

Adoption - Inclusive and Accessible Public Domain Policy

File No: X023841.010

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 assists the City and third parties to meet its legislative obligations and enables the City to deliver on its commitment to delivering accessible places and spaces outlined in the Inclusion (Disability) Action Plan 2021- 2025.

The Policy and Guidelines 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.

The City's current Policy was developed and approved by Council in October 2019 after a major review responding to legislation changes and considerable advances in universal design approaches to public domain spaces and infrastructure. The accompanying Inclusive and Accessible Public Domain Guidelines provide detailed information and guidance for City staff, contractors and third parties such as developers on how to ensure compliance with relevant access standards in the design and maintenance of public domain spaces.

Over the last three years, the City has embedded content from the Policy and Guidelines into other relevant City policies, codes and guidelines to ensure greater consistency in how the organisation designs and manages spaces and infrastructure in the public domain.

The latest review of the Policy resulted in the recommendation of only minor changes, with the principles, scope and application of the Policy unchanged. Some of the minor changes include:

- simplified structure and more consistent language;
- changes to the names of authorities referenced in the Policy that own and manage land within the City of Sydney local area; and
- updates to the references, including revised related policies, procedures, legislation and standards.

The Inclusive and Accessible Public Domain Guidelines and Inclusive Event Guidelines (as shown at Attachments B and C) are scheduled to be reviewed in 2022/23. This review will consider updates to relevant legislation and Australian Access Standards and will also consider how effective the guidelines are in their role to contribute to more consistent, predictable and accessible public spaces.

Recommendation

It is resolved that:

- (A) Council adopt the Inclusive and Accessible Public Domain Policy shown at Attachment A to the subject report;
- (B) Council note that the Inclusive and Accessible Public Domain Guidelines and Inclusive Event Guidelines as shown at Attachments B and C to the subject report are scheduled to be reviewed in 2022/23; with Council to be advised of the review and updated Guidelines by way of CEO Update and
- (C) 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, as may be required, including when relevant Australian Standards are amended, or new standards developed, with Council to be advised of any such changes by way of CEO Update.

Attachments

- Attachment A.** Inclusive and Accessible Public Domain Policy (additions shown in **bold**, deletions shown in ~~strikethrough~~)
- Attachment B.** Inclusive and Accessible Public Domain Guidelines
- Attachment C.** Inclusive and Accessible 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 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 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 current Policy was developed and approved by Council in 2019 after a major review responding to legislation changes and considerable advances in universal design approaches.
4. The development of the Policy and Guidelines in 2019 involved extensive research on relevant 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 and broad consultation with the community.
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, this was the first Policy and Guidelines that ensured these considerations were 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.
8. In 2020, the City was announced as the winner of the Disability Access and Inclusion category of the National Awards for Local Government for the Policy and Guidelines.
9. Over the last three years, the City has embedded content from the Policy and Guidelines into other relevant City policies, codes and guidelines to ensure greater consistency in how the organisation designs and manages spaces and infrastructure in the public domain. Key documents updated include the Sydney Streets Code, Markets Policy and Guidelines and Event Guidelines. Work to embedded relevant content in other relevant polices, codes and guidelines as they are updated or scheduled for review.

10. The review of the Policy resulted in the recommendation for only minor changes, shown in Attachment A. Deletions are shown with strikethrough, and additions in bold.
11. The principles, scope and application of the Policy unchanged. Changes include:
 - (a) simplified structure and more consistent language;
 - (b) changes to the names of authorities referenced in the Policy that own and manage land within the City of Sydney local area; and
 - (c) updates to the references, including revised related policies, procedures, legislation and standards.
12. The Guidelines are scheduled to be reviewed in the 2022/2023 financial year and will consider relevant updates to Australian Access Standards, related legislation and related policies and procedures. This review will also consider the effectiveness of the Guidelines in the guidance they provide, and their contribution to achieving outcomes consistent with the policy principles. Council will be advised of the review and updated Guidelines by way of CEO Update

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 - Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 3 - Public places for all - Over time, the Policy and Guidelines will deliver improved accessibility of public spaces and infrastructure, with more consistent and predictable design approaches.
 - (b) Direction 5 - A city for walking, cycling and public transport - Over time, the Policy and Guidelines will deliver more accessible pedestrian routes with more consistent and predictable design approaches.
 - (c) Direction 6 - An equitable and inclusive City - A more inclusive and accessible public domain makes people with disability, older people and people with prams or other access requirements feel welcome and included, making it easier to participate in all social, cultural and economic activities within the City of Sydney local area.
14. The Policy and Guidelines also enable the City to meet its commitments to delivering 'accessible places and spaces' including streets, parks, footpaths and open spaces, as outlined in the City's Inclusion (Disability) Action Plan 2021-2025.

Organisational Impact

15. The Policy has a broad application. It applies to:
 - (a) the City, its employees and contractors in relation to the design, maintenance and management of public domain spaces and infrastructure; and
 - (b) in some circumstances third parties, such as 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.
16. These policy and associated guidelines inform 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. This is established through asset management plans and capital works projects and programs and their associated budgets.

Social / Cultural / Community

17. The Inclusive and Accessible Public Domain Policy and Guidelines will continue to 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.
18. By providing equitable access in the public domain for people with a disability, the City is also improving opportunities for participation for 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

19. The ongoing delivery of new and upgraded public domain infrastructure in accordance with 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 area, and promote the City as an inclusive and accessible tourist destination.
20. In 2018, prior to the disruption of the domestic tourist market as a result of the Covid-19 pandemic, Tourism Research Australia estimated that 1.3 million people with disability or people with access needs regularly travelled. However, many people with a disability travel with others -for example with family, friends or carers - and the average travelling party was 2.5 people. When accounting for the multiplier effect - 3.4 million people or 14 per cent of the total domestic tourism market, have need for accessible tourism services, experiences and destinations. Their spend is valued at as much as \$8.0 billion per annum.

Financial Implications

21. Implementation of the Inclusive and Accessible Public Domain Policy and Guidelines is funded within existing staffing and operational budgets or will be delivered, where appropriate, through capital works project budgets.

Relevant Legislation

22. Disability Discrimination Act 1992 (Cth).
23. Disability Inclusion Act 2014.
24. Disability Standards for Accessible Public Transport 2002 (Cth).

Public Consultation

25. The Inclusion (Disability) Advisory Panel were consulted about the proposed minor amendments and are supportive of the changes.
26. The review of the policy has resulted in the recommendation for minor housekeeping changes with no changes to the intent and outcomes delivered by the policy. Consultation with the community is not required at this time.
27. The Guidelines will be reviewed in the 2022/23 financial year and consultation with key internal and external stakeholders will be considered should significant changes be proposed as part of the review.

EMMA RIGNEY

Director City Life

Anna Rigg, Manager Social Policy