

Our ref: SUB-00000645  
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Australian Building Codes Board  
By email: abcbris@abcb.gov.au

## **Local Government NSW Submission on the Consultation RIS: Proposal to include minimum accessibility standards for housing in the National Construction Code**

Thank you for the opportunity to make a submission in response to the Australian Building Codes Board (ABCB) Consultation Regulation Impact Statement (RIS) for the proposal to include minimum accessibility standards for housing in the National Construction Code (NCC).

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general-purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

### **Introduction**

Local government is key to supporting people to remain living in their community. Housing choice, including accessible housing, is critical to improving liveability within a community. Local government also plays an important role in creating an environment which is inclusive of all people, through its planning role and engagement in many community activities, facilities and services.

Previous attempts for development and implementation of minimum standards for accessible housing on a voluntary basis have not achieved their goal. For example, the Council of Australian Governments (COAG) commitment in the 2010-2020 National Disability Strategy that all new homes will be of an agreed universal design standard by 2020 is not on track to be achieved.

LGNSW supports a regulatory approach to make new housing accessible for everyone. The goals of accessible housing, including social inclusion and liveable communities, are key aims of local government. This position is supported by a resolution of the 2014 LGNSW Annual Conference, the annual policy making event for the sector, which called for mandatory accessibility targets for new housing by 2020 (resolution outlined in detail below).

The Consultation RIS proposes an objective of the proposed changes to the NCC:

*To ensure that new housing is designed to meet the needs of the community including older Australians and others with mobility limitations.*

LGNSW supports the overarching objective of the RIS but also suggests the addition of the word 'all' into the objective, i.e.

*To ensure that **all** new housing is designed to meet the needs of the community including older Australians and others with mobility limitations.*

This addition endorses a regulatory approach to make new housing accessible for everyone.

### **Impact of lack of accessible housing on equity, dignity and employment outcomes**

While the home is acknowledged as a critical component of societal wellbeing, Australia still does not have a mandated minimum standard of universal design for dwellings – aiming for housing that is designed to be usable by all people to the greatest extent possible without adaptation or modified design. LGNSW notes the importance of universal design principles being incorporated into this process from beginning to end and as such in this regard agrees with the submissions to this consultation by the Australian Network for Universal Housing Design (ANUHD) and the Centre for Universal Design Australia (CUDA).

LGNSW's Policy Platform, informed by the views of our members, highlights that local government is committed to the principles of equity, access to services essential to quality of life and participation of all people in their community. Accessible housing is a critical requirement of meeting these principles.

Councils across NSW provide support for older people so that they can continue to live independently at home, including through the services subsidised under the Commonwealth Home Support Programme (CHSP). Accessible housing furthers this aim, enabling people to remain in their own home for longer, which is the preferred choice for older people.

The lack of accessible and affordable housing to meet this objective forces people into residential aged care earlier than preferred, often leading to increased social isolation and disconnecting people from their communities and support networks. In addition to reducing the costs associated with aged and specialist care, accessible housing supports the independence of people with disability and significantly improves the overall ability of people to participate in society.

### **Preferred option for minimum accessibility standards**

The Consultation RIS proposes the following options to improve housing accessibility:

- Status quo: No changes to existing policy settings. This option is used as a baseline against which the costs and benefits of the other options are assessed.
- Option 1: Accessibility standard, broadly reflecting Liveable Housing Design Guidelines (LHDG) silver standard, in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 2: Accessibility standard, broadly reflecting LHDG gold standard, in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 3: Accessibility standard, broadly reflecting LHDG gold standard (with some platinum features), in the NCC applying to all new Class 1a and Class 2 buildings.
- Option 4: Accessibility standard, broadly reflecting LHDG Gold standard, in the NCC applying to all new Class 2 buildings only.
- Option 5: A subsidy program to encourage additional availability of accessible rental properties.
- Option 6: An enhanced approach to voluntary guidance, which includes turning the current proposals into a non-regulatory ABCB handbook and other measures to encourage additional uptake of universal design principles, including: a search engine for dwellings certified as complying with the LHDGs and provision of information at the point of sale.

**Recommendation:** LGNSW supports Option 2: An accessibility standard broadly reflecting LHDG gold standard in the NCC applying to all new Class 1a (i.e. single dwelling or a group of detached dwellings) and Class 2 (i.e. apartment) buildings.

