

Response to Proposal for a NSW Design and Place SEPP



April 2021

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Executive Summary

CUDA supports the NSW Government's aim to make the planning system easier for those involved in the planning and development process so that we have places that are healthy, sustainable and prosperous.

We believe the concept of inclusion should be stated specifically as part of this aim so that places are **inclusive**, healthy, sustainable and prosperous. This would lead to a better fit with Australia's obligations under the Sustainable Development Goals¹ and the aim of "leave no-one behind".

The Government Architect's '7 objectives of good design' in the *Better Placed*² policy framework does not mention "universal design" specifically, but the document incorporates much of the universal design philosophy.

All Governments have an obligation to meet the terms of the National Disability Strategy³, and the UN Convention on the Rights of Persons with Disability⁴. Local government authorities are required to report on their Disability Inclusion Action Plan⁵.

Integrating inclusive thinking into the Design and Place SEPP will assist the Government and local councils to meet their obligations under the Disability Inclusion Act (2014)⁶, and the National Disability Strategy.

CUDA supports the approach of performance criteria rather than the prescriptive method. A performance approach fits well with the concepts of universal design as it can encourage creative design thinking to solve design problems.

We note the suggestion of a unified Housing Design Guide in the future. The recent work by the Australian Building Codes Board will no doubt inform this process and we look forward to contributing to this discussion.

While several of our reference documents relate to disability and human rights issues, universal design is about mainstreaming all marginalised groups. Easy to access places are places of belonging, beauty, health, and prosperity that can be shared by all.

Planners are in a unique position to be part of social change if they are supported by inclusive policies and appropriate planning instruments.

¹ United Nations, Sustainable Development Goals and Disability <https://www.addc.org.au/home/disability-development/disability-and-the-sustainable-development-goals/>

² NSW Government Architect, *Better Placed*. <https://www.governmentarchitect.nsw.gov.au/policies/better-placed>

³ Australian Government, National Disability Strategy 2010-2020, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

⁴ United Nations Convention on the Rights of Persons with Disabilities. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

⁵ NSW Government, Disability Inclusion Action Plans. <https://www.facs.nsw.gov.au/inclusion/advisory-councils/disability/inclusion-plans#:~:text=Disability%20Inclusion%20Planning%20is%20about,rights%20of%20people%20with%20disability>

⁶ NSW Government, Disability Inclusion Act 2014. <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2014-041>

About Centre for Universal Design Australia (CUDA)

CUDA is a registered charity with the aim of creating a more inclusive world where everyone is included everywhere, every time regardless of their background, gender, age or level of capability. The concept of universal design is the means by which to achieve inclusive communities.

Universal design is an approach to designing goods, services, built environments and communications technology so that they include as many people as possible without the need for specialised or separate solutions⁷. It goes beyond access codes and covers all marginalised groups by age, gender identity, race and ethnicity, and physical, sensory and cognitive abilities.

To be clear, universal design, is not a special type of design and is not “disability” design. It is design for inclusion, safety, affordability, and resilience. Universal design is not mutually exclusive to any policy setting. Universal design is both a philosophy (inclusion) and design outcomes (buildings, products, etc.).

Universal Design vs Accessibility

‘Access’ and ‘accessibility’ refer to fulfilling a set of prescribed requirements. This can result in ‘accessible’ features being incorporated as afterthoughts. It can also rely on the addition of specialised features to fulfil legislative requirements, such as lifts and ramps.

Universal design separates itself from accessible design by focusing on user-centred design from the earliest stages of a project – not just at the end stage. This can result in the seamless integration of inclusive features that are often invisible and that do not stigmatise users⁸.

Opening Comments

CUDA supports the NSW Government’s aim to make the planning system easier for those involved in the planning and development process so that we have places that are healthy, sustainable and prosperous.

We believe the concept of inclusion should be stated specifically as part of this aim so that places are **inclusive, healthy, sustainable, and prosperous**.

The terms healthy, sustainable, and prosperous might infer inclusion, but without the concept of inclusion being stated specifically, these aims will not be optimised. This is because the concept of inclusion and access for all is not an added extra or separate

⁷Center for Universal Design, (1997) https://projects.ncsu.edu/ncsu/design/cud/about_ud/about_ud.htm

⁸ Victorian Health and Building Authority. Universal Design <https://www.vhba.vic.gov.au/resources/universal-design>

endeavour – it must be embedded in all policies and processes from the outset. This is clear from the Sustainable Development Goals⁹.

