

Consultation RIS: Proposal to include minimum accessibility standards for housing in the NCC

Overview

Ways to provide your feedback

You can provide your feedback on the Consultation Regulation Impact Statement (RIS) by either:

1. Completing the online consultation form and answering the questions outlined within, or by uploading a separate submission via Question 36 (within the 'Estimating the benefits' section); **OR**
2. Providing your submission via email at abcbris@abcb.gov.au. Please ensure that you accompany your submission with the **Information Collection and Personal Information form** <[user_uploads/information_collection_personal_information.docx](#)> .

Enquiries can be emailed to abcbris@abcb.gov.au.

About the consultation

In 2017, the Building Ministers' Forum (BMF), with the support of the Council of Australian Governments (COAG), directed the Australian Building Codes Board (ABCB) to undertake a regulatory impact analysis on the possible inclusion of accessibility requirements for housing (Class 1a buildings and Class 2 apartments) into the National Construction Code (NCC). In response to this directive, the ABCB undertook extensive consultation in 2018 with the release of an **Options Paper** <<https://www.abcb.gov.au/Resources/Publications/Consultation/Accessible-Housing-Options-Paper>> that sought stakeholder input into the objectives, options and terminology to inform the development of a Consultation RIS. The Options Paper was supported by National Consultation Forums in each capital city that provided an opportunity for stakeholders to have their say on accessible housing in-person, and have questions answered by ABCB representatives. You can watch a recorded video of the **presentation** <https://youtu.be/IFg_e-AIxDw> on the ABCB's YouTube channel.

Following the completion of the Options Paper process and forums, the ABCB published an

Options Paper Consultation Report

<<https://www.abcb.gov.au/Resources/Publications/Consultation/Accessible-Housing-Options-Paper-Consultation-Report>> that summarised the stakeholder feedback and identified considerations for the Consultation RIS.

The ABCB engaged the **Centre for International Economics** <<https://www.thecie.com.au/>> (CIE) to develop the Consultation RIS. In line with the direction from the BMF, the regulatory options

assessed by the Consultation RIS are based on the **Livable Housing Design Guidelines** <http://www.livablehousingaustralia.org.au/library/SLLHA_GuidelinesJuly2017FINAL4.pdf> (LHDG) Silver-level and Gold-level specifications, as well as a 'Gold-plus' specification developed through stakeholder consultation.

Please note: The Consultation RIS has been updated to include further accessibility enhancements (V2-15/07/2020).

The ABCB has also released a **project overview document and RIS explainer document** <user_uploads/accessible_housing_project_overview_timeline_and_ris_explained-2.pdf> that explains the project, its timelines and the RIS process.

Please note: The Consultation RIS and its supporting documents represent the views of the authors only and should not be construed in any way as having been endorsed by, or representing the final views of the ABCB and the BMF.

Why we are consulting

The views of stakeholders on the Consultation RIS are fundamental to ensuring that the Final RIS is based on the best available information. Questions have been included to guide respondents on specific matters where more information may assist in developing the Final RIS.

Responses to questions and submissions on the Consultation RIS are invited until **11:59PM AEST Monday 31 August 2020**.

Introductory text

The Consultation RIS: *Proposal to include minimum accessibility standards for housing in the National Construction Code (NCC)*, contains questions that have been included to guide respondents on specific matters where more information may assist the Final RIS.

This consultation is divided into key sections:

1. Understanding and quantifying the problem
2. Objectives of intervention and Options
3. Estimating the cost of the proposal
4. Estimating the benefits

Each section contains a series of questions that seek your view on information contained within the Consultation RIS. You are also provided an opportunity to explain your response and provide additional information or separate submission.

Please ensure that you have also completed the 'Information Collection' and 'Personal Information' sections.

Note: Question 36 (within Estimating the benefits) has been amended to allow for submissions/supporting information to be published in accordance with your Information Collection preference.

Additional information

Save and come back later

The "save and come back later" button gives you the option to save your work. Enter your email address to receive an email with a link to return to your consultation response before the closing date.

