



ALGA

Australian Local
Government Association

Streamlining and Modernising the National Construction Code

Feedback on discussion paper from
local government



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The Australian Local Government Association (ALGA) welcomes the opportunity to respond to the Streamlining and Modernising the National Construction Code Discussion Paper (December 2025).

The Australian Local Government Association (ALGA) is the voice of local government in Australia, representing 538 councils across the nation. ALGA was established in 1947 and throughout its history has been actively involved in issues of national significance affecting local government and local communities.

In structure, ALGA is a federation of state and territory local government associations. This submission should be read in conjunction with any separate submissions received from state and territory associations as well as individual councils.

Under the National Housing Accord, the Commonwealth, States and Territories have committed to delivering 1.2 million well-located homes over five years. Treasury has emphasised that achieving this target requires boosting housing supply, improving construction sector productivity, unlocking private and institutional investment, and removing systemic barriers to timely delivery.

The National Construction Code (NCC) is a critical enabling instrument within this delivery system.

The majority of local governments are frontline regulators of the NCC. Councils assess compliance, interpret provisions, manage enforcement and operate at the intersection of planning and building controls. Councils therefore experience directly how NCC structure, drafting, accessibility and governance settings affect:

- Approval timeframes
- Compliance certainty
- Documentation burden
- Workforce capacity and
- Investor confidence.

From a local government perspective, reform should be directed toward structural clarity, operational consistency and national coherence. Decision-making should be grounded in robust evidence. Drafting should be clearer and more readily interpretable in practice. Digital access should align with how practitioners and regulators work. Reform must also recognise workforce constraints and avoid transferring additional compliance costs or administrative risk onto councils.

Reform must also consider workforce pressures. Building surveyor shortages already limit approval capacity. Changes that increase complexity, documentation or liability risk will make this worse. Proper transition planning, national training and practitioner involvement are critical.

Standards for housing must better respond to a changing climate, the need for accessibility and universal design, and the housing affordability crisis. The goal is to make the regulatory system clearer, more consistent and easier to use so it supports housing delivery rather than slowing it. If done properly, NCC reform can help deliver housing targets instead of acting as a barrier.

ALGA supports reform that improves efficiency, clarity and national coherence. However, reforms must continue to uphold high standards ensuring buildings are safe, durable, functional and environmentally responsible. We welcome the opportunity to provide further information to support the review of the Code.

Sincerely,



Amy Crawford
CEO ALGA

Recommendations

Governance and Process

Recommendation 1 – Strengthen Independent, Evidence-Based Advice

NCC modernisation should clearly publish the assumptions behind its regulatory impact modelling, and have cost and productivity estimates independently reviewed. Strengthen the NCC's focus on extreme-heat resilience, including shading, ventilation, thermal comfort and tropical passive-cooling performance.

Recommendation 2 – Embed Structured Local Government Engagement

The modernisation process must formalise local government engagement at the drafting stage, test proposals against live regulatory workflows to assess operational impact and incorporate structured post-implementation review to confirm that changes improve delivery efficiency. There is a need to advocate for nationally consistent minimum energy-efficiency standards, avoiding exemptions (such as those in the NT) that undermine long-term resilience and affordability.

Complexity and Regulatory Burden

Recommendation 3 – Rebuild Volume 2 as a Unified Compliance Environment

[Volume 2](#) should be reorganised to bring related content together, reduce unnecessary cross-referencing, and clearly show State and Territory variations within a single, easy-to-use digital interface that reflects how practitioners use the Code. It should emphasise the critical role of NCC in shaping public-realm outcomes where planning triggers are increasingly removed. It should also promote inclusion of adaptive-reuse and deconstruction-ready design pathways to reduce embodied carbon and waste.

Recommendation 4 – Use clear language and definitions

The Code should use clear plain English language and definitions, with easily accessible cross references. The Code should be reviewed regularly for ambiguity.

Recommendation 5 – Remove Paywall Barriers and Improve Integration

Any standards that are referenced in the code should be free and accessible to local government and linked to regulations.

Recommendation 6 – Improve Transparency and Rationalise State and Territory Variations

A structured review process should identify and remove unnecessary differences between jurisdictions, strengthening national consistency and reducing compliance costs. Rationalisation must continue to recognise necessary regional variations in cyclone resilience, extreme heat and tropical design requirements to ensure appropriate risk-based differentiation.

