



Determination 2012/056¹

Regarding the classified use of a proposed house that would be a residence for four people with disabilities at 7 Honeyfield Drive, Whalers' Gate, New Plymouth

1. The matter to be determined

- 1.1 This is a Determination under Part 3 Subpart 1 of the Building Act 2004² (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations, Ministry of Business, Innovation and Employment (“the Ministry”³), for and on behalf of the Chief Executive of that Ministry.
- 1.2 This Determination was issued on 20 August 2012 and then clarified, following an application for clarification under section 189⁴ of the Act (refer to paragraph 3.7).
- 1.3 The parties to the determination are:
- the owner, the Housing New Zealand Corporation, who is the applicant for the building consent (“the applicant”)
 - the New Plymouth District Council, carrying out its duties and functions as a territorial authority or a building consent authority (“the authority”).
- 1.4 This determination arises from a decision of the authority to refuse to issue a building consent for a proposed building. The authority was of the view that the proposed building should be categorised as Commercial under Clause A1 of the Building Code (Schedule 1, Building Regulations 1992), and the proposal subsequently did not comply with the Building Code. The application for building consent categorised the proposed building work as a Detached Dwelling under Clause A1.

¹ Subject to a clarification under section 189 of the Building Act 2004

² The Building Act 2004, Building Code, compliance documents, past determinations and guidance documents issued by the Ministry are all available at www.dbh.govt.nz or by contacting the Ministry on 0800 242 243

³ After the application was made, and before the determination was completed, the Department of Building and Housing was transitioned into the Ministry of Business, Innovation and Employment. The term “the Ministry” is used for both.

⁴ Unless otherwise stated, references to sections are to sections of the Act and references to clauses are to clauses of the Building Code.

- 1.5 I therefore consider the matter to be determined⁵ is whether the authority correctly exercised its decision making powers in refusing to grant a building consent for the proposed building work.
- 1.6 In making my decision, I have considered the submissions of the parties and other evidence in this matter. I have not considered any other aspects of the Act or of the Building Code.
- 1.7 For the purposes of this Determination, references to Acceptable Solution C/AS1 are to Compliance Document for New Zealand Building Code Fire Safety Amendment 9 effective 10 October 2011.

2. The background

- 2.1 A construction company, representing the applicant, made an application for building consent dated 9 December 2011 for the proposed new building.
- 2.2 The proposed building is a five bedroom house. The house is intended to be the long term residence and home for four people with disabilities. The legal tenant will be a not for profit organisation, acting on behalf of the residents and making or assisting with decision making with respect to the tenancy, to enable the residents to sustain the tenancy. Two carers will assist the residents during the day, and one carer will stay over to assist the residents at night.
- 2.3 The building consent application describes the use as a detached dwelling and indicates that the proposed building is to include an automatic system for fire suppression, which is shown in the drawings as a sprinkler system that meets the requirements of NZS 4515: 2009⁶ and conventional smoke detectors with cold smoke seals to each of the bedrooms and two manual call points.
- 2.4 Although the building consent does not use C/AS1 as a means of compliance, I note that the fire safety precautions described in the building consent exceed those required by C/AS1 for a detached dwelling, which is purpose group SH as described in C/AS1.
- 2.5 The authority subsequently wrote to the construction company in a letter dated 18 January 2012, stating that as the proposed building was commercial, a revised application form was required along with further information to demonstrate Building Code compliance, including information about the fire safety features.
- 2.6 The applicant and the authority subsequently exchanged correspondence about the categorisation of the building. I have summarised the main points put forward by each party in paragraph 3.
- 2.7 The Ministry received an application for a determination on 17 May 2012.

⁵ Under sections 177(1)(b) and 177(2)(a)

⁶ NZS 4515: 2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square metres)

