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**Review of the Draft (Disability Access to Premises-
Buildings) Standards 2009**

March 2009

**Prepared for the House of Representatives
House Standing Committee on Legal and
Constitutional Affairs**

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and Home Care.*

*Views expressed by PDCN Inc. are not necessarily
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1. EXECUTIVE SUMMARY

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to provide feedback and recommendations to the Australian House of Representatives - House Standing Committee on Legal and Constitutional Affairs. As a disability peak for people with physical disabilities, our response reflects the needs of people who are ambulant, people who use walking aids or mobility aids and people with limited hand function, but does not identify issues relevant to sensory disabilities.

PDCN is concerned that the Premises Standards will not completely meet the object of the Disability Discrimination Act (*Cth*) 1992 as people with physical disabilities will still be prevented from accessing many premises regularly visited by other community members.

It concerns PDCN that a continuous accessible path of travel will not be provided to the following facilities by excluding these from the Premises Standard:

- Class 2 buildings – Self contained dwellings including apartment blocks, flats and units
- AS1428 – General requirements for Access and Mobility, excluding the following seven Parts:
 - i 1428.2 : Interior fitout of buildings
 - ii 1428.3 : Requirements for children and adolescents with physical disabilities
 - iii 1428.5 : Design for communication—Hearing augmentation—Assistive listening systems, visual announcements, early warning systems to assist people with a hearing impairment
 - iv 1428.6 : Purpose-built buildings
 - v 1428.7 : Outdoor access
 - vi 1428.8 : Adaptable housing
 - vii 1428.9 : Aged care facilities
 - viii Limited access to professional and commercial facilities in many smaller neighbourhood retail centres.

PDCN believes that the following requirements within the Premises Standard and/ or the Access Code for Buildings could be improved:

- A trigger of three bedrooms or three single dwellings be used for older short- term holiday facilities, rather than four bedrooms or four single dwellings;
- 1: 10 Accessible car parking per regular car parking; and
- That a proportion of accessible sole occupancy units in residential aged- care facilities be provided.

As part of the five yearly review the Premises Standard needs to consider the following:

- Research into way- finding for people with a vision impairment
- Research into emergency egress for people with a physical disability
- Review the exemption where lessees are not required to provide a continuous accessible path of travel from the affected part to the building entrance
- Review provision of access in smaller neighborhood retail centers
- Review the concession identified in Part 4.4 of the Premises Standards regarding lift floor circulation area
- Review the concession identified in Part 4.5 of the Premises Standards regarding toilet floor circulation area
- Review the application of unjustifiable hardship regarding access to buildings
- Review the implementation and effectiveness of AS 1428 Parts 2, 3, 5, 6, 7, 8, and 9
- Review the implementation and effectiveness of the Model Process to Administer Building Access for People with Disability

2. TERMS OF REFERENCE

- The appropriateness and effectiveness of the proposed Premises Standards in achieving their objects;
- The interaction between the Premises Standards and existing regulatory schemes operating in state and territory jurisdictions, including the appropriateness and effectiveness of the proposed Model Process to Administer Building Access for People with Disability;
- Whether the Premises Standards will have an unjustifiable impact on any particular sector or group within a sector; and
- Any related matters.¹

¹ Australian House of Representatives – House Standing Committee on Legal and Constitutional Affairs. Terms of Reference for the Inquiry into the draft Disability (Access to Premises – Buildings) Standards 2009

3. OBJECTS OF THE DISABILITY DISCRIMINATION ACT (Cth) 1992

Part 1.3 of the draft Disability (Access to Premises - Buildings) Standards includes the following objects:

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

3. BACKGROUND INFORMATION

- Disability Discrimination Act (Cth) 1992
- Building Code of Australia, 2008
- Draft Disability (Access to Premises – Buildings) Standards
- Draft Disability (Access to Premises – Buildings) Standard Guidelines
- Draft Disability Standards for Accessible Public Transport Amendment 2009
- A Model Process to Administer Building Access for People with a Disability
- Regulatory Impact Study
- Draft AS 1428.1 General requirements for access — New building work 2009
- Draft AS 1428.4.1 Tactile ground surface indicators for the orientation of people with vision impairment 2009
- Draft AS 2890. 6 Off-street carparking for people with disabilities 2009
- Review of Bail's A80 Wheelchair Research and its application to AS 1428

4. ABOUT THE PHYSICAL DISABILITY COUNCIL OF NSW (PDCN)

PDCN is the peak body representing people with physical disabilities across New South Wales, representing approximately 700,000 residents.² PDCN focuses on issues relevant to people with physical disabilities, including access to the built environment, transport and access to aids and equipment.

