

Policy

Access and Inclusion

Version 2.1

Adopted by Council at its meeting on 15 September 2022

Minute 19.1

Division:
Section:
File Reference:
Historical Reference:

Sustainable Communities & Environment
Community Services
Council Policies/Protocols/Procedures
See Version Control

Tweed Shire Council is committed to using plain language so that our documents and publications are easy to understand.

The purpose of this document is to provide clear information about drought and water restrictions in the Tweed. The main readers of the document are Tweed residents and business owners.

This document has been reviewed by a communications or plain language specialist.

1. Policy objective

The objective of this Policy is to outline Council's commitment to the principles of universal access and social inclusion. The Policy ensures that Council planning and decision making is guided by appropriate standards and guidelines and that Council fulfils responsibilities under state and federal legislation.

1.1. Definitions

Access (also referred to as universal access): means that, regardless of ability, a person can approach, enter, pass to or from and make use of an area and its facilities without assistance.

Inclusion: Social inclusion refers to a sense of being included or being able to participate in the social and civic life of the community, and treated with equality and dignity.

Universal design: A product, environment, building design and construction that aims to accommodate the functional needs of everyone. The term "universal" may refer to specific design environments or products, such as universal kitchen design or universal bathroom design. (Institute Access Training Australia, Unit 1 Access Terminology V3).

1.2. Policy background

This Policy is consistent with the **Commonwealth Disability Discrimination Act 1992**. In particular Part 1 which outlines the objects of this Act which are:

- (a) To eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - (i) Work, accommodation, education, access to premises, clubs and sport; and
 - (ii) The provision of goods, facilities, services and land; and
 - (iii) Existing laws; and
 - (iv) The administration of Commonwealth laws and programs; and
- (b) To ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- (c) To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Part 3, Clause 60 and 61 of **Commonwealth Disability Discrimination Act 1992** concerns the provision of Action Plans. This Policy guides Council's Access and Inclusion Plan.

2. Policy

Council has a responsibility to meet commitments under state and federal legislation, and to follow standards and guidelines for universal access and social inclusion in its provision of services, facilities, programs, planning and regulatory processes.

The principle of universal access and design has a broader scope in terms of creating communities for everyone to access safely, participate in and enjoy regardless of ability.

Tweed Shire Council is committed to:

- a. The principle of universal access with a broader commitment to access and inclusion for all people who live, work in and visit Tweed Shire.
- b. The development of policy and planning processes that incorporate the principles of universal design.
- c. Promoting access and inclusion in the community through leadership by example and through the provision of information and advice.

- d. Planning, building and maintaining an accessible, inclusive community within the scope of its role and functions.
- e. Providing accessible and inclusive services.
- f. Providing information and communications in accessible formats.
- g. Maintaining workplaces that are accessible and inclusive for staff, trainees, volunteers and students.
- h. Achieving these commitments through the implementation of the Access and Inclusion Action Plan.

3. Related legislation

1. *Disability Discrimination Act 1992 Australian Government (DDA)*
This is a complaints based mechanism available to individuals or a delegate. The DDA takes a whole of society approach to the prevention of discrimination based on disability as defined under the Act.
2. *The Disability Inclusion Act (NSW) 2014*
This Act sets out the NSW Government's aspirations for creating a society that values equality for, and inclusion of, people with disability in the community. A key element of this Act is the provision for a State Disability Inclusion Plan (State Plan) to be prepared by the NSW Government as a whole and for Disability Inclusion Action Plans (DIAPs) to be prepared by NSW Government agencies and local councils. These DIAPs must address:
 - (a) *how the organisation will have regard to the disability principles in dealing with matters relating to people with disability*
 - (b) *strategies to support people with disability to provide access to supports, services and information, to accommodate specific needs, to support employment and to encourage and create opportunities, and*
 - (c) *consultation in development of the plan; and, for DIAPs, how the plan supports the State Plan.*

This Policy forms part of Council's DIAP, referred to as Tweed Access and Inclusion Plan.

