

5 June 2008

Mr Dan Oliver
Project Manager
Southern Region Division
Queensland Department of Infrastructure & Planning
63 George Street
BRISBANE QLD 4001

Dear Mr Oliver

Meaning of Class 2 and 3 building classifications under The Building Code of Australia (BCA)

We refer to Mr Phil Finnimore's email dated 30 May 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 prior to the Guide becoming publically available.

The draft consultation paper provided as an attachment to the above email forms the basis of our response. Where Master Builders has no comment to make we do not identify that section of the Guide. Master Builders reserves the right to comment further in light of matters raised by other parties to this consultation process.

Background

Master Builders sees significant benefit in re-introducing the definition of "Dwelling Unit" as per the *Standard Building By-laws 1975* which preceded the BCA for use in classification of class 2 buildings. It is our view that this would remove a considerable amount of uncertainty as to the classification.

Interpretation

While we agree that multiple classes are required to ensure buildings are adequately constructed for their intended purpose – much of the present confusion appears to stem from the fact that subsequent to planning approvals and certification the owners /

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occupiers of buildings use them for purposes otherwise than as per indicated by the original class. For example, we have witnessed a Class 2 building that has subsequent to construction been “converted” to short term executive accommodation (a Class 3 purpose) without any form of assessment as to the safety, fire or BCA requirements. Such situations appear to occur because the change of use for the dwelling / building can occur without physical modification and Government Authorities are none the “wiser” of the change of purpose because of this lack of need for physical change.

As a side comment part resolution of this issue could arise by changing the planning laws to require that the submitter of a plan / development for approval formally specifies (and identifies on the plans as appropriate) that the building is to be Class 2 or Class 3 or that where mixed use is intended, specify the actual individual dwellings that are proposed for under each class. This would enable fire and evacuation rules, etc to be applied correctly to the Class 3 component of the building. Such a change would also provide assistance and support to the Certifiers to ensure that the relevant requirements of the BCA are complied with in construction.

If the major issue that the Guide attempts to resolve is that occupants of buildings that have been subject to a change of purpose from Class 2 to Class 3 (either in whole or part) may not receive adequate health and safety information (as required in Class 3 situations) such as emergency exits, stairwell access information, fire and evacuation procedures, etc. A simple issue could be to ensure that all Class 2 buildings must comply with the fire and evacuation signage applicable to Class 3 buildings.

Where the issue is complaints and issues regarding the use of individual units within Class 2 buildings being utilized for Class 3 purposes this is a matter for, in our view the Body Corporate of the building and the enforcement of applicable Body Corporate rules and by-laws.

Recommendations

Master Builders supports broadly the Guide however we encourage the following clarifications be added to the Guide and promoted through changes in the appropriate regulatory instruments:

1. Require submitters of plans / development for approval to identify the buildings (or parts thereof) that will be Class 2 and / or Class 3.

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2. Require all Class 2 buildings from a particular date to comply with the fire and emergency evacuation signage of Class 3 buildings.
3. Add to the BCA definitions in Appendix A of the Guide the definition of “dwelling units” from the *Standard Building By-Laws 1975*.
4. Change the definition of “Class 2” in Appendix A by replacing the words “sole-occupancy” with the word “dwelling”.
5. Change the definition of “Class 3” in Appendix A by replacing the word “residential” with the word “commercial” and adding “or 4” after “Class 1 or 2”.
6. Delete from the definition of “sole-occupancy dwelling” in Appendix A subsection 9a) reading “(a) a dwelling: or”.
7. Add new definitions in Appendix A for the following terms:
 - Dwelling units (as per Recommendation 3 above);
 - Residential building (making it clear that a residential building is a dwelling unit and either owner occupied or subject to a residential tenancy agreement only); and
 - Commercial Building (all buildings that are not residential buildings).

Conclusion

Master Builders thanks the Department for the opportunity to be involved in this consultation process. We believe that making the changes as provided in the Recommendation section above will go a long way to remedying the concerns expressed over the classification of Class 2 and 3 buildings and their proper use and purpose.

As importantly the changes will also clarify existing issues within the planning and development approval process. Master Builders recognises that Recommendations 1 and 2 will require amendment to regulatory instruments outside the Guide as provided for comment – however we believe that the public benefit from these changes are justified

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To clarify this submission or conduct further discussion on any matter raised please contact Darren Barlow on (07) 3404 6420.

Yours faithfully,

Darren Barlow
Director Housing

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