Urban Taskforce
AUSTRALIA

8 May, 2026

Senator Andrew Bragg
Chair
Select Committee on Productivity in Australia
PO Box 6100
Parliament House
Canberra ACT 2600

Sent to: productivity.sen@aph.gov.au

Dear Senator Bragg

National Construction Code

I write in response to your request for information on where and how the National Construction Code (NCC) may be reduced in size.

Urban Taskforce Australia has done a high-level review of Volume One (937 pages) and Volume Two (330 pages, plus the Housing Provisions Standard, with 602 pages, plus the Livable Housing Design Standard with 25 pages) of the 2025 version of the Code to identify examples of where and how it might be changed and/or reduced.

The comments below show areas that could be simplified for the benefit of those that crave improved productivity and housing affordability.

What is the goal of the NCC?

The original goal of the NCC, as stated in the 1988 version of the Building Code of Australia[1], was to cover:

> *… those aspects of building which are controlled by local government such as structure, fire resistance, access and egress, fire-fighting equipment, mechanical ventilation, lift installations, and certain aspects of health and amenity.*

By 2016[2], this had changed to:

> *The goal of the NCC is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently.*
>
> *This goal is applied so that—*
>
> *a. there is a rigorously tested rationale for the regulation; and*
>
> *b. the regulation is effective and proportional to the issues being addressed such that the regulation will generate benefits to society greater than the costs (that is, net benefits); and*

[1] https://ncc.abcb.gov.au/system/files/ncc/BCA%201988_0.pdf

[2] https://ncc.abcb.gov.au/editions/2016/ncc-2016-volume-one/introduction/introduction

c. *there is no regulatory or non-regulatory alternative (whether under the responsibility of the Board or not) that would generate higher net benefits; and*

d. *the competitive effects of the regulation have been considered, and the regulation is no more restrictive than necessary in the public interest.*

In the draft of NCC 2025[3], it was revised again to now state:

> *The NCC is Australia's primary set of technical design and construction provisions for buildings. As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings. It primarily applies to the design and construction of new buildings and plumbing and drainage systems in new and existing buildings. In some cases, it may also apply to structures associated with buildings and new building work or new plumbing and drainage work in existing buildings.*
>
> *The Australian Building Codes Board (ABCB), on behalf of the Australian Government and each State and Territory government, produces and maintains the NCC. When determining the content of the NCC, the ABCB seeks to -*
>
> - *ensure requirements have a rigorously tested rationale; and*
> - *effectively and proportionally address applicable issues; and*
> - *create benefits to society that outweigh costs; and*
> - *consider non-regulatory alternatives; and*
> - *consider the competitive effects of regulation; and*
> - *not be unnecessarily restrictive.*

So, the focus of the Code has been extended to include accessibility and sustainability, as well as broadening the brief from "certain aspects of health and amenity" to now cover health and amenity perse. This has resulted in the addition of a massive swathe of regulation and has directly contributed to the growth of a sound document that started with only 209 pages.

Is the ABCB effective in delivering these goals?

Urban Taskforce Australia contends that the ABCB has failed to ensure that the NCC lives up to its stated goals:

- while presumably proposed deemed-to-satisfy provisions have been tested scientifically to ensure that they are feasible, any rationale for including changes appears largely to be predicated on the arguments of the proponent, rather than an independent assessment of what is needed;
- cost-benefit analysis appears to focus on the "big picture" items, meaning that some changes not considered to be significant enough for review are sneaking through without any understanding of their financial implications, particularly changes made to Australian standards;

[3] https://www.abcb.gov.au/sites/default/files/resources/2026/NCC%202025%20Volume%20One.pdf?_gl=1*xu2r0i*_ga*MTIxMDg2MTgxNC4xNzY0MTM4MTc0*_ga_DE8H8SFX8R*czE3NzgwMzQ1MDckbzI5JGcxJHQxNzc4MDM0NTc0JGo1NiRsMCRoMA

- non-regulatory alternatives to the proposals seem to be disregarded quickly – building regulators appear to have the attitude that "if we don't regulate for it, we can't guarantee that it will happen"; and
- by definition, deemed-to-satisfy (DtS) provisions are restrictive and anti-competitive – to do something different to the DtS, a proponent must comply with detailed, and often highly technical, verification methods, which discourages innovation.