Usability and Digital Accessibility

Recommendation 7 – Redesign the NCC to make it easier to use

Focus on making the Code easier to use in practice. This includes making digital systems user friendly, with better search tools, clearer information about variations, and direct links to the relevant standards. It also involves adding clearer diagrams and simple online tools that step people through compliance requirements.

Innovation and Performance Solutions

Recommendation 8 – Strengthen Performance Solution Pathways



Clear minimum evidence requirements should be set for performance solutions. A national register of approved solutions should be created to avoid repeated assessments and unnecessary delays and costs.

Recommendation 9 – Enable Modern Methods of Construction

Nationally consistent rules should be developed to confirm that new building products and systems are fit for purpose, particularly for modern methods of construction. Recognised international certifications should be accepted where they align with Australian Standards, assessment processes aligned across jurisdictions, and clear practical guidance provided to help councils assess modular and prefabricated buildings. The Code should better support culturally appropriate shared spaces, shaded communal areas and housing forms suited to tropical, multigenerational living.

Workforce and Implementation Discipline

Recommendation 10 – Embed Workforce Impact and Transition Planning

Workforce impacts need to be factored in when regulatory changes are designed, and local government surveyors should help shape amendments. Major changes should come with proper training, realistic transition timeframes, no unfunded cost burdens on councils, and a review after implementation to ensure workforce capacity and housing supply outcomes are not undermined. In regions where reduced planning triggers place greater reliance on NCC compliance, additional training and capacity-building for certifiers is essential to maintain quality and safety.

Governance of the Australian Building Codes Board

Recommendation 11 – Improve Transparency of NCC Decision-Making

The NCC governance framework should clearly publish regulatory impact assumptions, advisory inputs and the basis for final decisions. Major regulatory modelling should be independently reviewed to strengthen confidence that proposed changes genuinely support productivity and housing delivery.

Governance and Process

The Discussion Paper identifies oversight and decision-making arrangements as central to improving the National Construction Code. These arrangements determine whether the Code operates as a consistent national system, whether decisions are grounded in robust evidence, and whether the practical impacts of changes are properly assessed before implementation.

Reform should focus on transparent, evidence-based decisions. The assumptions behind impact modelling should be published and independently reviewed, advisory roles should be clearly separated from final decision-making, and there should be reviews after implementation to check whether promised benefits were delivered. Local government practitioners should be involved from the drafting stage, and proposed changes should be tested in real-world regulatory processes to ensure they genuinely reduce complexity rather than shift the burden elsewhere.

Many parts of Australia face escalating extreme-heat risks requiring clearer NCC guidance supporting climate-appropriate building performance. Jurisdictional variations, such as those in the NT, in energy standards risk locking communities into costly, low-performance buildings for decades.

Governance reform must ultimately translate into operational efficiency at the point of delivery.

Recommendation 1 – Strengthen Independent, Evidence-Based Advice

NCC modernisation should clearly publish the assumptions behind its regulatory impact modelling, and have cost and productivity estimates independently reviewed. The NCC should be strengthened to focus on extreme-heat resilience, including shading, ventilation, thermal comfort and tropical passive-cooling performance.

Recommendation 2 – Embed Structured Local Government Engagement

The modernisation process must formalise local government engagement at the drafting stage, test proposals against live regulatory workflows to assess operational impact, and incorporate structured post-implementation review to confirm that changes improve delivery efficiency. There is a need to advocate for nationally consistent minimum energy-efficiency standards, avoiding exemptions (such as those in the NT) that undermine long-term resilience and affordability.

1. Complexity and Regulatory Burden

1.1. Structural Usability and NCC 2022

State and territory local government associations have advised that the restructuring of Volume 2 and introduction of separate Housing Provisions has reduced usability and increased the need for cross-referencing. Local Governments have observed that the fragmentation increases the risk of accidental non-compliance and presumes a level of technical familiarity not always present across industry. Reducing planning oversight increases dependence on the NCC to protect amenity, safety and public-realm outcomes.

ALGA considers that reform should revisit how Volume 2 is structured, with a view to consolidating fragmented elements into a unified compliance document. Cross-referencing burdens should be reduced and the relationship between Deemed-to-Satisfy (DTS) provisions, Performance Requirements and variations should be clearer and more intuitive. Simplification of structure can improve approval time frames and costs without diminishing regulatory standards.

Adaptive-reuse supports sustainability, reduces waste and preserves embodied carbon, especially valuable in constrained urban contexts. Adaptive-reuse is important for rebuilding Volume 3 because it



embeds sustainability by reducing demolition waste, preserving embodied carbon and supporting more resource-efficient construction outcomes in space-constrained urban environments.

