

Ministerial Building Standard MBS 007

Modifications to the Building Code of Australia

May 2023



**Government of
South Australia**

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Minister for Planning

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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 of Australia (the *Building Code*), being Volumes One and Two of the National Construction Code (NCC), adopted as part of the Building Rules by the PDI Act, is modified in its application to buildings and building work in South Australia in accordance with the provisions of this Standard.
- 1.3 The NCC 2022 commences in the Building Rules on 1 May 2023, the modifications within this Standard apply to the NCC 2022 at and from its commencement 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, NCC 2022 Volume One will be taken to be amended as set out below:

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

Notes

Part G7 Livable housing design does not take effect in South Australia until 1 October 2024.

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

Notes

From 1 May 2023 to 30 September 2024 Part F6 of NCC 2019 Volume One Amendment 1 may apply in South Australia instead of Part F8 of NCC 2022 Volume One.

From 1 October 2024 Part F8 of NCC 2022 Volume One applies in South Australia.

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

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

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

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

- 2.1.5 Amend 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

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

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

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

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

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

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

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

- 2.1.9 Amend the Notes after the 'Introduction to this Part' in **Part J7 Artificial lighting and power** to read as follows:

Notes

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

- 2.1.10 Amend 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

From 1 May 2023 to 30 September 2024 Section J of NCC 2019 Volume One Amendment 1, including respective additions to Section J for South Australia, may apply instead of Section J of NCC 2022 Volume One.

From 1 October 2024 Section J of NCC 2022 Volume One applies in South Australia.

2.2 Volume Two

In South Australia, NCC 2022 Volume Two will be taken to be amended as set out below:

- 2.2.1 Amend **SA H1P2 Buildings in flood areas** in **Schedule 8** to read as follows:

This clause has deliberately been left blank.

H1P2 does not apply in South Australia.

- 2.2.2 Amend **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 Amend the Notes under **H4D9 Condensation management** to read as follows:

Notes

From 1 May 2023 to 30 September 2024 P2.4.7, V2.4.7 and Part 3.8.7 of NCC 2019 Volume Two Amendment 1 may apply in South Australia instead of H4P7, H4V5 and H4D9 of NCC 2022 Volume Two.

From 1 October 2024 H4P7, H4V5 and H4D9 of NCC 2022 Volume Two applies in South Australia.

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

Notes

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

From 1 October 2024 Part H6 of NCC 2022 Volume Two applies in South Australia.

- 2.2.5 Amend the Notes after the 'Introduction to this Part' in **Part H8 Livable housing design** to read as follows:

Notes

Part H8 Livable housing design does not take effect in South Australia until 1 October 2024.

3. EXPLANATORY INFORMATION (INFORMATIVE ONLY)

The majority of modifications within this Standard relate to the postponed commencement of the NCC 2022 livable housing design and upgraded energy efficiency provisions in South Australia.

The Minister for Planning has determined these provisions will be subject to an additional one-year transition period in the state. For the avoidance of doubt, the NCC 2022 livable housing design and the upgraded energy efficiency (including condensation management) provisions will commence in the Building Rules on 1 October 2024.

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

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

Copies of NCC 2022 can be downloaded from the Australian Building Codes Board's website at <https://ncc.abcb.gov.au/>