



Summer
Foundation

Livable Housing Design Standards in New South Wales

Summer Foundation submission

March 2025

Introduction

The Summer Foundation welcomes the opportunity to make this submission to inform the New South Wales (NSW) approach to the Livable Housing Design Standards (LHDS) in the National Construction Code (NCC) 2022.

The Summer Foundation strongly supports the adoption of Option 3 (Adopt the LHDS with exemptions). This is consistent with the NSW [Building Better Homes](#) campaign position.

The Summer Foundation believes this represents a reasonable and pragmatic approach for NSW to join the rest of the nation in delivering mandatory accessibility standards in all new builds. This will also allow the government to consider reasonable time-limited exemptions for NSW in consultation with industry and the community sector.

Research indicates that there is a 60% chance that any home will house someone with a disability during its lifespan.¹ Amidst the nationwide housing crisis, the drive to increase housing stock must include consideration around accessible housing to future-proof the stock for all Australians.

Both the Disability Royal Commission and the NDIS Review called for the immediate nationwide adoption of the LHDS in the NCC. This position has been echoed by Australia's Disability and Age Discrimination Commissioners, who recently stated that "accessibility and affordability are central elements of the human right to adequate housing"².

This submission provides general comment and responds specifically to questions 2, 3 and 4 in the Building Commission NSW's Discussion Paper, *Liveable Housing Requirements in NSW* (Discussion Paper).

The Summer Foundation

The Summer Foundation was founded in 2006 to stop younger people with disability being forced to live in residential aged care (RAC). The Summer Foundation is now broadening its focus to identifying, designing and scaling up great ideas that deliver better housing and living solutions for Australians with disability who need access to 24/7 support.

The Summer Foundation is the national convener of the *Building Better Homes* campaign which is a coalition of 70 peak bodies and agencies working to ensure the mandatory accessibility standards, now included in the 2022 NCC, are adopted nationally and implemented well in every state and territory in order to meet the needs of all Australians.

¹ Smith, S., Rayer, S., & Smith, E. (2008) *Ageing & disability: Implications for the housing industry and housing policy in the United States*. Journal of the American Planning Association, 74:3. p. 289 – 306

² Age Discrimination Commissioner., Disability Discrimination Commissioner. (2025) *Commissioners slam NSW and WA govts over 'shameful' inaction on accessible homes*. 4 March. Press Release.

Response to questions in the discussion paper

1) *What is your supported option and why? Please provide the reasons for your supported option.*

The Summer Foundation strongly supports the adoption of **Option 3** (Adopt the LHDS with exemptions) in the Discussion Paper.

This reasonable and pragmatic approach to bringing NSW in line with the rest of the nation would commit the government to the adoption of the design standards for livable housing throughout NSW, for Class 1a (*Dwellings*) and Class 2 (*Sole Occupancy Units – apartment buildings*) developments. It would also allow the government to consider reasonable time-limited exemptions for NSW in consultation with industry and the community sector.

National alignment

Aligning NSW with other states and territories will simplify planning, construction and regulation, reducing the long-term industry costs. It was the original intention of the NCC to streamline building regulations across states and territories in order to promote efficiency and cost savings. The adoption of the LHDS by NSW will further realise this intent.

In Summer Foundation research, we found that builders want consistency, as one industry professional said: *"It would be nice to get some national consistency here, because I don't see why a person in Canberra should be availed of more accessible built form than someone in Darwin or Adelaide or Perth or Sydney or Melbourne, for that matter."*³

Further, the NSW government has made it clear that it aims to meet its commitments under the *National Housing Accord*. The NSW target of 377,000 homes includes a target of at least 3,100 new affordable homes over the next 5 years⁴. For this significant increase in housing stock in NSW to not be made accessible would be a missed opportunity.

Economic case

The modelling in your Discussion Paper confirms the cost of implementing the LHDS remains about 1% of the build. This is consistent with the 2020 Australian Building Codes Board modelling. This is an affordable cost to the community and industry to ensure new builds are accessible for people with disability and are future-proofed for our growing ageing population.

