

December 2008

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Dear Mr Anderson

### Shared accommodation buildings – automatic sprinkler systems

As you will be aware, there is a requirement that by 14 June 2009 shared accommodation buildings constructed before 1 July 2003 must have a fire sprinkler system installed.

Specifically, regulation 710 of the *Building Regulations 2006* requires that a Class 3 building that is a shared accommodation building constructed or for which a building permit was issued before 1 July 2003, must have a fire sprinkler system installed prior to **14 June 2009**.

If you have not already complied with these provisions, you will need to have your building assessed to determine if regulation 710 applies to the building. If the building is required to comply, then work should commence well in advance of **14 June 2009** to ensure compliance is achieved by that date.

The legislative requirement to install fire sprinkler systems in shared accommodation buildings came about due to injury and loss of life in previous building fires. Installing sprinkler systems will help improve the safety of the hundreds of thousands of residents and visitors to Victoria who rely on this kind of accommodation. It may also contribute to lower insurance costs.

Please find enclosed three documents that will assist you in determining whether the provisions are applicable, along with other information in relation to complying with these requirements:

- Building Commission Practice Note 2008-13 – Installation of fire safety systems in residential buildings.
- An Industry Guideline on Regulation 710
- Frequently asked questions

Your involvement in assisting with compliance on this important regulation will improve the life safety for occupants of shared accommodation buildings across Victoria.

Should you require any further information please contact Technical and Research Services on 1300 360 380.

Yours sincerely



Tony Arnel  
Building Commissioner





## BUILDING REGULATIONS 2006

### REGULATION 710 – SHARED ACCOMMODATION BUILDINGS – AUTOMATIC FIRE SPRINKLER SYSTEMS

#### INDUSTRY GUIDELINE

##### **Purpose**

To provide information for building owners, tenants, occupiers and managers of *shared accommodation buildings* about the requirements for the provision of automatic fire sprinkler systems as required by regulation 710 of the Building Regulations 2006 (the Regulations).

##### **Regulation 710. Shared accommodation buildings—automatic sprinkler systems**

(1) *This regulation applies to a Class 3 building that is a shared accommodation building constructed or for which a building approval or building permit was granted before 1 July 2003.*

*Note: The term "shared accommodation building" is defined in clause Vic A1.1 of the Victorian Appendix to Volume One of the Building Code of Australia (BCA).*

(2) *A fire sprinkler system that complies with AS 2118.1—1999 or AS 2118.4—1995 (whichever is appropriate) must be installed throughout a building to which this regulation applies.*

(3) *This regulation must be complied with by 14 June 2009.*

(4) *This regulation must be complied with by the building owner.*

(5) *A person who fails to comply with this regulation is guilty of an offence and is liable to a penalty not exceeding 10 penalty units.*

(6) *This regulation does not apply to a building that has a rise in storeys of not more than two and—*

*(a) where the distance of travel from the entrance doorway of each sole-occupancy unit—*

*(i) to the nearest exit; or*

*(ii) to a point from which travel in different directions to at least two exits is available—*

*is not more than 6m; and*

*(b) that has a fire hose reel system in accordance with clause E1.4 of Volume One of the BCA or, in the case of a fire compartment having a floor area not greater than 500m<sup>2</sup> in area, portable fire extinguishers to cover Class A fire risks in accordance with AS 2444—2001 Portable*



- fire extinguishers and fire blankets—Selection and location, published 9 November 2001, as published from time to time; and*
- (c) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of Volume One of the BCA (as appropriate); and*
  - (d) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of Volume One of the BCA; and*
  - (e) that has a management plan in accordance with Practice Note 2006-13, issued by the Building Commission in May 2006.*
- (7) This regulation does not apply to a building that has a rise in storeys of more than two and—*
- (a) where the distance of travel from the entrance doorway of each sole-occupancy unit—
    - (i) to the nearest exit; or*
    - (ii) to a point from which travel in different directions to at least two exits is available—*is not more than 6m; and*
  - (b) that has building elements with a fire-resistance level of not less than 60/60/60 separating each sole-occupancy unit from—
    - (i) a public corridor, public lobby or the like; or*
    - (ii) a room not within the sole-occupancy unit; or*
    - (iii) the landing of an internal non-fire-isolated stairway; or*
    - (iv) another sole-occupancy unit; and**
  - (c) any doorways from each sole-occupancy unit that provide access to a public corridor, public stairway, internal non-fire-isolated stairway or the like are protected with a selfclosing fire door having a fire-resistance level of not less than -/30/30; and*
  - (d) that has a fire hose reel system in accordance with clause E1.4 of Volume One of the BCA; and*
  - (e) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of Volume One of the BCA (as appropriate); and*
  - (f) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of Volume One of the BCA; and*
  - (g) that has a management plan in accordance with Practice Note 2006-13, issued by the Building Commission in May 2006.*

(8) This regulation does not apply to—

- (a) a building in which—
  - (i) each storey that has sleeping facilities has its own direct egress to a street or to open space; and
  - (ii) the distance of travel from the entrance doorway of each sole-occupancy unit, to the nearest exit or to a point from which travel in different directions to at least 2 exits is available, is not more than 6m; or
- (b) a building required to comply with regulation 708; or
- (c) a building that has an approved sprinkler system installed throughout the building.

