

## Draft Inclusive and Accessible Public Domain Policy and Guidelines

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### Summary

Every day, people with disability experience barriers that make it difficult to participate and work in the community. Barriers may be physical, such as inaccessible streetscapes and parks, or social, such as a lack of Auslan interpreters at events to enable equitable participation. When these barriers are reduced, the majority of people with disability will experience greater independence and equitable opportunities for social and economic inclusion.

The public domain is a critical link between accessible public transport, services and destinations for employment and social and cultural life. A public domain that is accessible for people with disability is also accessible for all.

The City has developed draft Inclusive and Accessible Public Domain Policy and Guidelines and draft Disability Inclusive Event Guidelines to describe how the City will design, maintain and manage the public domain to improve access and inclusion. The policy and guidelines articulate how the City will meet its obligations under the Disability Discrimination Act 1992 and the Disability Public Transport Standards 2002 in public space, and contribute to the City's efforts to create liveable communities as required by the NSW Disability Inclusion Act 2014.

The City of Sydney's current Access Policy was developed in 1992, and reviewed in 2004. At the time of development, the Disability Discrimination Act 1992 (Cth) had just been enacted, and many of the Australian Access Standards which the policy sought to implement were new. Since 2004, there have been considerable advances in universal design approaches to public domain spaces and infrastructure and the City has delivered numerous public domain projects where accessibility standards have been applied. During this time, the City has also increased its understanding of, and ability to respond to, access issues in the public domain.

Section 23 of the Disability Discrimination Act 1992 (Cth) makes it unlawful to discriminate against people with disability in relation to access to, and use of, any premises. While there are legislated standards for providing access to buildings, there is no legislated guidance on how to provide equitable and dignified access within the public domain. The draft Inclusive and Accessible Public Domain Policy and Guidelines fill this policy gap, by providing a framework for the consistent application of relevant Australian Access Standards and best practice approaches in the design, maintenance and management of public domain spaces and infrastructure.

The draft Disability Inclusive Event Guidelines outline how to ensure events are accessible. The guidelines will educate all parties using public spaces for activities such as events, markets, construction and filming activity to consider access as part of planning the activity.

The draft Inclusive and Accessible Public Domain Policy and Guidelines will apply to the design of new and upgraded public domain spaces and infrastructure. The policy does not apply retrospectively to the design of existing public domain places and infrastructure, unless upgrades are proposed.

Over time, the Policy and Guidelines will deliver greater consistency in the accessibility achieved through the design of new and upgraded public domain places and infrastructure and provide the foundation of a more inclusive city. The guidelines will also be incorporated into other relevant City policies and codes as they are reviewed, such as the Sydney Streets Design Code.

The development of the draft Policy and Guidelines has involved extensive research on current standards and best practice approaches to accessibility and universal design, a thorough review of the City's current practices, and ongoing input and feedback from the City's Inclusion (Disability) Advisory Panel.

The Inclusion (Disability) Advisory Panel has advised that the Policy, Guidelines and approach to implementation demonstrate leadership in this area, and has recommended that the Policy and Guidelines also be published as standalone documents, for the benefit of the disability community and sector, and other local governments and agencies who manage public land.

## **Recommendation**

It is resolved that:

- (A) Council approve the draft Inclusive and Accessible Public Domain Policy shown in Attachment A to the subject report, draft Inclusive and Accessible Public Domain Guidelines shown in Attachment B to the subject report, and draft Disability Inclusive Event Guidelines shown in Attachment C to the subject report, for public exhibition for a minimum of four weeks; and
- (B) authority be delegated to the Chief Executive Officer to approve minor editorial amendments to the draft documents referred to in (A) above prior to these documents being exhibited.

