

9 July 2021

Mr Richard Cassidy  
Assistant Director-General  
Department of Energy and Public Works

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Dear Richard

**Subject: Mandating Accessible Housing in the National Construction Code**

Thank you for the opportunity to provide feedback on the accessible housing provisions being proposed in the National Construction Code. We acknowledge that you are seeking feedback on the exemptions, transition timeframes and communication strategies, and will endeavour to provide that here.

Master Builders does not support regulations that adversely impact housing affordability, challenge good design and put productivity at risk, it is therefore a longstanding position that accessible housing should not be regulated but achieved through non-mandatory measures. Still we will continue to work constructively with government to seek to make the regulations as practical and workable as possible.

The first area of concern is the *significant cost impact*. The regulation impact statement<sup>1</sup> commissioned by the Australian Building Codes Board (ABCB) documented that mandating accessible housing will have a cost impact, in the order of \$500 to \$700 million. It has also been the experience of builders working to the Livable Housing Design Guidelines (Silver Level) that it conservatively adds \$8,000 to the cost of a new home on average. Examples of the additional costs include:

- For platform floors (Queenslanders) setting down the bathroom to achieve a level threshold will require larger joists throughout will cost in the order of \$6,000<sup>2</sup>.
- Grading and bedding the entire bathroom floor comes in at \$2,500
- Structural ply to the WC and shower in the order of \$1,000<sup>3</sup>

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<sup>1</sup> Centre for International Economics, *Proposal to include minimum accessibility standards for housing in the National Construction Code*, July 2020

<sup>2</sup> Based on a single level Queenslander on stumps.

<sup>3</sup> Assuming 12mm structural ply to both the side walls of a WC (2.8m long) and to the walls of a Bathroom (4.0m x 2.0m)

- 15m path would come at a cost in the order of \$15,000<sup>4</sup>.

Also of concern are the costs which will be required to be ***included in the initial contract***. Currently, homeowners have the flexibility to leave floorcoverings or landscaping (entrance paths) out of the build contract if their budget or their mortgage eligibility does not extend that far. Requiring these items for occupancy approval can cause the whole project to fall over.

Mandating accessible housing can also ***constrain good design***. Take the example of galley style bathrooms which will need a shower, toilet and sink in a room with only two usable corners. Here it makes sense to place a hand basin at the doorway for use when leaving a bathroom, it also makes sense to place a shower or a bath at the end of the galley (so you do not have to go through a shower space to get to a toilet). Moving the toilet to one of the corners will mean that this design will no longer work. As lot sizes have become smaller the use of this kind of bathroom design has increased.

Another example is in the requirement for a hobless and step free shower which will mean bathrooms, even though compliant with the required waterproofing, are likely to have a floor that regularly gets wet: leading to a new set of safety concerns.



## Technical

In the technical detail there is a significant gap to bridge in taking the voluntary Livable Housing Guide and making it mandatory that has not yet been achieved.

Master Builders has prepared a submission to the ABCB NCC Public Comment Draft detailing where practical, workable, enforceable regulation has not yet been achieved.

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<sup>4</sup> Assuming:

- built from H4 treated hardwood (since closer than 400mm to ground)
- aluminium non-slip strips installed at 300 mm centres
- decking painted in slip resistant clear finish coat
- Concrete formed ramp at the end of the timber ramp to join the ground/adjacent pathway
- transition area where ramp reverses on itself (forms a U-shape or L-shape)
- concrete footings with galvanised steel brackets.

Specifically we are concerned that:

1. There is a **lack of detail** as to what is required under the provisions and a number of conflicts with many other NCC Performance Requirements (e.g. drainage, weatherproofing, termites and energy efficiency etc).

It is essential that the accessible housing Standard serves as a complete Deemed-to-Satisfy (DtS) solution. Requiring Performance Solutions to achieve compliance with the provisions will increase the complexity, unnecessarily increasing the cost of new housing and increasing the opportunity for defects and disputes. Each Performance Solution will come at a cost in the order of \$1,800.

2. The provisions are **not clear and precise**, leaving too much open for interpretation. The Standard must clearly communicate, with precise language and accurate details, what is required for compliance. Particular areas of concern include:
  - The overly broad Objective (G701) of meeting the needs of the community and older Australians. The broad reference to “community” is ambiguous and is not reflected in any specific provisions. There will be many sectors of Australia’s broad community who would want other things to also be considered. Similarly “older” has no specific meaning. The Functional statement (G7F1) is also ambiguous – “easy to enter/navigate” for whom and/or what?
  - The terms such as ‘safe’ and ‘unobstructed’ have not been defined and it is not clear how they are to be used. How is a certifier to assess items that ‘obstruct’ a space which are temporary, removable and not part of building work, such as parking a car?
  - How is the requirement to have level (or max 5 mm, if rounded) threshold be assessed? The pile on the carpet can be more than 5 mm.
3. Decisions that are commonly left to **consumer choice** (e.g. toilet, bath selection, floor coverings) will need to be locked in at the design stage if the dimension requirements are to be met. For consumers who are not involved at the design stage (e.g. project homes or off the plan) there will be no opportunity to make these choices at a later stage.
4. The requirements allow **no tolerance** for on-site variables<sup>5</sup>. There is only 10 mm leeway for the location of toilet. A 6 mm threshold at one door can mean that the whole dwelling cannot be certified for occupancy.
5. The requirements provide too great an **opportunity for defects**. Particular concerns include:
  - separating the accessible housing provisions from the Housing Provisions;
  - water ingress at the entrance threshold; and
  - step-free showers which are a known problem area that builders seek to avoid.

