

SUBMISSION TO

State Planning Commission: Future Living Code Amendment Consultation
3rd October 2024

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COTA SA welcomes the opportunity to provide a submission to the State Planning Commission's *Future Living Code Amendment Consultation*.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests and futures of around 700,000 older South Australians. We engage widely with older South Australians across the state and the lived experiences of the diverse community of older South Australians shape and inform COTA SA's policy and advocacy work, including through our Policy Council.

Housing for older people

COTA SA cares greatly about ageing well and is committed to ensuring older South Australians have the opportunity, capacity and ability to navigate the changes of ageing in their homes and communities of choice. The development of planning and housing strategies provide an opportunity to deliberately plan to support South Australians to age well, now and into the future.

Secure and well-located housing plays a critical role in the health and wellbeing of older South Australians, but a variety of factors mean that it is rapidly moving out of reach for an increasing cohort. Home ownership is gradually decreasing among those approaching retirement, falling from 80% to 72% for those aged 50-54 since 1996. On current trends, home ownership for

over-65s will decline to 57% by 2056¹. A recent study found evidence to suggest that ‘challenging housing circumstances negatively affect health through faster biological ageing’². The study further found that the reversible nature of biological ageing means that there is significant potential for housing and planning policies to improve health outcomes.

Responding to the Amendment

COTA SA has contributed to many strategies, papers and plans that consider the importance of affordable, adaptable, accessible and safe housing. These include the Greater Adelaide Regional Plan³, the 20-year Infrastructure Strategy⁴ and the Housing Security for Older Women Taskforce, which in 2023 delivered a paper with over 40 recommendations on how to address housing insecurity for older women⁵.

As noted in the Future Living Code Amendment (the Amendment) documentation, most older people want to age in place and stay in their own homes and chosen communities as they age. To achieve this, housing should be affordable, adaptable, accessible and close to amenities. It is important this does not preclude older people making a choice on the type of housing they can live in. Like older people themselves who are diverse in their lifestyle preferences, incomes, identity, cultural background and relationships, there is no one-size-fits-all model when it comes to our housing needs as we age. It is crucial that older people can choose the type of housing that is right for their needs, yet there is often little opportunity to move within one’s existing familiar community, especially if looking to downsize/ rightsize.

The Amendment opens possibilities to older people who may be either (a) in a larger home and willing to sub-divide for co-living; or (b) looking for a smaller property in their existing (largely ‘quarter acre block’) suburb. COTA SA is strongly in support of the Amendment and recommends that the Planning Commission consider the following additional points in order for the Code to support more older South Australians to benefit from these Amendments:

Community engagement

Meaningful community engagement is a critical element of ageing well. The role that well located and accessible housing plays in enabling older people to have options for living and moving about their local areas is significant. This promotes older people’s ability to stay actively engaged in their community for as long as possible. Strategic design and planning that allows people to age in their home and in their existing, familiar community, leads to positive health and wellbeing, and minimises cost and disruption to the individual, their community and ultimately, the public health system. We are very supportive of the Amendment as it will increase and diversify land use and housing density in established suburbs, create more affordable housing options, and potentially encourage intergenerational living on standard blocks.

¹ [Cornell, V. 2024. ‘A culture shift towards better affordable housing policy and development options for older Australians’, in Yarnold, J., Davey, A., Coghlan, R., Brown, P., and Murphy, M. \(Eds.\), Policy Futures: A Reform Agenda, Issue 3. The University of Queensland and The Winston Churchill Memorial Trust.](#)

² [Clair, Baker and Kumari, 2024. Are housing circumstances associated with faster epigenetic ageing? | Journal of Epidemiology & Community Health \(bmj.com\)](#)

³ [Submission to the Greater Adelaide Regional Plan Discussion Paper • COTA SA](#)

⁴ [Submission to South Australia’s 20-Year State Infrastructure Strategy Discussion Paper • COTA SA](#)

⁵ [Housing Security for Older Women Taskforce | SA Housing Authority](#)

Regional South Australia

More than 165,000 South Australians aged over 50 live in country SA⁶. As COTA SA's regular engagement around regional South Australia has shown, many older people living in our regions regard themselves as lucky to live there, expressing a strong commitment and loyalty to their community, but regional South Australia is also facing housing challenges as its population ages. It is encouraging, therefore, to see that the Amendment includes Alexandrina Council, and (where appropriate, in terms of existing infrastructure and housing typology) COTA SA advocates for other regional councils to be supported to take on the principles contained within of the Amendment.

Intergenerational Living

We are aware from our engagement with older people that cost-of-living concerns are significant – both for themselves and for their adult children. Intergenerational living offers many positive and practical outcomes, socially and financially. It can minimise feelings of social isolation, all while encouraging social connection and wellbeing; and provides a way to pool financial resources and make savings on some household expenses. Intergenerational housing can be made significantly easier with the right home design and the Amendment's co-living proposals could provide the ideal design and social solution for connection among families, while also allowing independence for each generation.

Potential for elder abuse

As outlined above, inter-generational living can have positive outcomes for each of the generations living together, however there can also be negative outcomes too, for the older person/s, in the form of elder abuse, specifically financial abuse. In a time of decreasing housing affordability and income stagnation, the 'nest eggs' – be that bank accounts or bricks and mortar property - believed to be held by older people may become attractive to family, associates or even strangers. 'Inheritance Impatience' is a term often used to describe the actions of adult children or grandchildren who do not want to wait until an older person passes away to receive money or property from the older person's estate. Some people may seek to access these funds through a variety of means such as abusing enduring powers of attorney or dealing with an older person's property without their knowledge or consent.