Recommendation 3 – Rebuild Volume 2 as a Unified Compliance Environment

Volume 2 should be reorganised to bring related content together, reduce unnecessary cross-referencing, and clearly show State and Territory variations within a single, easy-to-use digital interface that reflects how practitioners actually use the Code. It should emphasise critical role of NCC in shaping public-realm outcomes where planning triggers are increasingly removed. It should also promote inclusion of adaptive-reuse and deconstruction-ready design pathways to reduce embodied carbon and waste.

2. Ambiguity and Interpretive Disputes

Unclear drafting within the NCC could be a constraint on overall housing productivity. Where provisions lack clarity or are unnecessarily complex, they introduce variability, increase professional risk, and delay approvals.

Local Governments have reported recurring areas where interpretation of the code can prove difficult, including areas such as wash hand basin placement and stair winding tread requirements. These issues cause delays in the process of building approvals.

Common sources of ambiguity include conditional or layered drafting, inconsistent terminology, legacy expressions that no longer reflect contemporary practice (such as reference to ‘milk or soft drink bar’ – Schedule 8, SAA6G& Class 6 buildings), and unclear interaction between performance requirements and DTS pathways.

Ambiguity often leads to design changes late in the approval process, longer assessment timeframes, greater reliance on external consultants, and a higher risk of appeals or enforcement action. It also increases liability exposure for building surveyors, which contributes to workforce retention and recruitment challenges.

ALGA supports the establishment of a comprehensive rolling review of appropriate language and terminology. High-dispute provisions should be identified using regulator feedback, appeals data and industry evidence.

The drafting should be updated to make the meaning clearer, with national guidance provided where needed. There should also be a way to fix common interpretation problems when they keep coming up. The redrafting of the code should also focus on the complex cross-references, overlapping rules, and unclear links between performance requirements and deemed-to-satisfy solutions that create uncertainty.

In practice, these contribute to repeated design changes and longer approval times. Fixing these wording and structural issues is essential to making housing delivery more predictable and cost effective. Clearer rules and structure will make the code easier to enforce, reduce unnecessary costs and delays, and improve productivity without lowering safety or quality standards.

Ongoing confusion in the National Construction Code affects the workforce. When the rules are unclear or interpreted differently, it increases legal risk for surveyors, designers and engineers, slows approvals, and leads to overly cautious regulatory behaviour making it harder to keep experienced practitioners in the profession, and discouraging new entrants to the industry.

Recommendation 4 – Use clear language and definitions

The Code should use clear plain English language and definitions, with easily accessible cross references. The Code should be reviewed regularly for ambiguity.

2.1. Referenced Standards and Accessibility



The Code needs to be easy to find, read and understand so it can be applied properly and without delays. Rules that are legally required should be clear, consistent and located in one place to avoid confusion.

Right now, many required Australian Standards sit behind paywalls, which creates cost and uncertainty. Councils have said that if a standard must be followed by law, it should be freely accessible. Paywalls affect smaller councils and builders the most, and spreading requirements across multiple documents increases cost, complexity and the risk of mistakes.

ALGA believes that where standards are written into law, there should be public read-only access to them. Where possible, the key parts of those standards should be included directly in the Code so people do not have to rely on separate documents.

Digital versions of the Code should link clearly between clauses to make it easier to navigate. There also needs to be better oversight to make sure referenced standards stay up to date and aligned with the intent of the regulations.

Recommendation 5 – Remove Paywall Barriers and Improve Integration

Any standards that are referenced in the code should be free and accessible and linked to regulations.

2.2. State and Territory Variations

Consistency reduces duplication and strengthens housing delivery at scale.

National consistency supports scalable housing delivery and investor certainty. Excessive or poorly presented State and Territory variations can undermine predictability and increase interpretive complexity.

Local Governments have observed that variations may weaken national cohesion and increase compliance burden. While some variations are necessary to reflect jurisdiction-specific legislation or environmental conditions, the justification of variations can be improved.

Tropical and cyclone-exposed regions require differentiated NCC provisions aligned with local risk and environmental conditions. There is a need to strengthen recognition of tropical, cyclone-prone, high-heat regional differences requiring clearer nationally supported design requirements.

In northern Australia, including the Northern Territory, climatic and environmental conditions such as cyclonic wind regions, extreme heat, flooding and termite prevalence require carefully calibrated resilience settings. Reform aimed at rationalising variations should distinguish between avoidable regulatory duplication and legitimate risk-based differentiation. Consideration could be given to presenting tropical and remote construction requirements in a more consolidated and accessible format within the NCC to improve clarity while maintaining safety and durability outcomes.

