

Some useful contacts....

Human Rights and Equal
Opportunity Commission
(HREOC)
National Office
GPO Box 5218
Sydney NSW 2001

Phone: (02) 9284 9600
Fax: (02) 284 9611
TTY: 1800 620 241
Toll Free: 1800 021 199
e-mail: hreoc@hreoc.gov.au
(‘attn.Disability Unit’)

ACROD (Australian Council for
Rehabilitation of Disabled)
55 Charles Street
Ryde NSW 2112

Phone: (02) 9809 4488
Fax: (02) 9809 6517
e-mail: acrodns@ozemail.com.au

NSW Anti Discrimination Board
Level 4, 181 Lawson Street
Redfern NSW 2016

Phone: (02) 9318 5444
Fax: (02) 9310 2235
TTY: (02) 9310 2376
Toll Free: 1800 670 812

Australian Local Government Association
8 Giles Court, Deakin
Canberra ACT 2600

Phone: (06) 281 1211

Disability Policy Officer - Sydney
Phone: (02) 9418 7555
Fax: (02) 9427 4029

Australian Quadriplegic Association
1 Jennifer Street
Little Bay NSW 2036

Phone: (02) 9661 8855
Fax: (02) 9661 9598

Independent Living Centre
600 Victoria Road
PO Box 351
Ryde NSW 2112

Phone: (02) 9809 2233
Fax: (02) 9313 7190

NSW Disability Discrimination Legal Centre
1-5 Meeks Street
Kingsford NSW 2032

Phone: (02) 9313 6000
Fax: (02) 9662 1364
TTY: (02) 9313 7190

PARAQUAD
The Paraplegic & Quadriplegic
Association of NSW
33-35 Burlington Road
Homebush NSW 2140

Phone: (02) 9764 4166
Fax: (02) 9764 2391

**Disclaimer**

The purpose of this leaflet is to bring to the attention of owners, builders and developers the existence of the DDA. It is not designed as a definitive guideline or checklist. It is the responsibility of owners, builders and developers to ensure that they are fully informed of their obligations under the DDA. The Producers accept no liability for any actions that may arise from reliance on this information.

Acknowledgement

Manly Council acknowledge the permission to use information in the Local Government and Shires Association's brochure - **Information for Owners, Builders & Developer**, artists were Cathy Wilcox and Mark David.



Fact Sheet No. 5

DEVELOPMENT APPLICATIONS AND THE DISABILITY DISCRIMINATION ACT

The Disability Discrimination Act

In 1992 the Federal Government passed legislation to implement the Disability Discrimination Act (DDA), making it unlawful to discriminate on the grounds of disability in the following areas:

- ✦ employment
- ✦ clubs and associations
- ✦ education
- ✦ accommodation
- ✦ buying land
- ✦ sport
- ✦ access to premises and public places
- ✦ provision of goods, services and facilities
- ✦ administration of Commonwealth Government laws and programs.

What Disabilities does the DDA cover?

- ✦ Physical (eg. Cerebral Palsy)
- ✦ Intellectual (eg. Downs Syndrome)
- ✦ Psychiatric (eg. Schizophrenia)
- ✦ Sensory (eg. Visual Impairment)
- ✦ Neurological (eg. Stroke)
- ✦ Learning Disability (eg. Dyslexia)
- ✦ Physical Disfigurement (eg. Scarring)
- ✦ Disease causing organisms in the body (eg. HIV/AIDS).

How does the DDA relate to the Building Code of Australia?

The Building Code of Australia (BCA) incorporates the building standards administered by Standards Australia.

These standards include important access issues relating to physical mobility, for example:

- ✦ AS 1428 Parts 1-4 Design for Access & Mobility
- ✦ AS 4299 (1995) Adaptable Housing
- ✦ AS 2899 Part 1 Signs and Symbols
- ✦ AS 2890 Car Parking
- ✦ AS 2220 Fire Alarms
- ✦ AS 1735 Lifts.

