

Building (ACT Appendix to the Building Code) Determination 2019 (No 2)

Disallowable instrument DI2019-55

made under the

Building Act 2004, s 136 (3) (Building code)

1 Name of instrument

This instrument is the *Building (ACT Appendix to the Building Code) Determination 2019 (No 2)*.

2 Commencement

This instrument commences on the day after the notification date.

3 Making of ACT appendix

Schedule 1 to this instrument is the Australian Capital Territory Appendix to the Building Code of Australia published by the Australian Building Codes Board.

Note The *Building Act 2004*, s 136 (Building code), provides that the building code means the a document prescribed by regulation, and the Building Code of Australia, prepared and published by the Australian Building Codes Board, as amended from time to time by that Board, and the ACT Appendix to the building code.

4 Disapplication of notification requirement

The *Legislation Act 2001*, section 47 (5) does not apply to this instrument.

5 Revocation

This instrument revokes DI2019-45 *Building (ACT Appendix to the Building Code) Determination 2019*.

6 Access to the Australian Capital Territory appendix

A copy of the Australian Capital Territory Appendix is available for inspection by members of the public between 9am and 4.30pm on business days at the ACT Environment, Planning and Sustainable Development Directorate shopfront, Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT.

7 Access to Building Code of Australia

A copy of the Building Code of Australia is available for inspection by members of the public between 9am and 4.30pm on business days at the ACT Environment, Planning and Sustainable Development Directorate shopfront, Dame Pattie Menzies House, 16 Challis Street, Dickson, ACT, or can be accessed for free at <https://ncc.abcb.gov.au/ncc-online/NCC> .

Gordon Ramsay MLA
Minister for Building Quality Improvement
8 May 2019

Schedule 1 to the Building (ACT Appendix to the Building Code) Determination 2019 (No 2)

(See section 3)

The Building Code of Australia is amended as follows.

Volume 1, History of adoption, 15.0 (a) Adoption of NCC Volume One 2019

Substitute

In the Australian Capital Territory—

- (1) All provisions, other than the provisions mentioned in section 2, are adopted on 1 June 2019.
- (2) Table E1.5, Row 3 in relation to class 2 and 3 buildings; Specification E1.5 2 (b) and (c); Specification E1.5a; and Part F6 are adopted on 1 September 2019.
- (3) Notwithstanding (1), for applications for a building approval determined from 1 June 2019 to 31 August 2019, proposed building work may comply with the provisions mentioned in (1) or the corresponding provisions in Volume 1 2016.
- (4) For (3), if a project demonstrates compliance using Volume 1 2016 and there is no corresponding provision for a particular provision in Volume 1 2019, the building work must comply with all relevant and applicable provisions in Volume 1 2016.

Note 1 Provisions of the 2016 edition of the BCA continue in force until the 2019 edition of the BCA is adopted.

Note 2 A building approval is issued in respect of the building code in force on the day of approval.

Note 3 Part F6 is a new part. There are no corresponding provisions in the 2016 edition.

Note 4 The adoption dates do not affect the transitions and delayed adoption of certain provisions in Volume 1.

Volume 2, History of Amendments, History of adoption, 15.0 (a) Adoption of NCC Volume Two 2019

Substitute

In the Australian Capital Territory—

- (1) All provisions, other than P2.4.7 and Part 3.8.7, are adopted on 1 June 2019.
- (2) P2.4.7 and Part 3.8.7 are adopted on 1 September 2019.
- (3) Notwithstanding (1), for applications for a building approval determined from 1 June 2019 to 31 August 2019, proposed building work may comply with the provisions mentioned in (1) or the corresponding provisions in Volume 2 2016.

- (4) For (3), if a project demonstrates compliance using Volume 1 2016 and there is no corresponding provision for a particular provision in Volume 1 2019, the building work must comply with all relevant and applicable provisions in Volume 1 2016.

Note 1 The 2016 edition of the BCA continues in force until the 2019 edition of the BCA is adopted.

Note 2 P2.4.7 and Part 3.8.7 are new provisions in the 2019 edition. There are no corresponding provisions in the 2016 edition.