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CLASSIFICATION CHANGES UNDER THE BUILDING ACT 1975

Fire and Security Consulting Services (FSCS) is frequently asked about the necessity of buildings undergoing changes in Classification to meet some or all of current Building Code of Australia (BCA) requirements.

Section 112 of the Queensland Building Act 1975 (2010) ^[1] permits a Building Certifier to change the Classification of an existing building subject to certain conditions being met and certain assessments being conducted.

The text of Section 112 is reproduced below in Figure 1.

<p>112 Concessional approval for particular existing buildings</p> <p>(1) This section applies only to a building in existence before 14 December 1993.</p> <p>(2) A building certifier who is either of the following may approve a BCA classification change for the building or part of the building without the building or part as changed having to comply with the building assessment provisions, other than the BCA, parts E1 and E4⁴⁷—</p> <p>(a) a local government building certifier;</p> <p>(b) a private certifier (class A).</p> <p>(3) However, the change may be approved only if the building certifier considers that the building or part—</p> <p>(a) will be structurally sound and capable of withstanding the loadings likely to arise from its use under the new BCA classification; and</p> <p>(b) will reasonably provide for—</p> <p>(i) the safety of persons in the building if there is a fire, including, for example, means of egress; and</p> <p>(ii) the prevention and suppression of fire; and</p> <p>(iii) the prevention of the spread of fire.</p> <p>(4) Also, if the building contains a special fire service the building certifier must not approve the change unless the certifier has first received from QFRS a report on the suitability of the service.</p> <p>(5) The approval may impose the conditions the building certifier considers necessary about any of the matters mentioned in—</p> <p>(a) the BCA, part E1 or E4; or</p> <p>(b) subsection (3).</p>

Figure 1 Building Act 1975 Section 112

The Building Act (together with other Queensland Legislation) frequently uses the word “reasonable” in the context of achieving or producing an outcome.

Examination of the Building Act and other Legislation reveals that there is no definition of the word “reasonable”. Accordingly FSCS considers that a suitable definition would be “appropriate under the circumstances” and FSCS uses that scenario in its Reports.

A good example of a change in Classification is when an existing Class 1a dwelling is to be used as an office or Consulting rooms, each being Class 5.

The assessment should cover each of the requirements detailed in Section 112.

In addition to a Structural Engineer addressing the adequacy of the structure to accommodate the imposed loads expected in the proposed building, such as filing cabinets and the like, a Fire Engineer needs to be engaged to address the Fire Safety issues.

Generally a Class 5 building would have similar fire loads and potential fire intensity to a Class 1a dwelling and FSCS considers that the existing Class 1 residential building can lawfully be reclassified as a Class 5 office building subject to a formal analysis and possibly certain conditions being imposed.

For other Classification changes the process will be more complex especially where a low fire hazard occupancy is to be used as a high fire hazard occupancy.

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[1] Queensland Government Building Act 1975 – (Reprint 7A), dated 21-02-2011, Office of the Queensland Parliamentary Counsel, Brisbane