

**Portfolio: Sustainable Building and Construction****Minimum Accessibility Standards****Talking points:**

- On 30 April 2021, at the Building Ministers Meeting (BMM), the majority of Ministers agreed to include minimum accessibility provisions for residential housing and apartments in the National Construction Code (NCC) 2022 based on the Livable Housing Design Guidelines (LHDG) silver standards. Building Ministers will be making a final decision on these matters in late August 2022.
- The standards will require simple features such as doors wide enough to accommodate wheelchairs and step free access, a bathroom on the ground floor and structural reinforcements to allow for the installation of supports like grip rails if they are needed in the future.
- In agreeing to implement a regulatory solution, Ministers took into consideration the feedback from industry, advocates and the lived experience of members of the community affected by the lack of accessible housing. They also considered the findings of the Decision Regulation Impact Statement (RIS) prepared by the Australian Building Codes Board (ABCB).
- Provisions for the accessibility standards have been included in the preview of the NCC 2022 which was released by the ABCB on 9 May 2022. This preview includes new liveable housing requirements for Class 1a buildings (houses and townhouses) and Class 2 sole-occupancy units (individual apartments) which put in place features based on the Liveable Housing Design Guidelines silver standard. These reforms were developed over many years, in close collaboration with disability support and advocacy groups, occupational therapists, building industry, and state, territory and local governments. It is expected that these changes will increase the stock of accessible housing, supporting Australians with disability, older Australians, their families and carers.
- At the BMM in March 2022, Ministers requested that senior building officials work with the ABCB to support implementation, including any exclusions, as well as appropriate transition timeframes. Timely implementation of these important new requirements needs to be balanced with the significant number of code changes associated with NCC 2022 and existing difficulties being experienced by the building industry due to bushfire recovery, flood recovery, supply chain problems, and global events such as the Ukraine conflict and the COVID-19 pandemic.
- ACT officials are participating in this work and further information will be provided ahead of commencement of NCC 2022.

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## Background Information:

- A Public Comment Draft of NCC 2022 which was initially released for consultation by the Australian Building Codes Board (ABCB) between Monday 10 May and Friday 2 July 2021. The ABCB, cognisant of the on-going impact on industry of COVID-19 and the flow on effect of the various lockdowns experienced in many jurisdictions, extended the public comment period until 11 July 2021.
- Ahead of the national meeting it was announced that the ACT Government was supportive of the inclusion of the minimum standards in the NCC. Introducing minimum accessibility standards for new homes in the ACT is a commitment in the Parliamentary and Governing Agreement to increase the availability of homes able to be adapted and accessible to all members of the community regardless of age, disability, or other factors.
- A proposed exemption for units under 55m<sup>2</sup> was included in the Preview and has since been removed.
- The ACT Government has a long-standing commitment to universal design standards. Since, 2002 ACT planning laws have required that at least 10 percent of dwellings in townhouse and multi-unit housing developments with ten or more dwellings must comply with at least Class C Adaptable in Australian Standard AS 4299.
- The ACT first committed to introduce minimum universal design standards for new houses in 2008. In 2009 targets were included in Phase II of the *ACT Affordable Housing Action Plan*. The Plan included a commitment to work with industry to develop universal design guidelines for the ACT and the initial target was for at least 20 percent of new detached houses to be required comply by the end of 2010, ramping up to 100 per cent by the end of 2020. In 2012, the ACT Government agreed to require that all new detached houses (Class 1a) meet LHDG Silver level standard commencing 1 May 2013, bringing forward the original target to have this requirement in place by 2020.
- The Government subsequently agreed to suspend work to implement the requirement for new houses in the ACT to be built to the LHDG Silver level standard for up to three years. This decision was made following a request from Livable Housing Australia and national and local branches of associations represented on the Livable Housing Australia Board to pause the ACT reforms to allow more time for a voluntary approach to be pursued with industry.
- In 2016, through the Parliamentary Agreement for the 9th Assembly, the Government committed to encourage universal design initiatives, including advocating for genuine progress on the 2010 agreement for new housing to meet universal design standards. Work to implement the ACT specific requirements has been on hold pending the outcome of the national work agreed in 2017 under the BMF.

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## Regulatory Impact Statement

- The former Building Ministers' Forum (BMF), with the support of all COAG First Ministers, directed the Australian Building Codes Board (ABCB) to undertake a regulatory impact analysis (RIA) into the possible inclusion of minimum accessibility requirements for new housing into the National Construction Code (NCC).
- The ABCB conducted an extensive public consultation process due to scale and importance of this project, with the RIA process commencing in 2017-18 and completed in 2020-21.
- Governments required the options assessed to be based on the 'Silver' and 'Gold' specifications in the Livable Housing Design Guidelines (LHDG), along with other options as appropriate.
- The Centre for International Economics (CIE) was engaged by the ABCB to independently undertake the Regulation Impact Statement (RIS) process. A Consultation RIS was released for public comment from 6 July to 31 August 2020. CIE were then engaged to independently undertake the subsequent Decision RIS.
- Although a lack of accessible housing imposes a significant and growing cost to the community, incurred mostly by people with a disability and older people the DRIS concluded that regulatory options (1-4) to amend the NCC for all new houses and apartments based on Silver, Gold, and Gold Plus impose costs that outweigh the benefits. The estimated additional construction cost per dwelling, which for the Silver level standard was between 0.69 per cent and 1.49 per cent, is a relatively modest increase when factoring in the potential significant cost to retrofit a house or apartment that had not originally been designed with these features.
- The Decision RIS is not a decision in its own right, being one input to the decision making process.

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