## **Attachments**

- Attachment A.** Draft Inclusive and Accessible Public Domain Policy
- Attachment B.** Draft Guidelines - Inclusive and Accessible Public Domain
- Attachment C.** Draft Disability Inclusive Event Guidelines

## Background

1. Every day, people with disability experience barriers that make it difficult to participate and work in our community. Barriers may be physical, such as inaccessible streetscapes; or social, such as a lack of information in accessible formats; or attitudinal, such as assumptions that people with disability are not able to participate in certain activities. When these barriers are reduced, the majority of people with disability will experience greater independence and equitable opportunities for social and economic inclusion. Local government is well placed to address and reduce physical barriers within the streets, parks and open spaces.
2. The public domain is a critical link between accessible public transport, services and destinations for employment and social and cultural life. An inclusive and accessible public domain provides equitable opportunities for people who live, work, visit and study in the City of Sydney.
3. The City of Sydney's current Access Policy was developed in 1992, and reviewed in 2004. At the time of development, the Disability Discrimination Act 1992 (Cth) had just been enacted, and many of the Australian Access Standards which the policy sought to implement were new.
4. Since 2004, there have been considerable advances in universal design approaches to public domain spaces and infrastructure. In this time, the City has also delivered a range of new public domain spaces and infrastructure projects that have been designed and delivered with accessibility standards applied. This has increased the City's understanding of, and ability to respond to, access issues in the public domain.
5. Section 23 of the Disability Discrimination Act 1992 (Cth) makes it unlawful to discriminate against people with disability, or their associates, in relation to access to, and use of, any premises. The Act has associated Disability (Access to Premises - Buildings) Standards 2010 that set requirements for the accessibility of new and upgraded buildings. However, the Act does not provide clear guidance on how to provide equitable and dignified access within the public domain.
6. The draft Inclusive and Accessible Public Domain Policy and Guidelines fill this policy gap for the City, by providing a framework for the consistent application of relevant Australian Access Standards and best practice approaches in the design, maintenance and management of public domain spaces and infrastructure.

## Objectives, scope and structure

7. The draft Policy and Guidelines will guide the City to deliver an inclusive and accessible public domain which:
  - (a) provides equity of access in the public domain for people with disability;
  - (b) provides people with disability with more equitable opportunities to participate in employment and social and cultural life in the city of Sydney;
  - (c) enables people with disability to visit, travel through, explore and enjoy the City's outdoor spaces with independence and dignity; and
  - (d) enables people with disability to make informed decisions about their journey in the public domain.

8. The objectives of the draft Policy and Guidelines are to:
  - (a) ensure consistent application of Australian Standards e.g. AS1428 and guidance from the Australian Human Rights Commission in the public domain; and
  - (b) define where best practice approaches will be applied.
9. Over time, the draft Policy and Guidelines will deliver greater consistency in the accessibility achieved through the design of new and upgraded public domain places and infrastructure and provide the foundation of a more inclusive city.
10. The guidelines will also educate all parties using public spaces for activities such as events, markets, construction and filming activity to consider access as part of planning the activity.
11. The draft Policy applies the rationale within the Disability (Access to Premises - Buildings) Standards 2010. That is, the application of current access standards only applies to the design of new or renovated premises. In the context of the public domain, new premises are delivered through urban renewal processes, and renovated premises are delivered through upgrade programs.
12. The scope of the draft Policy and Guidelines includes:
  - (a) the design of new or upgraded public domain spaces and infrastructure;
  - (b) the ongoing maintenance of public domain spaces and infrastructure;
  - (c) the management of public domain spaces and their uses - including activities such as outdoor events, markets, community gardens and footpath gardens and filming and construction activity; and
  - (d) how the City may use information to enhance access and/or overcome access barriers in the public domain.
13. The draft Policy and Guidelines will not apply retrospectively and will not determine when public domain spaces and infrastructure are renewed to current standards. Existing approaches to scheduling the City's public domain capital works projects apply.
14. The Policy translates the legislative principles of inclusion and equitable and dignified access embodied in the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 into tangible guidance that will inform the City's approach to inclusive and accessible public domain design, maintenance and management.
15. The draft Inclusive and Accessible Public Domain Guidelines are structured in three parts:
  - (a) Part 1: Designing inclusive and accessible streetscapes.
  - (b) Part 2: Designing inclusive and accessible parks.
  - (c) Part 3: Managing the use of the public domain.

