

COTA
for older Australians



Council on the Ageing (COTA) NSW

Submission

ABCB – Accessible Housing RIS 2020

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Summary

In recent years there has been increasing discourse about the type of communities that we wish to live in. This conversation has included how we design our open spaces, public amenities and housing to ensure that all Australians can actively participate in our society. The invitation to comment on the *Consultation RIS: Proposal to include minimum accessibility standards for housing in the NCC*, therefore, has come at a critical time - that depending on the outcome has the power to influence housing choice and the composition of communities for many years to come.

COTA NSW is the peak body representing people over 50 in NSW. We're an independent, non-partisan, consumer-based non-government organisation. We work with politicians, policy makers, service and product providers as well as media representatives to make sure our constituents' views are heard and their needs met.

Community engagement is a primary focus of COTA NSW. This is undertaken through a variety of methods, including focus groups and online surveys. The importance of housing choice and the ability to age-in-place has been consistently raised by consumers during our extensive consultation initiatives as an area of concern. There is a recognition that for many older people their current housing design will not be suitable in advancing years. That excessive steps, shower access or narrow doorways will inhibit their ability to remain in their home and in many cases their neighbourhoods as their mobility needs change.

COTA NSW strongly supports the adoption of option 2 as a minimum standard within the NCC. That is: *Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 1a and Class 2 buildings.*

The inclusion of these minimum design and construction standards will facilitate housing in Australia that will offer increased choice to older people to age in their communities, for people with disabilities to live in housing that will reduce the need for adaptation and for young families with prams to easily access their homes.

The inclusion of Gold level specifications within the NCC should also be viewed as an opportunity for the construction industry, architects and designers to incorporate and implement innovative and clever design principles, rather than a hinderance or impost that has to be resisted.

Furthermore, COTA NSW supports the concerns raised by the Australian Network of Universal Housing Design (ANUHD) pertaining to:

- The assumptions underlying the cost-benefit analysis, especially those relating to the discount rate set at a very high 7%, costs of informal care and construction and training costs.
- The omission of qualitative analysis of costs and benefits within the RIS.
- The amendment of long-standing Livable Housing Guidelines in the draft NCC, which if implemented would make options 1 to 3 inaccessible.

- Limitations of the consultation process relating to the RIS. For engagement to be representative, further consideration must be given to making the process more inclusive to a greater range of interested stakeholders. This would require providing easy to read explainers, and methods of capturing feedback through other avenues such as online consultations.

Further comments are provided below under the relevant questions contained within the RIS.

Estimated Impacts

In response to assumptions guiding the cost/benefit analysis for improvements to accessibility to be included within the NCC, COTA NSW is guided in its response by the Deakin University report prepared for 'The Melbourne Disability Institute, University of Melbourne and the Summer Foundation'.¹

The authors assert that the cost/benefit analysis under-estimates both the potential societal benefit and the economic credentials of the regulation. The authors determined that the costs associated with implementing each option were fully explored but the components associated with cost benefits was only partially realised.

There is a concern that the RIS's interpretation of the opportunity cost of space is too narrow. Currently, the cost/benefit analysis attributes the estimated cost of space in the proposed revisions of the NCC through the lens of enhanced functionality only. This approach does not consider the potential capital value of this space nor the accessibility of wider halls for all occupants and visitors. The RIS contends that it is often difficult to design homes on limited parcels of land to these minimum standards. COTA NSW contends that innovation and quality design would be facilitated by an improvement in standards. It underestimates the demand within the community across all ages for housing that meets their needs as their circumstances change or they age. Regulations rather than hindering innovation in design, will accelerate it.

Possibly, the most problematic aspect of the cost/benefit analysis is the adoption of 7% as the central case. This figure has a very real impact on the calculations within the cost/benefit and potential decision to alter the NCC and as such, the central case rate should be selected based on current economic forecasts and in line with other similar cost/benefits undertaken. Although within the recommended range of discount rates between 3% and 10%, the selection of 7% does not reflect the current and medium-term economic situation in this country, including low or negative inflation and record low interest rates. COTA NSW supports ANUHD's recommendation of 3.5% as the central case used to calculate the cost/benefit analysis.

The Consultation RIS does concede that it does not contain adequate qualitative analysis, as is best practice. It is incumbent on the ABCB on such an important regulatory assessment to ensure that this analysis is undertaken and included within the RIS. The benefits of changes

¹ Dalton, A. & Carter, R. (18 August 2020) *Economic advice prepared to assist with responses to the Consultation Regulation Impact Statement on minimum accessibility standards for housing in the National Construction Code*. Deakin University, prepared for *The Melbourne Disability Institute, University of Melbourne and the Summer Foundation*.

to the NCC are broader than economics. The ability for older people in particular to age in place without the need to undertake expensive and disruptive modifications to their home, or to be forced into moving into other accommodation or Residential Aged Care cannot be underestimated.

