

Provisions for adaptable housing
by local government
in New South Wales

**A report for Shelter NSW
by Chris Elenor**

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While every effort has been made to ensure the information in this report is correct, many local government authorities are revising and consolidating their local environmental plans and development control plans. Users need to check with the relevant local government authority for the current specific provisions relating to accessible and affordable housing.

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Summary

Adaptable housing units are designed in such a way as they are, or can be easily modified in the future to become, accessible to both occupants and visitors with disabilities or progressive disabilities. Adaptable housing is also attractive to people who prefer open plan living. Current best practice in the design of adaptable housing is embodied in the Australian Standard AS 4299 published in 1995.

In order to meet the needs of an aging population and people with a disability, and as a means of increasing the supply of accessible and adaptable housing, a number of local government authorities (LGAs) in NSW have referenced some of the provisions of AS 4299 and set minimum ratio requirements for certain types of new residential development.

A survey in July 2006 of 152 local government authorities in NSW identified 49 LGAs with provisions for either accessible or adaptable housing in either a local environmental plan (LEP) or a development control plan (DCP). Of these, 40 had provisions in a DCP in relation to adaptable housing. The majority of these LGAs are in greater Sydney; however, 10 LGAs with adaptable housing requirements are in regional areas.

A survey of the Parliamentary Counsel's Office's 'NSW Legislation' website in July 2006 identified twelve local government authorities with either a mention of, or provisions for, adaptable housing in their local environmental plans. Of these, seven mentions/provisions are aspirational, providing an intent to encourage adaptable housing development and defining the scope to require adaptable housing development.

Six of the LEPs make adaptable housing development mandatory in either certain defined areas and/or for certain sorts of dwellings. These may include granny flats (aka dual occupancy, extended family unit) and multi-unit housing. In three cases, the LEP specifically calls up AS 4299 as the standard defining adaptability. Two LEPs specify that for new multi-unit housing or a new residential flat building, 10% of the total development will need to be designed to AS 4299.

Of the 40 LGAs with provisions for adaptable housing in DCPs, most relate to setting minimum requirements for the proportion of adaptable housing units required in new multi-unit developments such as residential flat buildings. Some LGAs additionally require terrace, villa and town house developments to meet adaptable housing standards for a specified proportion of the development. Other LGAs have set adaptability requirements and ratios for areas zoned as mixed use and for shop-top residences.

In most cases, the adaptable requirement is set at around 10% of the total number of units in the development which are required to achieve a Class C certification to AS 4299. In some cases, the proportion of adaptable dwellings has been set higher than 10% and the certification has been set at the higher certification standard of either A or B. A number of LGAs have left unspecified the specific standard of adaptability.

The DCPs of some LGAs, while mentioning the standard AS 4299, do not specify any requirements for the proportion of adaptable housing. Some councils requiring a 10% adaptable ratio for particular forms of residential development are referencing the accessibility standard AS 1428 rather than the more comprehensive adaptable housing standard AS 4299.

The State Environmental Planning Policy (Seniors Living) 2004 sets adaptable housing standards for relevant housing developments at the minimum level of AS 4299 (i.e. classification level C, which comprises more than 50 essential items plus a limited number of optional elements).

A number of councils are planning to incorporate the principles of adaptable housing based on the requirements of AS4299 in the next revision of their LEPs or DCPs. The strategic planners I spoke with considered that the scope for adaptable housing is generally set in the LEP and the specific provisions and development requirements are best set in specific DCPs related to an area or specific type of residential development.

Interviews with strategic planners in a small number of LGAs indicated:

- There appears to be a lack of knowledge amongst architects and potential developers about the specific requirements for adaptable housing development imposed by some LGAs.
- The increased costs of adaptable housing development are considered a minor part of the total development cost if the requirements are designed in. Offsets to required floor space ratios can assist in minimising the costs.
- Compliance by developers with the specified adaptable requirements appears to be variable, with LGAs unable to check compliance where private certifiers are used to certify developments;
- A major compliance issue mentioned is the nature of residents in ‘SEPP 5’ (now SEPP Seniors Living) housing.
- Requirements for a minimum proportion of specific residential developments to meet adaptable housing standards are increasing the supply of adaptable housing unevenly and extremely slowly.
- Some LGAs appear to be relying on the provisions of the State Environmental Planning Policy (Seniors Living) 2004 as the mechanism to increase the supply of adaptable housing in their area. (This SEPP essentially sets adaptable housing standards at the minimum level of AS 4299.)

Purpose, scope and methodology

In December 2005, the NSW government's metropolitan strategy for Sydney, *City of cities*, committed the Department of Planning to ensuring that local governments' local environmental plans provide for 'appropriately located and an adequate amount of housing for people with a disability'. The strategy noted that many local governments have included requirements for providing accessible and adaptable housing as part of local plans or development control plans and that the requirements vary greatly from area to area. The Department of Planning intends to develop guidelines specifying the minimum amount and type of units that should be provided in an area in relation to need and changing demographics.

The purpose of this research report is to document the current state of play on NSW local governments' policies on the adaptability and accessibility of housing developments for people with physical disabilities.

