

# **Specialist Disability Accommodation (SDA) Design Standard**

**Implementation Plan**

**31 October 2019**

## Background

Since 1 July 2016, the minimum requirements for the Specialist Disability Accommodation (SDA) design categories have been contained in the annual SDA Price Guide publication. The *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016* (SDA Rules) and *National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rules 2018* (SDA Conditions) specify the eligibility criteria and process for enrolment of a dwelling, which includes reference to these minimum requirements.

To date SDA Providers have been required to certify that a dwelling meets the minimum criteria published in the SDA Price Guide, as well as other matters, as specified by the SDA Rules and SDA Conditions.

Following extensive feedback from the developing SDA market for greater certainty in the process, the National Disability Insurance Agency (NDIA) engaged Livable Housing Australia (LHA) to develop a technical guide for expanding the amount of relevant detail available about the minimum criteria whilst simplifying processes. The NDIA SDA Design Standard sets out the future requirements of well designed and built form of new SDA.

There will be a transitional approach to implementation of the SDA Design Standard. As set out in the implementation schedule below, the NDIA recognises that new build SDA projects will be underway during this time and acknowledgment of these is important, so as to not disrupt the increase to the supply of SDA.

The NDIS will continue to take a market stewardship approach to monitoring implementation of the Design Standard and need for any support to the market during this transition.

As part of the implementation of the SDA Design Standard, the NDIA is introducing a process to support pre-certification (design stage) and final as-built certification of new build SDA dwellings through an accredited third party. This certification process will, over time, become a requirement in order for a new build dwelling to meet the criteria for enrolment as SDA.

This implementation plan sets out the timing and requirements in the lead up to the Design Standard taking full effect. The SDA Design Standard does not apply to dwellings seeking enrolment as Existing or Legacy SDA, noting that it is expected that all Existing and Legacy SDA will have been enrolled by 1 July 2021.

To facilitate these new and improved processes, the Department of Social Services (DSS), in consultation with the NDIA and the NDIS Quality and Safeguards Commission (NDIS Commission), is currently working on amendments to the SDA Rules to allow the NDIA to undertake the function of enrolling dwellings as SDA.

The NDIA has engaged LHA to develop an Accredited SDA Assessor training course for delivery by Registered Training Organisations (RTO) to enable suitably qualified assessors to gain accreditation to assess plans and dwellings for compliance with the SDA Design Standard.

The NDIA is working with the NDIS Commission and DSS to identify and develop the approach to oversight of SDA assessors.

## SDA Design Standard Implementation

The table below describes the timing and expected activity as the SDA Design Standard is implemented.

Item	Timing	Activity
1	August 2019	Design Standard Finalised RTO (in line with the LHA contract) commences development of Accredited SDA Assessor training course.
2	Week beginning 23 September 2019	Design Standard finalised
3	Week beginning 28 October 2019	SDA Design Standard launched
4	1 January 2020	<b>Subject to SDA Rules coming into effect</b> , dwelling enrolment is formally transferred from the NDIS Quality & Safeguards Commission to NDIA.
5	1 January 2020	<b>Subject to SDA Rules coming into effect</b> , NDIA will begin to accept documentary evidence required for enrolments that confirms the commitment/commencement of prospective SDA dwellings (prior to 30 April 2020) but which may extend past completion after July 2021. This refers specifically to New Build SDA designed under previous guidelines and where exemption from the SDA Design Standard is sought. Any exempted dwellings must be: a) compliant with the current guidelines; and b) enrolled by the expiry dates specified in this table.
6	30 April 2020	Enrolments of New SDA will be accepted with evidence that the dwelling has been assessed at the design and final as built certification stages with verification of compliance with SDA Design Standard by an accredited third party SDA assessor.  The current process for dwelling enrolment as outlined on the NDIS website ( <a href="#">link here</a> ) will continue to be available to enrol dwellings as Existing SDA and for dwellings intended to be enrolled as New Build SDA that will be completed by 30 June 2021.
7	1 July 2021	All dwellings proposed for New Build SDA enrolment will be required to demonstrate the design and final as-built

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		certification by an accredited SDA Assessor and meet all further requirements as outlined in National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016 Part 7 and any other relevant legislation.
8	1 December 2022	Committed/commenced exemptions (New Build SDA developed under previous guidelines) expire.
9	1 July 2023	Committed/commenced Class 2 buildings exemption (New Build SDA developed under previous guidelines) expires.

