



Industry Bulletin 156

Building Amendment Regulations (No. 2) 2023: NCC 2022 transitional provisions in Western Australia (WA)

The Building Amendment Regulations (No. 2) 2023 (Amending Regulations) were published on the [WA legislation website](#) on 20 September 2023 and have commenced operation.

The National Construction Code 2022 edition (NCC 2022) was adopted on 1 May 2023, with the exception of the energy efficiency, condensation management and livable housing provisions, which take effect from 1 October 2023. The majority of the provisions in the Amending Regulations will commence operation on this same day.

The Amending Regulations amend the Building Regulations 2012 (WA) (Building Regulations) to:

- extend the transitional arrangements in WA for the energy efficiency and condensation management provisions in NCC 2022 until 1 May 2025;
- dis-apply (until further notice) the NCC 2022 livable (accessible) housing provisions and the separate NatHERS heating and cooling load limits; and
- make several minor administrative amendments.

The extended transitional arrangements and dis-application of these particular provisions will apply to both NCC 2022 Volumes One and Two.

To address concerns about recognising improvements to life safety provisions in NCC 2022, building permit proponents will be able to choose to simultaneously use the energy efficiency and condensation management provisions in NCC 2019 Amendment 1 while using the general provisions in NCC 2022, including:

- The improved provisions relating to fire safety in early childhood centres.
- Weather proofing and cladding in NCC Volume One.
- The life safety improvements for spread of fire and automatic warning for occupants in NCC 2022 Volume Two.

- For both NCC 2022 Volumes One and Two, the WA state variation improving the resilience of buildings in wind Region B. (**Note:** It is strongly recommended that the state variation requirements relating to wind Region B in NCC 2022 are applied when building in the region, refer to [Industry Bulletin 147](#)).

The transitional arrangements for NCC 2022 in WA are now as follows:

- Until 30 April 2025, building permit proponents are allowed to:
 - comply with the whole of NCC 2022; or
 - comply with the whole of NCC 2022 but use the energy efficiency and condensation management provisions in NCC 2019 Amendment 1; or
 - continue to use the whole of NCC 2019 Amendment 1.
- NCC 2022 Volumes One and Two, including the residential energy efficiency and condensation management provisions, will become mandatory in WA on 1 May 2025.

Note: These transitional arrangements do not apply to proponents for some types of applications. Please refer to Part 4 of the Building Regulations to determine the appropriate applicable building standards.

The livable housing provisions in NCC 2022 will not apply in WA until further notice. Instead, WA will continue to monitor the situation in the building industry and the housing market to determine if and when these provisions might be considered for application.

The Amending Regulations will continue the dis-application of the separate NatHERS heating and cooling load limits which were introduced in NCC 2019.

The Amending Regulations also include several minor administrative amendments which provide clarity in the ongoing transitional provision in regulation 31A regarding the use of an earlier edition of the Building Code.

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should

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