

**Submission  
No 59**

## **INQUIRY INTO PUBLIC TOILETS**

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DRAFT SUBMISSION

# INQUIRY INTO PUBLIC TOILETS

2 December 2024







Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

# OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs **55,000 people**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



Local government in NSW looks after more than **\$177 billion** of community assets



NSW councils manage an estimated **4 million tonnes of waste** each year



Local government in NSW spends more than **\$2.2 billion** each year on caring for the environment



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**



NSW has more than **350 council-run libraries** that attract tens of millions of visits each year



NSW has more than **400 public swimming and ocean pools**

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# Opening

Local Government NSW (LGNSW) welcomes the opportunity to respond to the Portfolio Committee No. 8 – Customer Service inquiry into public toilets. LGNSW is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

This submission is made in draft form, pending approval of the LGNSW Board. The Committee is asked to consider this current version. If there are any changes following Board endorsement these will be separately provided to the Committee.

Providing safe, accessible and inclusive public toilets is critical for community wellbeing, economic development, social cohesion and the environment. Public toilet infrastructure is provided by:

- local governments on council managed public land
- publicly accessible toilets on private premises such as shopping centres, service stations and food outlets.
- NSW agencies on sites managed by them such as transport hubs.

Together this provides a network of publicly accessible toilets.

Councils develop public toilet strategies to improve liveability and quality of life for residents and visitors. Councils also play a role as development consent authorities to ensure the provision of accessible public toilets on private premises.

## LGNSW Position

LGNSW's Policy Platform is based on fundamental principles that local government is committed to:

- Equity - fair distribution of resources
- Rights - equality for all people
- Access - to services essential to quality of life
- Participation - of all people in their community
- Health and safety - for all in the community.

A list of relevant conference resolutions from the LGNSW Annual Conference can be found on Appendix 1.

# Response

## Provision, design, accessibility and inclusivity of public toilets

A lack of public toilets is most acutely felt by groups with specific needs - older people, people living with disabilities or health problems, and families with young children. For these groups, a lack of convenient and accessible toilets may impact negatively on their quality of life, mobility, or dignity by restricting freedom of travel or ability to participate in the community.

The design of public toilets has evolved over time in line with new evidence, the changing expectations of the community, and the National Construction Code (NCC) and other regulatory requirements. While modern toilet facilities might be more accessible and inclusive, local governments own older assets that are non-compliant with current standards and community expectations. Councils have reported facilities built 60 years ago are still in use.

Resource constrained local governments are cognisant that many public toilet facilities need upgrading or replacing to meet current expectations. However, councils will prioritise works based on available resources and community needs. Ongoing asset management is a challenge for many councils, including the provision and upkeep of public toilets. This is most challenging when councils are servicing a large area (typically in the regions) and balancing provision and service levels around high visitor numbers over a relatively short peak holiday periods.

Councils may adopt the following principles in developing public toilet strategies:

- Availability and distribution
- Accessible, inclusive and suitable for needs
- Safety of users and those maintaining
- Appearance, sustainability and asset management
- Ease and efficiency of maintenance
- Providing useful and available information to the community.

Public toilet configuration options available are diverse and can consist of:

- Male and female toilets
- Male and female ambulant toilets
- Parents' rooms (with a range of configurations including the provision of a toddler toilet, possible adult (regular toilet), handbasins, baby change facilities and breastfeeding facilities.
- Unisex accessible toilets
- Adult accessible lift and change facilities or changing places toilets.

## Safety

There is a range of actual and perceived safety risks to person and property that may be encountered at public toilets, including anti-social behaviour, drug abuse and physical safety from poor lighting, wet surfaces and the like. There have also been instances of serious offences committed in public toilets to members of the public, including children.

Site selection for public toilet facilities and serviceability design considerations have focussed on Crime Prevention Through Environmental Design (CPTED) which can reduce crime and improve public perception of personal safety.

To improve safety, councils build public toilets in line with CPTED. Some councils have demolished existing public toilet facilities rather than upgrading them to adopt a CPTED approach. However, while building to best practice is best for communities and assists in removing barriers to participation in civic life, it is costly for councils – who are already working within a fiscally constrained environment.

