

Advisory Notices are issued to assist in the interpretation of the Planning, Development and Infrastructure Act 2016

TECHNICAL: Changes to Ministerial Building Standards effective 1 May 2023

This Advisory Notice provides information about changes made to a number of Ministerial Building Standards to ensure they are consistent with the structure and format of the National Construction Code 2022 (NCC 2022). Changes include the enactment of new modifications to the Building Code to ensure South Australia's Building Rules operate as intended.

Background

The Building Code of Australia (BCA) comprises Volume One and Two of the National Construction Code series (NCC) that is published from time to time by the Australian Building Codes Board (ABCB). The BCA is adopted as the *Building Code* for the purposes of the *Planning, Development and Infrastructure Act 2016* (PDI Act).

The PDI Act defines the *Building Rules* under the Act to include both the Building Code and Ministerial Building Standards (Standards) published by the Minister.

As part of the ABCB's ***Roadmap to better building and plumbing outcomes***, a number of changes to the National Construction Code's structure and format have been made. These changes will be adopted in NCC 2022 and include:

- Consistent volume structure, resulting in a better user experience and increased comprehension for all NCC users.
- Redesign of the Information Architecture, which will allow for digitisation and ease of future digital enhancements.
- Improved readability including simplified clause structuring and redesign of the online interface including enhanced interactive features.

The NCC is published on the ABCB website (ncc.abcb.gov.au/) and confirms the NCC 2022 commences **1 May 2023**.

The Minister for Planning has determined that the new livable housing and upgraded energy efficiency provisions (including condensation management) introduced by NCC 2022 will have a delayed commencement in South Australia, becoming mandatory in the *Building Rules* from **1 October 2024**.

Ministerial Building Standards

Under the PDI Act, the Minister may publish, vary or revoke Standards. The Standards are [published on the PlanSA portal](#) and may relate to:

- any aspect of building work (including the regulation, control, restriction or prohibition of building work)
- any aspect of the design, construction, quality, safety, health, amenity, sustainability, adaptive re-use or maintenance of buildings
- the modification of the Building Code as it applies under the PDI Act

Variations to existing Standards

Many of the existing Standards reference parts of the NCC and have been amended (effective 1 May 2023) to reflect the changes made in NCC 2022, in particular the simplified clause structuring. Minor editorial corrections have also been made where appropriate. These variations have been summarised in **Table A** below.

Of note, no changes have been made to the following Ministerial Building Standards:

- [Ministerial Building Standard 004 – Swimming pool safety - designated safety features for pools built before 1 July 1993 \(August 2019\)](#)
- [Ministerial Building Standard 006 – Modifications to the application of the Building Code \(July 2019\)](#)
- [Ministerial Building Standard 008 – Designated bushfire prone areas - additional requirements \(July 2020\)](#)

Revocation and republication of Standard – MBS 007

The previous Standard, *Ministerial Building Standard MBS 007 – Modifications to the Building Code* (Modifications to the Building Code 2019 edition – March 2021) contained modifications to Volumes One and Two of NCC 2019 Amendment 1. Accordingly, this Standard is no longer relevant from the commencement of the NCC 2022 and therefore has been revoked and replaced with a new Standard effective from 1 May 2023.

The NCC allows for state and territory modifications to be contained within its Volumes. South Australia's variations, additions or exclusions are located in various Schedule 8 of the NCC 2022 series and have been accepted by the Minister as forming part of the *Building Rules*.

Additionally, there are amendments that were determined after the publication of the NCC 2022 – such as the commencement dates for some provisions. The new Standard, [Ministerial Building Standard MBS 007 - Modifications to the Building Code of Australia](#) (May 2023), amends particular NCC 2022 provisions to ensure the intended operation of the *Building Code* under the *Building Rules*.

