

Short Term Emergency Accommodation

Purpose

To provide guidance on how to assess existing buildings for approval to occupy as temporary sleeping accommodation. This guidance has been developed to provide a uniform and acceptable standard for temporary occupation and will also address the conditions which should be imposed to ensure occupant safety during temporary building use and occupancy.

This Practice Note does not relate to existing buildings that have been approved for occupation including sleeping accommodation on a temporary basis such as a guest house, motel or bed and breakfast.

Definitions

The term **temporary** is not defined in the *Building Act 1993* (Act), the Building Regulations 2018 (Regulations), or the National Construction Code (NCC), however various dictionaries define the term as 'not lasting or needing for very long'. In any case, the appropriate duration for temporary approval would be determined by the Private Building Surveyor (PBS) or Municipal Building Surveyor (MBS) appointed under Part 6 of the Act. If it is intended to occupy a building on a regular basis, the building should be permanently adapted for the proposed use. In the case where it is proposed to occupy a building on a temporary basis for calendar period but on an ongoing basis over a number of years, a change of use should be considered under regulation 229 and an occupancy permit issued or amended for the residential use. This would eliminate the need for repetitive applications for approvals for temporary occupation.

Legislation

Section 64(1) of the Act provides a discretionary power for a MBS or PBS to issue an approval to allow the occupancy, on a temporary basis, of a building for which there is no occupancy permit appropriate to the use of the building.

Section 64(2) of the Act does not permit an approval to be given under Section 64(1) of the Act if a building permit has been issued that requires an occupancy permit to be issued for that use of the building or part of the building.

An application for approval may be made by or on behalf of the owner of the building concerned.

Where an approval is issued by either a PBS or MBS, section 70(1) of the Act allows only the MBS to amend a temporary approval, allowing temporary use of a building if it was necessary in the public interest.

Whilst the Act does not specifically address what a MBS or PBS must consider in issuing a temporary approval, the objectives of the Act includes protecting the safety and health of people who use buildings and places of public entertainment.

Temporary Accommodation Considerations

To meet the objectives, the VBA believes the PBS or MBS must consider the following relevant safety matters, taking into account the size of the building, nature of the use, and occupant profile.

Fire Safety

Fire safety features that should be considered to ensure the safe evacuation of occupants in the case of emergency, and include:

- The sleeping accommodation area is contained in an area of the building that is of suitable size to accommodate the occupants, and has direct egress to a road or open space;
- The furthest part of the sleeping accommodation area is not more than 20m from an exit providing direct egress to a road or open space;
- Illuminated exit signage is provided to sleeping accommodation areas and egress paths, and where not visible, directional signage is provided;
- Smoke alarm or detection system coverage to the sleeping accommodation area, including interconnection to detectors or alarms in main egress paths;
- ABE type portable fire extinguishers, a minimum of 2.5kg are provided. Either type 4F portable fire extinguishers, a minimum size of 2.5kg or fire blankets to be provided in kitchen areas;

- At all times the building is occupied, the building is supervised by staff with appropriate qualifications and training in the role of fire warden.

Safety and Health

The following safety and health features should be considered:

- A suitable number of sanitary facilities and drinking water facilities are provided or available
- Limited access to areas where risks associated with slips, trips and falls may occur.

Disability Access

The following disability access features should be considered:

- Requirements under the Disability Discrimination Act 1992 and Access to Premises (Buildings) Standards 2010; and
- A suitable number of sanitary facilities for persons with disabilities, including those with ambulant disabilities;
- Access to the sleeping accommodation for people with non- ambulant disabilities, including via ramps.

The installation of fire safety systems, sanitary facilities and disability ramps will require a building permit to be issued.

Documenting Decisions

The above considerations will vary depending on the building proposed to be used and the nature of the occupant profile.

In making a decision to permit the temporary occupation of a building, a MBS or PBS should document their decision-making process.

Change of Use of a Building

In some circumstances the MBS or PBS may consider that an approval for temporary occupation is not appropriate. This may be where the temporary occupation is proposed on a repetitive annual basis. A change of use of the building may be an appropriate option and will eliminate the need for ongoing applications for approval for temporary use.

Regulation 229 provides a mechanism for a building owner to change the use of an existing building. Ordinarily, full compliance with the current Regulations applicable to the new use would be required. However,

regulation 229 provides discretion to an MBS or PBS to exempt the building from full compliance.

In deciding a change of use application, the MBS or PBS must give consideration the structural adequacy of the building and make reasonable provision for fire safety, amenity and the health and safety of people using the building. Any exemptions granted must be in the form of a Form 14.

If the building use is changed, a new or amended occupancy permit must be issued inclusive of that new use.

Want to know more?

If you have any questions about this information, please contact the VBA.

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