Methodology:

1. A 'fax back' questionnaire was sent to all local government authorities in NSW in June 2006.
2. A survey of the NSW Legislation website <www.legislation.nsw.gov.au> to identify if a council has relevant provisions in a local environmental plan was undertaken in July 2006.
3. An investigation of all council websites in NSW was conducted to identify whether the council has relevant provisions in a Development Control Plan.
4. Limited interviews were carried out with strategic planners and other officers in selected councils with accessible and adaptable housing provisions to assess the effectiveness of provisions and any policy implications.

Background to current provisions for accessible and adaptable housing

There is a patchwork of overlaying laws, regulations and standards which impact on the access of people living with a disability to buildings and facilities and the adaptability of housing to people's changing disability circumstances. (See Table 1.)

Table 1: Accessible and adaptable housing framework in NSW

Law, regulation, policy or standard	Pertinent provisions
Local Environmental Plan (LEP)	LGA specific by development type and/or area
Environmental Planning and Assessment Act 1979	Sections 90(s)(d)'(r), Regulations cl. 65
Disability Discrimination Act 1992	Section 23, Access and Use of Premises- new and existing buildings
Anti Discrimination Act 1977	NSW - focus personal discrimination
Local Government Act 1993	Section 83: Take into consideration means of access
	Regs. DA can only be approved if BCA standards
Building Code of Australia (BCA)	Requires access for people with mobility disabilities to all buildings (ex residential)
Development Control Plans (DCP)	LGA specific by building type and/or area
AS 1428 Design for Access and Mobility	Sections 1-4
AS 4299 Adaptable Housing	Class A, B, C
State Environmental Planning Policies	Seniors Living (2004), and No 53 - Metropolitan Residential Development

Accessible building standards

Historically, the major thrust of local government authorities has been to establish development provisions that ensure access for people with physical disabilities to public spaces and public buildings. This has generally been given effect through requiring new developments and modifications to meet specified provisions from the Australian Standard 1428.1, Design for Access and Mobility.¹ The passage of the Disability Discrimination Act in 1993 and some landmark test cases provided some impetus for LGAs to improve their access provisions for people with a disability.²

Until 1995, the Standard was the only document specifying design standards that took into account the requirements of people with disabilities; therefore, it has been used to design accessible housing.³

Through the referencing by LGAs of the Building Code of Australia as minimum standards for construction in the built environment, the disability access standards specified in AS1428 are the regulated minimum development standards in New South Wales. Many LGAs have specifically incorporated the provisions of AS 1428 into

DCPs governing the development of particular types of buildings and housing units. The DCP may specifically reference clauses in the Standard or reproduce the requirements of the standard without making specific references to it.⁴

Adaptable housing standards

The philosophy behind adaptable housing is to design housing units that facilitate use by a person with a disability or progressive frailty. Housing units are designed in such a way as they can be easily modified in the future to become accessible to both occupants and visitors with disabilities or progressive physical incapacity (e.g. the removal of a partition wall or installation of adjustable bench tops).

The Standard, AS 4299 Adaptable Housing, published in 1995, relates to residential rather than public buildings, and draws on the material contained in AS1428.1 and AS 1428.2. The standard can be referenced by designers and specifiers in the preparation of documentation; it can be used in contractual agreements and as a means of assessing the level of adaptability of residential accommodation.

The objectives of the Standard are to ensure that adaptable housing units generally meet the following performance requirements:

- Visitable by people who use wheelchairs, including at least one wheel chair accessible entry and a path of travel to the living area and to an accessible or visitable toilet.
- No steps and a minimum of level changes.
- Manoeuvrability for wheel chairs in and between the living area, kitchen, bedroom, bathroom and toilet.
- Ease of reach to electrical controls, taps, shelves and cupboards at levels to suit people who use wheel chairs.
- Laundry facilities capable of adaptation to enable access by people who use wheelchairs (Can be external to the housing unit providing there is a wheelchair accessible path of travel).

The Standard contains both normative and informative components. Appendix A of the Standard comprises a checklist of 119 design and performance features for adaptable housing units which are classified as essential (55), first priority desirable (41), and desirable (23).

Plans and construction of adaptable housing units can be independently certified to this checklist as follows:

- Adaptable house class A: all essential and desirable features incorporated;
- Adaptable house class B: all essential and a minimum 50% of desirable features (including all those notated first priority) incorporated;
- Adaptable house class C: all essential features incorporated.

A number of local government authorities in New South Wales have referenced some of the provisions of AS 4299 as a means of increasing the supply of housing which meets the needs of people with a disability.⁵

The strategic planners in local government I spoke with considered that the scope for adaptable housing is generally set in the LEP and the specific provisions and development requirements are best set in specific DCPs related to an area or specific type of residential development. This is within the wider context of NSW government planning policies.

NSW Government policy

The State Environmental Planning Policy (Seniors Living) 2004 points to the Australian standards AS 4299—1995 (Adaptable Housing) and AS 1428-1992, 1993 (Design for Access and Mobility) as the reference standards for design in considering people with a disability. The State Environmental Planning Policy No 53—Metropolitan Residential Development also references Australian Standard AS 4299.

The State Environmental Planning Policy (Seniors Living) 2004 aims to encourage the provision of housing (including residential care facilities) that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability,
- make efficient use of existing infrastructure and services, and
- be of good design.

