

CONSIDERATIONS FOR CLASS 1A - TEMPORARY OR PORTABLE DWELLING MANUFACTURED HOME STRUCTURES AND NON-CONFORMING BUILDING PRODUCTS

EFFECTIVE MAY 2023 - UPDATED TO ALIGN TO NCC 2022

Non-conforming building products (NCBPs) are building products that are not safe, non-compliant, or contain false or misleading claims and are not fit for their intended use.

It is important to note that manufactured home structures are often represented as “temporary” or “portable” dwellings and are classified as a Class 1a dwelling under the National Construction Code (NCC).

Manufactured homes are structures that are made up of individual components that may be building products, which must comply with Queensland’s non-conforming building product laws. The manufactured home as a complete structure may trigger building or plumbing work requirements. These building and plumbing requirements are administered by the local government where the structure is placed.

A Development Approval for Building Works (building permit) and a Development Approval for Plumbing and Drainage Works (plumbing permit) from the relevant local government or private certifier as appropriate for the manufactured home is required, where applicable, under the *Planning Act 2016*. Check with your local government or private building certifier.

Required Information and Evidence of Suitability

Class 1a temporary or portable dwelling manufactured homes are required to meet the NCC Governing and Performance Requirements for a Class 1a dwelling and sufficient ‘required information’ must be provided in relation to the component building products pursuant to Part 6AA of the *Queensland Building and Construction Commission Act 1991* (QBCC Act).

Dependent upon the site-specific geographical conditions, evidence of suitability such as appropriate test reports and documents satisfying the NCC A5G3 and A5G4 evidence of suitability, will be required. This is used to show compliance will be achieved with the following (where applicable) relevant NCC and Queensland Development Code (QDC) ‘Performance Requirements’ for the manufactured home:

H1P1	Structural stability and resistance
H2P2	Weatherproofing
H3P1	Spread of fire
H3P2	Automatic warning for occupants
H4P1	Wet areas, including falls to floor wastes
H4P2	Room heights
H4P3	Personal hygiene and other facilities
H4P4	Lighting

H4P5	Ventilation
H4P6	Sound Insulation
H4P7	Condensation and water vapour management
H5P1	Movement to and within a building
H5P2	Fall prevention barriers
P2.6.1	Building - as required by QDC MP4.1 referencing BCA 2010
P2.6.2(a)	Services (energy efficiency) - as required by QDC MP4.1 referencing BCA 2010
A5G4	Evidence of Suitability – for WaterMark certification of plumbing and drainage components intended for use with drinking water.

Note on 1 October 2023 – Liveable Housing Provisions under NCC H8P1 comes into effect as well as increased energy efficiency for 7-star ratings under the Modern Homes standards when the QDC MP4.1 (version 1.14) will commence.

Some geographic locations may require some additional specific ‘Performance Requirements’ not mentioned previously, to be considered.

When considering a temporary or portable dwelling manufactured home, it is important to have -

- a site wind speed assessment in accordance with Australian Standard (AS) 4055 as appropriate for Class 1 and 10 buildings from a professional engineer (or other suitably qualified person), which includes terrain category, topographic classification and shielding; and
- location information, if applicable, such as:
 - » acoustic requirements or acoustic reports;
 - » bushfire rating requirements;
 - » energy efficiency requirements;
 - » if required to act as a barrier (balustrade); and
 - » fall prevention requirements.

If you are involved with the ordering, supply, or installation of a portable or temporary dwelling manufactured home, be sure to check that it meets all the regulated criteria before ordering and installing.

Manufacturers, suppliers, and installers need to be aware of the requirements for domestic Class 1 dwellings, whether they be portable, prefabricated, modular, temporary, or otherwise, if sold or installed in Queensland.

Unless a manufactured home is designed and manufactured to

1. satisfy the requirements of the NCC,
2. meet relevant Australian Standards, and
3. are installed correctly

then possible non-compliance in the areas of:

1. WaterMark certification
2. weatherproofing
3. waterproofing
4. structural reliability, or
5. fire safety

may at best, impose discomfort upon the occupants and, at worst, cause sickness, injury, or even, death.

Under Queensland's NCBP legislation, members of the construction industry supply chain, i.e., persons in the chain of responsibility (including, but not limited to manufacturers, importers, sellers, and installers), must ensure the building products they manufacture, supply, or install, are compliant, or otherwise risk incurring significant penalties.

Persons in the chain of responsibility also have a duty to provide accompanying 'required information' (as defined further below), which includes:

- the suitability of the building product for its intended use; and
- instructions about how the building product must be installed.

When providing a complete manufactured home structure, advice that it requires a Development Approval for Building Works and Plumbing/Drainage Works to be obtained prior to installation should also be provided.

Regulating the required Development Approvals for Building Works and Plumbing/Drainage Works is the responsibility of the relevant local government where the structure is placed.

Definitions

Evidence of suitability – means the form of evidence used to support that the use of a material, product, form of construction or design meets a 'Performance Requirement' or a 'Deemed-to-Satisfy Provision' and may be in the form of any one, or any combination of the following:

- (a) A current CodeMark Australia or CodeMark Certificate of Conformity.
- (b) A current Certificate of Accreditation.
- (c) A current certificate, other than a certificate described in (a) and (b), issued by a certification body stating that the properties and performance of a material, product, form of construction or design fulfil specific requirements of the Building Code of Australia (BCA).

(d) A report issued by an Accredited Testing Laboratory that—

- (i) demonstrates that a material, product, or form of construction fulfils specific requirements of the BCA; and
- (ii) sets out the tests the material, product or form of construction has been subjected to and the results of those tests and any other relevant information that has been relied upon to demonstrate it fulfils specific requirements of the BCA.

(e) A certificate or report from a professional engineer or other appropriately qualified person that—

- (i) certifies that a material, product, form of construction or design fulfils specific requirements of the BCA; and
- (ii) sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate it fulfils specific requirements of the BCA.

(f) Another form of documentary evidence, such as but not limited to a Product Technical Statement, that—

- (i) demonstrates that a material, product, form of construction or design fulfils specific requirements of the BCA; and
- (ii) sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate it fulfils specific requirements of the BCA.

Performance Requirement means - a requirement which states the level of performance which a Performance Solution or Deemed-to-Satisfy Solution must meet.

Performance Solution means - a method of complying with the Performance Requirements other than by a Deemed-to-Satisfy Solution.

Deemed-to-Satisfy (DtS) Solution means - a method of satisfying the Deemed-to-Satisfy Provisions.

Deemed-to-Satisfy Provisions means - provisions which are deemed to satisfy the Performance Requirements.

Required information - for a building product, means information about the product that—

- (a) for each intended use of the product, states or otherwise communicates the following—
 - (i) the suitability of the product for the intended use and, if the product is suitable for the intended use only in particular circumstances or subject to particular conditions, the particular circumstances or conditions;
 - (ii) instructions about how the product must be associated with a building to ensure it is not a non-conforming building product for the intended use;

- (iii) instructions about how the product must be used to ensure it is not a non-conforming building product for the intended use; and
- (b) complies with the requirements for the information, if any, prescribed by regulation for this definition.

Manufactured home — is a structure, other than a caravan or tent, that -

- (a) has the character of a dwelling house; and
- (b) is designed to be able to be moved from one position to another; and
- (c) is not permanently attached to land.

Disclaimer

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