

14 August 2008

Mr Dan Oliver
Senior Advisor
Building Standards Branch
Building Codes Queensland Division
Planning Group
Queensland Department of Infrastructure & Planning
Level 3, 63 George Street
BRISBANE QLD 4001

Dear Mr Oliver

RE: Meaning of Class 2 and 3 building classification under the Building Code of Australia (BCA)

We refer to your email dated 1 August 2008 to members of the Building Industry Consultative Group (BICG) on the issue of the definition of Class 2 and 3 buildings under the BCA. We thank the Department for the opportunity to make comment on the draft Guideline.

Master Builders' broadly supports the Guideline. With some exceptions Master Builders sees the Guidelines' commentary as a satisfactory explanation as to how the differentiation between a class 2 and a class 3 building should be drawn. However, we believe there are certain definitions that do not support the Guidelines explanation. In fact, the definitions advocated will considerably weaken the Guidelines' arguments and continue to contribute to the industry's ongoing confusion in trying to decipher the difference between a class 2 and 3 building, if left as proposed.

Unfortunately there is still 'cross-over' between class 2 and 3 building by virtue of the definition of "sole-occupancy unit". To achieve the desired level of clarity between the two classes changes need to be made to the following definitions:

- Class 2; and
- Sole-occupancy units (SOL).

The class 2 definition incorporates by reference the definition of "sole-occupancy units". The "sole-occupancy unit" definition includes in subsection (b) "*a room or suite of rooms in a class 3 building which includes sleeping facilities*". SOL's placement in the class 2 definition and the inclusion of a reference to class 3 in the definition of a SOL sets a circular argument and confusion. To achieve greater clarity we recommend the following,

- In the class 2 definition "sole-occupancy unit" be deleted and replaced with a new phrase "sole-occupancy residence".
- From the existing sole-occupancy unit definition subsection (a) be deleted.

The inclusion of "sole-occupancy residence" and the deletion of subsection (a) would assist the Guidelines interpretation when drawing on the importance of the inclusion of the word "dwelling" in the BCA meaning of class 2 buildings. It would strengthened the Guidelines distinction between class 1a, 2 and 4 buildings compared to class 1b and 3 buildings.

It further strengthens the emphasis the Guideline is seeking to make, namely, a class 2 building is an individual's "permanent legal *dwelling*" as opposed to a class 3 building being an individual's "*temporary or long-term residence*" and who in most instances is only residing

in a room (or suite of rooms). In addition, we would strongly recommend adding the following definitions:

- Dwelling – a dwelling can only be a class 1a, 2 or 4 building.
- Sole-occupancy residence – means a *dwelling* for occupancy by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, tenant, or other occupier.

Master Builders acknowledges that while the recommended changes look straight forward their implications on the operations and interpretation of the Building Code of Australia Volume 1 will also need revision. Nevertheless, as previously stated the current Guidelines will require these changes if the industry is to be given clarity between what is and what is not a class 2 or 3 building and the ultimate outcome of the buildings proper use and purpose realised.

Master Builders thanks the Department for the opportunity to be involved in this consultation process. To clarify this submission or conduct further discussion on any matter raised please contact Phil Breeze on (07) 34046409.

Yours faithfully,

Darren Barlow
Director Housing