Appendix D
Chart 1 – Application of the Premises Standards to New and Existing Buildings

BUILDINGS TO WHICH THE PREMISES STANDARDS APPLY

Freestanding private dwelling (Class 1a), apartment building (Class 2) or dwelling in a Class 5, 6, 7, 8 or 9 building (Class 4)

New Building

Premises Standards apply as detailed in Chart 2

Existing Building

Building being upgraded

Premises Standards don’t apply. General complaints provisions of DDA apply.

Building not being upgraded

Premises Standards don’t apply. General complaints provisions of DDA apply.

Building approval required

Owner (or lessee of Whole building) initiates upgrade

Premises Standards apply as detailed in Chart 2 to:
- Area being upgraded
- Principal entrance to the building
- Path of travel from entrance to new work
- Toilets on the floor being upgraded (with a concession for 80th percentile toilets)
- Lifts throughout the building (with a concession for 80th percentile lifts)

Building approval not required

Lessee initiates upgrade

Premises Standards apply as detailed in Chart 2 to:
- Area being upgraded
- Toilets in the area being upgraded (if tenant responsible – with a concession for 80th percentile toilets)

Premises Standards don’t apply. General complaints provisions of DDA apply.
Chart 2 – Application of the Premises Standards to different classes/types of building

**APPLICATION OF PREMISES STANDARDS TO DIFFERENT CLASSES OF BUILDINGS**

- **Bed and breakfast/holiday park (Class 1b)**
  - Premises standards apply if 4 or more single dwellings located on one allotment and used for short-term holiday accommodation.
  - Access required to and into common areas and a proportion of bedrooms or cabins.

- **Hotel, boarding house etc. (Class 3) or aged care building (Class 9)**
  - Premises Standards apply.
  - Access required to latrines, showers, and proportion of rooms.

- **Swimming pool (Class 10b)**
  - Premises Standards apply to pools of 25m or more, or associated with a building required to be accessible.

- **All other classes of building**
  - Access requirements apply throughout building, depending on building class.

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**Unjustifiable hardship and Standards:**

Section 32 of the DDA makes it unlawful to contravene a provision of a disability standard. However, a builder/owner would have recourse to a defence under the Premises Standards if complying with the Standards would cause unjustifiable hardship. The provisions in the Standards relating to unjustifiable hardship would also allow a court to take into account a decision of an access panel in the matter (see below). The decision of an access panel would also be a relevant consideration in determining unjustifiable hardship under section 11 of the DDA.

**Access Panels:**

If a builder/owner is unable to comply with the Standards, then that person can approach an access panel to request approval for an alternative solution under the BCA. The decisions of this access panel could be taken into account by a court if the person argues unjustifiable hardship under the Standards.

**Note 1:**

All other classes of buildings include: commercial accommodation such as hotels; office blocks; shops, restaurants, retail etc; car parks; warehouses; factories; hospitals; nursing homes and health clinics; aged care; toilet blocks and public shelters.