The role of the ABCB needs to be overhauled. The make up needs to move beyond the echo-chamber it has become and real-world testing with those that actually invest in the development of new buildings must be systematically built into its modus operandi.

The nature of the NCC, which has been built by adding more and more regulations to the original base, does not lend itself as readily to review and reduction as it does to expansion. This problem is now abundantly apparent.

Key concerns

In reviewing Volumes 1 and 2 of the NCC 2025 drafts, Urban Taskforce believes that:

- there is too much duplication of content, in part due to its archaic and internecine (as it applies to productivity) structure;
- content is structured in such a way that proponents have to jump between sections;
- content is hidden away in referenced Australian standards that are hidden behind a paywall;
- changes to standards are not subject to broad public consultation, but are only open to review by those who are registered with Standards Australia itself;
- there is a multitude of pages that could be separate documents on the ABCB website or that may be of no use whatsoever;
- explanatory notes are littered throughout both volumes;
- the layout of many of the clauses could be simplified to present information in a more concise manner; and
- information is presented for all building types when not relevant to some, requiring interpretation by users as to whether clauses apply or not.

Functional statements

Each section of the NCC has a hierarchy:

- **Objectives:** What society expects (eg., safety);
- **Functional Statements:** How the building must function to meet the objectives;
- **Performance Requirements:** The mandatory, legal minimums;
- **Verification methods:** How to prove compliance with Performance Requirements; and
- **Deemed-to-Satisfy Provisions:** An agreed way to achieve compliance.

The Objectives and Functional Statements are not mandatory, but the other parts are.

However, in most cases, there is a lot of repetition between these different levels. For example, *Part B1 – Structural provisions* has the following clauses (with non-relevant parts removed):

Objectives

B1O1 Objective

The Objective of this Part is to—

a. safeguard people from injury caused by structural failure; and

b. safeguard people from loss of amenity caused by structural behaviour; and

c. protect other property from physical damage caused by structural failure; and

d. safeguard people from injury that may be caused by failure of, or impact with, glazing.

Functional Statements

B1F1 Structure

A building or structure is to withstand the combination of loads and other actions to which it may be reasonably subjected.

B1F2 Glazing

(1) Glazing is to be installed in a building to avoid undue risk of injury to people.

(2) Glazing in a building should not cause injury to people due to its failure or people impacting with it because they did not see it.

Performance Requirements

B1P1 Structural reliability

(1) By resisting the actions to which it may reasonably be expected to be subjected, a building or structure, during construction and use, with appropriate degrees of reliability, must—

a. perform adequately under all reasonably expected design actions; and

b. withstand extreme or frequently repeated design actions; and

c. be designed to sustain local damage, with the structural system as a whole remaining stable and not being damaged to an extent disproportionate to the original local damage; and

d. avoid causing damage to other properties.

Deemed-to-Satisfy Provisions

B1D1 Deemed-to-Satisfy Provisions

(1) Where a Deemed-to-Satisfy Solution is proposed, Performance Requirements B1P1 to B1P3 are satisfied by complying with B1D2 to B1D6.

In this example, the functional statements provide no additional guidance or support but merely restate in a different way what is in the objective. The performance requirements and deemed-to-satisfy provisions go on to provide additional clarity if needed.

Functional statements appear to be a regulatory hangover from previous practices but add nothing to the process.

If it is not possible to glean from the performance requirements what is needed to deliver on the objectives, further repetition in the functional statements does not help. In short, what we have now is little more than duplicative, committee produced twaddle.

Explanatory notes

The NCC contains numerous "applications", notes, explanatory notes, and exemptions, which take up significant space within the documents.

These even occur in the definitions, which we argue is counterintuitive and counterproductive. For example, the term "activity traits" is defined as follows:

> ***Activity traits****: For the purposes of—*
>
> *(a) Volume One, the features of the activities that will be undertaken in a habitable room or space; or*
>
> *(b) Volume Two, the features of the activities that will be undertaken in a room or space.*

but this apparently requires further clarification:

> ***Explanatory Information***
>
> *This term is used to describe the characteristics of the activities that will be undertaken in a room or space.*
>
> *For example, the activities likely to be undertaken in a bedroom, and the associated features are—*
>
> - *sleeping — a person lying horizontally; and*
> - *resting — a person lying horizontally or sitting upright on the bed; and*
> - *leisure activities, such as reading a book — a person sitting upright on the bed, with enough space to stretch their arms vertically; and*
> - *dressing/changing clothes — a person standing with enough space to stretch their arms vertically.*

92 words are needed to clarify a 42-word definition.