The financial benefits of timely adoption of the LHDS for both state and federal governments are significant. These include:

³ Winkler, D., Liddicoat, S., D'Cruz, K., Wellecke, C., Mulherin, P., & Douglas, J. (2024). *Supporting the design and construction sector to transition to minimum accessible standards in new homes: A qualitative study*. Summer Foundation. p. 15

⁴ See: <https://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-targets>

- Incorporating accessibility considerations at the time of construction is 22-times more efficient than retrofitting⁵. The NSW Land and Housing Corporation spends \$12.9 million annually on home modifications, while iCare spends \$6.5 million annually—costs that could be reduced with more accessible housing.
- Reducing National Disability Insurance Scheme (NDIS) spend on home modifications, and potentially reducing the number of people requiring Specialist Disability Accommodation. In 2024, \$483 million was spent on home modifications by the NDIS. This does not include the costs of modification paid for by the NSW Government Department of Communities and Justice.
- Supporting growing numbers of older Australians to remain in their homes as they age, thereby reducing pressure on the residential aged care system. In the past 10 years, the number of Australians in home care has increased fourfold⁶.
- Accessible housing design leads to increased independence, autonomy and a reduction in associated care needs for older people and people with disability⁷.
- Reducing the time someone stays in a hospital bed because suitable housing is unavailable, has the potential to save the public health system \$2500 a night. Through increasing medium-term housing options, the Federal government has already estimated the savings to be in the hundreds of millions⁸.

Accessible housing is a fundamental building block to broader social participation for people with disability, including workforce participation. The social dividends are clear - access to accessible housing enables people with disabilities to enter and remain in the workforce longer, reduces reliance on government support and increases productivity.

The demographic imperative

Adoption of the LHDS is needed to respond to the demographic trends in NSW and Australia more broadly.

Data about the current living situation and future population projections for NSW underscores the inadequacy of current housing stock and the need to adopt the LHDS as soon as possible:

- Approximately 1.34 million NSW residents are estimated to live with a disability⁹

⁵ New Zealand Ministry of Social Development. (2009) *Economic effects of utilising Lifemark at a National level*. Development Report.

⁶ Prime Minister of Australia., Treasurer., Minister for Aged Care. (2024) *Once in a generation aged care reforms*. 12 Sept. Press Release.

⁷ Carnemolla, P. (2020) *Renovations as stimulus? Home modifications can do so much more to transform people's lives*. 13 July. Article. The Conversation.

⁸ Jervis-Bardy, D. (2024) *Shorter hospital stays for NDIS participants saving 'hundreds of millions', Bill Shorten says*. 27 December. Article. The Guardian.

⁹ Judicial Commission of NSW (2024) Equality before the Law Bench Book. Drawing on Australian Bureau of Statistics (ABS) Survey, [Disability, Ageing and Carers, Australia: Summary of Findings](#) 2018, released 24/10/2019. This includes the data cubes for tables in NSW, released 5/2/2020 and accessed 9/1/2024.

- There is a shortage of accessible housing options for people with physical disabilities across the NSW housing market, whether to buy or rent¹⁰
- The 2024 National Carers Survey found that 1 in 5 (22.8%) respondents reported that their home did not currently meet their needs and nearly 1 in 4 (23.8%) reported that their house was not adequate for the requirements of their caring role¹¹
- By 2061, it is projected that a quarter of all people living in NSW will be aged 65 or older¹²

2) Stakeholders are asked to consider the best possible implementation approach which would impose the least amount of cost and disruption to the sector. Please outline how you foresee the best way to implement your preferred option.

Government must guide industry in LHDS implementation

In 2024, Summer Foundation undertook research that showed that the LHDS can be successfully implemented through a whole-of-government and industry-wide approach. As part of the research we spoke with builders, registered architects, developers and access consultants with experience ranging from 12 to 40 years in the sector. The research found that successful implementation can be achieved through:

- Coordinated implementation across all stakeholders such as architects, builders, suppliers and professionals working in the sector
- Engagement by all stakeholders to ensure industry relevance
- An industry-specific approach to education and training of relevant stakeholders
- Mainstream awareness-raising, and education about, accessible design across the broader community to increase consumer consciousness of, and demand for, liveable design

Working alongside the NSW building sector, the NSW Building Commission should develop and disseminate consistent, practical and accessible resources containing industry-relevant information, including:

- Lists of compliant products and suppliers
- Case study exemplars of accessible design, including drawings and templates (e.g. CAD blocks)
- Workshops, professional development opportunities, and 'how to' materials, specifically targeting smaller companies or those self-employed within the building industry

Similar resources already exist in other jurisdictions. This approach will provide guidance and information to support the implementation of accessible design, potentially reducing

¹⁰ Stone, H., Batchelor, A., Mead, M. (2022) *Access Denied: The experience of people with physical disability across the NSW housing sector*. May 2022. Physical Disability Council of NSW.

