

# **Inquiry into Children, Young People and the Built Environment**

**A Submission to the NSW Parliamentary Committee on  
Children and Young People**

**by Disability Council of NSW**

*...a child, more than all other gifts...  
Brings hope with it, and forward-looking thoughts.*

William Wordsworth

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## **Introduction**

### ***About Disability Council of NSW***

The Disability Council of NSW was established under the Community Welfare Act 1987 to advise the NSW Government on issues affecting people with disability and their families. It is also the NSW Disability Advisory Body to the Commonwealth Government.

Councillors are appointed by the Governor and are selected on the basis of their experience of disability and their understanding of issues, knowledge of service delivery and government policy. The majority of Councillors are people with disability.

### ***Terminology***

Throughout this text the Disability Council of NSW has been referred to as Council and the Inquiry into Children, Young People and the Built Environment as the Inquiry. The three issues papers produced to inform submissions to the Inquiry have been referred to by number rather than title. All acronyms have been referenced in full when first used.

### ***Our Focus is on children with disability***

We welcome the opportunity to contribute to the deliberations of the parliamentary inquiry into children, young people and the built environment.

As the NSW Government's official advisory body on disability we have directed our focus to comment about the built environment as it affects children with disability. However, Council believes that by addressing those aspects of the built environment we will improve the life of all children (as well as adults).

Issues Paper 1 provides an Introduction to the topic. Issues Paper 2 addresses the development of the Child – Friendly Cities Movement. Issues Paper 3 comments on developments in NSW. It is disappointing to note that none of the discussion papers make any original or substantial comment on the significant difficulties of discrimination and social exclusion experienced by children with disability as they strive for 'normal' engagement with the built environment. A small number of references to access issues or disability are made in other documents cited in the three inquiry papers. Regrettably none of the authors of the inquiry documents consider these issues further.

Children and young people with disability constitute a significant proportion of the population of people with disability generally and of the total population of

children and young people. In NSW, According to the Australian Bureau of Statistics,<sup>1</sup>

- 7% of all children under 15 years have a disability resulting in an activity restriction (related to communication, mobility, self-care, schooling or employment).
- 7.2% of young people between 15 and 24 have a disability resulting in an activity restriction (related to communication, mobility, self-care, schooling or employment).

In early December 2005 the NSW Government led the community in celebration of the United Nations International day of People with a Disability. A key theme of that annual celebration was to develop a broader understanding that people with disability are 'ordinary people, living ordinary lives'. This is no less meaningful an aspiration for children with disability than it is for their peers with no disability or adults.

If we are to develop a build environment in which children with disability can be 'ordinary children living ordinary lives' we must act in favour of inclusive principles. Fundamental to our chances of success will be our willingness and capacity to listen to and act upon what children with disability tell us about their experiences of the built environment. Children view the world differently from adults. We must respect what they have to tell us about the barriers adults may have built for children with disability and resolve to them.

### ***Defining disability***

People with disability are not a homogenous group. They are people of different ages, skills, social, religious and cultural backgrounds.

Many people with disability regard 'disability' as a problem of social exclusion and disability discrimination rather than a personal trait or deficiency. Physical, sensory, intellectual and psychiatric limitations of functional ability are real but the concept known as 'disability' is created for individuals by the political, social, economic and community failures of societies that forget or ignore the fact that as many as one in five people have a disability. Many people understand this point of view as being the difference between a social model of disability as opposed to the medical model.

Children with disability share with their peers the common experience of youth. Additionally, however, they share with adults with disability the experience of living in a society that has been designed to exclude them from full participation. In an analytical world of adults who make decisions without proper regard to social inclusion, children with disability may find themselves with many systemic barriers to overcome.

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<sup>1</sup> 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2003  
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Instead of the traditional approach, which locates the 'problems' of disability with individual people with disability, policy with regard to children with disability and the built environment, should begin with the goal of achieving a universally accessible domain in which we value the participation of children with disability as much as we value anyone's participation. We refer to that as 'universalism'.