This appears to be a fairly common approach within the NCC. H3D6 in Volume Two contains four lines and 50 words in total (including the heading). It is followed by NINE explanatory notes of 391 words.

Similarly, clause *A7G2 – Alterations in a united building* in Volume One is 49 words long. The explanatory notes associated with the clause run to 627 words.

Not infrequently, these notes are not entirely fit-for-purpose. In the explanatory note on room heights, for example, associated with Part H4P2 of Volume 2, it states:

> *In relation to the intended function of a room or space, the activities that are likely to be undertaken by occupants in the room of space, as well the features*

of the activities, are relevant considerations when determining a suitable height.

For example, if the intended use of a room is a gymnasium, then gymnastic activities are likely to be undertaken in the room. These activities often involve jumps and flips which require significant space in order to be undertaken safely.

In terms of the occupants, their features and needs are also relevant when determining a suitable height. For example, occupant features and needs would differ between rooms or spaces intended as a child's play area, and rooms or spaces intended for adult's indoor cricket.

Again, Volume 2 is for Class 1a or 10 buildings. A gymnasium or adult's indoor cricket facility cannot be built within these structures. The note, therefore, has very little relevance to the subject matter of the Part in question.

Undoubtedly, the scope and complexity of the Code as it has been written will occasionally needs some interpretation. The ABCB publishes a Guide to the NCC, which presumably provides the required clarity.

Something for everyone

Volume One covers all building types except for Class 1a and Class 10 buildings.

This means that it tries to cover off all eventualities, leading to clarification after clarification.

This is hardly efficient.

It would make more sense for there to be Codes for each of the building class, which contain relevant information for that class.

Such a move would make it easier for practitioners to use and ensure that someone designing or building a Class 2 residential building does not have to wade through information on Class 6 or Class 9b fire compartments just to get to the information they need.

Too much information?

The 1988 version of the Building Code was 209 pages long.

A practitioner using the 2025 version of Volume One of the NCC does not get to technical information (Section B) until page 122. Before that there is a range of pages covering everything from:

- copyright, licence notes, and Acknowledgement of Country (it is not clear why the latter has been included) – page 2;
- the table of contents – pages 3-46;
- an introduction to the NCC – pages 47-48;
- an introduction to NCC Volume One – page 49;
- a list of NCC specifications – pages 50-51;
- the history of the adoption of NCC Volume One – pages 52-61;
- a list of amendments in NCC 2025 Volume One – pages 62-73; and
- governing requirements – pages 74-122.

Much of this information could be placed on the ABCB website as pages or fact sheets, as it is not needed for the efficient management of building regulation.

If information is not intuitive, more details are needed to guide people. This adds pages to the documents.

The contents pages, for example, are not only located up front in the documents but occur throughout them at the start of every section, totalling:

- 100 pages in Volume (10.7% of the whole document); and
- 76 pages In Volume Two (including the Housing Provisions Standard and the Livable Housing Design Standard, 7.9% of the documents).

This is a lot of guidance that would perhaps not be needed if the structure of the Code made more sense.

Some information here, some information there

To an outside user, the NCC should be very straightforward – this section for structural issues, this section for fire protection, this section for waterproofing, and so on.

Often, however, the Code provides information in a variety of different areas but relating to the same general topics.

This is exacerbated with the use of specifications that add more detail on specific areas, often not co-located with those initial clauses, requiring references back and forth to understand what is required.

One of the most significant areas where this is an issue is fire safety. In Volume One of the Code, this can be found in lots of different areas:

- Section A – Governing Requirements
    - Specification 1 – Fire-resistance of building elements – pp110-115;
    - Specification 2 – Descriptions of elements referred to in Specification 1 – pp116-121
    - Specification 3 – Fire hazard properties – pp122-123;
- Section C – Fire resistance
    - Part C1 – Fire resistance – pp.141-147;
    - Part C2 – Fire resistance and stability – pp148-155;
    - Part C3 – Compartmentation and separation – pp156-163;
    - Part C4 – Protection of openings – 164-170;
    - Specification 5 – Fire resisting construction – pp171-189;
    - Specification 6 – Structural tests for lightweight construction – pp190-193;
    - Specification 7 – Fire hazard properties – pp194-198;
    - Specification 8 – Performance of external walls in fire – pp199-200;
    - Specification 9 – Cavity barriers for fire-protected timber – pp201-202;
    - Specification 10 – Fire-protected timber – pp203-204
    - Specification 11 – Smoke-proof walls in healthcare and residential care buildings – pp205-206;

