



Building Newsflash

BUDGET ACCOMMODATION BUILDINGS - CHANGE OF CLASSIFICATION FROM CLASS 1a to CLASS 1b

Purpose

The purpose of this Building Newsflash is to provide guidance on the most appropriate classification for certain types of accommodation building.

Background

A state wide inspection program of budget accommodation buildings is underway involving Fire Service and local council officers. The program has identified that many single dwellings (class 1a) are being used as class 1b buildings. Owners may be unaware buildings approved as single dwellings may not be used as boarding houses, guest houses, hostels or the like unless they comply with the relevant planning and buildings codes for those types of buildings.

The building classification system categorises buildings on the basis of use, hazard and occupancy with a view to ensuring any risks to safety, health and amenity are appropriately minimised. Where buildings are not used for the purpose for which they were designed these risks may increase.

Generally, development permission is required for any material change of use of land or buildings. Development approval processes ensure that relevant planning and building requirements are met.

It is a development offence to use premises, including buildings, unlawfully (see s4.3.5 of the *Integrated Planning Act 1997*). Also, it is an offence to change the classification of a building without approval (see s107 of the *Standard Building Regulation 1993*).

Buildings must comply with the relevant building regulations. For example, where a single dwelling is used to provide boarding house accommodation, s106 of the *Standard Building Regulation 1993* requires buildings to meet the appropriate building code.

In addition, s12H of the *Building Act 1975* requires buildings constructed or approved prior to 1 January 1992 which are used to provide budget accommodation (see s12B), to comply with the *Fire Safety Standard* (Queensland Development Code Part 14).

Legislation

Building Act 1975

Section 12B defines “budget accommodation building”.

Section 12H requires buildings constructed or approved prior to 1 January 1992 to comply with the *Fire Safety Standard*.

Standard Building Regulation 1993

Section 95 (1) provides that a building must not be used or occupied unless a current certificate of classification is in force.

Section 106 provides that a change of classification of a building occurs when the purpose for which the building was designed, built or adapted changes to the extent that the new use would fall within a different classification.

Section 107 provides that it is an offence to change classification of a building without approval in the approved form.

Integrated Planning Act 1997

Section 4.3.5 provides that it is an offence to use premises unlawfully.

Interpretation

Whether a building is used as a single dwelling or as a boarding house, guesthouse, hostel or the like will depend on ordinary meanings and the relevant facts in each particular instance.

A single dwelling is a building in which the occupants form a common household. For example a family unit or group may share a single dwelling, or individuals may form a group to rent a single dwelling to defray costs.

Additionally, owners or occupiers of a building may accommodate unrelated persons in many circumstances without changing the use from being a single dwelling. For example, a family may accommodate up to three boarders, overseas students or travellers and they would be included as part of the common household.

Where an owner or an occupier regularly accommodates four or more unrelated persons the use would be class 1b (or class 3 if more than 12 persons are accommodated or the building exceeds 300m²). Where owners that do not reside in the building rent individual rooms or beds to four or more unrelated individuals, the building is being used as a boarding house, guesthouse, hostel or the like.

In summary –

A class 1b building – a boarding house, guesthouse, hostel, farm stay or the like with four or more unrelated residents who do not form a common household.

A class 1a building – a single dwelling where any number of occupants form a common household.

For the purposes of fire safety –

- If four persons are provided with accommodation, the service provider may be providing a residential service as defined by s4 of the *Residential Services (Accreditation) Act 2002* (Please note that this Act may apply to a service provider even if residents are provided with accommodation in separate buildings). Residential services with four or five persons must comply with P10 and P11 of the Queensland Development Code - Part 20. Residential services which are also budget accommodation must comply with the *Fire Safety Standard*,

however all residential services in which facilities are not shared must comply with P10 and P11 of the Queensland Development Code - Part 20;

- If the building is not used as a single dwelling and six persons are accommodated in the building, it may be a budget accommodation building as defined by s12B of the *Building Act 1975*. Where bathroom or sanitary facilities are shared and the building accommodates six or more people the building must comply with the *Fire Safety Standard* (or the Building Code of Australia (BCA) if post 1992). Where bathroom or sanitary facilities are not shared the building must comply with BCA requirements for a 1b building; and
- Otherwise, where a class 1a building is changed to a class 1b it must comply with the requirements for class 1b buildings prescribed in the BCA.

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