



RIGHTS & INCLUSION  
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# Housing Supply Regulation

Submission to the Productivity Commission on its Interim Report –  
safe, suitable and accessible homes at least cost

15 October 2026 – Issue 1.1



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## Acronyms

| Acronym                    | Meaning                                                                                                                                     |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ABC</b>                 | Australian Broadcasting Corporation                                                                                                         |
| <b>ABCB</b>                | Australian Building Codes Board                                                                                                             |
| <b>ABS</b>                 | Australian Bureau of Statistics                                                                                                             |
| <b>ACCC</b>                | Australian Competition and Consumer Commission                                                                                              |
| <b>ANUHD</b>               | Australian Network for Universal Housing Design                                                                                             |
| <b>AT</b>                  | Assistive technology                                                                                                                        |
| <b>CIE</b>                 | Centre for International Economics                                                                                                          |
| <b>CRPD</b>                | UN Convention on the Rights of Persons with Disabilities                                                                                    |
| <b>CUDA</b>                | Centre for Universal Design Australia                                                                                                       |
| <b>EY</b>                  | Ernst & Young                                                                                                                               |
| <b>HIA</b>                 | Housing Industry Association                                                                                                                |
| <b>LHA</b>                 | Livable Housing Australia                                                                                                                   |
| <b>LHDS</b>                | Livable Housing Design Standard                                                                                                             |
| <b>M4(1), M4(2), M4(3)</b> | Categories of dwelling in Approved Document M of the Building Regulations for England: visitable; accessible and adaptable; wheelchair user |
| <b>MBA</b>                 | Master Builders Australia                                                                                                                   |



| Acronym         | Meaning                                                                     |
|-----------------|-----------------------------------------------------------------------------|
| <b>MBQ</b>      | Master Builders Queensland                                                  |
| <b>MBS</b>      | Ministerial Building Standard (South Australia)                             |
| <b>MDI</b>      | Melbourne Disability Institute                                              |
| <b>NCC</b>      | National Construction Code                                                  |
| <b>NDIA</b>     | National Disability Insurance Agency                                        |
| <b>NDIS</b>     | National Disability Insurance Scheme                                        |
| <b>NHFIC</b>    | National Housing Finance and Investment Corporation (now Housing Australia) |
| <b>NSW</b>      | New South Wales                                                             |
| <b>NZ</b>       | New Zealand                                                                 |
| <b>PC</b>       | Productivity Commission                                                     |
| <b>QDC</b>      | Queensland Development Code                                                 |
| <b>QPC</b>      | Queensland Productivity Commission                                          |
| <b>R&amp;IA</b> | Rights & Inclusion Australia Inc.                                           |
| <b>RIS</b>      | Regulation Impact Statement                                                 |
| <b>SDA</b>      | Specialist Disability Accommodation                                         |
| <b>TCDC</b>     | Thames-Coromandel District Council                                          |
| <b>UK</b>       | United Kingdom                                                              |
| <b>UN</b>       | United Nations                                                              |
| <b>WA</b>       | Western Australia                                                           |

## Recommendations

- Recommendation 1. Make accessible homes an outcome** Add mainstream accessible supply as a stated outcome measure, including holistic benefits and avoided retrofit costs.....4
- Recommendation 2. Recognise market requirements** Recognise mainstream accessibility as a market requirement and regulate housing design accordingly.....4
- Recommendation 3. Incorporate accessibility in infrastructure** Include accessible transport, public domains and local services as infrastructure that new housing “needs” and make them part of the nexus and sequencing tests. ....5
- Recommendation 4. One national standard** Require accessibility checks in every fast-track pathway, make pattern books meet the standard, and keep appeal rights. Settle the social objective first, then keep it stable.....5
- Recommendation 5. CRPD** Provide for mainstream accessible housing to give effect to Australia’s obligations under Article 9 of the Convention on the Rights of Persons with Disabilities. ....6
- Recommendation 6. Make the regulator accountable for accessible homes (1)** That the PC recommend the Government task the National Housing Supply and Affordability Council to set measurable targets, and report annually by state and territory, on the number and share of new homes that meet the Livable Housing Design Standard and takes seriously Australia’s Disability Strategy 2021-2031 and UN CRPD commitment.....8
- Recommendation 7. Make the regulator accountable for accessible homes (2)** That the PC recommend that planning authorities require *and record* a Livable Housing compliance statement for every Class 1 and Class 2 development at Planning Consent, so that a mandatory building requirement cannot be designed out before Building Consent. ....9
- Recommendation 8. PC to consider accessible homes inquiry** Given the complexity of addressing accessible housing issues, the number of stakeholders involved, the conflicts of interest between those who set the standards, fund the homes and profit from them, the billions of dollars of public money committed through the NDIS and housing programs, and the lack of clear policy and regulatory guidance, R&IA asks the Commission to run an inquiry into the state of accessible homes in Australia, as the only organisation with the independence and powers to do so. .... 13
- Recommendation 9. PC to endorse ACCC investigation request** Given the problems identified, the Productivity Commission is requested to endorse a review by the ACCC of all aspects of the SDA new build program as per R&IA-043 ACCC SDA market enquiry report.....24

## 1 Executive summary

The Productivity Commission (PC) Interim Report asks how governments can build more homes, faster. R&IA asks that those homes also work for the people who will live in them. One in five Australians – 5.5 million people – has a disability, 4.4 million are aged 65 or over, and there is a 60% chance that a new home will be occupied by a person with disability at some point in its life. Yet the National Housing Accord target of 1.2 million homes is counted in dwellings alone, and the Commission's principles, as drafted, risk treating accessibility as a design feature to be removed rather than a need to be met.

The evidence is long-standing. The voluntary approach agreed in 2010, with the support of the major building industry bodies, reached less than 5% of its 2020 target. Even though, at the time there was widespread agreement that the benefits made the costs – around 1% of the build cost – worthwhile.

The 2021 regulation impact statement that found costs exceeded benefits has been contested since it was published, yet it continues to be quoted by the building industry, most recently by the Queensland Productivity Commission. Alternative views have been ignored.

Overseas, England's mandatory baseline and London's planning requirements have delivered more than 225,000 homes at higher accessibility standards, and a low-cost planning incentive in New Zealand sees about half of all new homes built in the Thames-Coromandel district to a Lifemark standard.

In Australia, by contrast, accessible housing has been left to targeted, finance-driven programs and to a patchwork of state variations, exemptions and transitional rules, with little monitoring or reporting against legislative commitments including the UN CRPD.

Examples include Waterloo South in Sydney, with accessibility requirements for market apartments in a state that hasn't accepted the NCC 2022 obligations, and South Australia's fast-growing Planning and Design Code alongside a frozen building code accessibility requirement that isn't monitored or enforced. All while Victoria is benefiting from progressive introduction of minimal accessibility requirements. All of which shows how inconsistent, confused and uncertain policy and regulation regarding accessible homes is in Australia.

Applying the Australian Government's own best practice regulatory framework – regulations, regulators, policymakers and the regulated community – R&IA asks the Commission to make mainstream accessible homes a stated outcome of best-practice housing regulation, and to count whole-of-life costs and benefits, not just upfront cost.

**Key finding.** Accessible design adds about 1% to the initial purchase price of a new home, with significant savings for the broader community who all benefit over the life of the property. One national standard, applied consistently and enforced, is the simplest and cheapest way to deliver mainstream accessible homes.



## 2 Introduction

### 2.1 Submission

This submission responds to the Commission's Housing Supply Regulation Interim Report of 27 July 2026, and in particular Information Request 1.2 on the best-practice principles and examples of good and poor regulation.<sup>1</sup>

The approach taken here is to address the terms of reference of the inquiry from the perspective of the wider community, examining the merits of various regulatory regimes to encourage adoption of mainstream accessible housing.

Australia has ratified the Convention on the Rights of Persons with Disabilities (CRPD) and this includes Article 9 Accessibility. This Article requires governments to '*enable persons with disabilities to live independently and participate fully in all aspects of life*' including '*buildings, roads, transportation and other indoor and outdoor facilities, including schools, **housing**, medical facilities and workplaces*' together with '*information, communications and other services, including electronic services and emergency services.*'

Housing is a fundamental requirement, and mainstream accessible housing provides choice and the ability for people with and without a disability to live in the community.

### 2.2 Rights & Inclusion Australia

R&IA is a not-for-profit whose directors have worked for many years on accessibility standards, the CRPD and disability housing. R&IA has campaigned for more accessible and equitable housing across Australia and, with ANUHD, was one of the instigators of the NCC 2022 Livable Housing requirements.

R&IA advocates consistent and effective implementation of the CRPD, including Article 9 Accessibility, Article 19 Living independently and being included in the community, and Article 28 Adequate standard of living and social protection.

### 2.3 Overview

This submission starts with an introduction providing the background and context, and explains the approach taken to the Productivity Commission's "principles for best practice housing regulation". It then moves on to best practice regulation from the point of view of accessible housing policy in Australia.

R&IA is concerned that focusing on the *four principles of a "best practice regulatory system for housing"* in the Interim Report with desired outcomes including "*Reforming regulation to build more homes, faster*" may have unintended consequences.