- Specification 12 – Fire doors, smoke doors, fire windows, and shutters – pp207-208;
- Specification 13 – Penetration of walls, floors, and ceilings by services – pp209-210;

- Section D – Access and egress
  - D1P5 – Fire-isolated exits – p217;
  - D1V4 – Fire safety verification method – pp222-223;
  - D2D4 – When fire-isolated stairways and ramps are required – pp225-226;
  - D3D3 – Fire-isolated stairways and ramps – p238;
  - D3D7 – Smoke lobbies – p238;
  - D3D12 – Fire-isolated passageways – p240;
  - D3D27 – Re-entry from fire-isolated exits – p250;
  - D3D28 – Signs on doors – pp250-251;
- Section E – Services and equipment
  - Part E1 – Fire-fighting equipment – pp276-284;
  - Part E2 – Smoke hazard management – pp285-295;
  - E3V1 – Fire safety verification method – pp297;
  - E3D9 – Fire service controls (for lifts) – p301;
  - E3D11 – Fire service recall control switch – p301;
  - Part E4 – Visibility in an emergency, exit signs, and warning systems – pp304-308
  - Specification 17 – Fire sprinkler systems – pp309-311;
  - Specification 18 – Class 2 and 3 buildings not more than 25 m in effective height – pp312-314;
  - Specification 19 – Fire control centres – pp315-317;
  - Specification 20 – Smoke detection and alarm systems – pp318-322;
  - Specification 21 – Smoke exhaust systems – pp323-326;
  - Specification 22 – Smoke-and-heat vents – p327;
  - Specification 23 – Residential fire safety systems – pp328-331;
- Section G – Ancillary provisions
  - G3D8 – Fire and smoke control systems – p438;
  - G4P4 – Fire safety systems in alpine areas – p440;
  - G4D7 – Fire-fighting services and equipment – p442;
  - G4D8 – Fire orders – p442;
  - Part G5 – Construction in bushfire prone areas – pp443-448;
  - G6D2 – Fire hazard properties – p449;
  - G6D3 – Fire separation – p449;

- G6D4 – Provision for escape – p450;
- G6D5 – Construction of exits – p450;
- G6D6 – Fire-fighting equipment – p450;
- G6D8 – Visibility in an emergency, exit signs and warning systems – p450;
- G6D10 – Fire orders – p450;
- Specification 31 – Fire and smoke control systems in buildings containing atriums – pp455-461;
- Specification 43 – Bushfire protection for certain Class 9 buildings – pp462-465;

… and many more!

This represents a significant weight of information on fire safety. This approach is replicated in many different areas.

For example, buildings in alpine areas have a separate clause for fire-fighting equipment (G4D7), but this just refers back to the relevant sections of E1D2 and other related clauses. If requirements for alpine buildings are largely the same as for all other building types, Part G4 should only cover additional requirements.

Similarly, G6D2 – Fire hazard properties refers people back to C2D11, raising questions about why a separate section is necessary (are you still with us?)

Streamlining is critical

It appears that the NCC has been built layer upon layer upon layer (like a Sara Lee Danish) over decades, but nobody seems to have taken time to consider whether so many additional pages are needed.

Not only does it contain large amounts of information not required for regulatory purposes (e.g. the History of the NCC Volume One), but it is duplicative, as identified above.

It has resulted in erroneous or superfluous information being included that increases confusion, rather than delivering clarity.

For example, Part A7 covers united buildings. It has been included in both Volume One and Volume Two of the Code. However:

- the application note for A7G1 specifically states that the provisions only relate to Class 2 to 9 buildings; but
- Volume Two only covers Class 1a and 10 buildings.

So, why is Part A7 included in Volume Two?

Similarly, Part A6 covers building classifications. Why is such detail needed in the Code, particularly in Volume Two, when it could easily be a stand-alone document on the website?

