

## Building Note GE-14: Adoption of NCC 2022.

This Practice Note provides guidance on the implementation of the NCC 2022 during the transition from NCC 2019 to the NCC 2022 version.

The content below provides guidance on:

- Adoption of NCC 2022
- Transitional and delayed implementation arrangements for NCC 2022
- Use of NCC 2022 prior to adoption
- NCC 2019 Corrigendum
- Application of new building regulations to building work
- Documentation of substantial progress

### 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 or the Building Regulations 2018 or the National Construction Code

- **ABCB** – Australian Building Codes Board
- **Act** – Building Act 1993
- **NCC** – National Construction Code, comprising the Building Code of Australia (Volumes One and 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

### Adoption of NCC 2022

The NCC 2022 comes into effect on 1 May 2023 and is subject to transitional periods for energy efficiency and condensation management, and delayed implementation for livable housing provisions, which come into effect on 1 October 2023. Until the relative adoption dates, it is still necessary to meet the requirements of NCC 2019.

There are also governing requirements to be aware of with the adoption of NCC 2022, including transitions for some NCC referenced documents under Schedule 2, and the delayed adoption of low lead evidence of suitability requirements for plumbing products coming into effect 1 September 2025.



## Key Dates

Key dates for NCC 2022 include:

- **1 October 2022**
  - NCC 2022 published and publicly available
- **1 May 2023**
  - NCC 2022 adopted
  - Mandatory for all provisions excluding energy efficiency, condensation management, livable housing provisions
  - Energy efficiency and condensation transition period commences and NCC 2019 or 2022 may be used
- **1 October 2023**
  - Condensation management and energy efficiency transitional period ends and NCC 2022 must be used
  - NCC 2022 livable housing requirements come into effect
- **1 September 2025**
  - Low lead evidence of suitability requirements for plumbing products commence

Transitional and delayed implementation arrangements relate only to the energy efficiency, condensation management, livable housing provisions, and low lead plumbing products in NCC 2022. Practitioners must adopt all other elements of NCC 2022 from 1 May 2023, however NCC 2019 may be used beyond these dates subject to the provisions of section 10 of the Act.

## Transitional and delayed implementation arrangements for NCC 2022

Transitional and delayed implementation arrangements are specified by NCC 'Notes'. Under clause A1G4 of the NCC governing requirements, a note is part of a provision or requirement and provides additional mandatory instructions.

Each part of the NCC must be considered independently for the purpose of applying the mandatory notes. For example, a note allowing the use of NCC 2019 for condensation management does not require the use of NCC 2019 for energy efficiency.

Consolidated notes from NCC 2022 are as follows:

### Condensation management:

Part F8 NCC 2022 Volume One Note:

*From 1 May 2023 to 30 September 2023 Part F6 of NCC 2019 Volume One Amendment 1 may apply instead of Part F8 of NCC 2022 Volume One. From 1 October 2023 Part F8 of NCC 2022 Volume One applies*

Part H4 NCC 2022 Volume Two, H4D9 Note:

*From 1 May 2023 to 30 September 2023 P2.4.7, V2.4.7 and Part 3.8.7 of NCC 2019 Volume Two Amendment 1 may apply instead of H4P7, H4V5 and H4D9 of NCC 2022 Volume Two. From 1 October 2023 H4P7, H4V5 and H4D9 of NCC 2022 Volume Two applies.*



## Energy efficiency:

Part J1 NCC 2022 Volume One:

*From 1 May 2023 to 30 September 2023 Section J of NCC 2019 Volume One Amendment 1 may apply instead of Section J of NCC 2022 Volume One. From 1 October 2023 Section J of NCC 2022 Volume One applies.*

Part H6 NCC 2022 Volume Two:

*From 1 May 2023 to 30 September 2023 Part 2.6 and Part 3.12 of NCC 2019 Volume Two Amendment 1 may apply instead of Part H6 of NCC 2022 Volume Two. From 1 October 2023 Part H6 of NCC 2022 Volume Two applies.*



For specific information on transitional arrangements for energy efficiency, refer to practice note EE-05: Transitional Requirements for NCC 2022.