As well as addressing those principles, this submission also addresses aspects of the four elements of the Australian Government's Regulatory Policy, Practice and Performance Framework through the lens of whole-of-life costing.

Of most concern is the lack of consistent and credible pricing data – some information is included in this submission, and more information is available from R&IA on request.

The main part of the submission, however, describes best practice regulation for accessible housing, using UK and New Zealand examples. It also reviews the Specialist Disability Accommodation (SDA) new build program in detail as an example of regulatory failure.

### 3 Productivity Commission “best practice” principles

Figure 2 of the PC Interim Report<sup>2</sup> states that the overarching objective is:

*“A well-functioning housing and planning regulatory system that enables enough housing to meet people’s needs, in the places where it delivers the greatest net benefit to the Australian community. It balances economic, social, cultural and environmental outcomes and gives weight to the interests of both current and future residents.”*

Followed by:

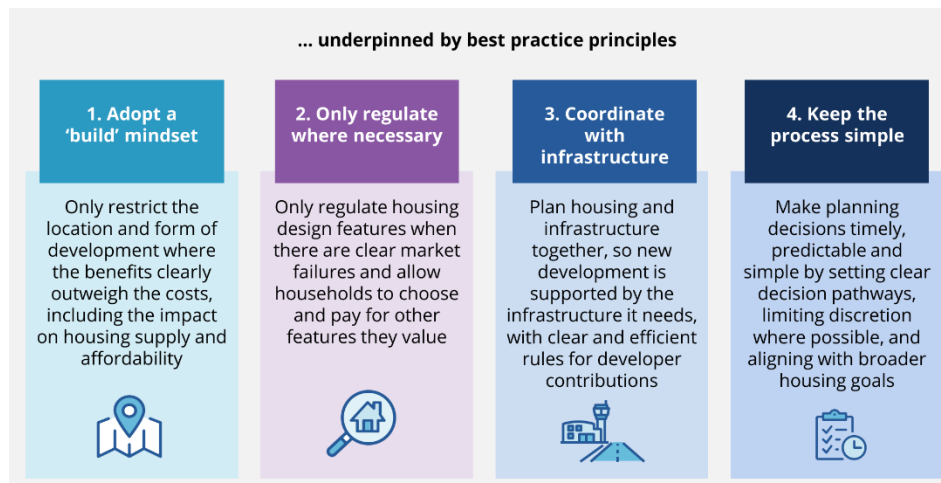


Figure 1 - Productivity Commission best practice principles

Each principle is set out below, with what is wrong with it from an accessible housing point of view and a recommendation.

#### 3.1 Adopt a ‘build’ mindset

*“Only restrict the location and form of development where the benefits clearly outweigh the costs, including the impact on housing supply and affordability.”*

- **Who decides?** The recent Queensland Productivity Commission inquiry is a good example of how this basic principle is not consistently applied.
- **What data?** In 2015 the ABCB recommended the status quo on emergency egress for occupants with disability because “Where costs are large and the benefits are intangible the status quo must be recommended”.<sup>3</sup>
- **Form of development.** Allowing 3-storey development on most residential land (direction 2.1)<sup>4</sup> will produce more inaccessible homes.

**Recommendation 1. Make accessible homes an outcome**

Add mainstream accessible supply as a stated outcome measure, including holistic benefits and avoided retrofit costs.

**3.2 Only regulate where necessary**

*“Only regulate housing design features when there are clear market failures and allow households to choose and pay for other features they value.”*

- **The market failures are clear.** Accessible design meets the Commission’s own test for regulating design features.
- **Foresight.** Buyers cannot know who will live in the home. In the three years to 2019–20, 83% of the 1.1 million buying households bought established homes, 62% were changeover buyers, and 24% of changeover buyers were aged 65 or over, about 15% of all recent purchases.<sup>5</sup>
- **Split incentives.** The builder saves about 1% of build cost, and the household, the NDIS or a state home-modification program pays around \$20,000 to retrofit.<sup>6</sup>
- **Thin market.** The 2010 target that all new homes meet the Livable Housing Design Guidelines by 2020 reached less than 5% of its goal.<sup>7</sup>
- **“Choose and pay” fails.** Renters and off-the-plan buyers have little say, and voluntary action has been tried for a decade.
- **“Design features” is too broad.** The Commission uses it for proposals to remove minimum dwelling, balcony and storage sizes and apartment-layout rules.<sup>8</sup> Circulation space, bathrooms and storage decide whether a home is usable.

**Recommendation 2. Recognise market requirements**

Recognise mainstream accessibility as a market requirement and regulate housing design accordingly.

**3.3 Coordinate with infrastructure**

*“Plan housing and infrastructure together, so new development is supported by the infrastructure it needs, with clear and efficient rules for developer contributions.”*

- **Too narrow a definition.** “Infrastructure” means roads, sewerage, utilities and funding sequences, as in the Torana Estate example.<sup>9</sup>
- **What is missing.** Step-free paths of travel, kerb ramps, accessible footpaths, bus stops and stations, and nearby services.
- **Servicing is not access.** A greenfield estate with perfect sewerage but no accessible transport still excludes many of the 5.5 million Australians with disability.<sup>10</sup>
- **Infill caveat.** Housing near public facilities such as railway stations helps only if the facilities are step-free.

- **Contribution reform.** The tests of “clear nexus”, “cost-reflective” and “remove where no demonstrable nexus” can strip out funding for community and public-domain infrastructure that residents with disability rely on.<sup>11</sup>

### **Recommendation 3. Incorporate accessibility in infrastructure**

Include accessible transport, public domains and local services as infrastructure that new housing “needs” and make them part of the nexus and sequencing tests.

## **3.4 Keep the process simple**

*“Make planning decisions timely, predictable and simple by setting clear decision pathways, limiting discretion where possible, and aligning with broader housing goals.”*

- **Simple when set once.** A single national minimum standard for accessibility is the simplest option; individual state carve-outs undermine it.
- **The unpredictability is elsewhere.** Officially, New South Wales and Western Australia have not adopted the standard.<sup>12</sup> In reality, each state has its own variation of NCC 2022, despite the official position that residential NCC changes are paused until mid-2029.<sup>13</sup> In South Australia, the Housing Minister promised no further changes “for the next decade”,<sup>14</sup> yet the State does not enforce or record compliance with the NCC 2022 accessibility requirements.
- **How it was made.** The Board Matters Review found that clear social policy parameters were not resolved before the ABCB NCC 2022 standard was drafted, which forced policy into a rigid technical process.<sup>15</sup>
- **Limiting discretion is a risk.** Fast-track, deemed-to-comply rules, pattern books and reduced third-party input will bypass accessibility unless it is written into the criteria and checked at certification.<sup>16</sup>
- **Loss of voice.** People with disability have few other formal voices than appeal rights, and discrimination complaints only work after the home is built.
- **“Broader housing goals”** means little unless accessibility is named as one of them.

### **Recommendation 4. One national standard**

Require accessibility checks in every fast-track pathway, make pattern books meet the standard, and keep appeal rights. Settle the social objective first, then keep it stable.

## **3.5 A missing fifth principle**

“Design for everyone: new homes are accessible by default.” This would give effect to Australia’s obligations under Article 9 of the Convention on the Rights of Persons with Disabilities.<sup>17</sup>

**Key finding.** None of the Commission’s four principles mentions accessibility, yet 5.5 million Australians (21.4%) had a disability in 2022.



**Recommendation 5. CRPD**

Provide for mainstream accessible housing to give effect to Australia's obligations under Article 9 of the Convention on the Rights of Persons with Disabilities.

## 4 Regulating best practice

R&IA notes that the Interim Report emphasises priority reform directions such as loosening requirements to allow three-storey development, mid-rise and high-rise apartments, and smaller minimum lot sizes, while “broader policy settings” are not covered. The approach taken here is to start from the desired outcome, which for this submission is mainstream accessible housing.

The Australian Government’s Regulatory Policy, Practice and Performance Framework recognises that:<sup>18</sup>

*“a regulatory system encompasses:*

- 1. Regulations*
- 2. the regulator – including its tools, processes, resourcing, and operations*
- 3. regulatory policymakers – who continuously monitor and reform the system*
- 4. the regulated community.”*

The cost of a regulation to part of the regulated community is only one of four elements. The cost of running regulators, of policymakers’ constant reform, and the costs borne by occupants, taxpayers and later owners must be counted too, and so must the benefits.

The Australian Government Impact Analysis Framework, which commenced on 1 July 2026, applies the same thinking to individual decisions.<sup>19</sup> Its seven questions require agencies to show the net benefit of an option – benefits as well as costs – what consultation was undertaken and how feedback shaped the policy, how the policy will be implemented, and how it will be monitored and evaluated. Agencies must also consider at least one non-regulatory option. Removing or weakening an accessibility standard is itself a regulatory decision and should face the same test.

### 4.1 Regulations

The National Construction Code should be within the inquiry’s terms of reference.<sup>20</sup> The principles the Commission adopts will shape how governments treat building standards, including during the current pause on residential NCC changes.<sup>21</sup>

### 4.2 The regulator

The regulator can be at national, state, territory or local government level.

The Building Ministers agreed to accessible housing criteria in 2017, and this was adopted by the ABCB and included in NCC 2022. The 2022 NCC Livable Housing Design Standard has been adopted by all states and territories except NSW and WA. R&IA has actively campaigned for mainstream accessible housing since 2010 and is currently involved in NSW and WA adoption campaigns.