16. In Parts 1 and 2, the Guidelines articulate the specific access objectives to be achieved through design and provide detailed technical guidance to meet the objectives. Part 3 considers the way public domain spaces are used, and provides guidance to avoid the introduction of new access barriers in an otherwise accessible public domain environment.
17. As the consent authority for a range of activities and uses in the public domain, the City can set minimum requirements and provide guidance for those seeking to use public spaces so that they do not create barriers. Further, where possible, the City aims to encourage activities to be as inclusive as possible. Part 3 of the Guidelines informs those seeking to use public space of relevant access and inclusion requirements and considerations for the following activities. Where relevant, the guidelines will also inform how the City assesses and manages these requests:
  - (a) markets;
  - (b) community gardens;
  - (c) footpath gardens;
  - (d) construction activities;
  - (e) filming activities; and
  - (f) the operation of certain street vending kiosks on footpaths.
18. Additional Guidelines for Disability Inclusive Events have been prepared to implement the policy objectives. They outline key disability access and inclusion requirements and considerations for outdoor events, and provide event organisers with minimum requirements and a best practice framework to ensure consistent practice and positive outcomes across a diverse range of events.
19. The guidelines do not provide technical guidance on maintenance activities. Instead, the policy includes a description of effective asset management. Existing asset management plans and inspection processes already consider accessibility outcomes.

#### **Approach to policy development and implementation**

20. The development of draft Inclusive and Accessible Public Domain Policy and Guidelines and the Disability Inclusive Event Guidelines has involved:
  - (a) Ongoing engagement with the City's Inclusion (Disability) Advisory Panel. The Panel helped define the scope of the policy and guidelines and has provided detailed feedback on several drafts.
  - (b) Research into local and international best practice approaches and a review of current Australian Access Standards and guidance from the Australian Human Rights Commission.
  - (c) Extensive review of the City's current practice with regard to how and why Australian Access Standards and best practice approaches are applied, including the City's Public Domain Design Codes, relevant local approvals polices and Roads and Maritime Services guidance.

- (d) Extensive consultation across the City's divisions to determine where relevant Australian Access Standards, Australian Human Rights Commission and best practice approaches should be applied, to ensure consistency in application across a range of settings, from streetscapes, to parks and temporary uses.
21. The policy and guidelines recognise that the application of Australian Access Standards in the public domain can be difficult and at times unfeasible, for example, in areas with heritage constraints such as narrow streets or topographical challenges such as steep inclines.
  22. To overcome this challenge, the draft Inclusive and Accessible Public Domain Guidelines includes a set of principles for addressing complex design scenarios. These principles guide decision makers in the design process to achieve the optimal access outcome where full compliance with Australian Standards is not feasible. This approach will ensure balanced and, as far as possible, consistent outcomes in the design, maintenance and management of the public domain places and infrastructure.
  23. To embed and implement the Policy and Guidelines, they will be progressively incorporated in the relevant City of Sydney public domain design codes, and other relevant policies and guidelines, including, for example, the Sydney Streets Design Code, Markets Policy and Guidelines, and Hoardings and Scaffolding Policy and Guidelines. The existing Outdoor Dining Policy and Guidelines remain separate and are cross-referenced.
  24. The Inclusion (Disability) Advisory Panel has advised this approach demonstrates leadership in this area. They have recommended that the Policy and Guidelines also be made available as standalone public documents, for the benefit of the disability community and sector, and other local governments and agencies who manage public land.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030 Vision

25. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 4 - A City for Walking and Cycling: Over time, the draft Policy and Guidelines will deliver greater consistency in the accessibility of pedestrian routes and open spaces.
  - (b) Direction 6 - Vibrant Local Communities and Economies: A more accessible and inclusive public domain will create the conditions for the participation of people with disability, older people and people with prams in the social, cultural and economic life in the City of Sydney area.
26. The draft Policy and Guidelines also enable the City to meet its commitments to delivering "Accessible Places and Spaces" outlined in the City's Inclusion (Disability) Action Plan 2017-2021 and in A City for All Social Sustainability Policy and Action Plan 2018-2028.

