

**Council of Social Service of New South Wales (NCOSS)  
Shelter NSW**



**Submission to the Review of State Environmental Planning  
Policy (Seniors Living) 2004**

**May 2006**

## **About NCOSS**

The Council of Social Service of New South Wales (NCOSS) is the peak body for the social and community services sector in New South Wales. NCOSS works with its members on behalf of disadvantaged people and communities towards achieving social justice in this State.

NCOSS provides an independent voice on human services policy issues and social and economic reforms and is the major co-ordinator for non-government social and community services. It was established in 1935 and is part of a national network of Councils of Social Service, which operate in each State and Territory and at Commonwealth level.

NCOSS membership is composed of community organisations and interested individuals. Through current membership forums, NCOSS represents more than 7,000 community organisations and over 85,000 consumers and individuals. Member organisations are diverse; including unfunded self-help groups, children's services, youth services emergency relief agencies, chronic illness organisations, local indigenous community organisations, church groups, and a range of population-specific consumer advocacy agencies.

## **About Shelter NSW**

Shelter NSW is a community-based, statewide, peak body, which promotes the housing interests of low-income and disadvantaged people in New South Wales.

Shelter's mission is to work for a just and equitable housing system. We

- promote a coordinated response within the community sector to housing issues impacting on access to housing by low-income and disadvantaged people;
- work with and influence government and relevant community sector organizations to develop housing policies and programs that meet the needs of low-income and disadvantaged people and offer appropriate housing solutions;
- increase public awareness of housing issues and support for adequate and sustainable responses;
- research and develop responses to housing issues;
- provide quality information, assistance and support to the community sector, members and other stakeholders.

## Introduction

NCOSS and Shelter NSW welcome the opportunity to make a submission to the *Review of State Environmental Planning Policy (SEPP)(Seniors Living) 2004*. NCOSS and Shelter NSW have worked together on this submission, drawing on their specific expertise and the knowledge and strengths of their respective constituents and members. NCOSS and Shelter NSW note that specific consultation questions have been suggested. This submission responds to each of these in turn following some general observations.

## General comments

While NSW's population is growing, the number of people with disabilities and older people living in this state is escalating. Between the years 2000 and 2011, the general population of NSW will grow by 8%. The Department of Disability, Ageing and Home Care (DADHC) estimates that during that time, the population of people with disabilities will grow 18% and the population of older people will grow by 26%.

The imperative for accessible adaptable housing accelerates with these changes to the population and the subsequent demand for appropriate housing.

In its submission to the previous review of SEPP5 in 2003, NCOSS argued for closer collaboration between state and local governments over the planning and delivery of social infrastructure including transport, public health, shopping facilities, community support services and other public and social amenities. Clearly, the new *Seniors Living Policy* cannot be developed outside a discussion of these wider issues. Improved housing design in terms of accessibility and adaptability is vital, but it must not be seen independently of other issues such as housing affordability and connectivity with infrastructure.

- **The adequacy of the requirements for the accessibility and adaptability of the SEPP Seniors Living**

The *Seniors Living* SEPP emphasizes accessibility and adaptability requirements associated with new stock. Whilst this is welcome it must be noted that new stock forms only part of the housing profile of older people and people with disability.

Older people and people with disability live in a variety of housing settings, including in insecure and poor quality private rental accommodation, boarding houses and in public sector housing.

The Department of Housing *Disability Action Plan* identifies that approximately one third of public housing households comprised people over 65 years while approximately a quarter of public housing households had at least one member in receipt of a disability based income. However, a significant proportion of social

housing stock is either physically inaccessible or otherwise unsuitable for people with particular types of disability and older people. Addressing this situation requires both the building or acquisition of appropriate housing stock for older people and people with disability, and the modification of existing housing stock.

It must be acknowledged that a comprehensive approach to the housing needs of older people and people with disability requires concerted effort beyond the *Seniors Living* SEPP. This must be backed up by resources in improving accessibility, affordability and connectivity of existing as well as new stock.

