



# Response to ABCB Accessible Housing Options Paper

Shelter NSW submission  
November 2018

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*Shelter NSW is pleased to comment on accessible housing options for inclusion as provisions in the National Construction Code (NCC).*

## **About Shelter NSW**

Shelter NSW has operated since 1975 as the peak housing advocacy and policy body in New South Wales. Our vision is “A secure home for all”. We pursue our vision through critical engagement with policy and practice, and thought leadership.

We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality and we seek to ensure that the voices of housing consumers are included in our policy responses and review.

Our approach involves engaging, collaborating and connecting with Government, the private and not for profit sectors, stakeholders and consumers. Our research centres on the causes of inequity and injustice in the housing system and we advocate solutions that aim to make the housing system work towards delivering a fairer housing system for all.

## **Introduction**

The primary purpose of this submission is to respond to the ABCB’s 2018 Accessible Housing Options Paper consultation document. Our position as a peak housing policy organisation in NSW means that we are a stakeholder in this process.

Shelter NSW seeks to contribute to the development of regulatory outcomes for accessibility to Class 1a and Class 2 dwellings that are equitable and fair to residents and visitors.

The current regulation of access to dwellings in the NCC recognises the significance of accessibility in our lives as residents, visitors and community. In a broad sense the presence of legislation based on values of equity and justice, such as the Disability Discrimination Act, are also acknowledged as key drivers in building access regulations.

The Accessible Housing Options Paper 2018, as part of the NCC regulatory change process, seeks to consult with stakeholders who represent diverse interests in the housing and development industry including developers, investors, planners, regulators, builders, owners, tenant advocates, and not least, residents and their needs.

Shelter NSW notes the COAG First Ministers' 2017 support for an assessment of accessibility needs in housing, and the Building Ministers Forum endorsement of the Livable Housing Design Guidelines (LHDG) Silver and Gold level specifications as possible options for a minimum accessibility standard in the NCC <sup>1</sup>.

Shelter NSW believes that issues of access, safety and liveability are key considerations in the accessibility debate. From this position the LHDG Gold Level accessibility guidelines provide a model for NCC inclusion.

The inclusion of Gold Level access standards in the 2022 NCC can address the 'market failure' seen in the low take-up of voluntary adoption of LHDG Guidelines. The failure reflects a short-term outlook within the development industry associated with a reluctance to regulate to respond to growing community needs. Every year that passes without mandatory dwelling access standards increases the burden on the community, on families, residents and visitors to manage ageing, liveability, disability, and injury.

## Options Paper Questionnaire

The Consultation Questions found in the Options Paper allow the ABCB to more easily assemble responses to the Paper. In the contested building regulation space it is necessary to base decisions on widely-sourced opinion and discussion as encouraged in the Options Paper. This Shelter NSW submission attempts to respond to relevant questions in a holistic view of housing as accessibility, safety and liveability needs, met by the LHDG Gold Level standard as a minimum requirement in the NCC.

## Relevant Options Paper consultation questions

**Qu.11:** The question seeks agreement to an Objective that is based on a minimum level of accessibility features, across a wider choice of housing. Shelter NSW considers that the term 'accessibility' relates to the capacity of housing to provide access to essential facilities for a range of abilities, making housing liveable, not only limited to wheelchair mobility.

As the Options Paper references LHDG Silver and Gold Level standards, it might be assumed that 'a minimum level' refers to LHDG features as suggested by the 2017 Building Ministers'

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<sup>1</sup> Building Ministers Forum (BMF), *Communique*, 6 October 2017.

Forum (BMF). However another reading of Qu. 11 is that provision of accessibility features to other housing types implies a minimum level of accessibility features as a ‘trade-off’.

Shelter NSW’s position in response to Qu. 11, is that the LHDG Gold Level standard provides a minimum level of access features for new housing, with a greater choice of accessibility/liveability benefits than a BMF minimum mobility-limited outcome.

**Qu. 12:** Shelter NSW agrees in principle with the three accessibility considerations set out in the Options Paper - an agreed definition of accessibility, accessibility provisions limited to essential features only, and supported by a positive cost benefit to home buyers and community. Shelter NSW notes however that the question of what are ‘essential’ accessibility features for new dwellings continue to be disputed. In this regard, the adoption of a set of considered and integrated requirements such as the LHDG Gold Level standard as a minimum provision is much preferred to a cherry-picked collection of mobility measures.

The Options Paper requires access specifications to provide a *‘positive cost benefit to home buyers and the community’*, raising the issue for Shelter NSW that cost benefit analysis outcomes vary with what is selected to be costed, which discount rates are selected, and what is considered external to the analysis. Shelter NSW believes that the ABCB should make any cost benefit process public and transparent, and take into account growing accessibility need in the community, and the opportunity costs presented by retrofitting.

**Qu. 14:** Shelter NSW supports the Building Ministers’ Forum suggesting that LHDG Silver and Gold Levels as a reasonable basis for a minimum accessibility standard. Shelter NSW considers that the Gold Level better meets the Objective as qualified above.