Just who is the regulator when it comes to accessible housing? Commonwealth government, State and Territory government, local governments, and that’s before you get to various statutory authorities. Three examples illustrate the confusing picture regarding accessible homes.

The National Housing Supply and Affordability Council reports to the Minister and the most recent annual report mentions accessible housing *once*. The Council supports Australia's Disability Strategy 2021-2031 and:

*"would also like to see an increase in the share of new builds that comply with the Livable Housing Design Standard, to better meet the needs of the community, including for older people and people with mobility limitations".*

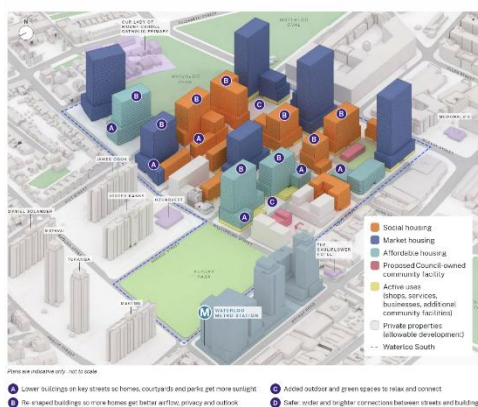
No measurable goals, no enforcement, no reporting or recording actual numbers of accessible homes. And certainly no mention of actions in place to increase the number.

### Recommendation 6. Make the regulator accountable for accessible homes (1)

That the PC recommend the Government task the National Housing Supply and Affordability Council to set measurable targets, and report annually by state and territory, on the number and share of new homes that meet the Livable Housing Design Standard and takes seriously Australia's Disability Strategy 2021-2031 and UN CRPD commitment.

Which brings us to one of the recalcitrants who haven't adopted NCC 2022 accessibility requirements; and to see how well the NSW government is going as a regulator. Which, surprisingly, includes accessibility requirements.

Waterloo South in Sydney shows how NSW public accessibility promises can be compromised behind the scenes in a mixed-tenure renewal. The draft Design Guide exhibited in 2022 required every apartment building to have 85% of dwellings at Silver standard and 15% at Gold, regardless of tenure.<sup>22</sup>



The 2025 scoping report for the Concept State Significant Development Application, prepared for Stockland and Homes NSW, then proposed to "reduce the requirement for silver liveable apartment standard and accessible car parking for market apartments".<sup>23</sup> Social, affordable and market housing are planned in separate buildings, so the change would fall almost entirely on the market buildings. This is despite the project's stated aims of integrating tenures, reducing housing segregation and incorporating universal design.<sup>24</sup>

The revised 2026 Design Guide makes it clear that the commitment has been reduced to:

**Figure 2 - NSW Waterloo South**

(b) 85 per cent of **social housing** Class 2 dwellings (apartments) will achieve silver standards of the Liveable Housing Design Guidelines; (c) 15 per cent of **social housing** Class 2 dwellings (apartments) will achieve gold standards of the Liveable Housing Design Guidelines; and (a)(d) [sic] 20 per cent of **affordable housing and market housing** Class 2 dwellings (apartments) will achieve silver standards of the Liveable Housing Design Guidelines. (R&IA emphasis)

By contrast, consider a South Australian development application lodged on 9 August 2026 for the 198-apartment Hollywood Plaza Residential Development at Salisbury Downs. Across the entire

application – the Planning Report and the full drawing set – accessibility is addressed in a single, unquantified sentence in the Planning Report’s conclusion:<sup>25</sup>

*“It delivers a high standard of residential amenity through a diverse mix of apartment types, private balconies, communal open space, landscaping, accessibility features and sustainability initiatives.”*

No design standard is referenced, no number or proportion of accessible or adaptable dwellings is nominated, and no accessible car parking is identified. The application’s own dwelling schedule does not identify any unit as accessible or adaptable. For a development of this scale, this is not a peripheral omission: it is the only substantive statement about accessibility across 198 dwellings.

Yet this is not optional. Part G7 of NCC 2022 has applied in South Australia since 1 October 2024, and MBS 007 exempts only Class 2 applications lodged before that date, so every one of the 198 units must legally meet the ABCB Standard for Livable Housing Design: step-free entry, wider doors and corridors, a step-free shower, reinforced bathroom walls and an entry-level toilet.<sup>26</sup>

#### **Recommendation 7. Make the regulator accountable for accessible homes (2)**

That the PC recommend that planning authorities require *and record* a Livable Housing compliance statement for every Class 1 and Class 2 development at Planning Consent, so that a mandatory building requirement cannot be designed out before Building Consent.

### **4.3 Regulatory policymakers**

The report commissioned by the ABCB to look into criticisms concluded, amongst other recommendations, that policy needs to be sorted out before regulations are written. The PC has noted that:

*“Under the National Housing Accord reforms agreed by the National Cabinet, state and territory governments committed to working with the Australian Government to build 1.2 million new homes by the end of the decade”*

R&IA wishes to emphasise that the role of policymakers is central to regulatory best practice. As the 2022 *Board Matters* review of the ABCB’s conduct in developing the NCC 2022 accessible housing regulatory impact statement and associated documentation makes clear<sup>27</sup>:

*“when technical standards are developed without clear policy statements underpinning it; stakeholder expectations are not met, lobbying activity escalates, trust is lost and reputational and other risks for ABCB intensify.”*

But what happens when advice to those policymakers is not based on clearly documented and accepted analysis?

The Queensland Productivity Commission (QPC) recommended that Queensland opt out of the NCC energy efficiency and accessibility standards. It relied on the 2021 ABCB regulation impact statement, prepared by the Centre for International Economics (CIE), which found a net cost to the community.<sup>28</sup> The QPC did not undertake its own assessment of the benefits.

That analysis has been contested since it was published. It counted all costs but only some benefits, treated additive benefits as alternatives, ignored the lasting value of added space, and used a 7% discount rate that heavily discounts benefits to future occupants. The Summer Foundation made the

same points to the QPC.<sup>29</sup> A joint statement by 52 organisations put the cost at about 1% of build costs and cited a benefit–cost ratio of at least 1.7.<sup>30</sup>

The QPC’s headline cost finding was not about building standards. Its estimate of a net cost to the community of up to \$20.6 billion by 2029–30 related to Best Practice Industry Conditions on government construction projects.<sup>31</sup> Accessibility standards were a small part of the regulatory cost it described, yet they were singled out for removal.

Industry cost claims have been used to discredit accessible housing without identifying real cost data.

In January 2026, the chief executive of Master Builders Queensland (MBQ) told the ABC that making the accessible home changes voluntary, as the Queensland Productivity Commission recommended, “would save around \$44,000 for each new home”, citing only “our own research”.<sup>32</sup>

R&IA understands that after removing the energy efficiency and Queensland Development Code (QDC) costs from the MBQ calculations, the true figure is closer to \$10,500 for the mandatory accessibility requirements.

A year earlier, Opposition leaders claimed the “seven-star construction code” was adding \$60,000 to the cost of a home. AAP FactCheck found the claim false: the Master Builders Australia data relied on measured all cost increases in Greater Sydney between 2022 and 2023 – labour, materials and regulation – not the effect of the code. The same fact check reported other estimates for the code ranging from \$20,000 to \$30,000 (Master Builders Queensland) down to \$464 to \$7,830 (ACIL Allen).<sup>33</sup>

**Key finding.** The simplest and cheapest solution has been clear all along: make every new mainstream home accessible when it is built.

R&IA has singled out the Queensland Productivity Commission report because it reflects the same selective use of evidence seen in building industry submissions. It relies on the 2021 RIS and does not address later criticism of that analysis.

The Queensland Government initially rejected the opt-out. It kept the standard, made practical changes, and extended the narrow-lot exemption to 30 September 2029. R&IA asks the Commission to follow that approach, not the QPC’s.

#### 4.4 Regulated community

Mount Barker in South Australia<sup>34</sup> is an example of a successful industry campaign to defer adoption of higher building accessibility and energy efficiency standards. However, there is no evidence that it achieves cost savings in the longer term.

Depending on the situation, the additional cost of modern energy efficiency standards can be recouped within one or two years, and the savings then compound year on year.

In South Australia, the Better Renting organisation found that inadequate housing cost renters around \$2,800 per year, with the worst households up to \$4,500 per year.

Because NCC regulatory decisions impact all housing, including people with disability, older people and people on lower incomes, it is important to identify the various stakeholder groups and ensure they have a voice in the regulatory process.

- **People with disability.** 5.5 million Australians (21.4%) had a disability in 2022, up from 17.7% in 2018, and 7.9% had profound or severe disability.<sup>35</sup>
- **Older Australians ageing in place.** 4.4 million Australians (17.1%) are aged 65 or over, and more than half (52.3%) of them have disability.<sup>36</sup> Almost all (95.9%) live in ordinary households, not in care,<sup>37</sup> and 83% of Australians aged 60 or over say they prefer to live in their own home.<sup>38</sup> Once settled they rarely move: 83% of households aged 65 and over have lived in their home for five years or more.<sup>39</sup> The Government's Support at Home program, from 1 November 2025, is designed to help older people stay at home for longer.<sup>40</sup>
- **Visitable homes benefit the whole community.** A 'visitable' home has a step-free approach and entrance, and a toilet and the main living space at entrance level.<sup>41</sup> That helps the 3 million Australians (11.9%) who are carers,<sup>42</sup> parents with prams, people recovering from injury, and anyone visiting a friend or relative who is older or has disability.