The policy, which has the force of regulation under the NSW Environmental Planning and Assessment Act, sets aside local planning controls that would prevent the development of housing for seniors or people with a disability.⁶

The policy defines a range of accommodation and housing types that include residential care facility, hostel, self-contained dwelling, infill self care housing and serviced self care housing. (See Appendix 3 for definitions.)

The specific requirements of the Policy contain almost all the essential required features for the seniors housing to achieve classification as adaptable housing at a Class C level in AS 4299 1995⁷ It also includes some additional ‘desirable’ elements from the Standard.⁸

Extent and type of accessible and adaptable housing provision

Local environmental plans

A survey of the NSW legislation website in July 2006 found twelve local government authorities with either a mention of, or provisions for, adaptable housing at the level of local environmental plans. All of these LGAs are in greater Sydney with the exception of Dubbo (LEP 1998). (See Table 2.)

Table 2: NSW LGAs with references to adaptable housing in an LEP

Local Government Area	LEP date
Bankstown	2001
Baulkham Hills	2005
Blue Mountains	2005
Dubbo	1998
Hornsby	1994
Leichhardt	2000
Marrickville	2001
Mosman	1998
Penrith	1998
South Sydney	1998
Warringah	2000
Woollahra	1995

Seven of the LEP provisions could be described as aspirational providing an intent to encourage adaptable housing development and the scope to require adaptable housing development (e.g. the Blue Mountains LEP 2005 in relation to the village housing zone at 21(d) ‘To encourage the provision of housing options that are designed to be accessible for people with special needs or are easily adaptable for these needs in the future’).

In three cases (Blue Mountains, Warringah and Penrith), the LEP calls up AS 4299 as the standard defining adaptability. Six of the LEPs make adaptable housing development mandatory in either certain defined areas (e.g. a particular zone or area such as Green Park in South Sydney or an ‘accessible housing area’) and/or for certain sorts of dwellings. These may include granny flats (aka dual occupancy, extended family unit) and multi-unit housing.

Only two of the LEPs (Marrickville 2001, and Leichhardt 2000) specify that for new multi-unit housing or a new residential flat building, 10% of the total development will need to be designed to AS 4299.⁹

The surveys

Shelter NSW sent a letter to all 152 local government authorities in New South Wales in July 2006, seeking their cooperation to complete and fax back to Shelter NSW a short questionnaire related to any provisions they might have on accessible and adaptable housing. A total of 90 LGAs faxed the completed questionnaire back, of which 37 stated they had some form of regulatory provision for accessible or adaptable housing and 53 stated they had no such provisions either in their local environmental plans or in their development control plans. Four of these nil responses said they were in the process of developing such provisions for approval and adoption by their council.

A systematic internet survey of the content of all NSW council websites in July and August 2006 identified a further 15 LGAs (non-respondents to the questionnaire) which appeared to have some form of regulatory provision for accessible or adaptable housing. (For a small number of the LGAs it was not possible to access information on their planning controls from the website.)

Results

The survey of 152 local government authorities identified 49 LGAs with provisions for either accessibility to buildings or adaptable housing in either a local environmental plan or a development control plan. The majority of these LEPs and DCPs contain provisions related to access and mobility to public spaces and buildings. These are listed in Table 3.

Of the total with provisions related to disability access, a subset of 40 of these LGAs had provisions in a DCP in relation to adaptable housing. The majority of these LGAs are in greater Sydney; however, 10 LGAs with adaptable housing requirements are in regional areas.¹⁰ Attachment 1 lists these LGAs and provides a summary of their adaptable housing provisions.

Table 3: LGAs with accessible or adaptable housing requirements

LGA	Location of provision
Armidale Dumaresq	DCP B: Residential Development, DCP J: Access and Mobility
Ashfield	DCP Access, Adaptability And Mobility
Auburn	DCP Multiple Dwellings, Residential Flat buildings
Bankstown	LEP and D2 p34 adaptable housing DCP 2005
Baulkham Hills	LEP and DCP 3-7, 12-14
Bega Valley	DCP 1. 4. Life cycle housing controls p. 49/50
Bellingen	DCP 17 Equity of Access
Blacktown	DCP 2006 Part C Residential Flat Building
Blue Mountains	LEP and DCP, multi dwelling, dual occupancy, granny flat
Botany Bay	DCP Access
Burwood	DCP 7.14 Access
Byron	DCP 7.10 of DCP 2002, Draft DCP 2006
Camden	DCP 58-9 Housing Choice
Campbelltown	DCP (sustainable city)
Cessnock	DCP 58 Access and mobility
Coffs Harbour	DCP Access and mobility
Coonamble	DCP 1 Coonamble Township and Surrounds
Dubbo City	LEP and DCP Designing for access and mobility.
Holroyd	DCP 4A cl. 23,DCP5 cl. 25, DCP 44 Claus 44.6+++
Hornsby	Hornsby LEP 1994 and DCP Access and Mobility
Hunters Hill	DCP 23 Access and Mobility
Hurstville	DCP 19 Access and Mobility
Kogarah	DCP Residential Design Guide 2005
Ku-ring-gai	DCP 31 Access
Lake Macquarie	DCP 1
Lane Cove	DCP No 5 Access and Mobility 2.3 p30
Leichhardt	LEP and DCP 32 Design for Equity of Access and Adaptability
Maitland	DCP 24 Design Guidelines for Accessible Living (AS 1428 1,2,4)
Manly	DCP Access inc. Access policy 1996
Marrickville	LEP 2001 and DCP 31 Equity of Access and Mobility
Mosman	LEP and DCP Residential 5.11
Nambucca	DCP 14 Equity of Access and Mobility
Newcastle	NDCP 2005 Note provisions for bonus FSR in 6.2 and 6.3
North Sydney	DCP 2001 6.1b.v, 7.1.a.ii
Parramatta	DCP 2005
Penrith	LEP DCP 2000 Residential Land
Pittwater	DCP 21 Part C
Randwick	IN 6 DCPs including Back packers
Rockdale	DCP 40 Housing for Elderly and People with a disability
Ryde	Urban Housing @ 3.11 Accessibility
Sutherland	DCP Housing for Older People and People with a Disability 2003
Sydney	LEP (Green Square) and Access DCP 2004 Part 5 Adaptable Housing
Warringah	LEP Sched. 17 Principles and standards for housing for older people or people with disabilities
Waverley	DCP Access for people with Disabilities
Willoughby	DCP Access, mobility and adaptability
Wingecarribee	DCP Residential Development
Wollongong	DCP 49 Residential Development April 2006
Woollahra	LEP Access DCP
Wyong	DCP 2005 Chapter 64

