



Morris Goding
Access Consulting

Ian Conry
Senior Architect
Zhinar Architects
Suite 1, Level 2
2 Rowe Street
Eastwood NSW 2122

2 June 2021

Dear Ian,

RE: Main Street pedestrian footpaths to the town centre for the proposed mixed-use development.

This statement is provided by Morris Goding Access Consulting (MGAC) in support for the proposed mixed-use development located at 43-53 Cudgegong Road, Rouse Hill NSW 2155.

MGAC has been working closely with the project team from the initial conceptual design stages through to the finalisation of the Development Application. MGAC continues to work with the project team to refine relevant design issues as it arises to ensure accessibility for people with disabilities is not compromised, that the required Australian Code and referenced Standards are met along with the intent of the Disability Discrimination Act 1992 (DDA) of inclusive, dignified, and equitable access; as well as any relevant industry best practices and Universal Design approaches that may be of relevance to this project.

The original Development Application scheme was assessed holistically with relation to access to and within the site. The assessment extends beyond the building form and site boundary; into the public domain pedestrian pathways to ensure transitioning for any approaches to access services and facilities are within ease and safe use for persons with disabilities, in particular safe use for wheelchair and mobility aid users as steeper gradients and crossfalls poses greater accessibility challenges and risks for this user group.

As public footpaths are not subject to mandatory technical compliance under the DDA, the following Australian Standards clauses are relied upon for the assessment of the Main Street pedestrian footpath:

- *AS 1428.1 – 2009, Design for access and mobility, Part 1: General requirements for access – New building work.*

Regarding landings, graded pathways and crossfalls, the following is acceptable under Clause 10:

Ramps shall be provided with landings... at the bottom and at the top of the ramp and at intervals not exceeding the following:

- for ramp gradients of 1 in 14, at intervals no greater than 9m.*
- for ramp gradients steeper than 1 in 20, at intervals not greater than 15m.*



- iii. *for ramp gradients between 1 in 14 and steeper than 1 in 20, at intervals that shall be obtained by linear interpolation.*
- iv. *For walkways and landings having gradients in the direction of travel shallower than 1 in 33, a camber or crossfall shall be provided ... and shall be no steeper than 1 in 40...*
- *AS 1428.2 – 1992, Design for access and mobility, Part 2: Enhanced and additional requirements – Buildings and facilities.*

The following gradients and landing intervals as required under Clause 8.1:

... ramps shall be provided with landings at the top and bottom of the ramp and at intervals not exceeding –

- i. *for ramp gradients of 1 in 14: 6m.*
- ii. *for ramp gradients of 1 in 19: 14m; and*
- iii. *for ramp gradients between 1 in 19 and 1 in 14, at intervals which shall be obtained by linear interpolation.*

The noted Australian Standards are also relied upon by the Australian Human Rights Commission (AHRC):

This advice concerning footpaths draws on material found in Australian Standards 1428 parts 1 and 2 and overseas guidelines and standards and represents what the Commission considers to be good practice.

In addition to the above Standards, the planning instrument below is also drawn upon to assess the public Main Street pathway:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP).*

Noting this policy is legislated in NSW for developments applicable to seniors and people with disability. SEPP calls up “suitable access pathway” within the realm of the public domain that is external to any proposed development. The following steeper grades are permissible under SEPP Part 2, Clause 26: *Location and access to facilities:*

... the following gradients along the pathway are also acceptable:

- i. *A gradient of no more than 1:12 for slopes for a maximum 15 metres at a time.*
- ii. *A gradient of no more than 1:10 for slopes for a maximum 5 metres at a time.*
- iii. *A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

The original DA scheme allows for gradients and crossfalls that are in line with the above references. Appropriate landings shallower than 1 in 40 are provided at entrances to facilities and services to assist for this transitioning and is a safe means of access and is acceptable. Gradients and crossfalls are generally appropriate and conducive for wheelchair manoeuvrability. This is in keeping with the intent of the DDA and the above planning instruments. By providing a 1 in 17 gradient, access is compromised at the transition threshold at the boundary line. A steep crossfall of 1:17 is created at transition points to access facilities and services. This is more than twice the recommended 1 in 40 or



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Due to these risks, people with disability are often reluctant to access facilities and services and may withdraw from participation in community.

shallower grades that is conducive for access, creating a barrier and unsafe means of access for people with disability.