Universalism focuses on ensuring that legislation, social policies, the built environment, our communities and assistive technologies (from left-handed scissors to speech-responsive environmental controls) reflect the full range of 'repertoires' that exist in society. No society has ever existed (or is likely to exist) without variation in the skills and abilities of those within it.

Using universalism as a planning tool allows us to recognise that people cannot and should not be pigeon-holed or squeezed into arbitrarily defined boxes, some called 'Ability' and others called 'Disability'. There is a continuum along which no human being is one totally 'able' or totally 'disabled'. It is also true that each person's ability to function within the built environment changes over time.

The aim of the State, indeed of the whole community, must be to ensure the social, attitudinal, architectural, medical, political and economic spheres meet the different needs of all individuals. The built environment is a key consideration in realising or thwarting that aim.

The community as a whole and Government, as a key driver of civil society, must more fully accept their responsibilities to children with disability by planning, designing and putting into place a built environment that caters to all. A universally accessible environment is the only sustainable future.

## **The Built Environment**

### ***Personal development***

Issues Paper 1 notes "the built environment is taken to mean all that is constructed in our neighbourhoods, cities and State". Council argues that it must mean more than this.

The built environment is a place of interaction, relationships (spatial and human) and connectivity (or barriers to all three). It constitutes the interrelatedness of the different aspects of our living environment.

For instance, the built environment refers not only to the bricks and mortar of a house but also to the usefulness of any space within that house. It also means the relationship between one house, neighbouring houses and the totality of the built environment. Similarly, the built environment is not only concerned with the dimensions, aesthetics and purposes of a children's play area but also its relationship to the child's home or school and whether or not that play area can be used by all children, including children with disability.

If a house, school or parkland area is inaccessible to a child with disability, there are profoundly negative consequences for that child's personal development. There will be a reduction of practical options to participate in and engage with the community as a whole. Those negative consequences are borne both by the child with disability who is excluded from the mainstream of engagement with her peers AND children with no disability whose knowledge and experience of the diversity of our communities becomes distorted and constrained as a result of the exclusion of others..

A child with a mobility disability, for example, needs an accessible toilet and bathroom. The need to access the sink or use the stove might be required on occasions by older children and more frequently by young people with disability learning to cook. Yet universal design and access barriers are not always considered when designing the houses and apartments we live in.

The back yard is often a child's main area for play and recreation. Council has anecdotal evidence from adults with disability who, as children, never had access to a back yard. They could not join their friends in age-appropriate play nor could they visit their friends at their homes. This issue, social isolation as a consequence of barriers resulting from the design or construction of the built environment, has resulted in the call for universal housing design (UHD) in many countries, including Australia. We discuss this concept further below.

### ***Homes for Life***

The home in which a child is raised needs to accommodate both the child's needs and those of his or her family and friends. The failure to consider access issues in housing design has led to the development of a community in which children with disability may be prevented from visiting playmates, while grandparents with age related disability are often unable to visit them. This has negative consequences for the child, friends and family members.

The international movement towards UHD begins to challenge that history of social exclusion, offering solutions that will result in better buildings, relationships and communities for all.

Many people confuse the principles of UHD with existing standards for accessible or adaptable housing (e.g. AS4299, the 'wheelchair accessible house' standard). This is not what we mean.

Universal design means designing products, buildings and exterior spaces to allow the maximum number of people to use them without the need for adaptation or specialised design. The physical, sensory, cognitive, and language needs or abilities of the broadest spectrum of customers are taken into account during the initial design phase.

Universally designed homes avoid building barriers that discriminate against people living in or visiting the home. It is an approach to building that

combines attitudinal, design and construction refinements to create a living space that aims to:

- increase safety;
- meet the needs of people across a range of abilities and ages;
- be economically adaptable to the changing needs of people over time;
- achieve a design that works for the person rather than the person fitting into the design;
- ensure useability and aesthetics are mutually compatible;
- achieve wider market appeal and higher resale value;
- be suitable for people with temporary disability or injuries;
- allow people with disability or frail older people to visit;
- provide people with the choice to remain in their home.