Specifications deserve particular attention, as they are often provided to give additional details for elements within the NCC. They add significantly to the size of the document, without, in many cases, improving the quality of the outcomes from applying the Code.

The information that the specifications contain might be better placed within the relevant Australian standard or in separate practice notes.

For example, there are two parts (10 pages in total) that relate to relatively infrequent requirements in the average building – accessible entry into swimming pools (Specification 16) and accessible adult change facilities (Specification 27). While Urban Taskforce is not suggesting that such accessibility is not necessary, each would perhaps be more appropriate as guidance on the ABCB website, rather than as regulated parts of the NCC.

In attempting to be all things to all people, the Code risks being too unwieldy and unworkable, and making itself irrelevant.

Layout is important too

In many cases, the NCC includes large diagrams or extensive tables to explain what the regulators intend. These take up several pages, without necessarily assisting with understanding. Examples include:

- A table and diagram taking up two pages in the Glossary, labelling alpine areas in NSW, Victoria, and Tasmania, despite also:
    - defining how to identify an alpine area;
    - requiring the use of the Australian Height Datum to identify affected areas; and
    - referring to the relevant standard in the supporting notes.

  This could surely be a postcode search facility on the ABCB website instead?
- Five pages listing climate zones for thermal design, including with a map that is also viewable on the ABCB website. Again, a postcode search function (or another geographic specifier) would be far more useful.
- In Specification 6, Part *S6C4 – Walls of shafts and fire-isolated exits generally* and *S6C6 – Walls generally* are almost identical, except for the distributed load in a static test and the height in a dynamic test. There is no clear reason why these need to be completely separate clauses
- Parts S6C10 and S6C11 cover test methods and compliance criteria. This information could be put into a fact sheet for use by those who will be carrying out such testing, with a simple reference from the Code.
- In Specification 7, S7C1 indicates the scope and refers people to Table S7C2, which refers to other sections of the specification. Table S7C2 in the Application Clause refers people to other parts of the Specification in sequential order. Together these clauses take up almost a whole page but provide no additional guidance. There is no clear reason why they are needed.
- In Part S5C11 of Specification 5, there are seven tables relating to Type A construction:
    - Table S5C11a: Type A construction: FRL of loadbearing parts of external walls
    - Table S5C11b: Type A construction: FRL of non-loadbearing parts of external walls
    - Table S5C11c: Type A construction: FRL of external columns not incorporated in an external wall

- Table S5C11d: Type A construction: FRL of common walls and fire walls
- Table S5C11e: Type A construction: FRL of loadbearing internal walls
- Table S5C11f: Type A construction: FRL of non-loadbearing internal walls
- Table S5C11g: Type A construction: FRL of other building elements not covered by Tables S5C11a to S5C11f

These are divided by building element, rather than by building class, which means practitioners have to look across the different tables to work out what is needed for each element.

It would make more sense to consolidate this information under the relevant building class, as per the below:

FRL (in minutes): *Structural adequacy / Integrity / Insulation*

Class 2, 3 or 4 part

Building element	Loadbearing	Non-loadbearing
External walls - Distance from a *fire-source feature*		
Less than 1.5m	90/90/90	–/90/90
1.5m to less than 3m	90/60/60	–/60/60
3m or more	90/60/30	–/–/–
Columns	90/–/–	–/–/–
Common walls and fire walls	90/90/90	90/90/90
Internal walls		
Fire-resisting lift and stair shafts	90/90/90	–/90/90
Bounding public corridors, public lobbies and the like	90/90/90	–/60/60
Between or bounding sole-occupancy units	90/90/90	–/60/60
Ventilating, pipe, garbage, and like shafts not used for the discharge of hot products of combustion	90/90/90	–/90/90
Other loadbearing internal walls, internal beams, trusses and columns	90/–/–	N/A
Floors	90/90/90	N/A
Roofs	90/60/30	N/A

This could save significant time for users and reduce the space needed within the Code itself.

- C4D6, C4D7, and C4D8 deal with the fire protection of doorways. Walls are covered in various parts of Part C2, C3, and C4. There is further information on this in Specification 5. So why are specifications 6-13 needed?
- Specification 28 includes several diagrams to show "acceptable forms of construction" for walls and floors. If experienced practitioners are turning to these diagrams to understand how walls and floors are built, the construction industry has a lot of problems. If they are being included for the benefit of novices, that is not the role of building regulation.
- Further, there are several pages in the Code that are blank or that are placeholders for sections that have been removed in NCC 2025.