3. The submissions

- 3.1 The application for determination included relevant building consent application documents, correspondence between the parties on the matter of the use of the building, and was supported by a submission noting:
- the house falls within the detached dwelling (Housing) category in paragraph 2.0.1 of Clause A1 of the Building Code
 - the house is a permanent, residential home for life for the four people who will live there, with a key feature of the tenancy of the house being held by a non-profit community group, which provides the residents with a stable place to live in, as they may not have the capacity to otherwise hold a tenancy
 - there are many private residential houses that would be classified as Housing, where people receive assistance from carers
 - the house is not within the 'Commercial' category in paragraph 5.0.1 of Clause A1 of the Building Code, as the use is not concerned with natural resources, goods or money, and services
 - the house does not fall within any of the other 'Housing' categories in paragraph 2.0 of Clause A1
 - the house does not fall within the category of Communal Residential in paragraph 3.0 of Clause A1
 - there are no principal users of the facility
 - the house is not similar to the examples given in this category (boarding house, hall of residence, hostel, hotel, motel etc), which all are examples that have a much higher level of occupancy and tend not to be permanent.
- 3.2 The authority acknowledged the application in a response dated 17 May 2012, noting that it did not wish to make a separate submission at this stage as it was of the view that the correspondence between the applicant and the authority contained within the application described the issue well. The authority also noted that it was of the view that 'the legislation lacks clarity, and as these facilities are increasing in incidence ... some guidance for building consent authorities would be appropriate' and that 'the new acceptable solutions (C/AS1 and C/AS3) for fire safety do not provide a prescriptive approach for this situation either.'
- 3.3 The points made in the correspondence from the authority to the applicant were:
- there is uncertainty in the Act 'regarding the thresholds between Residential and Commercial applications'
 - the authority 'disagrees with the residential category in the proposal and refers to [Clause A1 paragraph 3.0.3] Community Care (a) unrestrained, where the [principal] users are free to come and go'
 - 'whilst overnight-stay carers will be critical in the maintenance of the safety and service provision for the disabled residents, the [authority] feels that the house will be essentially no different from an old people's home or other

similar care facility. Therefore a compliance schedule would be required for the installed specified systems’.

- ‘In terms of building consent categories, the classified uses section of the Building Code is meaningless and building consent categories carry only two definitions residential and commercial. A hospital for example, would use a commercial application’.

3.4 A draft determination was provided to the parties on 24 July 2012.

3.5 The authority accepted the draft determination without comment in a response received by the Ministry on 2 August 2012.

3.6 The applicant accepted the draft determination in a response received by the Ministry on 15 August 2012, and noted two matters it wished to be taken into account:

- C/AS1 is not the means of compliance for the proposed building work, and this was incorrectly entered into the building consent application form. The fire safety design was undertaken by a fire engineering consultancy and the fire safety report demonstrates compliance with Clauses C2 to C4 and F7 of the Building Code. The applicant also noted that the fire safety design is not based on an alternative solution, but that the design undertaken for the building has resulted in the residential dwelling at the address being fitted with fire safety systems that are equivalent to those in a rest home or hospital.
- It would be helpful if the specific factors as to why the disabilities of the residents of this proposed dwelling are such to cause the dwelling to be regarded as falling into the Community Care Classified Use, so that they may be considered and applied and/or distinguished in the case of properties that may be constructed elsewhere for residents with different types and levels of disability.

3.7 Following the issue of the determination on 20 August 2012, the applicant sought a clarification under section 189 of the Building Act on 4 September 2012. In its request for clarification, the applicant sought:

- an expansion on the nature of the key considerations that distinguish the uses in the Communal residential category from those in the Housing category and their relevance to the particular classified use in Clause A1 of the Building Code
- clarification on the meaning of ‘the degree of care provided’
- clarification on the relevance of the number of carers and the difference that would be perceived in the event of different care arrangements, including clarification on the relationships between the people being cared for and the carers
- clarification on the meaning of ‘the permanence or otherwise of the arrangements’.

3.8 I decided to clarify the determination in accordance with section 189 of the Act and I amended the determination to address these issues in paragraphs 4.4.7 to 4.4.17 of the determination.

- 3.9 The applicant also sought clarification of the effect of changes in particular factors and whether this would cause the use to fall within one category or another in clause A1. For example, the applicant sought clarification when a change in the number of people being cared for or the number of carers assigned to assist the residents would shift the use from one category to another. The clarification has not addressed these matters as I do not consider it appropriate for the determination to consider how the use categories may apply to different factual situations. These issues would more properly be addressed through the issue of guidance material and I have discussed this further in paragraph 4.4.20 below.
- 3.10 I provided a draft of the clarified determination to the parties for comment on Friday 14 September 2012. The authority responded stating that it was satisfied with the content of the determination and did not have any further comments. The applicant responded stating that it did not wish to make any further comments, and appreciated the proposed process outlined in paragraph 4.4.20 and looked forward to the opportunity to participate in the process.