An inclusive society is achieved when people with physical disabilities are involved in every aspect of political, social, economic and cultural life. Access to all forms of buildings is essential to facilitate community inclusion in all aspects of daily living.

² ABS (2003-04). *Regional Population Growth, Australia and New Zealand. 2003-04.*
Australian Institute of Health and Welfare (2008). *The Health of Australians – an overview.*
Canberra p.36

PDCN is able to represent the needs and interests of people with physical disabilities. Membership of PDCN includes people with a range of mobility issues, from young children and their carers, to aged people, living across NSW in either Greater Sydney Metropolitan area or rural NSW all from a wide range of socio-economic circumstances. PDCN has the background, knowledge and skills to advocate on all levels of Government regarding the needs of people with physical disabilities.

PDCN encourages people with physical disabilities to become involved in the decision making process, so that Government and non-Government bodies become familiar with relevant issues.

PDCN effectively networks with other advocacy organisations on common goals and issues. Subsequently PDCN strives to bring about significant, permanent and positive changes to the circumstances of people with physical disabilities. The goal is to secure equal civil and human rights for our constituency.

Promotional activities assist to educate and inform all members of the community, most frequently through the media. Publications such as 'Words Matter' produced by PDCN facilitate this educative process.

PDCN is funded by the NSW Department of Ageing, Disability and Home Care.

5. PDCN RECOMMENDATIONS

Recommendation 1: To provide accommodation options to self contained dwellings including apartment blocks, flats and units, similar to that available to the general community it is fundamental that Class 2 buildings be included in the Disability (*Access to Premises – Building*) Standards. This will enhance implementation of object 1.3 (a).

Recommendation 2: PDCN recommends that all relevant building standards to be adopted before the adoption of the Disability (*Access to Premises – Building*) Standards to provide people with disabilities to effectively assess differences between the Disability Discrimination Act (*Cth*) 1992 and the Building Code of Australia.

Recommendation 3: PDCN recommends that exemption D 3.4(f) to buildings in Classes 5, 6, 7b, 8 and 9 be removed from the Access Code for Buildings.

Recommendation 4: PDCN recommends that the impact of the concession being provided to lessees, be included as part of the five yearly review of the Premises Standards.

Recommendation 5: PDCN recommends adoption of the proposed Model Process to Administer Building Access for People with Disability to reinforce clarity and compliance.

Recommendation 6: PDCN recommends that the Commonwealth Government provides direction to Local Government authorities, so that the Premises Standard is implemented for all relevant development applications.

Recommendation 7: PDCN recommends that the educational programs be provided to ensure that building certifiers become familiar with the Premises Standards.

Recommendation 8: PDCN recommends clarification to Part 2.2 with the following:

- Inclusion of building owners to subsection (i) as a person responsible;
- Inclusion of Local Council Officers to subsection (i) as of the Local Council authority has other planning functions other than certification; and
- Subsections 2, 3 and 4 need to state that those listed are only examples, and hence could be relevant to other parties.

Recommendation 9: PDCN recommends the following change to Part 4.1(k) – Exemptions and Concessions in the Premises Standards, so that for any premise with heritage significance, that the objective is to achieve maximum access with minimal impact on the heritage value, whilst maintaining the heritage significance.

Recommendation 10: PDCN recommends greater clarity to Part 4.1(k) – Exemptions and Concessions in the Premises Standards to minimise the incidence of ‘unjustifiable hardship’ being used inappropriately as a defense.

Recommendation 11: PDCN recommends that the phrase ‘regional and remote location’ be replaced with ‘urban or rural location’.

Recommendation 12: PDCN recommends that the a further clause be added to Part 4 of the Premises Standard and the Access Code for Buildings, requiring consideration of any loss of employability associated with not having to provide access.

Recommendation 13: That the following review of the Premises Standards include a minimum of the nine items itemised in the discussion paper.

Recommendation 14: PDCN recommends that the Premises Standards differentiate between older and new short-term holiday facilities and provide different access requirements depending on whether old or new.

Recommendation 15: That for older short-term holiday facilities that the trigger for access improvements be adjusted from four bedrooms or four single dwellings, to three bedrooms or three single dwellings.

Recommendation 16: That all Class 1b buildings, whether caravans, eco villages or bed and breakfast facilities, provide one in ten with universal access, with at least one bedroom or single dwelling being made accessible.

Recommendation 17: PDCN recommends that in Class 3 buildings, provision of access to sole occupancy units be changed from a 1:10 minimum requirement, to a minimum ratio of 1:5.