### **Definitions**

**Shared accommodation building** means a Class 3 building having—

- (a) more than one sole-occupancy unit of which any sole-occupancy unit has sleeping facilities capable of accommodating three or more unrelated persons; or
- (b) sleeping facilities capable of accommodating 13 or more unrelated persons,

that is a boarding-house, chalet, guest house, lodging-house, backpacker accommodation or the like, or a residential part of a hotel offering shared accommodation but does not include a residential care building, a motel or a residential part of a school, health-care building or detention centre.

**Class 3 building** is 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**.

A **hotel offering shared accommodation** is also defined in Vic A1.1 as:

*Hotel offering shared accommodation* means a hotel which has any sole-occupancy units that can be shared by unrelated persons.

**Unrelated person** means those who, notwithstanding any relationship by reason of birth, have had no previous association, connection or affiliation with each other.

**Sole-occupancy unit** means a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes-

- (a) A dwelling; or
- (b) A room or suite of rooms in a Class 3 building which includes sleeping facilities; or
- (c) A room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or
- (d) A room or suite of associated rooms in a Class 9c **aged care building**, which includes sleeping facilities and any area for the exclusive use of a resident.

## Implementation

The regulation was originally introduced on 13 June 2005 in the Building (Interim) Regulations 2005 with a compliance time by 14 June 2008. When the Building Regulations 2006 commenced on 13 June 2006, the date for compliance with regulation 710 was changed to 14 June 2009, effectively providing a four year period for owners to comply.

## Municipal councils

Councils are the primary authority for administration and enforcement of the Regulations by virtue of responsibilities under the Building Act 1993 (the Act) and Local Government Act 1989. Although each council has a responsibility to enforce the requirements of the Regulations, the method and resources used for this purpose are discretionary and factors such as council policies and the risk associated with these activities must be considered.

Owners of *shared accommodation buildings* need to be informed of the legislative requirements before the target date and known buildings should be inspected to establish the status of compliance after 14 June 2009. Councils may have established listings of such buildings within their respective municipal districts. These listings should be used for information dissemination and inspection scheduling. The number of *shared accommodation buildings* in a typical municipal district may not be such that scheduling of inspections is unmanageable.

Where non-compliance with regulation 710 is determined, various options are available – including:

- the owner being prosecuted for the offence
- a court order being sought for automatic sprinkler systems
- the owner obtaining an extension of time via the Building Appeals Board
- the building no longer being used within the criteria of the Regulations.



Before a council takes enforcement action, the owner would be contacted to determine the circumstances on a case by case basis. The mandatory requirement for automatic sprinkler systems does not mean that buildings cannot be inspected and assessed for matters of general safety or standards of habitation by the municipal building surveyor. The requirement for a mandatory standard of fire protection (via sprinklers) brought about by regulation 710 may be argued to establish a safety threshold – i.e. a building not having sprinklers in accordance with AS 2118.1-1999 or AS 2118.4-1995 is a danger. Any decision regarding danger should, however, take into account any compensating factors.

The Chief Officer of either the Metropolitan Fire and Emergency Services or Country Fire Authority may also bring about enforcement action as an authorised officer pertaining to offences against regulation 710.

#### **Councils not authorised to exempt requirement for compliance**

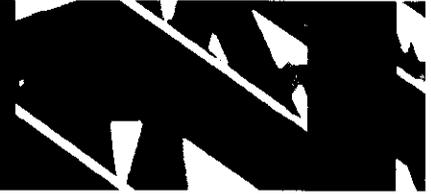
Councils and municipal building surveyors are not authorised to exempt buildings from any aspect of the requirements of regulation 710. For example, a building, being subject to the requirements of the Regulations, with an automatic sprinkler system that does not comply with AS 2118.1-1999 or AS 2118.4-1995 will not comply - therefore a modification from the requirement of regulation 710 that sprinklers are to comply only with AS 2118.1-1999 or AS 2118.4-1995 must be obtained from the Building Appeals Board if the system is not to be replaced.

#### **Building work for installation of an automatic sprinkler system and partial compliance regulation 608**

The use of regulation 608 of the Regulations (relevant building surveyor consenting to partial compliance relating to alteration to a building) to over-ride the requirements of regulation 710 are regarded as inappropriate and any such consent may be legally challenged due to the specific nature and intent of regulation 710 when read against the generality and purpose of regulation 608.

