

# AUSTRALIAN BUILDING CODES BOARD



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Dear Stakeholder

## CLASS 2 & 3 BUILDING CLASSIFICATION

In August 2010, the Productivity Commission released its *Annual Review of Regulatory Burdens on Business* report, which raised concerns about the classification and use of Class 2 and 3 buildings. The Productivity Commission report was considered by the ABCB, where it was agreed that the ABCB Office would consult with stakeholders and seek detailed information regarding the problem including suggested solutions.

In 2011, we sought comment from stakeholders in relation to the Class 2 and 3 building classification and use issue; seeking detailed information regarding the problem including suggested solutions. The response to the consultation together with an evaluation of the suggested solutions informed the ABCB's consideration of this matter.

The ABCB and the ABCB's peak technical advisory committee, the Building Codes Committee (BCC) have considered this issue on a number of occasions since the consultation. The Administrations responsible for building regulation in each State and Territory have developed a commentary to the *Guide* to assist in the application of Class 2 and 3 buildings (attached).

We would welcome your comments on the proposed commentary to the *Guide* by Friday 31 August 2012 to inform any changes made to 2013 edition of the National Construction Code (NCC 2013). Comments should be sent to [brian.ashe@abcb.gov.au](mailto:brian.ashe@abcb.gov.au)

Yours sincerely

Brian Ashe  
Project Manager  
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## Application of BCA Classifications 2 and 3

The application of all BCA classifications, including Class 2 and Class 3, relates to the intended use of the building. For Class 2 the use is as separate dwellings, and for Class 3, the use is as a common place of living for unrelated people, both as discussed below. The classification of serviced apartments also depends on the intended occupancy and use of those apartments and could be either Class 2 or Class 3 depending on that intended use.

Note: "The term 'unrelated' does not exclude a situation where all occupants of the premises have an ongoing housemate or flatmate relationship with all other members of the household, where together the occupants take the form of a domestic household and generally are entitled to share use of all the premises even though they may only notionally rent a bedroom each, or where an occupant notionally rents a bedroom of a premises owned by the other occupant.

### Serviced apartments

The term "serviced apartments" itself does not denote the intended use of the building. For example, serviced apartments could include –

- A block of self contained units, intended for short term occupancy, where services are provided. (ie Class 3)
- self contained units in a residential flat building, used as private family residences where services (security, cleaning, laundry etc) are available to residents. (ie Class 2)
- self contained units in a retirement village where retirees live and have services provided by the management. (ie Class 1 or 2).

The examples indicate that the intended use of the building is the determining factor in its classification.

### Class 2

A Class 2 building is a building containing sole occupancy units primarily used as dwellings, similar to Class 1a dwellings. This entails the concept of use for private residential purposes, being a home for the occupants, a permanent domicile and may typically be a person's residential address for purposes such as the electoral roll. It may also include exclusive intermittent use for the stated purpose.

It is not intended as a building containing sole-occupancy units that the public are entitled to enter or use (whether for payment or not) for short term, holiday or business accommodation.

### Class 3

A Class 3 building is a building containing sole-occupancy units with a primary purpose as a common place of living for unrelated persons. The time span of occupancy could be long term or transient, depending on the type of Class 3 building.

Examples include –

- a boarding house, lodging house, backpackers etc (*long term or transient*)

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<sup>1</sup> What is the *Guide*? The *Guide* is a companion manual to Volume One of the National Construction Code (NCC). It is intended as a reference book for people seeking clarification, illustrations, or examples, of what are sometimes complex provisions. Volume One and the *Guide* should be read together. However, the comments in the *Guide* should not be taken to override the NCC. Unlike the NCC, which is adopted by legislation, the *Guide* is not called up into legislation. As its title suggests, it is for guidance only.

- a hotel or motel – residential accommodation (*usually transient*)
- student accommodation provided in a school or staff accommodation provided in a health care building (*usually transient (eg school term) but could be long term( nursing staff accommodation)*)
- detention centre where inmates are accommodated (*transient or long term*)
- accommodation for the aged, children or people with a disability (*usually long term but could be transient*)

The intent of sole-occupancy units in a Class 3 building is for the public to be entitled to enter or use them (whether for payment or not) for residential long or short stay or intermittent use purposes including short term, holiday or business accommodation.

The reference to “long term or transient living” and the examples cited in the BCA classification, as described above, indicate that the defining issue is not the length of stay but rather the risks presented by the intended use. Because a Class 3 building includes the provision of accommodation for unrelated or transient persons, it is possible that in many situations, the occupants may be unfamiliar with the building, presenting a higher risk than a Class 2 building.