

EE 05 Transitional requirements for NCC 2022

Audience

The audience/s for this Practice Note include/s:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Architects/ Designers | <input checked="" type="checkbox"/> Owner Builders |
| <input checked="" type="checkbox"/> Builders | <input checked="" type="checkbox"/> Plumbers |
| <input checked="" type="checkbox"/> Building Surveyors/ Inspectors | <input type="checkbox"/> Real estate management agents |
| <input type="checkbox"/> Engineers | <input type="checkbox"/> Trades and Maintenance (inc. Electricians) |
| <input checked="" type="checkbox"/> Home Owners / Residential Tenants | |

Purpose

This Practice Note provides guidance on the application of the NCC energy efficiency measures and rainwater tank requirements during the transition from NCC 2019 to the NCC 2022 version.

The content below provides guidance on:

- Transitional arrangements for adoption of NCC 2022
- Application of Victoria's variation to energy efficiency requirements (including rainwater tank requirements) in NCC 2019 during the transition period for NCC 2022

Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993, the Building Regulations 2018 or the National Construction Code.

- **ABCB** – Australian Building Codes Board
- **Act** – Building Act 1993
- **BAB** – Building Appeals Board
- **DtS** – Deemed-to-Satisfy
- **NatHERS** – Nationwide House Energy Rating Scheme
- **NCC** – National Construction Code, comprising the Building Code of Australia (Volume One and Volume Two) and Plumbing Code of Australia (Volume Three)
- **NCC 2019** – National Construction Code 2019, Amendment 1
- **NCC 2022** – National Construction Code 2022
- **RBS** – Relevant Building Surveyor
- **Regulations** – Building Regulations 2018



Transitional Arrangements for NCC 2022

Transition period

It is important to use the correct NCC edition when determining energy efficiency, condensation mitigation and liveable housing requirements:

- NCC 2022 was published on 1 October 2022, and may be used once adopted on 1 May 2023 for those who wish to use the new provisions on a voluntary basis.
- NCC 2022 will be adopted on 1 May 2023 for provisions other than the Modern Homes provisions for energy efficiency, condensation mitigation and liveable housing.
- NCC 2022 will be fully adopted from 1 May 2024 including for the Modern Homes provisions for energy efficiency, condensation mitigation and liveable housing. All provisions within NCC 2022 will become mandatory from this date.
- NCC 2019 may be used to 30 April 2024, or beyond this date subject to the provisions of section 10 of the Act.

During the period of transition, compliance must be with the entire Parts of either the NCC 2019 or NCC 2022 pertaining to energy efficiency or condensation mitigation. Practitioners cannot pick and choose individual requirements and provisions from Parts across the two editions.



The adoption of the NCC 2022 Modern Homes provisions to 1 May 2024 are transitioned by changes to the NCC 2022 by regulation 10A of the Building Regulations 2018.

Application of Victoria's variation to energy efficiency requirements during the NCC transition period

Victoria varies the energy efficiency requirements in NCC 2019 – Building Code of Australia Volume Two for all new Class 1 buildings, which are commonly met by using a DtS solution where either a rainwater tank is connected to all sanitary flushing systems or a solar water heater is installed in accordance with the Plumbing Regulations 2018.

This variation has been removed from NCC 2022 to avoid conflicts with the new 'whole of home' energy usage requirement (H6P2) introduced in place of the previous services requirement (P2.6.2). Any new Class 1 building that is built to comply with energy efficiency requirements in NCC 2022 does not need to comply with the Victorian variation to energy efficiency requirements (including the rainwater tank option) in NCC 2019.

The variation remains unchanged in NCC 2019 and must be complied with for any new Class 1 building where energy efficiency requirements in NCC 2019 are applied. Refer to EE-03 for further information.

Choosing which version of energy efficiency requirements to apply during the NCC transition period

During the NCC transition period, both the 2019 and 2022 versions of energy efficiency requirements will be valid. Deciding which version to apply is therefore at the discretion of practitioners and their clients.

**Example 01: Deciding which revision of the NCC to comply with**

A builder discusses the design of a new home with a client, who asks about energy efficiency options for the home.

The builder informs the client that they can build a home that complies with regulatory requirements by:

- applying NCC 2019, including a minimum thermal performance of a 6-star NatHERS rating or equivalent and, if a new Class 1 home, installing either a solar water heater or a rainwater tank connected to toilets; or
- adopting NCC 2022, with a minimum thermal performance of 7-star NatHERS or equivalent plus a 'whole of home' energy usage assessment.

The client is keen to save energy, future proof their home and reduce their greenhouse gas emissions. They therefore request that the home complies with the NCC 2022.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- National Construction Code 2019
- National Construction Code 2022
- Plumbing Regulations 2018

List of Amendments

- Update information as a result of the introduction of regulation 10A of the Building Regulations 2018 further delaying adoption until 1 May 2024.

Document history

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