

Ministerial Building Standard MBS 007

Modifications to the Building Code of Australia

September 2024

Amendment 1



**Government of
South Australia**

Published by:

Minister for Planning

KNet Ref: 21681519

1. SCOPE AND APPLICATION

- 1.1 This Standard is published as a Ministerial Building Standard that forms part of the *Building Rules* under the *Planning, Development and Infrastructure Act 2016* (PDI Act).
- 1.2 The *Building Code*, adopted as part of the *Building Rules* by the PDI Act, is modified in its application to *building work* in South Australia in accordance with the provisions of this Standard.
- 1.3 The *Building Code* (NCC 2022) commenced in the *Building Rules* on 1 May 2023, with the sections relating to livable housing and improved energy efficiency and condensation management deferred in South Australia until 1 October 2024. The modifications within this Standard apply to the *Building Code* from 5 September 2024 (unless stated otherwise) and must be read as if they are consolidated into the *Building Code*.
- 1.4 Ministerial Building Standard MBS 013 specifies energy efficiency and livable housing design deemed-to-satisfy provisions for new building work to existing Class 1 dwellings to support compliance with the requirements of the NCC 2022 modern homes provisions where assessment is difficult due to the disparity between existing and new standards of construction.

2. MODIFICATIONS TO NCC 2022

2.1 Volume One

In South Australia, the *Building Code* (NCC 2022 Volume One) will be taken to be modified as set out below:

- 2.1.1 Modify **SA B1P4 Buildings in flood areas** to read as follows:

This clause has deliberately been left blank.

B1P4 does not apply in South Australia.

- 2.1.2 Modify **SA B1D6 Construction of buildings in flood hazard areas** to read as follows:

This clause has deliberately been left blank.

B1D6 does not apply in South Australia.

- 2.1.3 Modify the Notes after the 'Introduction to this Part' in **Part F8 Condensation management** to read as follows:

Notes: South Australia Part F8 Condensation management

From 1 May 2023 to 30 September 2024, **Part F6 of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Part F8 of NCC 2022.

Part F8 of NCC 2022 applies in South Australia from 1 October 2024.

- 2.1.4 Modify the Notes after the 'Introduction to this Part' in **Part G7 Livable housing design** to read as follows:

Notes: South Australia Part G7 Livable housing design

Part G7 of **NCC 2022** takes effect in South Australia on 1 October 2024.

Part G7 does not apply to a Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024.

- 2.1.5 Modify the Notes after the 'Introduction to this Part' in **Part J1 Energy efficiency performance requirements** to read as follows:

Notes: South Australia Part J1 Energy efficiency performance requirements

From 1 May 2023 to 30 September 2024, **Section J** of **NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J1 of **NCC 2022** applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J** of **NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J1 of NCC 2022.

- 2.1.6 Modify the Notes after the 'Introduction to this Part' in **Part J2 Energy efficiency** to read as follows:

Notes: South Australia Part J2 Energy efficiency

From 1 May 2023 to 30 September 2024, **Section J** of **NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J2 of **NCC 2022** applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J** of **NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J2 of NCC 2022.

- 2.1.7 Modify the Notes after the 'Introduction to this Part' in **Part J3 Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building** to read as follows:

Notes: South Australia Part J3 Elemental provisions for a sole-occupancy unit of a Class 2 building or a Class 4 part of a building

From 1 May 2023 to 30 September 2024, **Section J** of **NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J3 of **NCC 2022** applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J3 of NCC 2022.

- 2.1.8 Modify the Notes after the 'Introduction to this Part' in **Part J4 Building fabric** to read as follows:

Notes: South Australia Part J4 Building fabric

From 1 May 2023 to 30 September 2024, **Section J of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J4 of NCC 2022 applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J4 of NCC 2022.

- 2.1.9 Modify the Notes after the 'Introduction to this Part' in **Part J5 Building sealing** to read as follows:

Notes: South Australia Part J5 Building sealing

From 1 May 2023 to 30 September 2024, **Section J of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J5 of NCC 2022 applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J5 of NCC 2022.

