

## Post Exhibition - Inclusive and Accessible Public Domain Policy and Guidelines

File No: X023841.005

### Summary

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.

The 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.

The policy and guidelines provide 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. They will 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.

Approval was given by Council on 8 April 2019 to publicly exhibit the draft Inclusive and Accessible Public Domain Policy (Attachment A), draft Inclusive and Accessible Public Domain Guidelines (Attachment B), and the draft Disability Inclusive Events Guidelines (Attachment C). The policy and guidelines were on public exhibition from 3 May to 28 June 2019. Ten written submissions were received.

Council also requested that the Chief Executive Officer investigate, in consultation with the City's Inclusion (Disability) Advisory Panel, alternative means of engaging people with disability during the public exhibition period, such as through peer interviewers. Two peer-led workshops - where people with disability lead a discussion amongst their peers - were held to discuss and provide feedback on the draft policy and guidelines. The first workshop was facilitated by the NSW Council of Intellectual Disability, and included five participants with intellectual disability. The second workshop was facilitated by People with Disability Australia and included 15 people with disability, or carers. A summary of all submissions and the City's responses is shown at Attachment E.

There was an overall positive response to the policy and guidelines, with submissions and people participating in peer-led workshops acknowledging the policy and guidelines will go a long way to ensuring consistent and more considered design and management of public spaces into the future.

Participants in the peer-led workshops suggested a range of ways to strengthen and improve the draft guidelines, in particular the events guidelines. Many of these suggestions have been incorporated. A summary of amendments is available at Attachment D.

A number of the suggestions, while outside the scope of this policy and guidelines, will be considered as actions in future Inclusion (Disability) Action Plans, or a part of future reviews of relevant policies such as the Central Sydney and Neighbourhood Parking policies.

A number of other issues were raised at the workshops, which are not within the scope of the policy and guidelines as they are not in the direct control of the City. These include works and placement of certain infrastructure on footways by utilities and telecommunications providers that don't require approval of the City, as well as some instances of construction activity in public places that is not regulated by the City. City staff have and will continue to pass on feedback to relevant agencies and to advocate for better access outcomes on City streets.

## Recommendation

It is resolved that:

- (A) Council note the submissions and feedback received through the public exhibition process shown at Attachment E to the subject report;
- (B) Council approve the Inclusive and Accessible Public Domain Policy shown at Attachment A to the subject report, Inclusive and Accessible Public Domain Guidelines shown at Attachment B to the subject report, and Inclusive and Accessible Event Guidelines shown at Attachment C to the subject report, incorporating amendments shown at Attachment D to the subject report for adoption;
- (C) Council approve the incorporation of content from the Inclusive and Accessible Public Domain Guidelines shown at Attachment B to the subject report into relevant City of Sydney Public Domain Design Codes as appropriate;
- (D) people and organisations who made submissions (refer to Attachment E to the subject report) be notified of the adoption of the Inclusive and Accessible Public Domain Policy and Guidelines; and
- (E) authority be delegated to the Chief Executive Officer to make and approve minor housekeeping and editorial amendments to the adopted Inclusive and Accessible Public Domain Policy, Inclusive and Accessible Public Domain Guidelines and Inclusive and Accessible Event Guidelines, as may be required, including when relevant Australian Standards are amended or new standards developed.

## Attachments

- Attachment A.** Inclusive and Accessible Public Domain Policy
- Attachment B.** Inclusive and Accessible Public Domain Guidelines
- Attachment C.** Inclusive and Accessible Event Guidelines
- Attachment D.** Table of Amendments - Inclusive and Accessible Public Domain Policy and Guidelines
- Attachment E.** Public Exhibition – Submissions and Feedback

## 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 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.
6. The Act does not provide clear guidance on how to provide equitable and dignified access within the public domain. The 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.
7. While there are several examples of universal design guidelines for public spaces, as far as we are aware, this is the first policy and guidelines that will ensure these considerations are embedded into practice by incorporating disability access and inclusion requirements and technical guidance into mainstream specifications and approvals processes at the City for each public domain space or activity.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030 Vision

8. 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 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.
9. The 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

10. The 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.
11. The 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.
12. 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

13. The 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.

14. 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**

15. The 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.
16. Tourism Research Australia's (TRA) National Visitor Survey (NVS) 2017 First Quarter data on day and overnight trips shows that people with disability spent \$3.3 billion on tourism services, accounting for 17 per cent of all tourism expenditure.

### **Budget Implications**

17. Implementation of the 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**

18. Disability Discrimination Act 1992 (Cth).
19. Disability Inclusion Act 2014.
20. Disability Public Transport Standards 2002 (Cth).