However, the DDA is more expansive than the BCA, to address, for example, sensory disabilities. The BCA's access provisions are currently under review to make it more reflective of the DDA.

As the relevant Federal/State anti-discrimination regulatory body has the power to over-ride the BCA (which in effect may mean it can prevent a development from proceeding), it is suggested that owners, builders and developers familiarise themselves with the requirements of the DDA. (See resource list on page 4).

What is Council's role?

Under the Local Government Act 1993 Council is required to notify any person undertaking development work of all matters that may effect their proposal.

Council is obliged to notify owners, builders and developers of the existence of the DDA. An approval for works issued by Council is in accordance with the current BCA, however, it does not indicate that the application complies with the requirements of the DDA. This is the sole responsibility of the owner, builder and developer.

In addition to these provisions Council has adopted a Development Control Plan for Access incorporating the Manly Access Policy.

The Plan sets out in greater detail than Council's Local Environmental Plan controls and guidelines to provide for an environment accessible to all people. It supplements Council's other Development

Control Plans and provides guidance as to Council's expectations and sets the criteria to be considered in preparing plans.

It does not apply to single dwellings or residential buildings containing four or less flats/units, except where the applicant desires to make such buildings accessible.



What can happen if an owner/ builder or developer does not comply with the DDA?

A complaint can be lodged against an owner, builder and developer with the Human Rights and Equal Opportunity Commission (HREOC).

In this event the following may occur:

- + The owner, builder and developer may be asked to a conciliation meeting with the Complainant and an Officer of HREOC to attempt to resolve the issue. At this stage an 'Interim Determination' may be made that might, for example, require all works to cease until the problem is rectified. If a resolution is not found...
- + The owner, builder and developer will be required to attend a formal HREOC Hearing, which as a formal court of law, will determine if the Complainant has been unlawfully discriminated against. If proven, HREOC may order that works are carried out immediately to resolve all aspects of disability discrimination.

In 1994 in the case Walters v Norburn, HREOC granted an interim determination preventing development of a hotel which, it is alleged, would be inaccessible if

developed according to the original plans.

Good practice examples

How can owners, builders and developers comply with the DDA?

When designing residential or commercial properties owners, builders and developers should be mindful of disability access issues such as:

Entrance to the building/property:

Is the entrance level?

If not, what can be done to make it accessible?

A ramp?

A lift?

Is the entrance door wide enough for wheelchair access and can it be easily operated by someone with a disability.

Movement within the building/ property:

Are the corridors wide enough to allow easy movement?

Are they well lit?

Is there clear signage?

Is a lift provided to permit smooth access from one level to another?

Does the lift comply with accessibility requirements such as tactile control panel, audio messages etc?



Individual units in residential properties:

Are entrances to individual units wide and easy to operate?

Can someone with a disability live in the unit comfortably?

One or two specially designed units could be allocated. This may simply mean having an open plan design, bathrooms and toilets which comply with accessibility requirements and kitchens that can be easily operated by someone who has a disability, for example, if a person is using a wheelchair, the benches, stove, oven etc need to be at an appropriate height.

Parking Facilities:

When parking facilities are provided in residential or commercial properties, owners, builders and developers should make sure that they allocate specifically designed spaces for residents, visitors or customers with a disability and ensure that such spaces comply with the necessary requirements for 'Accessible Parking'.



This leaflet provides just a few examples of 'good' and 'bad' practice relating to disability access. It is the responsibility of owners, builders and developers to find out more about 'good disability access' and compliance with the Disability Discrimination Act.

Commercial Properties:

As with residential properties, owners, builders and developers of commercial properties should ensure that the entrance to and movement within a commercial complex allows equal access to all potential users. Additionally, all facilities within the property such as reception counters, toilets, public phones etc need to be fully accessible.

A list of some available resources is offered overleaf. Ensuring equal access to residential and commercial properties is not only a humanitarian act or a protection from the law, it also makes good business sense!

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