- 2.1.10 Modify the Notes after the 'Introduction to this Part' in **Part J6 Air-conditioning and ventilation** to read as follows:

Notes: South Australia Part J6 Air-conditioning and ventilation

From 1 May 2023 to 30 September 2024, **Section J of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J6 of NCC 2022 applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J6 of NCC 2022.

- 2.1.11 Modify the Notes after the 'Introduction to this Part' in **Part J7 Artificial lighting** to read as follows:

Notes: South Australia Part J7 Artificial lighting

From 1 May 2023 to 30 September 2024, **Section J of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J7 of NCC 2022 applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J7 of NCC 2022.

- 2.1.12 Modify the Notes after the 'Introduction to this Part' in **Part J8 Heated water supply and swimming pool and spa pool plant** to read as follows:

Notes: South Australia Part J8 Heated water supply and swimming pool and spa pool plant

From 1 May 2023 to 30 September 2024, **Section J of NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Section J of NCC 2022.

Part J8 of NCC 2022 applies in South Australia from 1 October 2024.

A Class 2 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **Section J of NCC 2019** (Amendment 1), including variations for South Australia, instead of Part J8 of NCC 2022.

- 2.1.13 Modify the Notes after the 'Introduction to this Part' in **Part J9 Energy monitoring and on-site distributed energy resources** to read as follows:

Notes: South Australia Part J9 Energy monitoring and on-site distributed energy resources

Part J9 of NCC 2022 applies in South Australia from 1 October 2023.

2.2 Volume Two

In South Australia, the *Building Code* (NCC 2022 Volume Two) will be taken to be modified as set out below:

- 2.2.1 Modify **SA H1P2 Buildings in flood areas** to read as follows:

This clause has deliberately been left blank.

H1P2 does not apply in South Australia.

2.2.2 Modify **H1D10 Flood hazard areas** to read as follows:

This clause has deliberately been left blank.

H1D10 does not apply in South Australia.

2.2.3 Modify the Notes under **H4D9 Condensation management** to read as follows:

Notes: South Australia H4D9 Condensation management

From 1 May 2023 to 30 September 2024, **P2.4.7, V2.4.7** and **Part 3.8.7** of **NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of H4P7, H4V5 and H4D9 of NCC 2022.

H4P7, H4V5 and **H4D9** of **NCC 2022** apply in South Australia from 1 October 2024.

2.2.4 Modify the Notes after the 'Introduction to this Part' in **Part H6 Energy efficiency** to read as follows:

Notes: South Australia Part H6 Energy efficiency

From 1 May 2023 to 30 September 2024, **Part 2.6** and **Part 3.12** of **NCC 2019** (Amendment 1), including variations for South Australia, may apply instead of Part H6 of NCC 2022.

Part H6 of **NCC 2022** applies in South Australia from 1 October 2024.

Concessions:

- (1) A Class 1 building that is the subject of a *development application* lodged prior to 1 October 2024 may comply with **P2.6.1, P2.6.2, A2.2(3), A2.4(3)** (as applicable) and **Part 3.12** of **NCC 2019** (Amendment 1).
- (2) A Class 1 building that is the subject of an application for *building consent* lodged prior to 1 January 2027, on a *small* or *irregular allotment* for which an application for land division was lodged prior to 1 January 2024, may comply with:
 - (a) **P2.6.1, P2.6.2, A2.2(3), A2.4(3)** (as applicable), **Part 3.12.0(a)** of **NCC 2019** (Amendment 1) and **H6P2 – Energy usage** of **NCC 2022**; or
 - (b) achieve an energy rating, including the separate heating and cooling load limits, using *house energy rating software*, of greater than or equal to 6 stars and comply with **H6P2 – Energy usage** of **NCC 2022**.
- (3) A Class 1 building to be constructed on an existing *small* or *irregular allotment* as of 1 October 2024 may comply with:
 - (a) **P2.6.1, A2.2(3), A2.4(3)** (as applicable), **Part 3.12.0(a)** of **NCC 2019** (Amendment 1) and **H6P2 – Energy usage** of **NCC 2022**; or
 - (b) achieve an energy rating, including separate heating and cooling load limits, using *house energy rating software*, of greater than or equal to 6 stars and comply with **H6P2 – Energy usage** of **NCC 2022**.