LGNSW's position is supported by a resolution of the 2014 LGNSW Annual Conference, which called on:

- the Australian Government to direct the Australian Building Codes Board to make urgent changes to the Building Code of Australia to incorporate universal design principles into the design requirements of private residential dwellings.
- the NSW Government to replace all references to Adaptable Housing Standards AS4299 with the LHDG 'Gold Standard'.
- the Australian Government to develop mandatory targets for new dwellings to meet the LHDG Gold Standard by 2020.

This position was affirmed by the LGNSW Board in December 2018 in its endorsement of LGNSW's submission to the Accessible Housing Options Paper released by the ABCB as part of this ongoing consultation. LGNSW's position also acknowledges that voluntary targets have not been successful in encouraging the development of a sufficient number of accessible dwellings.

LGNSW acknowledges there needs to be a balance regarding the option chosen and affordability. LGNSW has long called for action to address housing affordability challenges in NSW, most recently outlined in LGNSW's July 2020 submission in response to the NSW Housing Strategy Discussion Paper.<sup>1</sup> The option chosen needs to improve accessibility without increasing the cost of housing. Providing incentives to builders to deliver higher level accessibility specifications may assist in achieving this balance.

Further, LGNSW would not support any changes to the NCC to include minimum standards for accessible housing which would impose significant administrative costs or additional compliance burden on councils.

### **Consultation RIS generally**

LGNSW also notes that there has been some concern with the methodology and conclusions set out in the Consultation RIS – particularly regarding calculating costs associated with accessible housing standards. Economic advice by a former associate professor of health economics and an emeritus professor of health economics to assist with responses to the Consultation RIS found that the Consultation RIS understated the benefits associated with improved accessibility. The economic advice stated:

*we conclude that the economic credentials for all options considered are considerably stronger than those presented in the [Consultation RIS] report and underpin the case for adding a regulation to the national building code.<sup>2</sup>*

Further, while economic cost benefit analysis provides valuable information to consider, there has been limited qualitative data collected regarding the improvements to people's lives as part of this process and LGNSW would support further analysis in this area.

This would ensure that the consultation considers a variety of situations and diversity of people and addresses relevant obligations under the Universal Declaration of Human Rights and,

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<sup>1</sup> Available online at:

[www.lgnsw.org.au/common/Uploaded%20files/PDF/Submission\\_on\\_NSW\\_Housing\\_Strategy\\_Discussion\\_Paper.pdf](http://www.lgnsw.org.au/common/Uploaded%20files/PDF/Submission_on_NSW_Housing_Strategy_Discussion_Paper.pdf)

<sup>2</sup> Dalton, A. and Carter, R, Economic advice prepared to assist with responses to the Consultation Regulation Impact Statement on minimum accessibility standards for housing in the National Construction Code, 18 August 2020, available at:

[https://disability.unimelb.edu.au/\\_data/assets/pdf\\_file/0010/3469492/DaltonCarter-Economic-Report-v9-18.08.2020.pdf](https://disability.unimelb.edu.au/_data/assets/pdf_file/0010/3469492/DaltonCarter-Economic-Report-v9-18.08.2020.pdf)

more specifically, the UN Convention on the Rights of Persons with Disabilities. At a practical level, this would also strengthen the ABCB's recommendations to the Building Ministers Forum on future arrangements for accessible housing in the NCC.

And finally, LGNSW expresses some concern over the accessibility of the overall consultation process. The documentation (including the 292-page Consultation RIS) and process may be difficult for lay people to understand and could therefore potentially exclude many of those who are directly impacted by the outcomes of the consultation.

LGNSW is grateful for the opportunity to make a submission to the ABCB consultation. For further information, please contact Chris Maclean, LGNSW Senior Policy Officer Ageing and Disability on 02 9242 4043 or at [chris.maclean@lgnsw.org.au](mailto:chris.maclean@lgnsw.org.au).

Yours sincerely

A handwritten signature in black ink that reads "Kelly Kwan". The signature is written in a cursive, slightly slanted style.

Kelly Kwan  
**Executive Manager Advocacy**

Attachment: Information Collection and Personal Information Form