



**Response by
Australian Network for
Universal Housing Design
to the
Proposed Housing State Environmental
Planning Policy (SEPP)**



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Introduction

The Australian Network for Universal Housing Design (ANUHD)¹ represents people from industry, government, the community sector and academia who want the homes we build to be fit for all Australians. To this end, we successfully advocated for a national Livable Housing Design standard (Silver level) to be mandated in the National Construction Code (NCC) in September 2022 for all new housing. A Livable Housing Design standard (Gold level) will also be published as an optional technical provision.

Our focus

Our submission focuses on **the proposed standards for accessibility** in the consolidation of the three existing housing-related State Environmental Planning Policies (Housing Diversity) 2020.

We note that the proposed new policy aims to facilitate the delivery of diverse and affordable housing to meet the needs of the State's growing population and support the development of a build-to-rent sector.

Background

NCC Livable Housing Design standards

The 2022 iteration of the National Construction Code (NCC) will include a minimum access standard for all new housing (here called the NCC Livable Housing Design standard (Silver level)).

The Livable Housing Design standard (Gold level) describes an optional technical provision that would make homes suitable for the needs of the majority of people with mobility limitation, and self-care challenges.

The purpose of the NCC Livable Housing Design standards is to ensure that housing is designed to meet the needs of all the community, including older Australians and others with a mobility-related disability.

The mandated Livable Housing Design standard (Silver level) was developed to:

- improve the design of housing to be more liveable and to adapt to the changing life circumstances of residents
- facilitate community inclusion by allowing people to visit family and friends at home
- respond to the stated desire of older people to remain in their communities and to age in place.

The Building Ministers Meeting in April 2021² found that, after considering a wide range of submissions, including the Decision Regulatory Impact Statement (RIS), a regulatory solution would result in significant and lasting net benefits. Most jurisdictions supported the

standards and are now developing their implementation plans, including the drafting of exemptions where required.

Situation in New South Wales

New South Wales, (NSW), along with South Australia, have announced that they do not intend to adopt the new accessibility standard that will be included in NCC 2022. The Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation, considers that:

1. the changes will have negative impacts on housing affordability and the construction sector, and the community; and
2. existing non-mandated strategies in NSW sufficiently meet the needs of the NSW residents¹⁶.

We refute his **first reason** because the Building Ministers took into consideration the Regulatory Impact Analysis (Cost/Benefit Analysis) which followed the receipt of extensive feedback from industry, and detailed input from accessible housing advocates and from members of the community with lived experience of the effects of the lack of accessible housing. The decision taken by the Ministers in six jurisdictions reflects the view that a regulatory solution will result in significant and lasting net benefits to Australian society².

We refute his **second reason** because NSW residents face particular challenges to find housing that meets their needs, as outlined below:

- 34% of NSW households were renting their home (up from 31% in 2015–16)³.
- There is an over-representation of people with disability in social housing with 41% of households including at least one person with disability⁴.
- The supply of social housing has declined from 5% in 2014 to 4.7% in 2020⁵.
- Commonwealth rent assistance has risen 25% in the last 6 years. NSW private rental assistance has risen 30% and home purchase assistance has fallen by 70% in the last 6 years⁵.
- 27% of people living in regional NSW are over 60 years old, yet most accessible dwellings are built in the Greater Sydney region⁶.

SEPP Reforms

The **proposed standards for accessibility** in the Proposed Housing State Environmental Planning Policy reference the following standards:

- *AS 1428*. To refer to the version of the Australian Standard entitled AS 1428.1:2021, *Design for access and mobility, Part 1: General requirements for access—New building work*. published by Standards Australia. adopted in the *Building Code of Australia*.
- *AS/NZS 2890.6* To refer to the version of the Australian Standard entitled AS/NZS 2890.6–2009, *Parking facilities. Part 6: Off street parking for people*

with disabilities, published by Standards Australia, adopted in the *Building Code of Australia*.

- AS 4299. To refer to the Australian Standard entitled AS4299- 1995 , *Adaptable housing* , published by Standards Australia, as in force on the date of commencement of *State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)* .

Discussion

The NSW Government’s Housing 2041: NSW Housing Strategy⁷ aims to have:

- “housing that supports security, comfort, independence and choice for all people at all stages of their lives”; and
- homes in NSW shall be “accessible and suitable for different stages of life or changing circumstances”.

We understand the consolidation of the three existing housing-related State Environmental Planning Policies (Housing Diversity) 2020 is part of Action 2.1. in the 2021-2022 Action Plan⁸.

To date, the NSW Government currently uses numerous standards and guidelines across its various housing programs and policies, including the voluntary Livable Housing Design guidelines⁹, AS1428.1¹⁰, and AS4299-1995 Classes A, B and C¹¹, through Landcom¹², Apartment Design Guide¹³, NSW Land and Housing Corporation¹⁴, and SEPP65¹⁵. This is all well-intentioned, but has left the housing industry with a confusing maze of guidelines, incentives, requirements and interpretations to navigate.

This confusion about what is required of designers and builders leads to avoidable costs from numerous design iterations; negotiations with local authorities, construction errors and rectification works. Further, certifiers are now reluctant or unable to accept retrospective performance solutions.

Home buyers and renters who need accessible housing now are particularly impacted—these new dwellings are hard to find. Salespersons typically do not know about the few that are apportioned to be accessible, and the advertising materials rarely provide specific information. Once the dwellings are sold, they are lost—no tracking system exists.

The Proposed Housing State Environmental Planning Policy further exacerbates this problem by referencing out-of-date and inappropriate standards for housing and by requiring only a portion of housing to be accessible. We calculate that less than 10% of new housing in NSW is accessible.

Across Australia where the NCC Livable Housing Design standard will be implemented, three outcomes are expected: there will be certainty for the housing industry about what is required, 90% of new dwellings will be to a reliable access standard, and buyers and renters will be able to find them.

The New South Wales Government would more easily meet the commitments in their Housing 2041 Strategy and Action Plan by implementing the NCC Livable Housing Design standards and engaging the housing industry to decide on suitable implementation times and exemptions in line with the majority of jurisdictions across Australia.

Recommendation

ANUHD recommends that the Proposed Housing State Environmental Planning Policy:

- be drafted on the basis that the NSW Government implements the NCC Livable Housing Design standard (Silver) in the National Construction Code in 2022, and uses the NCC Livable Housing Design standard (Gold level) as an optional technical provision.
- reference the NCC Livable Housing Design standard (Silver level) for all new housing under the Proposed Housing State Environmental Planning Policy.
- reference the NCC Livable Housing Design standard (Gold level) for all new housing that is apportioned for people with mobility disabilities and older people.
- cease using the AS4299-1995 Class A,B and C for sole occupancy units (SOUs) in Class 2 dwellings and for Class 1a dwellings, once the Livable Housing Design standards are implemented.

ANUHD also recommends there is a central register for accessible dwellings to enable people to find the appropriate type for their individual need. A Central Register run by Customer Services would greatly help residents and developers.

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