## Livable housing design:

Part H8 NCC 2022 Volume Two:

*Part H8 Livable housing design does not take effect until 1 October 2023.*

## Low lead evidence of suitability requirements for plumbing products:

Part A5G4 NCC 2022 Volume Three:

- (1) *A5G4(2) does not take effect until 1 September 2025.*
- (2) *Note 1 does not prevent the use of products certified in accordance with A5G4(2) prior to 1 September 2025.*

## Use of NCC 2022 prior to adoption

The NCC 2019 provisions must be met until NCC 2022 is adopted on 1 May 2023, or 1 October 2023 for livable housing. Energy efficiency and condensation management differ slightly, as between 1 May 2023 and 30 September 2023 industry may select between NCC 2019 or NCC 2022 editions for compliance.

There is nothing that prohibits a building being designed to NCC 2022 on the provision that compliance is still achieved with NCC 2019. In many situations, the new requirements of NCC 2022 will often be equivalent or exceed those contained in NCC 2019. Exceeding the provisions should not result in non-compliance as the NCC prescribes the minimum standards.

As an example, the livable housing provisions may be incorporated into a design prior to 1 October 2023 on a voluntary basis. As this part would not be formally adopted into the NCC 2022, the RBS would not need to assess and ensure compliance with part H8, nor would there be a requirement for a performance solution. The RBS would need to ensure the design complied with the adopted parts of the relevant NCC.

There are exceptions to this, such as clause C2D10 of NCC 2022, which provides concessions for non-combustible elements in external wall systems of Type A and Type B construction. The concessions were not previously prescribed in clause C1.9 of NCC 2019, and therefore could not be used as part of a deemed-to-satisfy solution for NCC 2019.



## NCC 2019 Corrigendum

The ABCB released a corrigendum to correct NCC 2019 expiry dates within the Table 1 notes of Schedule 4 referenced documents. This changes the specified date for the use of certain referenced documents (including AS1530, AS1670 and AS4072) to align with the revised NCC 2022 adoption date of 1 May 2023.



A copy of the corrigendum can be found via the [ACCB website](#).

## Application of new building regulations to building work

Section 10 of the Act sets out requirements for applying new building regulations to building work, such as the regulatory change from NCC 2019 to NCC 2022. This section confirms the new regulations do not apply to existing building permits (Section 10(1)), provides exemptions where substantial progress has occurred (Section 10(2)), confirms how the existing or new provisions may apply (Section 10(3)), and allows for the use of new regulations (Section 10(4)).

Minister's Guideline MG-13 offers guidance to the RBS and should be read in conjunction with section 10 of the Act. This is of particular importance post 1 October 2023 in situations where compliance with NCC 2019 is proposed under section 10(2), where substantial progress on building design was made.

Nevertheless, the RBS and the building owner may still agree to proceed using the new regulations or amended regulations in accordance with section 10(4).

The use of section 10 may be applied to energy efficiency, condensation management, and livable housing provisions for building permits issued after 1 October 2023. Industry is encouraged to utilise the transitional period to prepare for NCC 2022 compliance.

## Documentation of substantial progress

### What is substantial progress?

Section 10(2) provides the RBS with discretion to not apply the provisions of NCC 2022 in situations where substantial progress was made on the design of a building prior to a building regulation or amendment commencing.

In such cases, the RBS should refer to Ministers Guideline MG13 for guidance and ensure that:

- the design relates to the proposed building on a particular allotment i.e. it is not a 'stock' or 'standard' design
- the prior design progress is well substantiated
- the design is not the re-use of a prior design for a previous dwelling that was demolished after the new regulation was made.



## Documentation required

Where the RBS determines that the design is sufficiently progressed to meet the requirements of 10(2), the RBS must certify that adequate documentation exists to substantiate that the design has progressed before the new regulation was adopted. Documentation may include:

- A contract dated before the amendment or new regulation was made; In the case of 'stock' or 'standard' designs, the relevant building surveyor should not certify that substantial progress has been made on the design unless the 'stock' or 'standard' design relates to the particular allotment on which the building is proposed to be constructed.
- A receipt for a deposit having been paid for the construction of a building of that design on the relevant allotment prior to the commencement of the regulation or for a payment completed for the stage of design development.
- A well-progressed design dated before the amendment or new regulation. The design should contain the particular allotment/address of the building to be constructed and demonstrate that the design relied on the regulation version prior to the amendment. For instance, drawings containing energy efficiency requirements that are clearly documented to be current at the time of issue.

### Related Documentation

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

### Version History

- Version 1, published 15 December 2022

### Contact Us

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) OR [plumbingtechnicaladvice@vba.vic.gov.au](mailto:plumbingtechnicaladvice@vba.vic.gov.au) or call 1300 815 127.

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