



# Application for Temporary Exemption – Birchgrove Wharf

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# 1 Birchgrove Wharf

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## 1.1 Preamble

Transport for NSW (TfNSW) is committed to providing accessible travel to all customers using public transport in NSW. As part of this commitment TfNSW is progressively upgrading ferry wharves across Sydney to improve accessibility for customers. The new wharves are being delivered by Roads and Maritime Services as part of the NSW Government's Transport Access Program (TAP), investing \$890 million over four years until 2018/19. The TAP is an initiative to provide a better experience for public transport customers by delivering accessible, modern, secure and integrated transport infrastructure.

The current TAP aims to provide:

- Wharves that are accessible to people with disabilities, ageing and parents with prams
- Modern buildings and facilities for all modes that meet the needs of a growing population
- Modern interchanges that support an integrated network
- Safety improvements
- Signage improvements.

## 1.2 Reasons the Temporary Exemption is Required

TfNSW is seeking a temporary exemption pursuant to section 55(1) of the Disability Discrimination Act 1992 (Cth) ('DDA') and section 33A.1 of the Disability Standards for Accessible Public Transport 2002 (Cth).

Specifically, TfNSW is seeking a temporary exemption from compliance with Section 2.1 Unhindered Passage and Section 2.2 Continuous Accessibility of the DSAPT for the access path connecting the landside from Louisa Road entrance to the Birchgrove Wharf landside shelter.

An exemption from complying with Sections 2.1 and 2.2 is sought for the following reasons:

- Birchgrove Wharf is situated at the end of Louisa Road and there is a significant level change from road level to water level with a steep gradient involved. Current access to the wharf is provided via stairs owned and maintained by Inner West Council.
- Council do not support the upgrade of the current pathway to an accessible path with the inclusion of a lift or long ramped sections due to the perceived visual impact on Yurulbin Park and the local vicinity
- Visual impact of providing an accessible path through Yurulbin Park, listed on the council heritage register
- Limited existing patronage at Birchgrove wharf.

Birchgrove wharf is located 1700 meters from Balmain wharf, the nearest accessible wharf in the Sydney Ferries network. Balmain wharf also has dedicated accessible car parking facilities.

TfNSW does not own the land subject to this application. Accordingly TfNSW can't undertake any works on the land without agreement from IWC which has not been granted. TfNSW will proceed with the accessibility upgrade of the wharf and gangway components under its ownership.

A temporary exemption is being sought for the maximum period of five years for the landside components of Birchgrove Wharf to allow for further negotiations between TfNSW and the IWC in addition to exploring options that may be available to provide equitable access that do not have the same visual impact as a lift structure and long ramped sections.

### **1.3 Application for Temporary Exemption**

TfNSW has committed to upgrade the existing wharf and gangway at Birchgrove as far as land ownership allows in order to comply with Disability Standards for Accessible Public Transport (DSAPT) requirements. Construction to upgrade the existing Birchgrove Wharf and gangway is expected to commence in late October 2017.

Birchgrove Wharf does not have any direct connections to other public transport modes, accessible car parking facilities nor any formalised pick up/drop off areas. Opal patronage for Birchgrove Wharf in FY16/17 was approximately 65 customers per day.

A grade change of approximately seven meters is required from Louisa Road to the existing entrance to Birchgrove Wharf which is currently accessible by non-compliant stairs. These components are all owned and maintained by Inner West Council (IWC).

Attachment A contains images detailing the existing land ownership, wharf access and the surrounding environment.

### **1.4 Consultation**

As part of the TAP, TfNSW has undertaken the following consultation with councils, the local community and disability user groups:

- Meeting 1: Leichardt Council (now amalgamated to Inner West Council) – 24 April 2015
- Community Information Session – 7 May 2015
- Community Information Session for feedback on Concept Design - 14 March 2017
- TfNSW Accessible Transport Advisory Committee (comprising of representatives from peak disability groups across NSW) – 29 March 2017
- Meeting 2: Inner West Council – 27 June 2017
- Review of Environmental Factors public display for community feedback and comment – 21 August 2017 to 11 September 2017.

