



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 500m² 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

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

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>



Building 
Appeals Board

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.