Once you have submitted your response you are unable to change it.

Questions

Any technical questions regarding the Consultation RIS can be submitted to the email address identified on the 'Overview' page. Otherwise, if your question is in relation to the ABCB's Consultation Hub, please **submit an enquiry** <<https://abcb.gov.au/ABCB/Contact-Us>>

Information Collection

- 1 Important: Please ensure that you have read and understood the below statements before proceeding

Privacy Collection Statement

The Australian Building Codes Board (ABCB) is bound by the Australian Privacy Principles (APPs) outlined in Schedule 1 of the *Privacy Act 1988* (Cth) (Privacy Act), which regulates how entities may collect, use, disclose and store personal information.

Your personal and sensitive information is being collected by the ABCB Office to assist the ABCB to carry out its functions, to inform the consultation process and for other purposes including to communicate with individuals or organisations about their submission.

The personal and sensitive information collected as part of the submission process may be disclosed to and used by the following individuals or organisations:

- the Department of Industry, Science, Energy and Resources or the ABCB Office, and the staff of the Department and the ABCB Office;
- the ABCB, its committees and any working groups established by the ABCB, and their staff and advisors;
- the Commonwealth Government, and State and Territory Ministers responsible for building regulation and policy, and their staff and advisors;
- other Commonwealth or State and Territory government departments and agencies;
- any consultant or contractor engaged by the ABCB for the purpose of undertaking work in respect of the subject matter of the submission process.
- any organisation for any authorised purpose with your express consent, for the purposes set out above.

Personal and sensitive information obtained will be stored and held in accordance with the ABCB's obligations under the *Archives Act 1983* (Cth). Further information about how the ABCB collects, uses and discloses personal information is set out in its **Privacy Policy** <<https://abcb.gov.au/Footer/Privacy>> .

If you have an enquiry or request relating to your personal information, please contact:

Privacy Contact Officer
Australian Building Codes Board
GPO Box 2013
Canberra ACT 2601

Confidential Information Statement

All submissions and comments will be published unless they are marked 'commercial-in-confidence'. However, any contact details you provide within your submission will be redacted prior to the submission being published.

In order to promote debate and transparency, the ABCB prefers that all submissions and comments be provided in a way that does not require confidentiality to be maintained. However, it recognises that in some circumstances you may want to provide information in confidence.

It is the responsibility of the person making the submission to ensure that any 'commercial-in-confidence' information is clearly identified. Please consider if you can structure your response to keep only some parts confidential. If only part of your submission is confidential, you can provide the confidential part as a separate submission so that the ABCB can publish the non-confidential part of the submission.

Where confidentiality is requested for an entire submission, it will not be published by the ABCB, nor will your name or organisation details; however, see the comments below regarding Regulation Impact Statements.

Please note that we may still disclose the confidential part of your submission to any of the above identified users of the information as part of the consultation process and we will use reasonable efforts to ensure that the recipients keep the submission confidential.

Submissions for Regulation Impact Statements will be made public in accordance with the Council of Australian Government's **Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies** <<https://www.pmc.gov.au/resource-centre/regulation/best-practice-regulation-guide-ministerial-councils-and-national-standard-setting-bodies>> . A summary of the views expressed in the submissions will be published as part of the Regulation Impact Statement.

The ABCB or the ABCB Office may also disclose confidential information in circumstances where:

- we are required or authorised by law disclose it;
- you agree to the information being disclosed; or
- someone other than you has made the confidential information public.

Your submission, comments, opinions and responses will not be published if the ABCB or the ABCB Office considers that your submission, comments, opinions and responses may contain potentially defamatory statements or other offensive comments.

2 By making a submission to this consultation you agree to the collection of the information you provide in your submission; and the use and disclosure of the information you provide in your submission as outlined above.

(Required)

Please select only one item

Publish response

Publish response anonymously (this will remove personal identifiers including, name and organisation)

Do not publish

Personal Information

3 What is your name?

(Required)

4 What is your email address?

Enter your email address to automatically receive an acknowledgement email when you submit your response.