## 4.5 Changing attitudes

As it turns out, the most important factor in a cost-benefit analysis is often what the analyst already believes to be true, and this has changed over the years.

At the conclusion of the National Dialogue on Universal Housing Design in 2010, building industry interests, including the Housing Industry Association, Master Builders Australia, the Property Council of Australia and Stockland, signed up to the voluntary Livable Housing Design Guidelines, the ambitious 2020 target and the declaration that:<sup>43</sup>

*We agreed on the need to codify a national approach. This would incorporate:*

- 1) The value of universal design to the community*
- 2) A definition and a set of principles of 'universal design'*
- 3) What its features are in relation to housing, of which there is already a fair amount of recognised consensus.*

*We agreed it is important to have a national approach, in other words the code should apply nationally to allow harmonisation across the country.*

The Livable Housing Design Guidelines stated that:<sup>44</sup>

*Livable Housing Australia, which represents a unique partnership between community, business groups and government, is helping make homes easier to access, navigate and live in, as well more cost-effective to adapt when life's circumstances change.*

*LHA has produced practical, common sense guidelines to livability. The design features embraced by the guidelines are inexpensive to incorporate into home design and will deliver huge dividends to future generations of Australians.*

*Our Silver, Gold and Platinum ratings represent a trusted quality mark – a seal of approval that attests to enhanced livability.*

*LHA's goal is simple: we champion the adoption by 2020 of a Silver rating for all new homes.*

The preface pages of the Livable Housing Design Guidelines set out the rationale, including:<sup>45</sup>

*"Research indicates a 60 percent chance that a house will be occupied by a person with a disability at some point over its life. This person is likely to be someone you know – a parent, child, sibling or friend."*

followed by

*"The family home accounts for 62 percent of all falls and slip-based injuries and costs the Australian population \$1.8 billion in public health costs."*

and

*"The cost to the homeowner of including key livable housing design features (in this case the silver level) is 22 times more efficient than retrofitting when an unplanned need arises."*

The voluntary approach failed because nothing required the industry to act.<sup>46</sup>

*The housing industry also resists mandated approaches for a variety of reasons, including cost, minimal demand at the point-of-sale, and a concern over the validity of the advocated need.*

Margaret Ward and Jill Franz found that the Australian government had 3 options:<sup>47</sup>

*"to ignore its obligations under the CRPD; to revisit the Livable Housing Design agreement in the hope that it works; or to regulate the housing industry through the National Construction Code to ensure the 2020 target is reached." (p. 31)*

In 2015, R&IA and the Australian Network for Universal Housing Design found the housing industry had shown no signs of "voluntary systemic transformation". On a generous estimate it would achieve less than 5% of the 2020 target, with only about 350 dwellings formally certified.

They concluded government intervention was needed and recommended that minimum access requirements be written into the National Construction Code.<sup>48</sup>

In 2017, the Building Ministers' Forum directed the Australian Building Codes Board (ABCB) to assess minimum accessibility standards for housing.

The building industry as a group was opposed, arguing that a voluntary approach was sufficient. Its attitude is summed up in the MBA submission to the RIS:<sup>49</sup>

*"This entire concept is a burden to the broader community for matters which are not an immediate risk to the life, health, amenity and safety of consumers"*

The final RIS relied on the 2020 cost-benefit analysis by the Centre for International Economics, which found that costs exceeded benefits, a finding disputed by independent economic analysis from the Melbourne Disability Institute.<sup>50</sup> The Decision RIS in 2021 maintained that conclusion.<sup>51</sup>

Fortunately, the housing ministers decided to adopt the silver level accessibility standard in 2022.

By the time the Queensland PC review rolled round, the approach had hardened into an ideological condemnation. For example, the HIA May 2025 letter to the Queensland Productivity Commissioner "Re: initial feedback relating to productivity in the residential construction industry" available [here](#) under the heading (on page 18):

*"NCC – Expanded purpose, increasing complexity, time to build and now a tool for ideological pursuits "*

stated that:

*"Recently the NCC has been utilised as a method of enforcing ideological goals such as inclusivity, diversity, resilience to climate change and net zero"*

Presumably, HIA would argue against the joint Melbourne Disability Institute (MDI)/Centre for Universal Design Australia (CUDA) submission (available [here](#)) recommending (Recommendation 6):

*"The ABCB should be given more authority over State and territory regulators in order to standardise NCC adoption, interpretation, and transition timelines across all jurisdictions..."*

Herein lies the problem for the Commission from a regulatory point of view: what data should be relied on, who makes the decision, and how should monitoring and review be conducted given vested interests?

#### **Recommendation 8. PC to consider accessible homes inquiry**

Given the complexity of addressing accessible housing issues, the number of stakeholders involved, the conflicts of interest between those who set the standards, fund the homes and profit from them, the billions of dollars of public money committed through the NDIS and housing programs, and the lack of clear policy and regulatory guidance, R&IA asks the Commission to run an inquiry into the state of accessible homes in Australia, as the only organisation with the independence and powers to do so.

## **4.6 Accessibility costs. And benefits**

This is not the forum to debate cost benefit analysis, so R&IA will simply include some illustrative figures that should be considered.

### **4.6.1 Life-cycle costs**

It's important to acknowledge that both the costs and benefits arising from building new homes extend over the full life cycle of a new home, from initial purchase to the last resident moving out many years later. Life-cycle (whole-of-life) costing principles are well established: examples range from general industry and defence sectors<sup>52</sup> right through to detailed calculations used for Specialist Disability Accommodation (SDA).

### **4.6.2 Credible estimates of accessibility costs**

The most credible cost estimates for including accessible housing features in new homes come from YIMBY Melbourne's 2025 report, produced with support from the Summer Foundation. They estimate that the Livable Housing Design Standard (LHDS) adds about \$5,400 to a new separate house or townhouse and about \$7,700 to a new apartment, in 2025 dollars.<sup>53</sup>

Its starting point is the Centre for International Economics (CIE) estimate in the 2021 ABCB regulation impact statement of \$3,874 per detached dwelling and \$5,748 per apartment,<sup>54</sup> which drew on 2020 cost work by Donald Cant Watts Corke,<sup>55</sup> and brings those figures forward using construction price indexes: costs have risen about 39% for detached homes and about 29% for other residential construction since 2020. The report says its estimates align with the range given by homebuilders it interviewed and with figures recently produced by the Building Commission NSW.<sup>56</sup>

| Dwelling type  | 2020 estimate (CIE) | 2025 estimate (YIMBY Melbourne) |
|----------------|---------------------|---------------------------------|
| Separate house | \$3,874             | \$5,402                         |
| Townhouse      | \$4,186             | \$5,439                         |
| Apartment      | \$5,748             | \$7,662                         |

**Table 1 - LHDS cost per dwelling, 2020 and 2025 estimates**

As per any generalisation, there are numerous caveats:

- **How the 2025 figures are built.** Each 2025 figure is the 2020 construction cost indexed to 2024 with ABS producer price indexes, plus a net opportunity cost of space. For apartments the space component (\$3,984) is the larger part, which is why the apartment figure rises 33% rather than 29%.<sup>57</sup>
- **Few homes are built to the Standard yet.** Stage 2 of NCC 2022, which contains the LHDS, only took effect in Victoria in May 2024, so there are very few real-world cost case studies. The figures are estimates, not outturn costs, and many projects in the pipeline are still being built to the earlier code.<sup>58</sup>
- **Costs fall differently on different builders.** Volume builders carry a one-off redesign cost, as they do for any new control such as energy efficiency or fire safety; smaller builders incur their costs project by project.<sup>59</sup>

#### 4.6.3 Other cost benefits

There are multiple other justifications. Here are a few.

Reducing steps and other trip hazards will reduce both fatalities and hospital admissions due to falls. According to the Monash University Accident Research Centre and analysis commissioned by the ABCB:

*In Australia, there are over 500 fatal falls recorded by the Australian Bureau of Statistics every year and over 110,000 hospital admissions for falls in buildings annually nationwide.*

*This compares with 110 deaths and 3,300 injuries in one year in Australia (Productivity Commission 2006) related to fires.*

Given the recent campaign by the HIA and SDA alliance advocating for mandatory fire protection sprinklers in SDA, it is arguable that the money would be better spent in mainstream accessible housing in terms of number of lives and hospital admissions saved per year.

## 5 Best practice accessible housing

R&IA’s initial intention was to include the Victorian approach to accessible apartments in this section. Victoria’s planning system requires at least 50 per cent of the dwellings in an apartment development to meet minimum accessibility requirements.<sup>60</sup>

It is one of the Better Apartment Design Standards introduced into the Victoria Planning Provisions in 2017; an applicant may still propose an alternative approach that meets the accessibility requirement.<sup>61</sup> It sits alongside the national Livable Housing Design Standard, which took effect in Victoria with stage 2 of NCC 2022 in May 2024, although projects already in the pipeline could still be built to the earlier code.<sup>62</sup>

The Victorian approach contrasts with the New South Wales Waterloo South and South Australian Hollywood Plaza Residential Development at Salisbury Downs examples presented earlier.