4. Discussion

4.1 General

- 4.1.1 Based on the correspondence provided to me, it appears that the authority has taken the approach that:
- under Clause A1 of the Building Code, the proposed building has a use of ‘Community Care’ (Clause A1, section 3.0.3)
 - for the purposes of assessing building consents, it is necessary to categorise buildings as either ‘commercial’ or ‘residential’ for compliance with the Building Code and given the Classified Use of Community Care, the building should therefore be categorised as ‘Commercial’.
- 4.1.2 The applicant is of the view that under Clause A1 of the Building Code, the proposed building has a use of ‘Detached Dwelling’ (Clause A1, section 2.0.2).
- 4.1.3 In order to form a view about the Building Code compliance of the proposed building and the authority’s refusal to issue a building consent, I have considered the following:
- the relevant requirements of the Act and Building Code (refer to paragraph 4.2)
 - the categorisation of buildings (refer to paragraph 4.3)
 - the classified use of the building (refer to paragraph 4.4) (including the classified use categories, previous determinations, and the application of the Building Code to this building).

4.2 The relevant requirements of the Act and Building Code

4.2.1 I have considered the basic provisions of the Act and Building Code that are required to be applied in granting a building consent. The Act sets out the manner in which the Building Code is to be applied as provided for in sections 16, 17 and 18 of the Act. The requirements of these sections specify the purpose of the Building Code, which is to:

- prescribe the functional requirements for buildings and the performance criteria buildings must comply with in their intended use (section 16)
- that all building work must comply with the Building Code (section 17)
- that building work is not required to achieve performance criteria in excess of those prescribed in the Building Code (section 18).

4.2.2 Clause A1 of the Building Code is one of the preliminary clauses of the Building Code and classifies buildings under seven categories called “classified uses”. The intended use of a building must be matched to its classified use. Therefore, the performance criteria that a building must meet, depends on its classified use.

4.2.3 Where a building consent is required, section 49 of the Act gives effect to the requirements of section 17 by specifying that a building consent will not be granted unless the authority ‘is satisfied on reasonable grounds that the provisions of the Building Code would be met if the building work were properly completed in accordance with the plans and specifications that accompanied the application.’

4.2.4 In considering an application for a building consent, the authority is required to apply the test in section 49 of the Act. The classified use of the building is relevant to determining which performance requirements of the Building Code a particular type of building is required to satisfy, and consequently whether the building satisfies those performance requirements of the Building Code.

4.3 The categorisation of buildings

4.3.1 I note that there are a number of different categorisations of buildings used in or for the purposes of the Building Act and associated Regulations. Different categorisations are used for different purposes. Examples of categorisations include:

With respect to compliance:

- Classified uses, such as Housing, Commercial, Industrial, etc under Clause A1 of the Building Code; for the purpose of applying the performance requirements of the Building Code.
- Uses of buildings such as CS (Crowd small), SH (Sleeping Single Home), WH (Working High) under the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005; for the purpose of decisions about upgrade work required when the uses of buildings are changed.

With respect to the processing of the consent application by the authority:

- Residential (1, 2 and 3) and Commercial (1, 2 and 3) under the National Building Consent Authority Competency Assessment System (with respect to

the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006, specifically Regulations 9, 10 and 11); for the purpose of measuring the competency of building officials.

With respect to licensed building practitioners:

- Category 1, Category 2, and Category 3 buildings under the Building (Designation of Building Work Licence Classes) Order 2007; for the purpose of allowing building practitioners to carry out work that matches their competency level.

4.3.2 It is important that the authority is cognisant of the purpose of the categorisations and applies them to the appropriate decision making process.

4.3.3 It appears that the authority's need to categorise a building as 'Commercial' or 'Residential' arises from the implementation of the National Building Consent Authority Competency Assessment System, as a part of its system to meet the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006, specifically Regulations 9, 10 and 11.

4.3.4 Notwithstanding the necessity of having categorisations that relate to how building consents are processed and by which of the authority's officers, this categorisation is an internal building consent authority process. It is unrelated to the test that the authority is required to apply under the Act in terms of the granting of building consent. It is my view that the authority has incorrectly exercised its powers in considering the categories under the National Building Consent Authority Competency Assessment System, rather than considering the statutory tests under the Act that relate to granting of building consents (refer to paragraph 4.2).

