



The Honourable Kevin Anderson MP  
Minister for Better Regulation and Innovation

Our reference: COR-03640-2021

Dr Margaret Ward PSM  
Convenor  
Australian Network for Universal Housing Design  
By email: [anuhd.network@gmail.com](mailto:anuhd.network@gmail.com)

Dear Dr Ward

Thank you for your correspondence about the inclusion of accessibility standards for new housing in the National Construction Code (**NCC**).

I fully acknowledge the benefits that accessible housing can provide to the community, and in particular, to the aged and people with a disability. This is critically important given it is estimated that up to 30 per cent of people may need accessible housing at some point in their life. That is why the NSW Government has already introduced initiatives to improve the supply of accessible public and private housing as part of our commitment to the National Disability Strategy.

The NSW Government has policies in place to ensure that all new social and affordable housing built by government is constructed to silver accessibility standards. We have also put in place policies requiring at least 20 per cent of all medium to high density dwellings developed by Landcom to meet or exceed the silver accessibility standard. The NSW Apartment Design Guide also encourages 20 per cent of apartments within new residential apartment buildings to achieve a minimum silver level.

At a national level, a majority of Building Ministers recently agreed to include minimum accessibility provisions in the Public Comment Draft of NCC 2022. These provisions will be based on the Livable Housing Design Guidelines (LHDG) silver level and apply to both new Class 1a buildings (single dwellings) and Class 2 buildings (apartments). A voluntary standard based on the LHDG gold level will also be published by the Australian Building Codes Board (the **Board**).

The proposed inclusion of provisions in the NCC follows a Regulatory Impact Analysis undertaken by the Board. The Decision Regulatory Impact Statement can be found at [https://www.abcb.gov.au/Resources/Publications/Consultation/Final-RIS\\_Proposal-to-include-minimum-accessibility-standards-for-housing-in-the-NCC](https://www.abcb.gov.au/Resources/Publications/Consultation/Final-RIS_Proposal-to-include-minimum-accessibility-standards-for-housing-in-the-NCC)

It was also agreed that each state and territory will be free to determine whether and how the new provisions will be applied in their jurisdiction. The proposal will require every single new home or apartment to be constructed to these higher, more expensive standards adding to the cost for all purchasers regardless of their accessibility needs. The proposal does not require owners of existing homes to take any action and gives states and territories limited capacity to vary the type, location, or the number of dwellings to which the standard would be applied to.

In this regard, the NSW Government does not support the inclusion of minimum accessibility standards in the NCC as currently proposed. The changes will have negative impacts on housing affordability and the construction sector, and will also come at a significant cost to the

community. Furthermore, other more flexible and balanced approaches, including the non-regulatory options proposed in the analysis were not fully explored.

I can assure you that the need for housing that is designed to meet the needs of the community is recognised by the NSW Government. This is evidenced by the many NSW initiatives to increase the supply of accessible housing introduced prior to any proposals being considered nationally. The Government will continue to monitor the NCC proposals as they are progressed and further investigate the potential implementation of new initiatives outside of the NCC framework. This approach would provide NSW with the balance and flexibility to consider options to increase the supply of accessible housing, while minimising any burdens on housing affordability.

If you would like more information, please contact Michael Said, Senior Building Codes Officer, Building Policy, on (02) 9372 7251.

I trust this information is of assistance to you.

Yours sincerely



**Kevin Anderson MP**  
Minister for Better Regulation and Innovation

Date: 15.7.2021