NCOSS and Shelter NSW support the policy that the *Seniors Living* SEPP needs to be considered within a broader policy of promoting a range of universal housing options.

The Australian Network for Universal Housing Design (ANUHD) believes that housing designs will need some inexpensive but important changes to cope with demographic changes.<sup>1</sup>

NCOSS and Shelter NSW agree with the ANUHD that universal housing design will contribute to inclusive and sustainable communities and notes the significant cost benefits to government through:

- 'fewer trips, slips and falls by older people and young children;
- less demand on institutional care arrangements for older people and people with a disability, because they can stay in their own home longer;
- more appropriate and efficient use of acute care hospitals and rehabilitation facilities;
- safer work environments for both paid and unpaid care-givers; and
- less demand for home modifications, assistive equipment and paid assistance for daily living tasks'.

NCOSS and Shelter NSW join with other disability and older person's peak bodies, notably the Physical Disability Council of NSW and the Human Rights and Equal Opportunity Commission (HREOC), in calling for policy that requires building codes to universally address the provisions of the *Disability Discrimination Act*.

NCOSS and Shelter NSW note that the Department of Planning is to prepare guidelines for councils on adaptable housing and recommend that this SEPP coordinates with progress in this area.

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<sup>1</sup> D Herd D et al., *Included by design: a national strategy for accessible housing for all*, 2003. See <[http://www.pwd.org.au/anuhd/national\\_housing\\_conference03\\_paper.html](http://www.pwd.org.au/anuhd/national_housing_conference03_paper.html)>, viewed 29 September 2004.

- **Whether there should be separate requirements eg a separate SEPP for people with disability or whether there should continue to be one SEPP for housing for both older people and for people with disabilities.**

NCOSS and Shelter NSW note that a SEPP exclusively for people with disabilities may go against the spirit of the *Disability Services Act*. Whilst this legislation only applies to the funding of accommodation, support and other services it also sets out principles that suggest that people with disabilities should only live in naturally occurring proportions (creatively interpreted) within the community.

As stated above NCOSS and Shelter NSW advocate the development of universal adaptable housing standards that apply to the construction of all new dwellings<sup>2</sup>, rather than confining the housing options for people with disability and older people solely within the narrow limits of the *Seniors Living* SEPP. The policy should reflect the goal of developing new housing stock that suits any age group and any level of physical ability, so that in the future less expensive modifications will be needed, buildings will suit those who may be disabled or aged or both, and will allow people to age in place in a dwelling that is truly 'adapted' to their needs.

NCOSS and Shelter NSW believes that this would encourage a culture of accessibility in building design and construction, which will have a long term benefit in ensuring that people can continue to live within their own homes as their needs change.

The name SEPP *Seniors Living* is inappropriate. Such a SEPP could be re-named to better reflect the nature of the intended policy, i.e. to provide for the planning of housing and amenity in the community for anyone. The adaptable housing guidelines could be included in the SEPP.

- **Whether the adaptability requirement which was in SEPP 5 [Clause 13A (2)(d)] that at least one in ten of the beds/housing developed must be available to a person who is in a wheelchair, should be reintroduced;**

Almost one in five Australians has a disability<sup>3</sup> and more than half of those people have a physical disability<sup>4</sup>. The high incidence of disability is an indicator that everybody at some time in their lives is likely to experience disability. When coupled with the ageing of the population, a standard requirement for

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<sup>2</sup> See Physical Disability Council of NSW, "Accessing Quality in the Design and Construction of Buildings in NSW: A Submission by the Physical Disability Council of NSW to the Parliamentary Select Committee on the Quality of Buildings," 2002.

<sup>3</sup> Commonwealth Disability Strategy, Fact Sheet 2.

<sup>4</sup> Physical Disability Council of NSW statistics.

proportional development of wheelchair accessible housing is immediately necessary.