4.4 The classified use of the building

The classified use categories

4.4.1 The use categories that relate to residential buildings, in which people live are:

Type	Description
2.0 Housing	Applies to building or use where there is self care and service (internal management). There are three types:
2.0.2 Detached Dwellings	Applies to a building or use where a group of people live as a single household or family. Examples: a holiday cottage, boarding house accommodating fewer than 6 people, dwelling or hut.
2.0.3 Multi-unit Dwelling	Applies to a building or use which contains more than one separate household or family. Examples: an attached dwelling, flat or multi-unit apartment.
2.0.4 Group Dwelling	Applies to a building or use where groups of people live as one large extended family. Examples: within a commune or marae.
3.0 Communal residential	Applies to building or use where assistance or care is extended to the principal users. There are two types:
3.0.2 Community service	Applies to a residential building or use where limited assistance or care is extended to the principal users. Examples: a boarding house, hall of residence, holiday cabin, [back country hut], hostel, hotel, motel, nurses' home, retirement village, time-share accommodation, a work camp, or camping ground.
3.0.3 Community care	Applies to a residential building or use where a large degree of assistance or care is extended to the principal users. ...

Previous determinations

- 4.4.2 The applicant has referred to Determination 2006/92⁷. That determination considered a building described as a detached house for up to five people with disabilities and a support person and found that the building was a “household unit” for the purposes of the Act, as it ‘does not come within any of the exclusions from the section 7 definition of “household unit”’. However, that determination was in respect of whether a compliance schedule was required for the specified systems installed in the building. In that determination, it was also concluded that:

Although the building is not required by the Act to have a compliance schedule, it is required by the Building Code to have certain fire precautions, including certain specified systems. Regular inspection and maintenance is of course vital to ensure that those systems can be relied upon throughout the life of the building.

- 4.4.3 Similar buildings were also considered in two other previous determinations⁸ (with reference to both the Classified uses under Clause A1 and the purpose groups under the Acceptable Solution C/AS1):

- In Determination 1998/002⁹, it was found that a house that was being altered for use as a home for five people with disabilities, was not required by the Building Act to comply with the provisions of the Building Code for access and facilities for people with disabilities under section 47A of the Building Act 1991. In that determination it was found that:

In terms of the classified uses defined in clause A1 of the building code ... the house comes within either 3.0.2 Community Service or 3.0.3(a) Community Care, depending on the extent of care provided by caregivers to the people with disabilities who will be the principal users of the building; and

In terms of the purpose groups [specified in C/AS1], the house comes within purpose group SC ... and not SH (ordinary houses) despite the fact that the principal users will live as a single household. ...

- Determination 1999/009¹⁰ considered the fire safety requirements of the Building Code for a six bedroom house being altered for use as a home for five people with disabilities. In that case, the owner applied for a building consent on the basis that the house was purpose group SH (under the compliance document C/AS1) but had complied with the more demanding requirements for purpose group SA. The territorial authority referred to Determination 1998/002 and said that such houses are within the words defining purpose group SC in that the principal users are people with disabilities and require special care or treatment, noting that the words that define purpose group SC do not allow for any consideration of types of disability or of degree or extent of disability. In that determination it was found that:

⁷ Determination 2006/092: Is a compliance schedule required for a new IHC residential home?

⁸ Under the Building Act 1991

⁹ Determination 1998/002: Provisions to be made for people with disabilities in community housing

¹⁰ Determination 1999/009: Fire safety precautions in a house for people with intellectual disabilities

- definition of purpose group SC, and particularly the words “care institutions for . . . people with disabilities” covers a wide range of buildings
- the building was not one where the principal users were mobile and understood the risk of fire. An appropriate fire safety system was dependent on the abilities of the buildings occupants
- a fire alarm did not need to meet the worse case scenario represented by an SC building. A lesser alarm might well be appropriate.