(Required)

5 What is the name of your organisation?

If submitting comments as an individual please leave blank.

6 Please select your State or Territory

Please select only one item

- ACT NSW NT Qld SA Tas Vic WA

7 Which best describes your industry sector?

Please select only one item

- Building Commercial Building Residential Building Commercial and Residential
 Building and plumbing products Building Certification/ Surveying
 Architecture and design Engineering Plumbing
 Compliance, testing and accreditation Legal and Finance
 Specialist - disability access Specialist - energy efficiency Specialist - fire safety
 Specialist - health Specialist - hydraulic/ plumbing Student/ apprentices
 Trades and other construction services Education
 Community and Non-Government organisations Government General Public
 Other

If other, please specify

Understanding and quantifying the problem

A key element of a RIS is understanding the nature and size of the problem that government intervention would address through a regulatory proposal.

Housing that is inaccessible for people with mobility limitations can impose various costs on those people and their families and the community more broadly. These costs include:

- safety-related costs, where people with mobility limitations remain living in housing that does not meet their accessibility needs, they are at higher risk of falls
- costs associated with additional care needs where people with accessibility needs remain living in housing that does not meet their accessibility needs
- unnecessarily high costs associated with home modifications
- costs associated with avoidable moves to more suitable accommodation
- costs associated with longer stays in hospital and transition care, where discharge is delayed due to their home lacking accessibility features
- costs associated with loneliness, where people with accessibility needs are unable to leave their own house as frequently as they would like or are unable to visit friends and relatives
- additional costs associated with inappropriate or premature entry into residential aged care (or other institutional care) due to dwellings lacking accessibility features.

The questions in this section are focused on the Consultation RIS' description of 'the problem' and the costs it imposes due to a lack of accessible housing.

Accessible Housing

The Consultation RIS uses the term 'accessible' to describe the options that are intended to make a home easier and safer to use for the broadest range of occupants. The regulatory proposals are based on universal design principles and the **Livable Housing Design Guidelines**

http://livablehousingaustralia.org.au/library/help/Livable_Housing_Design_Guidelines_Web1.pdf

. LHDG describe this as housing that is designed to be:

- easy to enter
- easy to navigate in and around
- capable of easy and cost-effective adaptation; and
- responsive to the changing needs of home occupants.

8 Do you agree that the problem is adequately established?

Please select only one item

Yes No

Please indicate below your opinion, whether the issues described under the problem section (its nature) adequately establish a case for action, or if there are other problems not identified under the status quo:

9 In general, do you agree the Consultation RIS adequately describes the extent of these problems?

Please select only one item

Yes No

Please explain your answer below and if you have other evidence that can assist:

10 The impact of a lack of accessible housing on equity, dignity and employment outcomes is difficult to fully measure. How does a lack of accessible housing contribute to these issues?

Please describe how and to what extent:

11 Are the assumptions made to estimate the costs to the community from a lack of accessible housing (set out in Appendices A to H) appropriate?

Please select only one item

Yes No

Please explain your answer below and what other evidence could be considered:

12 What other information could be used to estimate the costs associated with a lack of accessible housing to make estimates more reliable?

Please provide your response below:

13 Do you have information about the type and cost of home modifications that are made to improve the accessibility of a home?

Please select only one item

Yes No

If yes, please provide sources below:

14 In your opinion what is main contributor to a lack of uptake of universal design principles in new dwellings:

Please select all that apply

- buyers failing to think about their future accessibility needs
- volume builders being reluctant to deviate from standard plans other barriers

If other barriers exist, please describe these below:

Objectives of intervention and Options

COAG principles require a RIS to examine a range of viable options, including, as appropriate, non-regulatory, self-regulatory and co-regulatory options.

The Consultation RIS explicitly considers the impacts of the following options (measured from the status quo baseline).

- **Status quo**
- **Option 1:** Accessibility standard, broadly reflecting 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 (plus 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.
- **Option 5:** A subsidy program to encourage additional availability of accessible rental properties to LHDG Gold standard.
- **Option 6:** An enhanced approach to voluntary guidance, including:
 - a non-regulatory ABCB handbook
 - information provision at the point of sale
 - better matching services.

