

Building Practice Note **ESM-10: National Construction Code Assessment Methods**

This Practice Note provides guidance on Part A2 of the NCC which sets out how compliance with the NCC is achieved and focuses on the Assessment Methods.

The context below provides guidance for:

- Difference between a Performance Solution and a Deemed-to-Satisfy Solution
- Assessment Methods

Abbreviations & Definitions

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

- **Act** – The Building Act 1993
- **Assessment Methods** - a method that can be used for a Performance Solution or Deemed-to-Satisfy Solution
- **Governing Requirements** - outlined under section 1 of the NCC which provides the rules and instructions for using and complying with the NCC.
- **NCC** – National Construction Code 2019
- **Performance Requirements** – the requirements which states the level of performance which a Performance Solution or Deemed-to-Satisfy Solution must meet.
- **RBS** – Relevant Building Surveyor
- **Regulations** – The Building Regulations 2018

Complying with the NCC

Compliance with the NCC is achieved by complying with the Governing Requirements and the Performance Requirements. Complying with the Governing Requirement is achieved by following the rules and instructions under Section 1, including Part A2 of the NCC which outlines how Performance Requirements can be satisfied.

Performance Requirements can be satisfied by the one or a combination of a:

- Performance Solution, or
- Deemed-to-Satisfy Solution, or
- A combination of a Performance Solution and a Deemed-to-Satisfy Solution.

There are specific instructions and rules for Performance Solutions and Deemed-to-Satisfy Solutions. They are outlined in A2.2 and A2.3 respectively. Performance Solutions show compliance with the Performance Requirement by an Assessment Method. Whereas a Deemed-to-Satisfy Solution must comply with the Deemed-to-Satisfy Provisions which may require an Assessment Method.

Assessment Methods

A Performance Solution must show compliance with the Performance Requirements through one or more of the following Assessment Methods:

- Evidence of suitability in accordance with Part A5 of the NCC
- Verification Method
- Expert Judgement
- Comparison with the Deemed-to-Satisfy Provisions

A Deemed-to-Satisfy Solution may show compliance with the Deemed-to-Satisfy Provisions through the following Assessment Methods:

- Evidence of suitability in accordance with Part A5 of the NCC
- Expert Judgement

Evidence of suitability

Part A5 of the NCC outlines types of documentation that may be used to demonstrate compliance for a Performance Solution or Deemed-to-Satisfy Solution. They could be:

- A CodeMark certificate
- A Certificate of Accreditation from the Building Regulations Advisory Committee
- A current certificate issued by a product certification body that has been accredited by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ)
- A report issued by an Accredited Testing Laboratory
- A certificate or report from a professional (endorsed) engineer or other appropriately qualified person.
- Any other form of documentary evidence



The Professionals Engineers Registration Act 2019 requires an engineer working in the building industry must be an endorsed building engineer.

Verification Methods

Verification Methods are provided throughout the NCC for certain Performance Requirements. Verification Methods can be a test, inspection, calculation or other method that determines whether a Performance Solution complies with the relevant Performance Requirements. In other words, they provide a method that can be used as a Performance Solution.

Expert Judgement

Expert Judgement means a person who has the qualifications and experience to determine whether a Performance Solution and Deemed-to-Satisfy Solution complies with the Performance Requirements.

When using this method, the RBS must determine whether a particular person providing an Expert Judgement is considered an expert. Each situation is different, so the capacity of the expert to provide credible evidence on the issue being considered must be individually assessed. The RBS considering the Building Permit cannot be the expert as they must independently assess the solution and avoid conflicts of interests.

Expert judgement is typically used in conjunction with other Assessment Methods.

Comparison with the Deemed-to-Satisfy Provisions

A Performance Solution may comply with the Performance Requirements by demonstrating that the Performance Solution is equivalent to or better than the relevant Deemed-to-Satisfy Provision. This would involve a comparative analysis to ensure that that proposed building provides the same or better level of health, safety, amenity or sustainability as a Deemed-to-Satisfy compliant building.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- PS-01 Documentation and Assessment – Performance Solutions

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