



# Building Newsflash

## Roles and responsibilities of building certifiers in relation to budget accommodation buildings and residential services buildings

### Purpose

To provide advice on changes to the *Building Act 1975* and the *Standard Building Regulation 1993 (SBR)* in relation to the assessment of Development Applications for Budget Accommodation Buildings and Residential Services Buildings.

### Budget Accommodation Buildings

On 1 July 2002, the Building Act was amended to require budget accommodation buildings which were built, approved or for which an application was made prior to 1 January 1992 to comply with a prescribed fire safety standard. The prescribed standard called up by the SBR is Part 14 of the Queensland Development Code (QDC). Where a development application is to be assessed for compliance with the Fire Safety Standard, only the local government can assess a budget accommodation building for compliance. If a private certifier is requested to assess building work on a budget accommodation building, the private certifier can only assess building work for compliance with the Building Code of Australia (BCA) even though pre 1992 buildings must also comply with the Fire Safety Standard.

### Residential Services Buildings

Following enactment of the *Residential Services (Accreditation) Act 2002* on 23 August 2002, the SBR was amended to require a development application made for building work for a residential services building to not be approved unless the local government gives written advice that, if the building work were carried out, the premises would comply with the prescribed building requirements of the Act. The building requirements prescribed by regulation for residential services buildings are contained in Part 20 of the QDC, the "Residential Services Building Standard."

### What are Budget Accommodation and Residential Services buildings?

A budget accommodation building is a building used to accommodate 6 or more persons and the occupants share bathroom and sanitary facilities in that building (ie. bedrooms do not have ensuites). See the amended Building Act for the full definition.

A residential services building is any building used in the delivery of a residential service. A person provides a residential service when they accommodate 4 or more people in a room or rooms that may or may not be in the same building. This accommodation is not generally in self contained units<sup>1</sup>, there are shared facilities (eg. resident shares a bathroom, kitchen, dining room and common room with other residents) and it is the only or main residence for each of the residents. See the *Residential Services (Accreditation) Act 2002* for the full definition.

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<sup>1</sup> A residential service may be a self contained unit where the resident is provided with a food service or a personal care service, for example aged rental accommodation.

If a building used to provide a residential service has 6 or more people accommodated in the building, it is highly likely that it will also meet the definition of a budget accommodation building. If that were the case, that building would have to comply with the legislative requirements for both types of buildings.

### **Assessing Development Applications**

There is an onus on a building certifier to take reasonable steps to identify both the use and operation of an accommodation building before assessing a development application as both pieces of legislation introduce various obligations to the development application process.

The following sets out the responsibilities of private certifiers and local governments in assessing development applications for building work on budget accommodation buildings and residential services buildings.

- Application for a residential services building only, either existing or new

A **private certifier** can assess proposed building work for compliance with the BCA, but must not approve the application until **local government** gives written advice that, if the building work were carried out, the premises would comply with Part 20 of the QDC. A **local government** would assess proposed building work for compliance with the BCA and Part 20 of the QDC.

- Application for a budget accommodation building only, built or approved before 1 January 1992

A **private certifier** can assess proposed building work for compliance with the BCA. A **Building owner** can self assess for compliance with Part 14 of the QDC for fire safety. A **local government** would assess proposed building work for compliance with the BCA (except for fire safety) and Part 14 of the QDC.

- Application for a budget accommodation building only, built or approved after 1 January 1992

Both a **private certifier** and **local government** would assess proposed building work for compliance with the BCA.

- Application for a building defined as a budget accommodation and residential services building built or approved before 1 January 1992

A **private certifier** can assess proposed building work for compliance with the BCA, but must not approve the application until **local government** gives written advice that, if the building work were carried out, the premises would comply with Part 20 of the QDC. **Building owner** can self assess for compliance with Part 14 of the QDC. A **local government** would assess proposed building work for compliance with the BCA (except for fire safety), Part 20 of the QDC and Part 14 of the QDC.

- Application for a building defined as a budget accommodation and residential services building built or approved after 1 January 1992

A **private certifier** can assess proposed building work for compliance with the BCA, but must not approve the application until **local government** gives written advice that, if the building work were carried out, the premises would comply with Part 20 of the QDC. A **local government** would assess proposed building work for compliance with the BCA and Part 20 of the QDC.

### **Contact Officer**

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