With frequent landing intervals under the original scheme, fatigue that is commonly experienced by people with disabilities with relation to travel distances is minimised as landings along an accessible path of travel offers opportunities for resting and adjusting, including accessing facilities and services safely. A continuous average grade of 1 in 17 along Main Street over an approximate distance of 70 metres without landing intervals does not provide safe use for people with disability under the new scheme. A 1:17 grade should provide appropriate landing intervals at every 12 metres under the referenced planning instruments noted above.

In summation, the original scheme addresses topographical issues in ways of good practice under all circumstances to the extent possible and practicable. It allows persons with disability to participate in community, to access facilities and services in a dignified, equitable and inclusive manner as is intended by the DDA and the AHRC. It is also the safer option of the two for people with disabilities.

As a newly proposed development with opportunities to provide equitable, dignified, and inclusive access within the realm of public spaces and facilities, we recommend reconsideration of the intent of the original proposal.

Please find attachment with relation to MGAC review mark-up comments previously issued to the project team. It is under this basis we understand the relevance of providing good access.

If further information is required, please do not hesitate to contact us.

Yours faithfully,

Lee-may vnong
Senior Access Consultant
Morris Goding Access Consulting

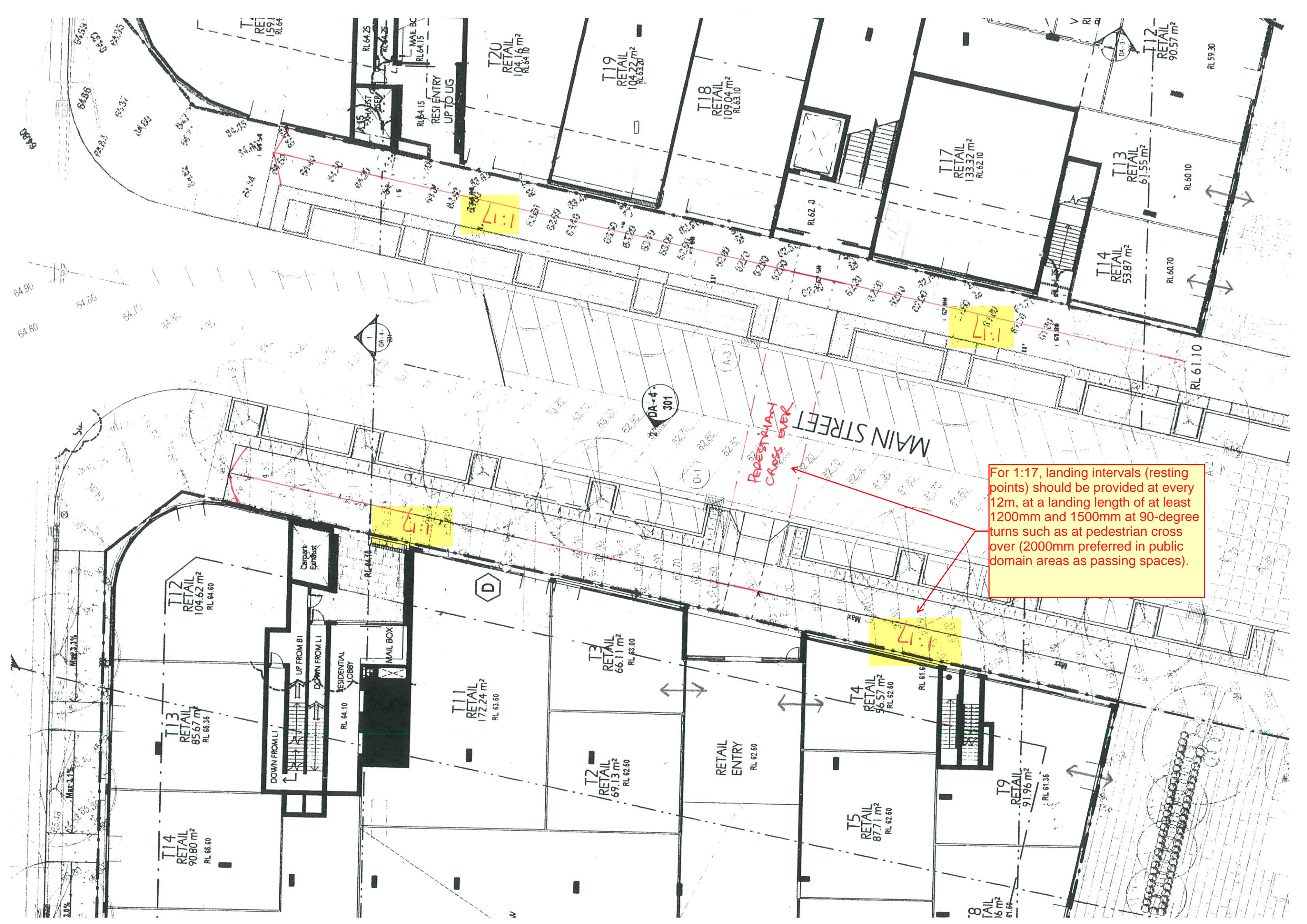
Reviewed by:

David Goding
Director
Morris Goding Access Consulting



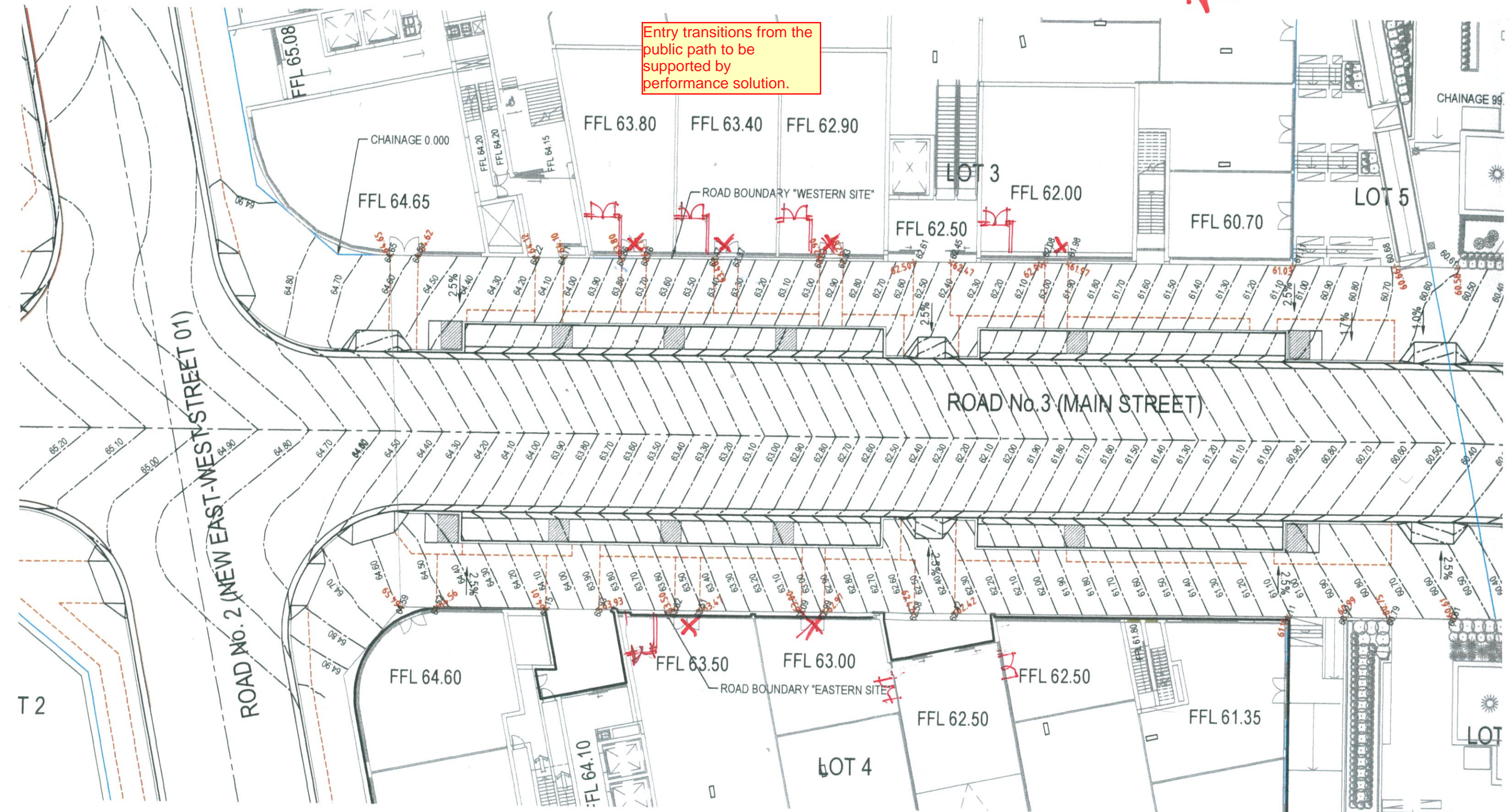
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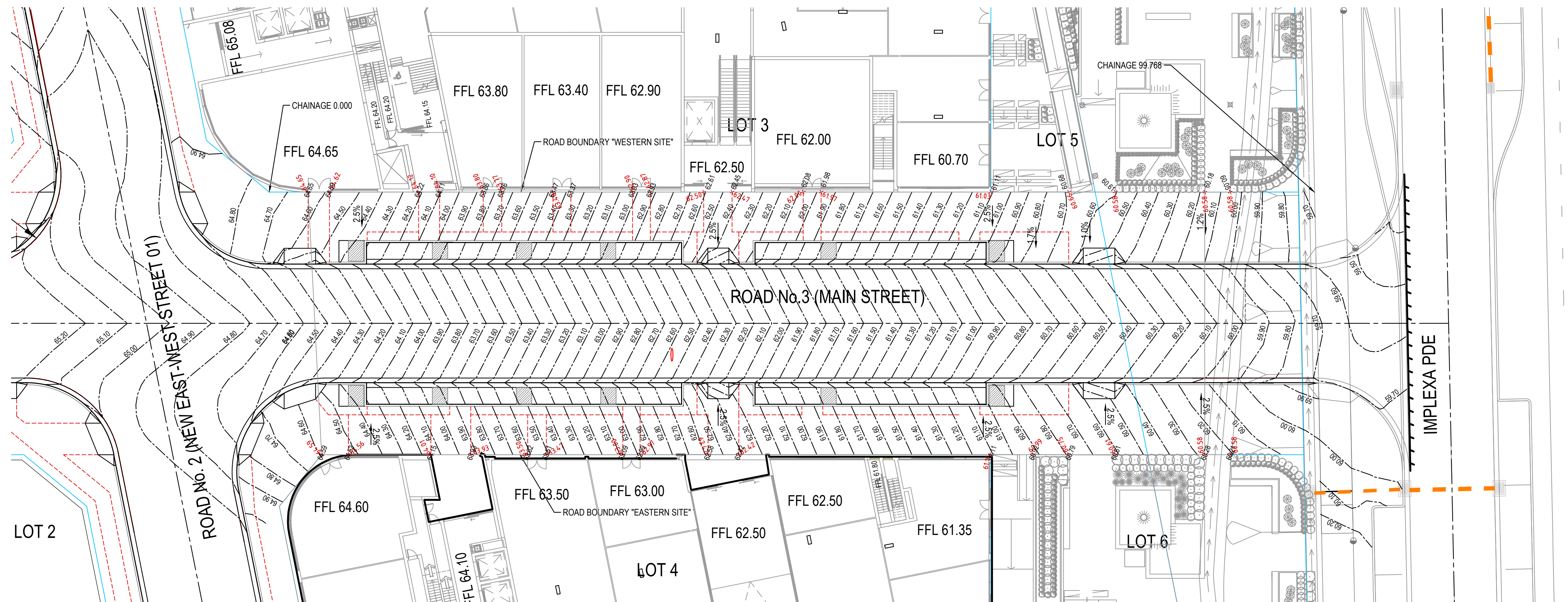
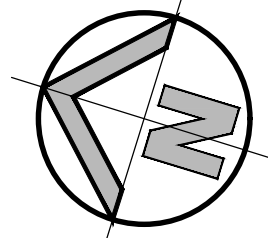
Attached Documentation



For 1:17, landing intervals (resting points) should be provided at every 12m, at a landing length of at least 1200mm and 1500mm at 90-degree turns such as at pedestrian cross over (2000mm preferred in public domain areas as passing spaces).