Development control plans

Of the 40 LGAs with provisions for adaptable housing in DCPs, most relate to setting minimum requirements for the proportion of adaptable housing units required in new multi-unit developments such as residential flat buildings. Some LGAs additionally require terrace, villa and town house developments to meet adaptable housing standards for a specified proportion of the development. Other LGAs have set adaptability requirements and ratios for areas zoned as mixed use and for shop-top residences.¹¹

In most cases, the adaptable requirement is set at around 10% of the total number of units in the development which are required to achieve a Class C certification to AS 4299. In some cases, the proportion of adaptable dwellings has been set higher than 10% and the certification has been set at the higher certification standard of either A or B.

Some LGAs have specified a higher standard or a greater ratio for adaptable housing. The Blue Mountains City Council, for example, requires all dwellings within multi dwelling housing developments, to be adaptable to Class A of the Standard. Cessnock City Council has set the rate at 20% of any multiple unit development over four units. Pittwater Council requires that for multi-unit developments, 50% of the housing units meet the Class B adaptable house standard in AS 4299 (See Table 4), and Bellingen Shire Council has specified that where there is more than one dwelling in a residential development, at least half are required to meet the adaptable checklist.

Table 4: Pittwater Council requirements for adaptable housing units

Development Type	% Adaptable Units	Minimum Class (1)
Multi-unit housing, residential flat building, group building and boarding house	50	B
Shop-top housing	25	B
Within Sectors 5 and 8, Warriewood Valley Land Release	20	B
Within Sector 3, Warriewood Valley Land Release	24	B
Within Warriewood STP Buffer Area	50	B
SEPP No. 5 – Housing for Older People and PWD (2)	50	A
SEPP No. 5 – Housing for Older People and PWD (2)	50	B

(1) As per AS 4299 Adaptable Housing

(2) Replaced by SEPP (Seniors Living) 2004

Source: Section C, Page 17 Pittwater 21 DCP. Adopted: 8 December 2003. In Force: 1 February 2004.

Other LGAs have set a lower proportion of units in multi-unit developments required to be adaptable housing units. Baulkham Hills Shire Council, for example, requires that 5% of any townhouse, villa or apartment building development is adaptable housing units to Class B of the Standard.

Hurstville Council has chosen to specifically reference the adaptability standards of the SEPP (Seniors Living) 2004, rather than the provisions of AS 4299 for residential flat development.¹²

Some LGAs, for example Willoughby City Council, have set the adaptable housing requirements in multiple developments by reference to the number of stories in the residential development. (See Table 5.) Other councils such as Mosman require all ground floor units in multi-unit developments to meet AS4299 and the requirements of the Building Code of Australia.

Table 5: Willoughby Council requirements for adaptable housing units

New Development Type	% Adaptable
Multi-unit single story	10
Multi-unit 2 story	25
Multi-unit 3 story	33
Multi-unit more than 3 story	50
Residential Development in Business Zone	50 (if lift)

Source: WDCP Part C p. C75

The Blue Mountains City Council, because of the particular topography of the area, has set the access and adaptability requirements for dual occupancy and granny flat development within a defined ‘Accessible Housing Area’ on the basis of the slope of the land. (See Table 6.) All granny flats are required to comply with the requirements and one of the dwellings in any dual occupancy developments. Council officers indicated that, in the 12 months since the adaptable provisions have been in force, because of the slope issues on many blocks, some developers had experienced difficulties and significant increased cost in meeting the continuous path of travel requirements which involved hardstand and turnaround areas.

Table 6: Blue Mountains City Council requirements for adaptability in dual occupancy and granny flat developments

Slope of land (1)	Adaptable housing Class (2)
Less than 1:14	A
Between 1:8-1:14	B
Greater than 1:8	C

(1) The slope of the land from the point of access at the road reserve to the rear of the building.