### **Public Consultation**

21. The draft Inclusive and Accessible Public Domain Policy and Guidelines were placed on public exhibition from 3 May 2019 to 28 June 2019. Submissions could be made in writing or via the City of Sydney website, telephone and email.

22. The draft policies and guidelines were distributed to the following groups inviting comment:
  - (a) a range of disability and community sector stakeholders, including individuals who had written to the City about access issues;
  - (b) relevant state and local government agencies, including other landowners in the City of Sydney area, Transport for NSW and Local Government NSW;
  - (c) developers via the Property Council of NSW, and peak organisations representing architects and landscape architects and the Australian Institute of Building, and
  - (d) outdoor event organisers.
23. The draft policy and guidelines were also promoted via media releases, with four articles about the draft policy appearing in the media, including Public Service News, Australian Aging Agenda, Government News and Infrastructure Magazine.
24. The draft policy and guidelines were available for download on the City of Sydney website. During the consultation period, the webpages were visited 509 times, and 107 documents were downloaded.
25. Over the public exhibition period, the City received a total of 10 written submissions, five from individuals, and five from the following organisations and groups:
  - (a) BIKEast;
  - (b) Kings Cross Community Garden Group;
  - (c) Physical Disability Council of NSW;
  - (d) Property NSW – Events team; and
  - (e) Walk Sydney Incorporated.
26. In addition, following a Resolution of Council on 8 April 2019 where Council requested “that the Chief Executive Officer investigate, in consultation with the City’s Inclusion (Disability) Advisory Panel, alternative means of engaging people with disability during the public exhibition period, such as through peer interviewers”, two peer-led sessions were held with people with disability.
27. The first peer-led workshop was facilitated by the NSW Council of Intellectual Disability. Participants included five people with intellectual disability, one of whom also uses a wheelchair.
28. The second was facilitated by People with Disability Australia. A group of 15 people with disability, or carers, participated in a peer-led discussion about access and inclusion in public spaces and events.

29. Participants included:
- (a) two City of Sydney staff who identify as having a disability;
  - (b) one person with intellectual disability;
  - (c) one Deaf person;
  - (d) one person who is hard of hearing;
  - (e) two people using wheelchairs;
  - (f) two people who are blind who use Guide Dogs;
  - (g) two people with low vision;
  - (h) one person with limited mobility who does not identify as having a disability; and
  - (i) two carers.
30. Organisations represented included:
- (a) Guide Dogs NSW/ACT;
  - (b) Council of the Ageing;
  - (c) City of Parramatta Access Committee; and
  - (d) Inner West Council.
31. In addition, City staff consulted the City's Design Advisory Panel and the Neighbourhood Advisory Boards in the City of Sydney area, given the high proportion of social housing residents with disability.
32. A summary of the all the feedback and the City's response is provided at Attachment E.

33. Overall, there was significant support for the policy and guidelines. Key comments of support included:
- (a) "The Draft policy and guidelines are very comprehensive and we believe they are an effective, positive resource to remove barriers and improve participation of all people in our community". - Walk Sydney
  - (b) "Physical Disability Council of NSW would like to commend the City of Sydney on their detailed Policy and Guidelines. We strongly support City of Sydney's principal aim of ensuring all public domain spaces and events in the City of Sydney are inclusive and accessible for all members of the community. PDCN commends the City of Sydney for its commitment to a best practice framework that ensures consistent, vibrant, diverse and positive events for all who live, work or play in the City of Sydney, and looks forward to working collaboratively on future accessible projects with the City of Sydney".
  - (c) "BIKEast support this policy and guidelines document and look forward to improved accessibility and movement of people around our city".
  - (d) Participants in the peer-led workshops welcomed the policy and guidelines, noting it paves the way for more consistent approach to accessibility in public spaces.
34. No substantive changes were made to the Inclusive and Accessible Public Domain Policy (Attachment A).
35. In response to community feedback, five key amendments to the Draft Inclusive and Accessible Public Domain Guidelines have been made:
- (a) 1.4 Stairs - additional performance standards for consistent stair height and contrasting nosing on stairs with diminishing risers have been added.
  - (b) 1.7 Bollards and crowded place management. Performance standards have been amended from requiring spacing between crowded place elements of "exactly 1200mm between elements" to "no less than 1200mm from the outside edges of bollard/elements to provide minimum access along the continuous accessible path of travel. The maximum distance between these bollards should be based on the type and speed of vehicle and likely paths of travel" in line with international best practice and forthcoming changes to the Australian New Zealand Counter Terrorism Committee (2017) Hostile Vehicle Guidelines for Crowded Places.
  - (c) 1.14 Street trees section has been amended to apply to verge gardens and other street greening. A new performance standard has been added that recommends avoiding the use of hard pebbles as mulching material on verge gardens.
  - (d) 1.16 Taxi Ranks. A new performance standard has been added to ensure taxi ranks on one way streets are located on the left side in the direction of travel to ensure safe access to the front passenger seat.