#### **Building permit requirements**

The installation of an automatic sprinkler system requires a building permit. Applications may be made by or on behalf of the land owner to the municipal building surveyor or a private building surveyor appointed for the purpose. In the case of land owned by the Crown or a public authority the relevant building surveyor will need to have been authorised by or on behalf of the Crown or that public authority. To install automatic sprinkler systems without a permit is an offence against section 16 of the Act for which prosecution proceedings may be brought within three years after the commission of the offence.



### **Essential safety measures**

An automatic sprinkler system is defined as an *essential safety measure* (ESM) under Part 12 of the Regulations. Where an ESM is installed the relevant building surveyor must determine the level of performance and the frequency and type of maintenance required to enable it to fulfil its purpose. Owners of buildings where an ESM determination has been made are required to ensure that an annual ESM report is prepared, in accordance with the determination, and stored in a secure location that will enable access to be obtained within 24 hours upon request of the MBS. Further information is available through the Building Commission Community Information brochure, *What you need to know about: Maintenance of Essential Safety Measures in your building* which may be accessed via the website:

[http://www.buildingcommission.com.au/resources/documents/DL -  
\\_Maint ESM in your building.pdf](http://www.buildingcommission.com.au/resources/documents/DL_-_Maint_ESM_in_your_building.pdf)

Further information can be obtained from the Fourth Edition of the Essential Safety Measures Maintenance manual via the web site:

[http://www.buildingcommission.com.au/resources/documents/3005 BC Manual V41.pdf](http://www.buildingcommission.com.au/resources/documents/3005_BC_Manual_V41.pdf)

### **Building Appeals Board**

Where automatic sprinkler systems are required under regulation 710, but will not be installed as required by 14 June 2009, the owner of the land/building will commit an offence unless the requirements of the Regulations have been modified or waived by the Building Appeals Board.

There are five main areas under regulation 710 for which modification may be sought as follows:

1. to extend the deadline for compliance
2. to delete the requirements for the automatic sprinkler system.
3. to modify the requirements for the automatic sprinkler system.
4. to delete the requirements for the automatic sprinkler system due to proposed decommissioning of the building.
5. to modify the requirements of regulation 710 (6), (7) & (8).

The Building Appeals Board in deciding on an application can approve, approve with conditions or refuse an application. Owners of buildings required to meet the requirements of regulation 710 should not wait until after the deadline for compliance if it is known that the requirements will not be met by the due date. Any necessary modification should be in effect before 14 June 2009 so that an offence is not committed.

Further information regarding Building Appeals Board processes relating to regulation 710 may be found in the *Checklist – Regulation 710 Determinations For Shared Accommodation Buildings* following this guide. General information and forms are available at the website –

<http://www.buildingcommission.com.au/appeals/appeals.asp>

## CHECKLIST – REGULATION 710

### DETERMINATIONS FOR SHARED ACCOMMODATION BUILDINGS

Each application lodged must clearly state the reason/s why compliance with the deadline of 14 June 2009 will not be achieved. Furthermore, each application must also clearly request a defined period of time for extension.

#### **Supportive Information**

The type of applicable supportive information that should be submitted with an application for consideration by the Board would include but not be limited to the following: -

1. Management plan, including but not limited to information concerning: -
  - (a) Evacuation plan; and
  - (b) Staff training; and
  - (c) Evidence of fire drills; and
  - (d) Hazard management plan; and
  - (e) Fire protection equipment; and
  - (f) Emergency services contact details
2. Essential safety measures report (conducted within past 12 months of application);

Copies of any fire safety reports or notices applicable to the building;



3. Floor plan of the building. NOTE: Fully dimensioned floor plans would be preferred;
4. Program of works.
5. Details of interim measures to be implemented and justification of the adequacy of the interim measures;
6. Sprinkler installer details including contracts entered into and estimated date of completion. NOTE: Only required for applications relating to difficulty in completing sprinkler installation prior to 14 June 2009 and applications relating to an extension of the deadline due to upgrading works being undertaken within the schedules of a master plan;
7. Plans must highlight BCA compliant exits and identification of exit doors that can be opened by a single hand action upon activation of an alarm.

## Installation of fire safety systems in residential buildings

This updates the previous *Practice Note 2006-13* issued May 2006.

### 1. Summary

This Practice Note provides advice about fire safety regulations first introduced in Victoria on 14 June 2005. Failure to comply with these regulations may result in enforcement procedures - including the issue of infringement notices or a building order and prosecution.

These regulations require the installation of hard-wired smoke alarms or detection systems and automatic sprinkler systems in some existing buildings. The *Building Regulations 2006* (the Regulations) commenced on 13 June 2006 and contain similar provisions to the previous requirements. This practice note is written to explain the new 2006 regulations.

### 2. Background

Smoke detection and automatic fire suppression systems in residential accommodation buildings can significantly reduce the incidence of injury or death to occupants, or damage to property, in the event of a fire. Many such buildings are old and built to different standards than those required today.