The Centre for Universal Design, North Carolina State University, has defined seven principles of universal design, which are detailed in Appendix 1.

Often termed Housing for Life the home built to UHD principles ensures that the home is useable to all and modifiable to meet our changing needs. It has several economic benefits (discussed below) as well as allowing people to age in the community as they wish.

### ***Public buildings***

Currently the Australian Building Codes Board (ABCB) is considering the means to align the Building Code of Australia (BCA) with the Disability Discrimination Act (1992) (DDA) through the development of DDA Disability Standards on Access To Premises. The aspects of the built environment with which these two pieces of legislation are principally concerned relate to access to and movement within public buildings across the whole range of types (e.g. churches, schools, offices, museums, cinemas, bars, theatres, shops, etc).

As we stated before, however, universal design of the built environment is not just about individual buildings whether they be private dwellings or public premises. It is important that all of the physical environment through which children with disability move or with which they engage promotes, encourages and allows barrier-free participation (we recognise, of course, the realities of the natural environment which may preclude engagement by some). Street furniture (such as lamp posts, bus stops or park benches), way-finding signage, public announcement equipment should be planned, positioned, deployed or used in ways that facilitate participation by children with disability not prevent it.

Lack of access impacts on all people unable to enter, move within or use public premises. It restricts their opportunity for social participation. Council believes that this has detrimental effects on the upbringing of children (with and without disability).

Children and young people with disability who cannot access public premises are restricted in their opportunities to socialise. Young adults may be further



disadvantaged at the critical point of transition from childhood to young adulthood because their employment options are reduced by the dearth of accessible working environments.

### ***Safety in the urban landscape***

Making the built environment accessible to all, including children with disability, is an essential part of building a better and safer physical world. As we modify, improve and renew the urban landscape to make it more able to respond to the needs of all children we must ensure that it becomes a safer environment. We illustrate our point with a two simple examples:

- In many areas pedestrian pathways are replaced by grassland with no thought to access for a person in a wheelchair or with mobility difficulties nor with any regard to way-finding consequences for people with a visual impairment... This often leaves people with disability with no option but to use roads inappropriately, endangering themselves. In such instances the lack of access is compounded by reduced safety. This is a major issue for children with disability who could be seen as more vulnerable than their peers.
- Children with vision impairments may find that strongly contrasting colours in a play area or building's signage enhance their capacity to use such spaces and places more fully. Forethought about something as simple as the way a safety rail or a step may be highlighted by brightly contrasting colours could ease the concerns of a parent of a child with low vision, allowing that child to 'risk take' in a controlled environment (e.g. an adventure playground) just as other children do.

### ***Transport Infrastructure***

We have written about the need to consider the spatial and human relationship made possible or inhibited by the built environment. That built environment needs to connect with the transport infrastructure, which enables people to move about and through that urban space. In our view the transport infrastructure needs significant improvement if children and young with disability are to navigate the effectively through the real world.

We welcome the Government's commitment to meet its requirements under the terms of the DDA Disability Standards on Accessible Transport. The Easy Access programme for rail station redevelopment is positive but needs to be accelerated so that more railways stations can become more accessible more quickly to children with disability and their families. The policy of the State Transit Authority to purchase only low-floor, easy-access buses is laudable. That vehicle policy must be met, however, by a built environment policy to ensure bus shelters are usable by all, that kneeling buses can park at the pavement for ease of access and egress or to guarantee that travel information is available in alternative formats.

While such plans exist to increase the accessibility of transport options over the next two decades, current operating practice needs to be improved to ensure children's safety is optimised. For example a parent may wait at a station for a child to alight from a train to find that the lift from the platform to concourse is out – of – order. Effectively, therefore, access to the station is impossible.

## **Policy initiatives of the NSW Government**

There are several Government initiatives that have a direct bearing upon children with disability and the built environment. We comment briefly below on three of those initiatives.

### ***The Home Maintenance Modifications Service***

The Home Maintenance Modifications Service (HMMS) is funded through the Department of Ageing, Disability and Home Care (DADHC). The service, as initially conceived, is intended to assist older people and people with disability to live independently in their own homes i.e. to reduce the likelihood of institutionalisation. As such the scheme focused on the needs of older people requiring home modification to remain in their homes.