Family agreements, sometimes referred to more specifically as assets for care arrangements, already occur when an older person makes a financial contribution to a family member, relative or friend in exchange for accommodation for life. This can be in the form of an ancillary dwelling, a home extension or simply moving into a home with family. The common denominator is that the older person makes a contribution to (usually) an adult child, often through selling the family home. The key criterion is that there has been a monetary advantage provided to the adult child in return for agreeing that the older person will be cared for. If the arrangement is successful, it can be beneficial for all parties, however, legal security of tenure is precarious.⁷ These arrangements are generally unregulated and there is little to no legal security of tenure in them. The transactions are usually entered into without a written contract

⁶ [https://www.abs.gov.au/ausstats/abs@.nsf/lookup/3222.0Media%20Release12012%20\(base\)%20to%20101](https://www.abs.gov.au/ausstats/abs@.nsf/lookup/3222.0Media%20Release12012%20(base)%20to%20101)

⁷ Webb, Eileen --- "Housing an Ageing Australia: The Ideal of Security of Tenure and the Undermining Effect of Elder Abuse" [2018] MqLawJl 5; (2018) 18 Macquarie Law Journal 57

and without consideration of contingencies, including family breakdown, the financial impact on an individual's pension eligibility, or the older person entering residential aged care at a future point.

The proposed Amendment could see potential for elder abuse/ exploitation in several forms. This should be seriously considered and adequately addressed through the regulatory process, including as part of council development application and approval processes for co-living developments and specifically, whenever the original title is held by an older person. A co-design process which incorporates the feedback and recommendations of older people, including those with lived experience of elder abuse, would be useful to develop appropriate checks and balances to reduce the risk of elder abuse in these situations.

Climate

Like Australians of all ages, many older people are concerned about climate change, viewing it as a significant and real threat to our national interests and livelihood. COTA SA takes the threat of climate change seriously and our passionate Climate Change Group is focused on the actions that can be taken at a policy, organisational and personal level. Our [Statement of Interest](#) on Climate Change outlines our commitments to climate change action.

COTA SA strongly supports the goal to preserve existing trees, mature gardens and the established streetscape as outlined in the Amendment, rather than reducing tree canopy as is common in other small-scale infill approaches. Tree canopy and green spaces are important not only for their cooling effects, but to provide environments that enable active travel and connection to nature. The design proposals in the Amendment allow for greater retention of existing trees and vegetation than, for example the Greater Adelaide Regional Plan. We would like to see greater detail in the Amendment (and any associated Guidelines) on how any diminution of green space will be managed/ regulated.

Additionally, COTA SA expects that all dwellings built under the amended code would be required to comply at least with the increased energy efficiency standards of the new National Construction Code, and not be exempt from these features by any definition loophole. Thermal comfort (for both hot and cold weather) and affordable energy costs is critically important to older people ageing healthily in place.

Short-term rentals

We anticipate that short-term rental operators will be particularly attracted to the opportunities presented by this Amendment. COTA SA believes that should this be allowed to occur, the Amendment will not be able to achieve a core purpose of providing more, affordable and diverse long-term secure housing for South Australians in need. We understand that the Code cannot stipulate whether housing is used for short or long-term rental accommodation, therefore we strongly recommend that the Planning Commission work with Local Government in setting the regulations for this Amendment so that co-living properties are used only for long-term housing. Short-term rental operators should not be allowed to take advantage of this option, nor should existing homeowners be able to take this opportunity to build another dwelling on their property and operate this as a short-term rental. Any additional properties developed under this Amendment must be retained for long term housing.

Infrastructure

The council areas in which the Amendment will be available are older suburbs and will have ageing infrastructure which may already be under strain. As the Amendment seeks to drive up density and therefore usage of this infrastructure, every co-living development proposal must therefore consider the suitability of existing infrastructure and address and resolve capacity issues to ensure the appropriateness of water and wastewater networks, energy services provision, and waste collection. Consideration must also be given to the access and egress for emergency vehicles, especially for the properties built at the rear of existing properties.

Parking

The Amendment states that the intent of co-located housing is to limit car parking, relying on shared car parking areas rather than individual car parking and driveway space, adding that the shared parking may be in tandem or stacked arrangements and governed by the community by-laws. Whilst COTA SA supports the use of public transport and active transport such as walking, this may not always be possible. Most older people rely on their private car for transport, and it should not be assumed that older people do not require a car or a car parking space. Furthermore, tandem or stacked parking is not commensurate with easy access. We therefore recommend the amendment set out that there must be one parking space per property that is accessible at all times.

Consumer Education

It is critical that the guidelines that accompany the new Amendment are clear to both planning authorities when assessing applications and to potential applicants. For applicants particularly, information must include details of the design elements (e.g., sizes of dwellings, how the design of the new dwellings conform to acceptable standards so as not to detract from existing dwellings, and parking arrangements) and title arrangements (for all of those who will be resident, whether family/ related, or parties unknown to each other). Guidance should also be given suggesting that Amendment applicants who are seeking to enter an arrangement with family should seek further legal advice, and have a contract drawn up that clearly states the contribution of each party, and under what circumstances the arrangement may cease.

For further information and discussion

COTA SA is pleased to contribute to the *State Planning Commission's Future Living Code Amendment Consultation* and would welcome further discussion with you. Please contact the Chief Executive, Miranda Starke in the first instance.

Acknowledgement of Country

COTA SA acknowledges and respects Aboriginal people as the traditional custodians of the land of South Australia. We honour Aboriginal peoples' continuing connection to Country and recognise that their sovereignty was never ceded. We pay our respects to First Nations Elders past, present and emerging and extend that respect to all Aboriginal people.