**Qu 15:** The Options Paper asks what other options might meet the Objective. Shelter NSW notes that ongoing debate on the ‘effectiveness’ or ‘efficiency’ of other unidentified options to meet the Objective risks continuing deferment of necessary change to the NCC. Ongoing delays to access provisions in new housing create longer-term costs and problems for residents and owners.

**Qu 16:** The Options Paper puts a case that the primary focus of the Objective is to address mobility-related issues Shelter NSW agrees that mobility-related issues become a primary but not exclusive focus of an accessibility standard. As such, the LHDG Gold Level addresses the broader scope of accessibility as per NZ accessibility policy and practice - a User Friendly (UF) approach to a wider range of abilities.<sup>2</sup>

Shelter NSW notes that the LHDG Gold Level standard addresses the concerns of social housing providers that offering minimum mobility-related accessibility can result in additional modification costs at change of tenancy.

**Qu 18:** The Options Paper describes three options for NCC amendment, Shelter NSW’s preferred accessibility option as a minimum standard for new Class 1a and Class 2 buildings is Option 3 – LHDG Gold Level.

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<sup>2</sup> Page I.I, M.D. Curtis 2011. Study Report SR 263: Lifetime Housing – the Value Case. BRANZ, Auckland.

**Qu 19:** The Options Paper requests respondents to expand on their reasons for a preferred accessibility option. Shelter NSW notes that its preference for the LHDG Gold Level standard is based on the benefits of a broadly-agreed voluntary accessibility standard that has evolved over more than a decade. Alternative approaches to developing accessibility requirements, such as cherry-picking elements from the Guidelines, create unanticipated regulatory issues and failures.

A reasonable question might be then for respondents to argue how the LHDG Gold Level standard fails to meet minimum accessibility needs.

**Qu 20:** The Options Paper lists the 12 Performance Requirements drawn from the LHDG Gold Star Level. Shelter NSW agrees that the listed Performance Requirements should be considered as the minimum accessibility standard for new dwellings in line with LHDG Gold Level features.

**Qu 22:** The Options Paper asks to what proportion of Class 1a and Class 2 should these Performance Requirements apply. Shelter NSW proposes that 100% of new Class 1a and Class 2 buildings should meet the LHDG Gold Level standard. As the NCC cannot fix quotas for mandatory compliance, these are best offered via planning regulation.

Shelter NSW recognises that rates of development of new Class 1a and Class 2 buildings in future decades can only provide some accessibility choice in the medium-term housing market if 100% mandatory access standards for new buildings are required in the 2022 NCC.

Considering the growing demographics of an ageing population and the need to 'age in place', the clear need for more adaptable accommodation to address low income family needs in apartments, the benefits of disability mobility to avoid re-institutionalisation, and the costs and issues to retrofit access features particularly in Class 2 apartments, all point to the need for a Gold Level accessibility as a minimum standard.

**Qu. 23:** Shelter NSW strongly agrees that the NCC should be modified to include minimum standards for accessible housing, in response to the Options Paper question asking if minimum standards for accessible housing to be included. Shelter NSW sees Gold Level access provisions as a minimum standard.

The Table in Qu. 23 appears to repeat the proposition of Qu. 16 that the primary focus of accessibility is to address mobility issues. For Shelter NSW, this simplistic understanding of accessibility ignores Gold Level benefits for essential human functioning for a wider range of accessibility and accommodation conditions, such as user friendliness of wider corridors and door widths, kitchen and laundry design, light switch locations and grab-rail installations.

**Qu. 24:** The Option Paper seeks feedback on the degree that five potential benefits of accessible housing are realised in the recommendation of this submission for mandatory inclusion of Gold Level Performance Requirements. Shelter NSW strongly agrees that all five potential benefits listed in Qu24 will be realised.

**Qu. 25:** The Question seeks other benefits arising from an increase in accessible housing. Shelter NSW identifies greater liveability of Class 2 buildings via Gold Level access provisions encouraging stable, longer-term rentals and ownership. Recently Shelter NSW engaged the City Futures Research Centre to examine the recent rapid community shift of affordable accommodation options in Sydney from Class 1a to Class 2 (Shelter NSW Brief 61). The report finds that apartments are providing longer-term accommodation for a greater range of families, with increased occupancy within apartments (CFRC 2017:10).<sup>3</sup> In this regard accessibility standards proposed will ease internal circulation and encourage family stability where there are accessibility needs, forming a key element of urban infrastructure (2017:11-12)

Given anticipated demographic changes in the next 30 years, most housing will need to be accessible at some time during its life-cycle to meet the needs of residents and visitors.

**Qu. 26:** Question 26 poses issues of forecasting for when benefits of increased accessible housing could be realised. Timing is driven by the availability of new urban infrastructure, when the benefits of mandatory accessibility are realised. If accessibility requirements form part of the 2022 NCC, the current trajectory of urban infrastructure may see a significant increase of accessible Class 2 numbers over the next decade.