Recommendation 18: PDCN recommends that in Class 9c buildings (residential aged-care facilities), provision of access to sole occupancy units be changed from a 1:20 minimum requirement, to a minimum ratio of 1:10.

Recommendation 19: Passenger lifts to be provided to all levels of a car park to ensure a continuous accessible path of travel.

Recommendation 20: PDCN recommends further clarification of the term 'parking services' to determine function, purpose and legal obligations of proprietors.

Recommendation 21: PDCN recommends that additional information be provided in the Premises Standards regarding the legal requirements for proprietors of leased car parking facilities, and whether the exemption included Part 4.3 of the Premises Standards apply.

Recommendation 22: PDCN recommends that in all classes of buildings that the requirement for accessible car parking per regular spaces be increased from 1:100 to 1:5.

Recommendation 23: PDCN recommends the availability of self propelled aquatic waterproof swim chairs at public swimming pools.

Recommendation 24: PDCN recommends that the Premises Standard Guidelines provide clarity with definitions of the following:

- Accessible unisex sanitary compartment/ facility
- Gender specific accessible sanitary compartment/ facility
- Ambulant accessible sanitary compartment/ facility
- Sanitary facility for left or right handed use
- Accessible unisex shower
- Gender specific accessible shower
- Enhanced sanitary facility

Recommendation 25: PDCN recommends that the Premises Standards include a requirement for a Memorandum of Understanding so that accessible facilities can be shared with different tenants.

Recommendation 26: PDCN recommends that where people with disabilities may need to shower and get changed, that toilet and shower facilities to be provided alongside each other.

Recommendation 27: PDCN recommends provision of enhanced sanitary amenities in recreation/ leisure/ health facilities where users may need to shower and get changed before and/or after participating in the activity provided at the facility.

Recommendation 28: PDCN recommends that a variety to different signs be used when relocating a user from an inaccessible amenity to one that provides access.

Recommendation 29: PDCN recommends the development of internationally recognised symbols for each different type of accessible sanitary facility.

Recommendation 30: PDCN recommends that access needs to be available to a minimum of the following facilities available to patrons, performers and employees:

- Change facilities
- Ticket offices
- Vending machines
- Restaurants and bars
- Public telephones
- Orchestra pits and the
- Stage

Recommendation 31: PDCN recommends that the location of wheelchair seating be selected in locations where the performance is not compromised for the patron.

Recommendation 32: PDCN recommends that when numerous entrances are provided that accessible entrances are not more than 50 meters apart.

Recommendation 33: PDCN recommends that research into emergency egress particularly in relation to people with physical disabilities to start immediately.

6. DISCUSSION OF RECOMMENDATIONS

The appropriateness and effectiveness of the proposed Premises Standards in achieving their objects

Recommendation 1: To provide accommodation options to self contained dwellings including apartment blocks, flats and units, similar to that available to the general community it is fundamental that Class 2 buildings be included in the Disability (*Access to Premises – Building*) Standards. This will enhance implementation of object 1.3(a).

Exclusion of Class 2 buildings (apartment blocks, flats and units)

Based on data from the Australian Bureau of Statistics, Year Book 2008, it is difficult to understand how the Premises Standard will effectively provide accommodation options by not including apartment blocks, flats and units. Without sufficient housing it will be difficult to achieve the following objective stated in the most recent Regulatory Impact Study (2008), 'to increase workforce participation and reduce living costs'.³

With only Class 3 and 9c residential dwellings, being included within the scope of the Premises Standards, the accommodation needs of approximately 98% of the Australian population will be excluded from the scope of the Premises Standards. Data identified that Australians live in the following dwellings types, hence only providing access to 2% of dwelling types:⁴

- Class 1a buildings - Separate houses - 77%

³ Regulatory Impact Study – Proposal to Formulate Disability (Access to Premises - Buildings) Standards and Amend the Access Provisions of the Building Code of Australia belongs to the Australian Government, State and Territory Governments. Material, Australian Government (2008)

⁴ Australian Bureau of Statistics, 1301.0 Year Book Australia 2008 – Types of Dwellings

- Class 2a buildings - Self contained dwellings including flats, units, apartments, or semi-detached row or terrace houses or townhouse - 21%
- Class 3 and 9c buildings- Institutional settings such as hostels, boarding houses, residential colleges, staff quarters, prisons, corrective and detention institutions - 2%

People with disabilities often prefer to be housed in apartment blocks, flats or units rather than single dwellings, as repairs and maintenance to outside facilities are minimal.

Additionally current government policy discourages institutional accommodation, such as accommodating people with disabilities in hostels and boarding houses. Hence by providing access to only Class 3 and 9c buildings, this appears to be contradictory to government policy.