ALGA considers that reform should improve transparency and rationalisation of variations. Base provisions and jurisdictional variations should be displayed within a single online resource, with clear explanation of policy rationale. Systematic review processes should aim to remove avoidable differences and support greater national consistency.

Recommendation 6 – Improve Transparency and Rationalise Variations

A structured review process should identify and remove unnecessary differences between jurisdictions, strengthening national consistency and reducing compliance costs. Rationalisation must continue to recognise necessary regional variations in cyclone resilience, extreme heat and tropical design requirements to ensure appropriate risk-based differentiation.

3. Usability and Digital Accessibility

Improving the digital version of the Code is a practical way to lift productivity. Simply putting the Code online is not enough. If it is hard to search or navigate, it slows approvals, increases training time and adds pressure to the workforce.



ALGA supports building a fully digital, user-focused Code with better search functions, clearer links between clauses, integrated display of jurisdictional variations, and direct links to referenced standards. More visual explanations should be included, and simple digital compliance tools should be explored to help practitioners work through complex requirements. Clearer NCC design guidance can improve shading, safety, access and pedestrian comfort in tropical urban environments.

Recommendation 7 – Redesign the NCC to make it easier to use

Focus on making the Code easier to use in practice. This includes making digital systems user friendly, with better search tools, clearer information about variations, and direct links to the relevant standards. It also involves adding clearer diagrams and simple online tools that step people through compliance requirements. Digital systems can provide clearer NCC guidance on building—public space interfaces improving safety, amenity and pedestrian comfort.

4. Innovation and Performance Solutions

Clear and predictable rules give investors confidence and make it easier to support innovation. The housing strategy aims to lift construction productivity, including through modular and prefabricated building methods.

Local governments have said the current performance solution system can be unpredictable and paperwork heavy. Different evidence standards and inconsistent assessment approaches mean similar solutions are assessed again and again, which increases cost and delays.

For regional and remote jurisdictions, modular and prefabricated construction plays a critical role in addressing workforce shortages, mobilisation costs and logistical constraints. The NCC should consider developing nationally recognised Deemed-to-Satisfy pathways or pre-certified system approaches for common modular building types, particularly in high-wind and remote regions. Providing greater upfront certainty would reduce repeated assessment, minimise classification disputes and accelerate delivery without weakening safety or performance standards.

Reform should make performance solutions more consistent and easier to understand. Applicants should know exactly what evidence is required. A national register of approved solutions should be created so the same approach is not reassessed repeatedly. If a performance solution is commonly used and proven to work, it should become a standard DTS pathway. Verification methods should also be consistent across the country.

Reform should also clearly support modern construction methods by setting consistent national rules for evidence of suitability and recognising credible international certifications where appropriate. Innovation should be encouraged, but without weakening quality or safety.

The NCC should better support culturally appropriate shared spaces and shaded communal areas in tropical housing.

Recommendation 8 – Strengthen Performance Solution Integrity

Clear minimum evidence requirements should be set for performance solutions. A national register of approved solutions should be created to avoid repeated assessments and unnecessary delays and costs. Tropical communities benefit from culturally responsive housing design with shaded communal spaces supporting local living patterns.

Recommendation 9 – Enable Modern Methods of Construction

Nationally consistent rules should be developed to confirm that new building products and systems are fit for purpose, particularly for modern methods of construction. Recognised international certifications should be accepted where they align with Australian Standards, assessment processes aligned across jurisdictions, and clear practical guidance provided to help councils assess modular and prefabricated buildings. The Code should better support culturally



appropriate shared spaces, shaded communal areas and housing forms suited to tropical, multigenerational living.

5. Climate Resilience and Thermal Performance in Extreme Heat

Northern jurisdictions are increasingly exposed to prolonged extreme heat. While energy efficiency provisions are important, reform should also consider how the NCC can better support passive cooling design, effective shading, ventilation performance and thermal survivability in high-temperature climates. Strengthening clarity around heat resilience measures would align with long-term climate adaptation objectives, reduce operational energy costs and improve public health outcomes, particularly in remote and vulnerable communities.

6. Workforce and Implementation Process

Building surveyor shortages remain a significant constraint on regulatory performance. State associations have identified workforce sustainability as a critical issue affecting approval capacity.

