



Response to Australian Building Codes Board's Accessible Housing Options Paper



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W: universaldesignaustralia.net.au

E: udaustralia@gmail.com



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Executive Summary

Australia needs housing that is fit for purpose. The preparation for a Regulatory Impact Assessment for a change to the National Construction Code provides a timely opportunity to meet our policy commitments also create housing that suits people across their lifespan. Housing is an important factor in determining our health outcomes and accessibility is recognised by the World Health Organisation as a major element.

Apart from increased size, Australian housing design has changed little in the last 50 or so years, save for fashionable cosmetic changes. Population demographics, community expectations, and the way we live our lives, have changed. Now is the time to be more inclusive in our mass market designs and consider all households - without the need for specialised design. Indeed, the inclusive, universal design approach, underpins the Livable Housing Design Guidelines – the guidelines that were developed by the housing industry.

Taking a disability-only approach as suggested in the Options Paper will discount the other beneficiaries when counting costs and benefits. In the early 2000s researchers called for a change in housing design to reflect an ageing population and our commitment to people with disability. They make the point that designing for these two groups includes convenience for many others, and that costs, if any, are minimal if considered at the outset.

The attempt to effect change through voluntary guidelines has failed. This is not surprising for an industry that relies on mandatory regulation to keep the fragmented house building system running smoothly and to maintain an industry-wide level playing field.

Finding the right terminology will be critical to finding the right outcomes.

Misunderstandings about “accessibility” prevail. This term is quickly translated to “disabled design”. When improved access features are included in the NCC, it will become standard Australian Housing and no particular term will be needed. If a particular term is needed for the process of discussing change, we recommend the term “liveable” as in liveable cities. Alternatively we can jump straight to what it is, Australian housing.

The Building Ministers’ Forum (BMF) has asked that the Livable Housing Australia Guidelines at Silver and Gold levels be assessed. These Guidelines are well researched and tested over eight years and are referenced in many government publications and policies. For this reason, we recommend that the Gold level form the minimum requirements for inclusion in the NCC. Many of the elements over and above Silver level are cost neutral, are easy to apply and technically substantiated.

Gold level is framed around mobility issues (mobilising, reaching, bending, grasping). Other disabilities can be incorporated within these spatial elements. As these elements are based on the earlier Landcom Guidelines (2008), which were costed, we suggest that these costings be sourced and if necessary, updated.

Housing lies in a complex and contested landscape. While it is important for the industry to make a profit for shareholders, it is also important that they add value to the community from which they draw that profit.

About Centre for Universal Design Australia (CUDA)

CUDA is a registered charity with the aim of creating a more inclusive world where everyone can be included everywhere, every time regardless of their background, age or level of capability. The concept of universal design is the means by which to achieve inclusiveness.

Universal design is an approach to designing goods, services, built environments and communications technology so that they include as many people as possible without the need for specialised or separate solutions¹. This includes housing.

Opening Comments

Safe and appropriate housing is a basic need. The Housing Industry Association in their 2015 Housing Affordability paper makes this pertinent statement: “Access to shelter is a basic human need and is critical to allow all Australians to participate in society to their full economic and social potential”².

This basic need is emphasised in the recent WHO Housing and Health Guidelines where accessibility is listed as one of the five key areas for attention and improvement and is linked with home safety and injury prevention, another of the key areas (pp 65-74)³.

Apart from increased size, Australian housing design has changed little in the last 50 or so years, save for cosmetic aspects. However, population demographics, community expectations and the way we live our lives, have changed. Now is the time to bring our housing design and related regulations up to date to incorporate current and future housing needs.

With population ageing, taking inclusive and universal design approach to housing design is a policy imperative. The most visible beneficiaries of universal design are people with disability, people with chronic health conditions and people who are growing older and less able. However, incorporating universal design principles does not disadvantage any other group in society. Indeed, it improves the convenience and ease of use for everyone. This includes parents with baby strollers and small children, anyone with wheeled devices, paramedics, and fire and rescue services.

