

## CP.47 Conversion of Class 10 Buildings to Class 1 Habitable Buildings

<i>Responsible Department</i>	Development and Community Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15/03/2017
<i>Next Scheduled Review</i>	2024/2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Health (Miscellaneous Provisions) Act 1911;</i> <i>Building Regulations 2012;</i> <i>Building Code of Australia;</i> <i>Planning Scheme 6</i>

### OBJECTIVE

- Protect the visual amenity of an area:
- Protect occupants from a health & safety perspective;
- Protect future purchasers of the property; and
- Minimise potential liability issues.

### SCOPE

The reclassification of Class 10 buildings to Class 1 habitable buildings, is permitted by regulation 47 of the *Building Regulations 2012* under certain conditions as permitted under the *Building Act 2011* and section 144 of the *Health (Miscellaneous Provisions) Act 1911*.

This policy identifies the minimum requirements for consideration of a reclassification request.

### POLICY

#### Definitions

“**Class 10**” as defined in the Building Code of Australia – (eg: a shed - non-habitable)

“**Class 1**” as defined in the Building Code of Australia – (eg: a dwelling - habitable)

#### Background

Sheds and the like are approved and defined under the Building Code of Australia (BCA) as “non-habitable” or Class 10 buildings. As such, the standards required for

these structures are significantly less than those for habitable buildings (Class 1 structures). By living in a shed or the like, owners place at risk the health & safety of themselves and all those they let occupy these structures.

Both the Health (Miscellaneous) Act 1911 and the Building Act 2011 prohibit the use of a Class 10 building as a habitable building. For occupation to occur, it must be upgraded to meet the Class 1 building requirements for a dwelling. Whilst the Shire does not want to encourage this practice, it is prepared to permit such a conversion where it can be demonstrated that the building in question can be improved and meet the necessary requirements of the BCA and the Shires Planning Scheme.

### **Policy**

In order to reclassify a structure the following approvals are required from the Shire:-

- Development Approval;
- Building Approval;
- Approval to install an effluent disposal system, if required.

Once approved a Class 10 structure cannot lawfully be used for human habitation until all building work has been completed in accordance with the approved Building Permit and a Notice of Completion (Form BA7) has been submitted to the Shire.