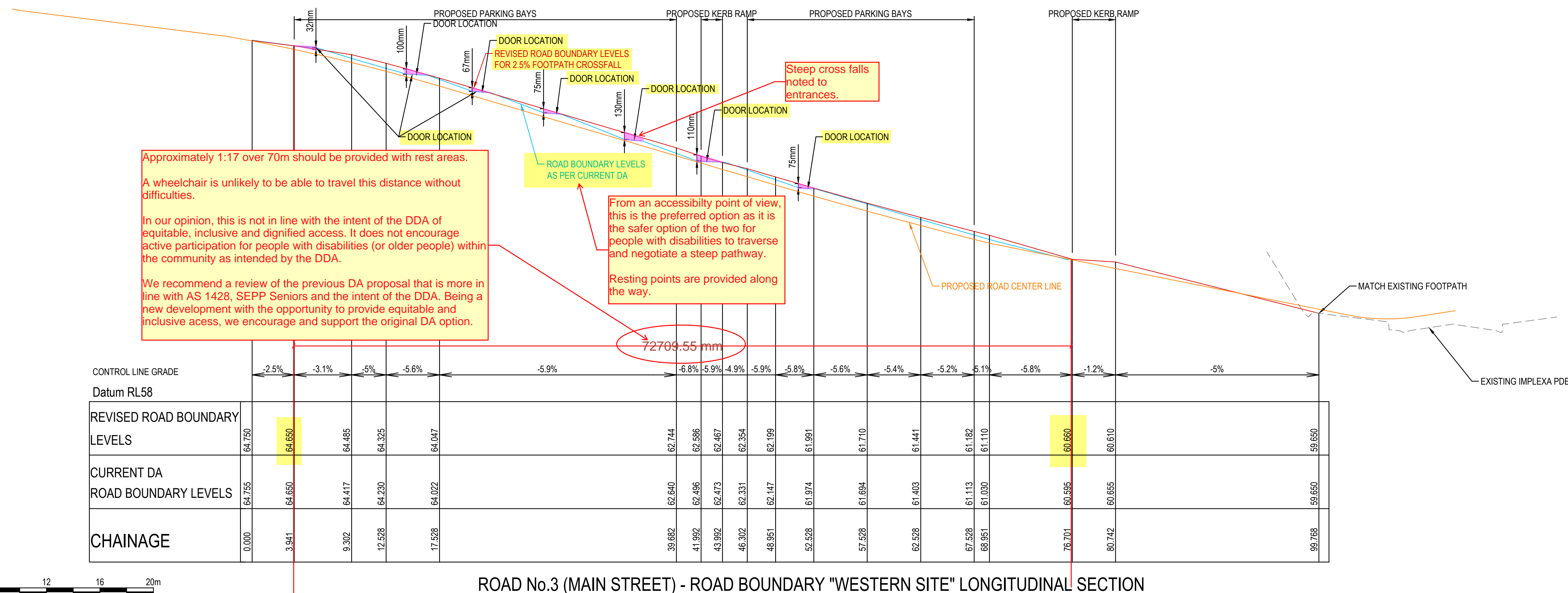
Entry transitions from the public path to be supported by performance solution.





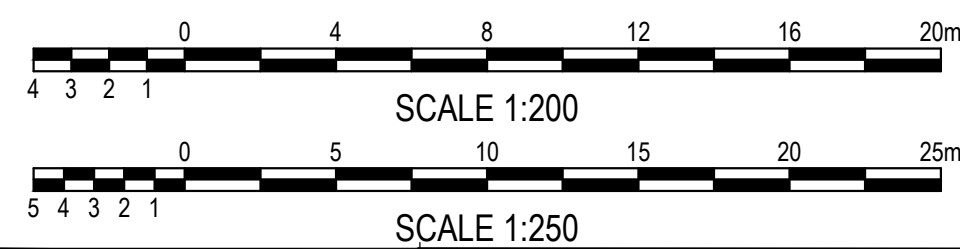
ROAD No.3 (MAIN STREET) - PLAN

SCALE: 1:250



ROAD No.3 (MAIN STREET) - ROAD BOUNDARY "WESTERN SITE" LONGITUDINAL SECTION

HORIZONTAL SCALE 1:250
VERTICAL SCALE 1:50



FOR INFORMATION ONLY

BLACKTOWN CITY COUNCIL ATS RESTIFA & PARTNERS PTY LTD

LEC PROCEEDINGS 2020/00341094 & 2020/00341091

RESPONDENT'S WITHOUT PREJUDICE COMMENTS

SPP-20-00001

Contention 1(a) – Statement

Contention 1(b) - Statement

Contention 1(c) – Resolved subject to conditions

Contention 1(d) – Resolved subject to conditions

Contention 1(e) – Resolved subject to conditions

Contention 1(f) – Pressed. Council's position remains that the public realm (footpath within the verge) is to be designed as a consistent gradient for the full length of the development. The design on Drawing DA-3-105 Revision C results in an undulating footpath with gradients as steep as 1:10 (twice as steep as the recommended 1:20).

