

**4 March 2024**

Mr Hayden David

Acting Policy Manager

Building Commission NSW

Delivered by email to [HBAreview@customerservice.nsw.gov.au](mailto:HBAreview@customerservice.nsw.gov.au)

Dear Hayden,

Thank you for the opportunity to attend the roundtable on Thursday 20<sup>th</sup> of February, and to comment on the Livable Housing Requirements in NSW discussion paper.

**People With Disability Australia** (PWDA) is Australia's national peak disability organisation, representing the 1 in 6 Australians with disability. We are the leading disability rights advocacy and representative organisation and the only national cross-disability organisation representing the interests of people with all kinds of disability. We are a not-for-profit and non-government organisation, and our membership is comprised of people with disability and organisations primarily constituted by people with disability, including the [PWDA Board](#) and many members of [our staff](#).

## Our Work

PWDA co-chairs the **Building Better Homes Campaign** with the **Physical Disability Council of NSW** (PDCN) where we call on all States and Territories in Australia to adopt the National Construction Code (NCC) for all new dwellings, which includes the mandatory **Livable Housing Design Silver Standard**. This standard provides a minimum level of accessibility for people with disability, reducing the need for expensive modifications to enable access.

In previous submissions we have also called for all housing for essential workers, all homes built in Transport Oriented Design precincts, and all **NSW Pattern Book Designs** to conform with NCC standards.

## Questions

The Discussion paper poses 4 key questions below, which were discussed at a stakeholder roundtable in February 2025:






- 1) Do you have data to support additional analysis or understanding of the estimated costs and benefits associated with any of the options presented in this paper?  
Specifically:
  - a) Do you have experience with working across states – do you need to adjust your designs for a multiple jurisdiction approach? If so, what is the estimated cost of this?
  - b) What is your estimated cost to comply with a mandatory information requirement at the point of sale/contract?
  - c) Do you agree with the estimated cost of the livable housing design standard? If not, can you supply any alternate data to support your estimated cost?
- 2) What is your supported option and why? Please provide the reasons for your supported option.
- 3) 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.
- 4) If the Government were to adopt the LHDS in some form, what additional exemptions or concessions should the Government consider?

PWDA has no access to detailed data from developers is unable to comment on 1. (a) or (b)

However, in response to 1. (c) the estimated cost provided in the discussion paper at page 7 (extracted below) aligns with the conversations we have had with developers to date.

Building to the NCC standard does not impose a significant cost increase and is estimated to be around 1%.

Table 3: Indexed Estimated Cost Impact of Proposed Changes to NCC.

2021				
\$4,123.00	\$3,965.00	\$4,385.00	\$4,013.00	\$2,914.00
				
Project Homes (Class 1a)	Custom Home (Class 1a)	Townhouses (Class 1a)	Three-storey Walk ups (Class 2)	Four or more storey apartments (Class 2)
2024 to September quarter				
\$5,243.65	\$5,042.71	\$5,576.86	\$5,103.75	\$3,706.04
Price movements				
↑ \$1,120.65	↑ \$1,077.71	↑ \$1,191.86	↑ \$1,090.75	↑ \$792.04

<sup>2</sup> Proposal to include minimum accessibility standards for housing in the National Construction Code, The CIE. February 2021, < [DRIS Accessible Housing](#)>.

<sup>3</sup> Proposal to include minimum accessibility standards for housing in the National Construction Code, The CIE. February 2021, < j Y0MS42MC4wLjA."DRIS Accessible Housing">.

In response to Question 2, PWDA has no access to developer data or costings, but we support the figures provided in the discussion paper.

Responding to Question 3, PWDA supports:

“Option 3: Adopt the Design Standards with exemptions’ that would entail the government committing 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.

Adoption could also be supported by additional tailored exemptions for certain developments subject to site complications or restraints. If adopted, commencement options can be considered including a delay to

commencement in acknowledgement of the potential impact on operations and customer contracts.”

We believe this balances the need to maximise the number of accessible homes built against inescapable constraints posed in flood-prone areas, or by small blocks. Once again, PWDA cannot comment on how an implementation approach might minimise cost and disruption to the sector, but we recommend an early commitment with clear dates for implementation in order to eliminate uncertainty.

In response to Question 4, PWDA heard at the roundtable that the biggest challenge for developers in NSW was not the Livable Design Standard, which they admitted posed little additional cost impost. They highlighted the problem of ‘yield’ based on NSW and especially Sydney land prices being double those of Melbourne or Brisbane, and on the gross floor area calculations and building height restrictions making development uneconomical.