The majority of modifications within the new Standard relate to the *Notes* that enact the commencement of relevant NCC 2022 provisions. *Notes* provide additional mandatory instructions pursuant to A1G4(3)(g) of the *Building Code*. The amended *Notes* contained in the new Standard may therefore be relied upon for determining the applicable provisions in South Australia.

In addition, publication errors in Volume Two at SA H1P2 and H1D10 are rectified by the new Standard. For the avoidance of doubt, Part H1 applies in South Australia with Performance Requirement H1P1.

A number of implementation matters will be considered during the transitional period, and practitioners may anticipate a later version of MBS 007 published before the mandatory commencement of the NCC 2022's livable housing and energy efficiency (including condensation mitigation) provisions.

Ministerial Building Standard	Technical Amendments
<u>Ministerial Building Standard 001 – Upgrading health and safety in existing buildings</u>	<p>The reference to Note 4 in Table E1.5 under the definition of Excessive Fire Hazard has been amended to E1D13 (2)</p> <p>The reference to Table E3.6b in clause 404.2 has been amended to E3D8</p> <p>The reference to Standard C3.4 in clause B2.3.1 has been amended to Specification 12</p> <p>The references to clause D1.13 and Table D1.13 in Table B304 have been changed to clause D2D18 and Table D2D18 respectively</p> <p>Reference to Building Committee changed to Building Technical Panel</p>
<u>Ministerial Building Standard 002 – Maintaining the performance of essential safety provisions</u>	<p>Extensive referencing changes have been made and additional editorial corrections including the use of defined terms and italicising defined terms. MBS 002 should be read in conjunction with the Australian Building Codes Board <u>Table of BCA 2022 References by 2019 reference</u></p>
<u>Ministerial Building Standard 003 – Fire safety in caravan parks and residential parks</u>	<p>Capitalisation of defined terms where applicable. Updating reference and current extract to reflect the adoption of the <i>Fire and Emergency Services Regulations 2021</i>.</p>
<u>Ministerial Building Standard 005 – Additional requirements for housing on designated Aboriginal lands</u>	<p>Addition of consistent defined terms</p> <p>The reference to 3.1.4.2 in clause 4.4.1 has been amended to 3.4.1</p> <p>Wind speed terminology amended</p> <p>Amendment at B5.1 regarding rainwater tanks (the Planning Rules are likely to consider water supply requirements)</p>

<p><u>Ministerial Building Standard 009 – Onsite retention of stormwater</u></p>	<p>In clause 2.1, the reference to P2.1(a) and P2.2.1(c) of Volume Two have been amended to H2P1(1) and H2P1(3) respectively</p> <p>In clause 2.1, the reference to FP1.1 and FP1.3 of Volume One have been amended to F1P1 and F1P3 respectively</p> <p>In clause 3.11.1(b), the reference to Part 3.5.3 has been amended to Part 7.4</p> <p>Editorial corrections including italicising of defined terms and an additional defined term</p>
<p><u>Ministerial Building Standard 010 – Construction requirements for the control of external sound</u></p>	<p>In Section 5.2 General, the reference to Section 2 of Specification F5.2 of Volume One has been amended to Specification 28 of Part F7</p> <p>In Section 5.2 General, the reference to clauses 3.8.6.4 and 3.8.6.5 of Volume Two has been amended to clauses 10.7.3 and 10.7.4 of Part 10.7</p> <p>In Section 5.4 Construction of external walls, the reference to clauses 3.8.6.4 and 3.8.6.5 of Volume Two has been amended to clauses 10.7.3 and 10.7.4 of Part 10.7</p> <p>In Section 5.4 Construction of external walls, the reference to Section 2 of Specification F5.2 of Volume One has been amended to Specification 28 of Part F7</p>

Table A: Summary of changes to Ministerial Building Standards

Additional information

Further information about the key changes in NCC 2022 can be found on the [Australian Building Codes Board](#) website. Ministerial Building Standards can be downloaded from the [PlanSA portal](#).

Further information

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