SEPP Seniors provide safe paths steeper than 1:20:

- 1:12 for maximum 15m
- 1:10 for maximum 5m
- 1:8 for maximum 1.5m.

We supports the above grades with appropriate landing intervals as it provides a safer pathway than one continuous grade.

This is enforced in NSW and is appropriate for external pathways for seniors and people with a disability.

There are further increased safety risks that arise from the introduction of varying width and length transition zones and ramped areas. All levels changes and transitions to enable access to the retail tenancies is to be accommodated within the subject site and not within the public domain.

The Australian human rights and freedoms commissioner has stated that the current streetscapes – <https://humanrights.gov.au/our-work/disability-rights/frequently-asked-questions-access-premises#footpath>

As the AHRC draws on the advice of AS 1428. A 1:20 grade hence should provide landing at every 15m intervals, and a 1:17 grade requires landing at every 12m intervals. A one continuous 1:17 length presents a greater safety risk for people with disabilities and older people than varying lengths with landing zones, which is permitted/required under AS 1428 and SEPP Seniors as stated above.

The advisory note provides:

“the Premises Standards only apply to buildings covered by the various building classifications found in the Building Code of Australia. Public footpaths do not have a building classification, so while they covered by the definition of ‘premises’ they are not subject to the Premises Standards, but remain subject to the general non-discrimination provisions of the DDA.

This means that there is no mandatory minimum technical compliance standard under the DDA that can be referred to in relation to footpaths”

Further, *“While a footpath necessarily follows the natural topography of the area, in the best possible circumstances a continuous accessible path of travel along a footpath should:*

Have a gradient of no steeper than 1 in 20

Have a cross fall of no steeper than 1 in 40”

As the new Main Street will have a gradient of approximately 1:25 to the centreline, it can be assumed that the footpath within the verge can achieve a consistent gradient of 1:20, if not 1:25. This would require modest modifications to the floor levels within the retail tenancies and adjustments to the doorways to provide accessible gradient transitions within the subject site.

1:17 crossfall is not ideal for safe transitioning. A level landing will provide accessible and safe transition and we support this .

Contention 1(g) – Resolved subject to conditions

Contention 1(h) – Resolved subject to conditions

Contention 1(i) – Pressed. Reserves 1073 and 1074, while not zoned RE1, are listed for acquisition as future public recreation areas and have been included in CP22 Rouse Hill for acquisition and embellishment.

Whilst Council's preference is for those areas to remain as residue lots without any embellishment, the temporary cul-de-sac at the end of Main Street and town square proposals have been included for the interim period until the adjoining street and Town Squares are completed by others.

Council's position is that any embellishment carried out by the Applicant will be at the Applicant's own cost and will be temporary in nature until such time that Council proceeds with the acquisition. Council will not be accepting any works- in-kind and will not be accepting any section 7.11 credits for works undertaken by the Applicant in the future public recreation areas.

We are awaiting further comments from Council's Landscape and Open Space Infrastructure divisions to confirm whether the Interim Plan is acceptable to Council.

Contention 1(j) – Pressed. Refer to comments for Contention 1(i) above.

Contention 1(k) – Resolved subject to conditions.

Contention 1(l) – Pressed. Refer to comments for Contention 1(f) above.

Contention 1(m) – Pressed. Council does not agree that the number of parking spaces is consistent with the approved Concept Plans. Council does not support the additional parking spaces and insufficient information has been provided by the Applicant to justify why the increase in the number of parking spaces should be supported.

For instance, the approved Concept Plan for Stage 3 provides for 283 residential parking spaces and 287 commercial spaces.

However, the Applicant is proposing 301 residential parking spaces and 310 commercial parking spaces. The excess in the number of parking spaces is not supported.

Council also relies on the response from TfNSW dated 29 June 2020.

Contention 1(n) – Resolved subject to conditions

Contention 1(o) - Resolved subject to conditions

Contention 1(p) - Resolved subject to conditions

Contention 1(q) - Resolved subject to conditions

