

Ministerial Building Standard MBS 006

Modifications to the application of the Building Code

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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* to modify the application of the *Building Code* under prescribed circumstances.
- 1.2 The *Building Code* as adopted as part of the Building Rules by the *Planning, Development and Infrastructure (General) Regulations 2017* is modified in its application to buildings and building work in accordance with the provisions of this Standard where-
- (a) compliance with the access provisions of the *Building Code* would cause unjustifiable hardship; and
 - (b) an application for a division of land is being made and there are one or more existing buildings on the land that may be affected by the land division.

2. ACCESS FOR PERSONS WITH A DISABILITY

- 2.1 A requirement of the *Building Code* relating to access to buildings, facilities and services within buildings for people with a disability does not apply to building work if to comply with the requirement would cause unjustifiable hardship (within the meaning of the *Disability (Access to Premises – Buildings) Standards 2010* made under the *Disability Discrimination Act 1992* of the Commonwealth).

3. LAND DIVISIONS

- 3.1 The *Building Code* is modified in its application to a strata scheme under the *Strata Titles Act 1988* or a scheme under the *Community Titles Act 1996* to the extent that a boundary-
- (a) between a *unit* and common property that consists of or includes a road, driveway, walkway or other thoroughfare, carpark, garden or open space adjoining the boundary with the unit; or
 - (b) between two *units*, or between a *unit* and common property, where the *units* or the *unit* and common property (as the case may be) are within the one building,
- is not an 'allotment boundary' or a 'boundary of an allotment' for the purposes of determining requirements for fire-resistance of building elements exposed to an allotment boundary or the boundary of an allotment (a fire source feature) under the *Building Code*.
- 3.2 The modification outlined in 3.1 above does not derogate from-
- (a) the significance of a boundary between a *unit* and common property, or between two *units*, as described in 3.1(a) or 3.1(b) for the purposes of determining other requirements for fire-resistance of those building elements under the *Building Code*; or
 - (b) the significance of any other boundary of a *unit* or common property, or the significance of the boundary of any other allotment, for the purposes of determining requirements for fire-resistance of building elements (eg the far boundary of a road adjoining the allotment, a boundary dividing the scheme from an adjoining allotment or a boundary between two units that is not within a building) under the *Building Code*.

3.3 In 3.1 and 3.2-

Building Code has the same meaning as defined in the Act; and

Unit means a unit under the *Strata Titles Act 1988* or a community lot under the *Community Titles Act 1996*.

3.4 For the purposes of regulation 77 of the *Planning, Development and Infrastructure (General) Regulations*, a 'fire source feature' is a side or rear boundary of any allotment that will be created as a result of a proposed division of land.