

C.6 ACCESS AND MOBILITY

6.1 INTRODUCTION

Cessnock City Council is committed to improving access for people with a disability particularly in respect to the Social Justice Directions Statement '*Fair Go, Fair Share and Fair Say*' and equity of access to goods, services and facilities.

The Commonwealth *Disability Discrimination Act 1992* (DDA), which makes it unlawful to discriminate against people with disabilities in various areas, including access to premises, education, employment and services.

The way in which buildings are constructed and / or used, can result in discrimination in places of employment, tourist or other accommodation, offices, or places of entertainment, recreation and leisure.

The intention of the DDA, in part, is that people with a disability shall be able to enter and use any public building, facility or service in an equitable manner.

The 2003 Survey of Disability, Ageing and Carers estimates that one in five Australians (3,951,000 or 20%) had a disability of some kind.

This rate was the same for males and females. The rate increased with age, reaching 81% for those aged 85 years and over. The age-standardised disability rates for total males, females and persons showed little change between 1998 and 2003 and the pattern across age groups was very similar in these two years.

It follows then that the requirements for children with a disability in schools will be less than the overall 19%; likewise, requirements in facilities used by a large number of senior citizens will be higher than average. In terms of numbers in various age groups, the 45-54 age group produced the greatest number of people with a disability, largely for demographic reasons.

Physical conditions, chiefly musculoskeletal disorders such as arthritis, were the most common cause of disability, frequently leading to mobility problems. However, different types of disabilities will lead to different implications for building design. For example:

- People with little or no sight feel vulnerable about tripping on uneven ground or colliding with obstacles in their path, and have difficulty in orientating themselves in unfamiliar environments. For people with low vision, colour contrast and good signage will be helpful, while tactile information may assist those with no vision.
- People with poor balance or co-ordination find it difficult to walk, and are at risk of falling. Handrails and larger controls will often assist.
- People with respiratory problems or poor stamina will not be able to walk long distances or up steep slopes, and may need to rest more often.
- Some people have difficulty using their hands or fingers and therefore, they will need controls, taps and knobs that are easy to operate.
- Other people have trouble in reaching, turning around, bending and may need things within easy reach. For example, those who use mobility aids will require extra circulation space, even ground surfaces and ramps or lifts rather than steps.

Disabilities covered by the *Disability Discrimination Act* include: physical; intellectual; psychiatric; sensory; neurological and learning disabilities; physical disfigurement; and disease causing organisms in the body.

a) Disability Discrimination Act, Building Code of Australia and Australian Standards

The Building Code of Australia incorporates Standards administered by Standards Australia.

The Australian Standards provide for access and mobility issues, relating to physical disability, such as:

- AS1428 Parts 1 to 4 Design for Access & Mobility;
- AS4299 Adaptable Housing;
- AS2890 Car Parking.

The *Disability Discrimination Act 1992* is more encompassing than the Building Code of Australia, addressing other issues such as those relating to sensory disabilities. It should be noted that:

1. both Federal and State anti-discrimination regulatory bodies have the power to override the Building Code of Australia;
2. the Building Code of Australia's access provisions are currently under review to make it more reflective of the *Disability Discrimination Act 1992*; and
3. compliance with the provisions contained within the Chapter does not necessarily mean that the requirements of the *Disability Discrimination Act 1992* will be met. It is the responsibility of the proponent to ensure that the development meets the requirements of the DDA (1992).

b) Disability Discrimination Act 1992

This Chapter provides a list of performance criteria aimed at achieving a required access objective. Against each criterion are design requirements which if met, will assist in the development complying with the *Disability Discrimination Act, 1992*.

6.1.1 Application

This section applies to all land to which this Chapter applies, for the following classes of development:

- Class 1a and 1b *tourist & visitor accommodation units* occupied in accordance with Council's Local Environmental Plan (LEP);
- *Multi Dwelling Housing* development incorporating three or more units; and
- *Home Business / Home Industry / Home Occupation* as defined in the Cessnock LEP.

6.1.2 Purpose

- To assist development proponents and Council in meeting the requirements for 'equality of access' under both State and Federal discrimination legislation when new building work and / or land use development is proposed.

6.1.3 Objectives

- To provide guidelines for access both to, and within, buildings and public spaces for people who have a disability.
- To assist in better design of buildings and spaces so as to meet the access needs of

- all members of the community.
- Increase community awareness of mobility handicaps affecting certain sections of the community and of the need for barrier-free design in the built environment.
- To ensure that new development is accessible by all people in the Cessnock Local Government Area, including those people with disabilities, to facilitate their full and independent participation in community life.
- To ensure compliance with relevant Australian Standards for Access and Mobility (eg. as required by the Building Code of Australia) and thereby minimise the risk of exposure to discrimination of building users, Council and building owners.
- To provide intending developers with clear guidance as to the legal requirements and Council policy for access and mobility.

6.2 FORMAT

This section contains two primary Design Elements that group performance criteria and design requirements to assist applicants in addressing access issues from the perspective of people with a disability.