The scheme was not originally intended to address the costs of modifying a home for enhanced access. We believe that this ought to be a legitimate reason for granting funds for modification as part of the programme. The cost of modification (retrofit) is considered before approving work under this scheme. The higher the cost, the more difficult it is to have an application approval. We believe the scheme should be responsive to individual need rather than cost comparison between different applicants.

Many of the schemes costlier modifications relate to modifying homes for people with disability, or people with children with disability. Case studies of scheme recipients are detailed on the website of HMM Information Clearing House ([http://plan.arch.usyd.edu.au/hmm/hmm\\_web/default.cfm](http://plan.arch.usyd.edu.au/hmm/hmm_web/default.cfm)).

The scheme is not currently funded to meet the high cost of home modification of access provision and is not available to tenants of private or public sector dwellings.<sup>2</sup>

### ***Department of Housing's Guidelines for Future Housing***

Department of Housing has drafted guidelines for future housing to ensure all new houses are easily modified to suit the needs of people with disability. For example, requiring all new dwellings to have step-free access at the main entrance (similar to the UK building regulations' required standard since 1999)

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<sup>2</sup> It is noteworthy that in 2003 SMARTA (Selling and Marketing Accessible Real Estate To All) conducted a survey of 400 clients that showed clearly that most access modifications are not paid for through HMMS but by individual families at their own (significant) cost. 70% of respondents needed to modify their homes, 64% had purchased their homes and of these 78% privately funded the modification to their homes. Over 30% of these modifications cost over \$20,000.

would make all such properties visitable by people with disability. The families of children with disability would have more housing options from which to choose. Social relationships, crucial to growth and development, would not be hampered by poor building design.

The Council has commended the Department for its policy development work in this area. We have provided the Department with detailed comment and advice on its draft guidelines. We encourage the Department to finalise the draft and speedily move to the introduction of the guidelines.

The initiative of the Department of Housing follows similar guidelines by public housing authorities in Queensland and South Australia.

### ***Department of Planning Initiatives***

The Metropolitan Plan *City of Cities – A Plan for Sydney's future* (initially called the Metropolitan Strategy) has been some years in construction. It is clearly a significant policy initiative impacting on the built environment.

The plan has not exhibited a comprehensive understanding of the complexity and diversity of the housing needs of our ageing demographics. As our population increases and its profile shifts towards the higher end of the age range, there will be more people with disability of all ages.

By 2031 Sydney is expected to have an additional 1.1 million residents, 500,000 new jobs and 640,000 extra dwellings. Of these new residents a significant number are likely to be children and young people with disability. The plan seems not to adequately address their housing needs or address ways in which children with disability will relate to and engage with the urban landscape in equitable, accessible or sustainable ways.

The Department of Planning is also in the process of developing a draft Local Environment Plan (LEP)<sup>3</sup> to function as a template for future Local Government LEPs.

This has significant consequences for children with disability because it will require all issues relating to a specific area of land to be covered in one document. To achieve this end plans would need to be coherent in the way

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<sup>3</sup>The Environmental Planning and Assessment Amendment (Development Control Plans) Regulation 2005 was gazetted on 9 December 2005. The Regulation is taken to have commenced on 30 September 2005 and extends the period of time before councils have to comply with the requirement that only one Development Control Plan (DCP) may apply to the same land. The Regulation provides for the phasing in of the operation of the section 74C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which renders invalid multiple development control plans applying to the same land. The requirement for only one DCP to apply to the same land will not commence until a DCP is made after 30 April 2006, or until the relevant principal LEP adopts the provisions of a standard instrument, whichever is sooner. This means that DCPs can be made and amended, until 30 April 2006, without having to comply with the one DCP per site requirement. The extended transitional period also applies to DCPs made before 30 September 2005 and in force immediately before that date; approved before 30 September (but did not take effect until after that date) and approved after 30 September (regardless of when it takes effect).

they express controls and eliminate contradictions in their wording. It is a large and complex task.