We are living with designs intended for a different era. All new housing must be fit for purpose now and into the future. Taking a universal design approach, which underpins the Livable Housing Design Guidelines, will help achieve this.

In responding to the Options Paper, we will cover legal obligations, societal benefits and economic imperatives. Terminology, which is used interchangeably, will also be discussed.

¹Centre for Universal Design, (1997) https://projects.ncsu.edu/ncsu/design/cud/about_ud/about_ud.htm

² Housing Industry Association, Housing Affordability (2015) <https://hia.com.au/-/media/HIA-Website/Files/Media-Centre/Policies/housing-affordability.ashx>

³ World Health Organization (2018) WHO Housing and Health Guidelines <http://www.who.int/sustainable-development/publications/housing-health-guidelines/en/>

Best Practice Consultation Guidance Note 2016, OBPR, Department of Prime Minister⁴ will be used to frame part of our response, which will follow the order of headings in the Options Paper. Some repetition is required as some solutions and recommendations fit under more than one heading.

The Best Practice Consultation Guidance Note 2016, requires genuine consultation and the real-world impact of policy options. This is particularly important for stakeholders who may be adversely affected by the policy.

The Guidance Note also states that information should be easy for stakeholders to comprehend by using plain language clarifying the key issues. As housing lies in a complex landscape, this is essential. We argue that the document has been devised with the assumption of prior knowledge of such complexities and has not therefore fully clarified the objectives or context.

Potentially, some key stakeholders will be unable to respond adequately to the Options Paper, and some of the key issues are absent. Based on the evidence provided in the Options Paper we believe the costings are overstated and therefore it is not within the scope of this submission to respond adequately to methods that are not well explained.

Background

The idea of changing the way homes are designed is not difficult or new. The Master Builders Association of the ACT were encouraging a change almost 20 years ago⁵. These changes have been practiced in specialised “disability” and “aged” housing for several years. The question then is, why does it remain specialised when more people, indeed everyone, could benefit across their lifespan?

One of the driving forces for change is Australia’s National Disability Strategy⁶, which is a result of signing the UN Convention on the Rights of Persons with Disabilities. The Convention cites universal design as a means by which to create accessible and inclusive products, services and built environments, including housing. One of the National Disability Strategy (NDS) principles is a, “Universal approach” where “products, services, environments and communities are accessible and useable by all people to the greatest extent possible with the need for specialised modification (p23)”. Taking a life course approach, which particularly relates to an ageing population, is another of the NDS principles.

The Commonwealth Disability Discrimination Act 1992⁷ does not include private housing. However, it is arguable that housing is infrastructure in which the public has a significant

⁴Office of Prime Minister and Cabinet, (2016) (<https://www.pmc.gov.au/resource-centre/regulation/best-practice-regulation-guide-ministerial-councils-and-national-standard-setting-bodies>),

⁵ Master Builders Association of the ACT, *Housing for Life: Designed for Everybody* (2001)

⁶ Australian Government, Department of Social Services (2017) https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf

⁷ Commonwealth of Australia, Federal Register of Legislation, <https://www.legislation.gov.au/Details/C2018C00125>

interest. Indeed, the aggregation of all homes makes housing a large and significant piece of Australian infrastructure.

In 2012 Livable Housing Australia (LHA)⁸ was set up to promote voluntary guidelines for universal design in housing⁹. Currently LHA exists as a website that holds information about the Guidelines. The LHA Guidelines are included in policy documents at all levels of government, for example the NSW Apartment Design Guide (pp118-119).¹⁰ Regardless, neither the Guidelines themselves nor the inclusion in policy documents has resulted in a change in the practice of house design and construction for volume builders who produce most new homes in Australia^{11, 12}.