Other considerations

The proposed changes to the NCC have broader implications to government policy, particularly relating to older people and people with disability and their families.

There are currently two Royal Commissions underway. The Royal Commission into Aged Care and Safety and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. It is important to note that both of these Royal Commissions may bring down findings and recommendations that explicitly related to housing design and the importance of people to be supported to live in housing that meets the needs of across the life course and with different levels of ability.

Variations to LHD guidelines

COTA NSW echoes the concern of ANUHD about the variations in draft changes to NCC from the existing LHD guidelines. The Consultation RIS does not currently align with the specifications within the LHD guidelines. The RIS does not make clear the changes that have been made to different specifications as compared to the different levels of the LHD guidelines. Those providing submissions on the assumption that the LHD guidelines may be implemented in full, would not be aware that these specifications have been adjusted by the ABCB.

In particular, COTA NSW draws attention to changes in minimum clearances for external and internal doors, but adheres to the AS 1428.1-2009 standard. The recommendation within the RIS to include a single step (Variation Option to 3.9.3.2(b)(i)) fundamentally goes against the principles of the LHD guidelines to facilitate accessibility to dwellings for all physical abilities. This is also of concern with the proposal of a shower hob or step that exceeds 5mm. This is of importance to older people when easy and safe access to showers is paramount as they age. Anything in excess of 5mm could be regarded as a trip hazard and would possibly require expensive home modification as they aged.

Response to consultation questions

8. Do you agree that the problem is adequately established?

No

COTA NSW contends that the definition or concept of the problem needs to be broadened to include the following:

- The consultation RIS whilst recognising the accessible housing needs of older people and people with disability (p.23), it does not adequately recognise that the home of an older person or a person with a disability may be comprised of many other people of various ages or abilities. Nor does it recognise that a person's home does not sit in isolation but may be visited by friends, family or service providers. Furthermore, it does not consider the number of Australians that may at any point in time be suffering from a chronic illness or temporary injury. It does not also acknowledge the benefits of LHD to other age groups, such as young parents with prams.
- Challenge the assumption that existing government policies or initiatives have provided adequate housing options through NDIS, Residential Aged Care reforms or Social and Affordable housing. COTA NSW has undertaken multiple surveys that focus on housing choices for older people. The results of these surveys highlight the dearth of social housing, the need for older people to undertake extensive home modifications and the impetus that many older people down-size or move into alternative accommodation is the result of a housing that is not adaptable to their needs as they age.
- There is no reliable evidence to reflect the current levels of housing that adhere to the LHD guidelines.

10. *The impact of a lack of accessible housing on equity, dignity and employment outcomes is difficult to fully measure. How does a lack of accessible housing contribute to these issues?*

A lack of accessible housing may have real impacts on people with limited mobility. The ease with which they can enter or leave their home to participate in all aspects of society, including economic and social, challenges both their human rights and quality of life. An example would be an older person that uses a walker to get around. Their home has multiple steps to the front door. They require assistance to navigate these stairs. They are therefore reliant on another household member or an external support person in their ability to participate in their community. The barriers that they face in achieving something as simple as leaving their house may contribute to feelings of social isolation, and loneliness.

11. Are the assumptions made to estimate the costs to the community from a lack of accessible housing (set out in Appendices A to H) appropriate?

No

As noted previously:

- The Consultation RIS does concede that it does not contain adequate qualitative analysis, as is best practice. It is incumbent on the ABCB on such an important regulatory assessment to ensure that this analysis is undertaken and included within the RIS. The benefits of changes to the NCC are broader than in pure economic terms. The ability for older people in particular to age in place without the need to undertake expensive and disruptive modifications to their home, or to be forced into moving into other accommodation or Residential Aged Care cannot be underestimated.
- The adoption of 7% as the central case. This figure has a very real impact on the calculations within the cost/benefit and potential decision to alter the NCC and as such, the central case rate should be selected based on current economic forecasts and in line with other similar cost/benefits undertaken. Although within the recommended range of discount rates between 3% and 10%, the selection of 7% does not reflect the current and medium-term economic situation in this country, including low or negative inflation and record low interest rates. COTA NSW supports ANUHD's recommendation of 3.5% as the central case used to calculate the cost/benefit analysis.

Additionally, the RIS does not consider key human rights principles contained within the following documents.