Correct installation, combined with proper maintenance of smoke detection and automatic fire suppression systems, greatly lessens the risk of a fire spreading beyond the room of origin. Early fire detection enables occupant warning, evacuation and can also allow for manual extinguishment of a fire, at an early stage.

The Regulations governing the installation and maintenance of fire safety systems in existing buildings are contained in Division 2 of Part 7 of the Regulations.

### 3. Description of the Regulations

The regulations can be summarised as follows:

- ▶ Regulation 709 requires hard-wired smoke alarms or smoke detection systems to be installed in Class 9a residential care buildings and Class 1b or 3 buildings constructed or

approved before 1 August 1997. This regulation was required to be complied with by 14 June 2006.

- ▶ Regulation 710 requires fire sprinklers to be installed in Class 3 *shared accommodation buildings* constructed or approved before 1 July 2003 unless they meet specific exemptions. The requirements are for an AS 2118.1 or 2118.4 sprinkler system to be installed by **14 June 2009**.

### 4. Definitions - Building Code of Australia - Volume One

*“Shared accommodation building means a Class 3 building having-*

- (a) *more than one sole-occupancy unit of which any sole-occupancy unit has sleeping facilities capable of accommodating 3 or more unrelated persons; or*
- (b) *sleeping facilities capable of accommodating 13 or more unrelated persons,*

*that is a boarding-house, chalet, guest house, lodging-house, backpacker accommodation or the like, or a residential part of a hotel offering shared accommodation but does not include a residential care building, a motel or a residential part of a school, health-care building or detention centre.”*

*“Residential care building means a building which is a place of residence where 10% or more of persons who reside there need physical assistance in conducting their daily activities and to evacuate the building during an emergency (including any residential care service, State funded residential care service or supported residential service as defined in the Health Services Act 1998 and an aged care building) but does not include -*

- (a) *a hospital; or*
- (b) *a dwelling in which 2 or more members of the same family and not more than 2 other persons would ordinarily be resident; or*
- (c) *a place of residence where only one resident needs physical assistance in conducting their daily activities and to evacuate the building during an emergency.”*

### Practice Notes

*“Class 3: means 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 motel or hotel; or*
- (c) accommodation for the aged, children or people with disabilities; or*
- (d) a residential part of a health-care building which accommodates members of staff; or*
- (e) a residential part of a detention centre.”*

*“Sole-occupancy unit means a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or occupier and includes -*

- (a) a dwelling; or*
- (b) a room or suite of rooms in a Class 3 building which includes sleeping facilities; or*
- (c) a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or*
- (d) a room or suite of associated rooms in a Class 9c aged care building, which includes sleeping facilities and any area for the exclusive use of a resident.”*

*“Hotel offering shared accommodation means a hotel which has any sole-occupancy units that can be shared by unrelated persons.”*

#### **4.1 What is meant by “offering shared accommodation”?**

Building owners who provide accommodation where a person(s) pays board for (or rents) a bed within a room containing a number of beds for rent individually, would be considered to be offering shared accommodation. If an entire room is rented to the one occupant, such as a family then this would not be considered to be shared accommodation.

#### **4.2 What is meant by “unrelated person”?**

Unrelated persons means those who, notwithstanding any relationship by reason of birth,

have had no previous association, connection or affiliation with each other.

#### **5. Regulation 709 - Hard wired smoke alarms or detection system**

##### **5.1 Buildings covered by regulation 709**

This regulation requires hard-wired smoke alarms complying with AS 3786, or a smoke detection system complying with AS 1670.1, to be installed in Class 9a residential care buildings and Class 1b and Class 3 buildings.

This regulation does not apply to a building that has an approved smoke alarm system powered by mains electricity supply or an approved smoke detection system installed throughout the building.

Under regulation 105 “approved” is defined as approved by the relevant building surveyor (the RBS). This would mean that either system at the time of installation would have been through the building permit process.

##### **5.2 Responsibilities of building owner**

The regulation was originally introduced in the *Building (Interim) Regulations 2005* with 12 months to comply. The owner must ensure there is compliance with the regulation from 14 June 2006.

Any building work proposed to be carried out in order to comply with regulation 709 will require a building permit. A municipal building surveyor or chief officer (fire brigade) may take enforcement action against a building owner for non-compliance. The RBS will ordinarily issue a certificate of final inspection, together with a maintenance determination under regulation 1204. As with all essential safety measures in a building, the building owner must ensure they are maintained as determined by the RBS.

The location of smoke alarms must be in accordance with *Practice Note 2006-27*.

### Practice Notes

#### 5.3 Fines for non-compliance

An owner may be liable for a fine not exceeding 5 penalty units for non-compliance.

#### 6. Regulation 710 - Shared accommodation buildings - automatic sprinkler systems

##### 6.1 Buildings covered by regulation 710

This regulation applies to Class 3 *shared accommodation buildings* constructed, or for which a building approval or building permit was granted, before 1 July 2003. In certain circumstances buildings are exempt from compliance with regulation 710. The Regulations will require compliance by **14 June 2009**.