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<sup>5</sup> See the QBCC Standards and Tolerance Guide

## Exemptions

The Standard does not yet provide certainty for when an exemption will be allowed for a level access path (H8P1 & H8D2). We cannot have a situation where land surveyors are required for each project to assess whether there is an exemption.

The option that would provide the greatest certainty for all parties is for the exemption to be applied to particular blocks of land at the planning stage.


If the exemption is to be determined at the building approval stage it needs to be clear as to what evidence will be required for the certifier to grant an exemption.

A standard test should be developed. For example, assuming the gradients detailed in the Standard, it is possible to calculate the floor height, above which it will not be possible to achieve a straight path. Including these calculations will provide much more certainty in determining the setback.

Gradient*	Setback (m)	Exemption for floor heights (mm) and above
1:14	1	71
1:14	2	143
1:14	3	214
1:14	4	286
1:14	5	357
1:14	6	429
1:14	7	500
1:14	8	571
1:14	9	643
1:15	10	667
1:16	11	688
1:17	12	706
1:18	13	722
1:19	14	737
1:20	15	750

*\* Maximum gradients for 10, 11, 12, 13, 14 m setbacks have been calculated via linear interpolation as outlined within the Standard.*

***The Standard should include a standard test for determining when the exemption is applied.***



There are further exemptions that are required where the Code cannot be made practical and workable. These include:

1. Under Queensland's legislation significant renovations (more than half the total volume of the existing building) require that the entire building be brought up to compliance. In many cases it will be impossible to meet the larger dimensions retrospectively in renovation projects.

*Provide an exemption for all significant renovation projects.*

2. Meeting the accessibility requirements can put the project in conflict with town planning requirements. This can include limits on cut and fill, ratio of garage width to site frontage, the inclusion of crime prevention (CPTED) principles, limits on dwelling heights, flood overlays, boundary setbacks and site cover limits which create a maximum building footprint, streetscape and neighbourhood character requirements. A town planning application can add \$5,000 to the cost of a house.

*Provide an exemption to all requirements where there is a conflict with town planning requirements.*

3. There will be small or narrow lots where the requirements cannot be accommodated without significant design compromises, such as reduced living area or adding a second storey. "The hallway/entry requirements make it near impossible to comply on a 10 metre lot."

*Provide an exemption to all requirements for all houses on sites less than 10 metre wide or 300 square metres.*

4. Smaller dwellings will require significant compromises in the living space to allow for the larger dimensions. This will be particularly the case with smaller infill development such as townhouses, villas etc.

*Provide an exemption to all requirements for all dwellings less than 100 square metres.*

5. Apartments that cannot be accessed by a lift cannot be made accessible through the retrospective use of equipment such as a chair lift. Therefore there will be no value in prioritising accessible housing design features over design choices and should therefore not be required.

*Provide an exemption to all requirements for all apartments without lift access.*

## Transitions

Redesigning standard plans and development proposals will be a major undertaking for industry. One major project home builder estimates that the cost to their business will be in the order of \$200,000 to \$300,000.

Industry will not be in a position to incur this cost until there is certainty as to the regulatory provisions.

A longer transition time frame will allow more of this cost to be drawn from the usual process of design updates, minimising the additional cost.

A short, sharp implementation timeframe will have all builders working to adjust their standard plans quickly, adding significant pressure on the demand for building designers, quantity surveyors and marketing professionals. This will unnecessarily drive up the cost of this work.

Project home builders will also need time to adjust their built sales product. These builders market their work through display villages. A display village home will often be 12 to 18 months in planning and construction. It will then be open for a 2 year period at a minimum. These builders are already planning the display homes that will be used to sell their product for the next 3 to 4 years. They are already asking - "What do I need to do to the home design now to ensure we're showing the public what is required in 3 years' time? "

***Provide a minimum 3 year transition period from when the provisions are finalised and formally adopted.***


## Communication

It is very important that the requirements are well communicated to homeowners by government.

It should not be left to builders to explain to clients that they cannot have their home the way they want to accommodate the requirements. That liveability as they define it (a larger living area for example) needs to be compromised for liveability as the government defines it (a larger bathroom or wider hallways). That the bathroom floor getting wet after each shower is not a defect to be rectified. It also needs to be explained why decisions on the floorcoverings, toilet and bath cannot be changed. Why access path must be included in a contract.

***Government to commit to a comprehensive consumer awareness campaign.***

The communication strategy must also provide detailed guidance and education tools across the entire building supply chain: manufacturers, designers, builders and trade contractors. The requirements are such a significant change in practice, so detailed there are many opportunities for problems that must be headed off.



*The government must provide a comprehensive guideline document that provides a similar level of detail as provided in the “Guideline on the Application of the Premises Standards” and includes compliant examples and illustrations. The guideline is regulatory updated as new detail and advice comes to hand.*

Thank you again for providing the opportunity to provide this early feedback. As I’m sure you can appreciate there is still much to work through. Specifically:

- The regulatory requirements need to be made comprehensive, not conflict with other requirements and not increase the opportunity for preventable defects. Good design and consumer choice should not be compromised. The cost impact must be minimised.
- A range of exemptions for renovation projects, projects that conflict with town planning requirements, small sites, small dwellings and all apartments that cannot be accessed by a lift.
- This will require a lengthy transition of at least three years to educate the industry, inform consumers, redesign standard plans and rework existing development proposals.

While Master Builders continues to hold the position that accessible housing is best achieved through non-mandatory measures, we stand ready to work with you towards regulation that is practical and workable.

Regards,

Paul Bidwell  
Deputy CEO