The Options Paper advises that the NCC provides minimum necessary requirements for safety and health, amenity and accessibility, and sustainability in the design, construction, performance and liveability of new buildings. Any changes must be “underpinned by a rigorously tested rationale, be effective and proportional to the issue and must generate a net societal benefit”. A universal design approach supports these minimum requirements.

Definitions

The Options Paper definition is: “Accessible housing is any housing that includes features that enable use by people either with a disability or transitioning through their life stages”.

We disagree that the term “accessible” can be used as an umbrella term for universal, inclusive, adaptable, “disabled”, “seniors” or any other term that might be applied to specialised and segregated housing¹³. Indeed, the need for all these different terms could be overcome by incorporating the universal design features in the LHA Guidelines to form “Australian” housing.

We argue that “Accessible” has developed a specific meaning in the NCC in relation to the public domain and to the rights of persons with disability. Housing design (accessible, inaccessible, universal or otherwise) goes beyond rights and speaks to many other aspects of the market and society. The ABCB definition is therefore too limiting and does not encompass the diversity of the population that would benefit from “accessible” housing design.

⁸ Livable Housing Australia <http://www.livablehousingaustralia.org.au/>

⁹ Livable Housing Australia <http://www.livablehousingaustralia.org.au/59/about-lha.aspx>

¹⁰ NSW Department of Planning & Environment, Apartment Design Guide, Part 4
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-part-4-designing-the-building-2015-07.ashx?la=en>

¹¹ Ward, M., Franz, J., Adkins, B., “Livable Housing Design: Is it likely to work?” QUT ePrints (2011)
<https://eprints.qut.edu.au/47289/>

¹² Bringolf, J. 2011, “Barriers to Universal Design in Housing” Western Sydney University
<https://researchdirect.westernsydney.edu.au/islandora/object/uws:11184>

¹³ Bringolf, J., 2010. “Calling a Spade a Shovel: Universal, accessible, adaptable, disabled – aren’t they all the same? Refereed papers presented at the 4th Australasian Housing Researchers Conference, Sydney, 5-7 August 2009, Randolph, B., Burke, T., Hilse, K. & Milligan, V., Eds. City Futures Research Centre UNSW. Retrieved from <http://universaldesignaustralia.net.au/wp-content/uploads/2017/11/Bringolf-Calling-a-Spade-Shovel-pub-Paper.pdf>

Consequently, the starting point from which to frame a response begins in a problematic space. But if we look to the LHA Guidelines, we find another way to frame the issue.

The LHA Guidelines has the strap line, “Championing safer, more comfortable and easier to access homes for everybody, every day, at all stages of life” (p7). The Guidelines state that a Livable home is “designed to be easy to enter, navigate in and around, be capable of easy and cost-effective adaptation, and be responsive to the changing needs of home occupants” (p8).

Clearly there is synergy with the NCC’s requirements for safety, amenity, and liveability in this definition. Consequently, the benefits from these attributes will apply to many households and their occupants: “Livable homes enhance the quality of life of all occupants at all stages of their life” (p8).

On the basis that the term “Accessible Housing” is most often translated to “disability housing”¹⁴, and that the BMF references the LHA Guidelines, and further, that the LHA Guidelines specifically sought a more marketable term than “accessible”, a generic term should be used in the process of considering change to the NCC. We talk of liveable cities so we should also have liveable housing.

We recommend that the ABCB use the term “Liveable Housing”.

Note that the re-introduction of the “e” into liveable is deliberate because LHA claim to own the intellectual property of their brand name “Livable Housing”.

Of course, once any changes are made, it will unnecessary to have any special nomenclature because if it applies to all housing – it will just be “housing”.

An alternative is to use the term “Australian” housing, for that is what it is.

National Disability Strategy

The Options Paper has provided a limited view of the NDS. It focuses on social housing, as well as state planning codes that require a small percentage of private dwellings in select developments meet the outdated AS4299 Adaptable Housing Standard. The situation, therefore, is presented in a better light than is the case as this is a minor part of current housing stock. These “special” dwellings become lost in the milieu of housing stock once the original purchaser decides to sell. They cannot be counted because they are few. If they were a significant part of housing stock, some of them at least could be found.

