

## Essential Safety Measures ESM 01| Fire safety systems for residential care buildings or shared accommodation buildings (used for residential care)

### Audience

The audience/s for this Practice Note include/s:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Architects / Designers          | <input type="checkbox"/> Owner Builders                                |
| <input checked="" type="checkbox"/> Builders                        | <input type="checkbox"/> Plumbers                                      |
| <input checked="" type="checkbox"/> Building Surveyors / Inspectors | <input checked="" type="checkbox"/> Residential care service providers |
| <input checked="" type="checkbox"/> Engineers                       | <input checked="" type="checkbox"/> Trades and Maintenance             |
| <input type="checkbox"/> Home Owners / Residential Tenants          | <b>Other</b>   |
|   | <input checked="" type="checkbox"/> Owner / Occupants                  |

### Purpose

The purpose of this Practice Note is to provide guidance on Part 9 - Fire Safety Requirements of the Building Regulations 2018.

The content below provides guidance on:

- Fire Safety Systems and Legislation
- Management plans
- Responsibilities of the Owner

### Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993 or the Building Regulations 2018 or the National Construction Code.

- **Act** – Building Act 1993
- **Approved** – by a regulatory relevant authority with statutory responsibility such as a registered building surveyor
- **Deemed to Satisfy (DtS)** – a provision which is deemed to satisfy the Performance requirements of the NCC, a requirement which states the level of performance which a Deemed-to-Satisfy must meet
- **Emergency plan** – as defined in regulation 147(8)
- **Fire-resistance level (FRL)** – The grading periods in minutes determined in accordance with Specifications 1 and 2, for the following criteria—structural adequacy; and integrity; and insulation
- **Management plan** – as defined in regulation 147(7)



- **NCC** – National Construction Code 2022, sets the minimum required design and construction criterion for the safety, health, amenity, accessibility and sustainability of buildings
- **Owner** – a person (including a landlord) who owns a dwelling, sole occupancy unit or a building or part of a building
- **Regulations** – Building Regulations 2018
- **RIS** – rise in storeys, means the greatest number of storeys calculated in accordance with NCC 2022 Volume One clause C2D3

## Fire Safety Systems and Legislation

Part 9 of the Regulations requires smoke alarm, detection and automatic fire suppression systems to be installed in class 9a residential care and or class 3 shared accommodation buildings used for residential care. In the event of a fire these systems can significantly reduce the risk of damage to property and injury or death to occupants, whom are potentially vulnerable and require assistance to safely evacuate in the event of emergency.

NCC 2022 Volume One, Part A6G10 and Schedule 1 Definitions, defines a class 9a residential care building as 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. This includes any residential care service, State funded residential care service or supported residential service as defined in the Supported Residential Services (Private Proprietors) Act 2010 and an aged care building, but does not include—

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

In addition, NCC Part A6G4 defines a class 3 as a residential building providing long-term or transient accommodation for a number of unrelated persons, which also includes elderly people or other people who require special residential care.

### Automatic smoke detection and alarm systems

Regulation 145 sub-regulation (1) applies to a class 3 building or a Class 9a building that is a residential care building that was constructed, or for which a building permit was granted, before 1 August 1997.

As required by regulation 145 sub-regulation (3) these buildings require the installation of NCC 2022 Volume One smoke hazard management systems as described in NCC Clauses E2D5, E2D7, E2D8 or E2D11 (as applicable). Those systems must be one of the following—

- a smoke alarm system
- a smoke detection system or
- a combination of a smoke alarm system and a smoke detection system.



The requirement for these systems under regulation 145 sub-regulation (5) however does not apply to a building in which there is installed throughout the building an approved smoke detection and alarm system that consists of either one or both of the following—

- a smoke alarm system powered from a mains electricity supply approved by a regulatory relevant authority with statutory responsibility such as a registered building surveyor or;
- a smoke detection system approved by a regulatory relevant authority with statutory responsibility such as a registered building surveyor.

In addition, regulation 145 under sub-regulation (7) does not apply to a Class 3 building or a Class 9a building that is a residential care building that complied with regulation 709 of the Building Interim Regulations 2017 as in force immediately before its revocation.

### **Class 9a—Residential care buildings—automatic fire suppression systems**

For class 9a residential care buildings, regulation 146 automatic fire suppression systems, applies to buildings constructed, or for which a building permit was granted, before 1 August 1997, but exempts buildings that have an approved automatic fire suppression system installed throughout the building under sub-regulation (4).

For buildings that are not exempt, building owners must comply with sub-regulation (2) of regulation 146, which requires the installation of a fire sprinkler system in accordance with the DtS clause E1D4 of NCC Volume One.

### **Regulation 147 Fire safety requirements**

#### **Class 3—Shared accommodation buildings—automatic fire suppression systems**

This regulation applies to owners of a Class 3 building that is a shared accommodation building constructed, or for which a building permit was granted, before 1 July 2003. This regulation requires a fire sprinkler system under sub-regulation (2) and be in accordance with NCC 2022 Volume One clause E1D4.