- The Universal Declaration of Human Rights that includes the right to adequate housing
- The Social and Cultural Rights framework that includes adequate housing
- UN Convention on the Rights of Persons with Disabilities
- Principles for Older Persons
- Disability Discrimination Act 1992

The housing needs of a significant section of the Australian population should not be dismissed purely on economic terms. To do so would be to dismiss the aim of an inclusive society where Australians of all ages and abilities have the opportunity to participate in the economic and social fabric of this country.

13. Do you have information about the type and cost of home modifications that are made to improve the accessibility of a home?

Yes

See Home Modifications Information Clearinghouse at <https://www.homemods.info/>

14. *In your opinion what is main contributor to a lack of uptake of universal design principles in new dwellings.*

There is a perception within advocacy organisations such as COTA NSW that the building and construction industry and developers are resistant to the specifications contained within the LHD. It was apparent at previous public consultations relating to the ABCB proposal that architects and developers equate LHD with disability modifications. This is patently not correct – but the perception remains. There is also a strong belief that designing a home with wider doorways or hallways for example would have significant costs to the build. Again, this assumption can be disputed. Builders and developers, design homes to maximise profit and saleability. Without regulations that compel change within this sector the improved features of LHD will not be implemented in a comprehensive way.

From a consumer perspective, many new dwellings are designed and marketed to young couples and families. Traditionally, this segment of the market is not considering the possible long-term needs of their families and the ability to age in place.

COTA NSW conducted an extensive survey in 2014 that explored older people's needs and wants in relation to housing. Respondents were asked to rate features for a future house purchase. The largest requirement was for a single storey house (62%), with an easy access bathroom and shower rated the 3rd most important feature (60%). An easy access kitchen & storage and minimal steps into the home were the 5th and 6th most important features.² Approximately 50% of respondents recognised that their home would not be suitable as they aged and the vast majority wished to age in place. Access to existing and new homes that are suitable for older people or people with disability are limited.

15. Of the options considered by the Consultation RIS, select from the list below those that are feasible, please select all that apply

- Status Quo: No change to the NCC.*
- Option 1: Accessibility standard, broadly reflecting LHDG silver standard, in the NCC applying to all new Class 1a and Class 2 buildings.*
- Option 2: Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 1a and Class 2 buildings.***

² COTA NSW (2014). *50+ Report – With a focus on how and where older people are living*. <https://www.cotansw.com.au/MediaPDFs/2014-50-Plus-Report.pdf>

- Option 3: Accessibility standard, broadly reflecting LHDG gold standard (with some platinum features), in the NCC applying to all new Class 1a and Class 2 buildings.*
- Option 4: Accessibility standard, broadly reflecting LHDG Gold standard, in the NCC applying to all new Class 2 buildings only.*
- Option 5: A subsidy program to encourage additional availability of accessible rental properties.*
- Option 6: An enhanced approach to voluntary guidance, which includes turning the current proposals into a non-regulatory ABCB handbook*

16. Are there other feasible regulatory or non-regulatory options with the potential to meet the objective that should be considered? Another option?

No.

Please provide additional information to support your response (for example, how these options would be delivered in practice) below:

If the objective is “to ensure that [all] new housing is designed to meet the needs of the community including older Australians and others with mobility limitations”, none of the above options should be considered.

17. Which of the options, in your opinion, have the ability to meet the objective?

Option 2 and 3.

COTA NSW does not support the proposed draft changes that do not adhere to the existing specifications contained within the LHD guidelines, such as:

- the provision of a clear door opening less than that shown in the LHDG
- the provision of a 25mm transition between internal floor surfaces
- the provision of a 25mm transition at internal door entries
- a step-ramp at the entry of Class 2 dwellings
- a step to balconies and outdoor areas
- a single step in the pathway to the dwelling
- a hob of any height or a step down to shower areas

COTA NSW supports the Australian Network for Universal Housing Design submission that provides full technical detail regarding the options and the draft of the NCC. Specifically,

Dwelling Access, Dwelling Entrance, Doors and Corridors, and the introduction of a shower hob.

Question 18. Are there any less intuitive or unintended consequences likely to arise from the adoption of any of these options?

If these changes to the minimum requirements outlined within the LHD guidelines are adopted within the NCC it will essentially contradict the aims and objectives of creating a regulatory framework that provides housing for all ages and physical abilities.

19. Which option is your preferred option?

Option 2.

This is on the condition that the recommendations as outlined within the ANUHD submission on the draft changes to the NCC are accepted.

Questions 20 – 26

As a peak for older people aged 50+ in NSW, we do not have the knowledge or resources to provide an informed input relating to building costs. We defer to the and support the submissions of the Australian Network for Universal Housing Design and Centre for Universal Design Australia.

27. Are the assumptions relating to the occupation of accessible housing by owner occupiers and renters over time reasonable?

