

Disability Care and Support Inquiry
Productivity Commission
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Thank you for the opportunity to make a submission to this very important inquiry.

My goal is to age *disgracefully*, to live independently in a diverse community and to continue to be able to actively contribute. I expect to have to work for a long time – I can't conceive of a time when I will not be working. I purchased my current home with a longer term view, a place which will be suitable for me as I age. It is in close walking distance to services, shops and public transport and was intended to maximise and extend my opportunity to live independently.

But what threatens my plans more than anything else is the creation of inaccessible and unsafe infrastructure necessary for me to be able to live independently in my community as I intend. This is as a result of poor processes, meaningless rhetoric and lack of prioritisation of the needs of people with a disability during planning of infrastructure.

It is difficult to discern whether it is incompetence or a callous disregard by architects, planners and engineers to properly develop community infrastructure which meets the needs of people with a disability and their carers. But it appears there are also major gaps in planning and compliance processes which need to be addressed in order to maximise opportunities for people with disabilities to enable them to remain active members in their communities.

Organisations responsible for basic services can easily make expedient statements about disability and pedestrian access issues whilst they actually prioritise traffic ahead of pedestrian safety, access and amenity. There do not appear to be any serious review mechanisms to assess the practical outcomes of their processes.

These are harsh words but I have a very current example which illustrates the problem and the impact on many aged, infirm and disabled people and their carers. In this case the combined action by Ryde City Council, the Roads and Traffic Authority and the Beville Group has constructed a physical barrier in the middle of our community which is blocking hundreds of people from being able to get to basic services, public transport and community infrastructure in a major urban city centre in Sydney. Since December 2009 people cannot safely and reliably access services when the lifts on a new pedestrian bridge fail, which they do regularly.

Despite the many complaints and appeals to various responsible bodies the three responsible parties blame each other for the situation and refuse to reopen the crossing. I am now using the NSW Anti Discrimination Board complaint processes to try to have the situation addressed but it is a drawn-out process. I will have to represent myself against all three bodies' lawyers as I can't afford legal representation. This is a daunting prospect needless to say. Meanwhile, several times a week people are still being caught in the lifts or can't get across the road!!

A case study - to illustrate the problem ...

A traffic light controlled pedestrian crossing across Devlin Street was removed at the request of the RTA and Ryde Council engineering staff. All pedestrian movements are

now redirected via a 39 metre high pedestrian bridge into the top floor of a shopping centre (still under construction) at Top Ryde City.

Access to the bridge platform is either by a small lift at each end, which regularly fail (often trapping people) or by climbing over 60 steep steps. When the lifts don't work, people can't get to buses, services, their doctors, or any other community service located on the other side of Devlin Street. If you can't get up or down the steps you can't continue with your business or you can't get home. At night, the bridge has often been in darkness. The stairs on one side are enclosed and people are concerned about safety. Gangs are starting to hang around the stairwell and in the lift, intimidating people.

The bridge is designed to maximise advertising revenue and to funnel all pedestrians through the shopping centre top floor. Many pedestrians have no choice but to chance crossing where the pedestrian crossing used to be - with the obvious risks.

This situation has been going on since December 2009. Hundreds have complained to Beville Group, Ryde Council staff and Councillors, the Roads and Traffic Authority and the relevant Ministers. And we have all experienced the blame game shuffle.

The obvious solution is to reopen the crossing and let people regain their lives. But the RTA and Ryde Council are refusing. They claim unacceptable traffic problems - but don't quantify this. They claim unspecified safety risks - but are forcing pedestrians to access the bridge via much more dangerous 6 and 7 lane intersections. They indicate that the "integrated traffic solution" is to complete a second pedestrian bridge which can be used when the lifts in the first one have failed – all a pedestrian needs to be able to do is further divert their journey by an additional half a kilometre!

All three organisations have made expedient statements about disability and pedestrian access issues whilst traffic movements around the centre are prioritised ahead of pedestrian safety, access and amenity. The negative impacts of their poor decisions affects the most vulnerable – the frail and disabled pedestrian and their carers in particular.

So how did this non-functional pedestrian bridge get built and why was the only pedestrian crossing removed?

It took an incredible effort on my part to unearth the process – and it wasn't with the ready cooperation of the various officers.

The Top Ryde City development plans were displayed for public consultation. They included the local traffic arrangements which included pedestrian bridges and the retention of the traffic light controlled pedestrian crossing across Devlin Street. The planning and assessment processes were misleading about the nature of the bridges, their reliable access via lifts and the continuation of the pedestrian crossing (which I am requesting is reinstated). Architectus' *Top Ryde Shopping Centre Independent Environmental Assessment Report* April 2007 dismissed or misunderstood the issues raised in the community submissions related to Access and Disability issues.