But for this submission, R&IA decided on two examples of best practice at either end of the regulatory spectrum: the mandatory requirements in the United Kingdom, and the voluntary system in New Zealand, supported by Council planning incentives with no material cost to the Council.<sup>63</sup>

### 5.1 England / Greater London

England has set accessibility standards for new homes in its Building Regulations since 2015.<sup>64</sup> Category 1, M4(1) “visitable dwellings”, applies to almost every new home: a step-free approach, and a toilet and the main living space at entrance level. It is now so routine that it is not separately tracked or reported. Industry and regulators simply take it for granted.

Two higher categories can be required through local planning. M4(2) “accessible and adaptable dwellings” is broadly equivalent to the Gold level of the Livable Housing Design Guidelines. M4(3) “wheelchair user dwellings” provides homes that are wheelchair-adaptable or wheelchair-accessible from day one.

Policy D7 of the London Plan requires every new home to meet M4(2), and at least 10% to meet M4(3).<sup>65</sup> Of 549,989 homes approved by London’s 35 planning authorities since the standards began, more than 225,000 – 41% – were approved at the higher categories (Table 2).<sup>66</sup> That is more than 188,000 homes at the Gold-equivalent level, and more than 37,000 wheelchair user homes, on top of the visitable baseline that applies to them all.

| Indicator                                                                                                 | Homes   | Share             |
|-----------------------------------------------------------------------------------------------------------|---------|-------------------|
| M4(1) visitable dwellings (LHA Silver equivalent) All homes approved (35 planning authorities) since 2015 | 549,989 | (where practical) |
| M4(2) accessible and adaptable (Gold equivalent)                                                          | 188,230 | 34.2%             |
| M4(3) wheelchair user                                                                                     | 37,414  | 6.8%              |
| Authorities meeting the 10% M4(3) target                                                                  | 5 of 35 | –                 |

**Table 2- Greater London residential accessible home statistics from the London Datastore<sup>67</sup>**

Five authorities exceeded the 10% wheelchair target, led by Barking and Dagenham at 28%. The results vary between boroughs, which shows the limits of leaving the higher standards to local planning, but the scale of delivery is substantial.

This is transforming a housing stock that was largely inaccessible. In 2018–19 only 9% of English homes had all four basic visitability features, up from 5% in 2009, and only 16% of wheelchair users lived in such a home. Instead, 2.3 million homes had at least one adaptation for a person with disability.<sup>68</sup>

England's Category 1 requirement is framed around what is reasonable:

1. **Requirement M4(1)** – *“Reasonable provision should be made for people to— (a) gain access to; and (b) use, the dwelling and its facilities.”*
2. **Paragraph 1.3** – the approach route *“should adopt the shallowest gradient that can reasonably be achieved and be step-free where possible.”*
3. **Paragraph 1.4** – *“On steeply sloping plots, a stepped approach can be used.”*<sup>69</sup>

Australia has an equivalent concession. The NCC Livable Housing Design Standard, which is based on the Silver level of the Livable Housing Design Guidelines, does not require a step-free access path where, “due to site conditions, there is no other suitable location on which to construct the access path”. Clause H8D2(2) lists those conditions: ground steeper than 1:14, ramping that would exceed the allowed length and gradient, or insufficient space on the site. Clause H8D2(4) then provides that “all other relevant provisions of the ABCB Standard for Livable Housing Design must still be complied with.”<sup>70</sup>

The industry objection that the standard cannot work on difficult sites has therefore already been answered, in both countries, by the codes themselves.

## 5.2 New Zealand

New Zealand's Thames-Coromandel District Council (TCDC) shows what a well-designed incentive can achieve. In 2016, 21.2% of the district's residents were aged 65 or over, against 12.3% nationally, and the share was projected to rise. Much of the housing stock was not designed for older or disabled residents.<sup>71</sup>

From 1 July 2016, the proposed district plan treated a home certified by Lifemark “functional for both elderly and disabled residents” as meeting the plan's residential objectives. Certified homes received two planning concessions without the need for a resource consent: site coverage of up to 40% instead of 35%, and minor units of up to 60 m<sup>2</sup> instead of 50 m<sup>2</sup>. The incentive gave owners more usable building on the same land, and a faster, more certain approval, in return for building to universal design principles.

Lifemark reports that around 50% of all new residential buildings in the district are now built to a Lifemark standard each year, most at the 4 Star level, well above the 3 Star minimum. The council's only costs were information and leaflets. Lifemark describes the scheme as “low cost/high impact” and scalable.

Lifemark is similar in some ways to the now-defunct LHA. Unlike LHA, Lifemark aims to build a community of building practitioners and suppliers signing up to the Lifemark philosophy and use of the Lifemark brand. The role of the Lifemark organisation is to provide an independent review, advice and plan approval services at all levels of government, but particularly district councils such as the TCDC example above. Lifemark levels are:

- **Lifemark 3 – Visitable:** the mainstream market, meaning families with young children, single people and anyone who wants a home visitors can use, including people who are disabled temporarily or permanently. Lifemark says it should be the minimum for any new dwelling.



Minimum requirements cover the path, entrance, doors and corridors, toilet, single-bed space, parking, and switches and power points.

- **Lifemark 4 – Sustainable Ageing:** older people and intergenerational families who want to age in place, typically retirement villages and communities with an ageing population. Additional items to Lifemark 3: doors to all rooms, the double bedroom, the level-entry shower and the toilet clear space.
- **Lifemark 5 – Accessible+:** wheelchair users and others with higher mobility needs who want to live independently. Lifemark says it should meet the access needs of 99.9% of the population. Six bullets cover corridors, parking, bedroom, toilet and grab rail, shower, and kitchen and laundry.

Because this scheme is voluntary, take-up NZ-wide has not been comprehensive. By the end of 2016 a cumulative 3,243 new stand-alone homes had been built to Lifemark standards in New Zealand.<sup>4</sup> In 2016 itself, 502 stand-alone homes were certified, about 2.4% of the 21,310 stand-alone houses consented that year.<sup>5</sup> In 2024 Kāinga Ora (New Zealand's state housing agency) had 165 of 276 units in one Auckland building provisionally certified at Lifemark 3 or 4.<sup>6</sup> A long overdue review of the building code requirements for accessibility is currently underway.

To put that in perspective, Livable Housing Australia achieved 350 dwellings with a formal certification between early 2013 and November 2014, only 55 of them as-built.

## 6 Bad practice

### 6.1 Accessible homes policy in Australia

Despite a range of initiatives dating back to the 1992 *Disability Discrimination Act*<sup>72</sup> and Australia's ratification of the UN Convention on the Rights of Persons with Disabilities in 2008,<sup>73</sup> new homes remained largely inaccessible. The 2009 National Dialogue on Universal Housing Design led to the Livable Housing Design Guidelines in July 2010,<sup>74</sup> with a voluntary target of all new homes meeting the Silver level by 2020, and Livable Housing Australia was set up in 2011 to promote them.<sup>75</sup> By 2015 the voluntary approach was on track to reach less than 5% of that target.<sup>76</sup>

Since 2010, R&IA, ANUHD and many community groups, organisations and individuals have advocated for a mandatory approach to accessible housing, rather than the ineffective voluntary approach.

In 2017 the Building Ministers' Forum directed the ABCB to assess minimum accessibility standards for housing. The ABCB issued an options paper in 2018<sup>77</sup> and a Consultation Regulation Impact Statement (RIS) in 2020.<sup>78</sup> The cost-benefit analysis in that RIS found costs exceeded benefits, a finding disputed by independent economic analysis from the Melbourne Disability Institute.<sup>79</sup> The Decision RIS in 2021 maintained that conclusion.<sup>80</sup>

Criticism from the UN Committee in 2019<sup>81</sup> may have been just one of the factors resulting in the Building Ministers agreeing on 30 April 2021 to make the Silver level mandatory through the National Construction Code 2022.<sup>82</sup> Adoption, however, was left to each state and territory. Almost all states now have variations on the NCC requirements, and Australia's Age and Disability Discrimination Commissioners have described the refusal of NSW and WA to sign up<sup>83</sup> as "shameful".<sup>84</sup> The Disability Royal Commission (Recommendation 7.35) and the NDIS Review both called for all jurisdictions to adopt the Silver standard promptly.<sup>85</sup>

Unlike the UK and NZ examples previously quoted, Australian accessible homes policy at the moment is dominated by a combination of NDIS Specialist Disability Accommodation, available to a small number of people with the most severe disabilities, and government-subsidised public, social and affordable housing programs, where the need for an accessible home is conflated with welfare need. The common factor across this welfare-based provision is government funding to deliver accessible homes to small, targeted groups. The private market, which builds most new mainstream homes, has been left to provide accessibility voluntarily – and has not.