Inconsistency between the scope of the Disability Discrimination Act (Cth) 1992 and the Building Code of Australia

Recommendation 2: PDCN recommends that all relevant building standards to be adopted before the adoption of the Disability (*Access to Premises – Building*) Standards to provide people with disabilities to effectively assess differences between the Disability Discrimination Act (Cth) 1992 and the Building Code of Australia

The effectiveness of the Premises Standards is dependent on the content of a number of other significant building standards, including AS1428 Part 1, General Requirements for Access — New Building Work and AS2890 Part 6, Off-street Carparking for People with Disabilities. With these building standards still in draft, it is extremely difficult to predict the full effectiveness of the Premises Standard.

Furthermore the Premises Standard refers a number of other relevant building standards such as AS1735 – Lifts, Escalators and Moving Walks - Parts 1, 2, 3, 7, 8, 12, 14, 15 and 16, that can only be accessed at large expense, and hence not available to many people with disabilities wanting to make comment.

Additionally the draft AS1428 Part 1, General Requirements for Access — New Building Work, references an additional seven parts without noting when these will be finalised. Due to the disparity between the objects of the Disability Discrimination Act (Cth) 1992 and the scope of the Building Codes of Australia it is essential that the following seven parts be made available as soon as possible to assess the full effectiveness of the Premises Standard:

- 1 1428.2 : Interior fitout of buildings
- 2 1428.3 : Requirements for children and adolescents with physical disabilities
- 3 1428.5 : Design for communication—Hearing augmentation—Assistive listening systems, visual announcements, early warning systems to assist people with a hearing impairment
- 4 1428.6 : Purpose-built buildings
- 5 1428.7 : Outdoor access
- 6 1428.8 : Adaptable housing
- 7 1428.9 : Aged care facilities

Impact of limiting access to only parts of professional and commercial buildings in regional and suburban retail centers

Recommendation 3: PDCN recommends that exemption D 3.4 (f) to buildings in Classes 5, 6, 7b, 8 and 9 be removed from the Access Code for Buildings.

Recommendation 4: PDCN recommends that the impact of the concession being provided to lessees, be included as part of the five yearly review of the Premises Standards.

Part 4.3 – Exemption and Concessions of the Premises Standards provides a concession for lessees of buildings doing new building works, if the building works are carried out by a tenant. This exemption alone limits the effectiveness of the Premises Standards, without consideration of a further exemption included in the Access Code for Buildings. This exemption permits owners of class 5, 6, 7b, 8 and 9 buildings with 3 or less storey, with a floor area not more than 200m² from having to provide even minimal access improvements.

Hence the impact of Part 4.3 – Exemption and Concessions of the Premises Standards can't be seen in isolation to Exemption D 3.4 (f) in the Access Code for Buildings. With these exemptions, people with limited mobility will be limited by not being able to access many professional and commercial buildings in smaller neighborhood retail centers such as paramedical, dental, financial services, and retail shops. Limiting access to these facilities will reinforce social exclusion and limit community participation, contrary to the object of the Premises Standard. The Regulatory Impact Study clearly states this object as being 'Of particular importance in this regard is the expected substantial reduction in the extent of the social exclusion currently experienced by people with a disability because of barriers they face in accessing premises and, more positively, the substantially increased capacity for participation in society of people with a disability. These benefits will be of significance both to people with a disability and to the general population.'⁵

Due to the significant impact of Part 4.3 – Exemption and Concessions of the Premises Standard it concerns PDCN that building works submitted by lessees will only provide very limited access, resulting in limited, piecemeal access improvements with access from the front entrance not necessarily be provided. Consequently it is recommended that the impact of this concession be considered as part of the five yearly review of Part 5 within this Standard.

The interaction between the Premises Standards and existing regulatory schemes operating in state and territory jurisdictions, including the appropriateness and effectiveness of the proposed Model Process to Administer Building Access for People with Disability

Recommendation 5: PDCN recommends adoption of the proposed Model Process to Administer Building Access for People with Disability to reinforce clarity and compliance.

⁵ Regulatory Impact Study – Proposal to Formulate Disability (Access to Premises - Buildings) Standards and Amend the Access Provisions of the Building Code of Australia belongs to the Australian Government, State and Territory Governments. Material, Australian Government (2008)

Adoption of the draft Disability(*Access to Premises - Buildings*) Standards has the potential of meeting object 1.3(b) by providing clarity and compliance for all parties involved in building works. Additionally adoption of the proposed Model Process to Administer Building Access for People with Disability should provide further assurance. Greater compliance with the Premises Standards should reduce the likelihood of individuals needing to make complaints.