The Regulations introduce further exemptions which consider existing fire safety features already provided to a building including distance of travel to an exit or alternative exit, fire safety systems such as fire hose reels, emergency lighting and exit signs, fire separation and whether the building has a management plan in place.

Refer to item 6.4 for examples of when a building is exempt. Item 6.5 provides guidance as to the minimum information that must be contained within a management plan.

##### 6.2 Responsibilities of building owner

The owner must ensure compliance with the regulation by **14 June 2009**. Owners may wish to employ a suitably qualified practitioner, for example a building surveyor or a fire safety engineer, to assess current levels of compliance.

Any building work proposed to be carried out in order to comply with regulation 710 will require a building permit. A municipal building surveyor or chief officer (fire brigade) may take enforcement action against a building owner for non-compliance. The RBS will ordinarily issue a certificate of final inspection, together with a maintenance determination under regulation 1204 at the

completion of the building work. As with all essential safety measures, the building owner must ensure they are maintained in accordance with the determination for the life of the building.

##### 6.3 Fines for non-compliance

An owner may be liable for a fine not exceeding 10 penalty units for non compliance. Non-compliance with a building order may attract a penalty of up to 100 penalty units in the case of a natural person and 500 penalty units in the case of a body corporate.

##### 6.4 When is a building exempt?

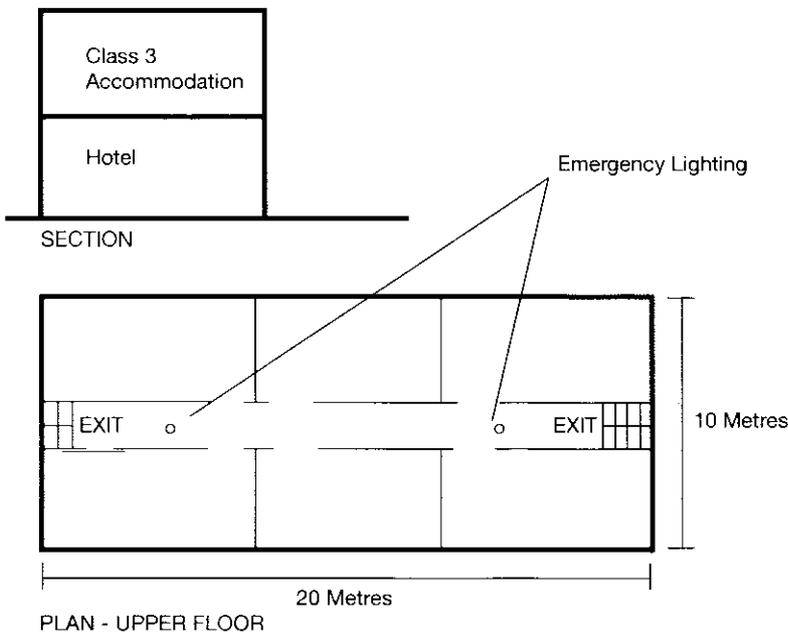
The following examples illustrate how a building could be exempt from regulation 710.

Practice Notes

**Example 1**

A “pub” with hotel style accommodation below is a common scenario. The hotel accommodation part of the building would be classified as Class 3. In this instance it has been determined that the accommodation is of a shared nature as a bed can be rented by an individual and the rooms (sole occupancy unit) are capable of accommodating 4 unrelated persons.

The hotel has a rise in storeys of 2 with the accommodation area located on the first floor. The hotel has a total floor area of 400m<sup>2</sup> and the distance of travel to an exit is no greater than 6 metres to a point from which travel in different directions to at least 2 exits measured from the entrance doorway of each sole-occupancy unit. The building is provided with emergency lighting, exit signs and portable fire extinguishers in accordance with AS2444 and has a management plan in accordance with item 6.5.



