

Ministerial Building Standard MBS 007

Modifications to the Building Code of Australia

October 2024



**Government of
South Australia**

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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* (National Construction Code 2022) commenced in the *Building Rules* on 1 May 2023, with the parts relating to livable housing and improved energy efficiency and condensation deferred nationally until 1 October 2023. The modifications within this Standard apply to the *Building Code* (NCC 2022) from 1 October 2024 and must be read as if they are consolidated into the *Building Code*.

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 **SAB1D6 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 G7 Livable housing design** to insert the following:

Notes: South Australia Part G7 Livable housing design

Part G7 does not apply to a Class 2 building if a development application for the Class 2 building was lodged before 1 October 2024.

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** in **Performance Requirement H1P2 in Part H1 Structure** and **Schedule 8** 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 after the 'Introduction to this Part' in **Part H6 Energy efficiency** to read as follows:

Notes: South Australia Part H6 Energy efficiency - 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 a development application for land division was lodged prior to 1 January 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).
- (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) and **Part 3.12.0(a)** or **(b)** of **NCC 2019** (Amendment 1); and
 - (b) **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 2025 within the Master Planned Neighbourhood Zone in the District Council of Mount Barker may comply with:
 - (a) **P2.6.1, A2.2(3), A2.4(3)** (as applicable) and **Part 3.12.0(a)** or **(b)** of **NCC 2019** (Amendment 1), and
 - (b) **H6P2 – Energy usage** of **NCC 2022**.
- (6) A Class 1a building that is manufactured off site and with a *floor area* less than or equal to 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**.

- (7) A Class 1a 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**.

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 Council
Goyder Council	Orroroo Carrieton Council	

- 2.2.4 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 - 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) An application for *building consent* for the Class 1a building was lodged before 1 January 2027 on an *allotment* for which a development application for land division had been 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 less than or equal to 60sqm, or
 - (e) The Class 1a building is used as *workers' accommodation* or *tourist accommodation*.

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*.

2.2.5 Modify clause H8D2 in **Part H8 Livable housing design** to insert **(5)(a), (b) and (c)** as follows:

- (5) (a) Part 4 Sanitary Compartments of the *ABCB Standard for Livable Housing Design* need not be complied with if there is no *habitable room* on the ground or entry level of the Class 1a building.
- (b) A compliant *sanitary compartment* can be located on either:
- (i) the ground or entry level; or
 - (ii) the lowest level of the Class 1a building with a *habitable room*.
- (c) A *sanitary compartment* that is located on the ground or entry level must be a compliant *sanitary compartment*.

2.2.6 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*.

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*.

Non-combustible has the same meaning as defined in the *Building 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 setback* less than 10m.

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

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