NDIS funding for modifications does not provide additional “accessible” homes to the market as these are often bespoke for people with significant disabilities, and smaller modifications, such as a tacked-on ramp to the front door and a grab bar in the shower does not equate to an “accessible” home as outlined in the LHA Guidelines. Often the

¹⁴ Bringolf, J, 2011 “ Barriers to Universal Design in Australian Housing”
<https://udeworld.com/presentations/papers/Bringolf%20UD%20Housing%20FICCDAT.pdf>

modifications are removed before the home is on-sold. (For more on the home modifications sector in Australia see Ainsworth and de Jonge¹⁵.)

In the 2011 edition of the NDS (p29) three of the five policy directions relate directly to housing:

Policy Direction 1: increased participation of people with disability, their families, and carers in the social, cultural, religious, recreational and sporting life of the community.

Policy Direction 2: improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community.

Policy Direction 3: improved provision of accessible and well-designed housing with choice for people with disability about where they live”.

It is worth noting that the National Dialogue on Universal Housing Design has not reconvened for several years or produced one progress report (as promised) and cannot be regarded as having any input into current policy as the NDS report claims. Indeed, the LHA website lists members of the Dialogue in past tense¹⁶.

Referencing an “aspirational” target of an agreed universal design standard (LHA Guidelines) by 2020, understates the extent of the commitments made under the NDS. The evidence overwhelmingly shows that a voluntary approach will not take us to the 2020 target. It needs to be a commitment, not an aspiration.

Livable Housing Design Guidelines

While the Guidelines were initially developed by a very small invited group of stakeholder representatives, there is no evidence on the current LHA website that LHA functions as a “partnership between community and consumer groups, government and industry” as stated in the Options Paper. Instead, they claim to “drive industry best practice through the Livable Housing Design Guidelines”¹⁴.

The website no longer lists a board of directors, but lists supporters, most of whom are major developers. A search of the ASIC website shows the registered office is that of the Master Builders Association NSW. Certification processes are overseen by a second party, and third parties complete assessments and certification.

We caution that LHA’s notion of “best practice” should not be confused with what is required as a minimum mandatory standard that the ABCB seeks.

¹⁵ Ainsworth, E, de Jonge, D (2016) “Home Modification Practice in Australia”
https://www.housinglin.org.uk/assets/Resources/Housing/Practice_examples/Housing_LIN_case_studies/HLIN_CaseStudy_119_Australia.pdf

¹⁶ Livable Housing Australia <http://www.livablehousingaustralia.org.au/59/about-lha.aspx>

Identifying the problem

We note that the Options Paper does not offer evidence of the “problem”. Rather it seeks feedback on such evidence. We also note that the problem is framed as if it is a social welfare problem. In addition, it implies that non-disabled people would have their rights infringed if they are forced to have accessible features in their home as if they would be ugly and undesirable.

Taking the last point first, new home buyers already have limits on what they can design into or out of their homes. Energy efficiency features were foisted upon all new home buyers more than ten years ago. Window overlooks, overshadowing, proportion of home on the lot size, and set-backs from the street are all decided by regulations because overall, they benefit the many.

The Options Paper argues that accessibility features currently provided are influenced by individual choices and according to the cited research report there is a wide variance in motivations where “homeowners may (rationally) weigh their future accessibility needs against other preferences...”

The notion that new home buyers are entirely rational is questionable. Marketing theory and evidence points in the opposite direction. Beliefs about the attributes of a product, the feelings it evokes, as well as processes of social comparison and desire to improve self-worth are all involved in the decision-making process¹⁷. With advertising banners of dream homes evoking promises of a ‘best possible future’, it is unlikely that consumers will demand anything that detracts from the anticipation of an idealized vision of their future selves. The housing market is a Dream Home Market with Dream Home products.

