



Building newsflash

Definition of the class 2 building classification under the Building Code of Australia (BCA)

Purpose

To update stakeholders on the class 2 building classification draft guideline (see [newsflash 327](#)) and to consult on a proposed Queensland amendment to the definition of the class 2 building classification in the BCA.

Background

[Newsflash 327](#) in July 2008 advised that the Department of Infrastructure and Planning (DIP) has received numerous enquiries and complaints from both industry and members of the community expressing concern about the use and classification of class 2 buildings.

The problem identified is that class 2 buildings are being approved or used by the public as holiday or business apartments, serviced apartments and similar short-term or transient accommodation. Such public uses are generally considered as being consistent with the class 3 building classification.

There are a number of concessions afforded to class 2 buildings, including access for people with a disability, fire safety and water and energy efficiency. The policy intent behind these concessions relates to the private use of dwellings and the fact that occupants of class 2 buildings, being long-term residents, will generally be private occupants who are aware of the building's layout and who are likely to pay for energy and water usage.

The building classification system established under the BCA groups buildings into different classifications according to their use and risk. It is essential that the correct classification is applied for a building (or part of a building) to ensure that the technical requirements most appropriate to its use and risk are applied. In addition, building occupants often have expectations that buildings will be used in accordance with their approved classification.

DIP published a draft guideline titled *Meaning of class 2 classification under the Building Code of Australia* for public consultation on 31 July 2008. The period for public consultation expired on 27 August 2008. Most submissions were supportive of the guideline, but some raised concerns, such as the possible application of the guideline to existing building uses.

Queensland previously raised the need to clarify class 2 uses through the Australian Building Codes Board (ABCB) and it was added as a project to the ABCB 2006/07 business plan. However, the ABCB has not been able to obtain agreement on a way forward on this issue and the ABCB Board recently resolved to discontinue work on this issue.

This issue remains a significant concern within Queensland and, following extensive efforts at the national level and consultation on the draft guideline, DIP has developed the following options to clarify acceptable class 2 uses:



Option 1—*Publish a Queensland guideline to clarify the intent of the class 2 classification*

A number of stakeholders have raised concerns with this option because of possible uncertainty about whether the guideline will affect the approved uses of existing buildings. There may, for example, be uncertainty about the possibility of the guideline being applied to revisit approval decisions based on earlier practices and guidelines and settled existing building uses. Therefore this option alone is not preferred.

Option 2—*Amend the definition of the class 2 building classification in the BCA in Queensland for BCA 2010 (commencing 1 May 2010) and publish a Queensland guideline*

This is the preferred option as it will provide greater certainty about requirements from 1 May 2010 for new construction. It will help to address the class 2 problems being experienced in Queensland in a balanced and timely manner by providing greater clarity on the appropriate uses of the class 2 building classification.

The proposed amendment aims to clarify that class 2 buildings are intended for long-term private living or renting arrangements and not for public holiday or business apartments, serviced apartments or similar short-term or transient accommodation. The proposed new Queensland BCA class 2 definition is:

Class 2: a building containing 2 or more *sole-occupancy units* each being a separate dwelling used for private residential purposes for an extended period of time, including exclusive intermittent use, but does not include a *sole-occupancy unit* that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not) such as a serviced apartment used for short term, holiday or business accommodation.

This amendment would be complemented by a Queensland guideline giving practical examples of building uses that are acceptable and uses that are not acceptable under the amended class 2 building definition for Queensland.

The proposed amended class 2 classification is intended to be accompanied by proposed changes to the *Building Act 1975* to make it clear that the amended class 2 building classification would only apply prospectively from 1 May 2010. Option 2, with the suggested complementary guideline and Act change, would minimise the risk of introducing uncertainties about existing buildings.

The proposed amendment will more closely align the BCA class 2 building definition for Queensland with the Commonwealth's draft Disability Standards (Premises Standards) relating to disability access to buildings.

The Commonwealth's draft Premises Standards currently exclude the sole occupancy parts of class 2 buildings from the disability access and facilities requirements on the basis that the public or a section of the public is not entitled or allowed to enter or use them (whether for payment or not). The proposed amendment to the class 2 definition for Queensland will reflect this and will help to ensure buildings intended for public use such as serviced apartments used for short-term, holiday or business accommodation are appropriately accessible to people with disabilities.



To comment

Stakeholders are invited to provide comment on the proposals set out in this newsflash. All submissions must be received by **5pm, Friday 3 July 2009**. Please mark your comments

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