Related Information

The regulatory proposals described in Options 1-3 and their associated explanatory statement can be accessed below:

15 Of the options considered by the Consultation RIS, select from the list below those that are feasible:

Please select all that apply

Status Quo: No change to the NCC.

Option 1: Accessibility standard, broadly reflecting 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.

16 Are there other feasible regulatory or non-regulatory options with the potential to meet the objective that should be considered?

Please select all that apply

Applying the accessibility standards to only residential Class 1a (single detached house, row house, town house, terrace house or villa unit) or Class 2 (multi-storey residential) buildings?

Applying the accessibility standards to only a proportion of residential Class 1a (single detached house, rowhouse town house, terrace house or villa unit) or Class 2 (multi-storey residential) buildings?

Applying a different combination of the LHDG elements?

Applying a subset of the LHDG elements (e.g. step-free entry, wider doorways only)?

Another option?

Please provide additional information to support your response (for example, how these options would be delivered in practice) below:

17 Which of the options, in your opinion, have the ability to meet the objective? (select all options which in your opinion can meet the objective from the list below)

Objective of the proposal

The objective of the regulatory proposal is to ensure that housing is designed to meet the needs of the community, including older Australians and others with mobility limitations.

Please select all that apply

- Status quo Option 1 Option 2 Option 3 Option 4 Option 5
 Option 6 Other Option

How could the selected options be further enhanced?

18 Are there any less intuitive or unintended consequences likely to arise from the adoption of any of these options?

Please select only one item

- Yes No

If yes, please elaborate below:

19 Which option is your preferred option?

Please select only one item

- Status quo Option 1 Option 2 Option 3 Option 4 Option 5
 Option 6 Other Option

If 'Other', please describe below:

Estimating the cost of the proposals

In accordance with best practice, the proposed changes to the NCC (and other options) were examined under a cost benefit analysis (CBA) framework. Costs in the following questions relate to the Consultation RIS estimates for complying with the proposed accessibility standards.

These include:

- Additional construction costs
- Loss of space – where some areas of a dwelling (such as bathrooms and hallways) expand to meet the proposed standards, this space must come from either:
 - expanding the footprint of the building, which means either expanding lot sizes or loss of outdoor/garden space, or
 - loss of living and/or bedroom spaces where the additional hallway and bathroom space is accommodated within the existing building footprint (such were the scope to expand the building footprint is limited due to lot size).
 - Potential costs associated with additional excavation work on sloped lots.
- Transition costs:
 - Other industry transition costs — this includes the cost of various industry professionals familiarising themselves with the new NCC requirements.
 - Transition costs for volume builders, including the costs associated with re-designing the a standard design offering and rebuilding display homes.

Related Information

Estimated impacts on construction costs and space can be found in the below report. Further discussion and assumptions are detailed in Appendix I and J of the Consultation RIS.

20 Are the scenarios of possible impact (as described in the DCWC report) broadly representative of the scale of adjustments required to comply with the proposed accessibility standards (Options 1-3)?

Please select only one item

Yes No

21 For each of the building types, are the weighted average cost estimates broadly representative of the additional construction costs to comply with the proposed accessibility standards (Options 1-3)?

Please select only one item

Yes No

If no, please clearly describe which classification of building and Option your comment relates to and if you can provide evidence to inform the weightings:

22 Do you agree with the approach taken to valuing the opportunity cost of the additional space required?

Please select only one item

Yes No

Please indicate what alternative methodologies you suggest be considered below:

23 Are additional excavation costs likely to be required in order to provide homes that comply with the regulatory options (Options 1-3)?

Please select only one item

Highly unlikely Unlikely Likely Highly likely

Describe where in your opinion this will occur (e.g. which option and building type) and what you have based your answer on below:

24 Are the excavation cost estimates presented in table 5.12 reasonable?

Please select only one item

Yes No

If not, what are your alternative estimates and the basis for the estimates?