3. *NSW Anti-Discrimination Act 1997*
The Act makes it unlawful to discriminate against a person on the grounds of disability and other types of discrimination in certain circumstances and aims to promote equality of opportunity between all persons.
4. *Disability Access to Premises Standards - Buildings 2010*
Any building construction or building renovation work in the categories of buildings listed in the *Disability Discrimination Act 1992* where a Development Application is required must comply with the *Disability Access to Premises Standards - Buildings 2010*

4. Relevant Australian Standards and Guidelines, may include but are not limited to:

- a. AS 1428.1:2021 – “Design for access and mobility General requirements for access - New building work”
- b. AS 1428.2:1992 – “Design for access and mobility, Part 2: Enhanced and additional requirements - Buildings and facilities”
- c. ISO 21542:2021 – “Building construction Accessibility and usability of the built environment”
- d. AS 1657:2018 - “Fixed platforms, walkways, stairways and ladders - Design, construction and installation”
- e. AS 7522:2021 - “Access and egress”
- f. AS 2890.5:2020 - “Parking facilities On-street parking”
- g. AS/New Zealand Standard 2890.6-2009 - “Parking facilities Off-street parking for people with disabilities”
- h. AS 1428.4.2:2018 – “Design for access and mobility, Part 4.2: Means to assist the orientation of people with vision impairment - Wayfinding signs”
- i. AS 1428.5:2021 – “Design for access and mobility Communication for people who are deaf or hearing impaired”

- j. AS/NZS 60598.2.3:2015 – “Luminaires Particular requirements - Luminaires for road and street lighting (IEC 60598-2-3, Ed. 3.1 (2011) MOD)
- k. AS/NZS 1158.3.1:2020 – “Lighting for roads and public spaces Pedestrian area (Category P) lighting - Performance and design requirements”
- l. AS 4685.0:2017 – “Playground equipment and surfacing Development, installation, inspection, maintenance and operation
- m. AS 4685.1:2021 - “Playground equipment and surfacing General safety requirements and test methods (EN 1176-1:2017, MOD)”
- n. AS 4685.2:2021 – “Playground equipment and surfacing Additional safety requirements and test methods for swings (EN 1176-2:2017, MOD)”
- o. AS 4685.4:2021 – “Playground equipment and surfacing Additional safety requirements and test methods for cableways (EN 1176-4:2017, MOD)”
- p. ISO/IEC TR 29138-2:2009 – “Information technology Accessibility considerations for people with disabilities Part 2: Standards inventory”
- q. Guide to Australian Lighting Standards.

These standards and guidelines can be purchased from www.saiglobal.com

5. Compliance

Council Officers and Work Units, including third-party contractors and consultants, responsible for:

1. delivering services to the community
2. planning, design, construction and regulation of infrastructure including community buildings and facilities
3. planning, design and construction of open space environments and streetscapes

must address the relevant and current Australian Standards and Guidelines for accessibility and inclusion.

6. Forms

Not Applicable.

7. Review period

This Policy will be reviewed within 12 months of the election of each new Council and in association with the review period determined for the Access and Inclusion Plan.

8. Useful links

1. **Tweed Shire Council website** - [Tweed Shire Council website](https://www.tweed.nsw.gov.au/community/community-support/people-communities/people-with-disability)
<https://www.tweed.nsw.gov.au/community/community-support/people-communities/people-with-disability>
2. **Office of Local Government NSW** - <https://www.olg.nsw.gov.au/>
3. **Disability Discrimination Act 1992** - http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/dda1992264/
4. **Disability (Access to Premises - Buildings) Standards 2010** - <https://www.legislation.gov.au/Details/F2020C00976>
5. **Guidelines to the Application of the Premises Standards** - <https://humanrights.gov.au/our-work/disability-rights/guidelines-application-premises-standards>
6. **Anti-Discrimination Guide for Councils** - <https://www.olg.nsw.gov.au/councils/council-infrastructure/services-to-communities/anti-discrimination/>
<https://antidiscrimination.nsw.gov.au/>

7. **Human Rights Commission Access to Premises standards** - <https://humanrights.gov.au/our-work/disability-rights/disability-standards>

9. Version control

Version #	Summary of changes made	Date changes made
1.1	First draft of Access and Inclusion Policy.	21/11/2013
1.1	Adopted by Council	20/02/2014
2.1	Revised draft of Access and Inclusion Policy: <ol style="list-style-type: none"> 1. References to Commonwealth and State Government legislation and policies, Australian Standards and guides updated 2. URL/ web links to relevant resources updated 3. Bullet points replaced with numerals and letters to improve accessibility of screen-reader devices 4. Policy compliance extended to third-party contractors and consultants 	08/08/2022
2.1	Adopted by Council	15/09/2022