- (4) A Class 1 building to be used as *workers' accommodation* or *tourist accommodation* may comply with **P2.6.1, P2.6.2, A2.2(3), A2.4(3)** (as applicable) and **Part 3.12** of **NCC 2019** (Amendment 1).
- (5) A Class 1 building that is the subject of an application for *building consent* lodged prior to 1 May 2026 within the Master Planned Neighbourhood Zone in the Mount Barker District Council may comply with:
- (a) **P2.6.1, A2.2(3), A2.4(3)** (as applicable), **Part 3.12.0(a)** of **NCC 2019** (Amendment 1) and **H6P2 – Energy usage** of **NCC 2022**; or
- (b) Achieve an energy rating, including the separate heating and cooling load limits, using *house energy rating software*, of greater than or equal to 6 stars and comply with **H6P2 – Energy usage** of **NCC 2022**.
- (6) A Class 1 building that is *manufactured off site* and with a *floor area* equal to or less than 60sqm may comply with the **P2.6.1, 3.12.0.1(a)(i), (ii) and (iii)** of **NCC 2019** (Amendment 1) and **H6P2 – Energy usage** of **NCC 2022**.
- Note: SA3.12.0.1(a)(iv) and (v), SA3.12.0.1(b) and (c) and SA Table 3.12.0.1 cannot be used.*
- (7) A Class 1 building that is *manufactured off site* and located in *Climate Zone 4*, a local government area listed in **Table A**, or an area not located within a local government area, may comply with the **3.12.0.1(a)(i), (ii) and (iii)** of **NCC 2019** (Amendment 1) and **H6P2 – Energy usage** of **NCC 2022**.
- Note: SA3.12.0.1(a)(iv) and (v), SA3.12.0.1(b) and (c) and SA Table 3.12.0.1 cannot be used.*

Table A

Ceduna Council	Kangaroo Island Council	Peterborough Council
Cleve Council	Karoonda East Murray Council	Southern Mallee Council
Coorong District Council	Kimba Council	Streaky Bay Council
Elliston Council	Lower Eyre Peninsula Council	Tatiara Council
Flinders Ranges Council	Mid Murray Council	Tumby Bay Council
Franklin Harbour Council	Mount Remarkable Council	Wudinna District Council
Goyder Council	Orroroo Carrieton Council	

- 2.2.5 Modify the Notes after the 'Introduction to this Part' in **Part H8 Livable housing design** to insert the following:

Notes: South Australia Part H8 Livable housing design

Part H8 of **NCC 2022** takes effect in South Australia on 1 October 2024.

Concessions:

- (1) Subject to **(2)**, **Part H8** does not apply to a Class 1a building if:
 - (a) The Class 1a building was the subject of a *development application* lodged before 1 October 2024, or
 - (b) The Class 1a building was the subject of an application for *building consent* lodged prior to 1 January 2027 on a *small* or *irregular allotment* for which an application for land division was lodged prior to 1 January 2024, or
 - (c) The *allotment* on which the Class 1a building is to be constructed was a *small* or *irregular allotment* existing as of 1 October 2024, or
 - (d) The Class 1a building is *manufactured off site* and the *floor area* is equal to or less than 60sqm, or
 - (e) The Class 1a building is used as *workers' accommodation* or *tourist accommodation*.
- (2) Class 1a buildings subject to **(1)(b)**, **(c)**, **(d)** and **(e)** must still comply with *Part 6-Reinforcement of bathroom and sanitary compartment walls* of the *Livable Housing Design Standard*.