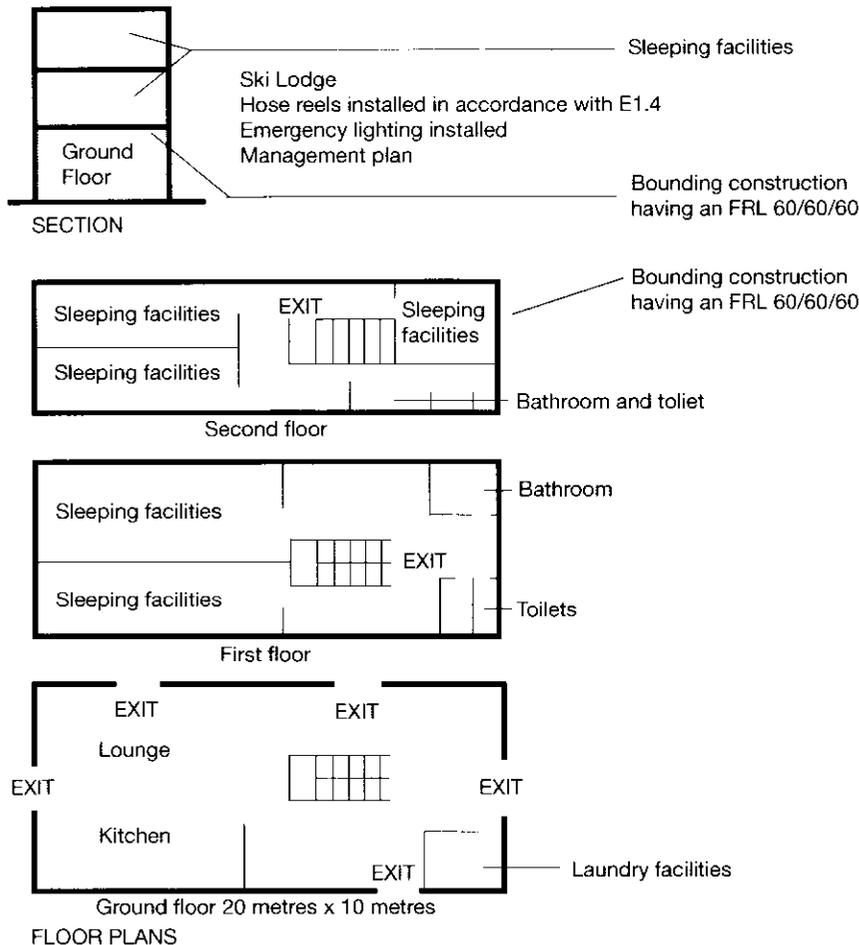
**Interpretation:**  
 In this instance the owner of the hotel accommodation is exempt from installing a fire sprinkler system as the building meets the requirements of sub-clause (6).

### Practice Notes

#### Example 2

An existing ski lodge with a rise in storeys of 3, where the ski lodge has sleeping facilities that are capable of accommodating 4 unrelated persons per room. Each storey is provided with an exit that is no greater than 6 metres from the entrance door of each sole occupancy unit. The doorways from each sole occupancy unit that lead to the public corridor are

self closing -/30/30 fire doors and each sole occupancy unit has bounding walls and floor with an FRL of at least 60/60/60. Hose reels exist within the building in accordance with clause E1.4 (of BCA Vol. One) and emergency lighting and exit signs are also provided. The building has a management plan in accordance with item 6.5.



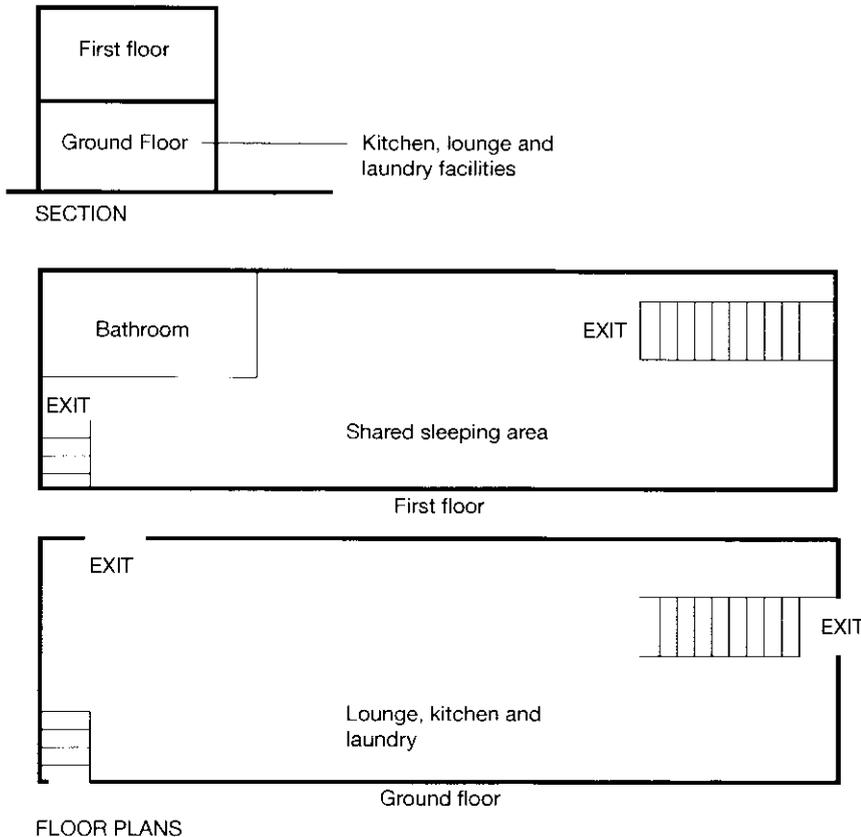
#### Interpretation:

In this instance the owner of the ski lodge is exempt from installing a fire sprinkler system as the building meets the requirements of sub clause (7).