NCOSS and Shelter NSW support the re-introduction of this adaptability measure and recommend an increase in the proportion.

- **Requirements for accessibility to transport – in urban areas, in rural villages and rural zones adjoining urban zones – for each type of housing: self-care housing, hostels and residential care facilities, for older people, people with disabilities or people with dementia**

Transport is the enabling service which can be one of the major determining factors in the success or otherwise of a person's living situation and potential for independence. The transport needs of older people and people with disabilities are critical to their socialisation, avoiding personal isolation, the maintenance of connections with the community and opportunities for individual growth and development. Transport can be the linchpin towards active integration with other people and into the community.

#### *Integrated Land Use and Transport SEPP*

There is clearly a need for a more integrated approach to planning for local transport, which broadly looks at access to services, education, recreation and employment, and can work with different agencies to create sustainable solutions across different modes including rail, ferries, taxis, private vehicles, walking and cycling. A focus on local services can also bring together different providers, and recognise the role of non government organisations of transport services. In 2001 the NSW Roads & Traffic Authority, and the then Planning NSW, Transport NSW released a draft *Integrated Land Use and Transport SEPP (SEPP 66)*. The draft SEPP was a positive development, creating a formal process that linked local urban planning with transport and accessibility considerations. Unfortunately, despite strong community support for the finalisation of SEPP 66, this was abandoned by the NSW Government.

NCOSS and Shelter NSW urge the government to adopt a formal planning mechanism for linking local urban planning with short and long term transport and accessibility objectives. Apart from the sustainability benefits in promoting reduced car use and promoting alternative forms of transport, a formal planning process could also address the needs of people who experience transport disadvantage, including ensuring connectivity for people with mobility difficulties.

The United Kingdom has recently implemented a transport planning reform which involves the development of a new Local Transport Plan system.<sup>5</sup> These plans

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<sup>5</sup> See Department of Transport, "Introduction to Guidance on Full Local Transport Plans," at [http://www.dft.gov.uk/stellent/groups/dft\\_localtrans/documents/page/dft\\_localtrans\\_029110.hcsp](http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_029110.hcsp).

enable pooling of resources and local involvement in decision making on transport projects. A component of the UK Local Transport Planning process is the use of Accessibility Plans. Accessibility planning involves developing strategies to increase social inclusion and reduce disadvantage, encouraging “local authorities and other agencies to assess more systematically whether people can get to places of work, healthcare facilities, education, food shops and other destinations that are important to local residents.”<sup>6</sup>

NCOSS and Shelter NSW recommend the NSW Government create an Integrated Land Use and Transport Planning process, either through a new SEPP or other instrument, and that this process contain explicit linkages to other relevant policies, such as SEPP (*Seniors Living*).

### *Flexible Transport Services and Community Transport*

Flexible route services provide connectivity to people who would not otherwise use fixed route services, and can enable the effective use of spare capacity during off peak periods. “Flexible Service’ can include a range of service options, such as bus services that can deviate off route to collect passengers door to door, and demand responsive transport systems that coordinate spare capacity on bus and taxi services. Flexible services can be a very important response to transport disadvantage, since they promote improved accessibility for people with mobility difficulties, and can assist to reduce demand on local community transport services. The NSW Ministry of Transport has recently revised the Service Planning Guidelines for Bus Services in Metropolitan Sydney to allow contracted bus operators to plan for flexible route services. Many flexible transport initiatives are operating successfully both internationally and in Australia.

Community transport operators provide door to door transport and support to people with difficulties accessing other forms of transport to get to important destinations. Operators typically have limited resources and long waiting lists: funding for these services through urban development levies could be one way to improve connectivity for residents of new developments who experience difficulties accessing other forms of transport.

### *Public transport issues*

Access to health facilities and providers, shops, banks and other community infrastructure is critical to the wellbeing and maintenance of older people and people with disabilities. Many older people and people with disabilities rely on public transport to reach these essential services. People needing to enter specifically targeted housing are likely to have more significant mobility challenges and will need closer proximity to the above community infrastructure.