In some instances, councils lock public toilets outside of business or daylight areas to limit anti-social or unsafe behaviour. While this is relatively effective as a crime prevention strategy, it may limit people's participation in civic life, impose an unnecessary burden on people and increase public urination.

Public toilet facilities are sometimes used by people to inject both legal and illegal drugs. To minimise the risk of harm to the community and employees, councils may install sharps disposal bins in high use public toilets or areas where there is a known problem with safe sharps disposal. Providing sharps collection facilities places additional infrastructure and maintenance costs onto councils.

Public toilets can also be used to raise awareness and share messaging through signs and posters displayed discreetly on the back of toilet doors promoting community services contact details or promoting campaigns around domestic violence, sexual assault and mental health. This is an effective way to reach women and girls in particular who may have limited access to support services.

### Councils' role in community safety

Councils have a role in creating safe public spaces and implementing crime prevention strategies for their communities. Councils develop Community Safety Plans that identify the key issues for their local community and includes strategies and actions to address them. These Plans are the avenue for councils to ask their local community of specific facilities or spaces they feel unsafe, and what strategies can be implemented to increase feelings of safety.

Councils also coordinate Local Safety Advisory Committees to identify and monitor any emerging local community safety issues. Representatives include local police, community organisations and other key stakeholders.



LGNSW regularly delivers the Safer Towns and Cities (CPTED) course to the NSW local government sector, with a module specifically dedicated to CPTED and public toilets. Course participants include community safety officers, planners, as well as contractors working with councils including architects and horticulturists. Councils also directly access this program for their staff and other key stakeholders in their community.

### **Accessibility**

New facilities in public buildings and those going through significant refurbishment must comply with Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards). There are relevant Australian Standards including AS1428.1 which sets out some of the minimum cubicle measurements for disabled and ambulant cubicles. This has increased the availability of accessible and ambulant toilets. Provision of adult change facilities is not yet as widespread.

Accessible adult changing facilities promote inclusive tourism and community wellbeing as more people are enabled to participate and engage in their community, as well as in locations further afield.

LGNSW, in partnership with the NSW Government, conducted a trial with councils to identify where Lift and Change facilities could be installed in local communities. Lift and Change facilities are larger than a standard accessible facility, have extra features such as adult-sized change tables and hoists and more space to meet the needs of people with disability and their carers. The trial demonstrated Lift and Change facilities are of value in varying locations, including at swimming centres, near beaches and in tourist information centres.

The development of age-friendly communities is a growing need and a goal of all councils but is limited by the level of resources available for planning and delivery.

**Recommendation 1:** That the NSW Government allocate \$2 million for a council grant program to expand the Lift and Change adult changing facilities program.

The Master Locksmith Access Key (MLAK) system has been adopted by councils to secure facilities after hours but still provide 24-hour access to facilities for people with a disability. This alleviates the difficulty faced by people with a disability in finding an accessible toilet after hours. However, this places further barriers for people in accessing these important facilities, as facility providers need to balance the accessibility of facilities with keeping them secure for people who need it, and alleviating vandalism.



## Inclusion

The move towards gender neutral facilities is a further step forward in recognising the diverse and changing needs of our community. The National Construction Code which provides the requirements for bathrooms, uses binary language which is typically transferred to information and signage for those facilities.

**Recommendation 2:** That the NSW Government advocate through the Building Ministers Meeting for the National Construction Code to:

- adopt more inclusive language to meet the needs of gender diverse people.
- include gender neutral toilets, however, not at the exclusion of female and male facilities to allow for flexibility in planning, design and delivery.

Cubicle configuration and the provision of gender assigned toilets should be decided by councils in consultation with their community. People of all genders, people with disability or health conditions, and people of varied faiths and religions may have different needs when it comes to sanitary facilities or toilets.