No

COTA NSW refers to previous comments within this submission:

The consultation RIS whilst recognising the accessible housing needs of older people and people with disability (p.23), it does not adequately recognise that the home of an older person or a person with a disability may be comprised of many other people of various ages or abilities. Nor does it recognise that a person's home does not sit in isolation but may be visited by friends, family or service providers. Furthermore, it does not consider the number of Australians that may at any point in time be suffering from a chronic illness or temporary injury. It does not also acknowledge the benefits of LHD to other age groups, such as young parents with prams.

28. Do you agree with the assumption of the extent features are currently not provided in new dwellings?

No

Research by Ward & Franz (2015) finds that in all mainstream dwellings studied some of the LHDG features were found, yet no dwelling had *all* the features to comply with at least Silver level.³ The research also found that all features were used at some time in current volume-building practice.

29. Do you have any other evidence of the extent that accessibility features similar to those required by Options 1-3 are provided in new dwellings under current arrangements?

As noted in the previous question, the inclusion of one or a couple LHD features does not equate to a dwelling meeting the minimum accessibility standards as outlined within the guidelines.

30. Where dwellings have some accessibility features but not others, would this reduce the size of the problem?

No

As noted in both question 28 and 29, the inclusion of features that do not wholly meet the LHD minimum design guidelines will result in a dwelling not being accessible. The accessibility of a dwelling is not open to compromises.

31. Do you agree with the assumption that additional features required under accessibility standards in Option 2 and Option 3 would increase the number of beneficiaries compared to Option 1?

Yes

COTA NSW strongly supports the introduction of either option 2 or 3. These options translate to the Gold level within the LHD Guidelines. These options provide for most people to live in the dwelling as a family and contribute to household tasks. There is capacity for self-care and this level aligns with the RIS because it is the most cost-effective option.

³ Ward, M., & Franz, J. (2015). The provision of visitable housing in Australia: Down to the detail. *Social Inclusion*, 3(2), 31-43.

32. To what extent would better information provision and promotion of an enhanced non-regulatory approach (Option 6) be effective in encouraging the voluntary uptake of universal design principles in new dwellings?

Not effective.

As stated previously within this submission:

There is a perception within advocacy organisations such as COTA NSW that the building and construction industry and developers are resistant to the specifications contained within the LHD. It was apparent at previous public consultations relating to the ABCB proposal that architects and developers equate LHD with disability modifications. This is patently not correct – but the perception remains. There is also a strong belief that designing a home with wider doorways or hallways for example would have significant costs to the build. Again, this assumption can be disputed. Builders and developers, design homes to maximise profit and saleability. Without regulations that compel change within this sector the improved features of LHD will not be implemented in a comprehensive way.

This reluctance by industry to voluntarily implement the LHD guidelines is evident in current policy position of the Housing Industry Association (HIA). While it notionally supports the Livable Housing Design Guidelines “for those members seeking to voluntarily incorporate accessibility design features”, it qualifies this position by advising that it is not the responsibility of their members to resolve the accessible housing problem: “Accessibility features for people with disabilities, ‘ageing in place’, visit-ability or adaptability in private homes should be addressed through voluntary market-based incentives, improved consumer and industry information and education programs, and direct Government assistance to people with disabilities” (Housing Industry Association, 2018).⁴

33. To avoid attributing benefits to accessibility features already installed in dwellings under current arrangements, the impacts of the proposal have been reduced in proportion to those elements assumed prevalence and weighted average cost. What additional evidence could we consider to make this assumption more robust?

See the response to Questions 31 and 32.

⁴ Housing Industry Association. (2018). Accessibility in residential buildings. Retrieved from <https://hia.com.au/-/media/HIA-Website/Files/Media-Centre/Policies/accessibility-in-residential-buildings.ashx>

34. There is a mismatch between the amount of accessible housing being built and the apparent willingness of many survey respondents (including households without any persons with limited mobility) to pay above cost for Option 1. What explanations are there that could explain this mismatch? Is this a reflection of the market failure?

We refer you to ANUHD's submission and the Dalton Carer Economic report.

Both explain that regulation is needed because of market failure.

35. Do you have any other evidence that would make the estimates in the analysis more robust?

We refer to the Dalton-Carter Economic report.

Concluding Remarks

The preparation for a Regulatory Impact Statement to initiate a change to the NCC is an important opportunity to ensure that Australia's future housing will meet the needs of a diverse population across the life course.

There are demonstrable demographic imperatives to design housing that will allow older people to age-in-place. As stated previously, this will have both societal and economic benefits that must be considered when developing a cost-benefit analysis.

The inclusion of Gold level specifications as a minimum standard can be the impetus for the construction industry, architects and designers to acknowledge and respond to the changing composition of families, and the concept of the future of 'home'.