



# Building newsflash number 424

## New standards for temporary accommodation buildings, buildings in bushfire-prone areas and private bushfire shelters

### Purpose

To advise:

- the new part MP 3.3 of the Queensland Development Code (QDC) for temporary accommodation buildings and structures will commence on 1 July 2010
- QDC part MP 2.4 for buildings in bushfire-prone areas expired on 1 May 2010
- the Australian Building Codes Board (ABCB) published a performance standard for private bushfire shelters.

### Temporary accommodation buildings and structures

The *Building Act 1975* (BA) establishes the standards to which temporary buildings and structures must be constructed. On 23 April 2008 amendments to section 67 of the BA commenced through the *Building and Other Legislation Amendment Act 2008* to allow for the introduction of specific standards for temporary accommodation buildings.

Under the Building and Other Legislation Amendment Regulation (No. 2) 2010 (BOLAR 2010), the new part MP 3.3 of the QDC will commence on 1 July 2010. MP 3.3 will become a building assessment provision under Section 30 of the BA. Section 30 requires assessable and self-assessable building work to be carried out in accordance with the building assessment provisions, including the QDC.

The proposed code does not apply to existing lawful temporary accommodation buildings that have been approved for use on a site. The ongoing lawful use of these buildings under an existing approval will not be affected.

Under the new code, a temporary accommodation building is permitted to remain on site for a period of 24 months before it is either removed or demolished. Under BOLAR 2010, local governments, who will be a concurrence agency under the Sustainable Planning Regulation 2009, will be able to approve an extension of the period under the performance requirement P1 of the QDC. Where the work is self assessable, the acceptable solutions of MP 3.3 must be followed in every instance as appropriate.

MP 3.3 applies where accommodation is provided in a temporary building. In addition to MP 3.3, temporary accommodation buildings that are class 1a (and their associated class 10 buildings) will still be required to comply with the QDC design and siting standards to maintain appropriate design and siting standards. For other classes of buildings, a local government's planning scheme, where relevant, may specify applicable design and siting standards.



MP 3.3 provides concessions for temporary accommodation buildings that are:

- currently being lawfully used. These buildings can be relocated once before 1 July 2012 without having to comply with all of the requirements of MP 3.3. If the relocated building is to remain on site for less than 112 days, only P20 of MP 3.3 applies. For relocated buildings that remain on site for a period greater than 112 days, all of MP 3.3 applies except P2, P3, P5, P6 and P7.
- used for short periods of time:
  - for 42 days or less, where the buildings are assessed by a building certifier as part of an approval, the requirements of P20 of MP 3.3 will apply
  - for more than 42 days but not more than 112 days, the aspects of MP3.3 that apply to the building itself are specified. For example, external covered areas and sealed surfaces do not apply but minimum bathing facilities, floor areas and insulation requirements do.

Temporary accommodation buildings for private and domestic residential use need only comply with P1 and P3 of MP3.3.

Other parts of the QDC will not apply to temporary accommodation buildings. For example, MP 4.2 and MP 4.3 will not apply. Also, for parts of the QDC that already address accommodation standards for buildings, for example MP 5.6 for pastoral workers accommodation, MP 3.3 will not apply.

Under BOLAR 2010, where temporary accommodation is provided as part of an employment agreement or where rent is paid, a checklist, in the approved form, will need to be displayed in a conspicuous location near the temporary accommodation building. The person responsible for ensuring the checklist is displayed will be the person who allows the temporary accommodation building to be occupied.

An approved form for the checklist and a fact sheet about the new laws will be published on the department's website soon. The new MP 3.3 is available online free of charge at [www.dip.qld.gov.au](http://www.dip.qld.gov.au) and BOLAR 2010 is also available free of charge at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

## **Buildings in bushfire-prone areas**

Newsflash 371 issued on 18 June 2009 advised stakeholders Australian Standard 3959–2009 for the design and construction of buildings in bushfire-prone areas would be adopted in Queensland before its reference in the Building Code of Australia 2010 (BCA). Amendments to the Building Regulation 2006 commenced on 1 October 2009 to introduce QDC part MP 2.4, which referenced AS 3959–2009.

BCA 2010 commenced on 1 May 2010 and references AS 3959–2009, incorporating amendment 1. As a consequence, the Building Amendment Regulation (No. 2) 2010 deleted QDC part MP 2.4 and, commencing from 1 May 2010, the provisions of BCA 2010 for buildings in bushfire-prone areas now apply in Queensland instead of MP 2.4.



## Performance standard for private bushfire shelters

The ABCB has recently published a performance standard for private bushfire shelters. The standard was developed following recommendations of the Victorian Bushfires Royal Commission and is now available for use by those in the community choosing to build a private bushfire shelter.

At this stage, use of the performance standard in Queensland is not mandatory. However, the ABCB is proposing to incorporate private bushfire shelter provisions into BCA 2011, which, if adopted by Queensland, will make the requirements mandatory. The new performance standard is available online free of charge at [www.abcb.gov.au](http://www.abcb.gov.au)

## Legislation

*Building Act 1975*

Building Regulation 2006

Sustainable Planning Regulation 2009

Queensland Development Code

Building Code of Australia

## Contact for further information

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