Particularly at sports grounds and playing fields, change rooms and toilets should have flexibility to allow for men's and women's sports to be played. The NSW Government's [Level the Playing Field Program](#) has made a positive contribution to this effort, with funding available for projects that ensure women and girls have equitable access to sport and recreation facilities, and increase utilisation of sport and recreation facilities by women, girls, people with disability, First Nations peoples, LGBTQIA+ people and people from culturally and linguistically diverse communities.

## Information

Local governments provide the location, configuration, opening hours and features for the National Toilet Map. This is also the vehicle with which councils provide information on the availability of public toilets to their communities.

Some councils are incorporating contemporary wayfinding approaches to ensure that signage is clear and legible. There is increasing uptake of more inclusive signage which indicates the facilities available as opposed to gender specified signage.

In some communities, there is a focus on providing clearer signage for people from a non-English speaking background, people who are not neurotypical and people with a cognitive impairment.

**Recommendation 3:** That the NSW Government advocate for the Australian Building Code Board to further engage with community groups, local government and government agencies to provide specific guidance on signage and information.

### **Best practice for the provision and maintenance of public toilets**

Public toilets come at a cost to build and are also service and maintenance intensive facilities that represent significant capital investment and ongoing operating expenses. Bega Valley Shire Council identified on average it costs about \$13,000 to clean and maintain a typical public toilet building each year. The cost of a new building is largely related to the size of the building and provision of facilities within. Costs can range from \$80K to over \$200K<sup>1</sup>.

Central Coast Council's Public Toilet Strategy<sup>2</sup> estimates between \$280 - \$310K excl. GST for a single accessible unisex cubicle toilet. For a large (5+ cubicles) with adult change facility, ambulant cubicles, plus parents' room is estimated at \$560-620k excl. GST.

Designing to improve the efficiency of cleaning and servicing is important to local government as the cost of operations is higher than the capital required to build over the life of the asset.

**Recommendation 4:** That the NSW Government develop best practice guidelines to reduce design and maintenance costs of public toilets as well as ensure that public toilet facilities are meeting the needs of users.

Both governments and private developers would benefit from best practice guidance that addressed:

- Toilet design and operation that is responsive to the needs of people who menstruate, use sanitary products, breastfeed, have mobility issues, have a disability, are accompanied by carers, and all genders.
- Efficiency of cleaning and maintenance
- Design from a safety perspective

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<sup>1</sup> Bega Valley Shire Council, [Public Toilet Strategy](#), 2020

<sup>2</sup> Central Coast Council, [Public Toilet Strategy](#), 2024

- Consider the relevant principles of universal design
- Standards of service that are location specific e.g. Town centre, parks.
- Toilet provision per population density that is location specific.
- Signage and wording approaches to ensure consistency and clarity, including for people with a visual impairment and those from culturally and linguistically diverse communities.
- Lighting standards, including flexibility based on site and community use and needs.
- Detailed design options for each of the standard toilet models. This will reduce cost and time for design of public toilets, enable consistency and flexibility in design (bearing in mind site constraints) and improve the efficiency of supply.
- Templates for engaging with the community and stakeholders to understand the needs of users.
- When to include the provision of showers and design considerations for these facilities.

## **Regulation and funding of public toilets**

There is no legislative requirement for local governments to provide and maintain public toilets. However, the National Construction Code provides for minimum design and building requirements for public toilets based on the class of building. However, it does not apply to toilets in public spaces such as parks.

The minimum standard may not sufficiently address users' needs. For example, women and girls often find themselves with longer waiting lines as the National Construction Code does not account for the additional time women spend in the toilet due to clothing, carer responsibilities, menstruation etc. Supporting people with mobility issues is also not addressed sufficiently with no requirement to provide at least one ambulant toilet even when only one toilet is provided. Nor to provide a handrail adjacent to a urinal.

The lack of legislation around public toilets also means that there is no government agency responsible for providing guidance or funding. There are multiple stakeholders who seek to influence the design of public toilets and call for regulation and funding to address the needs of those stakeholders better.