The notion that an accessible dwelling is a home solely for people with disability is to misrepresent the types of features being proposed in Silver and Gold levels. The beauty of universal design is in its silence and in its ability to mediate extremes. It is just good design and not about grab bars and hospital design.

To argue that it is the role of government or social housing providers to fund “adjustments and meet latent demand in the market” takes an industry perspective. Research by Bringolf (2011) found that this was indeed the attitude of industry (p4)¹⁸ who believed that older people and people with disability are a discreet and specialised market segment (p5) and/or should be under the protection of government. The aim of the NDS is to minimise reliance on government and to provide equitable citizenry, including options to be part of the housing market.

Whether 4% or 5% or even 10% of dwellings might currently be considered accessible or visitable fails to understand the situation and the need. The notion that the number of

¹⁷ Bagozzi, R.P. (1986), *Principles of Marketing Management* New York: Macmillan, pp 37-70

¹⁸ Bringolf J., (2011) “Hope I Die Before I Get Old: The state of play for housing liveability in Australia” [http://soac.fbe.unsw.edu.au/2011/papers/SOAC2011_0046_final\(1\).pdf](http://soac.fbe.unsw.edu.au/2011/papers/SOAC2011_0046_final(1).pdf)

accessible dwellings should somehow equate to the number of people needing them is a flawed argument for several reasons.

First, this is taking the route of specialised housing not mainstream housing. Second, where can one find an established accessible dwelling, and will it be vacant when needed? Third, this is assuming one third of households where disability is present would want to move, or should be forced to move, even if they found a suitable home for sale.

The Smith, Rayer & Smith (2008)¹⁹ research is based on rigorous economic principles. Using disability statistics and the average lifetime of a new home, they found that, conservatively, a new home today, lasting for 80 years, had a 60% probability of housing a person with a permanent disability. If you add visitors, that probability rises to 91%. The housing market in USA has a similar profile to Australia where home ownership is regarded as the norm. Their disability and ageing statistics are comparable, as is the lifespan of our homes.

To indicate that the lack of similar research in Australia is a reason to disregard this research is misleading. Other types of research, such as by Judd et al (2010)²⁰, indicates that the situation in Australia has similar attributes and similar needs.

As for the research not including apartment buildings, the needs of the population are the same regardless of whether they live in a free-standing home, a duplex, an apartment, or a terrace. Consequently, this point is irrelevant. Homes and households both have lifespans that need to be considered. The point of purchase of a new build by an individual buyer is only the start.

When identifying the problem, we must ask, whose problem? There are many stakeholders: home builders, property industry, financiers, governments, health services, paramedics, emergency services, older people, working families, and home care staff whose workplace is the homes of others.

By taking a disability-only approach to the issues misses an opportunity to consider designing homes that will be fit for purpose for the whole population into the future.

Unmet Demand

The term “unmet demand” is underpinned by several assumptions and returns us to the perspective of a “problem”. First, it indicates that only people who need it at this current time will be counted. Second, it indicates that there might be a section of the community that will want it and will ask for it. Even if we knew how many that was, they can’t be

¹⁹ Smith, S.K., Rayer, S., Smith, E.A. "Aging and Disability - Implications for the Housing Industry and Housing Policy in the United States." *Journal of the American Planning Association* 74, no. 3 (2008): 289-306.

²⁰ Judd, B., Olsberg, D., Quinn, J., Groenhart, L., Demirbilek, O., (2010), "Dwelling, Land and Neighbourhood Use by Older Home Owners." Melbourne: AHURI Report No. 144, Australian Housing and Urban Research Institute, UNSWUWS Research Centre.

https://www.ahuri.edu.au/data/assets/pdf_file/0017/2168/AHURI_Final_Report_No144_Dwelling,-land-and-neighbourhood-use-by-older-home-owners.pdf

counted. Third, it once again assumes it is specialised housing that is needed by a few and not suited to the many. This is contrary to the LHA Guidelines which state these are homes for all. This is the reference point – we should be ascertaining unmet need for a change in design features, not unmet demand.