This targeted approach owes much to the social impact investing model championed by Scott Morrison as Treasurer, which sought to attract private and institutional capital into social outcomes, with government providing guarantees or long-term payments in place of direct construction financing. The 2017–18 Budget established the National Housing Finance and Investment Corporation (NHFIC) and an affordable housing bond aggregator<sup>86</sup> to give community housing providers cheaper, longer-term finance, backed by a Commonwealth guarantee.<sup>87</sup> NHFIC has since become Housing Australia, which now administers the Housing Australia Future Fund and the Housing Accord programs alongside the original bond aggregator.

The same logic underpins NDIS Specialist Disability Accommodation, where long-term SDA payments are designed to draw private investors into building housing for people with very high support needs. It is also behind state and territory schemes such as the NSW Social and Affordable Housing Fund, which pays private and community partners over the long term to supply and manage homes. Each of these mechanisms finances a defined, targeted supply of homes, and whether those homes are accessible depends on the conditions attached to each program. None of them changes

the accessibility of the mainstream homes that most Australians, including most older people and people with disability, will live in.

In R&IA's view, the effect has been to frame accessible housing largely as a question of finance – how to attract investors to fund a targeted supply of specialist, social and affordable homes – and to place government agencies, developers and financial institutions at the centre of that discussion.

Meanwhile, the simpler and cheaper option of making every new mainstream home accessible at the time it is built has received far less policy attention and funding.

**Key finding.** For more than 30 years, Australia has failed to deliver accessible housing through voluntary targets, and has instead relied on targeted, finance-driven and developer or government-led projects that treat accessible housing as welfare rather than a right. The simplest and cheapest solution has been clear all along: make every new mainstream home accessible when it is built.

## 6.2 Comparison of key features UK/NZ/Australia

A detailed look at the cost effectiveness of housing has been conducted elsewhere, but one key cost driver needs to be highlighted in this forum. The building industry – and R&IA will use the HIA as an example – is insisting that:<sup>88</sup>

*State and Local governments are adopting AS 1428 – Access for persons with a disability, AS 4299 – Adaptable housing, silver level requirements from the Livable Housing Design Guidelines and other state based planning controls for aged and disabled housing as minimum requirements for residential buildings.*

Comparison of just 2 key features, minimum corridor and front door width, between four alternative approaches was intended to provide a clear baseline comparison of how Australian SDA and LHA compares to international standards when it comes to accessible housing. But be aware that, due to the adoption of the commercial wheelchair accessibility standard AS 1428.1, Australian costs are inevitably higher.

|                     | Lifemark 3 Visitable                                                              | Lifemark 4 Sustainable Ageing                                               | Lifemark 5 Accessible+                                                                                            |
|---------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Philosophy</b>   | Anyone can visit and the home is future-proofed; the minimum for any new dwelling | Age in place: adaptable and comfortable for as long as the occupant wishes  | Independent living for people with higher mobility needs, now or later; meets the access needs of 99.9% of people |
| <b>Designed for</b> | Families with young children; visitors with a temporary or permanent disability   | Older people and intergenerational families; typical of retirement villages | Wheelchair users                                                                                                  |
| <b>Corridors</b>    | 1,070 mm                                                                          | 1,070 mm                                                                    | 1,220 mm                                                                                                          |
| <b>Front door</b>   | 860 mm door leaf                                                                  | 860 mm door leaf                                                            | 860 mm door leaf (all external doors)                                                                             |

Table 3 - Lifemark overview

|                     | UK M4(1) Visitable                                                                | UK M4(2) Accessible and adaptable                                                      | UK M4(3) Wheelchair user                                                                                 |
|---------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Philosophy</b>   | Reasonable provision to enter and use the entrance storey; the mandatory baseline | Step-free access for a wide range of occupants, adaptable later; optional              | A home a wheelchair user can live in: adaptable by default, accessible where planning requires; optional |
| <b>Designed for</b> | Visitors, including wheelchair users (entrance storey)                            | Older people, people with reduced mobility and some wheelchair users                   | Wheelchair users                                                                                         |
| <b>Corridors</b>    | 900 mm when doors are approached head-on; 1,050–1,200 mm when not                 | 900 mm for every hall or landing; 1,050–1,200 mm when doors are not approached head-on | 1,050 mm; 1,200 mm when the approach is not head-on                                                      |
| <b>Front door</b>   | 775 mm clear opening (an 826 mm door leaf is deemed to satisfy)                   | 850 mm clear opening                                                                   | 850 mm clear opening, with a 1,500 mm turning circle inside                                              |

Table 4 - UK M standards overview

|                   | LHA Silver                                                                                             | LHA Gold                                                                  | LHA Platinum                                                                  |
|-------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>Philosophy</b> | The core features that avoid costly modification later; the level LHA wanted in every new home by 2020 | More generous dimensions for most core elements, plus kitchen and bedroom | Best practice: all 15 elements, for ageing in place and higher mobility needs |

|                     | LHA Silver                                 | LHA Gold                                    | LHA Platinum                                          |
|---------------------|--------------------------------------------|---------------------------------------------|-------------------------------------------------------|
| <b>Designed for</b> | The mainstream baseline for every new home | Not stated; more generous space than Silver | Ageing in place and people with higher mobility needs |
| <b>Corridors</b>    | 1,000 mm                                   | 1,200 mm                                    | 1,200 mm                                              |
| <b>Front door</b>   | 820 mm clear opening                       | 850 mm clear opening                        | 900 mm clear opening                                  |

**Table 5 - Livable Housing Australia overview**

|                     | SDA Improved Liveability                                                                                                     | SDA Robust                                                                                                                              | SDA Fully Accessible                                                            | SDA High Physical Support                                                                                            |
|---------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Philosophy</b>   | A reasonable level of physical access, plus enhanced provision for people with sensory, intellectual or cognitive impairment | A reasonable level of physical access in a very resilient home, reducing reactive maintenance and risk to the participant and community | A high level of physical access for people with significant physical impairment | A high level of physical access for people with significant physical impairment who need very high levels of support |
| <b>Designed for</b> | People with sensory, intellectual or cognitive impairment                                                                    | Not stated; very resilient housing that reduces risk to the participant and community                                                   | People with significant physical impairment                                     | People with significant physical impairment who need very high levels of support                                     |
| <b>Corridors</b>    | 1,000 mm                                                                                                                     | 1,000 mm                                                                                                                                | <b>1,200 mm, and door circulation spaces to AS1428.1</b>                        | <b>1,200 mm, and door circulation spaces to AS1428.1</b>                                                             |
| <b>Front door</b>   | 820 mm clear opening                                                                                                         | 820 mm clear opening                                                                                                                    | 900 mm clear opening                                                            | 950 mm clear opening                                                                                                 |

**Table 6 - Specialist Disability Accommodation overview**

### 6.3 SA Planning rules grow while building rules are frozen

This submission has previously noted that the South Australian government doesn't monitor or report compliance with NCC 2022 accessible housing requirements, and has no intention of doing so.

South Australia's building industry was promised stability. When the State adopted the NCC 2022 energy efficiency and accessibility provisions, the Minister undertook to "not make any further changes for the next decade to give them a sustained period of certainty".<sup>89</sup> Nationally, the simplified NCC 2025 comes with a pause on residential changes until mid-2029.<sup>90</sup> No such restraint applies to the State's Planning and Design Code, which every new home must also satisfy and which councils must administer:

1. **Rate of change** – the Code Amendment Register lists 187 amendments since the Code began in 2021. Of these, 96 are in force and 66 more are in progress, with 25 to 35 new amendments started each year.<sup>91</sup>
2. **Accelerating** – 45 amendments came into force in 2021–2024, compared with 50 in 2025 and 2026 to date.
3. **Constant revision** – the Code reached version 2026.8 by 30 April 2026 – eight versions in four months – and the consolidated Code now exceeds 30 MB.<sup>92</sup>
4. **Layers of overlays** – the Code has more than 60 overlays, which take precedence over zone policy, add their own assessment provisions and, in some cases, referrals to state agencies.<sup>93</sup>
5. **More to come** – state-led amendments in progress include an expanded Affordable Housing Overlay, state-wide flood and bushfire hazard overlays, and tree protection, interface management and site contamination rules.<sup>94</sup>

Of the 187 amendments, 148 were initiated by third parties, mostly developers and councils, including 19 on heritage or character. Council planners must determine which overlays, technical variations and zone rules apply to each site, manage referrals and keep up with frequent Code updates.

If the aim is lower regulatory cost and more housing, the planning system is where complexity is growing.

Meanwhile the Livable Housing Design Standard – about 1% of build cost, set once, nationally – is held up as a burden to be frozen or removed.

## 6.4 Specialist Disability Accommodation

Ten years and around \$4 billion in investment later, the SDA new build program is not delivering what it promised.

Where SDA developers have taken a person-centred approach and tailored homes to meet the needs of their severely disabled residents, the result has been some great SDA homes. Along with the large cohort that just need an affordable wheelchair-accessible home and are lucky enough to be found eligible and find a suitable rental property, SDA is literally life-changing.