2.2.6 Modify clause **H8D2** in **Part H8 Livable housing design** to insert **(5)**, **(6)** and **(7)** as follows:

- (5) **Clause 2.2 Threshold** of the *ABCB Standard for Livable Housing Design* is varied in South Australia as follows:

The threshold of an entrance door that is subject to **Clause 2.1** must—

- (a) be level; or
- (b) have a sill height not more than 5 mm if the lip is rounded or bevelled; or
- (c) have a ramped threshold that—
 - (i) does not extend internally beyond the depth of the door jamb; and
 - (ii) has a gradient not steeper than 1:8; and
 - (iii) is at least as wide as the minimum clear opening width of the entrance door; and
 - (iv) does not intrude into the minimum dimensions of a landing area that is required by **Clause 2.3**; or
- (d) where the requirements of **(a)**, **(b)** or **(c)** cannot meet the weatherproofing requirements of the NCC, for external entrance doors containing a raised door or sill—
 - (i) have no lip or upstand greater than 15 mm within the sill profile; and
 - (ii) have no more than 5 mm height difference between the edge of the top surface of the sill and the adjoining finished surface.

- (6) **Clause 4.1** of the *ABCB Standard for Livable Housing Design* is varied in South Australia as follows:

There must be at least one compliant *sanitary compartment* located on either:

- (a) the ground or entry level; or
- (b) the lowest level containing a *habitable* room within a Class 1a building.

- (7) **Clause 5.2** of the *ABCB Standard for Livable Housing Design* is varied in South Australia as follows:

- (a) At least one shower must have a hobless and step-free entry.
- (b) An *enclosed shower area* that is hobless and step-free must have:
 - (i) a water bar with a maximum height of 5 mm installed above and sealed to the waterstop at the shower area entry; or
 - (ii) a linear drain at the shower area entry.
- (c) An *unenclosed shower area* that is hobless and step-free must comply with AS 3740 or Part 10.2 of the **ABCB Housing Provisions**.

Note:

Enclosed shower areas and *unenclosed shower areas* that are hobless and step-free must be waterproofed in accordance with AS 3740 or **Part 10.2** of the **ABCB Housing Provisions**.

Figures of hobless and step-free showers that incorporate a shower screen door have been provided in Appendix A and are for informative purposes only.

- 2.2.7 Modify **S42C4 (1) Additional Deemed-to-Satisfy Provisions when using house energy rating software** as follows:

- (1) To comply with **H6P1**, in addition to **S42C2**, a building must comply with **Section 13** of the **ABCB Housing Provisions** clauses—
 - (a) **13.2.2**, for building *fabric* thermal insulation; and
 - (b) **13.2.3(7)** and **13.2.5(5)**, for thermal breaks; and
 - (c) **13.2.3(5)**, for compensating for a loss of ceiling insulation, other than where the *house energy rating software* has compensated for a loss of ceiling insulation; and
 - (d) **13.2.6(4)**, **13.2.6(5)(a)(i)** and **13.2.6(6)** for slab edge insulation; and
 - (e) **Part 13.4**, for building sealing.

2.3 Housing Provisions

In South Australia, the *Building Code* (NCC 2022 Housing Provisions) will be taken to be modified as set out below:

2.3.1 Modify clause **SA 9.2.8(a) Open carports** to read as follows:

A Class 10a carport or verandah is exempt from complying with **9.2.4(1)** if—

- a) it has—
 - (i) two or more sides open and not less than one third of its perimeter open and, for the purpose of this clause, a side is considered to be open if the roof covering adjacent to that side is not less than 500mm from another building or allotment boundary; or
 - (ii) any part of the *external wall* of the Class 1 building located less than 2m from the allotment boundary or less than 4m from another Class 1 building on the same allotment is *fire-resisting* to the underside of a *non-combustible* roof covering or to the underside of a *non-combustible* ceiling lining (see **SA Figure 9.2.8a**, **SA Figure 9.2.8b** and **SA Figure 9.2.8c**); and

