



Building Amendment Regulations (No. 3) 2020: Extension of transitional provisions

The Building Amendment Regulations (No. 3) 2020 (Amendment Regulations) were published in the Government Gazette on 24 April 2020 and have commenced operation.

The Amendment Regulations extend the ongoing transitional provisions in the Building Regulations 2012 (the Regulations) that allow the use of the previous edition of the Building Code for a further twelve months until 30 April 2021.

This is designed to assist the building and construction industry to respond during the period of uncertainty associated with the COVID-19 coronavirus pandemic and to assist the State's economic recovery following it.

The Regulations adopt the technical requirements in the edition of the Building Code of Australia (BCA) published from time-to-time by the Australian Building Codes Board, as the primary applicable building standards in Western Australia (WA).

On 1 May 2019, the current edition of the BCA, namely volumes 1 and 2 of the National Construction Code 2019 (NCC 2019), came into force across Australia, including WA.

The ongoing transitional provisions in the Regulations normally allow the building standards for new buildings to be those in the BCA edition published 12 months prior to making a building permit application.

The Amendment Regulations mean that up until 30 April 2021, applicants will be able to choose to use standards in the National Construction Code 2016 (NCC 2016) that was in effect on 12 March 2018. This being NCC 2016 Volume One Amendment 1 (Amendment 1) and NCC 2016 Volume Two.

While the NCC 2016 came into effect on 1 May 2016, specifying the 12 March 2018 date in the Amendment Regulations puts beyond doubt that the applicant must use the important life safety measures which were introduced by Amendment 1 on that date. These measures address problems caused by the use of external combustible cladding.

It is also noteworthy that the current NCC 2019 and the upcoming out of cycle NCC 2019 Amendment 1, which is to be adopted on 1 July 2020, include further important life safety measures and deals with building confidence matters. Accordingly, while the Regulations allow the use of NCC 2016 for a building permit application submitted on or before 30 April 2021, it is recommended to use the most current edition of the NCC as soon as practicable.

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 obtain independent legal advice.

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