(2) As per AS 4299 Adaptable Housing

Source: DCP 2.12.1, 3.12.1, 4.12.1

Some councils such as Blacktown, while requiring a 10% adaptable ratio for particular forms of residential development, are referencing the accessibility standard 1428.1, rather than the more comprehensive adaptable housing standard AS 4299. Some councils such as Parramatta City Council, while referring to AS4299, appear not to have specific requirements in relation to it.

Many of the DCPs addressing adaptability contain additional specific provisions in relation to car parking spaces. The formulation used by Ashfield Council is an example of how this is commonly done

At least one accessible disabled car parking space is to be provided for each adaptable unit. These spaces are to be located close to and accessible from the entrance to the adaptable units and from the main entrance to the building. The spaces will need to be attached to the title of the adaptable housing unit.¹³

The application of adaptable housing standards

Telephone interviews were conducted with strategic planners and local government officers involved in development consent processes in a small number of LGAs.¹⁴ (See Appendix 4 for interview questions.) The following statements are based on the personal observations and anecdotes of the respondents. This part of the research was not meant to be comprehensive, but rather, to provide a window into issues around the efficacy of adaptable housing provisions.

There appears to be little concern amongst potential developers at the specific requirements for adaptable housing development imposed by LGAs. Particularly in metropolitan Sydney where adjoining LGAs have similar provisions, it is increasingly accepted as a usual requirement for multi-unit developments. The increased costs of adaptable housing development are considered a minor part of the total development cost if the requirements are designed in, particularly if it means improved floor space ratios and minimum impact on site yield for the developers.

Outside the Sydney metropolitan area, knowledge of the requirements for adaptable housing is considered variable, with many architects and developers unaware of the specific design provisions of the Standard (unless they have previous experience in designing for Seniors Living accommodation). Some council officers observed that plans submitted for development applications are short on the detail and specifics of design for adaptable housing, and in some cases the plans need to be redrawn and resubmitted several times before they comply with the detail specified in the Standard to the satisfaction of the consent authority.

Compliance by professional developers with the specified adaptable standard is not seen as an issue; however, as many developments are certified by private certifiers and not by LGA officers, the consent authority would not generally be aware of non-compliance issues. There is some anecdotal evidence of construction not conforming to the requirements of the Standard and certification by private certifiers of work which does not comply with the requirements. In some instances for example, site inspection has revealed that the necessary continuous path of travel has been interrupted by steps that were not indicated on the original plan. The major potential compliance issue which was nominated by strategic planners was the characteristics of residents in 'SEPP 5' housing.¹⁵

Requirements for a minimum proportion of specific residential developments to meet adaptable housing standards are generally increasing the supply of adaptable housing extremely slowly. However, Marrickville Council estimates that since the introduction of their provisions in mid 2000, development applications for approximately 200 adaptable housing units have been approved.¹⁶ Even where there is a requirement for a proportion of adaptable units, the threshold of the minimum number of units, particularly in the inner areas of Sydney (e.g. fourteen plus units in the case of Randwick) means the majority of smaller infill multi-unit developments escape the requirement to include affordable housing units.

Some LGAs appear to be relying on the provisions of the State Environmental Planning Policy (Seniors Living) 2004 as the primary mechanism to increase the supply of adaptable housing and accommodation in their area.¹⁷

A number of councils are planning to incorporate the principles of adaptable housing based on the requirements of AS4299 in the next revision of their LEPs or DCPs.

Appendix 1: Development controls and adaptable housing

Survey by Shelter NSW, July 2006

Please fax this form to Shelter NSW on (02) 9267 5001 by 28 July 2006

1. Your Council's name: _____

2. Authorizing officer: _____

3. Date: _____

4. Do you have a local environmental planning instrument with provisions on adaptable housing?

Yes No

If yes, please continue. If No, proceed to question 9.

5. Are the provisions in a local environmental plan?

Yes No

If yes, what is the name of the LEP? _____

6. Are the provisions in a development control plan?

Yes No

If yes, what is the name of the DCP? _____

7. If you have answered yes to questions 5 and 6, can you confirm that you have provisions in both a local environmental plan and a development control plan?

Yes

8. If the adaptable housing provisions are in a DCP, is this DCP publicly available for download from your council's website?

Yes No

9. Would you like to be informed when a copy of the report from this survey is online at the Shelter NSW website?

Yes No

If yes, please provide an email address for notice:

Note: Many councils are revising and consolidating their local environmental plans and development control plans. Please provide answers with information current as at 30 June 2006. Thank you.

Appendix 2: Local government authorities with accessible and adaptable provisions for residential housing

