

# CHANGE OF CLASSIFICATION

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## Introduction

Under the Building Code of Australia (**BCA**), buildings are classified dependent upon their approved and proposed use. There are 10 major classifications that apply to buildings. When a Building Permit is issued for a building it is assessed against the specific requirements relative to the building class, size and configuration.

This information sheet deals with the requirements applicable if a buildings use and subsequent classification changes.

## Definitions

The BCA has classified buildings in the following classes:

### Class 1

One or more buildings, which in association constitute:

- (a) **Class 1a** – a single dwelling being
  - (i) A detached house; or
  - (ii) One of a group of two or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit; or
- (b) **Class 1b** – a boarding house, guesthouse, hostel or the like
  - (i) With a total area of all floors not exceeding 300 m<sup>2</sup> measured over the enclosing walls of the Class 1b; and
  - (ii) In which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.
  - (iii) 4 or more single dwellings located on one allotment and used for short-term holiday accommodation.

### Class 2

A building containing 2 or more sole-occupancy units each being a separate dwelling.

### Class 3

A residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including:

- (a) A boarding-house, guest house, hostel, lodging-house or backpackers accommodation; or
- (b) A residential part of a hotel or motel; or
- (c) A residential part of a school; or
- (d) Accommodation for the aged, children or people with disabilities; or
- (e) A residential part of a health-care building which accommodates members of staff; or
- (f) A residential part of a detention centre.

### Class 4

A dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.

### Class 5

An office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

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### **Class 6**

A shop or other building for the sale of goods by retail or the supply of services direct to the public, including:

- (a) An eating room, cafe, restaurant, milk or soft-drink bar; or
- (b) A dining room, bar, shop or kiosk part of a hotel or motel; or
- (c) A hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) Market or sale room, showroom, or service station.

### **Class 7**

A building which is:

- (a) **Class 7a** – a carpark; or
- (b) **Class 7b** – for storage, or display of goods or produce for sale by wholesale.

### **Class 8**

A laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

### **Class 9**

A building of a public nature:

- (a) **Class 9a** – a health-care building; including those parts of the building set aside as a laboratory; or
- (b) **Class 9b** – an assembly building, including a trade workshop, laboratory or the like in a primary or secondary school, but excluding any other parts of the building that are of another Class; or
- (c) **Class 9c** – an aged care building.

### **Class 10**

A non-habitable building or structure:

- (a) **Class 10a** – a non-habitable building being a private garage, carport, shed, or the like; or
- (b) **Class 10b** – a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.
- (c) **Class 10c** – a private bushfire shelter.

### **Information and Advice**

The WA Building Act 2011 require that if a building changes its use and class, that an application is to be made to the Shire for approval. The WA Regulations 2012 also state that if there is a change in class, the building will need to comply with the relevant requirements of the BCA, applicable to the new classification.

When the Shire receives an application, the Building Surveyor will make an assessment of the application and advise of any modifications that will be required to bring the building into compliance with the relevant requirements of the BCA.

Once the building has been modified to comply with the new requirements, and inspected and approved by the Shire, a new classification certificate will be issued to the owner.

### **Do I need to make an application to The Shire to change the use and classification of a building?**

**Yes.** An Application for a Building Permit must be completed and submitted to the Shire, prior to occupying the building.

**Note: Any required building works will need to be completed and approved by the Shire before the building can be occupied.**

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## **What requirements do I need to comply with if I change the use and classification of a building?**

When a buildings changes use and classification the building is required to be upgraded to meet the relevant requirements of the BCA. Some areas that may need upgrading include fire safety, egress from the building and access for people with disabilities. When your application has been lodged with the Shire, the Building Surveyor will carry out a comprehensive inspection and provide a report outlining all of the areas that are required to be rectified.

### **Fees**

Please see your Local Shire for an update of schedule of fees.

### **Fines and Penalties**

Failure to obtain a Building Permit is an offence under the WA Building Act 2011. The Shire may choose to prosecute for failure to obtain a Building Permit. The maximum penalty for this offence is \$100,000. The Shire may also serve a Notice on the owner or builder to remove the structure. If you object to the local government's order you may have a right of review to the State Administrative Tribunal.

### **Additional Information**

If you would like additional information changing the classification of a building, please contact the Shire of Broome Building Services on 9191 3456.

### **Requirements Checklist Notes**

- Building Application to be completed
- Building fees as applicable
- Architectural plans
- Structural Engineer's plans and design certification
- Other applicable technical documentation as required

### **Disclaimer**

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The Shire of Broome encourages you to seek professional advice before acting on any information contained within this document. Please contact the Shire of Broome if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.