In previous meetings and correspondence IWC have suggested that TfNSW investigates inclinator or chair lift technology to provide a solution that has lesser visual impact than a lift structure or long ramped sections. TfNSW has investigated and rejected the inclinator option on the basis that this:

- does not comply with requirements under Section 13 of the DSAPT as no products meet the Australian Standards requirements prescribed in AS1735.12 (1999)
- poses concerns over reliability of this device located near marine outdoor environments
- poses concerns over safety and security by having the inclinator in an isolated area and the increased risk to vandalism and misuse of this facility in such an area
- requires non-independent operation of the inclinator meaning that it is not providing equitable, unassisted access for people with disabilities.

The current landside components including the path and stair entry from Louisa Road to the wharf are located on Inner West Council land. TfNSW has endeavoured in negotiating with IWC on an appropriate outcome for the landside components that would satisfy the requirements under the DSAPT, however these options were not supported by IWC.

# Attachment A

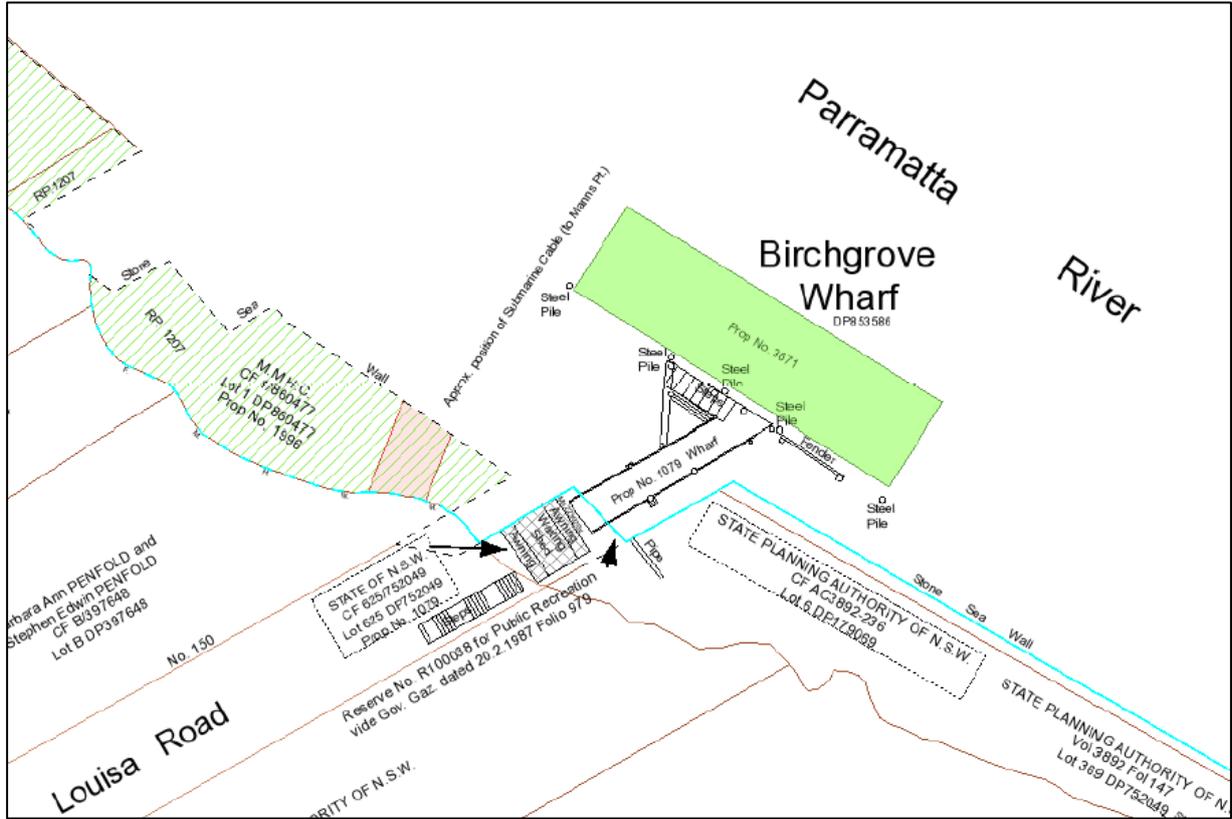


Image 1: Land ownership extract for Birchgrove Wharf. The blue line indicates the separation between the landside components and the wharf.