Requirement to ensure compliance when lodging a development application

Recommendation 6: PDCN recommends that the Commonwealth Government provides direction to Local Government authorities, so that the Premises Standard is implemented for all relevant development applications.

Recommendation 7: PDCN recommends that the educational programs be provided to ensure that building certifiers become familiar with the Premises Standards.

The Premises Standard is relevant for buildings classified as being of Class 2b, 3, 5, 6, 7, 8, 9, or 10. The authority excepting the development application for new building works needs to ensure compliance with the Premises Standard. To ensure understanding and consistently with these new requirements, a national approach with a directive through the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Councils via COAG, would be recommended.

Additionally it is essential that building certifiers become competent to ensure compliance of the Premises Standards following completion of building works.

Clarification of Part 2.2 providing a clearer definition of relevant parties responsible for implementation of the Premises Standard

Recommendation 8: PDCN recommends clarification to Part 2.2 with the following:

- Inclusion of building owners to subsection (i) as a person responsible;
- Inclusion of Local Council Officers to subsection (i) as of the Local Council authority has other planning functions other than certification; and
- Subsections 2, 3 and 4 need to state that those listed are only examples, and hence could be relevant to other parties.

To add clarity, the following changes are needed to Part 2.2:

- Inclusion of building owners to subsection (i) as a person responsible;
- Inclusion of Local Council Officers to subsection (i) as the Local Council authority has other planning functions other than compliance such as that of town planning or engineering which could be still relevant to implementing access improvements; and
- Subsections 2, 3 and 4 need to state that those listed are only examples, and hence other parties may also be responsible.

Significance of heritage status and unjustifiable hardship

Recommendation 9: PDCN recommends the following change to Part 4.1 (k) – Exemptions and Concessions in the Premises Standards, so that for any premise with heritage significance, that the objective is to achieve maximum access with minimal impact on the heritage value, whilst maintaining the heritage significance.

Recommendation 10: PDCN recommends greater clarity to Part 4.1 (k) – Exemptions and Concessions in the Premises Standards to minimise the incidence of ‘unjustifiable hardship’ being used inappropriately as a defense.

Part 4.1 (k) – Exemptions and Concessions of the Premises Standards states the following “to the extent to which relevant heritage value or features of the building are essential, and to what extent incidental, to the building”. This section infers that the inclusion of the access improvement is discretionary in nature, and consequently could be either essential or incidental. The objective of any access improvement is to achieve maximum access with minimal impact, regardless of whether the building is heritage or not.

The guiding document for conservation practice is the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter). The Burra Charter defines conservation as including all the processes of looking after a place: maintenance, preservation, restoration, reconstruction and adaptation. One of the guiding principles of the Burra Charter is a cautious approach of changing as much as necessary but as little as possible (Article 3). This approach should guide any works to provide access for people with disabilities.⁶

To limit the potential abuse of unjustifiable hardship being used as a defense, PDCN believes that Part 4.1(k) – Exemptions and Concessions of the Premises Standards needs to be defined with more precision.

Furthermore this issue of whether the ‘heritage’ status of a building leads automatically to the raising of the ‘unjustifiable hardship’ defense must be clarified prior to adoption of the Premises Standard.

Further explanation of the terms ‘regional and remote locations’ in Part 4 – Exemptions and Concessions

Recommendation 11: PDCN recommends that the phrase ‘regional and remote location’ be replaced with ‘urban or rural location’.

Part 4 (f) Exemptions and Concessions of the Premises Standards identifies considerations when assessing whether something constitutes unjustifiable hardship. The inclusion of the term ‘regional and remote location’ in this subsection has the potential of providing a further barrier to providing improved access in rural and country locates. People with disabilities living in regional and remote locations need to be able to access their community, transportation, employment, and recreational activities, similarly to people with disabilities living in urban centers.

⁶ Access to all in Heritage Places – Technical Leaflet, Victorian Government (2008)
http://www.heritage.vic.gov.au/admin/file/content2/c7/HVC015_Disability_Access_dc05.pdf

D3.4 –Exemption of the Access Code for Buildings is contrary to equal employment opportunity

Recommendation 12: PDCN recommends that the a further clause be added to Part 4 of the Premises Standard and the Access Code for Buildings, requiring consideration of any loss of employability associated with not having to provide access.

D3.4 – Exemptions of the Access Code for Buildings lists a number of locations where access is not required without giving due consideration to whether the site potentially provide a worksite for a person with a disability. Consequently PDCN believes that having this exemption is contrary to equal employment opportunity, and further consideration is required to determine whether the site could be a worksite for a person with a disability.

