



Building Newsflash

Advice from Local Government to Owners of Budget Accommodation Buildings about conformance with the Fire Safety Standard

Purpose

To provide advice to local governments about deciding on written applications from owners of budget accommodation buildings seeking advice as to whether their building conforms with the Fire Safety Standard (Part 14.0 of the Queensland Development Code) for budget accommodation buildings.

Background

The *Building and Other Legislation Amendment Act 2002* (BOLA) came into effect on 1 July 2002 and section 12J of the *Building Act 1975* provides for the owner of a budget accommodation building to make a written application to local government for advice as to whether their building conforms with the Fire Safety Standard.

Within 20 business days after receiving the application, the local government must –

- (a) decide if the building conforms with the Fire Safety Standard; and
- (b) give the owner written notice of the decision.

Receiving and assessing applications

Although the written application for advice is not an Integrated Development Assessment System (IDAS) application, it is appropriate that the application be handled similar to a Development Application as the decision notice issued by local government is binding. As is the case for Development Applications, if an owner disagrees with the notice, the decision can be appealed to a Tribunal under the *Integrated Planning Act 1997* (IPA).

Therefore, for local government to be able to provide accurate advice to owners, it is reasonable that the owner provide the following information with their written application:

- details of building location;
- contact details of the applicant (if the applicant is not the owner, the written consent of the owner must accompany the application);
- a description of the building including: age, size, number of storeys, type of construction and number of people able to be accommodated in the building;
- copies of any certificates of classification which may have been issued previously;
- a description of the current use of the building;
- a site plan showing the approximate location of the building on the site;
- dimensioned, scale drawings (plans and elevations) of the building;

- details and locations (on drawings) of any fire safety installations including, but not limited to: smoke alarms, emergency lighting, fire hose reels, fire extinguishers, sprinkler systems etc.; and
- if the building is a supported accommodation facility, information about the number of non-itinerant occupants with a disability under supervision, minimum number of supervisors and type and level of disability of occupants.

The provision of the above information will not preclude the need to carry out an inspection of the building. In some cases it may be necessary to seek the advice of the Queensland Fire and Rescue Service.

Documentation

Included with this advice is a sample application, for councils to use for the purpose of receiving applications together with sample drawings indicating the minimum information that should be supplied by an owner with the application form.

Local Government Administration

Local governments are able to charge a reasonable fee to assess written applications from owners of budget accommodation buildings. It is anticipated that the fee would be similar to that applied to Development Applications. Reference should be made to the Department's guideline "Principles and methodology for setting local government charges under the Building Act" for further guidance on how to set a fee for this service. Before fees can be charged, it is necessary for local government to amend any existing resolutions of council or pass a specific resolution to include this service.

The BOLA Act also provides for local government to approve a longer period of time than that set out in the Act for an owner to bring their building into conformity with the Fire Safety Standard (section 12I). It is also recommended that councils include this service when amending any resolutions of Council for the setting of fees.

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