Even after the phased adoption of the LEP Template by every Council in NSW (the Department of Planning foresees a five year transition) there will be variation, inconsistency and complexity across the Councils of the State. Different Council's differ in the number and extent of their LEP and Development Control Plans (DCPs). There is a danger that attention to the planning needs of children with disability in relation to the built environment may secure a low priority for attention by Council's already stretched by the demands of planning and developing local communities with complex and often contradictory interests to balance.

Many Councils may look to the Building Code of Australia or the DDA Disability Standards on Access to Premises (assuming it becomes enshrined in Commonwealth Law). Even if that happens, there would still be a strong likelihood that local planning instruments would miss out essential considerations (beyond the BCA/ the DDA Standards) in areas such as public pathways, footway cafes, public events, festivals, or parks to name but a few.

Those social settings and public areas must be as accessible to children and young people with disability as any other if they are to have equality of opportunity to participate in society. This challenge could be addressed if the new planning template and state-wide guidance notes required provisions for accessibility to be primary components of an integrated planning process and sensitive, responsive planning instruments.

## **The social impact of inequity**

The lack of an accessible environment affects the development of children with disability and their peers. At home, children relate to and interact with their immediate family, neighbours and friends. Through school and formal activities out of school (youth or church groups, Scouts, junior league sports associations, etc) children mix and develop alongside other children. As they test their social relations and/or fledgling independence children and young people may congregate informally with peers in shopping malls, in cinemas, on beaches or in playgrounds.

Avoidable barriers to access not only reduce and limit the options of children with a disability to develop in the ways we all think of as natural, meeting and mixing with their peer groups. Those barriers also distort and limit the experience and development of children with no disability because of their effect of reducing connection to and understanding of the diversity and difference among all children, including children with disability.

These constraints are foreseeable and preventable. We believe they have a negative impact on the ability of all children to develop as mature, rounded adults, which is an essential component of the future of this State.

New South Wales is Australia's premier State. Sydney is the State's greatest force and a significant global player. We must, of course, respond directly to the needs and aspirations of NSW residents. Nevertheless, we have a broader and wider challenge: to participate in and, where possible, sit at the leading edge of sustainable growth, development and socially just progress that can have international significance.

Richard Florida has argued in *the Rise of the Creative Class*<sup>4</sup> that a society cannot succeed in attracting creative individuals to lead industry if it is not diverse and accepting of the changes required to meet the needs of all citizens. Creativity is central to economic success and Sydney needs to attract creative minds, and to display creativity in planning the built environment. Unless and until we draw into full participation children with disability we will not realise the full potential of this vibrant place we all call home.

## **Conclusion**

The children of NSW need to live, grow and participate in communities that are free from the negative effects of disability discrimination and the disadvantages that flow from social exclusion. For children with disability, the design and construction of built environment need to improve if our hopes for all children are to be realised.

We live with the consequences of decisions made in the past about how the built environment would look and could be used. Some of those decisions have resulted in the exclusion of some sections of society. Children with disability are among those whose social exclusion must be addressed by remedial action in the existing built environment. We must also ensure, however, that the new environment we plan, design and construct is built with social inclusion of all, including children with disability, as fundamental, first principle.

The NSW Government needs to co-ordinate infrastructure and investment, guide industry investment, engage all stakeholders (citizens and industry) in issues and directions and provide leadership and vision about the type of city we want for the future.

As the future, children and young people are needed to provide their views to develop the kind of society in which they wish to live. These views should be sought from children and young people from different social strata and experience. That experience will be moulded by the environment in which they develop. From Council's perspective to be sustainable that environment needs to be accessible to all. Equality of access is seen by Council as essential to the State as it needs to address the needs of all its citizens regardless of their ability or age.

**The Disability Council of NSW**

**31<sup>st</sup> January 2006**

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<sup>4</sup> R Florida (2002) *The Rise of the Creative Class: And how it is transforming Work Leisure, Community and Everyday Life*, Basic Books, New York