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<sup>6</sup> See Department of Transport, “What is Accessibility Planning?” at [http://www.dft.gov.uk/stellent/groups/dft\\_localtrans/documents/page/dft\\_localtrans\\_023937.hcsp](http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_023937.hcsp).

In past years, NCOSS policy officers have conducted rural consultations in country centres around NSW. Older people reported on the problems with transport including:

- Buses routes or timetables do not address transport needs
- Public transport either does not exist or does not cater for the needs of older people.
- Distances are too great making trips too expensive or too onerous for older people
- The design of retirement village complexes and other aged care facilities often makes access to transport more difficult than necessary with narrow internal roadways, inadequate turning circles, inaccessible bus stops e.g. at the top of hills (thereby inaccessible to someone with mobility problems), deficient curbing and guttering to facilitate both pedestrians and people using wheelchairs and motorised scooters.

#### *Transport needs of people living in residential aged care*

In 2003, NCOSS conducted a research project<sup>7</sup> into the transport needs of people living in residential aged care and found that transport was a significant unmet need for residents and their loved ones. The report made a series of recommendations regarding access to transport and transport arrangements towards greater accessibility, availability, affordability, and reliability for older people in residential aged care facilities. The Report found that

- approximately one third of people in residential aged care facilities were without significant access to family and friends,
- many residents would prefer to use transport services more often to travel to appointments and outings,
- a major barrier to travel for many older residents was the lack of an accompanying escort
- people from culturally and linguistically diverse backgrounds were unlikely to use any transport services except family
- there were vast inequities in access and eligibility to subsidised taxi transport
- residents were only able to pay \$10 per week or less on transport
- many residential aged care facilities were desperate for available, affordable and accompanied transport services for their residents

#### *Hostel facilities*

The *On the Road Again* Report found that: “The location, design and provision of support services to this specific accommodation is vitally important to the independence, community access, safety and dignity of older people and people

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<sup>7</sup> On the Road Again, the Transport Needs of people in Residential Aged Care in NSW 2003, [www.ncoss.org.au](http://www.ncoss.org.au).

with disability. While this project did not specifically research elements necessary to development applications for aged care facilities, it is clear that the physical location, layout and design of the aged care development must account for the future transport needs of the residents, including the use of scooters, to enable the best, most efficient and effective care and support possible.<sup>8</sup>

Residents must not be obliged to solely rely on the provision of transport from within the hostel or facility. As residential aged care providers receive no identified funding to provide transport services, the provision of such services is generally patchy and often at the provider's discretion rather than according to need. The Report also found that while some delivered on-site services could be convenient for residents and the facility, it is very important, as set out in the *Aged Care Act*, that people should be able to access services off-site rather than have everything come to them. It is counterproductive to have everything delivered on-site thereby negating any personal contact or involvement in the outside community.

### *Self-care housing*

In addition to the above, building and development design must account for easy access parking spaces in close proximity to dwellings as well as visitor parking and access to other transport.

### **People with disabilities**

*One younger man with disability who lives in a nursing home wanted to attend the local TAFE for a computer course. After much deliberation, he was unable to go just because of the lack of appropriate transport.*

Story from a survey interview from the *On The Road Again* Report; NCOSS.

The transport needs of people with disability are varied and complex. Many people with disabilities could use public transport if it were available, accessible, nearby, reliable and affordable. Housing for people with disabilities must provide access to public transport to maximise independence and opportunity.

Many people with disabilities will need more specialised transport support e.g. subsidised and/or wheelchair accessible taxis (mostly Metro areas), private transport and/or community transport (often small buses). The physical environment must be structured to facilitate the use of these forms of transport by people with disabilities eg easy proximity, appropriate curb and guttering, sure footings on paths, suitable gradients, unobstructed visibility etc.