Councils have received grant funds in the past and continue to advocate for funding to support vital community infrastructure for public toilets such as for Lift and Change equipment. However, some councils are not participating in these programmes as they cannot support the ongoing maintenance costs or resource the application and reporting process of the grants themselves.

LGNSW has been a long-term advocate for reform of the current funding model for local government in NSW. Most councils are reporting a deterioration in their financial

position and many fear that they are financially unsustainable or approaching unsustainability.

In general terms, councils are currently absorbing \$1.36 billion per year in cost shifting and are unable to raise sufficient revenue due to rate pegging and funding arrangements that are no longer fit for purpose. Increasing community needs and expectations of councils cannot be met within the available funding. Councils may not have access to sufficient funds to upgrade, build or maintain public toilet facilities to best practice standards.

As part of a broader discussion about the financial sustainability of local government, the funding model of local government needs to change so that councils have the ability to provide the right mix of services and infrastructure that meets the needs of local communities. This is detailed further in [LGNSW's submission](#) to the NSW Parliament Standing Committee on State Development's Inquiry into the ability of local governments to fund infrastructure and services.

**Recommendation 5:** That the NSW and Australian Governments reform the funding model for local governments so that councils are better able to meet the needs of their communities.

**Recommendations 6:** That the NSW Government provide funding to improve access and inclusiveness of public toilet facilities.

## Conclusion

There are many benefits to providing access to public toilets including community wellbeing and health, economic development and tourism outcomes. The provision of toilets is essential to allowing participation in activities from exercise to social interactions. It supports the local economy and prevents anti-social behaviour. Good design and management are important to reduce costs to local government, but also provide a quality service for all members of the community.

Much of the local government owned public toilet infrastructure is aging. Councils are strategically working to update or renew public toilet facilities to meet current regulatory standards and community expectations. This is limited by the financial sustainability challenges facing many councils.

The development of a best practice standard for the design, construction and servicing of public toilets could go some way to reduce costs by avoiding duplication of effort. Additional public toilet facilities as well as renewal of existing facilities could be



accelerated through a dedicated funding program to improve availability, accessibility and inclusiveness.

## Summary of Recommendations

**Recommendation 1:** That the NSW Government allocate \$2 million for a council grant program to expand the Lift and Change adult changing facilities program.

**Recommendation 2:** That the NSW Government advocate through the Building Ministers Meeting for the National Construction Code to:

- adopt more inclusive language to meet the needs of gender diverse people.
- include gender neutral toilets, however, not at the exclusion of female and male facilities to allow for flexibility in planning, design and delivery.

**Recommendation 3:** That the NSW Government advocate for the Australian Building Code Board to further engage with community groups, local government and government agencies to provide specific guidance on signage and information.

**Recommendation 4:** That the NSW Government develop of best practice guidelines to reduce design and maintenance costs of public toilets as well as ensure that public toilet facilities are meeting the needs of users.

**Recommendation 5:** That the NSW and Australian Governments reform the funding model for local governments so that councils are better able to meet the needs of their communities.

**Recommendations 6:** That the NSW Government provide funding to improve access and inclusiveness of public toilet facilities.

# Appendix: List of LGNSW Annual Conference motions

## **2023 - Resolution 64 - City of Parramatta Council**

### **Gender neutral toilets and change rooms**

That Local Government NSW supports the design and construction of gender neutral toilet blocks and change rooms at all parks and playing fields in NSW.

## **2020 - Resolution 86 - Wagga Wagga Council**

### **Accessible athletic fields**

That Local Government NSW advocates to State and Federal Governments to improve athletics facilities to increase accessibility and involvement for participants with a disability.

## **2019 - Resolution 32 - Port Stephens Council**

### **Amendments to derelict building regulation**

That Local Government NSW lobbies the NSW Government to increase councils' legislative powers to manage derelict sites.

## **2018 - Resolution 66 - Wagga Wagga Council**

### **Adult lift and change facilities**

That Local Government NSW lobbies the NSW Government to consider providing lift and change facilities at roadside rest stops at regular intervals along the major highways (under Roads and Maritime Services responsibility).