Inadequate information regarding the measures to be included in the five yearly review of the Disability (Access to Premises – Buildings) Standards

Recommendation 13: That the following review of the Premises Standards include a minimum of the nine items itemised in the discussion paper.

Currently Part 5 – Review of the Premises Standard contains insignificant details regarding how and what will be included as part of the five yearly review. At a minimum it is recommended that this review includes the following:

- Research into way- finding for people with a vision impairment
- Research into emergency egress for people with a physical disability
- Review the exemption where lessees are not required to provide a continuous accessible path of travel from the affected part to the building entrance
- Review provision of access in smaller neighborhood retail centers
- Review the concession identified in Part 4.4 of the Premises Standards regarding lift floor circulation area
- Review the concession identified in Part 4.5 of the Premises Standards regarding toilet floor circulation area
- Review the application of unjustifiable hardship regarding access to buildings
- Review the implementation and effectiveness of AS 1428 Parts 2, 3, 5, 6, 7, 8, and 9
- Review the implementation and effectiveness of the Model Process to Administer Building Access for People with Disability

Limited number of dwellings to be made accessible short-term holiday facilities (Class 1b building)

Recommendation 14: PDCN recommends that the Premises Standards differentiate between older and new short- term holiday facilities and provide different access requirements depending on whether old or new.

Recommendation 15: That for older short- term holiday facilities that the trigger for access improvements be adjusted from four bedrooms or four single dwellings, to three bedrooms or three single dwellings.

Recommendation 16: That all Class 1b buildings, whether caravans, eco villages or bed and breakfast facilities, provide one in ten with universal access, with at least one bedroom or single dwelling being made accessible.

Part A4 – Building Classifications of the Premises Standards defines Class 1b buildings, differently to that provided in the Access Code for Buildings, with the following differences:

Premises Standards – Specified Class 1b (short- term holiday facilities)

- (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.

Access Code for Buildings – Class 1b (short- term holiday facilities)

- (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

The trigger for when access improvements are required differs from that in the Premises Standards than those in Access Code for Building. Both statements include a minimum requirement of four single dwellings, but the Premises Standards considers an alternative option including a minimum floor space and maximum number of occupants, whereas the Access Code for Buildings considers a minimum of four bedrooms as another option.

PDCN would recommend irrespective of interpretation, that different minimum requirements need to be considered when considering new facilities to older facilities having new building works.

With the ageing Australian population, with people over 55 years spending 32% of nights in commercial accommodation facilities, such as in caravans, bed and breakfast facilities and ego villages, PDCN considers that the minimum of four bedrooms or four single dwellings be changed to a minimum of three bedrooms or three single dwellings as more appropriate. ⁷

With new short- term holiday facilities, as it is easier to include access in the planning, design and construction of any new building, it is recommended that at least 1:10 cabins are made accessible with at least one cabin being made accessible.

⁷ Tourism Australia – Mature Age Visitors in Australia 2007

Insufficient number of sole-occupancy units required in residential facilities including boarding houses, larger guest houses, motels or a residential parts of a school (Class 3 building)

Recommendation 17: PDCN recommends that in Class 3 buildings, provision of access to sole occupancy units be changed from a 1:10 minimum requirement, to a minimum ration of 1:5.

The Access Code for Buildings requires that only 1:20 need to provide access to sole occupancy units in Class 3 buildings and PDCN would recommend that this be changed to a 1:15 minimum requirement.

Need to increase number of sole-occupancy units in Class 9c buildings

Recommendation 18: PDCN recommends that in Class 9c buildings (residential aged-care facilities), provision of access to sole occupancy units be changed from a 1:20 minimum requirement, to a minimum ratio of 1:10.

From 1991 to 2041, the proportion of the Australian population aged 65 and over is expected to double, from 11% to 22% of the total population. Yet such figures are an unreliable guide to likely increases in demand for aged care services. Service use among the younger aged is low-less than 1% of people aged between 65 and 69 are in hostels and nursing homes. The population aged 80 and over is a better predictor of likely demand, and the period to the year 2041 is characterised by a quite rapid growth in that population. In 1991, one in five older people were aged 80 and over, by 2011 it will be one in four, and by 2041 one in three. The proportion of highly physically and mentally dependent aged is likely to increase commensurately during this period, as profound and severe handicap rates rise rapidly with advancing age. If current trends continue, the number of profoundly and severely handicapped aged people will double between 1993 and 2021, from 352,800 to 709,600. While much of the assistance required by these people will undoubtedly continue to be provided by the informal sector, the likelihood of quite strong growth in demand on formal services is also evident. ⁸

Due to expected demand it is essential to provide access to a greater portion of sole-occupancy units in residential aged-care facilities than in current standards. The Access Code for Buildings requires that only 1:20 need to provide access to sole occupancy units in Class 9c buildings. PDCN would recommend that this be changed to a 1:10 minimum requirement.