### Practice Notes

#### Example 3

Backpacker accommodation facility with a rise in storeys of 2, where accommodation is provided for up to 30 unrelated persons. The sleeping facilities are set up in a dormitory fashion. There is not more than 6 metres to a point from which travel in different directions to 2 exits is available. The building has already been fitted with an approved sprinkler system installed throughout the building.



#### Interpretation:

In this instance the owner of the backpacker accommodation is exempt from installing a fire sprinkler system as the building meets the requirements of sub clause (8).

## 6.5 Management Plans for Shared Accommodation Buildings

### What is a Management Plan?

A management plan is a document which sets out instructions to help occupants of a building to deal with situations that could possibly be a threat to their safety.

The following information is the minimum that a management plan must contain. Each premises must be assessed individually and should there be specific site requirements, these must be identified and added to the management plan.

### What must be included in a Management Plan?

#### *Emergency Contact Details*

Emergency services contact details such as the 000 number to be listed indicating that this is the number to call for Fire, Ambulance or Police assistance. Managers contact details and location on or off site should also be provided.

#### *Fire Protection Equipment*

The plan must indicate what type of fire protection equipment is provided within the building. There must also be an attached plan showing the location of such equipment so that the occupants can easily identify it. The plan must also have a brief statement which instructs occupants/employees that the equipment must be kept clear of obstructions at all times.

If staff are employed, a program of annual training must be set in place to ensure employees are capable of using the fire protection equipment installed within the building; e.g. portable fire extinguishers, fire hose reels, fire blankets, WIP (Warden Intercom Phone), call-points etc.

#### *Evacuation Procedure*

The evacuation procedure must include a plan that clearly identifies the location of all exits and the assembly point at which the building occupants are to meet. The procedure must also detail the actions staff (if employed) are to take in notifying occupants of the building in the case of an evacuation.

Where an evacuation warning system is installed throughout a building, the procedure must clearly detail the stages of the warning system and what actions must be taken during each stage.

Training drills must take place on a regular basis to ensure efficacy of the evacuation procedure.

#### **Documents of assistance**

Australian Standard AS 3745-2002 - Emergency control organization and procedures for buildings, structures and workplaces.





## Questions & Answers

### relating to

# Fire Sprinkler Systems for Shared Accommodation Buildings

#### LEGISLATION BACKGROUND

The legislative requirement to install fire sprinkler systems in *shared accommodation buildings* came about due to injury and the loss of life in previous building fires. The Victorian Government policy is to improve the safety for these buildings' occupants,, especially premises used for backpacker and similar accommodation.

#### Why are sprinkler systems in *shared accommodation buildings* required?

Installing sprinkler systems will help improve the safety of the hundreds of thousands of residents and visitors to Victoria, who rely on this kind of accommodation.

Upgrading Victoria's fire safety requirements for *shared accommodation buildings* will reduce the chance of a devastating fire occurring in Victoria.

Installing sprinkler systems greatly reduces the potential disastrous effect of fire and may also contribute to lower insurance costs.

#### What are the requirements?

Regulation 710 of the Building Regulations 2006 requires Class 3 *shared accommodation buildings* to have an automatic fire sprinkler system installed **by 14 June 2009**. The regulation only applies to buildings constructed (or for which a building permit was issued) **before 1 July 2003**, as buildings constructed after this date are already required to have a sprinkler system installed.

#### Who do the laws affect?

If you are the owner of any type of *shared accommodation building* listed below, these regulations **may** apply to you.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Boarding house | <input type="checkbox"/> Chalet        | <input type="checkbox"/> Guest house              |
| <input type="checkbox"/> Hotel          | <input type="checkbox"/> Lodging-house | <input type="checkbox"/> Backpacker accommodation |



**Are there Class 3 shared accommodation buildings to which the regulation does not apply?**

The regulations may not apply to buildings where:

- each storey with sleeping facilities has its own direct access to a road or open space and the distance of travel from the entrance doorway of the Sole Occupancy Unit (SOU) to the nearest exit is six metres or less; or
- the building already has an approved fire sprinkler system installed.

The Regulation may not apply to other buildings depending on the distance of travel to an exit, fire-resistance of elements of the building, fire fighting equipment and the availability of other emergency facilities.

**When do the requirements start?**

The regulation was introduced on 14 June 2005. Owners **must** comply with the regulation **by 14 June 2009**. Failure to comply with the regulation may result in enforcement action that includes fines and/or prosecution.

**What do I need to do?**

You will need to have your building assessed to determine whether compliance with the regulations is required. This can be done by having an audit carried out on your building by an appropriately qualified or registered building practitioner, such as a building surveyor, mechanical engineer or fire safety engineer.