## Glossary

### Accredited third party

Professionals who have completed an accredited SDA Assessor course through a registered training organisation are accredited to assess and provide a report on a new SDA dwelling to determine the type and category of the build for its enrolment as SDA with the NDIS. Operating as a third party, the developers of SDA will engage their services directly. Pre requisite qualifications and governance framework are to be finalised by the NDIA.

### Built Environment

Built structures, features and facilities viewed collectively as an environment in which people live and work.

### Class 2 dwellings

As defined within the Building Code of Australia, a Class 2 building is *a building containing 2 or more sole-occupancy units each being a separate dwelling*. These are more commonly referred to as apartment style buildings.

### Current guidelines

The current guidelines for SDA dwelling enrolment are published in the [SDA Price Guide 18/19](#). The SDA Design Standard will replace these completely from 1 July 2021, except where the NDIS has granted an exemption.

### Enrolment of new build dwellings as SDA

All SDA dwellings must be enrolled with the NDIA. A new SDA dwelling is defined as any building that meets the published criteria and construction was completed after 1 April 2016. Currently to enroll a SDA dwelling, registered providers must complete the [SDA Dwelling Enrolment Form](#) and then submit it to the NDIA. From April 2020 until July 2021 and subject to SDA Rule changes, enrolment may be either by using the current form or upon receipt of a report from an accredited SDA assessor. From July 2021, the mandated process will be via a report from an accredited assessor only. Class 2 dwellings can be enrolled under the existing process until 1<sup>st</sup> July 2023 where the NDIA has granted an exemption in line with the definition below.

## **Exemptions and Evidence of Committed /Commenced date for SDA builds**

In recognition of current SDA developments underway, the NDIA has adopted a phased approach to the introduction of the SDA Design Standard as a mandatory requirement for SDA dwelling enrolment. Developments that have commenced and meet the evidentiary requirement (as described in the paragraph below) should provide the NDIA with notice that the development may not be completed prior to 1 July 2021 and therefore should be subject to an exemption from the SDA Design Standard (which becomes the mandatory requirement from 1 July 2021).

On that basis a commitment/commencement date is considered the first date that a financial commitment to acquire or develop an SDA dwelling was made and can be evidenced by an agreement generally recognisable as indicating a commitment to undertake the project, including a contract of sale (excluding land contracts), development agreement, planning permit, or construction certificate. In principle agreements and Memoranda of Understanding are specifically excluded from the list of satisfactory exemption evidence.

### **Final as built certification**

Upon the issuance of a certificate of occupancy (or jurisdictional equivalent), the final as built certification can be assessed by a third party assessor. This report will then be provided to the NDIS to for the purpose of completing the enrolment of a new build SDA.

### **New Build SDA**

Any dwelling completed on or after 1 April 2016 and that meets all other required criteria may seek enrolment as a new build SDA. New build SDA has a different pricing schedule to Legacy and Existing SDA dwellings as set out in the [SDA Price Guide](#).

### **Pre-certification /design certification**

From the design stage onwards, an accredited third party SDA assessor will prepare a report at the developer's request that indicates that upon completion, a dwelling will meet the criteria required for enrolment in accordance with the SDA Design Standard. This process will provide certainty to the SDA market about future enrolment and allow the preparation for dwelling enrolment to be undertaken by the NDIS prior to completion of the final as built assessment. The NDIA will also record the information and include this in data releases to inform the market of pipeline of work under development, noting that commercial in confidence/identifying information will be protected.

Design certification will not be available to those dwellings seeking enrolment under the current guidelines (i.e. not the SDA Design Standard).

### **SDA Design Standard**

The SDA Design Standard document sets out in detail the criteria that from 1 July 2021, a dwelling must meet in order to be eligible for enrolment as SDA with the NDIA. This document was developed in response to and in collaboration with SDA stakeholders. A phased approach to introducing the standard will be adopted until July 2021 when they will become mandatory in order to enrol a new build dwelling as SDA. The SDA Design Standard contains an appendix of best practice approaches, which will be updated as required. The SDA Design Standard will be reviewed by the NDIA in 2023.