Lift access required to all levels of a car park not only levels with accessible car parking spaces

Recommendation 19: Passenger lifts to be provided to all levels of a car park to ensure a continuous accessible path of travel.

⁸ Australian Institute of Health and Welfare – Australia's Welfare 1995: Services and Assistance – Aged

Lift access is required to all levels of a car park to ensure a continuous accessible path of travel for all users with a disability, whether the person is ambulant, uses a mobility aid or needs wheelchair access. Additionally lift access benefits parents with prams and young children.

Significance of a 'parking service' referred to in D3.5 Accessible Carparking in the Access Code for Buildings

Recommendation 20: PDCN recommends further clarification of the term 'parking services' to determine function, purpose and legal obligations of proprietors.

A Class 7a building is defined as a carpark in the Access Code for Buildings. Part D – Access and Egress indicates that accessible car parking is not required where a 'parking service' is provided. This term is used again used in the section D3.5 – Accessible carparking, but on neither occasion is this term defined. Hence further clarification of this term is required to determine function, purpose and legal obligations of proprietors.

Legal requirements for proprietors of leased car parking facilities

Recommendation 21: PDCN recommends that additional information be provided in the Premises Standards regarding the legal requirements for proprietors of leased car parking facilities, and whether the exemption included Part 4.3 of the Premises Standards apply.

With an increase in the demand for parking in most urban locations, public car parks have become more prominent. With that there has been a rapid increase in leased parking facilities, with the installation of automatic ticket booths to reduce staffing costs. Neither the Premises Standards nor the Access Code for Buildings refer to the application of leased parking facilities. Hence PDCN seeks clarification regarding the legal requirements of proprietors of leased parking stations, and the policing responsibilities associated with parking, particularly when the parking facility is located alongside a government facility.

Inadequate provision of parking spaces in all classes of building, particularly health-care facilities

Recommendation 22: PDCN recommends that in all classes of buildings that the requirement for accessible car parking per regular spaces be increased from 1: 100 to 1:5.

With an ageing population, a large number of older people and younger people with disabilities are living in the community and this has impacted on an increased demand for parking in most urban locations. This has been paralleled with the abuse of accessible car parking. The Access Code for Buildings identifies an inadequate provision of only 1: 100 accessible car parking spaces per regular spaces, in the following building types 3, 5, 7, 8, and 9c (Excluding assembly buildings). In NSW the Road and Traffic Authority (RTA)

provides Mobility Parking Authorities to approximately 13% of registered vehicles, and subsequently the parking requirements are totally inadequate and urgently need to be reviewed. ⁹ Based on data from the RTA the requirement needs to be changed to a minimum of 1:20 accessible parks per regular parking spaces in all classes of buildings.

D3.5 – Accessible carparking in the Access Code for Buildings identifies different requirements for the provision of parking for inpatient facilities and outpatient facilities for Class 9a- Hospital facilities. Further detail is required identifying who and how this distinction will be made.

Availability of self propelled aquatic swim chairs

Recommendation 23: PDCN recommends the availability of self propelled aquatic waterproof swim chairs at public swimming pools.

The availability of self propelled aquatic waterproof swim chairs is recommended at all public swimming pools to facilitate the independence of users with a disability.

Interpretation of accessible sanitary facilities

Recommendation 24: PDCN recommends that the Premises Standard Guidelines provide clarity with definitions of the following:

- Accessible unisex sanitary compartment/ facility
- Gender specific accessible sanitary compartment/ facility
- Ambulant accessible sanitary compartment/ facility
- Sanitary facility for left or right handed use
- Accessible unisex shower
- Gender specific accessible shower
- Enhanced sanitary facility

Currently the different types of accessible sanitary facilities are not identified in Part F - Sanitary and other facilities, and it is recommended that this be included in the Premises Standard Guidelines to minimise confusion:

- Accessible unisex sanitary compartment/ facility
- Gender specific accessible sanitary compartment/ facility
- Ambulant accessible sanitary compartment/ facility
- Sanitary facility for left or right handed use
- Accessible unisex shower

⁹ Physical Disability Australia – Concerns with Draft Disability (Access to Premises – Building) Standards - Submission to the Federal Parliament’s Legal and Constitutional Affairs Committee 2009

- Gender specific accessible shower
- Enhanced sanitary facility

Limited access to sanitary facilities in leased facilities

Recommendation 25: PDCN recommends that the Premises Standards include a requirement for a Memorandum of Understanding so that accessible facilities can be shared with different tenants.