Market demand for universal design features cannot be reliably measured because ageing and disability are not aspirational. Dual vanities, a media room, butler pantry and entertaining deck are aspirational features and are emphasised marketing material in line with marketing theory and practice¹⁷. This is one reason why industry struggles to accept universal design features – they cannot be promoted or highlighted without drawing attention to the issues of ageing or disability which are not part of the dream future of the dream home.

Unmet Need

Few people with disability live alone. Most live in households, which means all members are impacted by that disability to a greater or lesser degree. For example, they are all limited in where they can go together, socialise together, and holiday together. They should at least be able to live together comfortably and safely, particularly households where carer support is required.

The ABS figures for 2015²¹ show that 35.9% of households have a person who identifies as having a disability. If we add a long-term health condition (45.2%) to this figure we can see that the real measure is much larger than the reported 18.3% of individuals with disability, the real effect of disability on households could be as much as 80%. Indeed, there would be few families where disability is not present now or into the future, whether they live under one roof or congregate at home for family events. And almost everyone will grow old.

We recommend that there should be a series of stated preference and revealed questions developed to measure need rather than demand.

This would be in accordance with the Office of Best Practice Regulation Guidance.

Objective

This is possibly the most important part of the Options Paper because the definition of the objective “will influence the **level** of specification and the **extent** to which it should be applied”. This will require:

1. a definition of accessibility and accessible housing
2. addresses essential not desirable or best practice to meet that definition
3. and is applied so that it has a positive cost-benefit to home buyer and the community

Starting with the first point, we argued earlier that “accessible” in the NCC and Options Paper is deemed to be “access for persons with disability”. The BMF asks to reference the

²¹ Australian Bureau of Statistics (2015). 4430.0 Disability, Ageing and Carers, Australia: Summary of Findings. <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>

LHA Guidelines, which consider and confer benefits to the whole community and define such housing as “safer, more comfortable and easier to access homes for everybody, every day, at all stages of life”

We recommend that the term “accessible” housing be changed to “liveable” housing

We recommend that the definition be “homes that are safer, more comfortable and easier to access for everyone, every day, and at all stages of life”

Second point: Essential, desirable, and best practice might not be mutually exclusive. Much will depend upon the perspective of the individual, home designer, company owner, or government policy maker. The LHA Guidelines are already cited in policy documents at all levels of government and with the recommendations from the latest Intergenerational Report²² we must consider the housing design needs of an ever-increasing ageing population. Gold level provides the most effective and efficient outcomes for enabling people to age at home and to fulfil policies that support ageing in place.

We recommend that the Gold level of the LHA Guidelines constitute the minimum standard.

Third point: Home buyers and home owners are not the only people to live in dwellings. A significant, and growing, section of the community resides in rental properties. This group has little, if any, control over the design or modification of their rental dwelling and are at the greatest disadvantage. As a consequence, they find themselves in government funded institutional care earlier than necessary. The NDIS covers a very small group of people with significant disability: the majority are left to the open market.

Many of the features in Gold level over and above Silver are cost neutral yet could benefit the home occupant whether they have a disability now or in the future. These are items such as lever handles and placing power outlets and switches at heights convenient for everyone, and are the most useful for people who are ageing at home.

Definitions of Disability

A definition of disability is not necessary, especially if an inclusive universal design approach is taken. The NCC definition of “accessible” does not distinguish between types of disability, nor do the LHA Guidelines. If the critical spatial dimensions for people with mobility issues are considered (walking, reaching, bending and grasping), the needs of people with other disabilities can be incorporated within those elements. For example, colour contrasts for people with low vision.

We agree that mobility related issues, including reaching, bending and grasping, should be the driver of design options.

