



**Australian  
Human Rights  
Commission**

# **Consultation Paper**

## **Draft Design Guidelines for Access and Inclusion in Residential Development**

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# Introduction

The Australian Human Rights Commission (Commission) is partnering with Churchill Research Fellow, [Kim Samuel \(external link\)](#), and the Churchill Trust, to develop and pilot **Australian Design Guidelines for Access and Inclusion in Residential Development**.

This project forms phase 3 of the Commission's [Accessible Housing Project \(external link\)](#). It has been informed by the Commission's scoping study on [Adaptable Housing for People with Disability In Australia \(external link\)](#) and Kim Samuel's Churchill [research report \(external link\)](#) on best-practice approaches to the delivery of inclusive and accessible housing, which recommended the development of Access and Inclusion Guidelines for the Australian residential development context.

The Guidelines will be the first of its kind developed for the Australian policy and regulatory context, integrating, and building on existing minimum accessibility standards within the National Construction Code (NCC), Liveable Housing Design (LHD) Guidelines and NDIS Specialist Disability Accommodation requirements, applying universal design principles. The Guidelines bring together all accessibility requirements and best-practice innovations into one comprehensive framework for creating accessible residential spaces. They have been designed to be used by anyone involved in designing, delivering, and/or managing housing and housing policy in Australia.

The Guidelines aim to improve housing accessibility and enhance community inclusion for people with disability. They specifically address the need to ensure all housing is constructed in way that not only meets minimum accessibility standards but can exceed these through thoughtful, innovative, flexible, and inclusive cross-disability approaches to universal design that benefits all people.

Housing based on universal design also minimises the costs of retrofitting housing for accessibility as our population ages and allows people to remain within their community as they age. Design that embraces diversity maximises widespread access and usability and is a powerful source of innovation and creativity, delivering cost savings across multiple sectors including the health and justice systems.

The Guidelines are proposed as a voluntary tool with the intent to demonstrate the broader societal and economic benefit of accessible and inclusive universal design, embedded at all stages. Consequently, the Guidelines can contribute to reframing accessibility as an essential and beneficial element of housing design and policy and be used by policymakers as a best-practice model.

# 1 Summary of the Guidelines

The draft Guidelines build on the innovations in the design standards developed by [the Kelsey \(external link\)](#) – a San Francisco based accessible and affordable housing delivery organisation – which take a cross-disability approach and builds in accessibility considerations at all phases of the design process including the operational stage. The Kelsey Housing Design Standards were identified as a best-practice model in Kim Samuels Churchill research report which explored international approaches to the delivery of accessible and inclusive housing.

The draft Guidelines break down design choices, development processes, and operation strategies into elements, impact areas and additional benefits, assigning a point value for various levels of accessibility achieved.

While proposed as voluntary, the Guidelines encompass all mandatory accessibility requirements from existing codes. By integrating the NCC and silver level LHD Guidelines, the draft Guidelines strike a balance between cost-effectiveness and inclusivity in residential construction, with additional recognition for development that achieves a high level of accessibility and inclusivity.

Housing developers use the point system in the Guidelines to self-certify against each design category receiving a rating of either essential, silver, gold or platinum, using the [self-certification tool \(external link\)](#). There are also opportunities to receive Exemplary Badges across various impact areas, in addition to full certification. These are explained in detail in the draft Guidelines.

The draft Guidelines have been designed to respond to Australia's unique cultural diversity, geographic constraints, and the importance of supporting resilience and inclusivity across a range of urban, regional, and remote communities. They apply to a wide range of housing types and have been intentionally designed to suit both retrofitting and new builds.

## 2 Consultation Questions

The Commission is seeking feedback from relevant stakeholders on the draft Guideline — see [PDF \(external link\)](#) and [accessible Word \(external link\)](#) — to ensure that it is fit for purpose and considers a broad range of accessibility needs, inclusion elements, intersectionality, best practice universal design, and regulatory requirements. We are particularly interested in stakeholder views on the following areas:

- Technical expertise on the identified elements, including essential and minimum requirements.
- Expertise on the application and appropriateness of the Guidelines within the Australian regulatory and policy context.
- Useability of the Guidelines, including self-certification method.
- Incorporation of accessible and universal design elements, including cross-disability approaches.
- Whether the guidelines meet the housing needs and expectations of people with disability in relation to accessible design and community inclusion.

