



Building Newsflash

BUDGET ACCOMMODATION BUILDINGS

Fire Safety Standard - Joint Compliance Inspections with QFRS

The deadline for compliance with stage two of the Fire Safety Standard (as contained in Part 14 of the Queensland Development Code, the "QDC") for budget accommodation building was 30 June 2005. Budget accommodation buildings must now comply with the QDC and councils should be proactive in monitoring compliance.

The Department of Emergency Services will be conducting a proactive compliance program to monitor fire safety management plans and the maintenance of fire safety installations. We are pleased to advise that Department of Emergency Services has agreed to assist councils by conducting joint compliance inspections wherever possible.

Joint inspections will provide a seamless outcome for owners and for other stakeholder agencies. Many councils have already taken up the offer and they are working closely with the Queensland Fire and Rescue Service (QFRS) officers to plan and prioritise their inspection programs. If you have any questions regarding the QFRS program please contact Glen Brumby from the Department on 3237 1705.

Approved Inspection Programs – Proposed amendment to the *Local Government Regulation 1994*

The maximum timeframe for Approved Inspection Programs under the *Local Government Act 1993* for the purpose of compliance inspections in budget accommodation buildings will be extended. The proposed timeframe is one year and it is anticipated that the change will reduce the costs of council compliance programs. This amendment is currently being progressed and is expected to be in place within the next six weeks.

PINS – Penalty Infringement Notices for failing to comply with Local Government Enforcement Notices

Councils will soon have the ability to issue fines for failing to comply with Enforcement Notices issued against owners of budget accommodation buildings. The Enforcement Notices will detail areas of non-compliance with the QDC and are issued under section 22 (1) of the *Building Act 1975*. The fines will be \$375 for an individual and \$1875 for a corporation.

Where a council officer reasonably believes a building to be dangerously non-compliant, there would be no requirement for a "show cause" notice to be issued before enforcement action is undertaken.

The fines should be available in the next few months.

“Building” v “Part of a Building” in Budget Accommodation Buildings

The definition of “building” in the *Building Act 1975* includes “part of a building”. Compliance agencies and assessment managers should use their discretion to sensibly exclude parts of a building from being a “budget accommodation building” where the parts of the building that are to be treated as separate “buildings” are fire separated.

Part 14 of the Queensland Development Code - Compliance certification

We have received several inquires regarding the right of private certifiers to assess a building’s compliance with the QDC. Further direction on this issue will be available within the next few weeks.

The Department published the following advice in relation to other development application scenarios in a Newsflash dated 2 October 2002.

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.

1. 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.

2. 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.

3. 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.

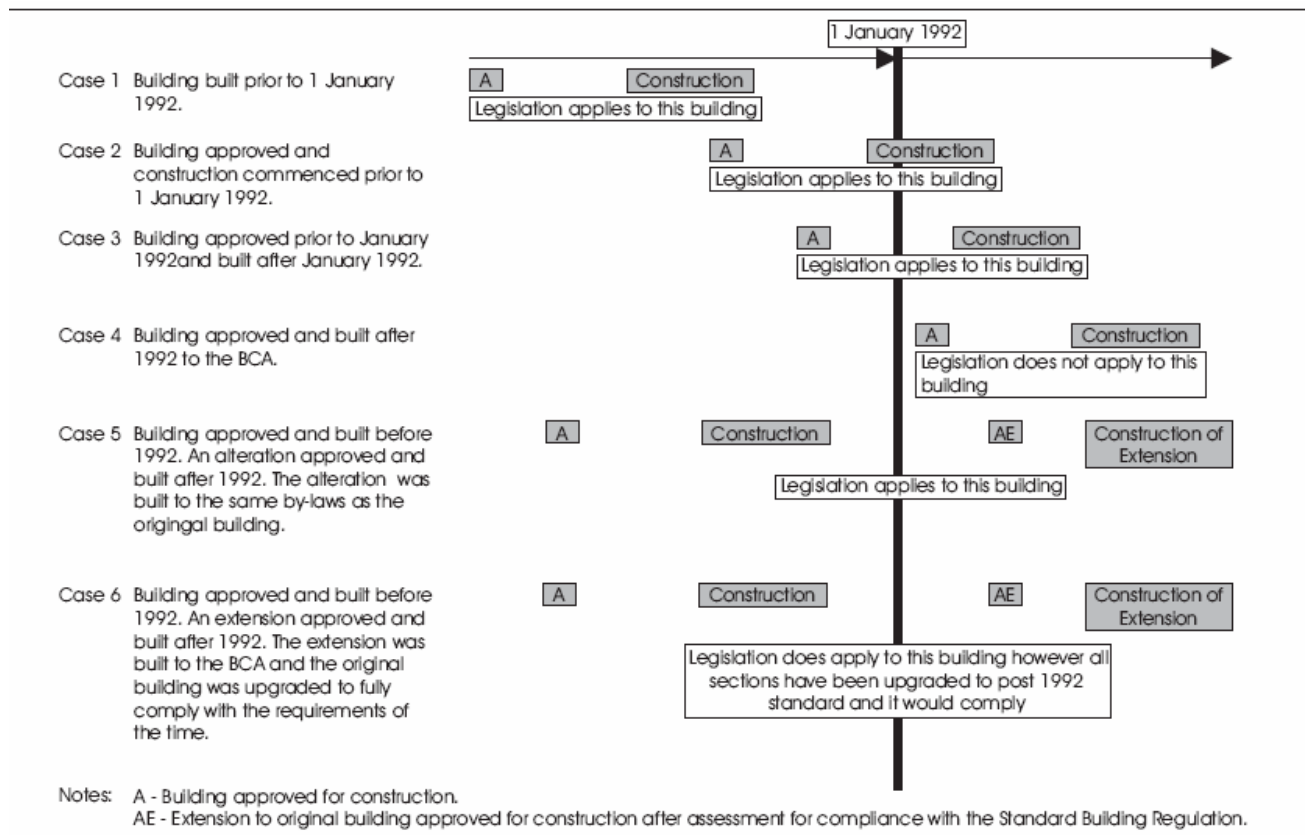
4. Application for a building defined as a budget accommodation and residential services building built or approved before 1 January 1992

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. A **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.

5. 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.”

The Department has also provided the following timeline guide to assist owners, certifiers and local government:



Contact Officer

For further information in relation to this Newsflash, please contact Glen Brumby on (07) 3237 1705 or email buildingcodes@dlqpsr.qld.gov.au.

DISCLAIMER: The information contained in the Building Newsflash is provided by the State of Queensland in good faith. The material is general in nature and before relying on the material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purpose. It is not intended as a substitute for consulting the relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances. The State of Queensland cannot accept responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance on information contained in this Newsflash. It is not intended to be, and should not be relied upon as the ultimate and/or complete source of information.