

City of Subiaco guide for building development



Summary of disability access Laws, Regulations, Standards and Guidelines.

This document has been developed to provide prospective builders and developers with information regarding state and national regulations pertaining to disability access. This document has been created as a guide and is not a requirement for a planning application within the City of Subiaco. However, mandatory requirements still apply to any development. References to legislation and Australian Standards are provided for the information of the applicant.

A variety of legislative documents, codes and standards govern the mandatory requirements regarding access for people with a disability when designing and constructing most buildings. In Western Australia, a building that requires a building permit under the *Building Act 2011* and **Building Regulations 2012** must comply with relevant provisions of the **National Construction Code (NCC)**. The NCC is made up of the Building Codes of Australia (BCA) Volumes One and Two; and the Plumbing Code of Australia (PCA) Volume Three. Volume One encompasses Class 2 to Class 9 Buildings and includes access requirements for people with a disability. Parts of Volume One: Class 2 to Class 9 Buildings specifically relevant to access for people with a disability are:

- D3 Access for people with a disability.
- E3.6 Passenger lifts.
- F2.4 Sanitary facilities.

Since May 2011, the NCC has been aligned to reflect the requirements of the Premises Standards, Access Code for Buildings. **NCC Series 2014 Volume One Class 2 to Class 9 Buildings** (otherwise known as the BCA) is available for purchase from the online shop of the Australian Building Codes Board at www.abcb.gov.au.

Any relevant building or structure that requires a building permit must also comply with the requirements of the **Disability (Access to Premises - Buildings) Standards 2010** (commonly referred to as the Premises Standards). The Premises Standards are issued by the authority of the Attorney-General and are available free from the Disability Standards section of the ComLaw website www.comlaw.gov.au.

The purpose of the Premises Standards is:

- To ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability.
- To give certainty to building certifiers, developers and managers that if the standards are complied with, they cannot be subject to a successful complaint under the Disability Discrimination Act (DDA) 1982 in relation to those matters covered by the Premises Standards.

The *Guideline on the Application of the Premises Standard Version 2 February 2013* is available for free from the Australian Human Rights Commission (AHRC) website at www.humanrights.gov.au/guidelines-application-premises-standards. This document is designed to assist those responsible for buildings to understand the application of the Premises Standards.

Both the NCC and the Premises Standards reference relevant Australian Standards on access and mobility. The Australian Standards listed below provide the technical detail required to implement the provisions detailed in the NCC and Premises Standards:

- AS1428.1 2009 Design for access and mobility – General requirements for access – New building works
- AS1428.4.1 2009 Design for access and mobility – Means to assist the orientation of people with a vision impairment – Tactile ground surface indicators
- AS2890.6 2009 Parking Facilities – Off-street parking for people with disabilities
- AS1735 Suite (Appropriate Standard number relates to lift type specified)
- AS1735.12 1999 Lifts, escalators and moving walks – Facilities for persons with disabilities.

Australian Standards are available for purchase from the SAI Global Info Store at www.saiglobal.com.

Disability Discrimination Act 1992

All organisations have a responsibility under the Commonwealth *Disability Discrimination Act (DDA) 1992* to provide equitable access to goods, services and premises used by the public. Meeting the intent of the DDA, and therefore protecting an organisation against a complaint under the DDA, may require the organisation to consider provision of access to areas that fall outside of the mandatory requirements of the Premises Standards. Examples may include, but are not limited to, landscaped environment and play areas, reception areas and counters, staff tea preparation areas, change areas, drinking fountains and seating, operation of some controls and reach ranges, way finding and informative signage. Recommendations with regards to the above are based on the following Australian Standards and guidelines that are not referenced in the Premises Standard:

- AS1428.2 1992 Design for access and mobility – Enhanced and additional requirements – Buildings and facilities
- AS1428.5 2010 Design for access and mobility – Communication for people who are deaf or hearing impaired.

The Australian Human Rights Commission (AHRC) provides a comprehensive list of relevant AHRC and Australian resources at www.humanrights.gov.au/guidelines-application-premises-standards including the below titles:

- *Advisory notes on streetscapes, public outdoor areas, fixtures, fittings and furniture*
- *The good, the bad and the ugly: Design and construction for access.*

Alfresco

The City of Subiaco's *Trading in Public Places Local Law* is an important document for developers incorporating alfresco dining as part any proposed food business. Amongst other responsibilities, this document details the requirement to maintain an adequate clear zone on the footpath so as to not impede pedestrian access, including access for people with a disability. Further information is available at

www.subiaco.wa.gov.au/Your-council/Important-documents/Local-laws-and-policies.

Heritage

All buildings, including buildings that may have heritage significance, are subject to the provisions of the *Disability Discrimination Act 1992*. Any change to a heritage building needs to be considerate of the impact on the heritage value and there may be conflicts between conserving heritage value and achieving equitable and dignified access for people with a disability. Professional advice in this regard may need to be sought. A directory of businesses that offer professional services in WA is available at <http://incontact.stateheritage.wa.gov.au> and a list of useful reference documents can be found at <http://stateheritage.wa.gov.au/publications>.

Disability access consultancy services

Professional, specialist advice can be sought from an accredited member of the Association of Consultants in Access, Australia Inc (ACAA). A list of accredited consultants is available at www.access.asn.au.

For further information regarding this document and its content, please contact the city's Access and Inclusion Officer on telephone (08) 9237 9304.