But the big picture is troubling. Of the 7,500 SDA homes built since 2016, the ABC's Four Corners found at least 760 standing empty – the SDA Alliance's own chief executive put the figure at “well in excess of a thousand” – along with a range of other problems.<sup>95</sup>

About 17,000 people still live in group homes, roughly the same number as when the program began.<sup>96</sup> Four Corners blamed homes built in the wrong places. The deeper problem is that the “replicate at scale” approach fails to include tailored assistive technology (AT) to suit a diverse range of severely disabled NDIS participants. The 2019 SDA Design Standard results in a “gold-plated” commercial wheelchair accessible rental property but fails to meet the specific needs of people with intellectual disability, autism, cerebral palsy or acquired brain injury, and is certified by assessors with an eight-day course rather than allied health qualifications.<sup>97</sup>

The share of SDA residents looking for somewhere else to live doubled, from 13% to 26%, in the two years to September 2023,<sup>98</sup> while supply swung from a shortage to an oversupply within six months in 2024.<sup>99</sup>

However, the SDA new build program was designed as an investment product rather than a housing program.

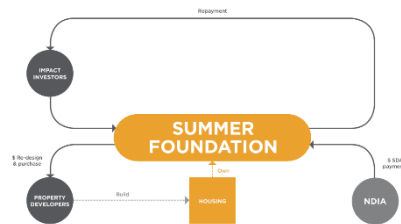


Figure 3 - SDA financing 2016

A decade on, it has no published targets or measures of success and a complex web of funding bodies, regulators, consultants, providers and developers.

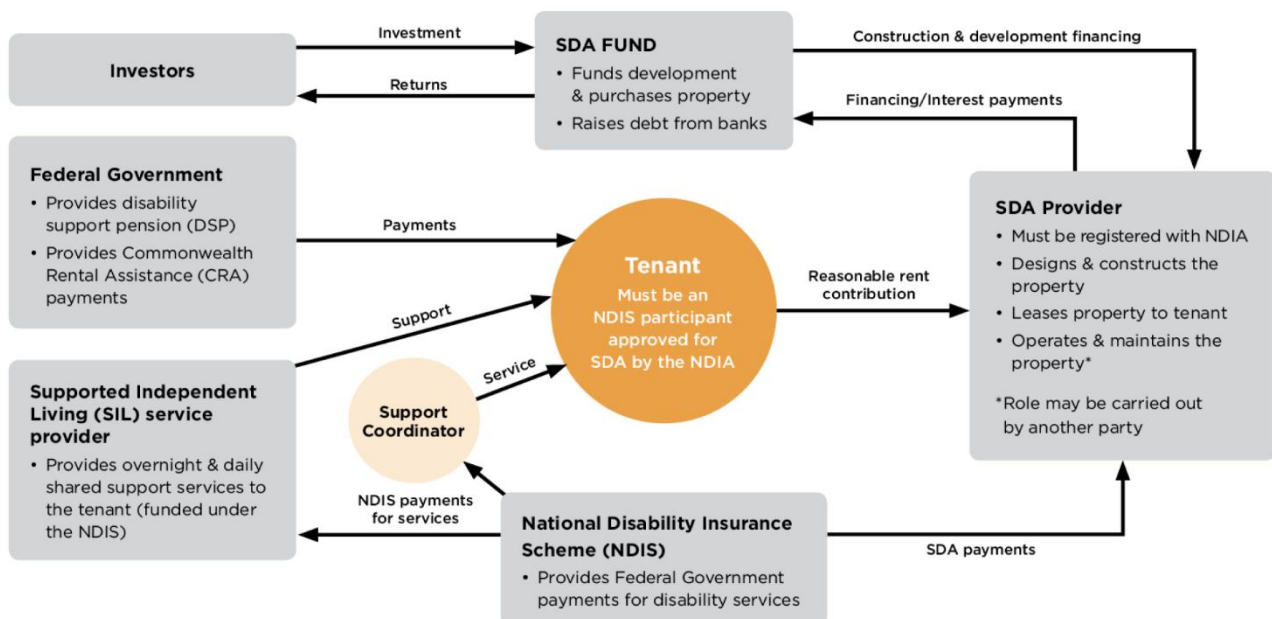


Figure 4 - SDA financing 2026

The NDIA pays every SDA provider the same benchmark price for a given building category, type, and number of occupants, with a complex formula set to give investors a target return of around 10% after tax, regardless of what the home actually cost to build or how well it suits the person living in it. No one checks actual costs, profit margin or build quality.

Using the NDIA's SDA pricing model with the inputs from the EY technical reports for the 2022–23 Pricing Review, R&IA calculates that a three-bedroom High Physical Support house costs \$1.86 million for land and building, and attracts about \$144,000 a year in SDA payments – \$2.9 million over its 20-year payback period, plus \$457,000 in residents' rent.<sup>100</sup>

About \$1.5 million flows to investor profit, lender and builder margins and selling fees – up to \$1.7 million if the 15% construction contingency is not spent. At the end of the 20 years the investor sells the property, and the taxpayer owns nothing (R&IA-2026-043, Appendix A).<sup>101</sup>

The SDA Design Standard was developed under contract with Livable Housing Australia and a building industry reference group and has never been publicly reviewed; SDA compliance and



property registration is certified by SDA assessors who sit outside state building regulation and NDIS registration.

Because the NDIA is at once policymaker, standard-setter, price-setter and funder, it cannot credibly review itself. The Productivity Commission first proposed SDA in its 2011 Disability Care and Support inquiry,<sup>102</sup> and has the independence, inquiry powers and expertise in pricing and housing markets to test whether the program gives value for money, and whether accessible mainstream homes with modifications, community housing and owner-occupation would serve participants better and at lower cost.

**Recommendation 9. PC to endorse ACCC investigation request**

Given the problems identified, the Productivity Commission is requested to endorse a review by the ACCC of all aspects of the SDA new build program as per R&IA-043 ACCC SDA market enquiry report.

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<sup>93</sup> PlanSA (2026) Guide to the Planning and Design Code, February 2026, accessed 26 September 2026, [https://plan.sa.gov.au/\\_data/assets/pdf\\_file/0010/799939/Guide\\_to\\_the\\_Planning\\_and\\_Design\\_Code.pdf](https://plan.sa.gov.au/_data/assets/pdf_file/0010/799939/Guide_to_the_Planning_and_Design_Code.pdf)

<sup>94</sup> State Planning Commission (2024) Affordable Housing Overlay Code Amendment – proposal to initiate, accessed 26 September 2026, [https://plan.sa.gov.au/have\\_your\\_say/code-amendments/assets/\\_codeamendmentdoccats?catsid=10047&file=Affordable-housing-overlay-code-amendment-proposal-to-initiate-1098.pdf&type=true](https://plan.sa.gov.au/have_your_say/code-amendments/assets/_codeamendmentdoccats?catsid=10047&file=Affordable-housing-overlay-code-amendment-proposal-to-initiate-1098.pdf&type=true)

<sup>95</sup> Hunter A (2026) What the Four Corners exposé on disability housing left out, The Fifth Estate, 4 February 2026. <https://thefifthestate.com.au/columns/spinifex/what-the-four-corners-expose-on-disability-housing-left-out/>

<sup>96</sup> ABC News (2025) Hundreds of homes for people with disability sit empty at expense of NDIS participants and investors, 25 August 2025, <https://www.abc.net.au/news/2025-08-25/specialist-disability-accommodation-sda-empty-homes-four-corners/105685946>

<sup>97</sup> Hunter A (2026) What the Four Corners exposé on disability housing left out, The Fifth Estate, 4 February 2026, <https://thefifthestate.com.au/columns/spinifex/what-the-four-corners-expose-on-disability-housing-left-out/>

<sup>98</sup> Hunter A (2025) Is SDA Broken?, draft for comment and review, Version 1.6, ALH Engineering Services, Adelaide, 11 May 2025 (unpublished), Table 3 – how well are we addressing the needs for accessible homes?, compiled from NDIA quarterly reports to disability ministers, September quarters 2021 to 2023. Available from the author on request.

<sup>99</sup> SDA Data (2025) Australian SDA market overview – state by state breakdown 2025, accessed 2 April 2025. <https://sdadata.com.au/australian-sda-market-overview-state-by-state-breakdown-2025/>

<sup>100</sup> National Disability Insurance Agency (2023) SDA Pricing Review 2022-23 – EY technical reports (Benchmark Construction Costs, Land Costs, Ownership Costs, Exit Costs, Vacancy Rates and Capital Asset Pricing Model), MBM cost estimate and SDA Pricing Model worked example. R&IA analysis in 2022-23 dollars, see Appendix B. <https://dataresearch.ndis.gov.au/reports-and-analyses/specialist-disability-accommodation-sda-data>

<sup>101</sup> R&IA (2026) ACCC inquiry into the Specialist Disability Accommodation market: proposed Terms of Reference and supporting case, R&IA-2026-043, Issue 0.2 (draft for comment, unpublished), 26 September 2026, Rights & Inclusion Australia Inc., Appendix A, pp. 9–11.

<sup>102</sup> Productivity Commission (2011) Disability Care and Support, Report no. 54, Productivity Commission, Canberra. <https://www.pc.gov.au/inquiries/completed/disability-support/report>



## Appendix A – R&IA Response to the information requests

This appendix addresses the Commission's information requests (1.1 to 5.1) of the Housing supply regulation interim report.