- (e) The community noted the use of phrases such as "where possible", and "as far as is possible/feasible/practicable... XXXX will..." makes it easy for designers and agencies to say it is not possible and not try to meet the standards. The guidelines already recognise that applying access standards in public spaces can be very difficult as result of constraints such as heritage, topography, and elements in public spaces under the control of other agencies. The principles for addressing complex design scenarios (p.3) allows some flexibility, stating that "where full compliance with is not possible, ensure the design complies with as many of the relevant performance standards and access standards set out in the guidelines/design code as is practicable". Given this overarching principle informs users of the guidelines on how to apply the performance standards, the wording of numerous objectives and performance standards in guidelines have been amended to more simply state "XXXX should..."
36. In response to community feedback, key amendments to the Draft Disability Inclusive Event Guidelines (Attachment C) include:
- (a) Change of name to the Inclusive and Accessible Event Guidelines, to be more welcoming of people who do not identify as having a disability but benefit from good access.
- (b) Provide more detail about Auslan and Captioning to explain how they work and who they benefit. Many event producers assume all deaf people communicate using Auslan, which is not the case. The guidelines now include six pages of new content "Making events inclusive of people with sensory disabilities" which includes more detailed information about audio description, Auslan interpreting, captioning, hearing augmentation, sensory spaces and sensory adjusted performances. New content regarding sensory spaces and sensory adjusted performances was developed in consultation with the Autism Friendly Communities team at Aspect Australia, and new content about Auslan and Captioning was informed by research conducted by the NSW Deaf Society.
- (c) Additional information about designated drop off points, and clarification that they should be provided in association with major events that involve road closures, subject to approval of the relevant traffic committee.
- (d) There was strong feedback that events should be actively promoted to people with disability, as historically people with disability have been excluded and their needs not catered for. Many people with disability are therefore used to being excluded. Feedback included that major event organisers in particular should invest in appropriate communications and marketing approaches to ensure people with disability know they are welcome and understand what arrangements are in place. The wording of the Accessible Materials and information section has been revised for greater clarity and includes information about the ways inclusive events can be promoted to people with disability.
- (e) The format for the checklists has been revised to provide greater clarity about what is expected of major events. Checklists now identify whether the consideration applies to all events, major events or is a best practice approach.

37. A number of the issues raised in written submissions and in the peer-led workshops were outside the scope of the policy and guidelines, as they are not within the City's direct control. These issues include:
- (a) Impact of works by services and utilities (including NBN and Ausgrid infrastructure) on access in public spaces, especially on footpaths. Issues include placement of infrastructure against the building line creating hazards for people who are blind or have low vision who use the building line to navigate public spaces, and placement of infrastructure on footways that obstructs the continuous accessible path of travel.
    - (i) Utility service providers including water, and energy and telecommunications services have infrastructure throughout the City of Sydney. They regularly need to conduct works on roadways and footways to access these services for repair or upgrade. In some instances, developers will require similar access to arrange the installation and connection of new utility services to developments. The provision of new services may also require installation on City infrastructure including pillar boxes and other "low impact facilities".
    - (ii) Where access is required, the partial temporary closure of a road or footway may be necessary. The City has little control over the works undertaken by utility service providers and their contractors. In many cases, the legislation governing utilities overrides City approval processes including the imposition of conditions to limit potential adverse impacts, or issue fines or penalties.
    - (iii) While the City does not have oversight of the installation and access for low impact facilities, there are protocols and guidelines to minimise impacts of these works on the local community.
    - (iv) For example, Ausgrid's Network Standard *NS224 Low Voltage Suburban Commercial And Industrial Underground Distribution Utilising Pillars* states that "Designers shall give consideration to visually impaired persons when determining the location of the cabinet and base unit combination (pillar). Wherever possible, pillars shall be installed adjacent to an existing pillar or within an existing set-back along the frontage". City staff regularly raise concerns with appropriate utilities about the impacts of their works and low impact infrastructure on the accessibility of footpaths, noting that placement of pillars on the building line can create hazards and barriers for pedestrians with low vision.
    - (v) The *Telecommunications Code of Practice* requires that when installing low impact facilities carriers must take all reasonable steps to:
      - a. ensure as little detriment, damage and inconvenience as practicable is caused;
      - b. minimise interference with public utilities, roads and paths, traffic and land use;
      - c. ensure that the land is restored to a condition that is similar to its condition before the installation began; and
      - d. protect the environment (including ecosystems, people and communities; resources; qualities and characteristics of locations and areas, and the social, economic and cultural aspects of all these);