Our submission will address the five principles and reference the Government Architect's 7 objectives of good design in the *Better Placed*¹⁰ policy framework. While not mentioning "universal design" specifically, we note that *Better Placed* incorporates much of the universal design philosophy. That is, to design in a way that creates inclusion physically and socially.

All Governments have an obligation to meet the requirements of the National Disability Strategy¹¹. Australia is also a signatory to the Sustainable Development Goals which incorporates key elements of the UN Convention on the Rights of Persons with Disability¹².

At a local level, local government authorities are required to report on their Disability Inclusion Action Plan¹³. Unfortunately, the very existence of this plan tends to separate actions from the mainstream work of councils. Nevertheless, integrating inclusive thinking into the Design and Place SEPP will assist councils to meet their obligations under the Disability Inclusion Act (2014)¹⁴.

CUDA supports the approach of performance criteria rather than a compliance approach. A performance approach fits well with the concepts of universal design as it can encourage creative design thinking to solve design problems.

We also note the suggestion of a unified Housing Design Guide in the future. The recent work by the Australian Building Codes Board will no doubt inform this process and we look forward to contributing to this discussion.

Sustainable Communities for All

Spatial justice is not often discussed in relation to urban planning. Everyone has a right to an equal share of spaces and places. Specialised instruments such as the Access to Premises Standard and other Australian Standards specifically address access needs of some people with disability. They do not, however, create inclusion and are often treated as "design by exception" rather than design for inclusion. The loss of social planning from the discipline becomes apparent at this juncture.

⁹ United Nations, Sustainable Development Goals and Disability <https://www.addc.org.au/home/disability-development/disability-and-the-sustainable-development-goals/>

¹⁰ NSW Government Architect, *Better Placed*. <https://www.governmentarchitect.nsw.gov.au/policies/better-placed>

¹¹ Australian Government, National Disability Strategy 2010-2020, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

¹² Disability and the Sustainable Development Goals. Australian Disability Development Consortium. <https://www.addc.org.au/home/disability-development/disability-and-the-sustainable-development-goals/>

¹³ NSW Government, Disability Inclusion Action Plans. <https://www.facs.nsw.gov.au/inclusion/advisory-councils/disability/inclusion-plans#:~:text=Disability%20Inclusion%20Planning%20is%20about,rights%20of%20people%20with%20disability>

¹⁴ NSW Government, Disability Inclusion Act 2014. <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-2014-041>

Lisa Stafford lists four actions for a more socially sustainable and just environment in her briefing paper which focuses on disability¹⁵. These actions can also be applied to issues of gender diversity, and cultural diversity. Briefly Stafford's four actions are:

Adopt an approach of planning for all: Disability, chronic health conditions and ageing are a natural part of being human. Diversity should be valued and embraced. Current standards and standardisation should be challenged.

Apply spatial justice thinking to planning. Structural social and cultural processes and practices perpetuate exclusion. There is little synthesis of policies across divisions and in translating policy into practice.

Embed universal design and a core planning principle and integrate with smart growth strategies. Universal design thinking has not been embraced by the planning profession and there is little evidence of its application in policy and decision making. At best it is haphazardly applied.

Re- emphasising the social in planning. Social planning is closely linked to liveability. This includes access to services, a sense of safety, health, mobility, air quality and social participation. It is how infrastructure is used.

Planners are in a unique position to be part of social change if they are supported by inclusive policies and appropriate planning instruments.

Principles of the new SEPP

A principle-based system that moves away from prescriptive controls encourages innovative inclusive, universally designed places. A universal design approach affords creative designs that achieve outcomes of wellbeing and belonging and a pride in living in a well-designed neighbourhood at any time of life or individual or familial circumstance.

COVID-19 has highlighted the need for resilient cities with flexible housing that supports working from home, and local amenities when mobility is constrained by lockdowns or reductions in public transport capacity.

CUDA supports the move from a prescriptive approach to design. However, the planning and design sectors must be adequately trained to be less reliant on prescribed codes and checkboxes.