LGA	Source of accessible and adaptable provisions:	Summary of application of Standard AS 4299 Adaptable Housing
Armidale Dumaresq	DCP J – Design for Access and Mobility (POL 057)	Where residential developments (medium-density) include five or more dwellings, 10% are to be built to an 'adaptable' design (level unspecified)
Ashfield	DCP for Access, Adaptability And Mobility (1998)	10% of residential flats are to be adaptable; 10% of townhouses and villas are to be adaptable. Access to upper level by stair platform lift or ramp
Auburn	DCPs (2005) Multiple Dwellings 9; Residential Flat buildings	For multiple dwellings and residential flat buildings, where more than 5 units then 10% are to be adaptable at Class C of AS 4299
Bankstown	LEP and D2 p34 adaptable housing DCP (2005) 9.1 - Where there is multi-unit development a minimum of 25% to be built to 'suit a range family types';	For villas where more than 10 dwellings, 1 in each additional 10 to be adaptable. In residential flat buildings where more than 10 units then 1 adaptable plus 1 for every additional 50 units.
Baulkham Hills	LEP and DCP 3-7, 12-14; ESD Objectives 7 and 9 'take into consideration'	For townhouses (DCP 4, 5.19), villas (DCP 7, 5.21) and apartment buildings (DCP 6, 5.23) - 5% of the total built to AS 4299 -5% Class B standard; All dual occupancy (DCP 5, 4.23) dwellings built to specification in AS 1428.1
Bega Valley	DCP - 1. 4. Life cycle housing controls p. 49/50	In developments where five or more units, at least one to be built to AS 4299 on ground floor or stairlift)
Bellingen	DCP 17 - Equity of Access (2003) p 8 and 9 Section 14	Where more than one dwelling in a residential development, at least half to meet the requirements of an adaptable checklist (Section 14)
Blacktown	DCP 2006 Part C Residential Flat Building 7.6.12 access	For residential flat development, 10% of the total number to be designed to disability requirements of AS 1428.1
Blue Mountains	LEP cl 109; C5.6; DCP's, multi dwelling (D4.12.1) Dual occupancy (d3.12.1), Granny flat (D2.12.1)	DCPs specify a range of adaptable housing ratios and required standards (A, B or C) for developments related to the slope of the block.
Botany Bay	DCP Access (1996)	Multi-unit development of less than ten units where at least one adaptable to AS4299 are exempt from the DCP.
Byron	C 7.10 of DCP 2002 and Draft DCP 2006	Where multiple development units, 10% of the total to be adaptable units.
Cessnock	DCP 58 Access and mobility (2004)	In multiple developments for each 4 or more units, 1 additional unit to be adaptable (i.e. adaptable units will comprise 20% of the total)
Holroyd	DCP 4A cl 23, DCP5 cl 25, DCP 44 Clause 4.4.6+ Precinct plans i.e. Greystanes Residential, former CSIRO Site	In three-story development, 35% of any ground level dwelling shall be compliant with the requirements of AS 4299.
Hornsby	Hornsby LEP (1994) and Access and Mobility DCP	10% of SEPP 5 development units to be adaptable
Hunters Hill	DCP 23 Access and Mobility	Applies to all land in the LGA with the exception of some residential dwellings

Appendix 2 (continued – part 2)
NSW local government authorities with accessible and adaptable provisions for residential housing

LGA	Source of accessible and adaptable provisions:	Summary of application of Standard AS 4299 Adaptable Housing
Hurstville	DCP 19 Access and Mobility DCP 24 Housing for Seniors or People with a Disability (2005)	10% of residential flat buildings must meet the adaptable access provisions for seniors housing
Kogarah	DCP Residential Design Guide 2005, Accommodation for old people and People with Disability	All multi-unit development to be adaptable (3.11.2) For terraces, villas, townhouses and residential flat development, 10% of units to be adaptable (3.11.1)
Ku-ring-gai	DCP 31 Access and refs other DCPs eg 55	Ensure that dwellings suitable for the disabled are provided in new multi-unit development
Lane Cove	DCP No 5 Access and Mobility 2.5 p30	In Class 2 developments, 10% of units to be adaptable
Leichhardt	DCP no. 32 Design for Equity of Access and Adaptability (1997)	In the development of medium-density residential flats, 10% of the total are to be adaptable.
Manly	DCP Access incorporating the Access policy 1996	Access to AS 4299 for 1 unit where 4 or more units built; requires provision for a stairlift in SEPP 5 developments and for all new aged and disability residential buildings.
Marrickville	LEP 2001 and DCP 31 Equity of Access and Mobility	10% of all multi-unit housing or residential flat development to be adaptable (LEP Clause 64)
Mosman	LEP and DCP Residential 5.15	All ground floor units in multi-unit developments to meet AS 4299 and BCA requirements
Newcastle	NDCP 2005 Note provisions for bonus FSR in 6.2 and 6.3	6.2 City East 6.3 City West May be bonus FSR where 'public benefit'
North Sydney	DCP 2001 6.1b.v, 7.1.a.ii (DCP 2002?)	For mixed use and multi-unit development, a minimum of 10% as adaptable housing.
Parramatta	DCP 2005	Specifies standards to be taken into account.
Penrith	LEP and DCP 2000 Residential Land-access all types	Specifies some adaptability provisions for dual occupancy, villas, two story town houses and apartment development
Pittwater	DCP 21 Part C	For multi-unit developments, 50 % to be adaptable housing to Class B; For SEPP seniors development, 50% to be adaptable class A; For shop-top housing 25% to be adaptable housing to Class B
Randwick	6 DCPs - Multi-unit housing 5.4, Backpackers 3.5 and 4 area DCPs	For multi-unit accommodation developments, disability access set at a ratio of 1:15. For backpackers accommodation, a minimum of 1 accessible room (to sleep 4) in each development.