The Design Elements include:

- 1: ***Parking, access routes and entrances to buildings:*** provide accessible parking or set-down areas, continuous accessible paths of travel to and from the building or facility.
- 2: ***Interior circulation and facilities:*** provide unimpeded circulation throughout the building or facility, and ease of use of, facilities and amenities within the building or facility.

6.3 DESIGN REQUIREMENTS

This section sets out the minimum requirements for the design of buildings and facilities, for access for people with disabilities.

Dependent upon proposed usage and expected patronage, developments are considered to come under the following Development Groups:

1. *Class 1a and 1b tourist & visitor accommodation units* occupied in accordance with the provisions of Council's LEP 2009 and relevant conditions of consent for tourist & visitor accommodation where:
 - a) *there are three or more tourist & visitor accommodation units on a single allotment of land; or*
 - b) *where bed and breakfast accommodation has three or more bedrooms used for rental accommodation.*

For Class 1a and 1b *tourist & visitor accommodation* accessible accommodation shall be provided at a ratio as stated in Table 1 below.

Note: it is only intended with this type of accommodation, that the part of the building used by the guests be accessible to people with disabilities.

2. *Multi dwelling housing* development incorporating three or more units. Every fourth unit, or additional fourth unit shall be constructed in accordance with the Australian Standard 4299.

3. *Home Business / Home Industry / Home Occupation* as defined in the Cessnock LEP.

Table 1: Requirements for Access for People with a Disability

Class of Building	Access Requirements
<i>Class 1a & 1b</i>	
<p>a) Dwelling-houses located on one allotment and used for short-term holiday accommodation consisting of:</p> <p>(i) 3 – 10 dwelling-houses (ii) 11 – 40 dwelling-houses (iii) 41 – 60 dwelling-houses (iv) 61 – 80 dwelling-houses (v) 81 – 100 dwelling-houses (vi) more than 100 dwelling-houses</p>	<p>To and within:</p> <p>1 dwelling-house 2 dwelling-houses 3 dwelling-houses 4 dwelling-houses 5 dwelling-houses 5 dwelling-houses plus one additional dwelling-house for each 30 dwelling-houses or part thereof.</p>
<p>b) Boarding-house, bed and breakfast accommodation, hotel accommodation, hostel or the like containing 3 or more bedrooms used for rental accommodation, other than those described in (a).</p>	<p>To and within:</p> <p>(i) 1 bedroom and associated sanitary facilities; and (ii) not less than 1 of each type of room or space for use in common by residents and guests, including: cooking facility; sauna; gymnasium; swimming pool; common laundry; games room; eating area; or the like; and (iii) rooms or spaces for use in common by all residents on a floor to which access by way of ramp complying with AS1428.1 or a passenger lift is provided.</p>
<p><i>Notes:</i></p> <p>1. A community or strata-type subdivision or development is considered to be a single allotment. 2. A double bed counts as 1 bed.</p>	

6.4 EXISTING BUILDINGS

This Chapter applies to all buildings listed within Groups 1, 2 and 3 above.

However, be advised that modifications and alterations to existing buildings listed as Heritage items in Cessnock LEP may be granted concession, subject to clear justification presented to Council noting the performance criteria and the various measures taken in an attempt to achieve the performance criteria which may be outside the scope of this Chapter or the Australian Standards.

6.5 DEPARTURES

Consideration may be given to requests to depart from one or more of the performance criteria and / or design requirements contained within this Chapter on the following grounds:

- unjustifiable hardship¹;
- ability to appropriately retro-fit existing premises;
- topography;

- proposed change of use; and / or
- other criteria upon which the proponent requests consideration.

Such requests shall include the following:

- description of the performance criteria and / or design requirement to which the departure is sought;
- description of the reason(s) why the departure is being sought;
- estimate of the additional work required in order to comply with this Chapter and an estimate of the cost of those works; and
- justification of how the proposal meets the performance criteria and objectives of the relevant design element.

Where departures are proposed, the matter may be referred to Council's Access Advisory Panel for advice. Final determination of any departure will be made by Council's Development Services Manager.

Unjustifiable Hardship¹

"For the purposes of this Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

- a) the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and*
- b) the effect of the disability of a person concerned; and*
- c) the financial circumstances and the estimated amount of expenditure required to be made by the person claiming hardship; and*
- d) in the case of the provision of services, or the making available of facilities – an action plan given to the Commission under section 64."*

Australian Disability Discrimination Act 1992 Part 1, Section 11.

Important Notes:

- Both Commonwealth and State Legislation is under continual review and proponents should check relevant legislation, Australian Standards and relevant codes and policies, rather than rely completely on this Chapter.
- Compliance with the provisions contained within this Chapter does not necessarily mean that the requirements of the Australian *Disability Discrimination Act 1992* will be met. It is the responsibility of the proponent to ensure that the development meets the requirements of the DDA (1992).