Although the DDA does not specifically cover private housing, individuals do not forgo the right to visit friends and family on the same basis as others. Indeed, this factor is covered in

²² Commonwealth of Australia (2015). Intergenerational Report: Australia in 2055
<https://treasury.gov.au/publication/2015-intergenerational-report/>

the UN Convention Article 9²³, and in the National Disability Strategy's Policy Direction 3 for "improved provision of accessible and well-designed housing choice for people with disability about where they live" (p28)²⁴. So, the absence of this right in the Australian DDA is of little consequence in this context.

An Accessibility Standard for Housing

First, it does not need to be a separate standard if it is to be mainstream: it will be an "Australian Standard for Housing".

We note that the scope of the proposed standard will cover mass market housing in the form of single dwellings, such as detached houses, row houses, townhouses, duplexes and villa units, and sole occupancy units in multi-storey residential buildings. It will not cover dwellings that are currently subject to the Access to Premises Standard.

We note that the primary objectives of the NCC are safety and health, amenity and accessibility, and sustainability, and that the policy parameters will be about the minimum necessary to achieve these objectives which must be capable of being applied to all new dwellings, with provision for exceptions.

Providing design features that suit more people over a longer time will add value to society. Such features can be incorporated at minimal, if any, cost according to the 2008 Landcom Universal Housing Design Guidelines²⁵, provided they are considered at the early design stage.

We note that preliminary costings provided in the Options Paper, and that other estimations of costs are sought through this consultation process. It is not clear, however, whether all benefits will be included in the analysis. We are concerned that the focus will be on easy to measure costs, and fail to consider opportunities for savings for health budgets, social service and social welfare budgets, or externalities such as the negative spill-over effects on the environment from unnecessary major home modifications and retro-fits.

Best Practice Regulation Guidance³ states that "costs and benefits are valued in terms of the economy and society as a whole" and not from the "vantage point of an individual, a firm, an organisation or group." It appears that this advice has not been heeded in the costings shown in the Options Paper.

We recommend that Best Practice Regulations Guidance principles are applied, and that revealed preference and stated preference techniques are used to identify costs and benefits of proposed regulation.

²³ United Nations Convention of the Rights of Persons with Disabilities Article 9.
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>

²⁴ Council of Australian Governments. (2011). 2010-2020 National Disability strategy.

²⁵ Landcom, Universal Housing Design Guidelines (2008) http://pandora.nla.gov.au/pan/92963/20090113-1416/housing_design.pdf

Possible Options for NCC Amendment

Understanding the different levels of effectiveness of Silver and Gold levels in terms of benefits to households, the community and governments, is critical to how any potential additional costs might be calculated.

The LHA Guidelines are well-established, well researched, and more importantly, agreed by housing industry groups as being good for everyone as well as meeting the obligations of the National Disability Strategy. Furthermore, these guidelines were based on the well-researched Landcom Universal Housing Design Guidelines (2008) which demonstrated that the features at equivalent Gold level could be effectively included, “if the Key Design Features are designed in up front... with almost no additional cost” (p7).

We recommend that the Landcom costings be sourced and updated with current costings.

We note that the Options Paper is concerned that the level of specification is “proportional” to the “problem”. This is an opportunity to improve the quality of all new housing to be fit for purpose. If the view remains that it is a problem, how will “proportional” be measured, and whose judgement will measure it?

Taking the approach of the Landcom Guidelines, the real problem is being able to respond “to the changing housing needs of an ageing population” (p7). Most older people do not want to move to age-restricted developments: they prefer to stay in their current homes. So, “it makes sense to ensure that mainstream housing meets the majority of their needs” (p7). While the policy imperative is to cater for an ageing population, Landcom acknowledges the features are beneficial for people of all ages and will suit most people with disability.