2.3.2 Modify clause **SA 10.2.1 Wet areas** to read as follows:

Building elements in *wet areas* within a building must—

- a) be *waterproof* or *water resistant* in accordance with **10.2.2** to **10.2.6**, except that—
 - (i) in any room containing a washing machine, the wall area from finished floor level to a minimum of 75mm above and 75mm each side of the washing machine tap outlets must be *water resistant*; and
 - (ii) where a *vessel* is inset into a bench top in a kitchen, bar area, kitchenette or domestic food and beverage preparation area—
 - (A) wall junctions and joints within 150mm above the *vessel* must be *water resistant* for the extent of the *vessel*; and
 - (B) the perimeter edges of the *vessel* must be *water resistant* for the extent of the *vessel* (see **SA Figures 10.2.1a**, **10.2.1b** and **10.2.1c**); and
 - (C) penetrations in horizontal surfaces for tap and spout outlets in kitchens, bar areas, kitchenettes or domestic food and beverage preparation areas, must be *waterproof*; and
- b) have *floor wastes* provided in accordance with **SA 10.2.33**; and
- c) where *floor wastes* are provided for drainage of floors in bathrooms and laundries, the floors, floor/wall junction and penetration must be *waterproof*.

2.3.3 Modify clause **SA 10.2.33 Provision of floor wastes** to read as follows:

- (1) The floor of a *wet area* containing a *vessel* must be graded to a *floor waste* to permit drainage of water.
- (2) A floor need not be graded to a *floor waste* as required by (1) if—
 - (a) all *vessels* are provided with in-built overflow protection or have a permanent open trapped connection to the plumbing and drainage system (such as a WC pan); or

- (b) the *floor waste* is provided solely for the connection of plumbing fixtures and all *vessels* in the *wet area* are provided with in-built overflow protection or have permanent open trapped connection to the plumbing and drainage system (such as a WC pan).
- (3) A floor of a *wet area* that is graded without ponding to a *floor waste* within the shower area will satisfy (1).
- (4) The fall of the floor surface graded to a *floor waste* in accordance with (1) or (3) must be in accordance with **10.2.12**.

3. INTERPRETATION

Allotment has the same meaning as defined in the PDI Act except for:

- a development lot and common property created by division under the *Community Titles Act 1996*
- a lot, development lot and common property created by strata division under the *Community Titles Act 1996*
- a unit and common property created by division under the *Strata Titles Act 1988*.

Building Code has the same meaning as defined in the PDI Act.

Building consent has the same meaning as defined in the PDI Act.

Building work has the same meaning as defined in the PDI Act.

Climate Zone has the same meaning as defined in the *Building Code*.

Development application means an application for *building consent* or *planning consent*.

Enclosed shower area has the same meaning as defined in the *Building Code*.

External wall has the same meaning as defined in the *Building Code*.

Fabric has the same meaning as defined in the *Building Code*.

Fire-resisting has the same meaning as defined in the *Building Code*.

Floor area has the same meaning as defined in the *Building Code*.

Floor waste has the same meaning as defined in the *Building Code*.

Habitable room has the same meaning as defined in the *Building Code*.

House energy rating software has the same meaning as defined in the *Building Code*.

Irregular allotment means an *allotment* with an area less than 300sqm and which is unable to contain a minimum 9m x 15m rectangle beyond the *primary street setback*.

Manufactured off site means a transportable building or a tiny house without wheels

Non-combustible has the same meaning as defined in the *Building Code*.

Planning and Design Code has the same meaning as defined in the PDI Act.

Planning consent has the same meaning as defined in the PDI Act.

Primary street frontage has the same meaning as the *Planning and Design Code*.

Primary street setback has the same meaning as the *Planning and Design Code*.

Sanitary compartment has the same meaning as defined in the *Building Code*.

Small allotment means an *allotment* with the *primary street frontage* less than or equal to 10m.

Tourist accommodation has the same meaning as Part 7 - Land Use Definitions of the *Planning and Design Code*.

Unenclosed shower area has the same meaning as defined in the *Building Code*.

Vessel has the same meaning as defined in the *Building Code*.

Waterproof has the same meaning as defined in the *Building Code*.

Water resistant has the same meaning as defined in the *Building Code*.

Wet area has the same meaning as defined in the *Building Code*.

Workers' accommodation has the same meaning as Part 7- Land Use Definitions of the *Planning and Design Code*.