Source: Productivity Commission (2026) Housing supply regulation – Interim report, Information requests, Productivity Commission, [www.pc.gov.au/inquiries-and-research/housing-supply](http://www.pc.gov.au/inquiries-and-research/housing-supply). Questions are R&IA paraphrases; the full wording of each request is in the report.

| Ref                                                                                | Heading                                              | What the Commission is asking                                                                                                                                                                                                                                                                                                                                          | R&IA response                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Best practice and Aboriginal and Torres Strait Islander housing (Chapter 1)</b> |                                                      |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.1                                                                                | <b>Aboriginal and Torres Strait Islander housing</b> | (a) How do land-use controls, housing-enabling infrastructure and approval processes affect Aboriginal and Torres Strait Islander people's access to appropriate housing (case studies welcome)?<br>(b) How could governments improve these systems to meet those housing needs, in line with outcome 9 of the National Agreement on Closing the Gap?                  | The solution is genuine and effective consultation with Aboriginal and Torres Strait Islander people.<br>Housing continues to be provided that is inappropriate in its design, accessibility and facilities, and so it is not respected or valued by the people who live in it.                                                                                                 |
| 1.2                                                                                | <b>Best-practice principles and examples</b>         | (a) What features should governments have in mind when evaluating reforms towards best-practice housing regulation?<br>(b) Are the Commission's best-practice principles and overarching objective appropriate and, if not, what should change?<br>(c) What examples, in Australia or overseas, show regulation that does, or clearly does not, reflect best practice? | The overriding requirement is to consider the needs of all stakeholders, especially the needs, wants and requirements of initial and future residents.<br>The principles are narrowly focused on building more homes at least cost, which is a high-risk approach.<br>Best-practice mainstream accessible housing examples from England and New Zealand are given in Section 5. |



| Ref                                  | Heading                                                            | What the Commission is asking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | R&IA response                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land-use controls (Chapter 2)</b> |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>2.1</b>                           | <b>Design rules, heritage and alternative dwellings</b>            | <p>(a) Do design-focused rules (tree canopy, apartment layout, storage) reduce commercially feasible capacity?</p> <p>(b) What would reducing the coverage of heritage overlays do to supply?</p> <p>(c) Which land-use controls need to change to enable more alternative dwellings, and is further reform needed for small secondary dwellings such as granny flats?</p> <p>(d) Are there other land-use controls that significantly affect supply?</p> <p>(e) Can you provide data or analysis on development cost stacks across housing types and areas, and on the commercial feasibility of denser housing (for example apartments versus townhouses)?</p> | Council design rules are the most effective way of engaging with the local community and ensuring practical implementation of accessible housing requirements. This assumes that the overriding state government legislation and operating guidelines ensure that all stakeholders are consulted. This is not the case for the disability community when it comes to accessible homes in many jurisdictions. |
| <b>2.2</b>                           | <b>Land availability and readiness</b>                             | <p>(a) How far is available land a barrier to new housing supply (data or analysis welcome)?</p> <p>(b) Can you give examples of released land that could not be developed, and the barriers involved?</p> <p>(c) Would it help if governments reported land that is serviced, approved, infrastructure-ready and commercially feasible, not just land that is zoned residential?</p>                                                                                                                                                                                                                                                                            | Available land should be assessed for its topography, to help identify sites that are suitable for a variety of accessible housing.                                                                                                                                                                                                                                                                          |
| <b>2.3</b>                           | <b>Which land-use controls matter most, and how to reform them</b> | <p>(a) Which land-use controls, or combinations, are the greatest constraint on supply in your jurisdiction, and which reforms would boost it (quantitative evidence on minimum lot sizes and broad heritage controls is wanted)?</p> <p>(b) What would reform do to zoned capacity, commercially feasible capacity and other supply measures, and what are the positive and negative externalities?</p> <p>(c) How should reforms be implemented, and what does the evidence show on past zoning and land-use reforms in Australia?</p> <p>(d) What are the effects of mandatory and voluntary inclusionary zoning on housing supply and affordability?</p>     | Mandatory inclusionary zoning for accessible housing would provide short- and long-term benefits for all Australians.                                                                                                                                                                                                                                                                                        |



| Ref                          | Heading                                               | What the Commission is asking                                                                                                                                                                                                                                                                                                                                     | R&IA response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Approvals (Chapter 3)</b> |                                                       |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3.1                          | <b>Causes of delay, discretion and appeals</b>        | (a) What is the evidence on the main causes of delay in receiving approvals for new housing?<br>(b) When is planning discretion useful and when not, and which subjective requirements should be changed or removed?<br>(c) How should third-party appeal processes change to balance community benefits against the delay and uncertainty they cause developers? | Certifiers have overridden the SDA rules, which allow NCC Class 1a, by insisting on NCC Class 3. This arguably discriminates against people with disability, and the approach has been endorsed as policy by state and territory housing ministers. This is not a useful use of discretion.                                                                                                                                                                                                                     |
| 3.2                          | <b>Onerous requirements and subdivision approvals</b> | (a) Which specific requirements (for example particular reports or agency referrals) are most onerous, and should any be removed, with risks mitigated how?<br>(b) What could each state and territory do to improve subdivision approvals?                                                                                                                       | Allowing the NDIS to task the building industry to develop a unique design and management regulatory regime for commercial wheelchair accessible rental accommodation for people with severe disability – Specialist Disability Accommodation – along with a certification and registration regime, was not a sound approach. The complex arrangement identified in Section 6.4 (Specialist Disability Accommodation), including financing, has progressed past risk management to the incipient failure stage. |
| 3.3                          | <b>Coordinating the approvals process</b>             | (a) Is better coordination of approvals a higher or lower priority than reducing the number of requirements?<br>(b) Where are coordination bodies working or not, and what makes them successful?<br>(c) How effective are reforms such as South Australia's Planning and Design Code and Victoria's Clause 55 in making approvals more certain?                  | The South Australian Planning and Design Code simply hides complexity and detail at a lower level. The author obtained a copy of the applicable code overlay requirements and compliance statement for his home in Adelaide, and the PDF was 114 pages long.                                                                                                                                                                                                                                                    |



| Ref                                                                    | Heading                                                                | What the Commission is asking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | R&IA response                                                                                             |
|------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 3.4                                                                    | <b>Strategic planning, tiered assessment, technology and reporting</b> | <p>(a) What examples show best-practice strategic planning improving approval decisions at state, territory or local level?</p> <p>(b) Do the Commission's tiered-assessment features match best practice, and what developments belong in each tier?</p> <p>(c) How effective has technology, including AI, been in assisting approvals, and how can it be better used?</p> <p>(d) How can states and territories better track the timing and burden of approvals?</p> <p>(e) Which reforms should each state and territory prioritise, and how can governments reward efficient councils and encourage slow or obstructive ones to improve?</p> <p>(f) What is the evidence on including social and affordable housing in state-significant or other streamlined pathways?</p> | Best-practice mainstream accessible housing examples from England and New Zealand are given in Section 5. |
| <b>Infrastructure planning and developer contributions (Chapter 4)</b> |                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                           |
| 4.1                                                                    | <b>Utility connections and incentives</b>                              | <p>(a) What reforms to infrastructure planning and coordination are needed to support more timely utility connections?</p> <p>(b) To what extent are incentives misaligned between each level of government and infrastructure service providers?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No comment.                                                                                               |
| 4.2                                                                    | <b>Infrastructure planning directions</b>                              | <p>(a) What is your feedback on the Commission's reform directions for infrastructure planning, and will they resolve coordination problems and constraints on supply?</p> <p>(b) How should they be implemented, and what are the main challenges?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No comment.                                                                                               |
| 4.3                                                                    | <b>Timing of developer contributions</b>                               | (a) How can governments balance collecting developer contributions later, to support developer feasibility, with the need for upfront funding to kick-start infrastructure for new housing?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | No comment.                                                                                               |
| 4.4                                                                    | <b>Developer contribution frameworks</b>                               | <p>(a) Do the Commission's directions for developer contribution frameworks address the key infrastructure challenges, and what evidence or case studies support this?</p> <p>(b) How should reforms handle implementation challenges: nexus, fair apportionment, accurate upfront cost estimates, timing and funding sequence, and first-mover disadvantage?</p>                                                                                                                                                                                                                                                                                                                                                                                                                | No comment.                                                                                               |



| Ref                        | Heading                            | What the Commission is asking                                                                                                                                                                                                                                                                                                                                                                                                                          | R&IA response                                                                                                                                                                                                                                                |
|----------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.5                        | Role of the Australian Government  | (a) Are the proposed roles for the Australian Government in supporting housing-enabling infrastructure useful and appropriate?<br>(b) What other roles should it consider?                                                                                                                                                                                                                                                                             | The Australian Government should assist the ABCB and state and territory governments in the effective adoption of the Livable Housing Design Standard.                                                                                                       |
| Implementation (Chapter 5) |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                              |
| 5.1                        | Implementation and Closing the Gap | (a) Which reform directions will be relatively easy or hard to implement and why, and are there quick wins, co-dependencies or sequencing considerations?<br>(b) How can the Australian Government ensure reform supports all governments' commitments under the National Agreement on Closing the Gap?<br>(c) How can the Australian Government best support state, territory and local governments to move housing regulation towards best practice? | As noted at 1.1, the solution is genuine and effective consultation with Aboriginal and Torres Strait Islander people.<br>Housing that is inappropriate in its design, accessibility and facilities is not respected or valued by the people who live in it. |