Ryde Council then commissioned another study to review traffic arrangements and included the option to close the road crossing. Without undertaking any studies of pedestrian patterns or community consultation, the consultant's report then recommended removal of the crossing. This report then went to the RTA's "Sydney Regional Development Advisory Committee" which involves the RTA, Ryde Council and the STA. This committee then set, as a condition, the removal of the crossing and installation of roadside fencing. This is despite the RTA's guidelines which raise safety cautions about these measures and other guidelines requiring detailed Pedestrian Access Management Plans which involve pedestrian movement studies and public consultation.

The crossing was closed in December 2009. There are weekly lift failures with extended delays for repair. People are still getting caught inside them. Beville Group have organised for major replacements of the lifts' electrical and mechanical parts but the problems persist. When the anger dies down, their responsiveness is likely to decline and, as the infrastructure ages, problems will increase further.

Who can the community appeal to?

There seems to be no avenue of appeal, to have this major dislocation to our lives addressed quickly – or possibly at all.

The affluent can avoid the structure and work around it using cars and taxis. Those with limited options face significant dislocation from their community services and resources.

- Complaints are fobbed off. Local Councillors were approached and eventually a unanimous resolution at a full Council Meeting required officers to work with the RTA to reopen the crossing. But the spirit of this decision was not acted upon. After the hundreds of distressing stories from people with disabilities, the aged, the carers of those with disabilities, parents with young children, appeals by local medical staff and so on, Mr Neish, the General Manager of Ryde Council has summarised, in writing, his understanding of the situation as *"lifts for the pedestrian bridges have failed on occasion thereby not allowing convenient access across Devlin Street."* Mr Neish knows that it is a much greater problem than convenience – the excessively high, poorly designed pedestrian bridge with the unreliable lifts is a **barrier** for many to access their community infrastructure and essential services.

This attitude permeates the rest of the Council staff. It is my hypothesis that the engineering, traffic, and planning personnel in key decision making or advisory roles in the RTA and Council do not comprehend the access issues posed by the structures that they have created. I can only assume that they all are provided cars and convenient parking spaces at their places of work.

- We have written to the various responsible Ministers but the same short response from their bureaucrats comes back – they have no current plans to review the situation or reopen the crossing.
- To illustrate the problems of empty rhetoric when it comes to providing effect services for people with a disability, Ryde Council reported in its last Annual Report that it had completed a *Disability Action Plan for 2009-2013*. Ryde Council also listed this plan in the *Management Plan 2009-2013* which it recently consulted with the community. However this plan does not exist nor do they have plans to prepare one. Changes in the disability planning and compliance frameworks now means that Councils are not required to have Disability Action Plans. Councils can meet the irrelevant requirements with platitudes about valuing diversity and promoting access.
- Our local Member of Parliament has taken the issue up on our behalf, but as he is not in government, he gets the same short responses as we have. He is now writing, on our behalf, to:
 - the NSW Parliamentary Staysafe Committee to review the minimum standards necessary for pedestrian bridges since this is an increasing trend by road planners
 - responsible Ministers to clarify Local Government's requirements for disability action planning, to establish minimum requirements and elements to be covered in their plans and compliance monitoring processes.
- The RTA does not have any standards for pedestrian bridges or pedestrian safety strategies. Its focus is to maximise vehicular movement – and removing pedestrians

from the pavement surface is the preferred method deployed now by planning officers and engineers. Pedestrians are confronted with pathways shared with commuter cyclists travelling at speed and inadequate "safety measures".

There is a trend to divert pedestrians over bridges with a reduced pavement footprint enabled by the incorporation of small lifts and the removal of ramps. But these lifts are failing. Items in local newspapers indicate increased frustration across suburbs where ramps have been removed and replaced by unreliable lifts.

- Ryde City Council officers seem only to be interested in distancing the Council from the problems via complex leasing arrangements which forces the management of the assets back to the shopping centre.
- The shopping centre is focussed on security issues directly inside the shopping centre and maximising the advertising potential via the structure. Car park access and internal pedestrian movements is the priority in their planning.
- I am pursuing a complaint of indirect discrimination via the Anti Discrimination Board to seek the reinstatement of the crossing. It is a drawn out process. I will have to represent myself against all three bodies' lawyers and it will be an intimidating process.

For the future

Complaints monitoring, customer responsiveness, risk assessment, planning, development and approval processes are deficient in relation to pedestrian access especially related to meeting the needs of the elderly, the infirm and those with a disability and their carers. Managers and staff at all levels of government require mandatory awareness training in pedestrian and disability access issues.

Design, consultation, planning and implementation processes need to be reassessed to ensure this situation is not repeated elsewhere. The risk assessment processes are seriously flawed. Future developments which incorporate public spaces should include ramps so the public can have reliable and safe access. All squeeze points should be well lit and with clear visibility for threats.

New facilities should not create such physical barriers which block access to other community facilities and services for those with disabilities. I should not have my access compromised because I physically cannot climb 60 steps because my mobility access issues are not prioritised in the planning processes.

I would be happy to attend a meeting of the Committee to present a more detailed perspective if required.

Yours sincerely

Denise Pendleton