



Mr Graeme Edgerton  
Deputy Director  
Legal Section  
Australian Human Rights Commission  
Level 3, 175 Pitt Street  
SYDNEY NSW 2000  
[REDACTED]

Dear Mr Edgerton

I refer to your letter dated 20 November 2017 in relation to Transport for NSW's application for a temporary exemption from compliance with Section 2.1 Unhindered Passage and Section 2.2 Continuous Accessibility under the *Disability Standards for Accessible Public Transport 2002 (Cth)* (Transport Standards) for the land side components of Birchgrove ferry wharf.

In response for your request for documents please see the table in Attachment A and enclosed documents as described in the table.

Responses to the questions posed in your letter are set out in Attachment B - Responses to AHRC Questions.

Transport for NSW understands that this information may be published and publicly available as part of the application process.

I trust this information and documentation provides the Commission with sufficient evidence to further the application.

If you have any further questions, Ms Peta Margrie, Manager Ageing and Disability Policy, would be pleased to take your call on [REDACTED] or alternatively please email [REDACTED].

Yours sincerely

**Clare Gardiner-Barnes**  
Deputy Secretary Freight Strategy and Planning  
Encl.

14 December 2017

## Attachment A – Enclosed Documents

Transport for NSW has enclosed the following documents outlined in the table below in relation to public consultation events, Accessible Transport Advisory Committee forum and meetings held with Inner West Council (IWC) formerly Leichardt Council.

Individual feedback submissions from community consultations and public displays have been omitted for protection of personal information however the subject and nature of the feedback items have been incorporated into the relevant reports.

1 - 201504 IWC Meeting 1
201504 - Leichhardt Council Minutes - Meeting 1 Initial Birchgrove Wharf Concept Design Drawings – Landside Components
2 - 201505 Community Consultation Session
201505 - Community Information Session Poster 201505 - Community Information Session Feedback
3 - 201703 ATAC
201703 - ATAC Presentation - Wharves 201703 - ATAC Meeting Minutes (Extract)
4 - 201703 IWC Meeting 2
201703 - Birchgrove Wharf Inner West Council Minutes - Meeting 2
5 - 201703 Community Consultation
201703 - Community Information Session Poster 201703 - Community Information Session Feedback on Concept Design
6 - 201703 IWC Meeting 3
201704 - Birchgrove Wharf Upgrade Submission - IWC to TfNSW 201707 - Birchgrove Wharf Upgrade Submission Response - TfNSW to IWC 201705 - Birchgrove Wharf Upgrade Presentation - IWC Meeting 3
7 - 201706 IWC Meeting 4
201706 - Birchgrove Wharf Minutes IWC - Meeting 4 Initial Birchgrove Wharf Concept Design Drawings – Landside Components
8 - 201709 Review of Environmental Factors Submissions Report
201709 - Birchgrove Wharf Upgrade Submissions Report

## **Attachment B – Responses to AHRC Questions**

***What steps does TfNSW intend to take as part of the proposed further negotiations with IWC?***

***At this stage, what other options does TfNSW consider may be available that have not already been canvassed with IWC?***

***Why does TfNSW consider that it is necessary for an exemption to be granted for a period of 5 years in order for these negotiations to take place?***

Transport for NSW believes that the exemption period for five years is required for the following reasons:

- Negotiations with IWC have been ongoing since 2015 and as yet we have been unable to reach agreement on an optimal solution that meets the requirements under the Transport Standards.
- During previous negotiations Transport for NSW has presented multiple options, including a lift to IWC which were not supported.
- IWC have recently undergone council amalgamations and council elections whereby these changes may allow for new negotiations to take place to reach agreement on a solution.
- There is the potential opportunity to partner with IWC with their planned works for upgrading Yurulbin Park – however this will be dependent on negotiations.
- This time will also allow for further investigation of any new technologies that have been developed and worldwide best practice that may apply to meet the requirements under the Transport Standards.
- Due to the complexity in the land topography and the marine environment it may take a considerable period of time to find and develop an optimal solution.
- The planning and delivery of infrastructure projects is a lengthy process.

Transport for NSW believes a critical fact for consideration of the application is that landside components are owned by Inner West Council. Transport for NSW cannot do any works on this land without land owner consent. Without agreement from IWC on a solution, Transport for NSW cannot achieve accessibility outcomes that meet the compliance requirements with the Transport Standards for customers utilising the service at Birchgrove Wharf.

Transport for NSW is currently undertaking construction works to the water side components making them compliant to the Transport Standards. Transport for NSW will continue discussions and ongoing negotiations with council and endeavour to reach an agreement or solution that meets the needs of people with disability; complies with the Transport Standards; offers a safe and reliable means of access; and has a minimal visual and environmental impact to the area.

### ***Interested parties***

Transport for NSW believes the following groups would be considered as interested parties for this submission:

- Inner West Council (IWC)
- Residents of the Birchgrove area
- Ferry customers