

NSW Ministerial Advisory Council on Ageing (MACA)

An independent Advisory Council

‘The purpose of MACA is to provide independent advice about ageing issues to the NSW Minister for Seniors. It is important that older people in NSW have healthy, active and better lives.’

Submission to Building Commission NSW on the adoption of the National Construction Code 2022 (NCC) at Silver level of the Livable Housing Design Standards (LHDS).

About MACA

In accordance with the [Ageing Well in NSW Strategy](#), MACA affirms that all people in NSW should be able to:

- experience the positive benefits of living longer.
- enjoy opportunities to participate in, contribute to and be included in, their spheres of interest and local communities.
- Engage across generations to be connected.
- Maintain healthy, active, and fulfilling lives.
- Live Insafe environments free of abuse and violence.
- Access high quality, timely and affordable services no matter where they live.

In NSW, a senior is a person aged 60+ years and 50+ years for Aboriginal and Torres Strait Islanders. To be a senior in NSW (for a NSW Seniors Card) you must be a NSW permanent resident, aged 60 and over, doing no more than an average of 20 hours of paid work a week, across 12 months’ period. There is significant diversity amongst seniors based on gender, culture, and language, where people live, income and health status. In 2021 there were 1.9 million people in NSW over 60 years, and it is predicted this will increase to 2.7million over 60 years in 2041 (2021 Census).

The Issue: Adoption of the National Construction Code 2022 (NCC) at Silver level of the Livable Housing Design Standards

The new Building Commission issued a Discussion Paper on 20 January 2025 on the **Livable Housing Requirements in NSW** and convened a round table discussion with a wide range of stakeholders on 20 February 2025. At the conclusion of the Round Table consultation meeting, the Building Commission urged stakeholders to make a submission on the options discussed in the paper. Members of the MACA’s Housing subcommittee attended this Roundtable and this submission covers the position of the NSW MACA on the issues.

The Context

Accessible housing is important for older people to age in place. Ensuring all new Class 1a and Class 2 dwellings are built to Silver level in the Livable Housing Design Standard (LHDS), is an essential first step to enabling older people to remain at home and in their community.

Home modifications enable an older person and those with age-related disabilities to live independently at home and receive care. Retrofitting homes after a person has moved in is usually far more costly than if the home was built to the Livable LHDS in the first place. The amount of funding available to undertake modifications if an older person has an aged care package is also limited. Older people who are renters may not be able to make the necessary modifications and may be forced to move or become homeless.

The Disability Royal Commission (DRC) report 29 September 2023 urged State and Territory governments to

- a) Immediately adopting the mandatory Australian Building Codes Board (ABCB) Livable Housing Design Standard for all new dwellings
- b) Adopt the voluntary ABCB Livable Housing Design Standard for all new social housing construction
- c) Audit the demand for, and accessibility of, current crisis housing (including domestic and family violence shelters and refuges and natural disaster crisis accommodation).

The NSW Government has stated it is committed to ensuring NSW delivers quality, affordable and trustworthy homes to meet NSW's housing needs. This means ensuring housing is accessible.

Older persons experience

It is well documented that the population of people aged 60+ years will increase. More people will choose to remain at home rather than move to residential aged care facilities. In 2022, more than nine out of ten seniors in NSW (92.9% or 1,746,700 people) were living in private dwellings. These include houses, flats, home units, garages, tents and other structures used as private places of residence¹.

Older people need to have housing that is designed to allow them to age in place, supported by a network of accessible and affordable services in a livable community. The desire to "age in place" is often hindered by the inappropriateness of the person's home as they age, including ongoing maintenance and adaptability of the design.

¹ Australian Institute of Health and Welfare, 2024, [Home - AIHW Gen](#)

[The Ageing Well in NSW Strategy 2021-2031](#) commits the NSW government to work to improve the built environment to make it more age friendly.

Older people living in their own homes have the opportunity to make modifications to improve accessibility. Modifications are more difficult in rental accommodation. The proportion of older people in insecure private rental in NSW has increased from 8.5% in 2011 to 11.2% in 2021. Ensuring all new dwellings are built to LHDS means that older people, both owners and renters, will be able to age in place. Injuries, especially from falls, can be prevented if housing is accessible, thus reducing the burden on health and aged care services.

Homeless older people also need to be housed in accessible dwellings. The 2021 census estimated that nearly 6,000 homeless people were over the age of 55 years. The NSW government's commitment to building all new social housing to the LHDS is acknowledged.

Older women are disproportionately affected by the housing crisis and financial insecurity and were the fastest growing group of people experiencing homelessness and or at risk of homelessness, increasing by 31% since 2011. The major cause of women in homelessness is domestic and financial abuse². The NSW Homelessness Strategy 2025-2035 has adopted a targeted approach by making housing older women as a priority. Older women must have accessible housing to rent or to purchase.

Action

MACA welcomes the opportunity to respond to the Livable Housing Requirements in NSW discussion paper. MACA supports adoption of **Option 3: Adopt Design Standards with exemption:**

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."

² In 2023–24, around 109,000 SHS clients across Australia had experienced family and domestic violence at some point during the reporting period [Homelessness and homelessness services - Australian Institute of Health and Welfare](#)

This Option provides a balanced and practical approach to maximise the number of accessible homes built. Currently in NSW, there is no incentive for developers to adopt the NCC, resulting in limited housing stock for people to age in place. Modifications to these dwellings are costly and difficult, heightening the risk that older people will suffer injury at home, become isolated or homeless, due to inaccessible design.

The cost to the NSW taxpayer of these outcomes is significant and needs to be considered. Homelessness, on average, costs the taxpayer \$186,000 per person each year³, while hospital beds cost \$1,075 per day, or \$392,375 per person annually⁴. Taxpayers simply cannot afford the price of ongoing housing discrimination.

MACA urges the government to agree to build all new homes to the NCC Silver Livable Design Standard as a minimum and supports the adoption of Option 3 as outlined in the discussion paper.

MACA recommends the following approaches to strengthen the adoption of the NCC in NSW:

1. Cross government support, consistent with the Ageing Well in NSW Strategy, is necessary for successful implementation
2. An implementation plan should be developed with a co-design and co-evaluation approach with developers, construction industry, local government, TAFE and education institutes and consumers
3. The building industry should be supported to upskill its knowledge and competencies on the NCC Livable Housing Design Standard
4. How consumers can locate dwellings built to Silver level LHDS, such as via a central register needs to be considered
5. The effect of adoption of the LHDS should be monitored to determine the need for Gold Level LHDS in the future, as people are living longer at home, well into their 90 years +
6. Forecast population by age, disability and carers by regions to enable better supply accessible housing.

This subject was raised in MACA's position papers namely

³ 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>

⁴ NSW Health, Health insurers rorting public hospital beds, 30 Sep 2024, last accessed 27 Feb 2025, [Health insurers rorting public hospital beds | NSW Government](#)

- NSW MACA Housing Choices Position Statement 7/5/2024, [NSW MACA Housing Choices Position Statement](#)
- NSW MACA Position paper on Homelessness and Housing stress impact on Seniors living well on 10 July 2024 , [Homelessness and Housing Stress: A Position Paper NSW Ministerial Advisory Council on Ageing](#)

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