Image 2: Current stair access from Louisa Road to Birchgrove Wharf highlighting the steep gradient change required from road level to water level.



Image 4: Yurulbin Park entrance from road level – Yurulbin Park is listed on the council heritage register.

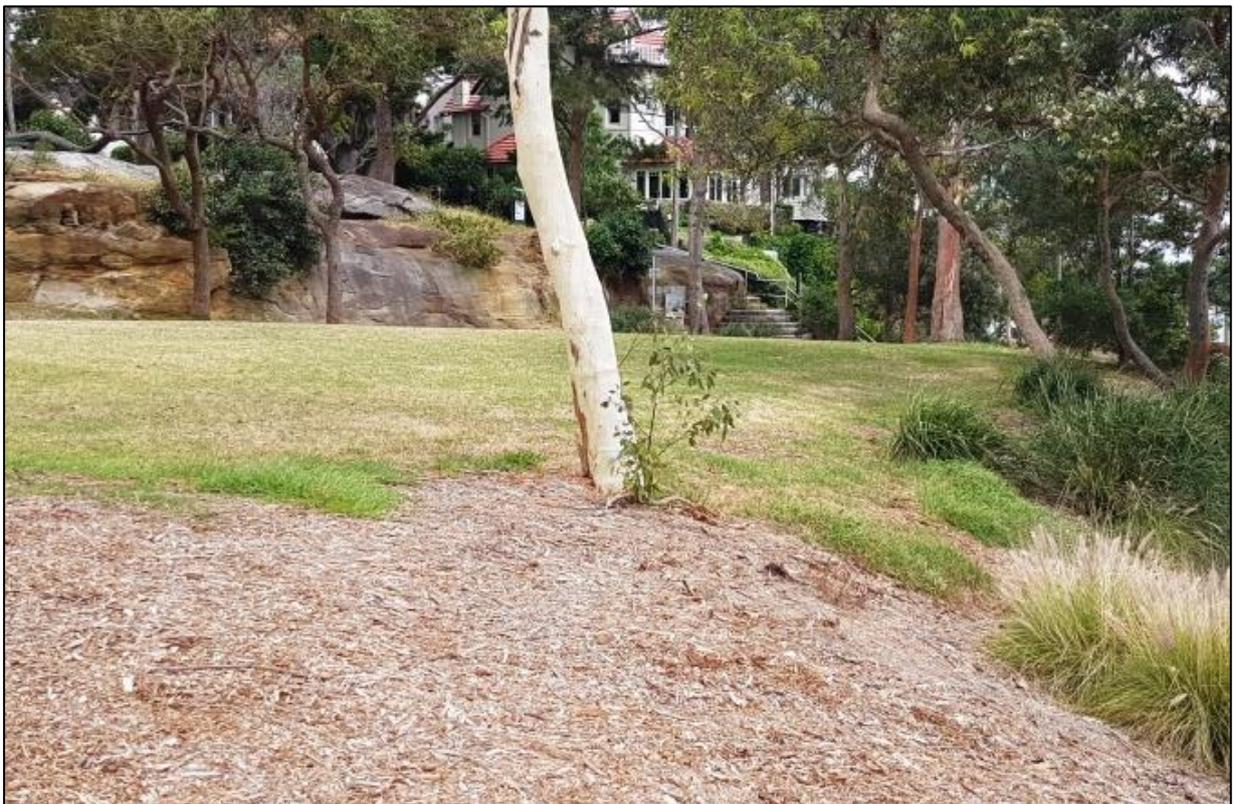


Image 5: Yurulbin Park highlighting the gradient change required from road level to water level – Yurulbin Park is listed on the council heritage register.