The Five Principles offer a good basic framework from which to set policy and practice. If a universal design approach is taken with each one, the potential for all five principles is optimised.

We therefore suggest the following minor changes to the wording to make clear the concept of places for everyone:

Principle 1: Design places with beauty and character that **ALL** people feel proud to belong to.

¹⁵ Stafford, L. 2020. Planning Inclusively: *Disrupting 'Ableism' to Make Communities Just for All*. Briefing Paper Series, Queensland University of Technology. <https://research.qut.edu.au/centre-for-justice/wp-content/uploads/sites/304/2021/02/Briefing-paper-series-Dec-2020-Issue10.pdf>

Principle 2: Design inviting public spaces to support engagement by all members of the community.

Principle 3: Design productive and connected places to enable everyone to thrive in their community.

Principle 4: Design sustainable and greener places for the wellbeing of everyone and the environment.

Principle 5: Design resilient and diverse places that are socially sustainable for everyone.

Better Placed Objectives of Good Design

The NSW Government Architect defines a well-designed built environment as being healthy, responsive, integrated, equitable, and resilient. In the Foreword to the *Better Placed* policy, the Government Architect says,

“Design offers both a stand-alone and contributing process to planning our future by bringing together creative intelligence, lateral thinking and capturing the collective imagination. Importantly, design is an iterative and inclusive process with much to offer to decision making and planning in government.”

This description captures much of universal design thinking, particularly the iterative and collaborative processes.

The seven objectives of good design are described as design-led and place-based. They are places with beauty and character. Designed from the perspective of inclusion for all, these objectives provide maximum benefit for everyone.

1. Better fit: contextual, local and of its place. People can stay in a familiar neighbourhood if the design supports them.
2. Better performance: sustainable, adaptable and durable. Places and homes are fit for purpose throughout the lifespan.
3. Better for community: inclusive, connected and diverse. The community, in all its diversity, is involved in the iterative processes of planning and co-design.
4. Better for people: safe, comfortable and liveable. Universal design makes places safe, comfortable and liveable.
5. Better working: functional efficient and fit for purpose. This includes people who are currently excluded by design.
6. Better value: creating and adding value. More use by more people creates greater value and has a positive economic outcome for all.
7. Better look and feel: engaging, inviting and attractive. A universal design approach gives a better look and feel to more people. Poor access is excluding, unattractive and unwelcoming.

These seven objectives demonstrate the underpinning philosophy of *Better Placed*. They should also be the underpinning philosophy of the Design and Place SEPP.

Royal Commission into Aged Care

The statistics on disability and long term health conditions are not expected to improve as our population ages. The Report of the Royal Commission into Aged Care¹⁶ confirmed that most people want to age in their own home. Institutional care is considered a last resort. Consequently, the design of all our homes and neighbourhoods need to reflect this in both planning and design. The WHO Age Friendly Cities framework¹⁷ is well established and can be woven into planning policies.

National Disability Insurance Scheme

First, the National Disability Insurance Scheme (NDIS) provides support to a very small proportion of people with disability. It does not support the majority who do their best to manage day to day. It does not of itself create inclusion.

The aim of the NDIS was one of choice and control – something everyone appreciates. This cannot be achieved without the support of business, government and community services. The success of the NDIS rests on the broader community making places, spaces, activities and services accessible, inclusive and welcoming.

Planners have a significant role to play in supporting the aims of the NDIS and the desire to live in the community at any age.