The application of the Building Code to this building

- 4.4.4 I have considered the classified use categories of residential type buildings that people live in, and compared this with the design of the building, including its intended use, and the evidence provided by the applicant about the intended use of the building.
- 4.4.5 In respect of the categorisation of Housing and Communal residential, I note that the category of Housing applies to buildings or uses ‘where there is self care and service (internal management)’. The category of Communal residential applies to buildings or uses ‘where assistance or care is extended to the principal users.’
- 4.4.6 The applicant has described the residents as:
- The residents of the [house] are just that; they are not “users” of a facility. ... The [house] is a home for life for its residents with care provided to allow them to live in a residential environment within the community.
- ... One of the young men who will live in the [house] is deaf and suffers from autism. Another is clinically blind. Two use wheelchairs and need help to propel themselves. Each of them is intellectually disabled. The carers at the house will cook meals for the residents and will assist with their personal care and medication.
- 4.4.7 I acknowledge and understand the submission from the applicant and the importance of the points raised about the house being a permanent, residential home for life for the four people who will live there and the people who live in the house being residents. However, that cannot change my view of the intended use of the building and therefore the Building Code requirements that the building must meet. Considering the level of care and assistance required by the residents of the house, including that the occupants may not understand the risk of fire and may not be mobile and able to self evacuate, I do not believe that the test of ‘self care’ is met.
- 4.4.8 The previous determinations referred to in paragraphs 4.4.2 and 4.4.3 commented on the caregivers or other support staff employed to work in private houses. Determination 2006/92 noted that:

In current New Zealand usage I do not consider that the provision of support staff, whether or not on a “live-in” basis, is enough to prevent the building from being a “household unit” as defined. Caregivers, paid companions, servants, and the like frequently visit, or live as part of the household in, private houses and flats which are clearly household units.

- 4.4.9 I have not considered the live-in arrangements in this building when considering the use category in Clause A1.
- 4.4.10 The Housing category refers to buildings or use where there is self care and service (internal management). The Housing category refers to three types of building: Detached dwellings; Multi-unit dwellings; and Group dwellings. It is the detached dwellings that are potentially relevant to this determination. Detached dwellings are described as a building or use where a group of people live as a single household or family. Examples: a holiday cottage, boarding house accommodating fewer than six people, dwelling or hut.
- 4.4.11 The Communal residential category refers to buildings or use where assistance or care is extended to the principal users. There are two types referred to: Community service and Community care. The Community service category refers to a residential building or use where limited assistance or care is extended to the principal users. Examples given include: boarding house, hall of residence, hostel, nurse's home, and retirement village. The Community care category refers to a residential building or use where a large degree of assistance or care is extended the principal users. Two types of care are referred to: unrestrained; and restrained. Unrestrained is where the principal users are free to come and go. Examples: a hospital, an old people's home or a health camp.
- 4.4.12 I have set out below what in my view are the key considerations that are relevant to the question of whether the proposed new building comes within the Communal residential category or the Housing category in Clause A1.
- 4.4.13 The main consideration is the number of people being cared for and the degree of care provided, as this is the essential difference between "self care and service" and buildings where "assistance or care is extended to the principal users".
- 4.4.14 There will be four residents in this building assisted by two carers during the day and one carer who will stay over to assist the residents at night. The level of care being provided is not insignificant with a ratio of 1:2 during the day and 1:4 at night. One of the residents is deaf and suffers from autism. One is clinically blind. Two of the residents use wheelchairs and need assistance to propel themselves. Each of the residents is intellectually disabled. Carers will prepare meals for the residents and assist with their personal care and medication. This level of care is more consistent with the examples in the Communal residential category (boarding house, hall of residence, hostel, nurse's home, retirement village) than the Housing category (holiday cottage, boarding house accommodating fewer than six people, dwelling or hut).
- 4.4.15 Another relevant consideration in terms of the degree of care provided is the permanence or otherwise of the arrangements. I consider it is relevant that the care arrangements are permanent, and therefore the internal management aspect will not be present as required by the Housing category. For example, it is necessary to distinguish between this and temporary or short term care arrangements that occur in people's homes. Many people receive home based palliative care, and while these arrangements may be for long periods of time, they are not permanent.