#### **Shared accommodation buildings with a rise in storeys (RIS) of not more than 2**

Regulation 147 (2) however does not apply to a shared accommodation building that has a rise in storeys of not more than 2 and—

- the distance of travel from the entrance doorway of each sole-occupancy unit is not more than 6 m—
  - (i) to the nearest exit; or
  - (ii) to a point from which travel in different directions to at least 2 exits is available; and
- that has a fire hose reel system in accordance with the DtS provisions contained in NCC 2022 Volume One clause E1D3 or, in the case of a fire compartment having a floor area not greater than 500 m<sup>2</sup>, portable fire extinguishers to cover Class A fire risks in accordance with AS 2444—2001 Portable fire extinguishers and fire blankets—Selection and location as in force or as issued or published from time to time; and
- that has emergency lighting in accordance with clause G4D4 or clause E4D2 (as appropriate); and
- that has exit signs in accordance with the DtS provisions contained in Part E4; and
- that has a management plan.



## Shared accommodation buildings with a rise in storeys (RIS) of more than 2

In addition, sub-regulation (2) does not apply to a shared accommodation building that has a rise in storeys of more than 2 and—

- 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 2 exits is available— is not more than 6 m; and
- 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
- 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 self-closing fire door having a fire-resistance level of not less than -/30/30; and
- that has a fire hose reel system in accordance with the deemed-to-satisfy provisions contained in clause E1D3 the NCC 2022 Volume One; and
- that has emergency lighting in accordance with clause G4.4 or clause E4.2 contained in the BCA Volume One (as appropriate); and
- that has exit signs in accordance with the deemed-to-satisfy provisions contained in Part E4 of the BCA Volume One; and
- that has a management plan.
- It is important for owners and occupants to know that under sub-regulation (6), regulation 147 does not apply to a shared accommodation 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 6 m; or
- that was constructed, or for which a building permit was granted, before 1 August 1997; or
- that has an approved automatic fire suppression system installed throughout the building.

In this regulation, a management plan means a plan that includes the following information—

- contact details for emergency services including fire, ambulance and police;
- 24-hour contact details of the manager of the shared accommodation building;
- a list of the type of fire protection equipment available for the shared accommodation building;
- a map showing the location of fire protection equipment available for the shared accommodation building;
- a warning that fire protection equipment must be kept clear of obstructions at all times;
- a program of annual training to ensure that any staff of the shared accommodation building know how to operate the fire protection equipment available for the shared accommodation building;
- an emergency plan that complies with Regulation 147 sub-regulation (8);
- a program of evacuation drills to ensure the efficacy of the emergency plan.



For the purposes of Regulation 147 sub-regulation (7)(g), an emergency plan must—

- comply with AS 3745—2010 Planning for emergencies in facilities published on 25 November 2010, as in force or as issued from time to time; or
- include the following information—
  - (i) a map of the shared accommodation building that identifies the location of all exits from the shared accommodation building;
  - (ii) a map that identifies the assembly point at which occupants of the shared accommodation building must meet in the event of an evacuation;
  - (iii) details of the actions any staff must take to notify building occupants of an evacuation, in the event of an evacuation;
  - (iv) details of the stages of the evacuation warning system and the actions that must be taken at each stage if an evacuation warning system is installed in the building.

### Related Documentation

- Building Act 1993
- Building Regulations 2018
- National Construction Code 2022

### List of Amendments

- Update of NCC references to align with the new 2022 referencing system
- Amendments to improve readability
- Update format and content review

### Document history

<b>Sector</b>	Building
<b>Category</b>	Essential Safety Measures
<b>Topic</b>	Fire safety systems for residential care and accommodation buildings
<b>Document number</b>	01
<b>Version</b>	2.0
<b>Superseded</b>	<ul style="list-style-type: none"> <li>• Version 1.0 published (December 2021), supersedes Building Practice Note ESM 01 Installation of Fire Safety Systems in Existing Residential Care and Shared Accommodation Buildings issued June 2021</li> </ul>
<b>Published</b>	24 April 2023

### Contact Us

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

**Victorian Building Authority**  
 Goods Shed North  
 733 Bourke Street  
 Docklands VIC 3008  
[www.vba.vic.gov.au](http://www.vba.vic.gov.au)

### Copyright



© April 2023 Victorian Building Authority (VBA).

This Practice Note has been prepared and published by the VBA for general educational and information purposes only. This publication must not be copied, reproduced, published, adapted, or communicated by any person without the VBA's prior written consent or as permitted by the Copyright Act 1968 (Cth). The VBA makes no warranties or representations whatsoever about the accuracy, reliability, suitability, completeness or authenticity of any information or material contained in this resource. Any use or reliance on such information is at a person's own risk. The VBA accepts no liability whatsoever for any direct, indirect, or consequential loss or damage any person may suffer arising out of or in connection with the access or use of this resource (including any third-party material included in this resource).

**SUPERSEDED**  
**on 28 July 23**