These are just a few examples. Urban Taskforce suspects that there would be many and varied situations where the NCC would benefit from an in-depth review and greater streamlining.

Definitional debates

Similar issues arise with the definitions. Schedule 1 of Volume One, Volume Two, and the ABCB Housing Standard are almost exactly the same length (44 pages for the former, compared with 42 each for the latter documents).

Yet, there does not appear to be nuance involved in determining which words are to be included for definition.

For example, there are three terms relating to care homes: "aged care building", "residential aged care building", and "residential care building".

Not only do these terms appear nowhere in Volume Two except in the definitions, or in the description of different building classifications. No surprise really, given that they cover Class 3, 9a, and 9c buildings, and Volume Two only covers Class 1a and 10 buildings. So, why are definitions needed?

Similarly, the definitions in all three documents include the word "flashover". Not only is this word mentioned only once in each document (in the definitions and nowhere else), but it departs significantly from how the term is used in fire protection.

It defines the term as "*In relation to fire hazard properties, means a heat release rate of 1 MW*".

The National Fire Protection Association in the US defines "flashover" as a transition from a fire that is dominated by the first materials ignited to a fire that is dominated by the burning materials throughout all of the room. While there may be some relationship between the two descriptions, they are not the same definition.

These examples suggest that a full review of the definitions is needed to ensure that they are needed and are appropriate.

Everyone does it differently

The NCC is a national code. Yet, somehow, that message hasn't got through to the states and territories.

In Volume One there is a Table of reference documents in the Code (pages 654-668). This is followed by all of the states and territories that have their own version of that table – **every state and territory** except for the ACT. The same situation exists in Volume Two and the Housing Provisions Standard, with the same jurisdictions opting out of the "national" table.

These documents then go on to list all of the variations that apply across the country – Volume One has 267 pages of variations, Volume Two has 106 pages, and the Housing Provisions Standard has 116 pages.

Across the three documents, and 1,869 pages of content, 489 pages have been devoted to variations to the Code – 26.2% of the published pages.

In some cases, variations are as simple as including a reference to NSW-based legislation in the Application note, as occurs in H7P1 – there is no change to the actual content. In others, there are significant departures from what has been agreed nationally.

These variations are not for climatic reasons – those are factored into the NCC. They aren't for differences in available materials, or construction techniques, or skill sets. They appear simply to be because the regulator for the relevant state decides that they want to do things differently.

It is frustrating for those using the Code, and it complicates construction unnecessarily, particularly for companies operating across state borders.

This level of variation and inconsistency cannot be allowed to stand.

Accommodating modular homes

The Federal Government, and many of the states and territories, have declared their support for modular housing.

However, declaring support is very different from accommodating such construction in the NCC.

There are many elements that make modular construction difficult and costly to deliver under the NCC, some of which include:

- Falls to floor waste – requiring full floor grading even for voluntary wastes.
- Zero step entry – this is tricky to deliver on sloping sites, requiring extra excavation.
- 7 Star NatHERS Efficiency Standards – moving from 6 stars to 7 required better insulation, higher spec glazing, thermally broken window frames, and better air tightness.
- Condensation management and ventilation – requiring vapour permeable sarking and increased ventilation.

Backdoor regulation

Australian standards are an important part of the NCC, as referenced documents, but they can often be part of the problem.

Case study: AS1668.2:2024

A recent change to the mechanical ventilation standard has been estimated to cost new apartment as much as $15,000 to $25,000 per apartment as a direct result of the amendment.

The change to AS 1668.2 sought to "clarify" part of the previous standard to address the venting of exhaust from apartment kitchens, bathrooms, and laundries.

It confirmed the original intent to treat all exhaust outlets within a six-metre radius as a single combined discharge.

The argument used by the responsible Standards Committee to support the amendment was that this had been the proposed requirement all along, but that drafting problems had allowed it to be ignored.

The Standards Committee saw it as correcting a misinterpretation, but for industry this will have a significant impact on project feasibility, as projects incur substantial additional cost to comply with the Committee's intent, or the requirement gets ignored, creating future defects.

As noted, for a Class 2 or 3 building, full compliance could add $15,000 to $25,000 per apartment to a development, as exhaust has to be redirected through the building core and out the roof, requiring vertical shafts, fire-rated penetrations, loss of internal floor area, and reduced system resilience affecting multiple apartments, instead of just one.