Incidence of disability and long term health conditions

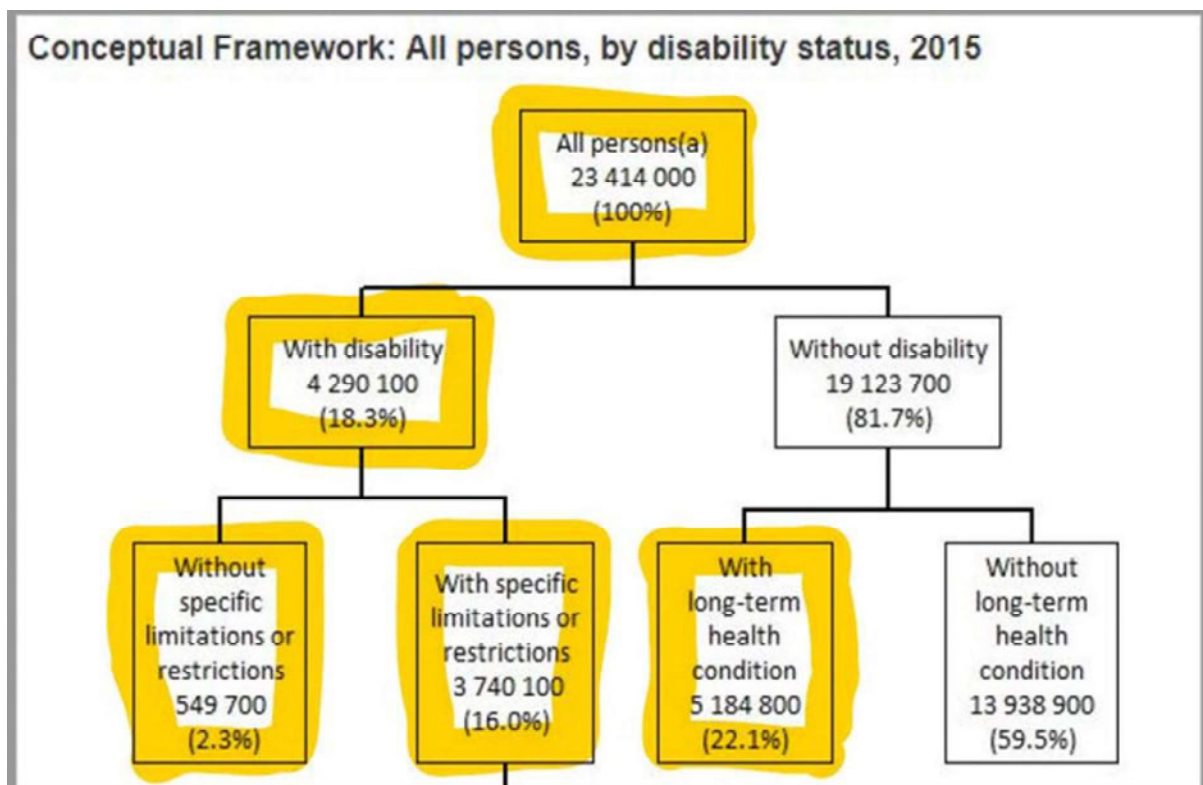
Many believe that people with disability are a very small portion of the population. While policy makers are usually aware of the statistics and that our population is ageing, there is little said about people with long term health conditions. Interestingly, the ABS counts this group separately from people with disability. See chart below.

People with long term health conditions such as arthritis, heart disease, back and knee problems fall into this category. The chart below shows 22.1% of the population has a long term health condition in addition to the 18.3% of people with disability. We should also count the family and friends of these two groups who are also disadvantaged when out and about in the community together.

¹⁶ Royal Commission into Aged Care Quality and Safety, Final Report 2021.

<https://agedcare.royalcommission.gov.au/publications/final-report>

¹⁷ World Health Organization, Age Friendly Cities and Communities. <https://www.who.int/ageing/projects/age-friendly-cities-communities/en/>



Source: Australian Bureau of Statistics, 4430.0 Disability, Ageing and Carers, Australia: Summary of Findings 2015. <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4430.0main+features202015>

Inclusion is for Everyone

While several of our reference documents relate to disability and human rights issues, universal design is about mainstreaming all marginalised groups. Suffice to say, including people with disability of any age does not disadvantage any other member of the community. Easy to access places are places of belonging, beauty, health and prosperity that can be shared by all. Having separate policies for people with disability and/or older people, which is inherent in the current housing policy and Australian Standards, is not inclusion because it is not mainstream.

In terms of prosperity and economics, we should also ensure tourist attractions and destinations are welcoming to all. The inclusive tourism sector relies on public places and spaces being accessible and inclusive, not just the hotel room or the tourist attraction. The inclusive tourism sector is constrained when there is no 'joined up' accessibility.

Concluding Comments

Planners are in a unique position to be part of social change if they are supported by the right policies and planning instruments. With an ageing population and a recognition that people with disability have a right to share in everyday life on the same basis as others, it is time to review planning policies with new eyes – the eyes of our diverse communities.