**Organisational Impact**

27. The draft Policy and Guidelines have a broad application. They apply to:
  - (a) the City, its staff and contractors in relation to the design, maintenance and management of public domain spaces and infrastructure; and
  - (b) third parties in particular circumstances, including developers delivering public domain spaces and infrastructure through voluntary planning agreements, or members of the public and/or organisations seeking to use public domain spaces for a range of activities and temporary uses, including markets, community gardens, footpath gardens, construction and filming activity and the operation of certain street vending kiosks on footways.
28. The draft Disability Inclusive Event Guidelines apply to the City of Sydney and all third parties seeking a permit to deliver outdoor events in public domain spaces managed by the City of Sydney.
29. These documents will guide how current programs of design, upgrade and maintenance work in public spaces should be undertaken. The policy and guidelines do not set the budget, priorities or timing of such works.

**Social / Cultural / Community**

30. The draft Inclusive and Accessible Public Domain Policy and Guidelines will guide the City to deliver an inclusive and accessible public domain and enable people with disability who live, work in or visit the city to experience greater independence and dignity, and more equitable opportunities for social and economic inclusion.
31. By providing equitable access in the public domain for people with a disability, the City is also improving opportunities for participation across all community groups. For example, providing a more accessible physical environment assists people with a physical disability, but is also beneficial for people who are older, people with injuries and families with prams.

**Economic**

32. The draft policy and guidelines will improve ease of access in the public domain, create more opportunities for inclusive participation by people with disability in events held in the City of Sydney, and promote the City as an inclusive and accessible tourist destination.
33. Tourism Research Australia's National Visitor Survey 2017 First Quarter data on day and overnight trips shows that:
  - (a) People with disability spent \$3.3 billion on tourism services, accounting for 17 per cent of all tourism expenditure.
  - (b) On average, people with disability spent more on day trips than people without disability, \$111 compared with \$106.
  - (c) People with disability took around 9 million day trips, which accounted for 21 per cent of all day trips.
  - (d) Expenditure was \$2.9 billion for older people and \$2.7 billion for young families.

34. Improving access in these ways encourages a wider variety of people to visit the city.

### **Budget Implications**

35. Implementation of the draft Inclusive and Accessible Public Domain Policy and Guidelines and Disability Inclusive Event Guidelines is deliverable within existing staffing and operational budgets, or will be delivered through future planned capital works projects, and procurement contracts and agreements.

### **Relevant Legislation**

36. Disability Discrimination Act 1992 (Cth).
37. Disability Inclusion Act 2014.
38. Disability Public Transport Standards 2002 (Cth).

### **Critical Dates / Time Frames**

39. If approved by Council, the draft policy and guidelines will be placed on public exhibition for a minimum of four weeks.

### **Public Consultation**

40. The City's Inclusion (Disability) Advisory Panel has been engaged throughout the process of developing the draft Inclusive and Accessible Public Domain Policy and Guidelines and the Disability Inclusive Event Guidelines, providing input into the scope of the policy and detailed feedback on several drafts.
41. The draft policy and guidelines will be subject to a further public exhibition period for a minimum of four weeks, subject to Council endorsement.
42. During the public exhibition period, it is proposed the City seeks feedback from the disability sector, the City's Design Advisory Panel, planning and urban renewal agencies, other landowners in the City of Sydney, major outdoor event organisers, developers and contractors who design and construct public spaces and infrastructure and the wider community.
43. Methods will include face to face and online engagement through the Sydney Your Say website.
44. An accessible online printable version will be produced to maximise engagement from the whole community.

45. Feedback obtained during the public exhibition period will inform finalisation of the draft policy and guidelines, which will then be reported back to Council for adoption and publication.

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