4. EXPLANATORY INFORMATION (INFORMATIVE ONLY)

The majority of the modifications within this Standard relate to the transitional concessions provided for the implementation of the Building Code (NCC 2022) livable housing design and upgraded energy efficiency and condensation provisions in South Australia.

Additional modifications have been made to correct issues associated with the South Australian variations for flood prone areas, wet areas and the fire safety concession for carports/verandahs.

Notes provide additional mandatory instructions pursuant to clause A1G4(3)(g) of the Building Code (NCC 2022). The amended Notes contained in this Standard may be relied upon for determining the applicable provisions in South Australia.

Copies of NCC 2022 can be downloaded or is available online from the Australian Building Codes Board's website at ncc.abcb.gov.au.

APPENDIX A (INFORMATIVE ONLY)

Figures A1, A2 and A3 illustrate hobless and step-free showers that incorporate a water bar and a shower screen door with a proprietary door seal.

Figures A4, A5 and A6 illustrate hobless and step-free showers that incorporate a linear grated drain and a shower screen door without a proprietary door seal.

Figures A1 to A6 are for informative purposes only.

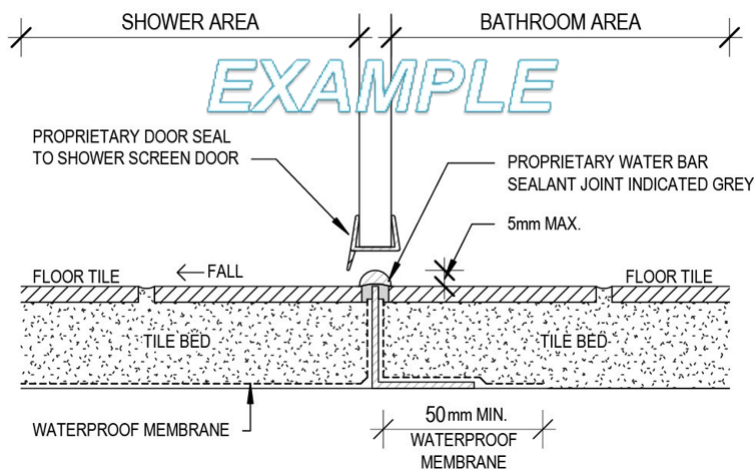


Figure A1

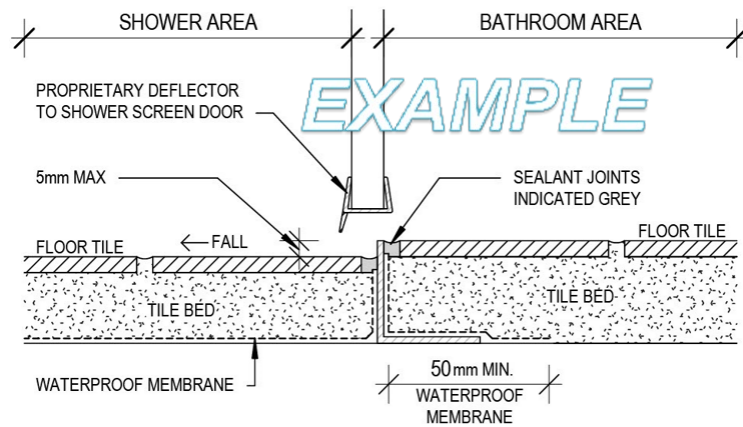


Figure A2

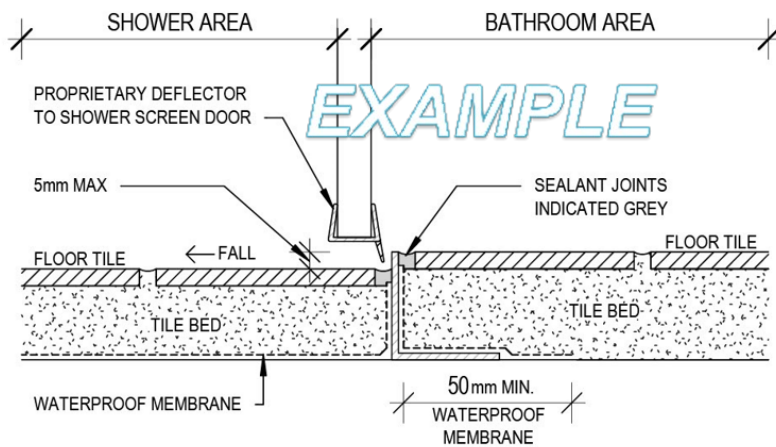


Figure A3

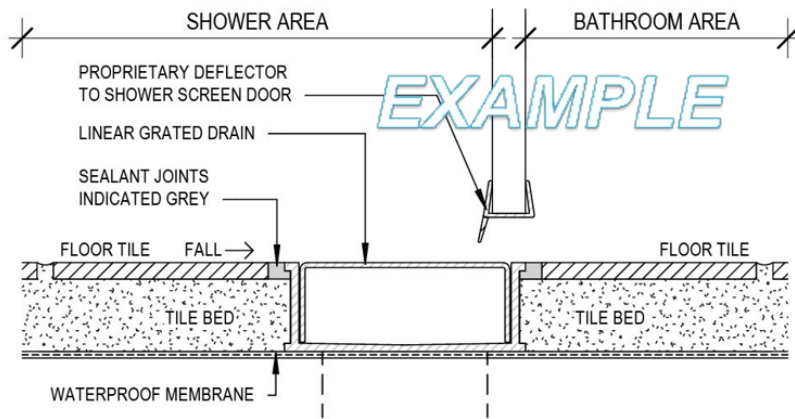


Figure A4

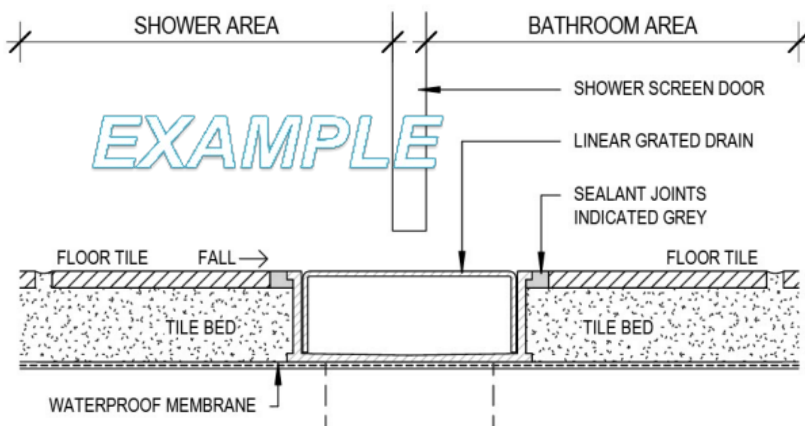


Figure A5

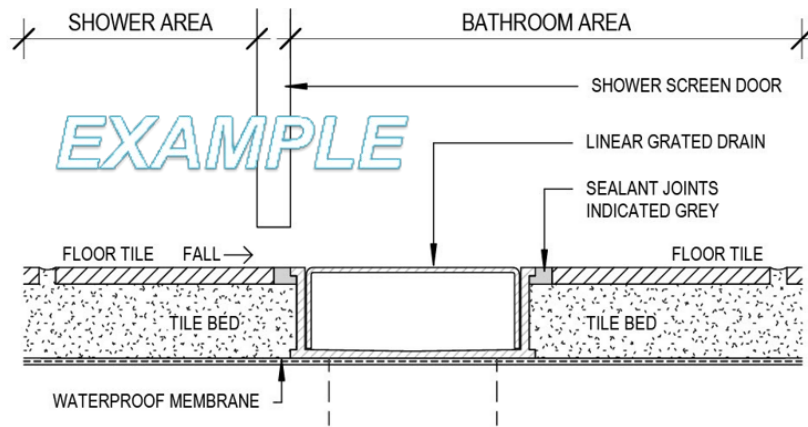


Figure A6

Source: Queensland Development Code Mandatory Part 4.5 – Livable dwellings and grading to floor wastes

Reproduced with permission: Queensland Government – Department of Housing, Local Government, Planning and Public Works.