- 4.4.16 The category of Communal residential applies to buildings or uses ‘where assistance or care is extended to the principal users’ and I am of the view that this building meets this test because of the level of care and assistance required by the residents of the house, which I have set out above.
- 4.4.17 As to whether the building should be classified as Community service or Community care, Determination 1998/002 (refer to paragraph 4.4.3) found that this decision would depend on the extent of care provided by caregivers to the people with disabilities who will be the principal users of the building. Based on the submission of the applicant, it appears that the occupants will need assistance with many daily tasks, and may not understand the risk of fire and may not be mobile and able to self evacuate. I am of the view that these factors mean the use of the building fits within the definition of Community Care as it is a residential building ‘where a large degree of assistance or care is extended to the principal users’, as the building’s normal intended use, compared to a use where only limited assistance or care may be provided.
- 4.4.18 I note that this is supported by Determination 1999/006 (refer to paragraph 4.4.3), which found a similar building to have a purpose groups of SC, under the Acceptable Solution for Fire Safety C/AS1. Unfortunately, the solutions in C/AS1 do not line up exactly with the classified uses contained in the Building Code; however, the purpose group SC would be comparable with the classified use of Community Care.¹¹
- 4.4.19 In its request for a clarification (refer to paragraph 3.7), the applicant sought further reasoning and explanation. The determination set out a range of factors that can be considered, and while I have provided some further explanation, it is my view that it is more appropriate to have a series of factors that can be taken into account, rather than specifically defining express limits with respect to occupant’s characteristics, and numbers of carers and care arrangements. The classified uses in the Building Code are necessarily broad and there are only three categories relating to residential housing where there is no care provided and three when care is provided. Considering the factors that can contribute to a particular classified use provides scope for judgment to be exercised with respect to different situations.
- 4.4.20 I accept that there is a need for guidance in this area, however, this determination is required to make a decision on the specific facts that are relevant to this building. I accept that guidance on a broader range of circumstances relating to community housing ventures would be useful for building consent authorities and the sector. It is my view that it would be more appropriate for the Ministry to work with relevant organisations to provide this outside of the determination process. This will be arranged as a matter of priority.

¹¹ For further information about classified uses and purpose groups, refer to Determination 2011/069.

4.5 Conclusion

- 4.5.1 I am of the view that the authority incorrectly exercised its powers in considering the categories under the National Building Consent Authority Competency Assessment System rather than considering the statutory tests under the Act that relate to granting of building consents.
- 4.5.2 I am also of the view that the appropriate classified use for the proposed building is Community care and therefore the authority was correct in refusing to grant a building consent for the proposed building work.
- 4.5.3 I also note that the building consent application is for a proposed new building, and that this determination has only considered the application of the requirements for new buildings, and not for alterations to or changes of use to existing buildings.

5. Decision

- 5.1 In accordance with section 188 of the Act, I hereby determine that:
- the authority incorrectly exercised its powers in requiring the building consent be categorised as ‘Commercial’
 - the appropriate classified use for the proposed building is Community care
 - the authority was correct in refusing to grant a building consent for the proposed building work, and accordingly I confirm the authority’s refusal.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 17 September 2012.

John Gardiner
Manager Determinations

Appendix

The following are the relevant provisions of Building Code Clause A1 – Classified Uses:

1.0 Explanation

- 1.0.1 For the purposes of this building code buildings are classified according to type, under seven categories.
- 1.0.2 A building with a given classified use may have one or more intended uses as defined in the Act.

2.0 Housing

- 2.0.1 Applies to buildings or use where there is self care and service (internal management). There are three types:
- 2.0.2 **Detached dwellings:** Applies to a building or use where a group of people live as a single household or family. Examples: a holiday cottage, boarding house accommodating fewer than 6 people, dwelling or hut.
- 2.0.3 **Multi-unit dwelling:** Applies to a building or use which contains more than one separate household or family. Examples: an attached dwelling, flat or multi-unit apartment.
- 2.0.4 **Group dwelling:** Applies to a building or use where groups of people live as one large extended family. Examples: within a commune or marae.

3.0 Communal residential

- 3.0.1 Applies to buildings or use where assistance or care is extended to the principal users. There are two types:
- 3.0.2 **Community service:** Applies to a residential building or use where limited assistance or care is extended to the principal users. Examples: a boarding house, hall of residence, holiday cabin, backcountry hut, hostel, hotel, motel, nurse's home, retirement village, time-share accommodation, a work camp, or camping ground.
- 3.0.3 **Community care:** Applies to a residential building or use where a large degree of assistance or care is extended to the principal users. There are two types:
 - (a) Unrestrained; where the principal users are free to come and go. Examples: a hospital, an old people's home or a health camp.
 - (b) Restrained; where the principal users are legally or physically constrained in their movements. Examples: a borstal or drug rehabilitation centre, an old people's home where substantial care is extended, a prison or hospital.