25 Are there any other costs (e.g. transition costs) not identified for builders to transition to a new accessibility standard under the regulatory Options (Options 1-3)?

Please select only one item

Yes No

If yes, please describe the costs, their extent and who they apply to below:

26 Can you provide any other relevant information on costs to inform the impacts of the Options?

Please describe other cost information below:

Estimating the benefits

The benefits generated under each of the options have been estimated using two different approaches, which are compared through the Consultation RIS:

- The central approach based on the extent to which it would be expected the proposed changes to the NCC (and other options) address the extent of the various issues discussed in the problem section.
- The alternative approach was based on estimates of a household's 'willingness to pay' for various accessibility features when choosing a home to buy or rent. These estimates were derived from the stated preference survey using questions that offered hypothetical choices between homes with differing accessibility features and rents.

Both methods produced similar results when benefits were aggregated over people with a mobility-related disability. Both methods include estimates of extent to which households are willing to pay to see better outcomes for Australians with a mobility-related disability. These benefits to the wider community are referred to as 'societal benefits' in the analysis.

The questions below are focused on the central approach and the assumptions in Appendix A-H.

Related Information

COAG best practice guidelines require benefits to be quantified as far as possible and reflected in monetary terms to allow options to be directly compared.

27 Are the assumptions relating to the occupation of accessible housing by owner occupiers and renters over time reasonable?

More Information

The analysis discusses the process through which an increasing share of the population would occupy accessible housing is influenced by:

- the number of newly acquired disabilities, which are a small share of total disabilities in any given period; and
- the number of new accessible dwellings, which are initially a small share of the total housing stock; and
- the differences between the choices owner occupiers and renters face.

Please select only one item

Yes No

Please outline your assumptions and what evidence could be considered to make the assumptions more robust:

28 Do you agree with the assumption of the extent features are currently not provided in new dwellings?

Please select only one item

Yes No

Please explain the reasons for your answer below:

29 Do you have any other evidence of the extent that accessibility features similar to those required by Options 1-3 are provided in new dwellings under current arrangements?

More Information

The analysis recognises some features are currently installed under the status quo.

The assumed supply of accessibility features in new homes is reflected in table 6.5, 6.6 and 6.7 of the Consultation RIS.

This has reduced both the costs of the proposal and the expected benefits (because the features are already provided).

Please describe what evidence has informed your view below:

30 Where dwellings have some accessibility features but not others, would this reduce the size of the problem?

Please select only one item

Yes No

In your opinion, by how much? (please provide your reasoning/data for your estimate below):

31 Do you agree with the assumption that additional features required under accessibility standards in Option 2 and Option 3 would increase the number of beneficiaries compared to Option 1?

Please select only one item

Yes No

Please explain your response and describe what you have based your answer on below:

32 To what extent would better information provision and promotion of an enhanced non-regulatory approach (Option 6) be effective in encouraging the voluntary uptake of universal design principles in new dwellings?

Please select only one item

Not effective Somewhat effective Very effective Unsure

Please describe the extent this would be effective and your reasoning below:

33 To avoid attributing benefits to accessibility features already installed in dwellings under current arrangements, the impacts of the proposal have been reduced in proportion to those elements assumed prevalence and weighted average cost. What additional evidence could we consider to make this assumption more robust?

Please provide any evidence that can inform the assumption:

34 There is a mismatch between the amount of accessible housing being built and the apparent willingness of many survey respondents (including households without any persons with limited mobility) to pay above cost for Option 1. What explanations are there that could explain this mismatch? Is this a reflection of the market failure?

Explain your reasoning for your answer below:

35 Do you have any other evidence that would make the estimates in the analysis more robust?

Please outline the specific assumption your comment relates to below:

36 Please upload your submission, or any relevant information or data related to your previous responses.

Please attach a copy of any documents you wish to include to this printout.

Please provide supporting documentation in .doc, docx or PDF format. All submissions will be published, or not, in accordance with your preference indicated in the Information Collection section.

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