**GENERAL QUESTIONS AND ANSWERS**

**If the residential part of a school is on another property, for example: across the road or down the street, would the exemption apply?**

The residential part of a *school* need not be connected by physical construction or on the same parcel of land. When the subject building or part of the building is a school building used for the purpose of accommodating students, and then it will be a residential part of the school. Once this is established, the building comprising the residential part of the school is not to be considered as a *shared accommodation building*.



**The definition of *shared accommodation building* incorporates the definition of “sole-occupancy unit” (SOU). Is it the case that the existing construction relating to the particular SOU must have the required *fire-resistance levels* applicable to a Class 3 building before any SOU in a *shared accommodation building* is considered to be an SOU?**

The definition of SOU (as defined in the Building Code of Australia) relates to occupation and not *fire-resistance levels*. The area of a room or part of a building under consideration either falls within the definition of a SOU (based on the occupation arrangements) or it does not. Once the area falls within the definition (in the case of an existing building) if the *fire-resistance levels* are inadequate that is a distinct issue that must be considered separately. If the relevant area of the building falls within the definition of a SOU, it can not be excluded from the definition due to a lack of complying *fire-resistance levels*.

**In what context is the word ‘capable’ used in the definition of shared accommodation?**

The word “capable” is used in the context of the sleeping facilities being provided in the building. Before a building or part of a building is required to comply (by falling within the definition) the relevant definition elements must be satisfied, for example, sleeping facilities must be provided.

**Does the word ‘capable’ in the definition of *shared accommodation building* relate to the type of accommodation being provided?**

The words “capable” and “can” look to how the units or sleeping facilities (as the case may be) are used at the time a building is being assessed as to whether it is a shared accommodation building. In circumstances where only related persons are accommodated, there would be no need to comply as an element of the definition has not been satisfied. The definition applies to “unrelated persons” only.

**What if I cannot comply by 14 June 2009?**

The regulation must be complied with by **14 June 2009**. However, if extenuating circumstances exist that prevent compliance by the due date; you may apply to the Building Appeals Board for an extension of the time specified in regulation 710. Such an application should provide detailed reasons for the inability to comply.

**What happens if I do not comply by 14 June 2009?**

You may be subject to enforcement action by the municipal building surveyor from the local council the building is located in. This enforcement action can be negated by complying with the regulation by 14 June 2009.



## **STEP BY STEP APPROACH TO CHECKING THE APPLICABILITY OF REGULATION 710**

The following steps will assist in determining whether your building is required to comply with regulation 710. If the answers to all of steps 1-4 are yes, the building would need to comply with regulation 710. If the answer to one of steps 1-4 is no, the building would not need to comply with regulation 710.

### **Step 1**

Classify the building in accordance with the Building Code of Australia, Volume One, Part A3. Is the subject building a Class 3 building?

### **Step 2**

Is the building a boarding house, chalet, guest house, lodging house, backpacker accommodation or the like or residential part of a *hotel offering shared accommodation*?

### **Step 3**

Does the building contain?

- (a) *More than one sole-occupancy unit of which any sole-occupancy unit has sleeping facilities capable of accommodating three or more unrelated persons; or*
- (b) *Sleeping facilities capable of accommodating 13 or more unrelated persons?*

### **Step 4**

Does the building provide accommodation for unrelated persons?

## **DEFINITIONS**

**Shared accommodation building** is defined in clause Vic A1.1 to the Victoria Appendix of the Building Code of Australia:

*Shared accommodation building means a Class 3 building having—*

- (a) *more than one sole-occupancy unit of which any sole-occupancy unit has sleeping facilities capable of accommodating 3 or more unrelated persons; or*
- (b) *sleeping facilities capable of accommodating 13 or more unrelated persons,*

*that is a boarding-house, chalet, guest house, lodging-house, backpacker accommodation or the like, or a residential part of a hotel offering shared accommodation but does not include a residential care building, a motel or a residential part of a school, health-care building or detention centre.*

**A Class 3 building** is defined as 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**.

**A hotel offering shared accommodation** is also defined in Vic A1.1 as:

*A hotel which has any sole-occupancy units that can be shared by unrelated persons.*

**Unrelated person** means those who, notwithstanding any relationship by reason of birth, have had no previous association, connection or affiliation with each other.

**Sole-occupancy unit** means a room or other part of a building for occupation by one or joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier and includes-

- (a) A dwelling; or
- (b) A room or suite of rooms in a Class 3 building which includes sleeping facilities; or
- (c) A room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or
- (d) A room or suite of associated rooms in a Class 9c **aged care building**, which includes sleeping facilities and any area for the exclusive use of a resident.

**A School** includes a primary or secondary school, college, university or similar educational establishment.

#### **Further Information**

For more information about the requirement for fire sprinkler systems in shared accommodation buildings refer to Practice Note 2008-13 at [www.buildingcommission.com.au](http://www.buildingcommission.com.au)

