

**Ben Ponton**

Chief Planner  
Environment, Planning and Sustainable Development Directorate  
Via email: EPSDDcomms@act.gov.au

Dear Mr Ponton

***Comment on Planning Bill 2022 (Consultation Draft)***

Advocacy for Inclusion write to provide comment on the Consultation Draft of the Planning Bill 2022.

Background

AFI provides independent individual, self and systemic advocacy for people with disabilities. We are a Disabled Peoples Organisation (DPO) which means most of our board, members and staff are people with disabilities. We represent all people with disabilities nationally from the ACT in our policy work.

AFI works within a human rights framework and acknowledges the United Nations Convention on the Rights of Persons with Disabilities and is signed onto the ACT Human Rights Act 2004.

What we want from planning

We are engaged in planning issues because people with disability often experience barriers to accessing public spaces and places due to poor planning and compliance as well as needing the planning system to respond to the lack of accessible and affordable housing.

Around 1 in 5 Canberrans has a disability while Canberra has an ageing population. The 2018 ABS Social and Community Services Survey found that 19.4% of those in the ACT had disability, up from 16.2% in 2015<sup>1</sup>.

Design imperatives for accessibility are desirable and necessary to achieve progress in life domains highlighted in the ACT Wellbeing Indicators. Accessibility is necessary to meet goals for active and healthy lifestyles, to maintain wellbeing and to meet human rights obligations as well as prevent discrimination.

Development in Canberra needs to meet and exceed the minimum standards for disability access.

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<sup>1</sup> Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings*, 24 October 2019 <<https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>>

This means we need consistent application of the disability standards at the Australian Standard or above throughout the built environment in new developments. We also need a progressive program of retrofitting older suburbs to address access problem areas identified by a standing group of consumers with lived experience of these barriers.

The standards are a range (from minimum to maximum), including minimum features, higher features, and additional features beyond the standards. The ACT should aim to be ambitious and to ensure that (generally) high standards of access in the national capital precinct are mirrored in the urban heart and commercial centres and outlands of the city and its group centres.

For instance, the standards allow for left- and right-hand transfer toilets at different heights. However, toilets that comply with changing room requirements – that is, including a hoist – exceed the standards. Best practice should aim to provide a range of these facilities across Canberra, not only facilities meeting minimum standards.

New policies which affect urban space (from parking, outdoor café seating, the introduction of touch screens and policies around e-scooters and shared paths) need to be reviewed with a disability lens, by disabled people.

Developers need to be encouraged to include people with disability in planning and developing major projects around the city. Consultation around the Surgical Procedures, Interventional. Radiology and Emergency (SPIRE) development at the Canberra Hospital provides a useful model for similar consultations as do the consultations around the Dairy Road Development. ACT Government buildings and shopfronts need to consistently demonstrate best practice and the ACT Government also needs to demonstrate good practice in its consultations.

The ACT must create a mandate for all properties in the ACT built to meet universal design standards.

We are keen to better planning for community facilities in Canberra and we support calls by ACTCOSS for social planning capacity within the new planning system.

AFI agrees with ACTCOSS in their wide ranging [submission](#) to the Review in 2021 that we need planning policy that is guided by in depth needs assessment work, a focus on social planning and more work to engage missing voices, especially people with disability who are largely invisible in planning debates despite being the most effected by planning outcomes for urban space as well as housing.

We also understand ACTCOSS's submission on the Bill will reiterate their calls for a social planning unit that ensures a social planning focus is at the centre of planning policy and that needs assessment and lived experience voice guides planning policies and practice. AFI supports this unit and believes a social planning unit should focus on accessibility and universal design as an early priority.

We specifically want people with disabilities to be more present in Canberra planning conversations and considerations on municipal government functions.

## Comments on the Planning Bill 2022

AFI welcome the inclusion of principles for good planning at Clause 9 and have some comments on the wording of the activation principles under this clause.

Under the **activation and liveability principles** we would support the Bill including a reference to accessible housing as well as affordability. People with disabilities face dual disadvantage in the ACT housing market though a lack of accessibility combined with a shortage in housing with appropriate built form such as wider doorways, ground level entries, accessible bathrooms and other basic features. We recommend the relevant clause be reworded as follows.

(b) urban areas should include a range of high-quality housing options with an emphasis on living affordability **and housing accessibility**;

Under **High Quality Design** we support a reference to universal design principles but we also think that this should extend to accessibility standards.

Universal design often refers to design which can be retrofitted easily, but is not immediately accessible, and while this is appropriate in some contexts we would argue that public spaces should be produced to a high standard of *accessibility* in the first instance.

We also note that references to universal design are qualified as warranting ‘serious consideration’ whereas the principles are more proscriptive when referring to other imperatives like safe movement and integration with the urban forest. They should not be qualified in this way when they are an essential part of high quality design which meets the needs of the 80,000 people with disability in Canberra as well as a larger group of older people.

We would recommend the following rewording:

(c) built form and public spaces should be designed to be inclusive and accessible to people with differing needs and capabilities, including through ~~the serious consideration of~~ universal design practices **and accessibility standards**;

Nick Lawler our CEO and I would be keen to meet with you to discuss design and planning priorities for people with disability and the inclusion of disability representation in planning spaces, including the ACT Environment and Planning Forum.

Thank you for considering our comments on the Bill. Please feel free to discuss this submission with me on on 0477 200 755 to arrange a meeting.

Best regards

(Sent by email)

Craig Wallace  
**Head of Policy**  
Advocacy for Inclusion

2.02 Griffin Centre, 20 Genge Street, Canberra City, 2601  
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