Due to the limitation of Part 4.3 – Exemptions and Concessions of the Premises Standards where only parts of the building maybe accessible, this may prevent an employee of one tenant from being able to use accessible facilities, such as an accessible toilet if this has been modified by other tenant. Consequently it is recommended that the Premises Standard include a clause requiring tenants to establish a Memorandum of Understanding so that accessible facilities can be shared.

Sanitary and shower facilities to be provided alongside each other

Recommendation 26: PDCN recommends that where people with disabilities may need to shower and get changed, that toilet and shower facilities to be provided alongside each other.

To facilitate independence, gender specific sanitary and shower facilities need to be provided alongside each other to ensure privacy and dignity.

Enhanced accessible sanitary facilities to include an adult change table

Recommendation 27: PDCN recommends provision of enhanced sanitary amenities in recreation/ leisure/ health facilities where users may need to shower and get changed before and/or after participating in the activity provided at the facility.

Part F.2 – Sanitary and other facilities in the Access Code for Buildings, fails to consider the need to provide enhanced sanitary facilities in some building types where members of the community may need to shower and/ or change clothes. In recreation/ leisure/ health facilities such as public swimming pools and gymnasiums additional circulation space will be required, and the provision of an 'adult change table' with adequate width and height for a person with limited mobility to use.

Requirement for appropriate signage including pictorial, directional and text

Recommendation 28: PDCN recommends that a variety to different signs be used when relocating a user from an inaccessible amenity to one that provides access.

Pictorial signage alone provides very limited information when informing the user that an amenity is inaccessible. Where the user needs to be relocated from an inaccessible amenity to one that provided access, a number of different signs maybe needed, that can be easily seen and read, including:

- Pictorial, such as the Internationally recognised wheelchair sign;

- Directional; and
- Text

Signage with text at accessible sanitary or shower facility

Recommendation 29: PDCN recommends the development of internationally recognised symbols for each different type of accessible sanitary facility.

To cater for sanitary facilities that have been specifically designed for users with a particular functional need, ie for users who are ambulant, or may need to transfer to the toilet from a specific direction, pictorial signage needs to be developed displaying this.

Access requirements to include all areas used by occupants including change rooms, ticket offices, orchestra pits, and the stage

Recommendation 30: PDCN recommends that access needs to be available to a minimum of the following facilities available to patrons, performers and employees:

- Change facilities
- Ticket offices
- Vending machines
- Restaurants and bars
- Public telephones
- Orchestra pits and the
- Stage

D3.9 - Wheelchair seating spaces in the Access Code for Buildings for Class 9b assembly buildings is limited to seating and the provision of accessible carparking. Access to Class 9b buildings should not be limited to seating. People with disabilities whether patrons, performers or employees need to be able to access at a minimum change facilities, ticket offices, restaurants and bars, vending machines, public telephones, orchestra pits and the stage.

Preferred location of seating for occupants with a disability will differ depending on the type of assembly building

Recommendation 31: PDCN recommends that the location of wheelchair seating be selected in locations where the performance is not compromised for the patron.

The preferred location for accessible seating will depend on the particular attraction at the venue. Consequently accessible seating in the front row seat is preferred for a theatre production, but not necessarily when attending the cinema. Where wheelchair seating is limited to one location, patrons in wheelchairs should not be prevented from enjoying the attraction in a similar manner to the general public.

Accessible seating is best provided in locations that provide flexibility, so that patrons requiring accessible seating are not prevented from sitting with friends and family.

Accessible entrances need be linked with a continuous accessible path of travel, with a maximum of 50m between accessible entrances

Recommendation 32: PDCN recommends that when numerous entrances are provided that accessible entrances are not more than 50 meters apart.

D3.2 Access to Buildings in the Access Code for Building indicates that an accessway needs to be provided through not less than 50% of all pedestrian entrances including the principal pedestrian entrance. An additional clause needs to state that when a building provides a number of entrances, that accessible entrances are not more than 50 meters apart.

Emergency egress for people with physical disabilities

Recommendation 33: PDCN recommends that research into emergency egress particularly in relation to people with physical disabilities to start immediately.

Although the need to develop specifications for emergency egress particularly for people with physical disabilities has been identified in the past, neither the Premises Standard nor the Access Code for Buildings provides detail. Further research is essential to provide certainty to both the property sector and people with disabilities, and has been listed as a requirement of the Premises Standard five yearly review.