¹¹ Carers NSW et al. (2024) 2024 National Carers Survey.

¹² NSW Treasury (2021) 2021 — 22 NSW Intergenerational Report - The population of New South Wales in 2061. Report.

implementation costs for industry. The Victorian Building Authority has successfully provided a suite of resources including Webinars and FAQs for industry to support LHDS implementation.¹³ In aligning common information with other jurisdictions, the NSW Government can ensure consistent and reliable advice for industry. Furthermore, bringing NSW in line with other states (VIC, QLD, SA, TAS) provides regulatory consistency for larger developers.

As other states have already adopted the LHDS, NSW can learn from their implementation strategies to improve rollout and broader harmonisation. Further delay in the adoption of the LHDS in NSW risks the state falling behind in adopting new practices and approaches that could lead to more accessible homes.

3) If the Government were to adopt the LHDS in some form, what additional exemptions or concessions should the Government consider?

Commonsense exemptions can be put in place

As the Building Commission NSW's Discussion Paper notes, there are several key exemptions which are already in place in some of the other states and territories that have adopted the LHDS. These exemptions cover:

- Small and narrow lots (QLD, SA, TAS)
- Entry-level toilet requirements (QLD, SA, TAS)
- Renovations, repairs, and maintenance (QLD, ACT, NT)
- Step-free entry and wet area compliance (NT, QLD)

When the NSW Government adopts the LHDS, it can consider:

- Application of the LHDS from the adoption date (no retrospective adoption requirements for current developments under contract, lodged for planning approval prior to adoption, or at build stage)
- Exemptions for particular development types for a short time-period. For example, transition periods in SA allow for developments lodged before 1 October 2024 (when SA adopted the LHDS) to follow NCC 2019 standards¹⁴. Similarly in QLD, exemptions are available for narrow lots and small pre-built homes until September 2026¹⁵

To maximise the opportunities of LHDS adoption to drive an increase in accessible housing stock in NSW, any exemptions should be agreed in conjunction with the industry and community sectors and be time-limited.

¹³ See: <https://www.vba.vic.gov.au/building/regulatory-framework/ncc-2022/livable-housing-design-requirements>

¹⁴ PlanSA (2024) *NCC 2022 Modern Homes Transitional Arrangements*. Update for Practitioners (councils and accredited professionals). 26 Sept. See: https://plan.sa.gov.au/_data/assets/pdf_file/0008/1409894/Practitioners-NCC-Transitional-Arrangements-Update-September-2024.pdf

¹⁵ See: <https://www.qld.gov.au/housing/building-home/building-accessible-housing>

Conclusion

The NSW Government has the opportunity to ensure it sets the path now for housing to meet the needs of generations to come. The importance of national alignment cannot be underestimated - it can simplify planning, construction and regulation and reduce long-term industry costs. It can also ease pressure on government expenditure in health, aged-care and disability. Furthermore, accessible housing reduces costs for retrofitting and modifications, supporting more ageing Australians and those with disability to remain in their homes or find a new home which meets their needs.

Successful LHDS adoption by NSW is contingent on regulatory certainty, coordination across all stakeholders and the provision of practical industry resources. The positive experience of other jurisdictions within Australia can also support successful NSW LHDS implementation. Finally, reasonable time-limited exemptions can be put in place to support the transition of industry and the community. This can include considerations around retrospectivity and phase-in periods. Once adopted, the NSW Government must also ensure accountability and proper implementation of the Standards by monitoring and publicly reporting on their implementation.

By adopting the LDHS, the NSW government can ensure its housing meets the needs of current and future generations and send a clear message to older people and people with a disability in NSW that they matter.

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