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<sup>8</sup> *On the Road Again*, the Transport Needs of people in Residential Aged Care in NSW 2003, section on Development Applications; NCOSS.

- **Appropriate locations for housing for older people or people with disability. Where do you think it should be located?**

Older people and people with disability should live throughout our community and not be concentrated solely in specific developments. A commitment to growing universal design housing stock will facilitate housing within local communities and avoid social dislocation.

For specific developments, the location of housing for older people and for people with disability should reflect the diversity of these population groups, however developments should stay within 400 metres of shops, transport and other community infrastructure and be within proximity to residents existing social and familial networks.

NCOSS and Shelter NSW note that many of the new residential developments built under the previous SEPP were on the urban and rural fringe. However, it is possible for new large scale facilities to be built in urban areas. In Sydney there is the possibility for these developments both in greenfield sites (subject to infrastructure being provided and appropriate financing mechanisms through Section 94A) and in areas where there has been agreements for Urban Regeneration (such Parramatta Road). From a transport perspective these may offer a good opportunity to get the accessibility and transport bits of the equation right.

NCOSS and Shelter NSW support the recommendation of The Council on the Ageing (COTA NSW) regarding promoting sympathetic and high quality infill options in urban areas where infrastructure is already available and needs minimal top up to meet the needs of older people and people with disability. As long as affordability and infrastructure needs are met small scale infill development could provide housing alternatives in metropolitan areas where housing choice is often limited.

- **The appropriateness of locating housing for older people or people with disability in rural areas adjoining urban areas;**

The current review of *Seniors Living* is in response to perceived problems with large scale developments of housing for older people taking place in rural locations. Due to their size and flow on infrastructure needs these developments may cause resentment in the community.

The task of providing the additional services may be left to local councils as there may be a time lag in the provision of social infrastructure associated with the development.

It should also be noted that for people with disabilities to have optimum participation in the local community, they must have easy, available and uninhibited access to jobs, adult learning, health and other community services, community infrastructure, transport and leisure activities etc. Rural areas on the fringe of urban areas are often not easily conducive to community participation for these people and such locations could result in needless barriers for people already often denied full participation in society.

New development in rural areas requires a whole community approach that involves local people and reassures them that infrastructure will be delivered as part of the development. Developer contributions under Section 94 should be phased in to bring both hard and soft infrastructure on line in a manner that meets local needs so residents are not isolated from the rest of the community and the cost does not fall to the local community.

Infrastructure plans must also be referenced to and supported by recurrent funding for social infrastructure in an appropriate mix of contributions by developers, state and local governments. There is little point in a developer paying for a community transport bus to assist residents with shopping, medical appointments etc if there is no funding for a community transport driver.

- **Provision of affordable housing for older people or people with disabilities**

The provision of accessible housing through the *Seniors Living* SEPP has not been accompanied by a requirement for affordable housing allocation. As a consequence, many new housing developments that feature improved accessibility are simply not affordable to low income older people and people with disability.

NCOSS and Shelter NSW believe that strong statewide policy is needed that promotes affordable housing, including for older people and for people with disability. This is particularly needed in the Sydney Metropolitan region and major regional centres where declining housing affordability is leading to significant disadvantage.

The Physical Disability Council of NSW states that over 70% of people with disabilities received no income from employment.

The Human Rights and Equal Opportunity Commission states that “The overall levels of income earned by people with disabilities are also lower than those without disabilities. In 2003, the median gross personal income per week of people of working age with a disability was \$255, compared to \$501 for those without a disability.”<sup>9</sup> OECD research found that Australia has the lowest average

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<sup>9</sup> ABS 2003, p3. Persons aged 15-64 years living in households.

personal income for people with disabilities, at 44 per cent of the income of people without a disability.”<sup>10</sup>

Older people and people with disabilities want to stay at home, within their familiar environments, near family and friends, maintaining their established lifestyle, networks and routines. Federal and State Government policies of Ageing-in-place and Community Care direct that older people and people with disabilities should be supported to remain in their own home rather than move to expensive and often undesired residential care away from personal supports.

