

NCC 2022

ACT Appendix to the Building Code of Australia – Volumes 1 and 2

The full and final version of the National Construction Code (NCC) 2022 was published on 1 October 2022 and the main provisions of NCC 2022 came into full effect in the ACT from 1 May 2023. The new livable housing requirements and new energy efficiency and condensation mitigation requirements commenced in the ACT on 15 January 2024. There are also some transition periods for specific provisions in NCC 2022.

Implementation in the ACT

The key legislative instruments that give effect to and vary the Building Code of Australia (BCA) in the ACT are the:

- *Building Act 2004*
- *Building (ACT Appendix to the Building Code) Determination 2023 (No 3)*
- *Building (General) Regulation 2008*
- *Building (Alternative requirements for unaltered parts) Determination 2023 (No 2)*

The current versions of the legislation and instruments are available on the ACT Legislation Register at <https://legislation.act.gov.au/a/2004-11/>.

What do I need to comply with and when?

From 1 May 2023 to 14 January 2024:

- applications for building approvals; or
- the commencement of building work that does not require a building approval,

must comply with the BCA 2022 and any variations contained in the ACT Appendix to the BCA.

During this period, the *ACT Appendix to the Building Code* identifies that work must comply with the BCA 2019 Amendment 1 in respect to energy efficiency and condensation mitigation. This includes the provisions previously identified in the 2019 ACT Appendix to the Building Code.

Note: the new NCC 2022 energy efficiency, condensation mitigation and livable housing provisions did not come into effect until 15 January 2024.

From 15 January 2024

- applications for building approvals; or
- the commencement of building work that does not require a building approval,

must comply with the BCA 2022 and any variations contained in the *ACT Appendix to the Building Code*.

All new residential dwellings in the ACT will need to meet the new energy efficiency requirements.

All new class 1a and class 2 residential dwellings in the ACT will need to meet the new livable housing requirements.

Renovations

Under the *Building (General) Regulation 2008*, a building undergoing a substantial alteration must comply with the BCA in force at the time of building approval, not just the area where the work has been undertaken. A substantial alteration is, if, during the 3 years immediately before the day the application for building approval for the alteration is made, the total floor area of the proposed alteration (not including an internal alteration for class 1 buildings) is more than 50% of the floor area of the original building.

The *Building (Alternative requirements for unaltered parts) Determination 2023 (No 2)* combines exemptions previously found in the *Building (General) Regulation 2008* into a single disallowable instrument. Placing them alongside the ACT Appendices increases visibility, reduces complexity, and supports compliance.

A summary of the application of NCC 2022 to renovations from 15 January 2024 can be found in Tables 1 and 2 below.

Table 1: Summary of application of NCC 2022 to alterations – Livable Housing provisions*

	Extensions that are not a Substantial Alteration	Extensions that are not a Substantial Alteration (unaltered structure)	Minor alterations (altered structure)	Minor alterations (unaltered structure)	Substantial Alteration (altered structure)	Substantial Alteration (unaltered structure)
Dwelling access	No	No	No	No	No	No
Dwelling entrance	No**	No	No**	No	No**	No
Internal doors and corridors	Yes ¹	No	Yes ¹	No	Yes ¹	No
Toilet (entry floor)	Yes ²	No	Yes ²	No	Yes ²	No
Shower	Yes ³	No	Yes ³	No	Yes ³	No
Reinforced bathroom & toilet walls	Yes ^{2,3}	No	Yes ^{2,3}	No	Yes ^{2,3}	No

*Table 1 is a summary table of information that is highly technical in nature. Additional information can be found on the Build Buy Renovate website.

¹ Exempting internal thresholds (Part 3.2 ABCB Liveable Housing Design Standard 2022)

^{2,3} Only if there is a sanitary compartment or shower respectively as part of the approval and there is no other liveable housing design standard compliant sanitary compartment on the entry floor of the dwelling or compliant shower within the dwelling.

** Unless the building work includes dwelling access as part of the building work plans and there is no other existing accessible entry to the dwelling.

Table 2: Summary of application of NCC 2022 to alterations - energy efficiency provisions*

	Extensions that are not a Substantial Alteration	Extensions that are not a Substantial Alteration (unaltered structure)	Minor alterations (altered structure)	Minor alterations (unaltered structure)	Substantial Alteration (altered structure)	Substantial Alteration (unaltered structure)
Energy Efficiency provisions – thermal performance	Yes ¹	No ¹	Yes ¹	No ¹	Yes ¹	Partial ^{1,2}
Ceiling Insulation	Yes ¹	No ¹	Yes ¹	No ¹	Yes ¹	Yes ¹
Wall Insulation	Yes ¹	No ¹	Partial ¹	No ¹	Yes ¹	Yes ¹
Floor Insulation	Yes ¹	No ¹	Partial ¹	No ¹	Yes ¹	Yes ¹
Non-Isolated Glazing	Yes ¹	No ¹	Yes ¹	No ¹	Yes ¹	Yes ¹
Isolated glazing	N/A	No ¹	No ¹	No ¹	N/A	No
Building Sealing	Yes ¹	No ¹	Yes ¹	No ¹	Yes ¹	Yes
New Annual Energy Budget	No	No	No	No	No	No

*Table 2 is a summary table of information that is highly technical in nature. Additional information can be found on the Build Buy Renovate website.

¹ The ACT is maintaining the current policy position.

² Row 1 of table 2 is a broad summary of the application of the Energy Efficiency provisions for thermal performance. “Partial” in this row means that some provisions will apply in some circumstances while other provisions will not.

More information

Further information on the NCC is available from:

- Build Buy Renovate - [Building reforms - Build, buy or renovate \(act.gov.au\)](https://www.act.gov.au/build-buy-renovate)
- ABCB - [Australian Building Codes Board | ABCB](https://www.act.gov.au/australian-building-codes-board)

If you have any questions, please email EPSDDBuildingReform@act.gov.au