Reform processes should involve local government surveyors early so that practical regulatory impacts are understood before changes are finalised. Reform should consider workforce impacts when modelling regulatory changes

National training materials should accompany major updates to the Code, supported by realistic transition timeframes that allow councils and practitioners to adjust systems and processes. Reforms must not shift unfunded compliance costs onto councils, and a structured post-implementation review should be undertaken to assess workforce effects and regulatory performance.

Nationally consistent rules should also be developed to confirm that new building products and systems are fit for purpose, particularly for modern methods of construction. Recognised international certifications should be accepted where they align with Australian Standards, assessment processes should be aligned across jurisdictions, and clear practical guidance should be provided to help councils assess modular and prefabricated buildings. The Code should also better support culturally appropriate shared spaces, shaded communal areas and housing forms suited to tropical and multigenerational living.

Recommendation 10 – Embed Workforce Impact and Transition Planning

Workforce impacts need to be factored in when regulatory changes are designed, and local government surveyors should help shape amendments. Major changes should come with proper training, realistic transition timeframes, no unfunded cost burdens on councils, and a review after implementation to ensure workforce capacity and housing supply outcomes are not undermined. In regions where reduced planning triggers place greater reliance on NCC compliance, additional training and capacity-building for certifiers is essential to maintain quality and safety.

7. Governance of the Australian Building Codes Board

The governance arrangements of the Australian Building Codes Board play a central role in determining whether the National Construction Code operates as a consistent national system. Governance settings influence how evidence is used, how stakeholder input is incorporated, and whether regulatory changes are practical for the agencies responsible for applying the Code. Local governments are frontline regulators of the NCC yet currently have limited structured involvement in the governance processes that shape it. Strengthening transparency and practitioner input would improve the credibility and effectiveness of NCC reform.

Recommendation 11 – Improve Transparency of NCC Decision-Making



The NCC governance framework should clearly publish regulatory impact assumptions, advisory inputs and the basis for final decisions. Major regulatory modelling should be independently reviewed to strengthen confidence that proposed changes genuinely support productivity and housing delivery.

These improvements would strengthen the national governance framework and help ensure NCC reforms deliver clearer rules, consistent application and practical outcomes for the regulators responsible for implementation.

Contact details

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Annex A – Mapping of ALGA Recommendations to Discussion Paper Questions

ALGA's recommendations are structured to respond comprehensively to all four reform themes identified in the Discussion Paper. Collectively, they strengthen governance and stakeholder engagement (Theme One), reduce regulatory complexity and ambiguity (Theme Two), modernise usability and digital accessibility (Theme Three), and improve innovation pathways while maintaining integrity and workforce sustainability (Theme Four). Together, these reforms support the NHA objective of lifting productivity and accelerating housing supply, while preserving safety, quality and national consistency.

ALGA Recommendation	Relevant Discussion Paper Question(s)
Recommendation 1 – Strengthen Independent, Evidence-Based Advice	Q1 (governance model effectiveness); Q3 (best governance model for independent advice).
Recommendation 2 – Embed Structured Local Government Engagement	Q2 (stakeholder engagement effectiveness); Q4 (cadence and introduction of NCC changes).
Recommendation 3 – Rebuild Volume 2 as a Unified Compliance Environment	Q5 (removing complexity, ambiguity or duplication); Q7 (improving cost-effectiveness of compliance).
Recommendation 4 – Establish a Structured Ambiguity Review Program	Q5 (removing ambiguity and duplication).
Recommendation 5 – Improve Accessibility and Integration of Referenced Standards	Q5 (complexity and duplication); Q10 (interaction with external regulations and standards); Q11 (ease of locating and using the NCC).
Recommendation 6 – Improve Transparency and Rationalise State and Territory Variations	Q8 (impact of variations on cost and productivity).
Recommendation 7 – Deliver a Digitally-Native, User-Centred NCC	Q9 (improving usability); Q10 (interaction with external regulations); Q11 (access and usability).
Recommendation 8 – Strengthen Performance Solution Integrity	Q12 (performance solutions and innovation).
Recommendation 9 – Enable Modern Methods of Construction	Q12 (incentivising innovation); Q14 (barriers to new products and methods).
Recommendation 10 – Embed Workforce Impact and Transition Planning	Q4 (cadence and implementation of changes); Q6 (considering productivity implications); Q7 (cost and compliance burden).
Recommendation 11 – Improve Transparency of NCC Decision-Making	Q1 (governance model effectiveness); Q3 (best governance model for independent advice).