2) The requirements of paragraph D3.11 (a) do not apply to Class 9b public transport buildings.

H2.4 Handrails and grabrails

- (1) A handrail must comply with clause 10.1 of AS 1428.2. Should all these be AS1428.1 200X?
- (2) Handrails must be placed along an *accessway* wherever passengers are likely to require additional support or passive guidance.
- (3) A grabrail must comply with clause 10.2 of AS 1428.2.
- (4) A grabrail or handrail must be provided at fixed locations where passengers are required to pay fares.

H2.5 Doorways and doors

Doorways and doors must comply with clause 11 (except clause 11.5.2) of AS 1428.2.

H2.6 Lifts

Lift facilities must comply with AS 1735.12.

H2.7 Stairways

Stairs must comply with:

- (a) clause 9.1 of AS 1428.1, including the notes; and
- (b) clause 9.2 of AS 1428.1; and
- (c) clause 13.2, 13.3 and Figures 8 and 9 of AS 1428.2.

H2.8 Unisex accessible toilet

If toilets are provided, there must be at least one unisex *accessible* toilet without an airlock that complies with AS 1428.1 clause 10, sanitary facilities.

H2.9 Location of accessible toilets

Accessible toilets must be in the same location as other toilets.

H2.10 Symbols and signs

- (1) The international symbols for accessibility and deafness in accordance with clauses 14.2 and 14.3 of AS 1428.1 must be used to identify an access path and which facilities and boarding points are *accessible*.
- (2) Signs must be placed in accordance with clause 17.4 of AS 1428.2.
- (3) The size of accessibility symbols must comply with Table 1 of AS 1428.2.
- (4) The symbol for accessibility must incorporate directional arrows and words or, if possible, pictograms, to show passengers the way to *accessible* facilities such as toilets.
- (5) Signs must comply with clause 17.1 and Figure 30 of AS 1428.2.
- (6) If a sign incorporates raised lettering or symbols, they must be at least 0.8 mm above the surface of the sign.
- (7) If an operator or provider supplements a notice with Braille characters, they must be placed to the left of the raised characters.

H2.11 Tactile Ground Surface Indicators

Tactile ground surface indicators must be installed in accordance with AS 1428.4 on an *accessway* and must indicate changes of direction in accordance with clause 18.1 of AS 1428.2.

H2.12 Lighting

Any lighting provided must comply with minimum levels of maintenance illumination for various situations shown in the notes to clause 19.1 of AS 1428.2.

H2.13 Hearing augmentation

If a public address system is installed, it must comply with clause 21.1 of AS 1428.2.

H2.14 Emergency warning systems

- (1) If an emergency warning system is installed, it must comply with clause 18.2.1, 18.2.2 and 18.2.3 of AS 1428.2.
- (2) In the event of an emergency, provision must be made for people with vision impairment to locate the *exit* path.

H2.15 Controls

Controls must comply with clause 11 of AS 1428.1.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.