It greatly increases the cost of housing and potentially makes developments unfeasible, while providing only marginal improvements to occupant amenity.

In the NCC, there is no mention of the six-metre radius – it is simply a reference to AS 1668.2:2024. Someone picking up and using the NCC would not notice the requirement unless they perused the standard directly.

This is effectively regulation by stealth – hiding behind the standard to introduce more prescriptive requirements, without fully understanding the cost implications for the end user, because the change is not put through regulatory impact assessment.

Standards should not be used to implement regulatory restrictions without appropriate oversight and review.

Regulation needs to be accessible

If the NCC is going to be streamlined, and if information is held within specifications, guidelines, and standards, all of it needs to be accessible.

The NCC is one of the only regulatory vehicles that requires payment to access information that must be relied upon.

This does not lead to good outcomes, as some practitioners may be reluctant to hand over thousands of dollars to apply a single referenced clause.

All Australian standards and any other documents referenced in the NCC must be made freely available to relevant practitioners, so that those being regulated can see how they are affected.

Keeping to the original intent

As noted earlier, the original intent of the Building Code was to address structure, fire resistance, access and egress, fire-fighting equipment, mechanical ventilation, lift installations, and certain aspects of health and amenity.

The current Code has moved into accessibility, energy efficiency, and sustainability.

This has led to a blow-out in regulation – for example, Part J of Volume One is 130 pages long (13.9% of the NCC). It is bigger than the sections on structure, fire resistance, and almost all of the access and egress provisions.

Volume Two and the Housing Provisions Standard devote a further 95 pages to energy efficiency. There are more pages in these three documents on energy efficiency (225 pages) than in the whole 1988 version of the Building Code of Australia (209 pages).

These sections explicitly emphasise that the focus is not on the resident, but on society. Volume Two (H6P2) states that "*the energy value of a building's domestic services must not exceed 70% of the energy value*". Ignoring the apparent circular nature of the requirement, it is important to note that "energy value" is defined as: "*The net cost to society including, but not limited to, costs to the building user, the environment and energy networks.*"

So, the focus of these regulations is not the benefit to the end user, but to achieve policy goals in relation to climate change.

Similarly, both Volumes of the Code require dwellings to incorporate livable housing elements "*to include features that are designed to improve their accessibility and usability for occupants and visitors, including those with a mobility-related disability.*"

This is a form of social engineering – getting people to pay features that they may never need or use in the assumption that one day somebody may require them. It adds cost to every new home it covers, when such blanket coverage is clearly not needed. It puts the cost of delivery onto the home purchaser, rather than on the future (potential) user, as a form of aspirational "future proofing".

While Urban Taskforce is not arguing against energy efficiency, climate change, or improved access for people with mobility impairment or disabilities, there is a degree to which market forces should be allowed to apply, rather than increasing costs on all homes.

Conclusion

Urban Taskforce Australia welcomes this inquiry into productivity as an opportunity to identify effective solutions to ongoing, intractable problems.

The National Construction Code is increasingly becoming one such problem, as regulator after regulator adds to, and complicates, as politician after politician uses the NCC to pursue social objectives far beyond the original scope of the document.

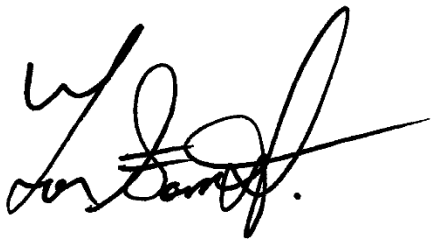
We believe that pragmatism is needed, that the NCC should return to its original purpose and that innovation, guidance, and market forces be used to achieve other goals that governments deem worthy.

This high-level analysis has exposed many symptoms of the disease of scope creep. It is time for a root-and-branch review of the Code involving a fresh set of eyes and not including those who have created this Greek mythological hydra-like beast of a document.

Our building regulations are too long, too verbose, and increasingly becoming too unwieldy to of practical to industry.

Should you wish to discuss any aspect of this submission further, please call our Policy, Planning, and Research Analyst, Paul Waterhouse, on 0411-875-366 or via email paul@urbantaskforce.com.au

Yours sincerely



Tom Forrest
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