Appendix 2 (continued – part 3)
NSW local government authorities with accessible and adaptable provisions for residential housing

LGA	Source of accessible and adaptable provisions:	Summary of application of Standard AS 4299 Adaptable Housing
Rockdale	DCP 40 Housing for Elderly and People with a disability (1998)	All Residential and 3(a) zones and certain 5(a) zones. Self care units, hostels, nursing homes and retirement villages require 50% accessible for wheelchairs.
Ryde	DCP 2006 at 9.6 and Urban Housing @ 3.11 Accessibility	In any development, 10% of total sole occupancy units are to be adaptable (9.2)
Sutherland	LEP 2000 (draft 2006) and DCP Housing for Older people or People with a Disability 2003	Seniors housing requires Accessible Entry to AS 4299; For hostel and residential care developments, 10% of the units required to be wheelchair accessible to AS 1429 (S.9 pp. 4-6)
Sydney	LEP and City of Sydney Access DCP 2004 Part 5 Adaptable Housing	Requires for Multiple Unit development, that around 10% meet adaptability standards.
Warringah	LEP -only Schedule 16 Principles and standards for housing for older people or people with disabilities	Provisions for development of Housing for older people or people with a disability are in the policy schedule to the LEP. They mirror SEPP 5 provisions.
Waverley	DCP 26 Access for people with Disabilities 1999	For multi-unit developments, 1 in 10 units are required to be adaptable.
Willoughby	WDCP Part C pC75 (previously: DCP 14 Access, Mobility and Adaptability)	For multi-unit developments between 10 and 50% are required to be adaptable (6.3)
Wingecarribee	DCP Residential Development 4.18	For Medium level density, 1:3 dwellings to be adaptable; Dual occupancy developments
Wollongong	DCP 49 Residential Development, April 2006 12.16	For multi-unit dwelling developments, where greater than 6 units, 10% of the total must be adaptable.
Woollahra	WLEP 1995 Cl 2 and Access DCP (2004)	For development of residential flat buildings, 1 in 10 units must be adaptable (3.2)
Wyong	DCP 2005 Chapter 64	For multiple dwellings and residential flats, 10% to be designed as suitable to AS 4299 (11.1)

Appendix 3: SEPP Seniors Living – summary of main provisions

State Environmental Planning Policy (Seniors Living) 2004

The State Environmental Planning Policy (Senior Living) 2004 aims to encourage the provision of housing (including residential care facilities) that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability,
- make efficient use of existing infrastructure and services, and
- be of good design.

The policy envisages these aims will be achieved by setting out design principles to be followed to:

- achieve built form that responds to the characteristics of its site and form, and
- ensure that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.

The policy, which has the force of regulation under the NSW Environmental Planning and Assessment Act, overrides any other environmental planning instrument to the extent of any inconsistency. It sets aside local planning controls that would prevent the development of housing for seniors or people with a disability to the standards set by the Policy.

The concept of ‘seniors housing’ advanced in the Policy is a shorthand phrase which encompasses both housing for seniors and for people with a disability.

The Policy defines ‘seniors’ as people aged 55 years or more and ‘people with a disability’ as ‘people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life.’

The accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. It also encompasses people who live within the same household with seniors or people who have a disability and staff employed to assist in the administration of and provision of services to housing provided under the Policy.

A consent authority must not consent to a development application made pursuant to this Chapter unless a condition is imposed by the consent authority to the effect that only the kinds of people referred to in sub-clause (1) may occupy any accommodation to which the application relates.

The policy defines a range of accommodation and housing types. These are:

A ‘residential care facility’ is residential accommodation for seniors or people with a disability that includes meals and cleaning services, and personal care or nursing care, or both, and appropriate staffing, furniture, furnishings and equipment for the

provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.

A 'hostel' is residential accommodation for seniors or people with a disability where meals, laundering, cleaning and other facilities are provided on a shared basis, and at least one staff member is available on site 24 hours a day to provide management services.

A 'self-contained dwelling' is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

'In-fill self-care housing' is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

'Serviced self-care housing' is seniors housing that consists of self-contained dwellings where the following services such as meals, cleaning services, personal care, nursing care are provided on site as part of the development:

Comparison of the requirements of the Policy with Appendix A 'Schedule of Features for Adaptable Housing' AS 4299 1995 indicates that the Regulations in the policy specify almost all the 'Essential required features' necessary for the development of self-contained dwellings to achieve classification as adaptable housing at a Class C level. From the checklist at Appendix A of the Standard, the minor exceptions appear to be; in the kitchen Items 45, Refrigerator adjacent to work surface, Item 46, Kitchen sink adjustable to heights from 750mm to 850mm or replaceable and Item 47, Kitchen sink bowl max. 150mm deep; in the laundry Item 105, Double GPO. There are also some minor variances of specified dimensions between the Seniors Living Policy and the Adaptable Housing Standard in relation to Item 14, private car parking space and Item 32, clearance of internal doors.

The regulations also require the incorporation of some 'desirable' features into self contained dwellings but at an insufficient level (minimum level is all first priority desirable and 50% of all desirable items) to achieve a Class B adaptable housing classification.

Hostel accommodation is residential accommodation for seniors or people with a disability where meals, laundering, cleaning and other facilities are provided on a shared basis, and there is staff on site 24 hours a day to provide management services. For hostel accommodation, the Seniors Living Policy similarly requires the incorporation of all the 'Essential required features' with the exception of those items relating to living and dining rooms kitchens and laundries.