Whilst we cannot comment from the perspective of expert builders or experienced developers, PWDA can see from some of the [historical case law](#) outlined, that the development sector in NSW could benefit from a simplification and clarification of the Gross Floor Area Calculation requirements under the NSW Planning system. PWDA is happy to participate in consultation on these changes if appropriate, but we appreciate that developers and other stakeholders within the sector will have better insight into the changes that need to be made to improve yield.

## The cost of Options 1 and 2

The current situation in NSW is aligned with Option 2, but essentially delivers Option 1. As long as conformity with the NCC remains optional, most developers in NSW will not take it. This will result in people with disability remaining excluded from much of the housing stock in NSW, due to inaccessible design, which often cannot be affordably modified. This housing discrimination does not just impact the 1 in 5 Australians with disability, it also prevents more people from aging in place and has the potential to reduce the customer base for developers.

Choosing either of these options effectively consigns more people with disability to homelessness at an average cost to the taxpayer of \$186,000 per person each year,<sup>i</sup> or to hospital beds at \$1075 per day,<sup>ii</sup> or \$392,375 per person annually. Taxpayers simply cannot afford the price of ongoing housing discrimination.

PWDA appreciates that Homes NSW has committed to build all new social housing in conformity with the NCC and Silver Livable Design Standard. In January 2025 there were 64,280 households waiting for social housing on the NSW Housing list,<sup>iii</sup> and 10,000 Australians are becoming homeless each month,<sup>iv</sup> so it is not enough that only social housing is built accessibly.

In addition to current needs, housing has a long lifespan. There is a 60% chance any home will house someone with a disability during its lifespan, so we urgently need accessible homes to meet community needs.<sup>v</sup>

In NSW 21.4% of people (1.7 million) live with a disability,<sup>vi</sup> and by 2061, 1 in 4 people will be aged 65 or older.<sup>vii</sup> Accessible housing supports workforce participation by enabling people with disability and older Australians to live independently and remain in the workforce longer, reducing reliance on government support.

The majority of people with physical disability in NSW report living in homes which are inaccessible for them (PDCN) and many carers lack suitable housing – 82.5% of NSW carers live with the person they care for, yet 1 in 5 say their home is inadequate for their caring role (Carers NSW).

It is evident that NSW cannot afford options 1 or 2, and we urgently need an agreement to build all new homes to the NCC Silver Livable Design Standard as a minimum. During the roundtable we also heard about the difficulty and costs involved in converting homes to make them accessible. PWDA supports efforts to develop and share examples, templates and designs that would make this process easier. We believe the NSW Building Commissioner and the Office of the Architect could work together to facilitate this.

Thank you for the opportunity to provide feedback. Should you have any further questions, please contact Bastien Wallace, Senior Policy Officer at [bastienw@pwd.org.au](mailto:bastienw@pwd.org.au)

Yours sincerely



**Megan Spindler-Smith**  
**Deputy CEO**  
**People with Disability Australia**

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<sup>i</sup> NSW Government, Department of Communities and Justice, *Pathways to Homelessness final report* December 2021, last accessed 27 February 2025, <https://www.facs.nsw.gov.au/download?file=823631>

<sup>ii</sup> NSW Health, Health insurers rorting public hospital beds, 30 Sep 2024, last accessed 27 Feb 2025, <https://www.nsw.gov.au/media-releases/health-insurers-rorting-public-hospital-beds#:~:text=NSW%20Health%20estimates%20the%20average,bed%20at%20%241%2C075%20per%20day>.

<sup>iii</sup> Homes NSW, Social Housing Waiting List Data, last accessed 27 Feb 2025, <https://dcj.nsw.gov.au/about-us/families-and-communities-statistics/social-housing-waiting-list-data.html>

<sup>iv</sup> UNSW & Homelessness Australia Dec 2024 report, [https://cityfutures.adu.unsw.edu.au/documents/765/AHM\\_Final\\_v2.pdf](https://cityfutures.adu.unsw.edu.au/documents/765/AHM_Final_v2.pdf)

<sup>v</sup> 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, 289 – 306

<sup>vi</sup> NSW population 8,153,000 - NSW Government, Key facts about NSW, updated 30 June 2022, last accessed 17 December 2024, <https://www.nsw.gov.au/about-nsw/key-facts-about-nsw> 21.4% with disability- Disability, Ageing and Carers, Australia: Summary of Findings, Chart People with disability by State of usual residence updated 24 October 2019, last accessed 17 December 2024 <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release> so 1,744,742 people in NSW with disability.

<sup>vii</sup> NSW Treasury, The population of NSW in 2061, 2021 — 22 NSW Intergenerational Report, <https://www.treasury.nsw.gov.au/sites/default/files/2021-06/2021->