The cost benefits of using private housing as the home base for the care of older people is another important factor. The cost of supporting an older person at home is approximately 15% to 23% less than supporting an older person in an institutional setting²⁶. The AHURI research found that “As government bears a significant proportion of residential care costs (more than two-thirds), there are significant savings for government if they can help people stay in their own homes longer” (p2).

The AHURI research²⁶ covered the issues of both home ownership and the private rental market. The research report reminds us that we are still living with regulatory decisions made for past era and that it is time for a serious revision to take account of the real life situations of the current century. “Many of the most important and persistent effects of the built environment reflect design, investment and regulation decisions by both the public and private sector many decades earlier” (p42)²⁶.

²⁶ Bridge, C., Phibbs, P., Kendig, H., Mathews, M., Cooper, B. (2010), "Home Ownership Reduces the Cost of Home Based Care among Old Adults." AHURI Research & Policy Bulletin, no. No 132.

As Australians age, they are more likely to want to remain in familiar surroundings if not their existing home as evidenced in several reports, for example see AHURI²⁷. Incorporating universal design features will reduce the cost of government funded home modifications. As the AHURI research found, “...it is far more cost effective to include these features at the time of construction than modify a conventionally designed dwelling to have these features at a later date”(p36). Therefore, there is a need for a “greater supply of affordable and accessible dwellings of reasonable quality to older people” (p41)²⁸. This supply does not need to be separate or age specific housing.

The proposal to update the NCC is not about a problem for a few: rather it is an issue of how best to create necessary improvements for the many and at the same time meet our policy obligations. Best practice is the way in which these improvements are designed and implemented, and should not be confused with the LHA marketing definition of best practice.

We recommend that the 12 elements of the Gold level adopted, especially as this will suit most issues people have as they age, without disadvantaging any other age group.

Performance-Based Approach

We agree that subjective phrases, such as “easy and independent access” will need to be quantified, although they are detailed in the fourth edition of the LHA Guidelines.

We do not intend to comment step by step on the detail of each of the options. As we have argued earlier Gold level is the option that has the most merit for the most people. This is supported by population ageing with people living longer at a greater age, and that at least half of all households currently have a member with a permanent disability or chronic health condition.

We question the assumptions about an increase in overall floor space. It is a matter of being creative with the space rather than automatically assuming that the floor space needs to be expanded. Corridors and hallways can be designed out, and larger bathrooms designed in. We refer to the Landcom Guidelines in this regard. While there will be a need for exceptions, the majority of new dwellings will not be affected. Exceptions are no reason to reduce or dismiss any of the features for the majority.

Concluding remarks

Australia needs housing that is fit for purpose and caters for demographic change and community expectations. The ways in which we utilise our homes today were not considered at the start of mass market housing era.

²⁷ Judd, B., Olsberg, D., Quinn, J., Groenhart, L., Demirbilek, O., (2010), "Dwelling, Land and Neighbourhood Use by Older Home Owners." Melbourne: AHURI Report No. 144, Australian Housing and Urban Research Institute, UNSWUWS Research Centre.

²⁸ Bridge, C., Phibbs, P., Kendig, H., Mathews, M., Cooper, B. (2008) “The costs and benefits of using private housing as the ‘home base’ for care of older people: secondary data analysis” AHURI Final Report No. 115.

The house-building industry in Australia is fragmented and relies on regulations to hold the system together. This is an opportunity for an organised industry-wide change that could not and cannot be achieved through voluntary measures.

A minimalist approach is appropriate if the design requirements are only suited to a very small proportion of the population. However, this is not the case. When more than one third of Australian households report an occupant with disability plus a significant proportion with chronic health conditions, homes must be fit for purpose, and designed with inclusion, safety and amenity in mind. This should be the guiding principle.

The preparation for a Regulatory Impact Assessment for a change to the NCC provides an excellent opportunity for Australia to both meet its obligations and policy imperatives and provide homes that work for the majority of households across their life course.

Jane Bringolf

BSSc, MBA, PhD

Churchill Fellow

On behalf of Centre for Universal Design Australia

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