- (b) Impacts of construction activity by other government agencies, which are not regulated by the City, in particular light rail. These include:
  - (i) poor signage, which makes it difficult for people to find their way during periods of construction activity, and
  - (ii) lack of tactile ground surface indicators on footways that are at grade with the roadway during construction phases of light rail, resulting in pedestrians who are blind or with low vision to not be able to detect they have moved from a footway to a roadway.
- 38. City staff have and continue to pass on feedback to relevant agencies and to advocate for better access outcomes on city streets.
- 39. The following issues raised in written submissions and in the peer-led workshops are outside the scope of the policy and guidelines, but will be considered as potential projects as part of future Inclusion (Disability) Action Plans, or will be considered as part of other future strategies and policies:
  - (a) The importance of measuring and reporting progress on meeting accessibility standards, especially on footpaths.
  - (b) Mapping construction activity to enable people to plan their journey, and in particular, help people with vision impairment understand changed conditions.
  - (c) Provide more designated drop off points at key destinations, and make more information available about the locations of drop off areas and no stopping areas.
  - (d) Establish an inclusive events working group or Community of Practice to share knowledge and learnings amongst major event organisers.
  - (e) Provide additional community education aimed at people with disability about reporting access issues in public spaces.
  - (f) Identify and promote locations within existing parks that are appropriate for toileting assistance animals.
  - (g) Investigate opportunities to provide a dedicated sensory garden in the City of Sydney area.
- 40. Feedback about the priorities of the public domain renewal program was received in the peer-led workshops. Feedback received from people with disability included that the City should prioritise the provision of missing kerb ramps and realignment of misaligned kerb ramps. This will improve access on the street scape for many people.
- 41. The prioritisation and timing of the public domain renewal program is outside the scope of this policy. The Policy and Guidelines will not retrospectively apply and will not determine when public domain spaces and infrastructure are renewed to current standards. Existing approaches to scheduling public domain capital works projects apply.

42. In general, the City does not renew kerb ramps in isolation. Instead, the City prefers to renew the footway and associated infrastructure of the whole block to address all aspects of pedestrian amenity and accessibility on that block. This reduces the occasions on which footways are out of use from renewal activity, and provides greater economies of scale for the projects, delivering greater value for ratepayers and the community.
43. The majority of intersections in the City of Sydney have been renewed to ensure provision of kerb ramps where they were once missing, or new kerb ramps installed to ensure correct alignment and provision of Tactile Ground surface Indicators in line with the Australian standards. Those outstanding include:
  - (a) Ramps within signalised intersections that are the responsibility of Roads and Maritime Service (now Transport for NSW), and often involve other changes such as new lane markings.
  - (b) Intersections where existing services and above ground electrical infrastructure need to be relocated in order to position and align kerb ramps according standards.
44. In both of these scenarios, the renewal of kerb ramps involves greater coordination with other services and agencies and significantly higher costs associated with relocating services.

#### **Proposed approach to implementation**

45. Subject to Council endorsement:
  - (a) Parts 1 and 2 of the draft Inclusive and Accessible Public Domain Guidelines will be reflected in the City of Sydney public domain design codes, in particular the Sydney Streets Design Code and the forthcoming Sydney Parks Design Code. The Design Advisory Panel are supportive of the incorporation of this content into the City's Public Domain Design Codes.
  - (b) The content of part 3 of the draft Inclusive and Accessible Public Domain Guidelines will be progressively embedded into relevant local approval policies and guidelines as they are reviewed. These include:
    - (i) Markets Policy and Guidelines;
    - (ii) Community Gardens Guidelines;
    - (iii) Footpath Gardening Policy and Guidelines;
    - (iv) Hoardings and Scaffolding Policy and Guidelines;
    - (v) Local Approvals Policy and Code of Practice for Construction Activities in Public Places, and
    - (vi) Public Toilet Strategy.

46. The draft Guidelines for Inclusive and Accessible Events will be referenced in and appended to the Events Guidelines for outdoor events, used by those seeking permits for outdoor events in the City of Sydney area.

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