Specifically, we are seeking submissions from individuals and organisations with expertise in:

- Housing design and development
- Urban planning and design
- Architecture
- Universal design
- Housing policy and regulation
- disability,
- Lived experience of disability and accessible housing issues.

We are not looking for personal accounts, experiences or stories, rather we would like to know what people view as the necessary components and elements to ensure housing is accessible for their needs, from a design and development perspective.

The questions below are intended to provide prompts for individuals or organisations to consider when reviewing the draft Guidelines and providing feedback, comments and input. However, feedback on all aspects of the draft Guidelines is welcomed, and it is not a requirement to address every individual element or question in your submission.

## 2.1 Housing Types

The draft Guidelines are proposed to apply to the housing types detailed in the tables below.

- Is the list of housing types below too broad or too narrow?
- Are there other housing types which should be included which do not fall into any of the categories below?
- Are there any particular housing types that are more challenging to deliver as inclusive and accessible homes than others?

**Table 1: Traditional Housing Types**

Housing Type	Description	NCC Classification
<b>Separate Houses</b>	A building containing only one dwelling with no common walls (or floors) to any other dwellings i.e. a typical stand-alone dwelling house.	Class 1A
<b>Attached Houses</b>	Two or more dwellings with common walls. Includes townhouses, terrace houses, semi-detached dwellings, row houses, and dual occupancies.	Class 1A
<b>Flats, units or apartments</b>	Two or more dwellings where one dwelling is located above another. This may include shop to housing where dwellings are located above ground floor non-residential uses.	Class 2

**Table 2: Other Housing Types**

Housing Type	Description	NCC Classification
<b>Secondary Dwellings</b>	A self-contained dwelling that is on the same lot of land as the primary dwelling including those located	Class 1A



Housing Type	Description	NCC Classification
	above garages and garage conversions.	
<b>Shared Housing</b>	Housing that is specifically designed to accommodate shared living arrangements. Kitchen and/or bathroom facilities may be accommodated in individual rooms, and/or common shared facilities. Examples include boarding houses, student accommodation, hostels and group homes.	Class 1B of Class 3

## 2.2 Tenure

The 'Operations and Amenities' Design Category in the draft Guidelines is generally only applicable to rental dwellings, particularly where managed on a long-term basis.

- Is there an opportunity for Build-to-Rent housing to deliver more inclusive and accessible dwellings to meet community needs?
- What types of standards and incentives would support this?

## 2.3 Shared Housing

- In shared housing, what types of facilities should ideally be provided in individual rooms to support self-sufficiency and privacy (e.g. ensuite)?
- What types of facilities should be provided in communal areas to support interaction and cost-effectiveness (e.g. laundries)?

## 2.4 Walkable Neighbourhoods

Walkable neighbourhoods are those that are pedestrian focused, affording people the choice and opportunity to move about safely and effortlessly to services, facilities, and transport in their neighbourhood without the use of a motor vehicle.<sup>1</sup> However, the walkable neighbourhood concept has the potential to entrench spatial inequality, particularly in relation to people with disability.

The draft Guidelines include 'Site Selection' as a fundamental element in the Design Process stage. In addition, elements which consider the development site's access to useable pedestrian footpaths with shallow grades and wide pavements (as well as other design elements) is included in the 'Site' design category.

Whilst traditional 400m and 800m catchments have been used to consider access to services such as public transport, open space and health facilities, this has been qualified by the need to provide appropriate slopes, width and rest stops for people with disabilities along key accessible footpaths to ensure they can reach essential facilities.

- Are the 400m and 800m distances reasonable in the context of supporting the delivery of more inclusive and accessible housing in close proximity to services and facilities?
- Are there any other contextual elements that should be considered in relation to the surrounding public domain and footpaths?
- Should the Guideline differentiate between accessible footpath requirements in urban vs regional areas?
- Should the provision of street tree coverage, lighting and street furniture be Essential Elements along accessible footpaths?
- What types of services and amenities would ideally be within close proximity of an inclusive and accessible residential community?
- What types of transport options should be provided within, or close to, inclusive and accessible residential communities?

## **2.5 Essential Elements**

The draft Guideline identifies some elements as Essential Elements which must be met for a project to be certified under the Guideline.

- Are the nomination of Essential Elements reasonable?
- Are there other Elements which should be identified as Essential?