DESIGN ELEMENT 1 – PARKING, ACCESS ROUTES AND ENTRANCES

OBJECTIVE

To ensure: off-street parking; paths of travel; and entrances to buildings are accessible people with a disability.

PERFORMANCE CRITERIA

The objective may be achieved where:

DESIGN REQUIREMENTS

For Group 1, 2 and 3 developments, the minimum design requirements are contained within the Australian Standards listed. These requirements indicate a means of meeting Council's objectives and performance criteria for this Design Element.

Private Car Parking (off-street)

- Safe and accessible car parking spaces shall be provided adjacent to continuous and accessible paths of travel to the development.

Group 1: Tourist & Visitor Accommodation
AS 1428.1
Group 2: Multi Dwelling Housing
AS 4299
Group 3: Home Industry / Home Occupation / Home Business AS 2890.1

Accessible, Safe and Continuous Paths of Travel

- Accessible, safe and continuous paths of travel shall be provided between, buildings and property entrance-points, off-street car parking and set-down points.

Group 1: Tourist & Visitor Accommodation
AS 1428.1
Group 2: Multi Dwelling Housing
AS 4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1

Signage and Lighting

- To minimise personal risk and improve safety of car parks, set-down points, access routes and entrances. They shall also be well lit, of sufficient contrast and well sign posted to assist people with a disability to accessible locations and through entry points.

Group 1: Tourist & Visitor Accommodation
AS 1428.1
Group 2: Multi Dwelling Housing
AS 4299
Group 3: Home Industry / Home Occupation/ Home Business AS1428.1

Kerb-Ramps, Ramps and Walkways

- To allow free and unobstructed access to buildings from off-street car parking and set-down points, ramps and walkways shall be provided.

Group 1: Tourist & Visitor Accommodation
AS 1428.1
Group 2: Multi Dwelling Housing
AS 4299
Group 3: Home Industry / Home Occupation/ Home Business AS1428.1

Primary Points of Entry

- Entrance doors or primary points of entry to buildings shall allow for the unimpeded passage of people with disabilities.

Group 1: Tourist & Visitor Accommodation
AS 1428.1
Group 2: Multi Dwelling Housing - AS 4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1

DESIGN ELEMENT 2 – INTERNAL CIRCULATION & FACILITIES

OBJECTIVE

To provide access and unimpeded circulation throughout buildings and equitable use of facilities and amenities.

PERFORMANCE CRITERIA

The objective may be achieved where:

DESIGN REQUIREMENTS

For Group 1, 2 and 3 developments, the minimum design requirements are contained within the Australian Standards listed. These requirements indicate a means of meeting Council's objectives and performance criteria for this design element.

Paths of Travel and Circulation

1. Safe and continuous paths of travel are available to all applicable elements within a building or facility.
Group 1: Tourist & Visitor Accommodation AS1428.1
Group 2: Multi Dwelling Housing AS4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1
2. Where appropriate, step-ramps, ramps, walkways and stairs shall allow for the needs of people with disabilities when accessing different parts of a building or facility.
Group 1: Tourist & Visitor Accommodation AS1428.1
Group 2: Multi Dwelling Housing AS4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1
3. Doors, doorways and corridors shall be of sufficient dimension (including clear openings and circulation spaces) to allow safe and unobstructed passage for people with a disability.
Group 1: Tourist & Visitor Accommodation AS1428.1
Group 2: Multi Dwelling Housing AS4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1

Signage and Lighting

1. Suitably illuminated pathways, with clear and unambiguous directional signage.
Group 1: Tourist & Visitor Accommodation AS 1428.1
Group 2: Multi Dwelling Housing AS 4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1

Building Controls

1. Where appropriate, building controls shall be located in accessible positions and of suitable design to allow operation by people with disabilities. (eg. controls include; security and air-conditioning panels, light switches, power points).
Group 1: Tourist & Visitor Accommodation AS1428.1
Group 2: Multi Dwelling Housing AS4299
Group 3: Home Industry / Home Occupation / Home Business AS1428.1

PERFORMANCE CRITERIA	DESIGN REQUIREMENTS
Sanitary Facilities	
1. Where appropriate, sanitary facilities and similar amenities shall be accessible and functional for people with a disability.	<u>Group 1: Tourist & Visitor Accommodation</u> AS1428.1 <u>Group 2: Multi Dwelling Housing</u> AS4299 <u>Group 3: Home Industry / Home Occupation / Home Business</u> AS1428.1
Kitchens and kitchenettes	Note: <i>There is no typical kitchen layout for people with a disability. Before designing the layout of a kitchen that may be utilised by a person with a disability, the advice of an Occupational Therapist should be sought in determining the most appropriate design for accessibility and functionality.</i>
1. Kitchen elements are located so that they are accessible and can be operated safely, thus minimising the risk of scalding, burning and other injury.	<u>Group 1: Tourist & Visitor Accommodation</u> AS1428.1 <u>Group 2: Multi Dwelling Housing</u> AS4299 <u>Group 3: Home Industry / Home Occupation / Home Business</u> AS1428.1
