



Advisory Notice Building 01/24

Classification of residential buildings for unrelated residents with care needs

This Advisory Notice provides guidance in determining the appropriate classification of residential buildings for unrelated people with care needs under the National Construction Code (NCC). It supersedes *Advisory Notice Building 07/14* issued in May 2014.

Background

Residential accommodation options for people with care needs, including older persons, children and people with disabilities, have expanded significantly in recent years.

Under NCC 2019, the description of Class 9c became *residential care building* (previously *aged care building*) to allow for residents of any age that may have a range of care needs from low to high. Residential care may also be provided in buildings that cater to low (Class 3) or high care needs (Class 9a). Specialist disability accommodation provides housing options for younger people with disabilities, including those that may have previously had to live in residential aged care.

It is now common to use buildings of domestic construction for residential care, specialist disability accommodation and other accommodation for unrelated older persons, children and people with disabilities. While they are intended to look, feel and operate as domestic buildings, these buildings must be appropriately classified under the NCC to ensure that the safety needs of residents are met, particularly in relation to evacuating in an emergency.

Discussion

National Construction Code (NCC) classifications

Building classifications categorise buildings of similar risk levels based on use, hazard and occupancy. Residential buildings for unrelated residents with care needs may be classified under the following NCC classifications:

- **Class 1b** – domestic type buildings allowing independent living for unrelated people, such as a boarding house, guest house, hostel or the like.

- **Class 3** – residential buildings providing long-term or transient accommodation for a number of unrelated persons, including (a) accommodation for older persons, children or people with disability, and (b) residential care buildings.
- **Class 9a** – health-care buildings, including those used for residential care.
- **Class 9c** – residential care buildings.

Residential care buildings

As defined in the NCC, a residential care building is *'a Class 3, 9a or 9c building which is a place of residence where 10% or more of the persons that reside there need physical assistance in conducting their daily activities and to evacuate the building during an emergency (including any aged care building or residential aged care building) but does not include a hospital'*.

Where 10% or more of unrelated residents will require physical assistance, the purpose of the building is that of a residential care building. The appropriate classification is Class 3 residential care, 9a (health care) or 9c (residential care).

Specialist disability accommodation

The National Disability Insurance Scheme (NDIS) funds specialist disability accommodation (SDA) that provides housing options for eligible individuals (participants) who have an extreme functional impairment or very high support needs.

Housing options include apartments, villas, duplexes and townhouses, houses, or group homes (refer [NDIS \(SDA\) Rules 2020](#)). The accommodation must meet the specific needs of the participant and be available on a long-term basis.

Providers must enrol their dwelling with the NDIS with new SDA dwellings certified by an accredited SDA assessor as meeting the [NDIS SDA Design Standard](#) criteria for the enrolled design category at the final as-built stage. Provisional certification at building approval stage is optional. SDA dwellings can include a mix of design categories, with common areas designed to the highest certified design category.

A review of the SDA design categories and SDA Design Standards was recommended by the 2023 NDIS Review ['Working together to deliver the NDIS'](#) final report. It was recommended that this review also consider how the building classification system of the NCC and the SDA Design Standards could be better aligned (refer Action 9.4).

Determining an appropriate classification

The building size, number of residents, their care needs and need for physical assistance to evacuate the building during an emergency will determine the NCC classification that most closely reflects the purpose of the building.

Where residents undergo medical treatment and generally need physical assistance to evacuate the building during an emergency, the building meets the criteria for a **Class 9a** (health care) building. Class 9a buildings include nursing homes and similar facilities for people who are sick or with disabilities that need full-time nursing care.

Class 9c (residential care) buildings can have any mix of residents with low and high care needs, allowing the mix of residents and staffing levels to change as care needs change over time without changing the building classification. The residents do not require full-time nursing care but 10% or more need physical assistance in daily activities and during evacuation.

Class 3 residential care buildings are generally smaller in scale and accommodate residents that have low to moderate care needs. The residents do not require full-time nursing care but 10% or more need physical assistance in daily activities and during evacuation. Accommodation for support staff may be provided.

Sprinklers (as recommended by the SDA Design Standard) are required under the NCC for Class 3 buildings used as residential care buildings and for some other Class 3 buildings.

Class 3 would be the appropriate classification where accommodation is provided for unrelated older persons, children or people with disability that have low to moderate care needs or require some specialised support but do not require assistance to evacuate in an emergency. Accommodation for support staff may be provided.

Class 1b provides concessions to the more stringent Class 3 requirements due to the smaller size of the building and its lower number of occupants resulting in reduced fire risks. The NCC has minimum access and fire safety (smoke alarms and evacuation lighting) provisions that apply to Class 1b buildings but sprinklers (as recommended by the SDA Design Standard) are not required.

Class 1b may be appropriate where the residents have low care needs and do not require physical assistance during evacuation. The building must have a total floor area not more than 300 square metres and ordinarily accommodate up to 12 people. If the building does not meet these criteria, Class 3 becomes the appropriate classification.

For more information:

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