## **2.6 Design Process**

Elements in Design Process category includes a requirement to involve people with disability and potential future users or similar populations in focus groups/sharing feedback before design begins and ensure people with disability are represented on the design team.

- Should this be an essential requirement?
- How can this best be achieved in practice?

## **2.7 Site – Building security**

- What types of technology can be used in building security to support access for residents with disability including cognitive impairments?

## **2.8 Parking space weather protection**

Level 1 of Element 2.5.6 includes a requirement that all accessible parking spaces be provided with weather protection. This is an Essential Requirement consistent with the National Construction Code.

Level 2 of this Element requires weather protection to be provided between all accessible parking spaces and the main entry of a dwelling, consistent with higher levels under the Livable Housing Design (LHD) Guidelines and Specialist Disability Accommodation (SDA) Design Standards.

- Should Level 2 be an Essential Requirement?

## **2.9 Accessible parking space count**

Minimum accessible car parking space numbers are proposed in Element 2.5.8 (Essential Requirement) based on current National Construction Code (NCC) requirements. However, these are considered too low, particularly for traditional housing types.

- Should a higher rate be applied as an Essential Requirement?
- What standard or guideline should be used to set the minimum rate?

## **2.10 Staff parking space count**

Element 2.5.11 includes a requirement for provision of a dedicated staff parking space.

- Should this be an Essential Requirement for residential communities where services are provided?

- If so, what rate should be applied for staff parking?

## 2.11 Reduced vehicle speeds

Element 2.8.2 incentivises the provision of inclusive and accessible residential communities in neighbourhoods with low vehicle speed limits in the surrounding streets (30km/hour to 50km/hour).

- Can vehicle speeds of 30km or 40km be readily applied in residential areas?
- Are there examples of where these speed limits are being effectively applied?

## 2.12 LHD Guidelines and SDA Standards for Dwellings

The draft Guidelines generally apply the NCC standard as a minimum requirement for individual dwellings (eg. doorway widths) and sets higher requirements (which are incentivised through the point system) for greater levels of accessibility based on the LHD Guideline Silver and Gold Levels and SDA Standards.

- Should a higher minimum be applied to some (or all) types of housing?

## 2.13 Operations and amenities

- Is the use of apps or other technology to communicate with residents suitable for inclusive communities?
- Should this be the primary or secondary form of communication?
- What other forms of communication are most effective?

## 2.14 Affordable Housing

The definition used for affordable housing in the 'Operations and Amenities' Design Category is based on that used by the NSW Department of Communities and Justice as follows:

Affordable housing is housing that is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30% of gross household income.<sup>2</sup>

The draft Guideline seeks to incentivise the provision of affordable housing in inclusive and accessible residential communities.

- Is this the right definition to use for affordable housing in this context?
- Should various bands of affordability be considered to support more diversity?

## **2.15 Self-Certification Tool**

- How user-friendly is the self-certification tool for project evaluation?
- Do the certification option – full or focused certification and exemplary badges -provide sufficient flexibility to embed the design guidelines in project delivery, whilst encouraging innovation?
- Could the Operations and Amenities category be applied to non-rental dwellings?

## **3 Making a submission**

**Submissions are due by 11:59pm Tuesday 14 May 2024, and should focus on providing feedback on the content of the draft guidelines.**

All submissions must outline the individual's or organisations' relevant experience or expertise at the opening of the document. Submissions will not be made public.

Submissions can be made in any of the following formats:

- Written document
- Easy Read
- Video
- Audio file.

Please email your submissions and any queries to [disability@humanrights.gov.au](mailto:disability@humanrights.gov.au).

<sup>1</sup> Owen, N. et al, 'Environmental Influences on Physical Activity' (2004) *Perspectives* 6:1–46; Owen, N. et al. 'Neighbourhood Walkability and the Walking Behaviour of Australian Adults' (2007) *American Journal of Preventive Medicine* 33 (5): 387–95; Hooper, P. et al. 'Evaluating the Implementation and Active Living Impacts of a State Government Planning Policy Designed to Create Walkable Neighbourhoods in Perth, Western Australia.' (2013) *American Journal of Health Promotion* 28 (sp3): S5–18.

<sup>2</sup> Department of Communities and Justice (NSW), *NSW Affordable Housing Ministerial Guidelines 2023/2024* (June 2023) 10 < <https://www.facs.nsw.gov.au/download?file=843446>>.