NCOSS and Shelter NSW recommend that older people and people with disabilities should be able to access suitable housing that is affordable in their familiar areas. Affordable housing is critical for these growing populations, especially in the light of their possibly reduced capacity to accumulate wealth.

NCOSS and Shelter NSW note that the Premier’s Affordable Housing Strategy is due for release in June 2006. This document will need to contain strong links to other urban development policies, including SEPP (*Seniors Living*) 2004. NCOSS and Shelter NSW eagerly await a clear commitment by the Premier to a funded strategy to deliver affordable housing to buy or rent in metropolitan, regional and rural communities, including for older people and for people with disability. NCOSS and Shelter NSW support the expansion of SEPP 70 as the means by which Councils can implement section 94F of the Act.

- **Measures to ensure that housing developed for seniors or people with disabilities remains available to these groups;**

COTA NSW has recommended that the Minister puts in place monitoring arrangements to ensure that housing approved under this SEPP remains available to these groups. These monitoring arrangements would involve local councils and LGSA and non-compliance would result in enforceable penalties.

NCOSS and Shelter NSW support this recommendation and consider that this can be reconciled with its position that the SEPP *Seniors Living* be re-posed as a universal housing planning instrument. Monitoring a universal housing planning policy for take up by older people and people with disability would follow the same approach as that advocated by COTA.

- **Other matters**

In presenting to the Review Committee, NCOSS was asked to provide further advice on the provision of support services to older people and people with disabilities. Community Care programs are designed to enable older people and people with disabilities to remain “at home” and to avoid inappropriate admission

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10 OECD, *Transforming Disability into Ability, Policies to Promote Work and Income Security for Disabled People*, 2003, p29.

to long-term institutional care. Community Care also provides support to Carers of the target population, who might be a spouse or partner, parent or relative, friend or neighbour.

NCOSS often receives reports from local service providers throughout NSW that development applications for residential aged care facilities (nursing homes and hostels), retirement complexes and designated housing such as SEPP *Seniors Living* are approved without due consideration of the accompanying increased demand for local health and community care services.

The small town of Cudal, in Central West NSW, could provide a useful case study. Cudal has an existing population of 400 people. NCOSS is advised that Orange City Council has recently approved a development of 200 self care villas, including 60 assisted care units (hostel care). The Developer has promised to provide a mini-bus and a visiting room for health professionals and assures Council that there will be no reliance on Home and Community Care and other services.

Cudal is 50 kilometres outside Orange. There are few local shops and existing health services involve a GP for 3 hours twice per week and a district nurse for 2 – 3 days per week. A regional worker has reported that doctors and other health services are already in short supply to the existing communities of Orange and Cudal. There are serious concerns that

- the residents will be confined to a small township,
- the mini-bus will not cater to the individual transport needs of 200+ residents
- plans to address the increasing support needs of residents are unknown
- there is no ready skilled workforce to supply the development and that it could drain local community services
- potential residents could be enticed to an attractive tree-change, but they could be separated from familiar social and family networks
- despite assurances, this development will exert additional pressure over time on the already stretched local health and community care systems

Other similar developments are under consideration, such as one for 2000 people in Parkes which has an existing population of only 10,000 people.

The experience of local service providers is that, even with support services provided on-site, some self-care residents still request support from local community care providers (eg meals, transport, domestic assistance) because their individual needs are not addressed. Community Care and other providers are required to levy fees at full cost recovery (rather than heavily subsidised rates or no fees) to self-care residents whose contracts have built-in support services. This can be prohibitively expensive for people on low fixed incomes, who are already paying for unused supports.

NCOSS and Shelter NSW strongly recommend that this SEPP requires development applications to include plans for access to or the provision of support services including home nursing, transport, meals, domestic assistance and personal care.