Appendix 4: Interview schedule – strategic planners

Current provisions for accessible and adaptable housing:

- Extent of Coverage (by development type)?
- Dimensions of Provision (% application)?
- Called up from which Standards and category level?

1. Why did the Council choose the approach(es) you have taken?
2. What has been the response of developers during the DA process to having to comply with your adaptable housing provisions?
3. Have your adaptable housing provisions raised issues of higher dwelling construction cost/housing affordability?
4. Are there any compliance issues you have with your adaptable housing provision (e.g. monitoring and ensuring/policing that developers build to the approved standard)?
5. In general, how effective and efficient are your adaptable housing provisions in increasing the supply of adaptable or accessible housing in your local government area?
6. What benefit is there in having adaptable housing provisions in a LEP rather than (or as well as) a DCP?
7. In general, are there any policy issues (for local government or state government) that you would identify from your experiences with your council's adaptable housing provisions?

Endnotes

¹ This Standard, first published in 1997 relates to the general requirements for access to public buildings. It was subsequently revised in 1998 and 1993. Subsequent parts of AS 1428 all dealing with public buildings have followed. These are Part 2: Enhanced and additional requirements for buildings and facilities, Part 3: Requirements for children and adolescents with physical disabilities and Part 4: Tactile Ground surface indicators for the orientation of people with vision impairment.

² The Disability Discrimination Act 1992 applies to buildings and accommodation. It allows individuals to lay complaints if they think they have been unfairly treated because of their disabilities. Disability is defined by the Act as including physical, intellectual, psychiatric, sensory, neurological, learning disabilities, physical disfigurement, and the presence in the body of disease-causing organs. The definition includes a disability that presently exists, previously existed and no longer exists (e.g. a person who has had a back injury, or an episode of mental illness), it may exist in the future (e.g. a person with a heart disease, or a person who is HIV positive) or is imputed to a person (e.g. assuming that a person living with an infectious disease has the disease).

³ Accessible housing would typically incorporate features specified in AS 1428:1 and 2 such as grab rails and fittings, which enhance independent living for people with limited mobility. Accessible housing complies with the floor space requirements as described in AS 1428.1, which means that people with a disability, including those who rely on a wheelchair, are able to approach, enter and use the housing unit.

⁴ Other Australian standards referenced by Councils in their development control plans with the intent of improving access, amenity and safety for persons with a disability are: AS1680 Interior Lighting; AS 1735 Lifts; AS2890 Parking Facilities, Part 1 Off-street Parking; AS 3727 Guide to Residential pavements; AS 3740 Waterproofing of Wet Areas within residential Buildings.

⁵ For hostel accommodation, the Seniors Living Policy similarly requires the incorporation of all the 'Essential required features' with the exception of those items relating to living and dining rooms kitchens and laundries.

⁶ The Policy defines 'seniors' as people aged 55 years or more and 'people with a disability' as 'people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full or active life.'

⁷ Comparison of the requirements of the Policy with Appendix A 'Schedule of Features for Adaptable Housing' in AS 4299 1995 indicates that the Regulations in the policy specify almost all the 'Essential required features' necessary for the development of self-contained dwellings to achieve classification as adaptable housing at a Class C level. From the checklist at Appendix A of the Standard, the minor exceptions appear to be in the kitchen and laundry. These are: Items 45, Refrigerator adjacent to work surface, Item 46, Kitchen sink adjustable to heights from 750mm to 850mm or replaceable and Item 47, Kitchen sink bowl max. 150mm deep; Item 105, Double GPO in the laundry.

There are also some minor variances of specified dimensions between the Seniors Living Policy and the Adaptable Housing Standard in relation to Item 14, private car parking space and Item 32, clearance of internal doors.

⁸ The regulations also require the incorporation of some 'desirable' features into self contained dwellings but at an insufficient level (minimum level is all first priority desirable and 50% of all desirable items) to achieve a Class B adaptable housing classification against the Standard.

⁹ Marrickville LEP at Clause 64 (2) Accessibility 'Consent must not be granted to the carrying out of development for the purpose of new multi-unit housing or a new residential flat building unless at least 10% of the total number of dwellings (in the case of development involving the creation of 10 or more dwellings) have been designed in accordance with Australian Standard AS 4299—Adaptable Housing.'

¹⁰ Regional LGAs with some form of adaptable housing provisions: Armidale Dumaresq, Bega Valley, Bellingen, Blue Mountains, Byron, Cessnock, Newcastle, Wingecarribee, Wollongong and Wyong.

¹¹ Attachment 1: 'NSW Local Government Authorities with Accessible and Adaptable Provisions for Residential Housing', summarises the range of provisions by local government area.

¹² This has a similar effect as the adaptability provisions in SEPP (Senior Living) 2004 mirror AS4299 at level C.

¹³ Ashfield DCP for Access, Adaptability And Mobility (1998).

¹⁴ These included Newcastle, Penrith, Blue Mountains, Warringah, Randwick, and Marrickville.

¹⁵ The accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. It also encompasses people who live within the same household with seniors or people who have a disability and staff employed to assist in the administration of and provision of services to housing provided under the Policy.

¹⁶ A development approval does not necessarily mean that the units have actually been constructed.

¹⁷ This SEPP essentially sets adaptable housing standards at the level C of AS 4299.