**Qu. 28-30:** The Options Paper seeks the support for its preliminary costings. Although the methodology for estimating costs is straightforward, Shelter NSW suggests that cost scenarios may be based on selecting a range of standard apartment layouts that may not effectively use floor space. Typical layouts with narrow corridors or poorly planned bathrooms are commonly found in typical Class 1a and Class 2 dwellings, affecting accessibility costs and benefits.

Shelter NSW notes that the preliminary methodology of the Options Paper do not take into account the responses of developers and designers to regulation of new building accessibility. Dwelling layouts and building plans will be adapted to reduce accessibility costs, such as minimising or eliminating corridors, and adapting construction techniques to reduce construction cost.

As construction cost is not a determining element in market values, it is suggested that the introduction of accessibility provisions such as the LHDG Gold Level standard may have little impact on purchasers and rentals.

Analysis of retrofitting costs provided in the Options Paper used to compare new construction costs will establish the scope of the opportunity costs of retrofitting, and support arguments for mandatory accessibility provisions in the NCC. Modest change in dwelling stock with LHDG access provisions, and disproportionate growth of accessibility demand in the community due to demographic change, results in significantly greater financial resources inefficiently directed to retrofitting existing dwellings.

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<sup>3</sup> Crommelin L. et al, 2017. Equitable Density: the place for lower income and disadvantaged households in a denser city. Report 3 The Metropolitan Scale. City Futures Research Centre, UNSW, Sydney.

**Qu 31:** The Options Paper seeks comments on influences on preliminary costings. Shelter NSW suggests that accessibility costs will fall as developers and designers adapt building layouts and construction to new accessibility requirements.

The Shelter NSW position is that the LHDG Gold Level option provides the greatest cost benefit of accessibility standards for the medium to long term. A Gold Level standard avoids additional retrofitting required to upgrade accessibility from minimum access levels (say LHDG Silver Level provisions) as disability and median population age increases.

## Conclusion

The ABCB Accessible Housing Options Paper seeks discussion to the proposal to include dwelling accessibility provisions in the 2022 National Construction Code (NCC) revision. The Options Paper forms the first formal step in a process to consider amending the NCC.

It is of interest that the impetus for change was in part due to the request of the Building Ministers' Forum in 2017 to evaluate the LHDG accessibility standards for Silver and Gold Levels for inclusion in the NCC. These standards have been available as voluntary provisions for some years but have not been taken up by the development and building industries.

Shelter NSW's position is that the LHDG Gold Level accessibility standard (Option 3 in the Options Paper) should be adopted by the ABCB as a minimum dwelling standard, and be incorporated into the 2022 NCC.

Shelter NSW's position is based on a range of current and emerging issues including:

- Limited accessibility provisions currently found in the NCC.
- Changing demographics including the growth of older resident numbers.
- Growing realisation that ageing in place policies are needed to reduce the burden of aged care costs on the community, reducing disruption to living circumstances and retaining social networks with families and communities.
- Increased government recognition of disability need and provision in the community.
- Increasing levels of social exclusion driven by lack of accessibility or inappropriate provision of housing options.
- Rapidly changing housing stock profiles as housing affordability decreases and urban densities increase, leading to an increasing proportion of families accommodated in apartments.

Many of the issues raised by Shelter NSW are related to the NCC objectives of safety, health; amenity and accessibility, and sustainability. Regulation that allows new housing to be accessible for everyone is critical to the achievement of COAG's goal of social inclusion and liveable communities in Australia.

Shelter NSW arguments for the adoption of the LHDG Gold Level accessibility as a minimum standard for new dwellings are considered reasonable to 'future-proof' liveability. The simple view that accessibility is limited to mobility concerns ignores the current seismic shifts in

population and demographics in Australian urban centres that drive accessibility issues, and resulting policy responses needed to address these issues.

Shelter NSW considers that the use of cost benefit analysis (CBA) to inform accessibility decisions has limitations and is considered to be a 'blunt instrument'. CBA use in accessibility applications relies on outputs such as demand, costs and discount rates to assess benefit and cost projections. As accessibility provision is a longer-term consideration, it is critical to look at current social and economic trends to establish appropriate CBA parameters for the future.

The Options Paper notes the need for evidence-based data to argue for NCC inclusion of additional minimum accessibility provisions. Shelter NSW sees a need for additional research to assemble comprehensive quantifiable data of the linked issues raised previously that are driving accessibility need. It is hoped that the ABCB process leading to a Regulatory Impact Statement might allow key data assembly to demonstrate the value of the LHDG Gold Level as a minimum standard in the 2022 NCC.

Finally, the ABCB is to be congratulated for preparing an informative Options Paper to encourage considered responses to the accessibility issue for mandatory provisions in the NCC.

Yours sincerely,

A handwritten signature in cursive script that reads "Karen Walsh".

Karen Walsh  
CEO, Shelter NSW