

Submission to the Australian Building Codes Board on Accessible Housing Options Paper

December 2018

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Introduction

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.

LGNSW acknowledges that the purpose of the Australian Building Codes Board's (ABCB) Accessible Housing Project Options Paper ('Options Paper') is to provide a preliminary range of options and related detail on the possible inclusion of a minimum accessibility standard for housing in the National Construction Code (NCC). This will assist in gathering sufficient evidence around the issues impacting on the availability of accessible housing to include in a Regulation Impact Statement (RIS).

LGNSW welcomes the opportunity to respond to the ABCB Options Paper. Rather than provide specific recommendations, LGNSW's response addresses the consultation questions provided in the Options Paper as well as aspects related specifically to local government. A summary of the key issues is provided at the end of this document.

This submission was endorsed by the LGNSW Board on 7 December 2018.

Background

Local government in NSW is key to supporting people to remain living in their community. Housing choice, including accessible housing, is critical to improving liveability within a community. Local government also plays an important role in creating an environment which is inclusive of all people, through its planning role and engagement in many community activities and services.

- In 2014, an LGNSW Conference motion resolved to call on:
 - the Australian Government to direct the Building Codes Board to make urgent changes to the Building Code of Australia to incorporate universal design principles into the design requirements of private residential dwellings.
 - the NSW Government to replace all references to Adaptable Housing Standards AS4299 with the Livable Housing Australia (LHA) Guidelines 'Gold Standard'.
 - the Australian Government to develop mandatory targets for new dwellings to meet the LHA Gold Standard by 2020.
- Previous attempts for development and implementation of minimum standards for accessible housing on a voluntary basis have not achieved their goal. For example, the COAG commitment in the 2010-2020 National Disability Strategy that all new homes will be of an agreed Universal Housing Design standard by 2020 is not on track to be achieved.
- LGNSW supports a regulatory approach to make new housing accessible for everyone. The goals of accessible housing, including social inclusion and liveable communities, are key aims of local government.

The following sections briefly outline LGNSW's key concerns regarding the objectives and options for accessible housing standards. We also address the benefits of adopting accessible housing standards and highlight some key issues around implementation.

Comments on the Objectives of Minimum Standards for Accessible Housing

LGNSW agrees that:

- a definition of accessibility must be agreed and legislated, and that this definition should be developed with consideration of universal design principles, as supported by the National Disability Strategy. LGNSW also supports the statement that the definition of accessible housing means housing that is accessible to all and is not limited to aspects around mobility. This would align with the Options Paper definition of "accessible housing" as any housing that includes features to enable use by people either with a disability or through their life stages.
- any specification adopted addresses accessibility features that are essential, not just desirable or best practice, to meet that agreed definition.
- such a specification for accessibility is applied in a way that achieves a positive cost benefit to home buyers and the community. In this respect, LGNSW encourages the Australian Building Codes Board to consider options for accessible housing in the context of LGNSW's position on delivering affordable housing, including as set out in LGNSW's January 2018 submission on this matter¹.

Comments on the Options for Accessible Housing Standards

Overall, LGNSW agrees that the silver and gold standards identified in the LHA Design Guidelines provide a good basis for gathering evidence to inform the development of the RIS. LGNSW also notes, however, that these are not the only guidelines that could be considered and suggests further research and consultation be carried out to ensure the most appropriate standards are adopted in the NCC.

- LGNSW supports the position that the twelve performance requirements as identified in the Options Paper should be the minimum standard for all new accessible housing. LGNSW further recommends that these performance requirements align with the intent and principles of universal design.
- LGNSW supports in principle mandating the minimum accessibility standards to be at the LHA Design Guidelines Gold Level (Option 3), largely based on the statistics of the projected ageing of Australia's population, the percentage of people with disability and the housing needs underlying this. It is also recommended that further cost benefit analysis be undertaken to provide more evidence that the minimum standard needs to be set at this level.

¹ LGNSW Submission on the Amendment to State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) Explanation of Intended Effect. January 2018, available at: <https://www.lgnsw.org.au/about-us/submissions>.

- LGNSW acknowledges there needs to be a balance regarding the option chosen and affordability i.e. the chosen option needs to improve accessibility without increasing the cost of housing. Providing incentives to builders to deliver higher level specifications may assist in achieving this balance.

Comments on Potential Benefits of Accessible Housing

- LGNSW acknowledges the benefits of accessible housing include:
 - Providing the ability to remain in a person's own home for longer which is the much-preferred choice for older people.
 - Supporting the independence of a person with disability and significantly improving overall liveability.
 - Reducing social isolation by remaining connected to their community and increasing visitability.
 - Delaying, and possibly removing, the need for moving from one's own home to residential care settings.
 - Increasing the number of options and therefore choice for suitable affordable and accessible housing.
 - Aligning with Commonwealth Government policy under the aged care reforms for older people to remain in their own home for as long as possible.
- Current Commonwealth policy, as identified under the Commonwealth Home Support Program, includes the aim of keeping older people living in their own homes for as long as possible. There is a lack of accessible and affordable housing to meet this objective and this forces people into residential aged care earlier than preferred.
- The NDIS individual planning process provides the ability to use NDIS plans to assist with identifying greater housing choice options and to enhance social inclusion and avoid institutionalisation.

Comments on Implementation

- While LGNSW acknowledges the value to the community of providing housing choice, LGNSW recommends that the administrative burden of implementing the changes be thoroughly investigated, including approval, compliance and maintaining any register of houses built to the new standards. For example, who will be responsible for ensuring that once built, houses are kept to the accessible standards over time?
- LGNSW would not support any changes to the NCC to include minimum standards for accessible housing which would impose a significant administrative costs or additional compliance burden for local councils.
- LGNSW requests that it be provided with the opportunity to comment on the consultation for the Regulatory Impact Statement when it is completed.

Conclusion

A summary of LGNSW responses to the preliminary ABCB Options Paper include:

- LGNSW supports a regulatory approach to make new housing accessible to everyone.
- An agreed definition of accessibility should be developed and legislated which incorporates consideration of universal design principles.
- LGNSW supports mandating the minimum accessibility standards to be at the LHA Design Guidelines Gold Level (Option 3) or an equivalent standard at this level or higher.
- LGNSW acknowledges there needs to be a balance regarding the option chosen and housing affordability.
- Further cost benefit analysis should be undertaken to provide more evidence for the appropriate standard to be adopted and identification of accurate affordability figures.
- LGNSW would not support any changes to the NCC which would impose additional administrative costs or compliance burdens for local councils.
- LGNSW requests the opportunity to comment on the consultation for the Regulatory Impact Statement when it is completed.

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