

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